



## Hearing Transcript

<b>Project:</b>	Norwich to Tilbury
<b>Hearing:</b>	Issue Specific Hearing 2 (ISH2) - Day 2 - Part 1
<b>Date:</b>	29 April 2026

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The video recording published on the Planning Inspectorate project page is the primary record of the hearing.

00:00:05:06 - 00:00:06:02

Good morning.

00:00:08:11 - 00:00:14:23

Can I confirm with the case team that everybody can hear me clearly. And the live streaming of the event has commenced.

00:00:16:10 - 00:00:43:24

Thank you. It is now 10:00. And the second issue specific hearing is the application for development consent for the Norwich to Tilbury projects made by National Grid. Electricity transmission is now resumed. I would like to welcome everybody to Colchester today where we are continuing the hearing, which we adjourned yesterday for the benefit of any additional participants.

00:00:46:20 - 00:01:07:04

Who were not present yesterday. We will do some introductions and then some brief housekeeping and preliminary matters. My name is Susan Hunt. I'm a planning inspector and a chartered town planner, and I've been appointed by the Secretary of State to be the lead member of the panel to examine this application. I'm now going to ask the other members of the examining authority to introduce themselves.

00:01:09:03 - 00:01:18:17

Good morning everybody. My name is John Hockley. I'm planning inspector in Charlottetown. Planner. I'll be leading the discussions relating to landscape, visual issues and the historic environment today.

00:01:20:13 - 00:01:31:25

Good morning everybody. My name is Christopher Butler. I'm a planning inspector and a chartered town planner, and I'm continuing to lead the discussion with regard to the draft development consent order today.

00:01:34:13 - 00:02:00:26

Thank you. And our case team here today are Simon Rae Wood and Emma Smith. And on line is our case manager, Sean Evans. This is the case team who you should contact if you've got any issues regarding today's arrangements. And that includes any online connection issues. And just to let you know, there are also other colleagues from the Planning Inspectorate here today, including Lucy Maddox, who is here for training purposes.

00:02:03:17 - 00:02:34:29

As many of you will know. Today's hearing is being held at the same time as compulsory acquisition Hearing two, and that's taking place in Ipswich today. And the other two panel members, Matthew Sims and Ken Stone, they're leading that hearing. That hearing has also been broadcast live and concurrently. And there will be recordings of both hearings made available. And we will watch the recording of that hearing and vice versa. After the week's events have finished.

00:02:36:03 - 00:02:48:03

There will be no issue specific hearing tomorrow. This hearing, after we adjourn today will instead continue on Friday morning and that will take place in Ipswich.

00:02:51:08 - 00:03:30:20

We did deal with a number of preliminary matters yesterday. However, I'll run through a few of them again just to serve as a brief reminder. And for those who weren't present yesterday, and I'll keep them brief. Can everyone please set all their phones and devices to silence? There are no fire alarm drills today, so if it goes off, it's the real thing. Evacuations should be downstairs. You just came up and into the car park. If anyone needs any special arrangements or measures to participate today, please speak to the case team and online participants just to remind you to keep your cameras and microphones switched off unless you're speaking.

00:03:30:22 - 00:04:03:19

And if you do not wish to be filmed, please leave your camera off. We will have a short break around 90 minutes into the hearing this morning, and we will aim to break for lunch at around 1 p.m.. And as I set out yesterday, the panel are currently participating in industrial action short of a strike, so we are only working our contracted hours and therefore today's hearing will need to finish by 5 p.m.. And that is one reason why the agenda item six in yesterday's hearing has run over into today.

00:04:05:28 - 00:04:36:18

I'd like to remind all participants in today's hearings, keep their responses as concise as possible, keeps the advertised agendas, and not stray into other matters which the examining authority has not sought to ask questions on today. Participants should avoid repeating what has already been said in writing. If any participant in the hearing is affecting the efficient running of the event, taking up too much time in their submissions, they will be invited to submit their comments in writing at deadline four.

00:04:36:20 - 00:04:56:02

And that's Tuesday, the 12th of May. And likewise, if we ask you a question and you can't answer it right now, or there's no time to hear those submissions in full, you'll also be able to put that in writing at deadline four. And just to remind you that written comments have no less weight than those made verbally in hearings.

00:04:57:23 - 00:05:15:02

The event is being livestreamed and recorded. The General Data Protection regulations apply, and please refer to our rule six letter for further information and details about privacy notice. And another reminder do not refer to private information in your submissions today.

00:05:17:23 - 00:05:59:27

Today's discussion, as will the rest of this week, is focused on those matters. We seek further clarification on, mostly from the applicant, in order to further our understanding of the application and to inform our recommendations to Secretary of State. It would be helpful if you had the agenda which was published on the 17th of April. That's examination library reference EV 2006 in front of you. We won't display it on the screen. It's slightly different in that we'll we'll Consider me in our discussion on the draft development consent order that we started yesterday, and then we will move on to landscape and historic environment as advertised.

00:06:01:24 - 00:06:16:03

We got up to item 6.2 on yesterday's hearing agenda, and Mr. Butler will shortly continue that item. And that's regarding the requirements in the draft development consent order.

00:06:18:15 - 00:06:31:28

And I did explain in full yesterday morning the purposes of this week's issue specific hearing. And so I won't go through it all again now. So those who are not present may wish to refer back to the recording.

00:06:34:19 - 00:06:39:06

Does anyone have any questions about what I've just said before we move on?

00:06:42:15 - 00:06:46:15

I can't see any hands. I'll now pass over to Mr. Butler. Thank you.

00:06:47:10 - 00:07:01:29

Thank you very much. Um, we took introductions from all the main parties who are participating today. Yesterday. Uh, so we won't be going through them again today. Um, given that most of the same people are here again, um,

00:07:03:15 - 00:07:19:14

we have a list in front of us, of everyone who is attending, um, and who is registered here today to speak. Um, instead of asking you all to do introductions now, we'll ask you to introduce yourselves as and when you first speak, if that's okay. Thank you.

00:07:21:11 - 00:07:53:03

When doing so, please state your name clearly and which organization or party you represent or person that is. Uh. Please repeat your name clearly into the microphone each subsequent time you speak. Uh, this is so that it can be accurately recorded. Who is making the submission and makes searching of the transcript easier for all? Uh, there will be a roving microphone for those participants who are were not seated around the front table. So please raise your hand and wait for the microphone to come to you before saying anything.

00:07:53:05 - 00:07:54:21

If you're invited to speak,

00:07:56:10 - 00:08:05:16

those at the tables table will need to press the button in front of you on the microphone so that the light comes on. And please remember to switch it off again when you have finished speaking.

00:08:07:05 - 00:08:50:06

For now, please note for virtual participants, we can't see your full name on the screen in front of us. So when we ask you to speak, we will just referring to your initials displayed on our screen. Uh, before continuing with item 6.2 of the agenda. I just wanted to remind everybody about discussions on the DCO being standard practice. Uh, and, uh, it is considered to be good practice to do so. Um, it

does not indicate that the examiner authority has made its mind up in regard to the application, nor does the fact that we are discussing the draft DCO indicate that anybody commenting that interested parties or affected persons have changed their position in regard to the proposal.

00:08:50:16 - 00:08:55:22

It is purely to inform the drafting of the development Consent Order.

00:08:59:25 - 00:09:33:00

I just want to also remind everybody we're not discussing all aspects of the draft of a consent order today. Some we discussed yesterday, um, some we will just be pursuing through further rounds of written questions. Um, however, we will be focusing on those areas where we wish to explore further further matters. So continuing with uh, schedule three, uh, under item 6.2, we've got as far as requirement eight, uh, which was retention and removal of trees, woodlands and hedgerows.

00:09:33:10 - 00:10:27:05

Um, I haven't got a question to ask directly about that. So I'm going to move on to requirement knowing, um, which is reinstatement of planting plans. Um, it's noted that requirement nine of the draft eco is reinstatement of planting, and as such, the examining authority interprets that to equate to mitigation rather than enhancement compensation or um um beng. Um, that begs the question as to, uh, how any necessary post planting, monitoring and aftercare management would be secured through any proposed planting that could be considered to be compensation enhancement and biodiversity net gain, and which would fall outside of the environmental environmental areas where the applicant has made a 30 year commitment to monitoring and management.

00:10:27:17 - 00:11:00:05

Um, the examining authority appreciates that this might well be covered in the final iterations of the Code of Construction Practice and or the Landscape and Ecological Management Plan. Uh, but does does specific monitoring and aftercare periods need to be stated on the face of the draft DCO in a requirement as well. Before answering that, I'd also want to just touch on, um, your responses to examining first written questions.

00:11:00:07 - 00:11:36:12

And that was bio 1.44. Sorry 1.411.451.461.47 uh and DCO one point S, 13 S14 and S15. Um, and I would say that it's we found it very hard to interpret exactly what is being proposed as mitigation, what is being proposed as enhancement, and what is being proposed as compensation, or BNG as separate entities. I know the plans show it all mixed together, but as separate entities, we find it very difficult to focus on each individual.

00:11:36:14 - 00:12:00:09

One of those. Can the applicant signpost to exactly where In submitted application document. It is explained specifically where these elements of the proposed development constitute enhancement, compensation and being and where these different elements are shown on in their own right on the submitted plans. Um, can I ask the applicant to respond, please?

00:12:02:08 - 00:12:21:26

Russell. Harris. Casey. Uh, the answer to that question is yes, we can and we will. I won't be able to do it now. Um, but it's something that we'll do. Uh, having listened very carefully to the question by, um, the next deadline. Deadline five. Thank you. Deadline for

00:12:23:23 - 00:12:24:27

Christian to the applicant.

00:12:24:29 - 00:12:56:14

Um, um, we think it's already in the documentation, but we will clearly signpost it. Um, instructed that it. One good starting point is chapter five of the environmental statement that sets it out. But the I think the concept is we want to and we'll probably come up again later is. You can have these things dotted all over the place. We think actually we agree. We absolutely agree. It's better to have it in a single place than the code of construction practice has a section setting it out if that needs to be clearer, with clearer signposting, flowcharts, that sort of thing.

00:12:56:18 - 00:13:03:18

We will revisit that and again discuss it with the authorities and look to produce an updated version of deadline form.

00:13:04:06 - 00:13:12:24

Yes. I mean, just the point is, is that if we're having difficulty following what is exactly proposed, then everybody else must be as well.

00:13:13:12 - 00:13:14:19

We totally take that on board. So.

00:13:16:04 - 00:13:24:26

Um, with regard to the first point, with regard to whether or not there is a separate requirement to, um.

00:13:27:00 - 00:14:02:11

Have specific monitoring and aftercare, um, for um, compensation and being. Have you answered that point as well? The the we think it is, and the anticipation is that it will be made clearer set out in the lamp. The lamp itself is a daughter document, which is specifically referred to and capable of being enforced through article four. Um, in which case we don't think there's a separate need on the face of the document to have a specific reference.

00:14:02:19 - 00:14:57:00

Um, but obviously we'll consider that. And I'll say generally, discussions are in hand with the local authorities as to the nature, extent and quantum of being and compensation, if it's appropriate. Um, and also mitigation. And that is bound to move this issue on, as you'll hear probably this afternoon. Thank you. The direct answer to the direct question is that we don't, on the face of it, think it needs to be directly identified as a specific, um, uh, requirement because it's captured already in the lamp, which itself is part of the column, which itself is part of the, um, uh, mechanism that can be, uh, can be directed by a requirement for.

00:14:58:02 - 00:15:04:18

Thank you. Does anybody else want to raise anything from the local authorities or the county authorities, please?

00:15:08:03 - 00:15:13:00

No indication. In that case. I'm going to move on to my next question.

00:15:14:15 - 00:15:53:02

Have nothing on requirement ten for this hearing, nothing on requirement 11 for this hearing or 12 or 13 in terms of requirement 14, this is a relatively new requirement that was inserted. Um, and it relates to control control of noise during operational stages of the development. Um, and I would like to know whether or not the county authorities or the local authorities, and I would guess it's more likely to be the local authorities would like to say anything with regard to this requirement or whether or not you would just like to respond to it at deadlines for in the usual way.

00:16:02:09 - 00:16:14:15

I get no indication in the room, so I'm going to move on to schedule four, which is the discharge of requirements. Um, we've noted the applicant's response to

00:16:16:01 - 00:16:46:27

first written questions. DCO one point S 19 uh, which was regarding the government's intention to set out its as set out in its response to recommendation 30 of the Fingal Fingleton Review, which was published on the 13th of March, 2026 to establish a new unit within the Department of Energy Security and net Zero to co-ordinate post consent discharge functions for nuclear power and electricity network projects. Um.

00:16:46:29 - 00:17:21:24

In response to that, the applicant advised that given the evolving nature of the government's proposal, the application, the applicant remains open to further considerations of this issue. As the examination progresses, the government's approach develops and as the government's approach develops and through engagement with the local authorities, should it become appropriate and beneficial to do so, the applicant will wish to explore submission of alternative drafting options, including the potential for two versions of schedule four of the consent order to be considered.

00:17:22:17 - 00:17:23:06

Um.

00:17:26:23 - 00:17:30:09

We've noted that National Grid have responded

00:17:32:03 - 00:18:07:03

to this in relation to the Sealink Development Consent Order application, which is currently in examination, and we were wondering whether or not National Grid are looking to take a similar approach in relation to this project, bearing in mind their approach to the Sealink project. Um, is the applicant able to give us any comments with regard to that? Well, Russell Harris KC, you're very helpfully flagged this yesterday and we've taken instructions and Mr.

00:18:07:05 - 00:18:08:10

Drage will deal with it.

00:18:09:19 - 00:18:40:00

I'm Christian Drage for the applicant. Um, so you've already summarised now, so we won't repeat that. Um, the key word is, is may. We may seek. Um, we are going to continue to consider the approach. Um, and importantly with the local authorities, I think that point was perhaps raised yesterday as well. And there seems to be a willingness from all parties to. To have those discussions. Um, so that's the important point for this project, is to continue to discuss with the authorities. Um, obviously we'll also, um, keep keep an eye on what's happening on, on Sealink.

00:18:40:02 - 00:18:47:08

And I think we committed to provide an update. And I'm going to suggest that all parties provide an update at deadline. We certainly will commit to that.

00:18:49:18 - 00:18:55:17

Do any of the county or local authorities wish to respond to that point at this time? Mr. Bedford.

00:18:57:01 - 00:19:38:17

Thank you, sir. Sir Michael Bedford, uh, Suffolk County Council um, so yes, we are, I think, on the same page as the applicant in relation to the approach for this examination, which is that, uh, the matter would benefit from further dialogue, consideration and discussion outside of the the formal processes of the examination, partly because the position at central government level is still evolving, and partly because there is some useful dialogue to be had which may produce a narrower, narrower range of, as it were contentious issues.

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So far as the Sealink approach is concerned, we don't think it's necessary at this stage for the examination to delve into the approach being taken for the Sealink examination, as you will obviously appreciate, today is the final deadline for that examination. The examination closes next week, but today is the final deadline, which explains why matters have been developed in that examination.

00:20:11:18 - 00:20:47:19

Um, with some sense of urgency, I should say. And again, without getting too much into the detail. Suffolk County Council is not in that examination, content with the way that the applicant for that examination is proposing to approach, uh, this issue and will be putting forward its response to that examination. But going back to my first point, because we've got a little bit more leeway in this examination to allow things to evolve.

00:20:47:24 - 00:21:03:23

We don't think it's helpful to you at this stage to get sucked into or why are you doing that, etc., for that examination, because it could all be water under the bridge. By the time we get to having that more meaningful dialogue with this applicant for this examination.

00:21:04:10 - 00:21:16:18

Just just as a matter of question, does, does either party do any of these parties present here today?  
No. If the Department of Energy, Security and net zero have actually been approached with regard to the drafting

00:21:18:15 - 00:21:38:09

that was submitted, I am Russell Harris KC. I don't, but I will make queries. Thank you. If you could let us know. I'd be extremely grateful. Um, does anybody else from local authorities or county authorities wish to say anything with regard to schedule four and what we've just been discussing?

00:21:40:20 - 00:22:12:05

Just just to highlight a couple of points, and this is just for our thoughts on this matter. Um, clearly, the department within the Department of Energy Security and net zero, uh, related to this doesn't actually exist at the moment, and nor are there any set guidance notes or procedures been announced. So it's very much a working process. So whatever is done. Um, in terms of this schedule, um, it would have to account for the fact that this might be an evolving process.

00:22:12:07 - 00:22:49:06

And, um, they might have to take over the function of local authorities. So there would need to be a trigger within that schedule that would allow that. And I'm sure there is a it is. But um, but it just needs to focus on that. I'd rather not have two versions of the schedule to choose from within the DCO. It should be one, but obviously that's within your remit to decide whether to do that. Uh, it makes things more complicated when making a recommendation to the Secretary of State as to which schedule we are putting support behind.

00:22:49:20 - 00:23:28:28

Uh, and indeed, it actually means that we would have to create two versions of the whole document as opposed to one, um, which which is very difficult to do. Um, the other thing I wanted to just point out is that, uh, we have a concern with the way that the C link one is currently drafted, having read through it, um, that, um, it would fall to the the applicant effectively to choose who they would be using as the discharge authority for which requirement and when, or parts of a requirement and when.

00:23:29:08 - 00:23:54:17

Um, and we think that very much has the effect of enabling the applicant to cherry pick who they want to send it to, who they think they're going to have the most success with, etcetera, and so on. Um, and we don't think that that would be appropriate. Um, so, so very much it should be one body or the other that it would become the discharging authority with the other consulting, etc.. Um,

00:23:56:10 - 00:24:29:13

the fact that you have the ability to potentially cherry pick also raises the potential, the potential for loss of oversight, of discharge, of recommendations. Oh, sorry. Our requirements. Uh, and it increases the chance of falling things, falling through the gaps. So, um, when you are considering this with the local authorities and the county authorities. I'd be grateful if you could just bear those points in mind, because that's our initial thoughts on on how this has been approached in Sealink.

00:24:35:15 - 00:25:03:25

Right, okay. Does anybody else want to raise anything on this point? I've already asked that once, but just before I do on the points that I've actually commented on. No indication in the room. I've got no indication online. So I'm going to move on. Um, with regard to the drafting as currently set out in the schedule. Um, does anybody have anything they want to raise here with regard to any of the specific drafting that they haven't already raised in writing?

00:25:07:13 - 00:25:29:25

Okay, fine. In that case, any questions that I've got on the remaining drafting, I, I'm going to wait to see what happens with the responses to. To the revised drafting first and then pick it up in second. Written questions. Um, does anybody else want to raise anything in general with regard to what was discussed yesterday and today in relation to agenda item 6.2?

00:25:32:07 - 00:25:32:25

Yes.

00:25:33:03 - 00:26:09:15

Yes, please. Sarah Jones for the applicant, um, on the discussion of time limits for determination that we had yesterday, one matter that, um, I didn't include was that as part of our draft proposals to the local authorities around ways of working for discharge requirements. Um, we have proposed to fund an independent resource that the local authorities would be able to appoint themselves to help manage the coordination and resourcing of the discharge of requirements. This is based on a an approach that we adopted on the Hinkley Connection project, which was just over 50km.

00:26:09:17 - 00:26:37:23

So not as large as this one. Um, but we found it incredibly effective. And it was. It was a smooth process to discharge the requirements within the time limits and using the request for further information when necessary, etc.. So we've proposed that appreciating the landscape is different and there's multiple authorities, but we've requested comments on that approach as well as an option to support the resourcing of the discharge of requirements.

00:26:38:06 - 00:26:48:28

I don't recall reading it about any of that in the submitted evidence packs that you've submitted for the application. Um, have you actually put anything?

00:26:49:06 - 00:27:13:23

No. So, um, Sarah Jones for the applicant. This is a document that we're sort of developing the background in our approach to discharge requirements as a standard way of how we would discuss setting up the, um, from pre app onwards. Um, so it's kind of something we typically do in the background, but if you would see fit to see an example of or a copy of this document and we could submit it, it's just in draft form out for consultation at the moment.

00:27:13:25 - 00:27:25:04

Okay. Let me come back to you in a second. On that, can I ask the county or local authorities whether or not they have a view with regard to this, this document? Um, it might be too early to comment on it, I suppose.

00:27:26:12 - 00:28:07:29

Thank you, sir. Michael Bedford, Suffolk County Council I think, um, we're obviously very happy to continue dialogue with the applicant. At the moment, we don't think that that is a mechanism which would adequately resolve the wider issues about there being sufficient time, uh, to determine applications of sufficient quality that they can then be expeditiously dealt with. But I say we are certainly, um, uh, content to continue the dialogue and to explore as far as we can whether there are other ways of satisfactorily dealing with the issue to effectively everybody's, um, satisfaction.

00:28:08:04 - 00:28:13:06

Okay. Any other county or local authorities? Yes. Colchester. Colchester. Braintree.

00:28:13:19 - 00:28:14:08

Braintree.

00:28:14:13 - 00:28:35:23

Thank you, sir. Matthew Wilde, Braintree district Council. Um, just, uh, point out that the Hinkley Point C order allowed eight weeks for major applications and five weeks for minor applications. Noting that the applicant said that it went quite smoothly. And that comes back to our point about timescales that we mentioned yesterday. Thank you.

00:28:35:26 - 00:28:49:24

Yeah, the point about the point about timescales was well made. Thank you very much. Um, and understood, um, we've got a hand up, uh, bc I think it's bc.

00:28:50:12 - 00:29:20:28

Thank you, sir. Brian Curtis for Baber district Council and Mid Suffolk district council. Um, just to reiterate the comments of my colleagues have just spoken. The local authorities have seen, uh, the first draft of this document from National Grid very recently, and we have shared initial thoughts, but we haven't yet had, um, a chance to have a look at the detail, and we certainly haven't had a chance yet to speak to the Hinckley authorities about their experience. So it's very early stages, and I would be cautious of relying too much on that as a solution. Thank you.

00:29:21:16 - 00:29:56:10

Okay. That's understood. Thank you very much. Um, just in terms of that document, obviously, if it's only partially formed and nobody's actually agreeing with it at the moment, it's going to be a limited benefit to enter it into the examination. So we're going to leave you to to run with that and see what comes out of it. Um, but obviously some sort of resolution needs to be reached. Um, so if you could continue to actively engage with the local authorities on that, be grateful. Uh, in terms of what you've heard, does the applicant want to respond to anything that they've heard as the final right of reply on this matter?

00:29:59:22 - 00:30:16:24

Okay. Thank you very much. That was a no. Just so people know for the record. Um, just moving on to the next agenda item, which is 6.3. Uh, and it's related to article 60 and schedule 19 of the draft amendment consent order. Um,

00:30:18:15 - 00:30:49:16

Braintree District Council commented in their relevant representations and, and um local impact reports that they had concerns regarding the inclusion of the supplemental environmental statement of in in schedule 19. Uh or sorry correction. They didn't have concerns about its inclusion. They had concerns about it not being mentioned within their, uh, the applicant responded to that in first written questions. Uh, and I was just wondering whether or not Braintree was satisfied with that response.

00:30:49:22 - 00:30:53:01

Um, you can either respond now or at deadline for if you wish.

00:30:55:01 - 00:30:59:21

Thank you sir. Matthew Wilde Braintree District Council will respond to the deadline for please. That's okay.

00:30:59:23 - 00:31:09:00

Thank you very much. Uh, does anybody else have anything that they want you to raise with regard to, um, schedule 19. Um.

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Getting no indication. So I'm going to move on.

00:31:18:26 - 00:31:56:26

That was the only question I had with regard to item 6.3. So I'm going to move on to item 6.4, which is consents, licenses and other agreements. Um, the examiner authority has reviewed the applicant's consents, licensing and licenses required under other legislation document, which was AIP 084 uh, as well as the submitted statutory undertaker tracker, uh, that was submitted at deadline three. Um, we were wondering, uh, with regard to section one 5150 of the Planning Act 2008, which relates to the removal of consensus requirements.

00:31:57:05 - 00:32:29:01

Can the applicant confirm which bodies they're actually seeking agreement with in regard to the inclusion of this provision to the effect that it would remove a requirement of the prescribed consent or authorization to be granted. Um, which articles in the DCO that that agreement would relate to and the progress on those discussions? Um, I've noted in the, um, statutory undertaker tracker, um, that you've mentioned a lot about this.

00:32:29:03 - 00:32:45:19

Um, and most of them seem to be being agreed post consent. Um, but obviously, for the purposes of our recommendation report, we have to be aware of their agreement, uh, prior to the close of the examination. So if you could help us with that, I'd be grateful.

00:32:47:19 - 00:33:07:21

Uh, Sir Christian Drage for the applicant on that particular point. Um, I think we'll probably need to look at the whole list in the table. Maybe we could add some indication of progress with the principles. Um, so we'll take that away. Consider that there is a long list of parties. And to go through

each one of where we are in the discussions. I think it would take quite some time. So maybe we do that in writing.

00:33:08:06 - 00:33:17:05

But that's fine. Obviously, I'd just remind you of the wording of section 150 and the requirement for the examining authority to be satisfied. Yes. Thank you.

00:33:17:07 - 00:33:18:11

Yes, sir. Thank you.

00:33:20:17 - 00:33:39:10

Sir Chris Jason, for the applicant. We also have, if it helps a list or schedule of all of those other consents. Advice is required, as you say that the documents are already in the examination, but we've got a sort of a track of updating and the focus of those as well. Um, that is also something we can look to submit if that's helpful.

00:33:39:12 - 00:33:56:06

That would be extremely helpful in actual fact. And I've had that and used that in previous examinations that I've undertaken with regard to other projects. So if you could enter something along the similar lines to into the examination that tracks the progress of those documents, it would be very, very helpful.

00:33:56:10 - 00:33:58:03

Thank you sir. That's what we intend to do.

00:33:58:05 - 00:33:58:27

Thank you.

00:34:03:27 - 00:34:37:10

Right. Turning to planning off obligations and other agreements, the applicant set out a list of what it considered to be requested. Uh, requests to be secured by agreement. Um, in response to our first written question. Uh, Gen 1.21. Uh, and they also attached appendix E to that document. Um, that appendix provides, uh, quite an extensive response and runs to some 34 pages. Uh, I'm not intending to go through that document now.

00:34:37:24 - 00:35:08:27

Um, but I wanted to highlight it to people that have already made requests, such as Essex Police, Suffolk Constabulary and the relevant county and local authorities, and would ask them for their responses to that document at deadline for please, just so you understand. um, I'm sure you were doing that anyway. Um, but I just wanted to make sure, um, everybody was aware of that document, including the police forces.

00:35:08:29 - 00:35:12:04

Relevant. So anybody wants to say anything?

00:35:13:21 - 00:35:15:01

Yes. Mrs.. Pearson.

00:35:16:02 - 00:35:55:18

Rosie. Pearson. Pylons. East Anglia. Uh, relation to 6.4 with agreements. I just wanted to raise the point that we're hearing from a number of landowners that, um, although the applicant wishes to move forward fast, it's all about speed. Um, landowners are having difficulty getting maps out of the, um, the applicant, they're having difficulties getting survey information they've requested. So there's an awful lot of delays coming from the applicant that the landowners therefore can't sign their heads of terms. Um, there's also, I think, a really contentious clause in the heads of terms relating to planning, which says the grantor will not make any objection in respect of any planning application or development consent or the application submitted by the grantee so far as each relates to the grant as land.

00:35:55:20 - 00:36:06:00

So clearly no landowner is going to sign up to something which says they cannot object to this DCO or to any other planning application made by the applicant, and I am sure that will be holding things up in decisions. Thank you.

00:36:06:11 - 00:36:41:00

Thank you, Mrs. Pearson. Um, those matters sound like they relate more to the compulsory acquisition and temporary possession of the land, which is subject to a separate hearing. Um, what I would suggest that you do is enter your concerns, which I know you've already raised these concerns as well, but I would suggest you reraise them in deadline for submissions just to make it explicitly clear that you've still got these concerns about those particular headings. Um, of the heads of terms within the agreement and the content of any of those particular schedules or articles, etc.

00:36:41:02 - 00:36:48:29

and so on. Thank you very much for your input. I saw a hand up in the audience is do you still want to speak?

00:36:53:14 - 00:36:53:29

Just to make.

00:37:00:18 - 00:37:35:27

Hi. Charlie McLean represent Langley's estate, which is any land owned by the Sara Mickleham 2010. Trust Dr. Mickleham 1993. Trust. Charles. Necklace McLean. Alexander. David. Robert McLean. And also all that land in Great and Little Waltham. Um, just to reiterate, to raise this point, yeah, it seems madness that we're getting documents that aren't quite complete. We're getting maps that, um, don't show all the points on them. Uh, the applicant was very clear yesterday that they needed 30 working days or whatever it was to get information back, and having an extension was not suitable.

00:37:36:06 - 00:37:59:14

I had a meeting, um, with the applicant's agents on, I think it was 28 for February, requesting more information on the maps and clearer maps, because every time you have a meeting, they seem to add

more and more to it. I'm still waiting for the maps currently, so this is they're very quick on time, but the other way around, they don't seem to want to give in. Thank you.

00:38:00:02 - 00:38:37:17

Thank you very much, Mr. McLean. Um, does the applicant wish to respond to anything in regard to those points, please, Mr. Harris case. Not. Not. Now, we will follow up. Um, what's being said? And, um, it's probably a matter for our, um, compulsory purchase team. Yeah. Thank you for both of those points. Mrs. Pearson and Mr. McLellan. Um, they do fall slightly out of the remit of this specific hearing. But again, as I've said to Mrs. Pearson, if you could put your comments in writing at deadline for reiterating the concerns that you still have and, um, commenting on the issues that you have real concerns with, then you're more than welcome to do so.

00:38:37:19 - 00:39:24:01

Okay. Um, in terms of planning obligations, um, and agreements, I just wanted to remind all interested parties that are seeking such obligations that under section 106 of the Town and Country Planning Act 1990. Such obligations must be necessary to make the development acceptable in planning terms directly related to the development, and fairly and reasonably related to the scale and kind of development. Um, so when they're responding to the points that I was mentioning earlier on, uh, with regard to the document that had been submitted by the applicant and the deadline for responses from those parties making those requests, um, I just wanted to be clear that they need to bear those points in mind, please.

00:39:30:09 - 00:40:14:11

Um, I've got one final question I wanted to ask with regard to planning obligations. And this relates to the applicant's response to, um, first written questions. DCO s sorry, one point S 15 um and biodiversity net to gain um within that response. You mentioned the submission of a unilateral undertaking, um, which will be completed and given to the local authorities. I needed to ask a bit more about that and whether or not you're in open dialogue with the authorities about that unilateral undertaking, whether or not there is any intention to submit that unilateral undertaking into the examination, um, for us to review.

00:40:14:24 - 00:40:47:15

Um, and also, I wanted to ask a question about the response to DCO one point G4, um, in the first written questions, um, where you're talking about offsite provision of being, uh, including long term maintenance, sorry, long term monitoring and maintenance being secured through a legal agreement either completed um, with the appropriate landowner or the relevant local authority. And yet within the same response, you seem to refer to it as being a unilateral undertaking.

00:40:47:24 - 00:41:09:11

Um, I wanted to know whether or not they are one and the same things. The the unilateral undertaking that you first referred to in regard to being or whether or not they are two separate documents and how they're going to be completed and whether they're relevant to the examination for submission. Please.

00:41:10:09 - 00:41:25:08

Sir. Chris and Jason, applicant, I believe they are separate, right? They don't necessarily need to be set, but I think that's just the way it's working through. We can check that. Um, um, did you have a particular question on the fact that it's a unilateral undertaking? Was that did I understand that?

00:41:25:10 - 00:41:41:18

No, I just I understand that what I wanted to know is, is has have the in terms of the assuming there are two separate documents, has the relevant local and county authorities seen that document to give you comments? And secondly, are you intending to submit it into the examination.

00:41:41:20 - 00:42:20:14

And say, um, yeah, the answer to the first question is yes. Um, um, I think it started off with heads of terms for the agreement, which is quite normal way of doing it. They are believed with the authorities and we can check that or someone will correct me if that's not the case. Um, and then second question is yes, we will then submit them to the examination. But um, we thought it's better to progress them with the authorities first via that engagement before putting it in a to to early in a draft. And normally the examinations in my experience would be looking sort of towards the end of the examination around deadline in this framework sort of 7 or 8 for, for the, the versions, uh, for submission.

00:42:20:22 - 00:42:23:08

Um, but we can give updates on progress of those before that.

00:42:23:10 - 00:42:48:22

Yeah. I all I'm thinking about is that, uh, clearly we have to review the document as well. If it's submitted into the examination, uh, make sure it's fit for purpose and meets the test of section 106. I'm sure the local and county authorities will be doing that anyway. Um, but we also need to know they're satisfied with regard to the document because, um, you know, ultimately, we need to make a decision on a unilateral as to whether or not it's fit for purpose.

00:42:49:14 - 00:43:10:28

Chris Jessop can totally understand and we we endeavour to get a lot of that set out in setting common ground, which of course we do update quite regularly. Um, but but it does have to come a point where we'll submit a final version with a with a note setting out the bits that are either agreed or not agreed. And then, as you say, leave it for the examination then to consider and ask questions on okay.

00:43:11:00 - 00:43:24:21

So then just in terms of the other document that you're agreeing with the landowners, etc., how how exactly is that working? Because, um, what are you hanging it off of if it's not related to the development consent order?

00:43:33:26 - 00:43:49:16

So we we we'd like to take that question away from May. And we think we may be able to provide the answer. Um, during the, the day when we've actually got the specialist. Okay. I mean, that topic. If that's okay. Yeah. That's fine. Um, I think that's probably the best answer. And not to give you the wrong impression at this stage.

00:43:49:18 - 00:44:17:18

No. Or indeed follow it up in writing, as you say. So that's that's absolutely fine. So thank you very much. Does anybody else want to say anything with regard to the planning obligations, the unilateral obligation related to biodiversity, net gain, uh, or indeed the the second biodiversity net gain document that they're referring to that would appear to be more like a bilateral agreement as opposed to unilateral agreement.

00:44:19:10 - 00:44:53:07

Sir Michael Bedford, Suffolk County Council I think all I'd say is that, yes, there is a dialogue, there's a process ongoing. And I think our preference would be to resolve matters if we can, by bilateral agreements, simply because we think that the mechanics of drafting and imposing those um, matters is easier to achieve if it's done in a bilateral agreement. But we're not saying that you can't do things unilaterally if that's where we end up, because you can't have a bilateral agreement.

00:44:53:09 - 00:45:13:19

It just makes the drafting and the mechanics more complicated to ensure that it works in a world where there's an enforcing authority, but there is only one, as it were, signatory party to it. So I think there is a dialogue. I don't think it's particularly helpful to get into the detail of that, the stage, but I say our preference will be bilateral if we can achieve it.

00:45:13:21 - 00:45:19:01

Okay. Thank you very much. That's understood. Anybody else from the county or local authorities?

00:45:21:01 - 00:45:22:12

Any other person?

00:45:24:09 - 00:45:27:11

No. Got no indication. The applicant. Do you want to come back.

00:45:28:13 - 00:45:58:05

For that very quickly? Um, we can we can discuss this. I'm sure with the authorities. We're very comfortable. It is tried and tested for unilateral for long linear scheme when it's a unilateral obligation as opposed to having bilateral commitments back from authorities and following case law. It's very, very well established that the undertaking is as as robust as any other mechanism. But we can set that out in writing. But I think so. It's I wasn't envisaging much discussion of the vehicle. It's more about the content of what's going in it.

00:45:58:10 - 00:46:28:14

Okay. That's fine. Thank you very much. I do have I said that that was my last question. I have one more question, I'm afraid. And this was to do with the abnormal, indivisible loads and the applicant's response, um, in relation to the funding sought by, um, the police, uh, for additional resources. I was wondering whether or not there was any update. You were able to give us any update in regard to that that matter? Um, I believe you said negotiations were continuing.

00:46:30:11 - 00:46:38:17

Sir Christian J to the applicant. Um, we think we will be able to answer that question better on Friday during the agenda item, because it's traffic's fine. That's not related.

00:46:38:19 - 00:46:57:13

I'm aware that there's potentially a question in Friday's meeting for Friday morning in any event. So. Fine. Thank you very much. Um, that's the end of my questions. With regard to item 6.4. Does anybody else in the room want to ask anything about this agenda item online?

00:46:59:19 - 00:47:06:03

But no indication at all. So in that case I'm going to pass over. Um, two I think it's Mr. Hockley.

00:47:14:00 - 00:47:24:12

I wonder Russell Harris. Casey, I wonder before we start whether we could just have a very short break so that the teams could, um, change over in a way that's not disruptive?

00:47:25:23 - 00:47:30:09

Yeah. That's fine. Take a few minutes if we. If we come back. And five minutes.

00:47:31:01 - 00:47:31:16

Thank you.

00:47:31:18 - 00:47:32:01

Very much.