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Wed, 3/24 2:03PM • 1:06:04

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All right, the just checking with the case team that my camera is working and that they can hear me again.

00:14

Yes, we can see you and hear you.

00:16

Okay. All right. Thank you for that. Now, just a couple of points. I did get a message we were last read see Sutherland earlier, but I did get a message to the effect that she had said all that she wished to say on that item. And also, I've been made aware that there are some issues with the live stream today. But I am told, so apologies for that. But I am told that the recording when that is available will not be affected. Right. So continuing with this agenda item, and just want to check, there are no more speakers before I ask the applicant to respond. Nope. Right. In that case. I would like

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just

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Yeah, I'd like the applicant to summarise its position on the change request and outline the factors to Richard has had regard in concluding that the development now proposes in substance that which was originally applied for and should not, therefore be the subject new application. And it could also be explained the applicants position in relation to the four additional points raised in the detailed agenda, as well as raising, as responding to the points raised by others today, as we've heard a number of parties state they're awaiting justifications and modelling from the applicant in relation to the changes to beach landing facilities and coastal defences. And I'd like is to be provided as some further information at points. So if I could hear from the applicant now, please. Oh sorry, just a moment. was Peter Hoggar, with his hand up. Is that can I just check?

02:37

Can you hear me? Yes, I can hear you. You just commenced the second half of the morning was the statement that you were having difficulties. And I think that reiterates the problems we've all had with this way of delivering important information. And I would just like to point to you all. Thank you.

02:58

Thank you. Thank you, Mr. Hoggar. All right. Thank you. Right if I returned to the applicants, and if you could turn the camera off, thank you. Madam stargard. If he could turn his camera off, though, I think he's he may have wandered off that. Mr. Agha? Could you turn your camera off, please or beg

03:24

your pardon? I do.

03:27

Thank you. Thank you. Right. Thank you, Mr. fell apart.

03:35

Yes. Good morning, madam. My name is Hereward Phillpot QC on behalf of the applicant. I'm going to provide you hopefully with the overview that you have requested. When we come to the question of additional information and modelling and matters of that sort. I'm going to hand over to Mr. John Rhodes of Quad who will assist on those matters. And so just start, I'm going to turn to the first question, which is whether the acceptance of the change requests separately or in combination would mean the development now being proposed is not in substance, that which was originally applied for an madam, although I appreciate your be alive to the distinction between that question and the question of whether the changes are material. And I'm alive to the fact that a number of those who participated this morning, have focused our attention on that latter point and therefore just as a matter of clarity, if I may, and the application for the changes itself and the covering letter makes clear that the applicant considers the proposed changes taken together our material. However, it goes on to say the proposed changes are intended to enhance the application which remains an application for fundamentally the same project, the project, the changes are not considered to be of such a degree, that their effect would constitute a materially different project. And so it's that second question that I'm going to be addressing, not materiality per se. This is obviously a matter ultimately of planning judgement, for the examining authority, and the applicant has made clear in the application for the change its position and why it doesn't consider that the changes are so substantial as to reach that high threshold, you'll have had an opportunity to read and consider what's been said in the application. And we've responded to the request the examining authority has made in writing for more information on the proposed changes. So I'll try and keep my submissions relatively brief. And by way of overview, the first point, madam is this, the changes obviously need to be considered in the context of the application as a whole. This is an application for development consent for a very substantial new nuclear power station, NSIP. That is the nationally significant infrastructure project, that is the subject matter of the application, together with a range of associated development elements, many of which are intended to support the construction of that insert. And the changes do not alter the insert itself in any way. And that's highly important in this context. And there is, as you'll be aware, analogous guidance on making changes to made DCOs, which deals with the same issue in the context of an application for material change. And it offers examples to guide the consideration of this issue in that context, all of which concern changes to the answer itself. In this case, the changes relate only to some elements of the associated development, the vast majority of the associated development elements are also either entirely unchanged or not changed any material extent. And that's illustrated maddened by the fact that none of the description of development in the 13 page application form is affected by the change application. The second point is

that the vast majority of the changes proposed are rightly regarded as non material and most involve new no new or different significant environmental effects or additional land

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where additional land is needed for associated development, it is mostly very limited in extent. And the very minor scale of the additional land in most cases, can be seen from the land plans that show the proposed land changes. And the changes to the order limits in respect of the transport associated development are very limited, even in the context of those individual elements of associated development, let alone when seen in the context of the order limits of the project as a whole. The additional Fenn Meadow land does require at 9.6 hectares of additional land, but that involves very limited actual development. And it's very clearly a small ancillary element in the overall scheme. That's intended to supplement existing similar habitat creation for me part of the application where there are changes in significant environmental effects. These are in the most part beneficial, and only three of the proposed changes numbers one, two and nine results in any material changes to the significance of effects reported in the EIA. There is no change in the predictions of adverse effects on the integrity of any European site. And without exception, the changes improve the application and in particular, its sustainability. Most are made as a positive response to what's been said and asked for by interested parties and melamine eat and turn it up. But just for your note, you'll see for example, in the freight management strategy, that is submitted as part of the change proposals, that in Section 1.3, dealing with stakeholder engagement and policy requirements, there is explicit reference to the relevant representations made on behalf of the County Council, and on behalf of a Suffolk Council, and seeking further work to increase the proportion of rail transport and potentially seaborne transport, and how that could reasonably be achieved. And as we've explained in the material, therefore, the changes to the freight management strategy, including the new temporary b L, F, the enhancement of the BLF, that was in the original application, and the increase in train movements are all by way of a positive response to what has been sought by those important interested parties. And so while some of the changes are acknowledged to be material, when they're seen in the context of the application as a whole, it's plain, we say, they could not be said to mean the development is no longer in substance that which was originally applied for. And I say, finally, on this point, that the views that you've heard from the two councils in this respect, who endorsed that conclusion, are of particular relevance, because they've explicitly addressed the issue that's been raised by the examining authority in writing, and they've played clearly applied their planning judgement to it, and both come to the conclusion the development remains in substance that wish was originally applied for. And in the main, the responses and points raised by interested parties are either concerned with whether the changes are material, which is not in dispute, or the second of the examinee authorities issues, which is how the changed application might be examined. So, madam unless I can assist further on that first point, I was going to then move on to address the other sub items under this agenda item.

12:24

I just think my colleague, Mr. Brock, might just have one question on the first item.

12:33

Thank you, Ms McKay.

12:35

Good morning,

12:37

Mr. Phillpot.

12:37

Good morning,

12:38

sir. Good morning, I want to ask you about the land at Pakenham. The principles which come out of this will obviously affect everything, but let's focus on that, as I understand it, you are adding a 32 Hectore's site at packing them to the application. And it's 40 miles away. Now what? Well, I was actually in practice and advising on planning matters as a planning lawyer, rather than as a retired solicitor, we had a couple of general rules and that if you wanted to change navigation by decreasing the site area that would generally speaking, work, but if he wants to increase, you have to be much, much more careful. And I my question to you is, Can you can you guide us as to why you consider that such a huge neutral word large extension is acceptable?

13:52

Yes, I'll try and do this. Briefly. First of all, so far as development consent orders are concerned, there is very specific guidance and procedure dealing with the making of changes. And that allows for and present provides a procedure for the widening of order limits in order to include additional land. And that's why there's a specific procedure put in place to deal with that. There's no in principle difficulty with increasing the order limits and taking additional land, provided that it is possible to complete the process that set out in the compulsory Acquisition Regulations. And therefore, simply because there is an increase in size doesn't prevent a change being made. Nor does it mean that the development is not that which was originally applied for as a matter of substance. And the second point is, as I've alluded to, simply looking at this in terms of the size of the site, that is added at doesn't give you a full or indeed or a liable guide to the significance or otherwise, the change in the context of the development as a whole, as you'll well appreciate, this is a substantial engineering project taking place over a number of years with very substantial physical works required on a number of sites, the Pakenham works themselves are very minor when seen in that context, which is essentially habitat creation. And that whether it's considered a material change or not, and certainly couldn't, in my submission reasonably be concluded, to me that the application is not in substance that which was applied for, and because that the test is not will it require additional land? That's a test as to its materiality. what one has to look at is the overall nature of the application taken as a whole before and after the changes? And to ask whether, as the question was first, in substance, it is this not that which was originally applied for now with a proposal of this scale and substance as an engineering operation, including very substantial permanent elements, the creation of this sort of habitat is a minor element to one has to see changes of this sort, in the context of this highly unusually large and complex application. And therefore, the as I don't know whether you've had the opportunity to visit, for example, the Hinkley Point C construction site, which is currently underway, and if not, I hope you'll have the opportunity to do that. When you haven't. That's what you say thank you. Yes, in due course, when I hope you have the chance to get in,

you can see images a bit on online. And what one gets a clear sense of is the vast scale of the development that is proposed. And in that context matters, which might be seen as significant in other applications when readily appreciate so that they don't change the overall substance of the application, if they change to some extent, in the context of the scheme of that size. If you have particular questions about the nature of what is proposed, at Pakenham, as I indicated, I have Mr. John Rhodes available who can deal with some of those matters in further detail if it would help you.

17:47

Okay, thank you. I'll let you decide whether or not you want to answer the questions often right, you hand over to Mr. Rhodes, just let me get something straight.

17:57

You

17:59

in your response to miss Mackay a few moments ago, you talked about an additional 9.6 hectares for Fenn Meadows? As in my reading of it is that you're the you're adding 32 hectares? Are we talking about the same thing? What's the explanation for the difference? Please? I can't hear you.

18:21

Thank you.

18:24

Can I just take a moment to clarify with those next to me just to make sure I answer that correctly. Please do.

18:44

So we'll just check on that. And come back. I don't want to mislead you with the figures. So if I can click in check and come back to you on the Hector, ej,

18:52

I think we're here for a little while. So

18:54

investment question I get Thank you.

19:00

Let me just progress a little bit further with you.

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The

19:07

English so natural England say that there it is very difficult to recreate family. And so you've got two sites in your original application for new fen meadow. You ruled out in your original application, the package, depending on what package you use out of the pack of them site. Now let's come back in. And it's acknowledged in your original application material that there are difficulties and it was ruled out because it was more difficult than the other two sites. How far do we go? Because it was rolled out on the 24th of May when you made your submission, your original application. And then by October. For it we've had discussions but the most just changed, and you come forward with this with this site. We're, what getting off in six months on further now you will have more discussions, things will happen through the apps with the application. What happens if you say, Okay, well, actually, we used to going to be different, we need another fallback, and you add another site? In other words, yep. How much do you say you can add or do use? Are you saying to me, that is not a relevant test?

20:29

What I say are two things. So first of all, questions as to the suitability or otherwise of cite clearly matters going to the merit of the application. And I'm afraid I'm not briefed to deal with those. I can ask Mr. Rhodes for help on that if you need it. But secondly, so far as the question that is before you and your colleagues in this context, the question is, does the addition of that site, whatever its ultimate merits, mean that the application is not in substance that which was applied for, and therefore would require a fresh application? And the reasons I've said, The answer to that clearly must be no. If in due course, which I'm not expecting, there were a request for a further change. First of all, that request would have to be considered on its merits at the time, in accordance with what set out in advice note 16. And it's not possible with respect to deal with that as a hypothetical situation, when I have no instructions that there is any additional land being proposed. If there are questions as to the adequacy of the approach and the merits of the approach that is being taken. That's very much a matter of substance in terms of the underlying merit of the scheme and something which we're happy to assist with. But it doesn't, as I've said, ultimately go to the question of whether the inclusion of that land means that the change request can or can't be accepted.

22:19

Right. Thank you. That

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is clear. Ms McKay

22:28

grateful.

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Thank you. I was just checking. I was wanting to ask them check about the further consultation that you were proposing on the environmental information and how you were how you sought to achieve violence, confusion, because those responses, I believe would go to you were This is the relevant representations in relation to the land, the compulsory acquired the additional land, that that would come to the Inspectorate. So I just wanted to check how you would distinguish between those two, two schemes as

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if, Madam, I can come to that. That's one of the things which I want to cover.

23:27

All right. That's fine. We'll come back to that later. I'm sure I've got that covered. So if I could hear from colleague then.

23:35

Sorry. You want to hear from Mr. Rhodes?

23:38

I play? Yes, that's right.

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Thank you.

23:41

That was on the modelling, isn't it?

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Yes, I hadn't got to the modelling yet. But if you want to have right,

23:47

oh, sorry.

23:49

I'm wrecking your order. Just continue.

23:52

Well, in that case, Madam, if I may, and I'll introduce the road, what I would say is in terms of the administrative arrangements that will be made in relation to the responses to the EIA consultation, that those who are in the room with me will have heard that. And either we'll be able to provide you with an answer now, or we'll provide you with an answer as soon as we as soon as I have.

24:21

So I was going to go on to the next broad heading under the agenda item, which is how it changed applications accepted, might be examined. And just to start by way of context, it's the applicants position in accordance with the views that have been expressed by the two councils that if the changes are accepted, the changed application should be examined as an integral part of the DCR examination. And we've not as I understand it suggested anything different. And we see no particular difficulty with achieving that in the present case. That the advice note 16 recognises that changes do sometimes need to be made. And in this case, the approach that the applicant has adopted not only fully complies with the letter of that advice, but also importantly with its spirit. And the majority of the changes arise

directly in this case from negotiations with interested parties. They've been widely welcomed by those parties, and they reflect the fact that they provide a responsive approach to what has been said about the project's sustainability. And, and the nature of those changes as cost identified publicly in the six of October submission. And even though a number of the points have been discussed, with the most directly affected interested parties before then, and was then subject to consultation November, December of last year, and even though most of the changes are non material, all have been subject to the rigorous notification consultation assessment and publicity requirements required for material changes. And the concert, the compulsory Acquisition Regulations provide a fair process for dealing with additional land. And there's no difficulty in this case in complying with the steps that are required by those regulations. Within the draft timetable, the examining authority has issued, and the impact of the changes on the process also need to be considered in the context of the unusually long time in this case, that has elapsed since the submission of the application. And what would be the start of the examination pursuant to the pins letter. So for the vast majority of the application material, it's been available to interested parties for longer than would normally be the case. And that's important context when considering the changes. And of course, as has been explained, by the examining authority and correspondence, the decision to move the preliminary meeting back to March, April, and having regard to the submissions that have been made by the applicant and various interested parties, was intended to allow a fair and reasonable period of time prior to the start of the examination, to assess both and change requests and the further information submitted. And that decision expressed it to counter the impact of the pandemic. And we say that the draft timetable as published allows a fair procedure that would enable the examination to be completed within the six month period. And there's also of course, a substantial public interest in ensuring that examination is internationally significant infrastructure projects such as this are dealt with expeditiously underlined in this case, because of what the government has said about the urgency of the need. Now, one of the points which is raised then as a sub agenda item, is the non statutory consultation that was undertaken by the applicant. And I start by saying that, in addition to complying with the requirements that have been set out for such consultation, and advice, no 16, that there has, of course, been detailed and regular engagement with interested parties throughout this time and beyond. And the thought that the consultation process that was undertaken is very much the tip of the iceberg in terms of active engagement of interested parties in the consideration and development of the proposed changes. And that set out in the consultation report agenda. And it also explains how the consultation undertaken and the support that was provided to interested parties to aid their participation went beyond what's recommended in advice net 16. In a number of significant respects.

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I was then going to go on to the question of submission by the applicant have any outstanding information in support of the changes request and it was at this stage and here we can pick up the points that have been raised about modelling and the coastal defences. And I was going to ask Mr. Rhodes to deal with this because he's closer to the preparation of that. That information and what is going on in terms of discussions with interested parties. So, madam at that stage, I'm going to just pause and ask Mr. Rhodes, to pick matters up.

30:14

Thank you.

30:23

My name is John Rhodes, on behalf of the applicant. And I hope I can help address some of the issues that have been raised today about and yesterday about the adequacy of information and what information may or may not be outstanding. Appreciate that a number of matters were raised this morning in relation to that, and I'll do my best with those but hope to try and draw a balance between not providing, attempting to provide too much detail now. And the detail can be set out in a written response at deadline B if that's acceptable. But I hope I can assist by looking at some of the principal issues that have been raised, I was going to start with the beach Landing Facility. So in relation to the beach Landing Facility, our position is that the beach Landing Facility was properly described and assessed in the January changes. You've asked subsequent to the January changes for some more information about the design of the beach Landing Facility that has been provided. But that's illustrative the necessary information about the detail of each learning facility for the purposes of the application and its assessment is contained in the January application. That application included an assessment of its impact on coastal processes, and we would say that it was a full and compliant assessment. And it concluded no significant adverse impact. We explained in the assessment that that assessment was made using existing models and expert judgement extrapolating from those models. And we stand by that assessment that we did commit with the what we call the marine technical forum, the principal marine stakeholders that we would do some more modelling. We would do some more modelling to confirm or otherwise the assessment contained in that environmental assessment addendum that further modelling has been undertaken, and it was shared with the marine technical forum stakeholders last week. The report is just being finalised, it will be ready next week and it can be submitted to the examination. If that's helpful, we would say we're very happy to submit it. We weren't proposing it as any kind of change to the assessment, but it's certainly going to be available from next week and can be submitted. But it confirms the assessment contained in the January environmental statement addendum have no significant adverse effect. The next issue related to the hard and soft coastal defences. And I think there were two issues have been raised of concern in relation to inflammation. One concerns the design of those facilities, and the other concerns the assessment of their effects. So again, our position is that the January submission is complete, in both respects in respect of design and in respective assessment. And just to explain that a little bit further, the coastal defences in the January submission are described by reference to parameters. They're not submitted for detailed approval. And in fact, we have a requirement a requirement 12 B, in the list of draft requirements that would require those facilities to be submitted in detail and approved by the local authority and MMO. Following DCO consented of consent is granted. So the detailed design is reserved that we think is appropriate. And perhaps helpful to explain the reason for that. And the reason for that is that in parallel with this application, we have an application for a nucleoside licence. The detail of the hard coastal defence relates to the detail of the nuclear power station. And until that process is fully assessed, we think it would not be right to fix one detail whilst

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the nuclear site licence assessment is being undertaken, not least because within the DTO as you know, we have provided some flexibility for the nuclear power station. And we don't think it's appropriate to fix one element when there is flexibility in relation to the other. But what we have done is submitted in the January application for the proposed change details of the hard coastal defence and

the soft coastal defence within parameters we say more than sufficient to understand them more than sufficient to assess their implication. So the height, for instance, has identified the height and the different stages of temporary permanent and the adaptive stages of the hard coastal defence, the height of the soft coastal defence and its composition. The composition of the hard coastal defence in terms of material and position of the toe, which has been a matter of interest to stakeholders is detailed in the January submission. And we have illustrative material including cross sections, which compare it with the similar parameter approach that was taken in the DCO application. So we say that's more than sufficient to understand it and to assess its implications, not least because the hard coastal defences we propose it is actually a terrestrial feature, it's protected by the soft coastal defence. And it's the soft coastal defence in its operation, which is the subject of the modelling of coastal processes. In relation to that modelling. Again, just to say that our position is that the assessment was undertaken in the January submission, we say it's complete. And its output is the preparation of a coastal processes monitoring and mitigation management plan. Now, that plan is reserved, again by requirement, requirement seven a in the draft requirements, but we did actually submit it in January, it's available as an appendix to the January submission. Even though, the way in which the application is structured is the detail of it and its operations would be approved, again by the local authority and the MMO, following the grant of DTO consent, so we say its operation is fully protected. In that way, people can be confident that we can proceed until that detail is approved. But more than enough detail is provided in the application for the assessment to take place. Now there is more modelling being undertaken in relation to the coastal processes monitoring and mitigation plan. And just to try and explain that to the meeting a little bit. The one element that's not settled in the submitted, monitoring and mitigation plan is the trigger point, the trigger point at which monitoring would suggest that mitigation needs to take place, which is effectively the replenish replenishment of the soft coastal defence feature. Now we say that's a detail that would form part of the approved plan to be approved following the grant for the BCI. But nevertheless, we've been doing some modelling to try and understand that further. So we, we say that it's not a gap in the application, that's just preparation for implementation. But I can certainly help with dates in relation to that. So that modelling is to be completed in two phases. The first phase is going to be complete by the end of April. And the second phase, we say, it's going to be complete by the 21st of June. And again, we're happy to provide that information to the examination. We think it will be of interest to people, we don't think it's necessary to assess the application, because it will inform the plan to be approved subsequently. But we're happy to make that information available. And we're having regular discussions with the marine stakeholders, and they're being kept apprised of that process. So we say that the change application is complete in those respects.

38:22

Right, right. Sorry. Sorry to interrupt you there. I'm gonna just break away from this item. There is. I think Nicolas Pilkington, I'm afraid, needs to speak on item six before 1230. So, if we just put this on hold one minute, and if she's there is Nicola Pilkington there,

38:48

poke. Hello.

38:49

I've actually spoken about what I wanted to speak. All right, that's fine. with having open meetings? Yeah, that's fine. I had I had a message to that effect that night. Sorry, much. Okay, that's fine. I write just to just to say that, you know, the examining authority would welcome the submission of the more recent modelling. And you said the report was available next week? I don't know if that's could be submitted it procedural deadlines.

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If that would assist, we can do that. Certainly,

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I'm sure people will welcome it soon, sooner than later. So that could be done. Thank you. That would be very helpful.

39:37

Thank you. Can I just touch on some of the headings that were raised this morning in relation to our position on adequacy of information and we'll confirm the detail a deadline be with proper references and information etc. But they were a little bit of about half a dozen other headings that were raised in terms of missing information. So for if I may, the First with another point relating to the BLF. And the suggestion that we changed it, again, by extending it by 100 metres. I think the examining authority is aware that the VLF, new temporary BLF has not changed from that described in the January submission, there was a mistake in one of the parameter plans, but its description, as detailed in the January submission, and its assessment has not changed from that submission. number of questions were raised about Network Rail and the deliverability of the rail infrastructure. So opposition is that we're confident in the delivery of the rail infrastructure, we've had regular engagement with Network Rail over a significant period, we're meeting them on a regular basis every fortnight In fact, we're meeting them together with the local authorities and local authorities can see the progress that's being made. Maybe helpful just to say two or three things briefly. One is many people will know that rail infrastructure works through what's called a grip process of six or seven stage process of detailed railway design. It's never the case, I think, during dcl applications, that one gets to the end of that process. And that process needs to be reached before the rail infrastructure is is is laid out is constructed. But we're well on the path to that. And the rail works themselves are contained principally within the application. So the branch line replacement and the green rail route is within the DCR within our control as applicants. And we're confident in the delivery of those there is a physical interface with the Suffolk line at Saks London where we want to improve the points because that brings a noise benefit. And we're having good engagement with our rail around the detail of that which we are aiming to set out in a statement to come on ground for deadline one in accordance with your timetable. There been issues raised about train paths. So we, as you would expect when doing detailed studies of train paths, train paths are available on the east Suffolk line for the additional trains, the four trains that we have suggested in the proposed changes. And I can confirm that work shows no impact at all on the passenger timetable. The point that was raised this morning was a new point to mean it's not consistent with the technical work that we've seen in relation to train paths. And we'll confirm that at deadline one in the statement of common ground. Next heading I had was in relation to the size while link road, and suggestions that there are changes to come. We are content with the proposed design of the sizeable link road that we submitted in January and the assessment of it, we are having further discussions with

the County Council, for example, on sustainable drainage. But drainage is reserved in the application. It's indicatively shown on the plans, and it's reserved by requirement five. So that's the detail of that will emerge. Again, after the grant of the second sensitivity to content is forthcoming. issues in relation to the borrow pits. To be fair, I didn't fully understand there's only a relatively small change in relation to borrow pits proposed in the January submission. And that's a change to the footprint of the borrow pit within the heart of the temporary construction area. It doesn't have significant it has no additional land effects. It doesn't have any significant environmental effects. And we're contend to be examined on the application as we've made in relation to orders we have no further information we were planning to submit or any further changes we were proposing. Similarly in relation to hydrology. As I understood what was said this morning, it was a concern that arose not from the changes but from the submitted application. And again, our position is that we've assessed the hydrological effects. It sounds like there isn't agreement about that. But our assessment is there. We weren't proposing to change it. We're certainly happy to be examined on it and answer questions in relation to it. There was a concern that there wasn't enough information in relation to mitigation.

44:35

And that's obviously a broad topic. There's a lot of information available in relation to mitigation within the application. And a lot further is reserved as is appropriate for the detailed stage of mitigation to be approved by the planning authorities. If DCA consent is forthcoming, but we certainly think that the mitigation information and the principles that we've committed to in the application are substantial and more than sufficient. There was just a point that was raised about there just been no engagement and no consultation about the mitigation. That's not something that we recognise and we'd like to respond to that point in detail at appendix is around deadline B, because that certainly isn't our understanding, and certainly not my understanding of the engagement. But that has taken place. And then I was just going to pick up one other point, which is if the volume of HGVs is to be reduced, which of course many people have asked us to do, and the changes seek to respond to that? Do we still need the transport infrastructure? Or are we proposing to change that? We've obviously considered that we're not proposing to change the transport infrastructure. It's proposed in our application, confirmed in our January submission. And again, we're happy to be examined on that basis. And then I think the other point that was raised collectively in relation to the changes was that they have to be consulted on and those Mr. Phillpotts as they have been consulted on well in advance of the examination. So it's our position that the application as proposed to be changed is complete and is ready for examination. Thank you.

46:24

Thank you.

46:33

Thank you, Mr. Rhoades. Madam, I think it's back over to me now if that's convenient to you. So we'll come back with clarity on the figures for the Fenn Meadow land, but it's perhaps worth just explaining to put this into context, that the overall size of the Pakenham fen Meadow site 32, Hector's is very substantially larger than the actual area of Ben Meadow that's proposed to be created within it, which is 4.9 Hector's and that that combined with the other sides is intended to deliver a total of 8.1 Hector's, which is to a new fan Meadow to replace the naught point four, six Hector's that is lost. And the

significance of that is that it meets the requested multiplier that natural England have identified of nine times that which is lost. And that puts hopefully into context, the weary about whether or not there might be a need for an additional site when one looks at those figures together. But, as I've indicated, when one looks at the size of that within the project as a whole, where as I understand it, the overall size of the red line area is well in excess of 1000 Hectors the creation of 4.9 Hectors of fen Meadow in a site of 32 Hectors is very small. Indeed, it certainly can't properly be said that the addition of that land means that this is not in substance a scheme that was applied for now. Madam, I wanted to then move on to the question the next subheading in your more detailed agenda, which is compliance of the compulsory Acquisition Regulations. Because the draft examination timetable would need to be supplemented by the steps required to comply with those regulations and the procedure that it identifies. And it would seem logical to incorporate that timetable the timetable for compliance with a compulsory Acquisition Regulations into that which is published with the rule a letter. If the examining authority would find it helpful. We'd be happy to supply our suggested dates for each step in that procedure, by a procedural deadline be examined before you can have a chance to consider that ahead of the next preliminary meeting. That we've we're working on the assumption or working assumption that a decision on the change application will be made soon after the second part of it. meeting on the 14th of April, in accordance with what's been said so far, by way of overview, and what we anticipate is that notification, and publicity would commence at the end of April, with a deadline for relevant representations on the additional land of early June. And therefore, the relevant representation deadline would be ahead of the first issues specific hearings, compulsory acquisition hearings in July and August, it would allow approximately five months from the change request in January and the date for relevant representations on additional land in June. And then approximately four months of the six month examination period would remain for written representations, questions in the examinee, or authority, comments and hearings and anything that's raised in response. So I just pause there, man. And that's by way of overview to how we see the timetable. as I've indicated, it may be more helpful to provide the detail in writing at the next deadline rather than running through all those dates now. But if there's anything else on those steps, I'd be happy to help if I can

51:28

know that that will be fine if this could be submitted for the next deadline. Thanks.

51:33

Thank you, madam. And then finally, compliance to the environment, environmental information, assessment regulations. As you'll appreciate, the applicant has volunteered to consult on the additional information as if it was further information as defined under the regulations with the dates, effectively mirroring those for the consultation taking place pursuant to the compulsory Acquisition Regulations. That is very much a belt and braces approach, because this is not considered to be further information, but it meets that standard. And it's a procedure which is you're appreciated course, allows for a fair opportunity for parties to consider and respond to any additional information. And there is proposed to be separate notification for the EIA and the compulsory acquisition process. So that those are separately notified. So that it is very clear in each case, how those who wish to respond, can and should respond in respect of each notification. So they would be separate notifications, each one setting out how parties should respond. So hopefully that would avoid the Skype for confusion as to the two processes and allow for a smooth process whereby the applicant then provides any responses

have been received in relation to the EIA consultation in the usual way. So, Madam, there are only two small points that I then wanted to add by way of further responses to points that have been raised and then I'll obviously ask if you've got any further questions you want to ask me. The first point, the RSPB and Suffolk wildlife trusts have asked in their response to the all six letter, more or further signposting document to aid them mandibles in relation to the additional information that's been provided. And although we consider that what was provided in that respect, with the change application is clear and adequate. We want to do what we can to help. And therefore we're proposing to prepare and provide a further signposting document for deadline one, which would take the form of a fully referenced table that would identify in relation to each chapter of the environmental statement, the supplementary information that's relevant to that chapter, the proposed changes that are relevant to that chapter and the updates to that chapter. And we hope that that will provide little assistance to those who are seeking to navigate their way Between those documents, that was the first of the two additional points that the second was briefly in relation to the 20% increase in material required. And it's just for clarity, the 20% increase in material required is not a change to the proposed development itself. It's a revision of a preliminary estimate of what would be needed to implement it. And that's made clear. In the part one, documents submitted with the change application at paragraph 2.2. Point 14. The applicant has identified that revised estimate in the submitted documentation is of course relevant when one is considering the appropriate freight management strategy and the associated impact of controls. And that's what the change application and the additional materials supplied in January seeks to deal with. So, Madam, those are those are my points that that is necessarily by way of a brief overview, but I hope that's sufficient for your purposes.

56:13

Now, thank you, perhaps if you could also include in writing for procedural deadline being I know, there's been a non statutory consultation and the rest of the consultation report. But if you could explain how you actually did take those responses into account before the submission of the formal change request? Yes, my

56:38

I've got a note of that. I'll make sure that's covered in the written material. Thank you.

56:42

Thank you. Thank you for that. If up there. People here today, you've already spoken. If you do want to, obviously you make well want to comment on what you've heard from the applicant, if you could make those submissions in writing to procedural deadline be. Now I know that we have a council of fellows may want to speak on another item. Now, because I do know that she has to leave and can't join us this afternoon. So counsellor fellows is there.

57:27

Thank you, Madam, it was actually to come back on a couple of things that the applicant had said to clarify. But if you'd rather we

57:37

did that in writing. And then if necessary, we can revisit it. But I think it would be easier because they have said quite a lot and people do need to take on board and it would be really helpful if they could make those submissions in writing to procedural deadlines.

57:55

Okay, did you go you didn't you? Did

57:57

you have anything? Because I know you do have to leave it to quote.

58:01

Yes. Lunch shortly. Was

58:03

there anything else that you wanted to say?

58:06

Yes, madam. Thank you. If you are intending to break for lunch. Now I would have to leave just off

58:12

shortly. But I think by the time we get we get back, you will have you will have gone. So if there's anything you wanted to say on this afternoon's items, if we could fit you in now.

58:22

Okay. Thank you, madam. So, ladies and gentlemen, counsellor Maria fellow speaking on behalf of over town council on item six, and seven. So with regard to the timetable, item six, I think we foreshadowed a lot of what we might say yesterday, when we talked about the urgent need to delay. And to put in an additional part three, to cover the matters that we've talked about, as you can see from today's discussion regarding the changes, that there is quite a divergence of opinion between the applicant and everybody else. In terms of interested parties. I think the exception for East Suffolk and Suffolk County Council why they think these are perhaps not material or problem for us is that they have been party to discussions with the applicant behind closed doors, which as you're aware, the rest of us don't have. We only have this application, the DCO is when we have that opportunity. So I think there is a lot more that needs to occur within the preliminary meetings structure, we would request that a third part is put in to that schedule. And then we would regard requested the following time frame timetable starts after Purder after the May elections, no sooner than that to allow more time for other interested parties and relevant representations to be put into the process. Following you discussion and determination with regard to the changes. So it is about the whole timeline being moved forward at least six weeks or more to accommodate the process. One does have to ask why the applicant is so reluctant for a restart or a new application or delays. And it's not right to say that things need to progress at pace, just because of the energy need or the contribute station to the carbon footprint you know, and those matters will be discussed within the examination itself. But just as a small piece of information to assist Sizewell B has for many months during the last year have to be paid to run on less capacity, and is going to in the next year coming up. So we will discount the need that this process

needs to continue at pace. And even if there was a need, that should not override the course of natural justice and the need to include applicants. I agree with Mr. Brock today, for example, that Pakenham does include new people new areas. So again, we, Aldeburgh town council in summary would request that there is a restart or a new application or a part three put into the process and a delayed start for the actual examination six months period. With regard to item seven, based on our experience of how statements of common ground in sections 111 were put together by Suffolk for Scottish power renewables DCO which is still running. We will be seeking further advice and we will be discussing town and parish councils. I spoke this morning to my colleague, Councillor Tim Beach chair of Snape parish Council, and Leiston town council, and Aldringham-cum-Thorpe parish Council. We're not here today, so I can't speak on their behalf. But certainly we would be exploring whether there would be an avenue for us to consider protective provisions, or some method in which parish and town councils are local businesses or local families, residents, people who live work and visit these areas would need to be protected if the statements of common ground and section one ones, even to yourselves as agreed do not include input from ourselves or any mechanism by which we can influence those. So it's just an early heads up, madam if we may, that to seek to assist you. We may be pursuing other options, which would come under item seven in the future to be revisited. Thank you. Thank you. I

1:03:02

think that probably brings us to a convenient time to break for lunch. There is one Hands up. Mr. Hoggar. I was just checking this Mr. Hoggar, I have asked for responses to the applicant to be made in writing. Is, are you raising a different point?

1:03:22

Hello. Yes, but yes, but they were talking about compensation or mitigation for 10 meadow and Halesworth came into line. I'm from Halesworth. They've allocated a field adjoining the A144, EDF have. It's against the railway line that runs right after it to join in the sewage works. On the other side is the Blythe road industrial warehousing complex which is non stop vehicles and Pakenham is 25 miles from any marsh. I've done birds since I was a youngster and I guess looked at like Tron right. They prefer reed beds and coastal marches. Well, I don't think anyway, I made

1:04:14

get you into the merits there, Mr. Hoggar but obviously any further points do make them to proceed your deadline B.

1:04:24

claiming facts on facts being made. All right.

1:04:28

If you can put that in writing that will be very helpful. Thank you. Right. So we will adjourn now for lunch. And we will resume at if we resume at 10 to two. And just again to remind everybody on live stream to refresh your browser and also to keep

1:04:59

madam I possibly just

1:05:00

asked her an IT question over lunch. Sorry to interrupt. I've sat down.

1:05:07

And

1:05:08

George has done it. It's, it's an IT question to do with the process. I have sat for a day and a half without being able to see people. And I've still got some of his face from 930. This morning frozen on my screen. So is it possible to ask your support team whilst we're breaking for lunch, to have a serious look at the system because it is quite galling, to have to sit here for a day and a half not seeing anybody. My cameras working fine. In the previous hearing that I've attended with pins on a different project. It worked perfectly. So I know it can be done, but somebody needs to have a serious look at what's going on. Thank you. All right.

1:05:48

Thank you that that will be taken on board I'm sure. And apologies for your experience. Right so we'll adjourn now and resume.