

EA1&EA2_CAH1_Session1_01122020

Wed, 12/2 11:36AM • 1:21:06

00:13

Good afternoon, everybody. And can I just check with the case team? Can everybody hear me and have the recordings and the live streams now started? Okay,

00:24

got a mic

00:26

We've thought the internal recordings and the live streams.

00:31

Thank you very much. Thank you very much, Mr. Williams. My name is Rynd Smith and I am the lead member of a panel which is the examining authority for the examination of the East Anglia one North offshore wind farm application. And the lead member of another panel, which is the examining authority for the examination of the East Anglia TWO offshore wind farm application. Good afternoon, everybody. Welcome to today's compulsory acquisitions hearings number one for East Anglia, one North and East Anglia TWO offshore wind farms. These are the first compulsory acquisition hearings in these examinations are all six letters included the web addresses, which will take you to information about the applications and the documents produced to these examinations on the planning Inspectorate national infrastructure website for each application as a separate landing page with further pages setting out examination procedure, the timetable relevant representations and examination documents. And I would encourage everybody to look at the websites if they haven't already done so because we use them throughout the examinations to communicate with you and provide access to documents, including the recordings of these hearings. Now, before we introduce ourselves, I will deal with a few preliminary matters. Firstly, a reminder that as with all hearings, and these examinations, we are being both live streamed and recorded to enable people to follow the proceedings today and watch or listen to the proceedings later. Does anybody have any questions about the terms on which our digital recordings are made. And I will check and see if I see any hands I see none.

On that basis, I will move on. So secondly, then this pair of hearings because it is a pair of hearings for for both examinations is to enable the examining authorities to hear and probe the applicants strategic case in respect of the requests for compulsory acquisition and temporary possession powers made in each of these applications. And to those affected persons, people whose land is affected or rights are affected by the compulsory acquisition or temporary possession requests. To those affected persons who have asked to be heard, but haven't been invited to speak today. Rest assured that you will be heard at a subsequent pair of compulsory acquisition hearings, those are being held in early 2021. You're welcome to watch online or listen to the recording of this event. And to make any comment that you wish to add deadline three, which is a fortnight away Tuesday the 15th of December 2020. And in that respect, I will note that we have made a very clear decision here to distinguish between a task that

these examining authorities must do, which is to examine what we refer to as the strategic case for compulsory acquisition has been put forward by the applicant, whether or not there are any objections to that case to ensure that relevant legal tests and guidance have been made. And then secondly, and a second pair of hearings to hear from those affected persons who have objections. So that's the nature of the split. Thirdly, I will note we're going to keep to the absolute minimum, the documents that will be shared on screen because sharing documents on screen as a horrible tendency to slow things down rather badly, and sometimes lead to a degradation of the experience of parties participating in a hearing. So we asked all of you participating this afternoon to please follow along using relevant documents from the examination library on your own device if you're able to do so, in general terms, we've found that this is the best method for large plans and documents.

And we would very much prefer to have everybody follow on that way if they can. Although if we do need to, we can share documents on screen so if there's a request, and then Mr. Williams, the case manager will and share a document if necessary. Now finally two breaks. And I will claim that we take a first break at approximately 90 minutes and so round about half past three as a guideline and but I won't cut anybody off at the knees and in doing that. We will own them to be resuming round about 10 to four and two. Finish this hearing at approximately 5pm or shortly thereafter. And as there are quite a few items to get through, and we do need to march on and myself and my colleague will be trying to keep pace, and but you'll be pleased to hear that several of the agenda items are really quite short.

05:20

We do have additional time reserved on Friday, the fourth of December 2020, if there are any technical problems that that lead to loss of this hearing, wrap or an element of it. So let's move to introductions. Those of you who've already been involved with us, or who've watched any of the previous hearings will note that the full panel is not participating in this hearing today. As you'll appreciate this, so that certain members are free to work on other matters relating to the block of hearings that we're holding this week, but rest assured they can be called in and come join us if they are needed. I will draw your attention to annex B of our most recent rule six letters dated 16th of July 2020. And you'll find my brief biography and an explanation of the purpose of the examining authorities point appointments. And my declaration of interests made the preliminary meetings part one on the 16th of September. The other panel members also have biographies there that you can look up. The other panel members present today will introduce themselves. And I will therefore move on and start by introducing Mr. Guy Rigby, who in turn also will be leading the majority of the agenda items in this hearing. So Mr. Rigby.

06:39

Hello, I'm Guy Rigby, I'll be leading the main elements of these hearings today. We did have a technical problem earlier. So is everybody able to see me and hear me okay.

06:52

I can confirm this to read through that message sent to you. And indeed the livestream is seeing and hearing you perfectly as well, which is very good news.

06:59

Thank you.

07:03

Good afternoon, everybody. My name is Jessica Powis. I'm a panel member. My role at these hearings is to observe and to take note of actions arising and I may have questions. Thank you.

07:13

Thank you very much, Mrs. Powis. Now, before I ask each of you to introduce yourselves, I will introduce our planning Inspectorate colleagues working with us on this examination, some of whom you will have spoken to already and Ray Williams is the case manager leading the planning Inspectorate case team to these applications today, and he led the arrangements conference just now. He's a company by case officers Caroline Hopewell, Kj, Johansson, and Tamika Hall. So now you know who we are, and why we're here. I'm then going to ask you to introduce yourselves in turn, and I will come to the applicants last. Please also remember to introduce yourself orally each time you speak during these proceedings so that we have a complete record for the recordings, and there's anybody watching or listening after the event will be able to follow who you are, while you're speaking. Now, I'm very conscious that this is a little bit like taking the school register. But I'm going to then go through each of the bodies present or individuals. And please introduce yourselves when I call your name and bring up the names of any individual speakers for a relevant body. Can I ask them if Suffolk County Council are present and who represents Good

08:30

afternoon sir, my name is Richie parekh. And I'm gone instructed by the county council. I apologise that my knee comes up as conference room for which I've tried to change but unable to. And in any event, I am joined today by a number of members from Suffolk County Council who will be in as necessary. I've got green Mr. Graham Gumby, who is Development Manager for growth. I've got Steve Mary and Joseph half both from highways. I have an edge Robinson from public rights of way and Matt Williams represented the lead local flood authority.

09:09

Excellent. Thank you very much. Now we did have a possible indication of attendance by Mr. Phil Watson and Brian prettiman. But I gather they are not being called by you today. Yes, sir.

09:21

Thank you.

09:22

Thanks very much. Can I then move on to East Suffolk council

09:30

Good afternoon and stay me gold and from the senior energy projects officer. And but I don't have anyone else joining me today so it will just be myself.

09:39

Okay, thank you very much. And if I can then move on to size we'll see and then B generation Company Limited.

09:52

Good afternoon, sir. I'm Karl events chief planning officer for EDF energy and I'm joined by my colleague Hugh Gilmore. He's the head of the

10:02

Thank you very much. So that's your deal on Kali vents. Excellent. And then we have the Office of nuclear regulation

10:19

here on the principal nuclear inspector and project inspector the size We'll see. I can also speak on behalf our team that regulates size won't be.

10:30

Okay. Thank you very much. And Miss Mr. Michael Marnie. Do we have Mr. Michael Martin present?

10:45

Good afternoon. My name is Mike Mani, I'm an effective person as I own land, which is effective, which is to the west of the site.

10:53

Okay, thank you very much. Now, the reason I will indicate Mr. Mani for you being here, present today honour, a hearing that is in general terms dealing with strategic matters, obviously not to make your own individual objection, but it is because we understand that you have a principal objection to the strategic basis of the overall case for compulsory acquisition and or temporary possession.

11:18

Yes, that's correct. Although to illustrate that I'm will need to use issues which affect me personally, I'm not going to talk about my personal written representation, but it's a way to illustrate issues around the case. That's

11:33

That's fine. As long as we're in the land of the overarching strategy. That's absolutely fine. Okay. Now, can I just check whether we have representation for EDF energy, nuclear generation limited size all

11:49

this, sir? Yes, you do. My name is Katie, Abraham's and I am on behalf of the legal team of EDF energy nuclear generation limited who are the owner and operator of sizewell B. And I've got with me, Brian McLeish, from Jody Eve.

12:03

Thank you very much. Okay, so reviewing the list that Mr. Williams has kindly provided me from the arrangements conference. And I believe that leads me to the conclusion of all of the affected persons or interested parties are here today with the exception of the applicant, but I will just check whether we do have anybody here from any of the following bodies, Anglian water services limited cadent gas national grid in any of its guises, so and get or NGV, network route infrastructure limited, or any other persons whose land or rights are affected who I haven't otherwise named? No. On that basis, then I'm going to move on to ask who the primary speaker for the applicant will be today. Will it be Mr. Ennis or somebody else? And ask the applicant to introduce their team and who will be speaking for them?

13:15

Yes, thank you, sir. Good afternoon, Colin Ennis, on behalf of the applicant. I'm instructed by Fiona Kyle of SPR legal in respect of this afternoon's hearings, interaction to both applications in terms of the team that will be potentially responding to the agenda items. I'll kick off with the legal team First, if I may. I have Stephanie mill, who is Associate who has been involved in the project for a very long period of time throughout its inception, and has been involved in aspects of drafting and is obviously involved in aspects of the CPOE process. I also have Stephen Hubner, also based in my and our London office today, who is our property partner who's dealt with the property aspects of the CPO and will speak to those matters. In terms of other parties who may be called upon to speak, Brian mcnellis, who spoke earlier today, who's the onshore consensus manager freestyling. Their two nice things with one project and obviously he's the interface between consenting environmental matters, and those are potentially matters that are raised and the justification for CPOE today, so, he will be speaking the other from SPR is like the speaking as Kiran merner. He is the Senior Project Manager in the UK offshore wind development team and he effectively manages the London stakeholder team, which is responsible for stakeholder engagement, land management and language acquisition across all UK offshore wind farm developments for SPR. We will also hear from herring hi who's an Associate Director at Darko McLaren. And they are a specialist firm of Chartered Surveyors acting exclusively for the utility and infrastructure sector. And Harry's the dedicated Project Manager for these projects. And he manages a team of surveyors involved of the land referencing GIS, and also the landowner liaison. I'm also accompanied by two engineers from scottishpower renewables to Dimitri Addis, and Gavin green, I don't anticipate they will necessarily have to speak. But if there were technical issues that arose, I thought it prudent to at least have that expertise on hand to be able to respond to any matters that might be raised there both in the renewables and have a technical matters regarding electrical engineering matters and can deal with any strategic points you may have in that regard. And that probably is the team that's likely to be speaking this afternoon. Thank you. Thank you very much.

16:01

Okay. Well, on that basis, the introductions are now complete. So I'm, I'm shortly going to hand over to my colleague, Mr. Goh. Rigby, who will deal with the main business of these hearings. But before I do so, are there any burning questions of an introductory or preliminary nature that we need to resolve now, because there isn't an obvious place for them in any of the rest of the agenda? Again, I will scan the screen to see if I see any actual or virtual hands raised, and I'm not seeing any. So I am going to hand over now for the conduct of agenda item to to Mr. Rick be Mr. ekby. Thank you very much.

16:45

Good afternoon, everyone. My name is Guy Rigby. And I'll be leading the remainder of these hearings, the console items, and that's we're online. I think we've checked everybody can see and hear me. Okay. So now we're on to item two, which is the purpose of these hearings, the how and the why bit. So first, and preliminaries about how we'll conduct these hearings. We're conducting these hearings in accordance with sections 92 and 94 of the Planning Act 2008. And rule 14 of the infrastructure planning examination procedure rules 2010, which relate to procedural hearing. Specifically, rule 14.2 requires us to set out at the beginning the matters to be considered at these hearings. And we've done that on the agendas. Our purpose today is to consider the matters on the agenda is a common agenda for both projects that were circulated last week for each application. Given the numbers here today, number of parties we hope for a relatively informal approach, while remembering that this is technically a statutory inquiry under sheduled. Seven of the tribunal court and Enforcement Act 2007. The principle of Section 94 of the Planning Act, is examining authorities lead on the questioning. But there is a provision for direct questioning bypasses, should the examining authorities decide this is necessary. And today, I'll be leading the questioning on behalf of the examining authority for each project. Now, in procedural decision 23 of the 19th of November 20. The examining authorities decided that parts of the proposed changes to the applications submitted by the applicants that deadline one and in particular request for additional land are material. And they engaged the infrastructure planning compulsory Acquisition Regulations 2010 as amended. So, this hearing is therefore also being held in accordance with regulation 15 of the infrastructure planning compulsory Acquisition Regulations 2010 as amended,

18:51

if like, briefly make an observation on that point as well. And that is to say that we are strongly conscious that the applicant has yet to move to the formal advertisement of the proposed changes under the compulsory Acquisition Regulations. And so there will be a reopening of opportunity to enable additional relevant representations to be made by additional affected persons in relation to additional land. And what we will make sure happens is this as we move through the examination, there will be a full opportunity for any such persons who aren't here today, because they are not yet within the examinations and to be heard, and at such other hearings as unnecessary for them to be able to put the matters that they wish to put to us but principally the compulsory acquisition hearing number two, which we will be holding in early 2021. Thank you very much, Mr. Rigby.

19:53

Thank you, Mr. Smith. Yes, what we're trying to do is to run things as near to normal as possible. If you like not necessarily having how to tour everything, so consequently, we'll endeavour to have here submission is concerning the changes to the applications, these hearings. But as Mr. Smith says, Please be assured. As he explained earlier, the second set of hearings is primarily aimed at affected persons, and how they are affected personally. Whereas this is primarily aimed at strategic aspects of the project. Do Please be assured there will be a further opportunity for all parties, both those affected by the original applications, and those affected by the changes to the applications to be heard at the second pair of compulsory acquisitions, which will be held early in the new year, given that it's the applicants changes that have been made. And it's primarily the applicant who is speaking today, we thought it reasonable to ask them to speak to both the changes and to the original application. So we'll conduct these hearings in a roundtable format. So although the agenda items do an issue list the applicants, the examining authorities will also invite contributions from persons who have requested to

be heard, and who are in attendance. Please do note that under Section 1948 of the Planning Act 2008. We weren't hearing from anyone on matters of compensation, or the merits of policy. And the we will permit the applicant at all response to the points raised probably at the end if there's a series of points being made. If necessary, the panel will then allow the original speaker to conclude taking account of the applicants response and may limit the time for the conclusion to no more than five minutes bearing in mind we've got quite a bit to get through this afternoon. We'll then move on to the next person requesting to be heard and so on. We may question any speak on any relevant issue arising from the compulsory acquisition proposals. If you're willing to rely wishing to rely on experts evidence, I think this is case this afternoon anyway, just to be sure that the relevant experts are present and available and thank you to the applicant for bringing people here in case they are needed. Presented available to lease hearings to give evidence to the questions. cross examination is only permitted on specific requests. And if we the examining authorities decide it's necessary to ensure that representation is radically tested. All persons have a fair chance to put their case. But at this stage, it doesn't appear to the panel's that there are any matters on this common agenda, which give rise to any issues in respect of which formal examination and cross examination is likely to exist. The concept of the hearing does nothing really complicated going on here. These hearings are being held as part of the examination but of an application by you standing one North limited for an order granting development consent for the construction and operation of the Stanley one North offshore wind farm. And as part of the examination of an application by standard to limited for an order granting developments sense for the construction and operation of the East Anglia to offshore wind farm. Now both the standard one north and the standard to offshore wind farms are nationally significant infrastructure projects under sections 14 and 15 of the Planning Act 2008. These consist of an offshore array of wind turbine generators and associated infrastructure, subsea offshore cabling to landfall underground offshore onshore cabling to a substation Friston and connection to the National Grid by means of a good connection substation fristam. These first hearings are being held to enable the examining authority for each application to examine each Applicant strategic case for compulsory acquisition and temporary possession. And they're being held on to the examination procedure rules made under Section 97 of the Planning Act. As we've said a second pair of hearings to hear individual affected persons will be held in the new year. At today's hearings, the examining authorities will examine each applicant strategic case and whether the relevant legal tests policy and guidance have been addressed. In particular, we would inquire into consider and establish clarity in respect to the following items for each application.

24:28

First, the Applicant strategic case for compulsory acquisition and temporary possession second requests by the applicant for additional land and all rights. Third, the application of the CA regulations and the consequent effect on the examination timetable for the compulsory acquisition related provisions as presented within the development consent order. Fifth, whether the conditions relating to the land being required for each proposed development or require To facilitate or be incidental to which proposed developments are met. And finally, whether there is a compelling case in the public interest for the compulsory acquisition provisions, which are being sought in respect of each of the applications. Under Section 123, subsection two of the Act, the applicants seeking to acquire land and rights over land, compulsorily. For nationally significant infrastructure projects under the Planning Act 2008 need to have made provision for this in their draft development consent order. And there's an additional process

under the compulsory Acquisition Regulations, which are invoked by subsection four of Section 123, where additional land and or additional rights overland are sought after an application is submitted to us and where all parties do not consent to the provision. And there were then in addition to tests which have to be satisfied under Section 122 of the act for each application. Firstly, a developer consent order may only include provision authorising compulsory acquisition, if the lands is required for the development to which the development consent relates, or is required to facilitate or is incidental set development, or is replacement land which has to be given in exchange for the order land under Section 131132 of the Act. And secondly, there must be a compelling case in the public interest for the land to be acquired compulsorily. So it's therefore for the applicant, to defend and justify its proposals and to show how the above tests are satisfied for each parcel of land, which tends to occur compulsorily. And in particular, the Applicant should be able to show that the land to be acquired is no more than is reasonably required. And the public benefit outweighs the private loss factors which we take into account in our recommendation to the Secretary of State as to whether or not to authorise and provision in the developer consent order, authorising the compulsory acquisition of land include such matters as all reasonable alternatives to compulsory acquisition, including modifications to the project have been explored. The proposed interference with the rights of those with an interest in the land is for legitimate purpose and is necessary and is proportionate. The applicant must have a clear idea of how the land which is to be acquired is to be used, there must be a reasonable prospect of the requisite funds for compulsory acquisition becoming available. And the purposes must be sufficient to justify interfering with the human rights of those with an interest in the land affected, with particular referenced Article One of the first protocol of the European Court Convention on Human Rights. The application must be accompanied by funding statement which explains how the compulsory acquisition is to be funded. It's also helpful to include as much information as you have available at this stage about each eat, how each project will be funded and the business case. And the applicant should also be able to show that adequate funding will be available for compulsory acquisition within the Saturday time period. It's noted in this case, the applicant for each project here wishes to be part of various staff the time period from five years to seven years. So in this case, each applicant needs to be able to explain why this variation is necessary. And the sources submitted with the application, a statement of reasons relating to the compulsory acquisition provisions. This statement must justify the compulsory acquisition sought. Explain why it is a compelling case in the public interest. give reasons for the creation of new rights. We'll use documents today, which are the latest versions for each project. As we said earlier, we'll keep that absolute minimum the documents are actually shown on the screen. And folks can follow along on their own devices. That's all I want to say by way of introductory remarks. Before we move on to item three on the agenda. Are there any preliminary or procedural matters that need to be addressed at this point? Or is everybody happy with why we're here and what we're doing?

29:35

allowing for a bit of digital delay, I'm not seeing any raised hands or hearing anybody. So we'll continue on the basis all understood. And we're on to item three now. So the main business of these hearings. item three is the applicants strategic case for each project. We'll be referring here to track change versions of this Statement of reasons and the funding statement, the onshore land plan the book of reference. And for simplicity, there is a track change version of the book of reference if we need it. And reference I'll also be making here to the responses to examining first written questions 13271 335 and

one 339. But we'll come to them later. Meantime, to the applicants, please give a brief strategic case for the CA and TP as proposed. Thank you.

30:43

Thank you, sir. Colin Innes on behalf of the applicants. In terms of setting out the strategic case for the compulsory acquisition powers. In respect of bed cases, I will address at the strategic context high the public interest would be served by the compulsory acquisition. And that submission has four key themes. The first is the public interest in the delivery of new offshore wind capacity. The second in relation to digital electricity matters, including additional capacity, and affordability. The third relates to the socio economic benefits of each of the proposals. And finally, the regional local context. I propose to commence by looking at the first matter, which is the benefits of the offshore renewable capacity. And I will take this relatively short. national policy statements give very strong support for the delivery of further onshore offshore capacity. And in that regard, I would particularly reference section 3.1 of n one and paragraph 3.13, which sets out the following statement on the basis that the government has demonstrated that there's a need for those types of infrastructure, and that the scale and urgency of that need is as described. It then goes on in section three to give specific commitments and requirements of future capacity. At paragraph 3.3 point 10. It states that the government is committed to increasing dramatically the amount of renewable generation capacity and it goes on at 3.3 15. That in order to secure energy supplies that enable us to meet our obligations for 2050 there is an urgent need for new and particularly low carbon energy and sips are brought forward as soon as possible, and certainly in the next 10 to 15 years, given the crucial role of electricity, as the UK decarbonizing its energy sector. And my submission, the policy imperative of n one establishes that the early delivery of projects would be in the public interest. In terms of that offshore capacity, the fact that it is renewable also is further supported by changes in the climate change framework.

And in particular, the climate change act of 2008 was amended last year by the climate change act 2008 2050 target amendment or the 2019, which brings in the UK his commitment to net zero of greenhouse gases by 2050. In response to that commitment, the Committee on climate change has produced a progress report in June 2020. That stated was clear net zero is a government priority. The steps taken thus far do not equate to an adequate progress. report also states that there is the potential for more than 75 gigawatts of offshore wind farms to be operational by 2050. And it reiterates the aim that there should be 40 gigawatts of offshore wind capacity by 2030. I just told that that 40 gigawatt has now when taken forward by government, first of all in the Queen's speech and December 2019, it was announced that the government would move towards a 40 gigawatts capacity of offshore wind by 2030. And any in tober 2020. The government reiterated this commitment and confirm that by 2030 offshore wind should produce enough electricity to power every home across the UK. The confirmation target coincided with the government's plans to build back greener by making the UK the world leader and clean wind technology. This was all confirmed by the government again in November 2020, where they have announced that 10 point plan for a green Industrial Revolution states in the UK is to power enough offshore wind power to power every home by crop quadrupling. The production to 40 gigawatts by 2030. and supporting up to 60,000 jobs, but in my sole mission collectively sets forward a strategic context for a compelling case in the public interest under the first thing, ie the benefits of offshore generation per se.

35:28

The second aspect of the public interest is that, but back at em one, paragraph two to 16 recognise that a quarter of the UK is generating capacity is due to close by 2018 and that new low carbon generation is required, which is reliable, secure and affordable. Now, the schemes will contribute both to the additional generation capacity that is required. This adds to security of supply and that is a further public interest that is supported. The supports these applications and other aspects and a key plank of government policy, legislation and regulation relating to electricity is that the affordability of electricity to consumers is a further key objective. At the heart of the current regulatory framework, our strong regulatory requirements over those parts of the industry, which are not subject to competitive competition, was the same time and sharing that competition can flourish when markets exists or are created, the consumer interest is reflected within the core of the electricity legislation or regulation. The electricity regulatory framework governs how offshore wind farms are to connect into the grid. It emphasises that the capital and other costs has a close relationship with affordability and contains obligations on ensuring the connections are efficient and economic. And I think we've already highlighted the context of that in a regulatory context names that we submitted to the examination at deadline to rep two double 03 and we set out the whole statutory and record straight braces for the form formation of the coin process. These compulsory acquisition pass are sought in relation to the connection to the grid and as paragraph 4.9 point two of N one states, the government envisages that wherever possible applications for new generating stations and related infrastructure should be contained in a single application or in separate applications submitted in tandem, which is prepared in an integrated way. The applicants have brought forward the applications together in the context of that statement and n one. The National Policy Statement tn three at paragraph 262 63322641 recognises the unique grid circumstances which offshore wind as and their crimes have to work within the regulatory regime for offshore transmission. Paragraph two to one of em five states actually network companies are regulated monopolies which must respond to demand from generators and consumers have actually by developing and maintaining economical and efficient networks. The onshore quick connections have been developed in accordance with the requirements of the electricity act 1989 and the electricity regulatory framework, the grid connections will be efficient and economical. Again, that concludes the second limb of why I say there is a compelling strategic case in the public interest. I now turn to the third head of limb which is socio economic benefits.

38:43

In March 2019, the Nfn energy and clean growth minister Claire Perry announced the launch of a new joint venture between the offshore industry and government created the offshore wind sector deal. The sector deal drives towards delivery of at least one third of the country's electricity offshore by 2038 obviously predated the current framework. The deal states that the government will work collaboratively with the sector and wider stakeholders to ensure that up to 30 gigawatts of offshore can be delivered by 2030, indicating government support for offshore wind, but 30 gigawatts has since been increased. The sector deal assure certainty and stability within the industry. And it was anticipated that would deliver 48 billion of investment in UK infrastructure between then and the end of the next decade, over which time the offshore industry would employ 27,000 people, including manufacturing jobs. Many of these jobs are highly skilled and be in coastal communities where economic regeneration is most needed. This is a key component of the UK industrial strategy. What is important, however, is the commitments made in 2019 have been reaffirmed and last month. It was extended in the 10 point plan for green industry. A

revolution, as announced by the government in 2020, which states that up to 60,000 jobs have to be supported in the offshore wind industry and respond to the SEC to deal the offshore sector has set a target of 60% lifetime UK content and domestic projects and target increasing UK content and the capital expenditure phrase. The offshore wind sector present opportunities to great growth and economic benefits, particularly in coastal areas adapting to economic change. Regional clusters are already emerging, and generally located close to wind farms or areas with oil and gas expertise such as East Anglia. Linking the clusters with educational institutions, centres for innovation, or manufacturing bases can provide the conditions for innovation, drive competitive and increase economies of scale and productivity. The applicant's parent company has already played an important role and helping to create a climate whereby local businesses and individuals can participate in these opportunities. The current applications would afford an opportunity to build upon that progress. The sector deal proposes capitalising on natural existing clusters and providing sector leadership to create more opportunities for investment in growth in local economies. The projects will provide substantial benefits to the UK economy facilitating confidence in the UK supply chain and growing a skilled workforce as well as providing more local benefits to job opportunities and skills improvements. This has been given further emphasis and base announcements regarding the auction round for last week. This included consultation on the supply change plans.

The government's declared that it's an imperative in the aftermath of the coronavirus pandemic, to build back better, highlighting the fight against climate change and supporting green jobs. The projects would make a material contribution to the 2030 plans and perfectly aligned with this goal concludes the third limb which is the socio economic contribution. And I'll now turn onto the regional local context. Suffolk County Council priorities for 2017 to 2021, which are relevant to the projects include championing the protection enhancement of sex suffix natural and historic environment and adaption to climate change to show the benefits environment deliver and maximised to economic growth and health and well being and now for future generations. It also wants to build on relationship with local enterprise to support business growth and and unlock potential for greater growth and Suffolk equally established council through the Suffolk coastal echo plan, which was adopted in September of this year as key priorities to achieve a diverse and prosperous economic growth in towns and rural areas to provide at least 6500 new jobs in the local plan areas to adjust contributions to climate change, and to improve the quality and provision of all types of infrastructure support current and future requirements. The applicants have developed strong relationships with the local authorities in relation to these matters. They have already committed to revising the existing Memorandum of Understanding regarding business and skills engagement to include these projects. This will help the local area to fully exploit the opportunities for individuals and businesses to participate in the offshore wind sector and aid the economic and economic development of the region. And that concludes the fourth limb of the strategic element of the compelling case. At that level, I focused on that policy context. And I would know and fight Stephen Hubner, my colleague on the property side to talk through how I've approached that in terms of the compulsory acquisition. Thank you.

43:43

Apologies, it's Steven happy to hear from the applicant. And as Mr. Ness has said, he's run through the case there for the case in the public interest to justify the use of most requisition powers. What I'm asked to do here is look at each level on the case, linking it to statutory context as point one, and then

the justification for the use of powers of compulsory acquisition and temporary possession. I'll just address those two points in brief, because the agenda items go on later, at item four, to come in with details from the applicant, about the approach taken projects, onshore components, and the need to acquire the land and rights that are sought. And then agenda item seven, the zoning authority has very specific questions relating to the Planning Act. And then item 11. We're going to look at the impact of the human rights and the European Convention. So I'm not going to deal with those points, specifically here. This is a general level, if that's all right. So taking this first point, the statutory context, Mr. Rip is very kindly already alluded to Section 122 of the 2008 Act. I wanted to get back a little further In Section 120, section 120 of the Planning Act prescribes the matters that may be provided for in the development consent order. And what it may make provision for, in relation to development, which the consent is granted is the acquisition of land compulsively or by varying the creation suspension or extinguishment of or interference with interest in or rights overland, which includes rights and navigation over water compulsorily, or by agreement and the payment of compensation. As Mr. Rick bear said, the act goes on to say that the compulsory acquisition of land is to be justified if the secular state is satisfied lands required for development, or to facilitate the development or its replacement land to begin an exchange for learning otherwise forms part of the order that we will in responding to agenda item seven coming to more detail on the compelling case in the public interest for land acquired compulsorily, and we'll address the considerations introduced or raised by compulsory acquisition guidance. But just at a strategic level, the compulsory acquisition guidance makes provision that in the case of land acquired or project, which the development consent relates, the applicant must be able to demonstrate the land is needed, the development and separate estate must be certified the land has to be to be acquired is no more than is reasonably required for the purpose of that development. And secondly, in the case of land required to facilitate all and incidental to the proposed development, the land to be taken should be no more than is reasonably necessary.

For that purpose, I should be proportionate. We are going to come up next and agenda item four, on requirements for specific rights of the land which are shown on the land plans and describe them for reference. But what I'm looking at a strategic level is that the applicant because that is the most effective way of limiting the final permanent change of use of land is to seek powers of temporary possession, which allow for construction on associate activities. That's important because unable to carry out the work without imposing permanent rice could find a few key use of land. And they will further micro siting. And as you will hear shortly refined of the project design, which can further limit that position of land or the acquisition of rights over land. It is the applicants case that the land sheduled of a reference is considered to be both necessary and proportionate, and that there are no suitable alternatives for these projects. In each case, the applicant has sought and continues to seek a negotiated solution to secure each of the identified required interests in land or overland. It is by far the applicants preference to secure negotiated agreements with all identified required interests. And we have made representations to each of the rather than times on this basis. In each case, the applicant has chosen to seek secure land or rights by voluntary agreement in a way that minimises disruptions irrelevant landowners. As Mr. Ennis has commented, we consider for the applicant that there will be significant public benefits arising from the grant consent, resulting in the generation of much needed renewable energy. That benefit would be more likely to be realised, if you already include passive and passive acquisition. And significant public benefits were on balance outweigh the effects on persons who own property and rights because in your land.

48:44

Thinking about the justification for the use of both compulsory opposition and temporary possession powers. The order land on the land and on the land plans are described in the book reference is required either directly to the boss of the project, or to facilitate these projects or for purposes incidental to them. Where permanent control of land is required. The applicant is seeking acquisition of a combination of freehold ownership and the grant of permanent REITs overall or in or under land. But as to minimise the impact of the project on land interests. Definitely it also seeks deposit temporary possession or appropriate primarily to carry out those construction activities I mentioned. Monster temporary possession do bring real benefits. And I'd like to highlight three. At this stage. The cable installation was can be completed which should include Microsoft cables before Applicants are committed to acquiring, as I said earlier, preferred by voluntary agreement, permanent rights in respect of that cable and restrictive covenant covenants over the land above it. That will reduce the amount of land affected by the permanent rights and will reduce the impact on land and as accordingly Secondly, construction activities for the project and the National Grid structure can also be completed if you can allow some Microsoft event structure within the land affected before the projects committed to acquiring the freehold interest. Once again that will reduce the amount of land affected by field acquisition and reduce the impact online and the third limb is looking forward, where planned or unplanned maintenance of operational cables may be required. That would not be anticipated down second on regular basis.

So the purpose of seeking temporary vices to minimise any ongoing disruption. So there it is the applicants preference to secure negotiated agreements. And as you will hear very shortly, there's a detailed note coming from Hyde on the state of negotiations with effective landowners. I appreciate this is not to discuss or distinguish just deposits affected, but it gives the context to the strategic case and shows how we are approaching the overall negotiation. We have approached all the identified areas of interest in land negotiations are underway. And we believe on the other hand, the compulsory position powers are justified for two reasons. The first system shorter project can be developed on reasonable commercial terms as Mr as alluded to earlier, and also within an appropriate timescale. It is possible, and it is probable that some land affected by the project will remain unknown ownership notwithstanding the Division Two party carried out is the height of this team. In those circumstances, it may be necessary for the applicant to acquire land or rights over land without confusion and voluntary agreement. It is of course also possible that land owners may not be at the end of the day, able or willing to engage an open to voluntary agreement and therefore can pass technician pass or justify for sure the whole project can be developed on reasonable commercial terms within an appropriate timescale. As Mr. And Mrs. Common deputy insert as there is a compelling case in the public interest of powers of compulsory acquisition, and for part of temporary possession be granted first and minimise the impact on landowners and to ensure the necessary rights can be obtained and commercially reasonable and timely manner. Thank you very much.

52:28

Thank you. I will hear other parties later on in the item. But right now, there's a couple of issues I'd like to see you. The first is the issue of linked nationally significant infrastructure projects. And the second is relating to the compulsory acquisition of land for ecological mitigation and landscaping at the substation

sites. So if I could begin with the linked national certificate infrastructure projects, this is really come about because there's realignment needed of overhead lines, national grid lines, as well as the conventional project supplying the electricity to the grid. So I'm referring now to the applicants responses to written questions one 327 and one 335. And in particular to the statement that each project consists of two links and sips namely one offshore generating station and two, overhead leer. Overhead line realignment works. Now, surely, it's normal practice on offshore electricity generation projects. For the necessary grid connection works including modifying or extending an existing grid connection to be undertaken by national grid on its own account. And for each applicant to feed his generated electricity into a pre existing National Grid substation connection, which may be modified as necessary. The substation might be enlarged or, in this case, modification of existing overhead lines if necessary, by national grid to accept the electricity generated by the project. Your response to part B of first written question 1.3 point 27 explains why the realignment works are considered necessary. But what isn't clear is why it's for us to undertake this work. And also the national grid connection substation, which is new, rather than national grid. So that's the first thing I want to explore. And in your response to question one 335 You explain why these works, namely the overhead line realignment works and the national grid connection substation needs to be consented. But you don't say why they need to be procured by you, particularly as you acknowledge in paragraph 43 of your statement of reasons that it is anticipated as infrastructure will ultimately be owned and operated by national grid. Before I ask you to respond, my colleague, Mr. Smith may wish to add to those issues or he may wish to hear you separately.

55:35

thank thank you very much, Mr. RUBIN, I just thought as well, it was fair to provide a brief shining the torch light forward into tomorrow's issue specific hearing to on this pond. Because amongst other matters, that we will be examining under the agenda for that hearing is that we will be giving very careful consideration to the extent to which the proposed national grid connection point is a development strictly to facilitate the two generating stations that are subject matters the applications before us, or whether alternatively, they have become a mechanism of essentially providing an additional for want of a better description, strategic connection point hub for a range of prospective connections to be made to the transmission system. So again, I guess this builds on Mr. Reg B's question to you by querying the degree to which the national grid connection substation works are essentially, your development and the justification for the land take is your justification for your development, or whether alternatively, and what is actually sought? And is something that is a national grid development for a much broader set of purposes than these two particular applications? And then my final question in relation to that point, pins, then back to the land requirements and issues of certainty around the land requirement, which is, to the degree that there may be additional connections made at this particular location. And you is it the case that land is being acquired to simply serve the transmission connection requirements of these two projects? Or is there essentially a, an allowance made to facilitate the formation of a new national grid substation with capacity to take further connection points? In which case, is there a potential over acquisition of land sort of buried in the detail here for want of a better description? Okay, back to Mr. Rigby. But if those matters could be picked up in the response to this question. I'd be be very grateful indeed.

58:04

Thank you, Mr. Smith. If the applicants could respond to those concerns, please, it's not possible at this juncture, noting that, as Mr. Smith said, some of the issues overlap with issues will be considered in the next couple of days. Thank you.

58:26

I will probably respond on a couple of points. And then I think Miss Mill will probably respond to a couple of the aspects of the crisis climates in terms of the overhead line marks big an answer. In terms of offshore wind, I'm certainly aware of other circumstances and we'll put them in detail where National Grid infrastructure has been consented alongside infrastructure associated with that of the promoter of the offshore scheme. And an equally to some extent, the promoter of the offshore scheme is an also part a proxy for somebody else in the context of being an officer Oh scheme, and having to produce a grid asset which we are legally obliged, at a point in the process to transfer. So in essence, this application does involve infrastructure, which ultimately will require to be transferred to other parties. The issue so that's that fundamental premise of, of of the linkage between potentially building new grid infrastructure for and consenting National Grid within within the envelope and as alluded to, it could be potentially done in two separate ones are an integrated answer which we've we've done is is something which we considered very carefully the answer started the project and considered that this was the best way. We, I mean, the NCAA absolutely encourages an integrated approach. And we've already been subject to some elements of criticism and having two applications. Now, if we've gone down the route of suffering and having fought applications, I suggest that we would have an even more complex arrangement. So we will come back on the other examples. But in terms of it, it may be that others have not had experience of where grid infrastructures had to be connected, built and constructed to connect on. And it's been just altering existing National Grid assets. But there are other examples of say, the second point about overcome over acquisition of land. As far as I was aware, I did read these quite carefully. I think National Grid transmission, made it very clear that the land requirements that were provided was specifically for these projects. And in that context, the projects as designed have not been to facilitate additional connections, or sized in any way for that. But obviously, that is a matter which we are not best place to respond to. But that is the understanding that we have proceeded upon throughout our engagement with en jet. And that's, as I understand the position that they have written to you, and confirmed in writing in response to questions. So as far as we're concerned, the project that we have put before you relates to scale of infrastructure required to permit the connection of these projects and these two projects alone, the extent to which the may be that may facilitate something in the future is not something which was built in or designed from the outset of the projects at all, and certainly has not been part of the information that was provided to us by national grid, and ninject. So I'm not going to just hand it over to to miss Miller, who will probably deal with the aspects of the the overhead line and its relationship to be an answer.

1:02:28

Thank you.

1:02:32

Thank you. And yes, Stephanie, Mo for the applicants here. And as Mr. Ennis alluded to, the the reason that we included the National Grid works within the development consent order was to ensure the delivery of the project by way of ensuring the consents that were granted were for the entire project,

and to enable it to be constructed in due course, and that applies to both there for the statement of reasons. And under the case for compulsory acquisition that we have set out is based on the lantic that's required for both and sips. So the offshore wind farm flux, national needs work. And so the justifications for the project and the lantic, that's required, and all of the the reasons set out within the statement of reasons. And we're all brought together and to help justify the compulsory acquisition case for the project as a whole. And now the project is defined as both nationally significant infrastructure project. So the East Anglia to offshore wind project and the National National Grid infrastructure for the project. And in East Anglia, one north, the project, again is defined as the East Anglia, one north wind farm, and the National Grid works. So when we talk about the land being required to facilitate the project, we are talking about it being required for both the wind farm transmission works and for the National Grid works. And now obviously, you've raised the question about the the been two nationally significant infrastructure projects. And as the first two being the offshore wind project, and the second, the second, and being the overhead lanes, and now that is a nationally significant infrastructure project in its own right. And but there is precedent, which again, we can we can provide details of, of DCs, including multiple assets within within one DCU. And so that is the reason along with ensuring the delivery of the project, that we have combined all of the assets within each of the tissues to enable the complete delivery of the project. And once once we have that to secure the consent or it and at all stages, the compulsory acquisition case that we have set out has been on the basis of the project as a whole to have both end sets.

1:04:57

Thank you very much.

1:05:00

Note that you mentioned

1:05:03

that it was considered to be the best way to deliver each of the projects. And National Grid electricity transmission have said is just for these projects. And we did invite national grid in its various guises to attend, and they're not with us. But if they were here, I would ask for their view on that. And as to why they don't consider, they should be applying for the necessary consents to ensure delivery of what you need to plug into. So I know your arguments about it being the best way to integrate it. But it does still seem interesting to me that you're doing both parts rather than national, we're doing its part. Given that the National Grid are not here, we will place an action on them to respond to these this item here about the link 10 sips. So thank you very much for your contributions. If you are able to provide us with precedent, both for links and sips, and for having to undertake the National Grid works in its entirety, as well as the works necessary to plug into the grid, then that will be very useful to us if you could provide that deadline three. Smith, do you wish to add anything to that?

1:06:44

Thank you very much, Mr. Green. Now, I think I'll leave that one as it stands, because there are a substantial range of questions that hang off that. But again, I think the best the most proper place for those will be once we move into considerations of multiple projects in combination and cumulatively and also consideration of design inish, too. So rather than consuming time here, I'll wait on those

matters. And so yes, I think I think the best thing now will be just to seek submissions from any other interested parties here on those points.

1:07:35

don't hear anybody else see this man? He has his hand raised. Mr. Mani, would you like to contribute, please?

1:07:44

Yes, there's just a couple of things I'd like to pick up on Firstly, in relation to the socio economic arguments put forward by Mr. Ennis. We already have two projects underway in Suffolk, East Anglia, one in East Anglia, three in East Anglia, one is completed. That ought provide a very clear case study for benefits socio economic benefits that have come through. In a recent newsletter scottishpower said in relation to East Anglia, one that 7 million 70 million pounds worth of contracts were awarded in East Anglia. East Anglia, as usual was not defined, but I don't think you'd be limited to Suffolk Norfolk, it probably includes Cambridge, Premiership and Essex. But in that context, it should be noted that 70 million pounds whilst it may seem a lot of money to some people was less than 3% of the overall project cost doesn't make that point. Secondly, there has been quite a lot of fuss made of apprenticeship programmes, which is very good. It is very, very important that young people are trained for high skilled jobs. But the reality of apprenticeships in this part of the world is that there have been to the East Anglia one one was awarded to a young person in Lowestoft, another one in Norwich to apprenticeships in the context of a project, which is 2.5 billion is not exactly ambitious. So I think that is a concern. Also, in relation to the onshore infrastructure itself, it is acknowledged the onshore infrastructure creates no jobs in the long term. And then that has to be assessed in the context of the impact on the local tourism economy, which has been analysed by the destination management organisation and which I do not think scottishpower has yet directly interacted in terms of analysing the very real damage that will happen to the tourism industry, offset by whatever jobs that might be created. And I note there's also reference to the mru with the local authorities, but that as you read yourself is extremely vague. There are no specific targets and no deliverables. So I think there is a big question mark in terms of the local socio economic benefits and to make sure they're in fact, though socio economic damage does want to make those points. As Mr. Smith has indicated, obviously, I think matters relating to cues of impact and multiple connections will be discussed tomorrow. And the only point I would make in relation to that is that there are some inconsistency in terms of comments on this point in relation to ies q one, point 10.7. The applicant stated that the National Grid substation locations reflect the requirements of the projects only, and did not consider the potential expansion of the National Grid substation. However, that should be contrasted with the statement of common ground with National Grid ventures, which said, and this is in the context of the outline landscape mitigation plan. This is not anticipated to prevent the potential future extension of the National Grid substation within a plan to accommodate the connection of energy, these Nautilus and euro link projects to the national electricity grid. It is public, the public information in relation to the Nautilus neural link projects that they will each require a three acre expansion of the National Grid substation in Friston . And in fact, if you look at the plan, attached to that statement of common ground, there is a dotted line showing where that expansion will take place. So I think there is some degree of inconsistency between those two statements and what has been said today. And in relation to the comment that it would be it would just add further to the burden the local community have two projects turned into four, I would simply

say, well, it wouldn't be four, it would be three, because obviously, it's only one national grid connection hub, not two. But obviously, it was the applicants choice to combine to separate out the two offshore wind farm projects into two. So this could easily have been to one for the Scottish power projects, and one for the national grid and set. So there was just a few points I want to make. Obviously, I don't repeat anything that will be said tomorrow.

1:12:13

Thank you very much for those points, Mr. Nye. And I'm assuming that you'll include them in your posting submission that would be very useful to us. I will Yes, thank you very much. Before I ask the applicants right of reply, I just want to push on to the second of the two questions I have on this item, which relates to the compulsory acquisition of land for ecological mitigation and landscaping at the substation sites. So connected with the above. I'm referring next to the applicants response to question one 339, in respect of why with reference to paragraph 59 of the statement of reasons. And I quote, the creation and maintenance of landscaping and ecological mitigation requires compulsory acquisition of the land and cannot be dealt with by means of a primes agreement or permanent rights. So I would like it if the applicant could tell us why that is the case. Because my understanding is that permanent rights for such things are normally quite sufficient. I'm worried in a suppose in the sense that if there is compulsory acquisition, then there's no chance of any future reversion to the landowner. So in terms of rights, are you taking more than is necessary, not just geographically, but also in terms of the acquisition itself. So if the applicant could respond, please Thank you.

1:13:59

more than happy to admit the printers for the applicant, in terms of the acquisition of the land relating to landscaping, essentially, a lot of that land is currently arable land, which we will transfer into woodland. And before that, we're essentially changing the land use entirely. And it really isn't appropriate for us to just take temporary possession, pantries and Sundays land and thereafter not acknowledge that we're actually fundamentally altering it and should pay the full consequence of the compulsory acquisition of that land. They will then be entitled to injurious affection in relation to all the agricultural claims, etc, should that occur. And the issue there is that if you take the lesser rains, in fact, it's not really appropriate where you're actually fundamentally changing land, insofar that any compulsory acquisition is over done and too much land is taken. Then in terms of gt on via the party that's acquired it, to offer it back on the crunch or dam rules.

So I don't think that would happen. Because in the context of the particular requirements for the landscaping, they're required to go through a formal approval process. And we will be only alignment, essentially, in terms of the past to acquire, ultimate, the land that was necessary to implement the approved landscaping scheme. And therefore, that would potentially also limit the extent and in the event that in terms of the land was not required in that context would not be acquired. But given the scale of the lens, and some of the uncertainties around that. We need sufficient land to make sure we can robustly mitigate insofar as we can. The the effects of the project, we have identified significant adverse effects in and around the substation. And that has essentially drawn a response of we need to do as as robust a landscape framework that we can deliver in that context, and was the precise details of that are not known, because until we finalise the design of the onshore substations, it wouldn't be right to do that. So it is right that we've set out in broad terms where we think the those landscaping

should be located and the scale of it equally in the context of we are anticipating a deadline three, submitting a revised Odom's in response to further consultation that we've had with various parties. But equally, it's fairly clear that we do need in the context of these substations to provide a substantive landscape response. And that is reflected in the compulsory acquisition of the land necessary to do that. And the approach, as I say, was one where taking the rights of when you're actually really acquiring the land to change its use, from agricultural trees would really be would really not be appropriate. And I think that that's really the the thought process behind that is that we were really acquiring land to change its use, and that the proper course of action would be to acquire, and unless Mr. Hubner wants to come in on any of that, because I know that was a matter that was given careful consideration at the time of the drafting of the land rights.

1:17:27

Thank you very much for that

1:17:29

explanation.

1:17:32

Guys.

1:17:33

I just want to hand up. Yes. Yes. And your It looks like you're stepping in L. But could you say who you actually are, please?

1:17:43

I'm Stephen Hawking for the applicant. And they use alongside me. And yes, Mr. In this set out the position that fairly clearly, you would have noticed that the applications in fact identify different areas of ecological mitigation. as Minister, Mr. Annan said, we are seeking to acquire compulsory acquisition rights and respect to certain areas, which will be required firmly as part of the landscape mitigation and other ecological factors. And what we have done is enter into negotiations all Landon's affected, and we are aiming to where appropriate, take only temporary possession rights, for example, for Eagle for mitigation for turtle doves, which means that we are making sure we use any appropriate rights and powers for the appropriate mitigation. I don't that helps us dress but that was what I think you were alluding to in your comments. Thank you.

1:18:43

Yes, that does assists Thank you. Give them the normal practices just to acquire permanent rights in these situations. Do you have precedent for this kind of thing where you have had where there have been cases where full ci rights have been taken over? All the lambdas be needed for this type of landscaping? That would help us if you do have

1:19:13

to steaming up? Sorry? I'm Stephen Harper against the Applicant? Yes, we have got precedent where the applications made have sought piles and piles of acquisition over all the land required, including

mitigation purposes and ranting real time. Now, we may we would list these back here deadline three, if that's appropriate.

1:19:34

Yes, that's absolutely fine. Just if it's put in as opposed to in submission, then that's absolutely fine. That would assist us because it's not often the case that this happens and it will help us if you can give us precedent for that. Are there any other parties wanting to respond on this item that we've just been speaking on? bearing in mind for those of you You who are affected persons who are listening on the live stream, you will have an opportunity at the second set of compulsory acquisition hearings. I'm not seeing any harm. Mr. Mani Yes, Mr. Mani, please. Your hand is raised.

1:20:23

Not anymore. It appears I suspect. Apologies, Mr. Mani.

1:20:31

Ah, is that digital delay perhaps? Right? I think as we've got to the end of a fairly hefty item and we've got another fairly hefty item coming. I proposed that we call a break here until 22 for so if that's agreeable to all parties. We will briefly adjourn until 22 for Thank you very much.

1:20:55

Thank you very much.