

TEXT_ISH6_Session3_29012021

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00:04

Good afternoon, ladies and gentlemen. And welcome back to these issues specific hearings number six into the draft development consent orders for the East Anglia ONE North and East Anglia TWO offshore wind farms.

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Can I just check with the case team that the live streams and recordings have now restarted, and that I can be fully heard

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over and I can confirm that the recordings have started, I can hear and see you and the live streams have started. Thank you very much for that, Mr. Williams. Now, ladies and gentlemen, you'll recall that we are partway through agenda item three, you'll be pleased to hear that we will move directly after this recommencement onto the schedules and we'll be moving very rapidly that through to the requirements and one preliminary item that I will just flag up before we move on. And that is that agenda item five. And we'll briefly touch on schedule 14 to the made Hornsea three development consent order and if anybody wishes to have that on screen in front of them whilst we discuss it and that can be located on the national infrastructure planning website, Hornsea three project page and in the banner there is a link to the made or approved development consent order and as I say if you navigate in that document to schedule 14 and you will see the provisions that we will be speaking about okay. So, let us then return to the schedules of this pair of orders and schedule one describes the authorised project and Part One sets out and defines

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essentially the key parameters of the authorised development described as the works and are there any observations that anybody wishes to make on any

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part of the provisions in part one of schedule one, the authorised development

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I see Richard Turney.

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Those are the only hands I have a presence. So, I will go to miss Parakh for the county council and then to Richard Tony for sociis. So Miss Parakh, please. Thank you, Sir Richard berry for the county council. So the only comment that we have is in relation to work number 33. And just to remind you, so

that's to do with landscaping marks. And I think originally, that was part of the outline landscape and ecological management strategy. But of course, those words also refer to drainage. And now that we have the operational drainage management plan, we query whether surface water drainage infrastructure should in fact be its own separate work number, because then that can cross refer to requirement 41, which will come on during due course. And so I just flag that now. And, of course, I put that in it, perhaps if the applicant can actually consider it When, when, when they come on to it. Thank you very much. That's very clear and succinct. I'll ask for the applicants response to that in due course, once I have heard from Mr. Attorney for sociis.

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Rich attorney on behalf of se C's, and I make it the outset of the preliminary report that I made this morning, which is the concern about the two separate ends IPS in each of the DCS. So if they've consented the DCS would authorise, obviously the two offshore wind farms and onshore components and twice authorise the same National Grid infrastructure. And the concerns are obviously about those projects coming forward and the sequence in which they come forward, but also the possibility that national grid infrastructure could come forward on its own and without those projects. The second point that I make at this stage on

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sheduled, one is about generating capacity. The description of the development is for up to insert the number of megawatts and that it creates a risk, which has materialised at East Anglia one, and it's materialised at other locations for offshore wind farms, namely that the generating capacity that is ultimately delivered is significantly less than what has been consented and the difficulty with that is that when proposals come forward, they are for a certain amount of energy generation. That is why

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What is in mind and what is said to weigh in favour of the order. But these orders historically have failed to prevent the harm of the development occurring without the corresponding benefit.

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And therefore, we

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have made the submission already, that there needs to be provision in this order to ensure that the development does not come forward unless it is at or around that generating capacity, rather than it coming forward for materially lower generating capacity. Can I can I just ask in any kind of practical drafting terms how that might be done? Mr. tonin? You don't have to answer that here now, because there's deadline five. But, I mean, I take it that you're asking them for an amendment to work number one, point A, which obviously contains the security for the status of the proposed developments, as n zips with the 100 megawatt minimum threshold? And

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are you asking for some, you're asking for something more

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than that, it should be, it should be? Yes, that's it, I set up to it, it's branded back the other way of at least.

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So

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at least at least is, you know, demonstrates the problem really the capacity, I think it's 809 100 megawatts this year in mind, it should be between insert figure and the upper limit, it should not be more than the basic threshold for an onset. Because as we say, so the consequence of that is that you can cause all the harm with

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work in this instance, a ninth of the benefit,

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which is which is in fact prayed in aid to justify the harm. So that's the that's the point.

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on that,

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in terms of so that's, that's the,

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to the points on authorised development.

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The

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there's a couple of other points, which

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we need to just briefly touch on.

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First of all,

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in terms of the timing of the second project, of course, there's no way in which the schedules these descriptions of the authorised development accommodates the other project, they are accommodated, they are duplicated in the two DCs in terms of the works described, they are not accommodated. And

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we say that it may be necessary to consider the description of the authorised development to ensure that if the works are carried out for one project that they accommodate the second project at the same time, we've got one step towards that in the new requirement 42. But we don't have overall any control on the authorised development coming forward, perhaps in component parts. So various elements of of the two DCA is coming forward at different times. And the

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there's one more point to detail, which is the description of the

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access road.

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The access road, we've made submissions on already This is for the substation sites, it is described as part all the

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first n steps that's to say the energy generating station is also described as part of the second density, that's to say the National Grid infrastructure. So in essence, across these two orders, the applicant seeks development concern four times over for the same access road. And we say there should be some clarity on that. It's important to understand when that access road is going to come forward and for what purpose. And you've seen elsewhere, our references to the inconsistency with which has described or at least the uncertainty with which has described. So that's the specific point on the access road. So those are our points on them on schedule one. Thank you very much. And is there anybody else wishing to speak to this item I do now see a hand from counsellor fellows?

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Can I just, I just want to make sure that we have all of the speakers

10:00

On this item brigaded before I turn to the applicant, so can I just ask, again, if there's anybody else apart from Council of fellows who wishes to speak on this item?

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That will be your last chance. So counsellor fellows, please.

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Thank you, Mr. Smith, colleagues, examining panel, and good afternoon, Maria fellows over town council.

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It was a very similar comment, Mr. surly, and thank you for that. It was regarding the duplication and non accommodation of the two applications within each of them. And again, specifically, with regard to the mention of the number of cables and cable runs, for example, I know the phrase is up to a maximum of six cables. But, again, I think there should be clearly the intention expressed that, as we were promised, that the cable runs would actually be reduced in number. This was a point that was raised very early in the examination, I believe, prompted by questions from the examining authority, actually, as to could there not be the creation of cable runs done together rather than separately or sequentially? So that's another point. I think this this whole DCR demonstrates, because it's been written as two separate applications. And I know Rochdale envelope approach is being used. But we would say that, that this is manifestly making more, more of what they're requesting, rather than

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attempting to approach it, taking the minimum impact. And I think that's what it should be.

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Thank you very much. I didn't express that very well. But I think No, I mean, well, no, I will probably do. And what I'm just going to do, if you'll forgive me is just to kind of

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work across some of the ideas that have emerged from both your submissions, counsellor fellows, and Mr. Attorneys, because there's an underlying question of the exercise, as well as that kind of fits perfectly across the combination of the two, which is essentially then to say to the applicant, oh, excuse me, cancel fellows, if you've finished, can you just drop your yellow hand?

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Thank you very much. And which is essentially to say to the applicant, that we have had submissions from a number of folks that are essentially raising questions around the balance of benefit, and that is achieved by these proposals. And so, at least in the minds of some folk, and there is concern, to understand in design capacity terms, and not only the maximum that can be delivered, which is clearly described in the environmental statement, and is essentially defined using the rockdale envelope process, but also the minimum that is acceptable stroke achievable, if, and it is argued to be sufficient to offset what some are beginning to argue, are substantial, weighty, important and relevant harms. And so is there a need then to to have a double sided envelope, we want the best description as a means of describing the proposed developments in terms of the minimum that is to be constructed or as acceptable as well as the maximum. And so that's one question that I think emerges out of the two points raised by Mr. Attorney and counsellor fellows. And the second is this broad question

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about

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the degree to which

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it is necessary to provide more precisely against circumstances where one of the projects might proceed, but the other one didn't. And, and also to be much more precise about the accommodation of one into the other, and to look at circumstances perhaps including circumstances where elements of provision for facilities and

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or land fall away if they're no longer required, because one project is proceeding, but maybe the other one isn't. Now, I know there's an enormous amount stacked into there. And I'm beginning to be equally as concerned as Councillor fellowes as to whether or not I've explained that clearly. But hopefully, I've added value there, and those are matters on which the applicant can now address us. And am I going back to him as male or is this a matter of formal straightness?

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Definitely for the applicants here.

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can kick off an impasse here? Would you like to go first? Mr. Ennis,

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you're on mute. So, and I will address a couple of points that were raised on the work numbers. And then I'll hand over to Mr. Ennis, to cover the generation capacity point, which I think ties in also to the point you'd raised about the minimum that is acceptable, achievable. So

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touching Firstly, just on the Suffolk County Council's comment about work number 33. And whether the drainage aspects of that work should be a separate work number. And our initial view is that the landscaping and the drainage at the substation site are very much intrinsically linked, and that's why they've been included within one work number. And we will certainly take away the the comment and and consider it. And but our just our initial position is that it's been drafted that way because of this, and the fact that the two are very much linked at the substation site.

15:57

And turning secondly, to the comments about timing of second projects, and whether the works accommodate the others. And, you know, as I mentioned at the start, these are two separate deals with two separate projects. And and whilst we have made the commitment to and to try and reduce impacts where whereby the ducts for the second project are installed at the same time as the duct of the cables for the first project, in the event that there is a sequential construction.

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The key point, though, is that the 2d seals are very much separate and your stand alone, and albeit that commitment is obviously in place. And the the way that the and I think also sorry, just to reiterate the point that that Mr. Ennis flagged at the start as well about the policy within NPS n one about trying to integrate development consent orders in this way. So, so we have tried to take that approach in terms of how we've drafted them.

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The I mentioned as well to start that the protective provisions. And in part five relates to the two projects under the separate deals. And now as I did mention, as well, there's, you know, one party can't go and compulsory, compulsorily acquire land that the other party has acquired first, and without some sort of consent. And without consent being granted. And equally, the onshore works, details of those must be provided to the other Undertaker under the other D seal, and approved by that other Undertaker prior to works going ahead. So there are protections built in whereby one project can't essentially scupper the second project from coming along. So that that's built into the protective provisions. And the reason for doing that is because, as I say, these projects are very much standalone projects that and that the powers and the works need to relate to that particular project. And alone, so that was just a little bit on the how they accommodate for one another. And I don't work number 34. The fact that it's described as both part of the generating station and CIP as associated development and also as part of the overhead lanes and set as associated development. That is because it's a shared access. And, and the the reason for including in both was to make sure it was it was caught by by development requirements in relation to either the grid connection works or the transmission works. And so, and the applicants position is that it is appropriately controlled. And because it falls within the definition of grid connection works, it also means that it can't be built four times because it can't be built under one DC and then built under the other because of requirement 38. And so again, we've we've tried to build in controls to deal with that. But we included it as associated development for both ends sips because it is a shared piece of infrastructure, and we thought it was appropriate to to make sure it was adequately referred to in respect of both handsets.

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So I think that covers the main questions about the specific work numbers and but I'll hand over now to Mr. Ennis, to cover the generating capacity point.

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Yes, good afternoon, sir Colin Ennis on behalf of the applicant.

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My submission is relatively simple that it's not necessarily appropriate to specify the capacity of the projects in the face of the draft DCA. All the relevant parameters are specified within the draft, DCA and a link to what's been assessed within the environmental statement. Acrobat output capacity is not relevant parameter and does not require to be specified in face to DCA. The approach is one which has been taken in relation to the other offshore ones. The most recent one is to host the three offshore wind farm order 2020 where it is not on the face of the DCO there's two aspects first

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What to do with this the maximum, which we say is not there is not a maximum on it. And that's one of the reasons we haven't put a finger on it.

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The capacity is derived from the framework of the infrastructure that we've applied for. And historically, putting maximum capacities has caused problems as well as, as turbine technology is developed within the frameworks and greater capacity is potentially available within the same framework. There's no reason if that's been properly assessed within an environment statement, that should not be brought forward,

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if it can be met within the infrastructure provided for within the terms of the application have been assessed

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equally in terms of this lower threshold, I think, one key issue, I'm just going to talk about East Anglia, one put it in context, East Anglia, one was successful in a CFD auction for particular capacity, it then has to be delivered to that capacity in terms of the auction, the issue there is that it was bidding, and thereafter had to go through a variation to get a grid connection that match that capacity. So it was not as it's been portrayed adverse consequence, it was the consequence of an auction system which the government has, which seeks to encourage as competitive a bid process as possible. In terms of how that bid process as emerged over the past decade.

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Effectively, what we now have is a very different set of factual circumstances to that which existed at the time of those original auctions back in 2014. And perhaps the key issues probably Cited page 45 of the white paper, which narrates you back through what's been happening. And what you see in those in those auction processes is the price crashing down to becoming a very competitive technology. The reason why those prices have crashed down and competitively is that developers now have a far better understanding of precisely matching future technology developments in terms of turbines, and matching it with the most effective grid, that can be cost effective to deliver that to the grid, and that's that combination, which drives the price. So in terms of the process, you have to maximise the effectiveness of the essentially the effectiveness of your quick connections capacities in order to be competitive. And when one looks at the future trading rounds, whilst they are going to be competitive apart, page 45, we see it nearly doubling to 12 gigawatts isn't dissipated, this year, of which offshore wind is going to spread to get the largest pot. So in the context of home markets moved on to being one of highly effective grid connections, highly effective scale, and that is, will drive the ultimate projects and how they're biddin. So in isolation, the evidence suggests very clearly, that the industry has matured. And I think in terms of these two projects, compared to where we were in 2014, we have got a far better idea of the supply chain, the engagement with the supply chain is far more sophisticated than it was then the technologies have developed. And we've also got a far greater understanding of the capabilities of grid, all those have moved on, because the deployments that we've already made and learn from and the industry is no longer one that is looking at essentially sticking to two uncertainties. There's far greater certainties as the right the outputs from a particularly a project because of the technology, greater technology certainty. And that arises, as you can see, we have already engaged with the supply chain, I've already engaged with a

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potential supplier. So there's a much greater certainty of understanding the technologies that are likely to be deployed equally in the context of this project is very, very clear, is there is not an ambiguity about grid connection, which I know we're probably going to come on to that probably contrasts with C one c three, which is a much larger scale of development area. we're much more focused projects. And that's just the nature of these two projects. They're very focused, the tail ends of the rain three process, the very identifiable areas, and there have been scaled to be of a project size matched to the appropriate quick connections always lead you to the view and the evidence that like big projects that are going to come forward in the context of these two applications will be very close to or about the figures which we have set out as additive figures in the in the material that's been submitted to the examination, but we don't think it's appropriate to then fix the figures for that. Okay, can I just explain

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Roll up

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a little. Mr. Ennis, in that,

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I guess I've got two observations to make. The first is that what is necessary and appropriate to be secured on the face of an order will depend on a very broad range of matters, including the formation of judgments about

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what

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is actually necessary to secure and deliver in order to ensure that a positive planning balance is achieved. So, if one is in a world where it is necessary to ensure that a certain amount of benefit is achieved, that there then can be provisions on the face of in order to secure that amount of benefit. And which might not be found on another equivalent order for another equivalent development, simply because in those circumstances, and that particular development wasn't anywhere near the relevant threshold, in terms of the balance of benefit. So that that's that's one point. The second point is, I guess, a consistency point. And that is that if one looks at the face of made orders, such as Vanguard, and if one looks at the final draft, barrios and decio.

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One does see

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maximum generating capacities. And

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now that, as I've indicated, sometimes there are highly individual project specific reasons why that's the case. But But I guess what I'm putting to you is that it doesn't feel as though there is quite the clear kind

of blue water of principle in play that perhaps your initial submission to me suggested. And, and again, I'm not asking you necessarily to wrap to wrap all of that up in the here. And now some of it may require a little bit of digging a little bit of research and consideration and writing deadline five, but

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it would be good if those points could be addressed.

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Coming from half the afternoon, I'm happy to put more in writing. I appreciate that if I spend more time now we probably won't finish the agenda.

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Having noted your comment, thank you. Thank you very much. Now I do see a hand from Councillor fellows again that cows fellows, this is not necessarily an appropriate time to return in that I have just finished questioning the applicant on there. And essentially, concluding submissions having heard everybody else on this point. And so if you come in and raise a new point, we're going to have to go round the houses again. And can I just check what it is you wish to raise?

27:50

Yes, thank you, sir. Maryam fellows over town council, it was just to respond to Mr. Innocence comments and his lack of understanding really, on what we were trying to express. Okay, can I can I, then on that basis, ask you to respond to him in writing a deadline five, because I think once the applicant has made oral submissions, in general terms, we say to all parties, if you disagree with those submissions, then pick them up in writing, because otherwise, we end up just essentially returning and returning on on points of the agenda. So if you could to clarify, it was literally I think that the way I could express it very clearly is just a simple question. What is the land required at the landfill site? And what is the land required for one substation? At Preston? If EIA in one North was the only application? And what is the spare capacity at the National Grid substation, both in connection and land take? That was it really, because I think that that would help us to understand all these issues. Thank you. Okay, thank you very much.

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Ladies and gentlemen, I am going to move on then to very briefly part two of the schedule which deals with ancillary works, which are essentially the works that support the delivery of that which has consented as opposed to being that which is consented. Are there any observations on Part Two?

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And I'm seeing no hands, I trust my hands are working properly this afternoon.

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Can we then move on to part three and the requirements where I am again, as we did with the articles going to run through item by item because my sense is that there'll be quite a lot of folk who do wish to speak on the requirements.

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So

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we have the time limits requirement, one in both

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drafts and we've already heard submissions from now.

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applicant they are proposing to reduce that now to five years. Does anybody need to address this any further? Or can we wait until the applicant has made its proposed amendment bear in mind there is another issue specific hearing on the draft of contempt orders not very far away into the future.

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I'm seeing Richard tourney

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Stacy's just very briefly so rich Tony from se C's. Just to note that on commencement, because of the overlapping authorised development between the two orders, there is a question in our mind about how it will be established, which order is being implemented at any particular time. So for example, if a certain construction compound was set up, how would it be known whether that has been done under order one or two? And so, so that's the issue that arises there.

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Okay, thank you very much.

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Does the applicant want to respond to that? Very briefly, specifically, before we move on to requirement to

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miss Stephanie mill for the applicant, I can probably answer that one fairly quickly. And that obviously, the requirements would need to be discharged prior to commencing any works under either decio. And so on that basis, whichever DC was being built under will be made clear when the relevant plans etc, are submitted for approval prior to those works going ahead.

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Okay, Mr. Turney, your hand is still raised as a legacy handle. Thank you very much. Thank you very much, Mel. We're now moving on to the second component of the requirements, the detailed offshore design parameters, and we're taking in block and requirements two through to nine. Now, to a degree, we've touched on this already, because we touched on a number of these questions in terms of the definition of the works in schedule one part one, and but I will just observe in kicking off the conversation around this group of requirements, neither requirements two nor three, define the

maximum number or output of the two sets of arrays or the combination of wind turbine generators. And this is

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found,

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as we've said, in terms of the definition of of works number, one of over 100 megawatts and comprising up to 75 wind turbine generators. And so we've already surfaced, and a question about whether this is an adequately certain provision and with reference, then back to what has been assessed in the environmental statement, what's within the Rochdale envelope and whether it needs a lower parameter, so we don't need to read discuss that. But the point is relevant in relation to these requirements as well. And I would also note the deadline for in the document and identified as rep for hyphen zero to six, and the applicants have identified a preferred bidder to supply turbines and whether again, there is any scope for additional certainty around the tightening or refining then of any of the potential offshore design parameters. So those are two general points for discussion. Are there any other people who wish to intervene? arm and the detailed offshore design parameters through two requirements? Nine? Can I see a show of hands please?

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I see no hands. So those points have been made? Oh, I do I see Andrew Tate.

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Can I just check before I introduce, please, just

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just before I introduce you as to take I just want to check to see if there's anybody else waiting in the queue so that I can I can brigade this properly. But I'm seeing now the hand so that is last chance saloon and it is just Mr. Tate speaking on this item.

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Just a record really from the spectrum of the local planning authority. We are deferring to the MMO and natural England on these matters, but we do welcome the height restriction that has now been

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reduced at requirement to one a.

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Thank you very much.

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On that basis, then Ladies and gentlemen, we can move through to the next two groups of requirements 10 and 11, offshore decommissioning 10 and stages of authorised development onshore

11 Are there any observations that anybody wishes to make on those and I take it again as to take your hand relates to the previous item

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Did but I do have a very short point to make about requirement to level. Okay, well, just before I introduce you, I will then again ask if there's anybody else who wishes to speak to, and requirements 10 or 11.

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And I'm seeing no other hands. So Mr. Tate, again, the floor is yours.

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Thank you. So it's just again, from the perspective of the local planning authority to

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note that it welcomes the ability for it to agree in stages of the onshore development.

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Thank you very much.

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Mel, do you need to make any observations on these at all? And,

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Mr. Tight Your hand is still raised.

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Thank you very much was well, Stephanie mill for the applicant? And I think no, we welcome the city council's confirmation and the stages and being provided. We hope that that is an approach that makes it easier to discharge the requirements. And so we welcome that.

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Thank you very much. And now we get to a requirement in both orders of some considerable interest, I would imagine to folk here, and this is the detailed design parameters on shore and requirement 12.

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In opening discussion on this item, the examining authorities own observations of this are that requirement 12, as it currently stands, is

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a small piece of drafting doing an enormous amount of work. It's a very complex

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piece of drafting because it's essentially to deal with and frame the parameters for

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the National Grid substations and

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the grid connection is all of the cabling, all in one requirement? Is there an argument that it's possibly even just trying to do too much, and that there would be greater clarity if there was a separate requirement for each main project element, maybe separating the National Grid substation element as a separate end zip from

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the remainder of the onshore transmission system works. And I guess my instinct in making that observation is that if it were to be split out into two or more requirements, it just might make matters a little bit easier to handle as an implementation tool for relevant interested parties, including particularly the local planning authority.

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So that was the first observation. And

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a second observation is in terms of what it references, what it calls up in order to inform

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judgments about design. And it References The substations design principles statement, the sdps, which is

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in the library's as rep for hyphens zero to nine.

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And

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correct me if I'm wrong, but it doesn't seem to reference the design and access statement, the das. And I'm not referring that to App a PP hyphen, 580 or the LMS. And I'm referencing there, rep three hyphen 030. And, and so I've then got a question about

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whether there is a,

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a need for requirement 12. or indeed, if it were to be split up into functional parts, its successes, and should make a more positive and clear link to the documents that ought to be driving design outcomes.

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And I guess we then move on from there. And some observations that neither the stps nor the dat as they currently stand on necessarily fully resolved in the way that necessarily the examining authorities consider perhaps they need to be. Now there's a little bit more detail there. So what I think I will do first of all, is asked for submissions on the principle of the structure and content of requirements Well,

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what it does, whether it needs potentially to be subdivided into more than one other requirement and then finally,

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To which documentary sources it should refer and call up. So should it be referring to the stps and the dat, and the O lambs? in what form and for what specific purposes? Can I seek

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indications from those who wish to speak on this item please?

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I've got counsellor Marianne fellows. I've got Richard Turney.

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Anybody else wishing to speak from either the county council or the District Council on this item?

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I've got Andrew Tate.

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Okay, what I'm going to do then is I'm going to go to Andrew Tate first. I'm then going to go to Richard attorney. And then I'm going to go to counsellor Marianne fellows. So Mr. Tate, please for the District Council.

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Thank you. So just responding to to your points. I don't have any instructions on the question of restructuring requirement 12. But there might be some advantage in actually having requirement 12 with encompassing all the

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various substations in one as a counterpoint to your suggestion, so that it is it approached on an integrated basis, of course, that could be achieved,

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probably as well, if one divides it up, and that may make it more digestible, but these days one, it is as currently cost it is

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in the right direction and seeking to ensure that an integrated approach is taken. And the answer to the suggestion about the tasks or o lens.

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I think from my instinctive response would be that would be useful because it consistent with the integrated approach that one does want to see both as units, but also as two topics, that that could be very helpful. There are one or two other

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other points that we have on requirement 12 but I noticed asking for points about structure and principles, I think

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I just had to keep in my mind, the

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the council's response to execute 1.0 point eight

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on this

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which included observations like the need to expand or amend the outline onshore substation design statement. So, as it includes further details on the design process and engagement measures to be adopted.

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And talking about the need possibly for a final an outline version of this to be submitted and agreed before completion of this examination, and then maybe a final detailed version would be submitted and agreed with the planning authority as part of the discharge of requirements.

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Yes, so, we do do you using using that then to set and detailed frameworks for

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to inform the final layers and design details of the scheme and the discharge of particularly this but also other design relevant requirements.

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And again, coming by yourselves, the design principles and engagement process document

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could be secured through an amendment to requirement 12. So the, the father of a lot of these observations is your own response to that question. And we anticipate that actually requirement 12 is going to be updated so that it has expressed reference to the OSD P and we've made various comments about the content of the SDP s, that we think where there needs to be enlargement and enhancement.

44:09

But I wasn't sure whether you wanted those points dealt with now.

44:16

But that those are certainly points where we which we have made and we are looking to see this document

44:25

beefed up to some extent. Okay, right. That's clear. On that basis. I'm going to go to rich attorney for se C's

44:38

which attorney for se C's. So your suggestion that this is a complex requirement that requires some rewriting is something which we endorse, and I think therefore be most helpful if we review that after we have seen whether the applicant is in agreement with you and

45:00

willing to consider breaking this down and articulating more clearly the requirements for design for each

45:06

component part,

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we have made quite detailed submissions at various stages on the approval of onshore design elements. And on the parameters which are set by this requirement. We have made submissions on the parameters, in particular, for the National Grid substation, which are, as you'll see on the face of it extremely variable. We have made submissions on the detailed

45:43

controls over that by reference to the design controls in other documents. And we have another round of submissions to make on those. So I think kind of even says, as this, we endorse the overall approach that you recommend of seeking to review this requirement to make it more workable, we maintain our detailed written comments, and reserve the right to come back, both on the detailed underlying documents and or any reformulated requirement as necessary.

46:18

Hello, I think I had a little interruption of service attorney. So all right. Am I back?

46:25

You're back?

46:30

Yes, Mr. Tony, we're connected again. So do you could you wind back about 10 seconds and then resume where you were? Because I think we both lost connection with probably exactly the same time. Let's that's assumes I remember what I was saying. But my reading comment was simply to say that we can we reserve opposition to come back once we've seen whether the applicant is going to restructure requirement 12 along the lines that you've indicated, which we endorse, and also, once we have responded to the detail of the new submissions on the design, guidance, and without in any way rolling back on our primary submissions about the excessive parameters in requirement 12, which we have already addressed in writing, indeed. Okay. In which case, then I'm going to go to counsellor fellows, and that will then wrap up the contributions before I return to the applicant. So council fellows.

47:27

Yes, thank you, Mr. Smith, Moran fellows representing over town council.

47:34

I think the difficulty for us is this still too large variation, depending on the technologies adapted. And with regard to 12. If you look specifically at little seven and eight, the compound area for National Grid substation loan take and the height differentiation between AI s and GIS, you can see it's extremely large variation. And then if you look at 14, specifically where it looks at the width of cable, trenching, across the sanderlings, mspa.

48:12

Open cut trenching, 16.1 metres trenchless 19 metres, so, it's too significant to variation, and therefore it leaves it open to significant harm being caused. So until that's agreed, I think yes, we do need to separate out 12 really a lot more in terms of this is the impact and this is the parameters for this method. And then this is the, for this method. This is EA one, this is the EA one notice EA two. This is if they happen together at the same time. This is the you know, this is what's National Grid only. So, yes, I would appreciate really having a relook at this so that we can interrogate it now. But also, more importantly, that it can be enforced and the community can feel on board, should the DCMS be approved and works commence, because this will be the reference document one of them that is used by the community going forward for many years. Thank you. Thank you very much.

49:27

Okay, I'm going to turn to the applicant and at this point, just to make clear for the applicant, we are dealing with,

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I guess the broad structure and content of 12 the documents to which it refers and the possible argument that it might need to be sort of

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clarified, tightened up and and restructured into more than one requirement. There are some

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Slightly more detailed questions that I want to put in relation specifically to design and design review. But I'm not going to put those until we're, we're through this sort of high level

50:13

element of 12. So to the applicant then is this can't be Miss Milligan.

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Yes and Miss mill for the applicant, as I see Colin. And for elders, I'll cover briefly the

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substation design principles and statement and because what

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you may not be aware of yet, and I don't think I covered it in the introduction at the beginning is and you'll see that we submit this substations design principle document that deadline for and the intention of that document is to replace the original outline onshore substation design principles document and the outline National Grid substation documents. So we've got a more integrated design principles and set of design principles. And I would also flag that some of those design principles also refer to landscaping and other matters. So that substation design principles, and document that was submitted at deadline for is intended to cover a broader range of matters, and so forth will happen in the DC that we submitted deadline for is we'll be removing the reference to the current outline onshore substation plan and the outline national grid, and plan and we will be replacing it with that that more integrated design principles statement that we submitted it deadline for. And so the intention of that is also to and to cover off previous comments that were raised and discussed at previous hearings about the design and access demon and whether that should be secured. And also the all AMS which is obviously dealt with under its own set of requirements. So by bringing some of the landscape and principles within the substation design principles statement, and, and by expanding it out slightly to cover some of the things that were present were otherwise within the design access statement only. The hope is that that one document then becomes the the kind of the key principles for which design will be based. And that is the document that will be certified and will be referred to within that requirement. So I'm conscious, you won't have seen yet the updated draughty seal, which will refer to that document include that document as a certified document. And but that is definitely our intention. And our view would be that it is that document that is referred to within the the overall design and requirements.

52:39

And in relation to the substations it will be doing all of the jobs that need to be done by an external reference document. That is the absolute intention. Yes. Okay. It may well be that, that there are matters of detail that I'm then going to go to following your submission here on design and design review approaches that are already then wrapped up in the approach that you've outlined. But what I'll probably do is I'll probably run through them to a degree anyway. And you can then tell me to wait until the next deadline? Or alternatively, if the if there are matters that you haven't yet thought of, then then

then we'll deal with them. But yeah, I just thought it'd be worth saying that. So in terms then of the sort of broader response to the set of submissions that you've received, are there other things that you then need to put to me? Or are you handing over to? Mr. Ennis, I guess the only other comments you'd create, obviously, the requirements structure. Now, I'm conscious that as the examination has progressed, we've added additional and design parameters in there. And that's obviously why it's getting that that little bit bigger now. And, and I appreciate that, we might need to reject certainly requirement 12 itself so that perhaps you've got all the substation ones upfront, and then the cabling restrictions further down. And I do think keeping it as a whole requirement has its benefits to enable that integrated approach. And that will certainly take away the the comments have been raised today and rethink about and have another Think about that. Obviously, if I start adding additional requirements, all of the numbering is going to be knocked off, which will become future references and these default hearings and documents are that more troublesome button. We will we will forgive you if you do that. Stranger things have happened at sea in early in earlier examinations. Absolutely. So yeah, we will certainly take that point away and and consider it. And so I think that they were the the main points that had been raised that I wanted to touch on. And but what I might do is just hand over to Mr. Ennis, in case there's anything else and then obviously, you had some specific comments on on the design statement. Yes, I did.

54:49

Mr. Ennis ? Yeah, Colin Ennis for the Applicants and

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I suppose in some ways, we were considering actually putting more in to requirement 12

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And in particular, we've had representations about whether the ceiling and compound cable and sedang compound should go in the casing it could do. So that was another change we're going to make. But just to explain the rationale, not the detail. The rationale of trying to bring all this together is that when we get to substations design principles statement, and the process thereafter, is the intention is it comes forward as an integrated design between national grid, the particular project that's coming forward first,

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dealing both with the landscape master plan and the architectural framework together, because we don't think it makes sense in terms of a holistic and integrated design for these designs to come forward separately, it should come forward collectively. And that's really where we were ending up with. substation design principle statement might be, loosely term slightly broader than that in terms of what it's now or proposed to cover. But the primary purpose of it was essentially to bring together at the landscape and the architectural insofar as it related and fixed in at that substation time. So that there was consistency of design principles, consistency of approach, consistency of materials, and that a clearly articulated design for the overall substations was formulated through the process. And as I said, that, that I don't want to get into the details, but that holistic concept of all the design, all the development coming forward in that area, would be dealt with in an integrated fashion.

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And equally make it as weather centre, clickability, lighting, etc, all those things would be brought together in a simple plan. That was then substance of cups can be consulted upon and delivered in that way. And that's where the eight limbs in that respect comes in to recognise there's an integration between how you look at the substations how the materials and how all those matters are dealt with, on the externals, or how that works with the, the landscape as well. So that was the concept was to bring it together, in in that concept of the same principles will be brought together. So that was that that's the purpose and intent. And I think it's probably been growing rather than getting tighter, in terms of the ambition. Yeah, I look, I fully concur with your

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your identification of the fact that there are

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very considerable benefits to be gained from taking annalistic. And, I guess, aggregated approach to design and that if we in the interests of neatness and tidiness chop requirements well up into smaller sub components at but lose an integrated reference to a single overarching design process. Then we in the interests of legal tidiness, we live last and very considerable design benefits. So, so that's we're not trying to drive you in that direction. We're trying, we're trying to make things as easily operable for the local planning authority, particularly, but other relevant stakeholders as can be. And then we're also trying to make sure that as far as reasonably possible that the design process and to deliver the best set of

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the best set of substations and are actually brought forward. Now, in that respect, I do have a couple of additional questions. And what I'm going to do is I'm kind of going to lay them on the table rather than asking you to respond to them in detail now, because I think they can be responded to reasonably well in writing. But they

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drawer out of various points that that the parties have brought to the table, both in writing and orally today. Now the first again, is to return back to

59:13

East Suffolk Council's response to x q 1.0. point eight,

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where

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it was said that the council considers that the design review process could be a mechanism to facilitate and help realise further opportunities for the consolidation of the project substations post consent, and, and they also drew attention to that process possibly being used to adapt the infrastructure that was proposed in the face of the ongoing bays and offshore transmission networks review. Now we've

already heard the applicant on the policy fee facing position and we're going to look at it in a little more detail later on in this agenda. But and so there's no need to address this on the policy point. However,

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The potential for integrating a design review process is still a living one. Given that the applicants response at rep two, that's rep 2014 didn't seem to particularly kind of grasp the nettle as had been provided by

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the by the council's response. And, in placing that on the table, I also did particularly want to place on the table the approach taken to these matters. And in the Norfolk Borealis order, and in the barrios design and access statement contains

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more detail and makes more explicit design commitments, for example, to the production of a design guide for the substation, and it sets out a stronger explanation of the design process. And I think we've we've currently got here, and there are appendices, which we don't seem to have unless I'm in error here yet, including an appendix, which is an outline of the design guide for the substation development.

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And that includes a stronger focus on the detail of landscape mitigation. And

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it is obviously intended as a vehicle for for further consultation with stakeholders in the community, as well as a standard setter for discharge

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of requirements and decisions around design includes reference materials. So for example, photographs of the agricultural style buildings that are sought to be used as sort of design references or patterns.

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And a preliminary design report, which sets out in detail possible materials, exemplar building structures, colour, zones, development, layout, etc. So there's there's a lot of stuff going on there. And I guess, you know, taking an in principle view that that project is not hugely different from this one, if that was relevant in that particular set of circumstances. If that amount of detail was relevant, there's an argument that it might be relevant here. Now, again, Mr. Ennis, you know, feel free to, to come back on that. But don't feel free to reach concluded position on it, because I think I think it it would probably be too much for the afternoon would probably be best if if you gave some thought to that, and then came back to us on it in writing.

1:02:39

comments about the applicant? Yes, we'll come back and writing. And equally, we wouldn't want to prejudge the design process, which still has to be undertaken. It may well be that what you've what you

have just outlined is kind of on route to that place in any case, and if that's the case, just show it to us.
Yep.

1:03:01

Okay, thank you.

1:03:03

Okay. And

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on that basis, I think I'm going to leave a few subsequent questions on requirements, well, to execute who, and I'm then going to move on to requirement 13. I know that I've got a question from Mrs. Jones, on land for construction. And so I'll introduce her and Mrs. Jones, you could then check to see if there are any other speakers who wish to engage on this requirement.

1:03:34

Thank you very much, Mr. Smith. It was really just to ask East Suffolk Council, something that we discussed briefly at issue specific hearing for which was to do with monitoring and potential remediation. So I wondered if Mr. Tate would like to comment on this particular requirement in that respect.

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Thank you. Yes.

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On requirement,

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We explained it is h for that we we welcome the tying in with the outline landfall construction method statement, but we did make the point that there should be a monitoring programme.

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And we noted also that requirement

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37. Inevitably, for its discharge involves

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monitoring, albeit the results of that don't appear until 25 years old. And we think that requirement 13 should be amended, so that the monitoring is expressed on the face of the requirement. And would you

also as well as the monitoring would you also wish to see that requirement include a process for what would then have to be done should that monitoring

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To show that cables were becoming exposed, for example, or were in danger of becoming exposed, yes, precisely, that there should be

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remedial process of submission and approval of remedial measures were required very much along the lines of

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requirements.

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And just one more point that I would like to ask you would you also like to see an HDD secured within this requirement as well.

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But at the

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landfill construction location

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that has been committed to, as I understand it, and because, you know, reason why that shouldn't be expressed, and tie down into on the face of the requirements.

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Thank you. Thank you very much. Is there anybody else who would like to make any comments on requirement 13? Before we go to the Africans?

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not seeing any hands raised? Would the Africans like to respond to any of those points?

1:06:07

Stephanie, male for the applicants? And yes, first of all, I can confirm that. And we will be including a requirement within the draft development consent order submitted at deadline five and securing that commitment to undertake HDD at the landfill. And so just to confirm that particular point, and which was an action coming out of issue specific hearing for and with respect to monitoring, and the applicants have agreed in principle to undertake periodic monitoring at the landfill, and they're currently and we'll be discussing the detail with that and with a Suffolk Council. And if once we reach agreement on that, and we'll consider the most appropriate way to secure this this within the the development consent order, and we'll provide an update, it's going to be deadlines, six for that one. And because I

think there needs to be a little bit further discussion with the Council on that in terms of the best way to take that forward. Okay. And just one more question, I think, natural England have requested that they become a console t

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in order to discharge this requirement.

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And I will, and I don't have instructions on that point, I'm afraid and but I will take that one away. And we'll look into that. Yeah. Yeah, thank you very much. No problem.

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And Mr. Smith, that's all I have to ask on that one. Thank you very much, Mr. Jones, in which case, we will move to requirements, 14 and 15 provision of landscaping and implementation and maintenance landscaping. And

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in relation to implementation, can I just check whether the local authorities are content that there is no specific reference to a timetable of works being provided on the face of the requirement on requirement? 15? And is it is it necessary?

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And also, I know that

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there's a five year limitation and save in relation to work number 33 for which the relevant period is 10 years. And again, is five years long enough everything

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and is 10 years appropriate for work? 33.

1:08:27

And then there's the issue about the scope of work 33 in relation to landscaping. In any case, if it's encompassing all landscaping works funding, sustainable urban drainage, etc. in relation to substations, then is there a great deal that doesn't left that doesn't fall within that work? So those are my questions. Can I just check I see Richard tourney Is that it? I'd be particularly interested in points from the council's here if only to say that content.

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I see Andrew Tate.

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Okay, so I'll proceed with Andrew Tate and then go to Richard Turney

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at the beginning,

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avoid the residual problem

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on

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requirement 50.

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We think that

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the 10 year period should be not limited to work 33

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It should also cover works 24 and 29 which comprise extensive woodland planting.

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And as these areas of woodland 429 and 33

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are critical to be

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in good order, in the medium and longer term.

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And that brings me to a rather wider point which arises in connection with requirement 14, that the error lands which is tied in by requirement 14 is very light and nearly non existent on the question of longer term maintenance.

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And in so far as there is something specific in 15 to about either five or 10 years and we think that in relation to woodland areas, it should be 10 years

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that that will be seen as a cap essentially, on any medium and longer term commitment to management of those areas. So, that is our

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primary overarching concern at the moment with 14 and 15. In relation to your other points about

1:11:01

implementation, we will take that away and give give thought to whether that needs to be improved. I don't have an immediate instruction on that at present. But those are the other two points. The two points we'd like to raise at this stage are 14 and 15.

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k. Now I did then, apologies to Mr. Attorney who was very quick with his hand. But we do now have a hand from Miss Parakh for the county council. I think I should have the council's before I turn to sociis. So I'm going to introduce Miss Parakh. Please write his obituary for the county council. And just to see here very quickly, obviously, on these requirements, we defer to East Suffolk on landscape matters. But in fact, in your question, one of the issues was drainage. And this goes back to our previous point on work number 33. And the reason why we want that separators because obviously, we just much prefer or the drainage issues were managed separately, in accordance with a drainage management plan. And that ties in with requirement 41. But I'll just I've made that point already.

1:12:08

Okay, thank you very much. Okay, Mr. Turney.

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Thank you. So rich attorney for se C's.

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Essentially, the point that we want to make on this is that the landscape requirements should include on their face an obligation to retain the landscaping.

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And it as the as drafted, they don't include that. And the same, in fact, goes for the drainage. And I'll say that now to save coming back in it again, that the normal thing one would expect in a planning condition is to provide some form of mitigation and thereafter to retain it. And it's not good enough in my submission, just to say, well, there's the tree and shrub replacement obligation. And there needs to be the the provisions that are put in place, the mitigation is put in place needs to be retained, it needs to be maintained during the currency of the of the project, to ensure that it fulfils its purpose. And that means that it may require interventions long after the five or 10 year period. And in respect to that I adopt what Mr. Tate says.

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But there needs to be more general obligation to to retain and maintain that provision. And so far as the applicable data say, Well, that's all going to be dealt with in the landscape management plan in my solution, that's not good enough, because one then has to chase into the particular document to see whether or not in respect of a particular parcel of mitigation, there is, in fact, an obligation expressed these spelt out in that approved document to keep the mitigation in place. And clearly, the best thing is to do it on the face of the order. So that's, that's our primary point on that.

1:13:57

Thank you very much. Now, before I close this item, I do see that I now have a hand raised by Mr. Paul Chandler saver sanderlings. And but I also still have a hand from Mr. Tate. So Mr. totoo. Yes, sir. Just to respond on a point, I think made by

1:14:20

county council. Earlier on this morning, the African made it clear that landscape and drainage were intrinsically linked at the substation site. And that's an important point from the point of view of the district council that, again, looking at an integrated approach that and when we come to the drainage requirements later on that we would be very hesitant about any separation of the drainage requirements from from the landscape and leading to a less integrated approach.

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Thank you very much, and

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I'm now going to go to

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Hey Miss Chandler

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Yes, thank you very much for charms I've saved our samplings, really just personal experience of trying to establish trees and shrubs in this area, we are a recognised drought area. And as the area's known as the saplings, it, it is very dry, trying to establish trees and plants, they can take several years to even begin to thrive. And I would really recommend a minimum of 10 years maintenance on any trees or shrubs that are planted. Thank you.

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Thank you, Mr. Chandler, we appear to have

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lost me, I think I'm still hearing sound but for some reason video went strange for a little while.

1:15:54

Okay.

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Chandler, have you reached? Have you reached the end of that? Yes, it was, it was just to make the point that it does take an awful long time for trees and shrubs to to establish themselves and I don't think five years is is long enough, it should be at least a minimum of 10. if not longer. Okay, then. Rudd, what I'm then going to do is I'm going to go to the applicant and ask them to respond on these

landscape related points, landscaping related points. And then I'm going to have a brief reorientation session in terms of timing in the remainder of the day,

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looking at how we will proceed to certain as the other agenda items, so to the applicant,

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corners of the applicant, I hopefully can be brief. And we had also picked up in the collective documentation that the might have to be a further examination of the sort of longer term, wider maintenance point. So we'll certainly take that way and look at it as something that we'd already picked up. And whether it has to be on the face of the DCA amendment to either one of the requirements or a beefed up provision within the LMS will come back on. But we certainly recognise at the current time, there isn't enough on in terms of the additional application of 15 to two other areas artistic construction on that.

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And in relation to the

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swordsman maintenance, there is actually that it would mean this is there is a direct relationship between the two, because one of the issues about solids maintenance is it's checking in that's nightfalls and occasional cutting and removal of vegetative growth on the slopes of any basins and swales and appropriate maintenance of trees in the wet woodland areas of the basins. So that that is work that would probably be also done as part of the contracting for the any maintenance we're doing under the heirlooms. It's I think the key question is that in relation to the suds elements, that the relevant authority is properly reported upon, and has, how I can understand what's happening and knows the maintenance schedule, and for me approves it. But it does also have to recognise that some of the actions in relation to the to those matters, may be removing vegetation, and therefore will be also part of the maintenance that we've put in to the LMS. We'll make sure that those references are already there are clear and unambiguous. And we'll make clear that that's

1:18:31

the reportings select appropriately. But apart from that, I think I think we will certainly make progress on the points that have been raised. I don't really want to add further to today. We're acknowledged as a bit of work to be done that.

1:18:45

Oh, okay. Now, what I'm going to do is just as I said, have a brief reorientation session in relation to progress on the agendas. And because time is pressing against us. And you'll be very pleased to hear that I will be calling a 15 minute break immediately after

1:19:05

a quick look at progress. And I think it's critically important today, ladies and gentlemen, that we do pass through provision by provision the remaining provisions of the two draft orders. So we get up to

the end of the schedules. And so I will suggest that we maintain all of the remainder of agenda item three and that we do it deliberately slowly and carefully. And what I'm then going to suggest is that looking at agenda item for

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response to the changing policy environment, and the applicant there has made some in principle submissions to us

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in relation to their initial unwillingness to become a Pathfinder project within the framework of the white paper.

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And so the nature of the discussion that we might need to have in that item is a somewhat different discussion from maybe the one that we originally envisaged when that agenda item was brought forward.

1:20:14

In terms of the security for technical processes that the need to have a look at schedule 14 of the made Hornsey 3d SEO, I would be happy to have that move into the next DCO issue specific hearing in February. So agenda item for an agenda item five can be dealt with in February without any particular harm to the progress in the examinations overall. Similarly, we can touch on agreements and obligations that principally interest the council's and issues around the consent of parties, and other consents, they're probably best all wrapped in together, I do note as well in terms of statutory undertaking related processes that

1:21:08

we don't necessarily have all of the people here that we would need to make the best progress on agenda item six, or seven in any case. So what I'm going to suggest that we then do is that we finish agenda item three, carefully, as I indicated, and that we then essentially move onwards to agenda item nine,

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can I just check with my

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examining authority colleagues, that I'm not horribly trespassing on matters that they had wished to raise and question on in those other items that I'm proposing to defer. And I'm seeing nobody wishing to intervene. And can I then just check to see if there is anybody in the room who feels that things ought to be done differently.

1:22:00

And again, I'm not seeing any hands rising. So ladies and gentlemen, it is now Well, let's say for the sake of a round number, it's 335.

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So we will resume at 350. And we will then proceed through the remaining elements of the draft orders themselves and we will then essentially move towards any other business and procedural decisions and close.

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Ladies and gentlemen, let's now break we'll resume at 350. Thank you very much.