

TEXT_ISH6_Session4_29012021

Fri, 1/29 5:38PM • 1:36:27

00:03

Good afternoon once again, ladies and gentlemen, and welcome back to this final session of these issues specific hearings number six, draft development consent orders for East Anglia ONE North and East Anglia TWO offshore wind farms. before going any further, can I just check with the case team that I can be heard that the live streams have recommenced, and that the recording is now back running?

00:32

around, I can confirm that you've started the recording, I can even see you and then the live stream is working. Thank you very much, Mr. Williams. On that basis, we will now return to agenda item three. And we are deeply embedded in the requirements. And we are just about to commence requirements 16. And moving on, then,

00:57

ladies and gentlemen, can I just ask if there is anybody who wishes to speak on highway accesses requirements 16.

01:12

I'm not seeing any hand. So I will then move on to requirement 17.

01:26

I will then move on to 1819.

01:34

I have seen hands Miss Parakh and Mr. Tate. And can I just check was that 18 or 19?

01:48

So mine was 19 and 20. I think Mr. Gates might have been 18. So let him go fast.

01:58

Thank you, and thank you. So in fact, it was 17.

02:03

And that is

02:07

simply to tie in the point that I made earlier about the

02:14

position with the definition of commence and onshore preparation work. So this is an example

02:21

requirements 17 where there is a an approval process, which needs to be discharged prior to commencement to cover permanent and temporary fences. And yet, in the definition of onshore preparation works temporary means of enclosure are excluded. So that

02:43

underlines the need to have either the mini cscp or that which you suggested, which was approval of part of the CCP, in part. And I should just add that that also applies to requirement 14 not asking to get back to that. That's the same. A similar point, because the onshore preparation works include what is described as pre planting of landscape works.

03:13

And if that covers, for example, and creation, that is a potentially substantial work or series of works, which would be executed. That's all I wanted to say on 17.

03:27

Thank you very much. And can I then just check whether Miss Parikh also wish to speak on 17? Because her hand has gone down? Nothing on 17. Okay, in which case moving on 18.

03:46

And then 19, pre commencement archaeology execution plan.

03:53

And that's where the county council wishes to come in. So it was perik. Yes, thank you. So Richard Barrett for the county council, if I can just take 19 and 20 together. And in essence, I don't really feel the need to go into detail. But what's happened is that actually, as of yesterday, we have had some back and forth exchange with the applicant. And the proposed the amendments to the wording that we received were in line with what we had pushed initially in our joint legal impact report. And as far as I understand it, these have in fact, been picked up by the applicant. In the correspondence that we received yesterday. I think there's a tiny bit of tweaking left, but the purpose is really to provide more precise and robust wording. And I think it's underhand, so I don't propose to take up any more time and just flagging that that's happening behind the scenes. Excellent. No, thank you very much.

04:45

Oh,

04:47

and before I then move on to 21 where I do have Mrs. Jones wishing to take an item. Can I then just go back to the applicant and say Is there anything that you

05:00

You need to respond on in relation to 16 through 20.

05:09

Stephanie mail for the applicants and no, not at this time. Thank you very much. Okay, in which case, I will hand over to Mrs. Jones and requirement 21.

05:19

Thank you, Mr. Smith, I think probably in the interest of time, it would be best just to go straight to the council's on this requirement and ask them if they have anything they wish to raise.

05:34

Mr. Tate.

05:36

Thank you, Madam, on requirements.

05:44

For the one one

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change to say we're reflecting survey result,

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we think it should be more explicit to expressly include pre commencement.

05:58

And 21 293.

06:02

Again, that would need to be made to make explicit it's the pre commencement survey results as well, to avoid any any doubt later on. That's all I would say. 21.

06:17

Thank you. Does anybody else have anything they would like to comment on requirement? 21? Before we tend to the applicants?

06:28

No, in which case, we'll let the Africans respond to those points raised by Mr. Tate, please.

06:35

Stephanie, well, for the applicants. And with respect to the comment on article 21, one that was obviously it's been raised at a previous hearing as well. And we have taken that away. And the intention is to update and to refer to preconstruction and surveys within that. And within that requirement, I would

just flag the change proposed at 21. Two. And this is obviously in relation to onshore preparation works. And

07:03

I think we'll take that one away as to whether it's appropriate to refer to the commencement service in respect of that one, because some of those words may actually pre come before the actual work that that that particular paragraph is to deal with. So it may make more sense that it applies to surveys, and more generally, so that it can capture surveys undertaken as part of the ies process, and also pre commencing surveys on the basis that it that will be undertaken prior to the onshore preparation works, which may include service itself. So I will take that second one away, because I think it may not

07:37

be possible to make that change. But certainly with respect to the initial one for the overarching and ecological management plan that we intend to make that change.

07:46

Thank you very much, Mr. Smith. That's all I had to raise. Thank you very much. And in which case, we will just touch very briefly on the code of construction practice now. I take it that somewhere in the wash up and the applicant is going to put something further to us in writing or at the next

08:10

issue specific hearing on the DCO. around

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in inverted commas with the mini crcp and or approval of the cicp imparts to deal with the

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pre commencement works points that have been raised. And is there anybody else who wishes to speak on this point? I do see Richard turning.

08:35

And I do see council fellowes.

08:39

Okay, just attorney,

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briefly rich attorney for sizes, and we've made a number of points in the csep that I won't repeat. But I do want to emphasise the concern that was raised in respect of flood risk during the construction period. And the need for the full site drainage provisions to be in place during construction where there may be a particularly acute issue with surface water runoff. And those representations be made in Mr. carpenters evidence that you heard and read in the ishs on flooding, but I just emphasise the relevance of those to this requirement.

09:17

Thank you very much. Councillor Fellowes?

09:30

Thank you very much, Mr. Smith, Maryann fellows over town council with regard to 22. To little i think it's not sufficient. Just to say that there will be a consultation document with stakeholders. I think it has to be an I know these are subjective words. But I think it needs to be effective and inclusive because just to say you have one doesn't mean you have a good one. There's

10:00

No consultation as yet, with town or parish councils or local residents as to how they will play a part, or how this liaison between us will take place during construction, or indeed during the operation or the decommissioning. So I would say too little lie is too vague.

10:23

And I want, did you want to go on to 23 or not at this point? Nothing made

10:32

up of other points. I'm 23. So I was going to thank you very much. Thank you, sir. Okie dokie. Now, just before I go to the applicant on that question about the degree to which a stakeholder communications plan prepared under the CEO CP, and could specifically commit to a means of engagement or means of engagement with the town and parish councils.

11:01

So if I can go to the applicants, and they can pick that point up either directly or subsequently in writing, that would be much appreciated. Definitely Well, for the applicants. And with respect to that the outline code of construction practice, and which has been submitted into the examination has a section at 2.5, which sets out the intentions behind the local community liaison. And it obviously talks a little bit more and provides a bit more of a detail as to what will be included within that stakeholder communications plan. So hopefully, that will provide information being looked for. Okay, thank you very much. And

11:38

moving on, then

11:41

construction hours for both transmission works 23 and grid connection works 24.

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Just a couple of minor points, which may again be responded to in writing and by the applicant. And in paragraph two were the references but not limited to

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construction work might be undertaken for essential activities, including but not limited to those essentially kind of removes control over the class of activity. So in fact, it could almost be anything that would be my reading of that.

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does that leave

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the subsequent

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definitions sufficiently clear.

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I can just go to the applicant, I can respond in writing, as I say, or orally if it's brief. And it's definitely more for the applicants. And just very briefly on that, the timing and the duration of the works. And that will be conducted outside of those construction hours required to be approved in advanced and advanced by the relevant planning authority, and, and any such request and will include details of the extended hours and the nature of the works to be undertaken. And, you know, any mitigation that's proposed in respect of those works, so it was just to flag that paragraph two, sorry, 23. And three does set out that approval mechanism within it.

13:13

Yeah. Okay. So in other words, if there were to be any addition to the unclosed, list of A to E in either requirement, then it's going to need consent in any case. Yes. And indeed, the works listed there would also need to be approved before they could take place. And so even those words listed, and other than the emergency words, which obviously would be informed as soon as it and they'd happen, but the other works still require approval, even if they're on that list. Okay. All right. Does anybody else want to speak on these matters? I see a sea of hands. I see. Mr. Tate, so I'm going to go to Mr. Tate first, then to Richard Turney, then to Fiona Gilmore, and then two council fellows.

14:00

So two points for the District Council. Both of them we made at stage four, but just to summarise them. The first is the point you questioned about

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whether the

14:18

expression, not limited to the class means that could be anything. And it does raise the question as to who decides what is essential. There is control over timing and duration, but not as to the concept of whether it's essential or not. We think that can be improved. Whether that is by including a statement as to why it's essential, or whether it needs to be included at all

14:46

matters, which we want to discuss with the applicant. And the second point that we made was that 23 to be fitting out works associated with the structural substation, the moment

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We're unpersuaded by those should be regarded as essential activities which would be out with the limitations on construction hours. That's quite a large

15:12

get out at present and we're not persuaded that to be should remain in the order.

15:21

Okay, can I then go to Richard tourney?

15:29

Thanks Sir Richard 34 says the construction hours of seven till seven are excessive, you'll know the first and location. And it's quite obvious that it's inappropriate as a matter of routine and this is the starting point as a matter of routine for construction works to be taking place in Bristol, at seven o'clock in the morning, obviously an appropriate and the starting point for most other major projects is eight till six is called working hours. That's certainly for example, HS two are willing to construct their railway on that basis. So it's perfectly easy for the applicant to construct its infrastructure on that basis. There's then the process for approval of other working hours as necessary. At the very least there should be constraint over what can be done in the early morning hours because the seven o'clock start is obviously wholly inappropriate. So we do seek the amendment of those those provisions in that relatively simple way. Eight till six is the is so far as I can see the normal starting point I can't see a case for it being extended having been made.

16:41

Thank you very much. And can I then ask for Fiona Gilmore from CS to speak.

16:50

Good afternoon, sir Fiona Gilmore on behalf of Suffolk energy action solutions. Many of our members are in the tourism industry in all breadboard nests and the region around and on behalf of all our campaign supporters who are in the tourism industry and that includes hospitality, retail leisure,

17:12

I would like to put forward an alternative solution. And if you like author on construction work time and date, what I find interesting if you look at 23.1 and 24.1, you will see that there is an assumption in all of this. It's every day with the exception of Sundays and bank holidays.

17:38

And fortnight tourism industry is unique. And we heard from kids storage and john trap, and also a number of other people from Aubrey, including Sarah white yesterday about the fact that tourism is so important you cannot draw a comparison with sharing them in North Norfolk or West Sussex, which

Scottish power have tried to do we believe that all bruh and its tourism industry is under threat, an existential threat. It is so important that we protect it that I have gone to search overseas for a comparison on what other countries have done in this particular situation. And I have found that in France, where there are major infrastructure programmes such as these, the French insist that there is no construction whatsoever during the holidays peak seasons and on that basis. I would like to suggest that if and this is not what we are asking for because we don't believe that this is the right site for the substation. But if we fail in our bit to find and suggest and convince you examiners that there is a better brownfield site at Branford I would like to suggest that there is no construction works whatsoever during the following periods during June July, August and September, because this is the peak season for first of all in June the Snape Maltings Britain peers festival in July and August for school holidays in September for the harvest and also for food festival. And also for empty nesters holidays. And in addition to that, that all festivals, whether it's the literary, the poetry, the documentary, or any other that there is a complete stop on all construction works which means that the a 1094 becomes a road which it is at the moment for people that live here for tourists and for foreigners

20:00

We believe if you look at john cap statistics at peak fluctuations on the a 1094, where the figure exceeds 1200 movements, 1200 movements per hour, we believe that it will, if you like, be the final straw, it will deter tourists from visiting this area. If you allow construction work hgvs and all the rest during these very important tourism seasons, I would recommend that we look at the French way of doing things because they respect tourism, and they understand its economic importance. Thank you, sir.

20:44

Thank you very much. And what I would say is that that's a

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that's a an approach I can I can see exactly where you're coming from. But it's an approach that I haven't seen in equivalent requirements. Previously, in a UK setting, what would be really useful would be if you can kind of set that out and describe how it would operate and the specific dates that would need to be taken into account and why at deadline five? So we've got a kind of hard foundation to look at there.

21:21

Yeah, thank you very much. I certainly do that. Thank you. Okay, thank you very much. And then if I can, then fine. I'll just check. Mr. Tate, I've got your hand up. Is that a residual handle or?

21:39

That was the residual hand. But in fact, I do have one point to add, which is the points I made in relation to requirement 23 apply? Exactly to requirement 24 as well. I was Yeah, I was assuming that we were taking the pair of them two together. And I'll then go to counsellor Marian fellows on the same basis, and then I will return to the applicant.

22:02

Mrs. Gilmore, can you take your hand down if you finished please?

22:10

Thank you very much, council fellows.

22:15

Thank you, sir. Good afternoon Maryam fellows representing over town council.

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I agree with what's been said by the previous speakers. Seven o'clock is far too early and 7pm is far too late for a basic for people and wildlife as routine day after day after day, for many years.

22:41

I also agree with Fiona Gilmore, however, I would say the tourism offer here is actually all round. And in fact, winter is when we attract a lot of visitors. So there would be need to be that sort of approach virtually every week of the year is not just in the peak of the season, summer season, although that's an interesting and maybe helpful suggestion to explore further.

23:07

I agree with yourself, Mr. Jones, and Mr. Tate, that there's actually too many exclusions in that list. And it opens up the applicant to be able to do anything at any time. Now, I heard what the applicant said that approval has to be given beforehand. But I must tell you, that we have direct experience during the build for size will be for example, that often jobs are started within working hours, but then can't be stopped. And you can't actually just think get hold of somebody, but 530 on a Friday afternoon within the local authority to give permission to keep going. And invariably they do keep going. So it's not things that are just planned to take longer, but things that start at you know, and just have to keep going. So Sunday working becomes a normal, late night becomes a norm through the you know, the night hours 234 o'clock in the morning, lights blaring blazing, you know, sound noise dust continuing. So I'm sorry, but these words don't offer us any, any resolution or any confidence at all, that we will have protection

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is just to Willie.

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Thank you very much now Can I ask the applicant to respond briefly to those points.

24:41

And counsel fellows, can I ask you just to drop your hand thank you very much

24:53

for the applicants and I think in terms of the points raised by a separate counsel, we will take those away

25:00

And then consider them. And the construction hours, and obviously have been set out and underpin the wider construction programme and the assessment. So and we'll certainly take away that the comments today. But obviously if if construction hours are reduced, then that will potentially have a knock on effect for the wider construction period. So it's just to bear that in mind that if things are restricted in one way, it has other potential ramifications. So and will take away those points, I think,

25:33

not being able to construct for it for the four months in the summer, as well as potentially, you know, as I say, if there's no construction during that period, that will then lengthen the overall construction period. And but I think one of the key points to flag is that construction will not be ongoing throughout the whole of the development area at any one time, it will be done in stages. So one particular area will be undergoing construction, and then that's it will be completed and another area will be undergoing. So it will not be for the entire and order limits at the same time, but for the whole project construction period.

26:11

Okay, now, the nodes and gentlemen, let's move on. And we've then got a group of requirements dealing with control of artificial light emissions, control of noise during the operational phase, and then cumulative noise control. And so that's 2526 and 27. And

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can we take all of those together, please? Can I see hands in terms of

26:41

who might wish to speak on those and I see 100.

26:48

And I don't see any further? Yes, I do. I see Richard tourney?

26:53

Okay, well, I'll go to the council first. So I'll go to Andrew Tate, and then to Richard Tony for sociis.

27:01

Thank you sir, on

27:03

lighting, we local authority, content with the control would be afforded by requirement 25.

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On noise, both 26 and 27.

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We

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know that there are going to these limits are proposed to be reduced.

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And those changes will appear.

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Shortly we understand, as we explained at ISC four,

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we're not persuaded those limits are yet low enough bearing in mind the very low background noise levels. But we've made that point already. Secondly, we understand there is going to be a new monitoring location at SS three, which will be referred to and we welcome that. And thirdly,

28:01

we note that the National Grid substation is still as we understand it not proposed to be the subject of any operational noise control. And we think it should and should be subject to

28:21

express noise

28:25

reaching level limits.

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And on that last point, take obviously feel free a deadline five is there is a specific approach to that. And the commands itself to your clients. Please put that in.

28:42

Okey dokey and Mr. Tuney.

28:46

Thank you very nice the time I'm just going to endorse what Mr. Tate said and say that we will come back with further submissions on the detail of the noise conditions. But I endorse what he said about the scope of days and the need for further work on them. Okay, thank you very much to the applicant, then brief response to those two points by Mr. Tyson. Mr. Turney

29:14

calling us on behalf of the applicants in terms of noise. Clearly there was the noise modelling clarification note submitted deadline for that provided an update of the applicants consideration of the matter. And yes, we are going to implement in the change the DCA that you'll see it that line five, those changes. And equally just in terms of that is just to note, insofar as the modelling was concerned, the

modelling at deadline for demonstrated that the the cumulative of the onshore substations was predicted to be just under 30 Db in terms of the conditions proposed

30:00

requirement. Suppose that we'll be at 32 Db for two receptors and 31 Db for the others. And just explain that does need to be a margin between the precise modelling and the condition limit level. But that is absolutely necessary to ensure that we can operate. And I just wanted to highlight that particular aspect. But equally, if you've had a look at the noise clarification note, on the basis of the further mitigation work that the applicant has undertaken, in terms of refining the noise output from key key components, that effectively we have managed to turn on model basis, get that noise below 30 db. And the conditions that you'll see are 232 and one at 31, which is the new receptor.

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And clearly,

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that's very considerable progress. Insofar as the matter of imposing a noise condition in relation to the National Grid substation, we have provided that deadline for the

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effectively information regarding the potential output from the National Grid substation, and would welcome with interest, the proposals that will come forward to restrict or proposal to restrict those noise levels, particularly given two aspects, one, that they are significantly below the onshore substation levels. And secondly, in many instances, Apollo, the background level, which

31:38

we'll see if the but that's I, in some ways, much of this examination has been posed to the applicant. That's one floor perhaps the council's to consider that if they're serious about putting a condition on our national grid, how they were proposed to do it, given the data that we now have.

31:58

Okay.

32:01

Moving then on, we have dealt with

32:07

control of light and noise emissions. I'm now then going to touch on traffic very briefly, does anybody wish to speak on traffic 2829 restoration of land use temporarily for construction? Mr. Rigby, I believe had a brief comment on that.

32:31

Yes, thank you, Mr. Smith,

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requirement 29, covering restoration of

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land which is in temporary possession.

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The current drafting assumes a basic obligation to reinstate and that the details Well, I think the wording is maybe approved by the Suffolk Council in consultation with Suffolk County Council. But I was wanting to push a little bit on what happens if they're not approved.

33:03

And although it is a basic obligation, there seems to be a bit of a logjam here as to how this would be addressed.

33:10

I don't know perhaps First, if the council's had any observations they wish to make before I go to the applicant.

33:21

Any observations from the council's I'm not seeing any hands?

33:27

No, in which case straight to the applicant, please.

33:37

terms, the way in which we see requirement 29 operating is that effectively, we need to effectively restore within 12 months, unless we get the consent of these other parties to it. The flexibility is that we're mindful of the fact that there are two projects. And if there were a second project shortly to come forward for works, we would not want to go through the whole rigmarole of reinstating works and then restarting works, when that may not be necessary. That's particularly the case in the context where we in terms of the process have now got a committed process to installing ducts. If the second scheme is not built directly at the same time, at therefore there is the prospect that there may well there's likely to be shared infrastructure. And we wouldn't want that opportunity to be lost if there was a gap that was relatively short. And we had managed to secure that with both the landowner and would seek the council's consent to retain it rather than restore it. Because that would, in some respects results in a rather absurd position of essentially taking something out to put it straight back, say 18 months later, but that that really would be not appropriate.

35:00

would result in greater environmental impact. So there is a quorum as a general requirement, but some flexibility in relation to the matter.

35:12

Thank you very much.

35:16

Okay. Anything else on that Mr. ap, or shall we move on?

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with that? Thank you, Mr. Smith. Okay. And we're now moving into

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a range of requirements that

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there are a relatively limited number of xa. Questions about? And can I just check whether there are any body wish, whether anybody wishes to raise

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pawns in relation to 3031.

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And apologies, I lost my connection there for a few seconds. So I was just calling for potential submissions on requirements up to 33. And I got to 34. And I'm still seeing no hands

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3536

36:48

and 37. I was just going to check to see if Mrs. Jones wish to raise anything on 37. I've seen a cluster of hands. Are these all 37? I think some of the hands were raised before that, Mr. Smith. Okay, just let me check. Can I just go to Mr. Parakh and just check which items you wish to speak on? Yes, so just 36 and it's a very brief point. 36. Can I then just check with Mr. Tate which items you wish to speak on? lesson 737. So go to miss Pac first underwritten attorney which item please.

37:32

32. So I'm just waiting for Nate to come back to me with 30.

37:39

My best take the council's first I'm just waiting for some instructions. You're waiting for instructions, in which case I will go to the council's out of order. So I'll go to miss Pac first. On 36.

37:51

Thank you. So Ritchie bar to the county council on 36. We are happy to be the discharging authority if the board is in Suffolk, but just wanted to raise the very obvious point that we can comment for other authorities of the board lies outside of Suffolk. That's the only point I have to make for this one. Thank you. Okay, thank you very much. And then if we move on to 37. And there we had Andrew Tate, I

believe. And Mrs. Jones, do you want to take this one or? Yes, yes, I'm trying to take it out. Let Mr. Tate say what he would like to say first, I think

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it's a short point. This

38:34

requirement relates to period following completion of construction. Work number eight, and refers to remedial works or mitigation measures if required to protect work number eight. We think it should also include work number six up to mean low watermark.

38:59

Thank you very much. Mr. Turney.

39:03

Do you have your hand raised for this item or for the previous items? Well, I think this was the previous item. I think we're still on 32 for Mr. Attorney. He was just taking instructions. Okay, we'll come back. Okay, that case I Lem, do you want to return to Mr. Turning before and the applicants Mr. Smith? Um, no, I think probably the simplest thing to do is take the applicant on those two matters and then we'll come back to Mr. Attorney 32 is is kind of different subject matter.

39:29

Okay. And that case, can we hear from the applicants please?

39:34

Stephanie mill for the applicants and we'll take away the the point that he suffered council raised about the requirement 37 needing to cover work number six, so we will respond to that one in writing, and no further comment on requirement 36.

39:52

Hey, in which case, Mr. Jones, you contend that I divert back to

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the applicant

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respond on the points raised by Mr. Tate for requirement 37 at all. Apologies. Sorry.

40:12

Apologies. I thought I just did respond on that. In terms of the requirement needing to cover work number six, it may have been that my system

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I think I thought you'd referred to requirement 36 rather than day seven requirement. 36. I was just saying that apologies, I should have taken them in order and requirement 36. We had no further comments on so for requirement 37. We will take that one away and come back to it. Thank you very much. Yeah. Okay. It's getting to be that time of the evening. And let's then go back to Mr. Attorney and public rights of way. I'm 32. Thank you, sir. Rich 24 says is a very short point, which is simply that we've made the representation that these sorts of provisions here the public rights of way strategy needs to be the subject of consultation with the local community, you're the users of these this public right of way network and not simply submitted to the approving authority here sec, without any such consultation.

41:15

Okay. In which case, I'll just return to the applicant to ask if there's any observation I wish to make on that.

41:24

as well.

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For the applicants nothing at this time, thank you very much.

41:31

Okay, in terms of the requirements, then we are now on 38. And I will ask for hands up for anybody who wishes to speak on these items, as I call them now. 3839 40

41:47

and 41. Now on 41. Can I just check whether Mrs. Ah, hang on before I get to 41? Is this 40? Mr. Parakh?

42:00

news 41 is 41 and Mr. Attorney? Is this 41?

42:07

No, sir, it's 38. My trigger finger is tired, and I can't upload that quickly. Excellent.

42:15

On that basis, I will just check where Mr. Tate is Mr. Tate, are you and 38 or earlier? 41 to 41. Excellent. Right. So, Mr. Attorney, I'll go to you first.

42:30

Thank you. I touched on this rich Tony says I touched on this point earlier. But this amendment at 38 is a restriction on carrying out grid connection works, where they've been delivered under another development consent order, which is of course, anticipating the National Grid venture proposals in the pristine area.

42:51

The point that I make about this is that requirement 38 exposes a far broader point about restricting the works being carried out if they have been carried out under the terms of the other order. And that's only in respect to the grid connection works here. But it applies to a whole suite of other works that are duplicated between the two orders, the ones in particular that enable the construction of the projects. So we say that that provision needs to be revisited to extend beyond the grid connection works to make sure that there isn't a duplication of the works being carried out, of course, works could be approved differently, in principle, under order one than under order two. And if that was right, there'll be issues about whether, for example, to access roads could be installed.

43:42

And in those circumstances, we say that there needs to be clarity that once the works are being carried out under order one, they cannot also be executed under order two. And again, that's a matter that we did visit some length much earlier on in today's hearings, and we will very much be looking to the applicant to respond to those both in terms of necessity, and in terms of drafting. If they're taking the view that they are necessary. We are not concluded that on that point. So of course, we will be giving further careful consideration to that as we move forward. Okay, so that was 38. Moving then on the other hand, as Parakh, apologies, that was 40 wasn't it not 41

44:33

or was it 41? There was 41 was 41. And Mr. Tate It was 4141. Excellent. Right. I'll go to miss Parakh and then to Mr. Tate. Thank you, Sir Richard Berry for the county council. So on 41 there's four comments that the county council has, and the first is paragraph two or 41. We would like that too.

45:00

Read the PMP must be implemented and maintained as approved. So that's why a small change and we'll flag all of this in our written case as well. The second is that it is the county Council's view that while work numbers 30 and 41 are referenced there, but that there should also be included work numbers 38, and 3430. Does with ceiling and compounds and 34 is permanent road access, and both of those tie in with the ODM B as well. So we would like to see that died in and the rationale there being anything that's creating additional impermeable surface. Absolutely. So thank you. And the third point that is just regarding, and we hide at the issue specific area and said that our preference would be for the sides infiltration not to be incorporated within the outline or DMB. And we're just just stating that that is still our preference. And that is our preferred approach rather than introducing a new document into a requirement. So we hope that that will be taken on board. And then the final points are, and this is one we've made before is that the county council still maintains that it should be the discharging authority for this requirement. And the GIS is what we've said before, essentially, we are the statutory authority for surface water drainage and flooding matters. We're ultimately responsible for these issues. And we've led the debate on these matters so far. So working to retain that control and moving forward. Thank you very much. Okay, if I can then go to Andrew Tate.

46:37

Thank you, sir. I think the position of the District Council is that it supports those three points.

46:45

Just made, but not the last point. Because bearing in mind the integration between landscape and drainage issues, it does regard it as important that it is the discharging or approving authority, but in consultation with the County Council and the Environment Agency. And under the code of construction practice requirement 22. To a the district will be approving the surface water and drainage management plan for construction. And it makes sense for it to also do the same for the operational drainage management. So we would support the three points made by spirit. But on the fourth point, we think that the current draft is is appropriate.

47:36

Thank you very much. And now can I briefly check with Mrs. Jones, to see whether there were any remaining points that you wish to check out to confirm this that hasn't already arisen? And yet it was just it was a question to the council's actually. And it's it's to do with the adoption of

47:57

your fleet and the operational drainage. And whether you're satisfied that that is secured in the management plan or whether it should be in the decio. The MPs does say that adoption should be secured in the DCU or an obligation. And it was just to ask your opinion on that

48:17

perhaps to the county council first.

48:21

Thank you, Madam ridgebury for the county council. And my understanding is that we are satisfied and just quickly looking at my phone for updated instructions. And I will come back to you in a moment. If that changes. That's absolutely fine. Mr. Tate, would you like to raise anything on that matter while we wait?

48:39

If I can take the same approach, I'll just check to see whether we'll and we'll go to Mr. Turney then in that case, while you take your instructions.

48:51

Thank you, Richard, Tony for says just a short point on requirement 41.

48:58

Again, I made this point in respect of landscaping, but there needs to be a provision that ensures that the drainage, operational drainage mechanisms are secured at all times in the future and maintained at all times in the future. At the moment, the requirement is not clear in those terms. And as you know, the operational drainage provisions here are likely to be very substantial. And we need a very clear requirement that requires the undertaker to keep that maintained and all that the land is used for the development. So that's the that's the change that we're looking for that and And to be clear here the justification for that relates to for example, the flood performance of the first and river

49:51

is that the nature of your concern? I mean, what it is, yeah, it is it is their art, it's that But as you know, there's the major

50:00

Surface flooding issue at first and the the mechanisms involved include very substantial attenuation holding back water at the site, and also discharge into the forest and water course. And those measures will have to be actively maintained by the undertaker, whoever that may end up being at all times that there is built infrastructure on the side, because otherwise is the issues.

50:31

It's about requiring long term maintenance of the face of the order and submission of data there. Yes, no, I'm clear now. Thank you very much. Apologies, Mrs. Jones. Mr. Tate to see you've got your camera on. Would you like to come back in at this point?

50:54

You might have lost Mr. Tate there for a second.

51:02

And if I think I'm in then, very quickly, recovery for the county council. Madam if it's all right, and just on the on the point that you raised? I think opera at the county Council's preference would be if we could just check the NPS position again on reverse and writing if that's all right.

51:19

Absolutely fine. Can you do that by by deadline? Five? Of course. And and the only other query that I've gotten is am I and I think this has this has been addressed in one of the questions that the examining authority of Bush, but we're still unclear as to the if the maintenance of the National Grid basin will be maintained by national grid or SPR. But it will just restart again. Thank you. Thank you. Thank you very much, Mr. Tate.

51:48

Yes.

51:50

I've got very clear instructions on this point, which is to revert to you in due course that.

51:59

Thank you. Thank you very much for coming back to me. In that case, then we'll turn to the applicants to hear their response on those points, please.

52:14

Yes, colonists and partly African, just to say we've listened. This afternoon, actually, we'd already identified a series of modifications that we're proposing to make to record 41. In terms of what's covered.

52:27

Equally, the maintenance is currently referenced in the outline operational drainage management plan. And we'd be open to any difficulty with potentially amending 41 to include maintenance within that. And I think probably we should come back on this, hopefully, that line five with a draft that meets many of the matters. As far as the discharging authority, we consider the relevant planning authority, is the right party, in consultation with Suffolk County Council have responsibilities as to the Environment Agency. And it seems like two parties have it seems

53:05

straightforward that the appropriate party is the relevant planning authority, who are used to consulting in these matters and reaching a balanced decision on the information that's given in relation to such a discharge. And finally, in relation to the management of the suds basins. We, as the undertaker consider it should be the undertaker that is responsible for that maintenance. And certainly in terms of both the operational drainage plan and our LMS, we consider that it's all part of that process of managing and maintaining these areas. And the difficulty is we're splitting that is you're splitting responsibilities. quite clearly in these matters. The Undertaker should be responsible for the matters not having a split responsibility. For once talking about

53:55

potential landscape management might engage aspects of the sudden some district responsible, we think is proper and right that the undertaker has formal responsibilities in respect of those matters.

54:07

Thank you very much.

54:11

No further points for me. Mr. Smith. Thank you very much, in which case, we are then down to the final draft requirement 42 in both cases in relation to

54:24

parallel installation of cable ducts. The rationale for that has already been explained to us by the applicant and by the applicants rather, does anybody wish to speak on that particular provision?

54:38

I'm looking around the room for hands and I do see Andrew Tate.

54:45

I don't see any further requests. So Mr. Tate, for the District Council, please.

54:53

Thank you. So we welcome the thinking behind this.

55:00

We do think that the expression constructed here may need to be thought about further.

55:11

So it's not clear whether that would mean completed or commenced or commissioned. And some precision may be necessary here to ensure that it works as intended.

55:28

And the second point is that the expression in parallel, perhaps, is less clear than it could be. It appears to be referring to paralleled in time rather than geography. But we think perhaps a better expression

55:48

could be used, not suggesting anything specific now, but simultaneous might be one. But we would like to discuss this further with the with the applicant to

56:00

resolve those points and improve the

56:04

drafting of the requirement.

56:08

Thank you very much. And

56:11

can the applicant please respond on that final point,

56:15

Stephanie mill for the applicants will take away both of those points and engage with suffocates and respond in writing. Thank you very much. Now, the schedules, what I'm going to suggest is that I will turn specifically to just one question on arising from schedule 16, which relates to the deemed consent period for discharging requirements. there's a there's a 42 day period. And I just wanted to check that, and those upon whom the obligation to discharge will fall, and our content with that, or whether they had any submissions that they wish to make. Now, I assume, as Patrick

56:59

and I assume, as to Tate,

57:01

so it goes on as parent first and then to Mr. Tate.

57:06

Thank you, sir. Richard berry for the county council. So before I answer your question, I'm sorry to be sorry to go back to the requirements. But I just wondered. And at the at the last issue specific hearing, I wasn't present, but Mr. Bedford, who was representing the council, and, and he was briefed me. So the question was raised about whether we needed an additional requirement in regards as regards to the

memorandum of understanding, I do wonder if that's something that you still wanted to explore today as part of requirements or Well, no, potentially it is, and apologies for not having captured that to my list of questions. So yes, we will do that. So what I'm going to suggest, let me just set out a very brief roadmap in terms of where, where I think we need to go with the remainder of this hearing. Because I was going to suggest that I did come to the council's on schedule 16.

57:59

Because you're here, and it's useful to do that, in relation to the other schedules, I was going to suggest that any specific matters of technical accuracy could be put to us in writing. And I would ask anybody with interests in auditing the content of the schedules to do that. And the ex Hayes had questions in relation to the generation DML and the offshore transmission assets DML. But as we do not have the MMO with us, I see it absolutely not being fruitful to canvass those now. So we'll either do those in writing any excuse to or will bring them to the next dc to issue specific hearing.

58:44

So can we then just check, does anybody wish to raise anything else on the balance of requirements, including requests for new requirements before we move on to the schedules? And does anybody then wish to speak on any schedule? Other than schedule? 16? So can I just ask those two questions?

59:07

And I'm going to go to miss Parakh. Mr. Tight Mr. Attorney who I can see with their hands raised

59:18

was Patrick.

59:20

Richard berry for the county council. Thank you so that that's a bridge is fine with us. And in terms of this sheduled we're happy to take on board what you've said and push kind of technical matters and racing, but just on sheduled 10, which is protective provisions. There's a broader sort of policy points that we have made as local Highway Authority. We will we'll touch on. We'll touch on the protective provisions then I will come to those.

59:48

Okay, on the on the on the structure of the remainder of this hearing then

59:55

Andrew Tate and then Richard tourney and rotate first please

1:00:02

Thank you. So three points on sheduled 16. The first is that just before I take your points on schedule 16, have you got any? Do you wish to raise any additional requirements? I knew requirements are not already there. And do you have any other points on any of the other schedules?

1:00:22

So there is the additional requirement we mentioned at the beginning about constraining permitted development at that point.

1:00:32

And I wasn't proposing to repeat it.

1:00:36

There's no need to repeat. And that's kind of attitude. And I don't think I need to come back to it. And we will pick that up again. Next, is lighting. So we have no further requirements to mention,

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in relation to coordination.

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And that was going to come up under agenda item four.

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And that's being referred

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to coordinating with

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other projects as they come forward and anticipating technological advances. We think that's something that doesn't involve a change to a requirement or a new requirement. But to the substation design principles statement,

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that the short answer is no.

1:01:29

Right? Okay, if I can just check off with Mr. Attorney what you consider you have left, firstly, any additional requirements? Secondly, anything to add in relation to any schedules other than 16? Alone?

1:01:44

Yes, right.

1:01:47

And then anything on 16 itself. So let's start with requirements first.

1:01:53

So we made a number of points throughout the examination on inadequacies across the board. And some of those could be addressed, at least in part three requirements, I'm not going to go back over those. Now, I don't want to make any specific point today on those but with vinci's masks on noise flood

zone, which may be relevant to requirements, I leave that there on the schedules, I have a small point to make on sheduled 15, which is arbitration. And then I have a few comments to make on shedule 16. But those should logically come after you've heard from the authorities, the two planning authorities on sheduled 16. So the moment we have bid, schedule 10, schedule 15 and schedule 16. And I'll come to those in those order. Not, not order. And I'll come to you last Mr. Turney on those now. Okay, this was perfect, let's hear from you on the missing on the missing requirement. And then we will move on to the schedules. Thank you, Richard berry for county council. And so the county Council's position on this remain, we remain of the view that it would be undesirable or undesirable, to seek to tie the economic and other benefits and do a requirement. And as I understand Mr. Bedford has canvassed some of these arguments already. And I believe Mr. Ennis, for the applicant has as well. And the reasons we are, why our principal position is against including such requirement is because we don't think it offers the flexibility or the dynamicism that we need to really make something like this work. And that's been my experience with either one. And in that the approach that is rigid, and it can't really deliver this sort of, you know, flexible outcome that we want. And so I'm in contrast at ash and the mru is the route that has been adopted for the E three project. And that has worked well. It has allowed exactly the flexibility that is required in practice to achieve the various economic benefits. And for that reason, we would

1:03:51

preference very much is to stick with that approach. If for whatever reason, the examining authority is not satisfied with budget approach. And you do want to see the state in into a requirement. And we do have some suggested wording, and it's not ideal and it can of course be finessed, and we'll put it in writing. But something along the lines of and I'll just read out what I've got, which is that the development shall not commence until an mru has been agreed between the applicants of a county council and Isa for Council, the mo you shall address the arrangements for securing the dissemination of skills and the integration of the supply chain into the local economy, including working to a shared set of objectives, and shall include measures for the periodic monitoring and review of those arrangements. The development shall be undertaken in accordance with the agreed mru including any review they're off, and I appreciate this is a lot to dig in. But we have we have emailed SPR and the applicant is aware that this is the wording that we propose. I don't think there's an agreement on it. But of course all of this we can elaborate in our written submission. Yes, and I think that's the best way to take it. And again, we can return to this in the following issue specific

1:05:00

Hearing nine if needs be.

1:05:03

Okay, so if we then move on to those items in schedules, where requests to speak have been made. So if you just bear with me a second whilst I scroll to the relevant points

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and we have then had the request to speak on protective provisions. So that was Miss Parikh again.

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That was scheduled 10.

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And

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yes, are you happy for me to go now? I am indeed, thank you, really very for the county council. So the point here is just the broader, broader picture point, which is that from the outset, we have made representations regarding the need for protective provisions as the local Highway Authority, just to ensure that we can properly discharge our statutory duties under the highways act 1980. And essentially, it's just to preserve our ability to, you know, inspect and maintain the public highway, including very much the public rights of way. And our position is that we believe that we don't, the Highway Authority is no different from that of the various other third parties whose interests are currently secured under shedule, Jen, and ansu, we feel given those under the decio, the applicant has broad powers to make alterations to the local highway network for which the county council is ultimately responsible, it would be entirely appropriate for us to then have these protective provisions. And it's also important to note in this context, when these projects all get underway, we the county council will have to balance it these 3d seals in this area. And so what we're asking for we believe and is reasonable and proportionate in the circumstances. Thank you. Thank you very much. And what I'm going to do is I'm going to ask the applicant to wrap up in response to all of these schedules points at the end. So I'm not going to go directly to the applicant. I'm just going to check. Does anybody else want to speak on schedule 10, before we move on to the further schedule speaking requests, and I'm not seeing any further hands. So on that basis, we're moving them to schedule 15, the arbitration rules, and there it was Mr. Attorney who wish to speak.

1:07:23

Thank you, Sir Richard, Tony, for says is a very brief point.

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The first observation is that, of course, when the arbitration is engaged is perhaps a matter that there's some doubt on, in other words, which disputes will end up in arbitration because obviously,

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discharge of approvals and requirements dealt with under sheduled, 16 and not arbitration. However, in the event that an arbitration was triggered, on a matter of compliance with the DCA, or on a matter relating to the public authority supervision of the DCA, we have a significant concern about paragraph seven of shedule 15, which provides that the proceeding shall be secret. And obviously, when we're looking at the public regulation of the compliance with a statutory instrument, that is not a matter that should be conducted in secret. So far as the arbitration could be triggered as between public authorities in enforcing enforcement mechanisms, as opposed to disputes over

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land matters, for instance, then we do have a concern about the provision of confidentiality. Now.

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I know that and you'll probably recall, as earlier on in this hearing, I did refer the applicant to the relevant sections of the development consent order chapter in the recommendation report for the planet extension, offshore wind farm.

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Report, which was a report in circumstances where there was a grant, there was a recommendation not to grant the order, and the order was not granted. Nevertheless, it did cover public interest matters around arbitration at some length, because they were raised in that examination at some length. And so once again, I would suggest that the applicant does as it does go back to that chapter and review some of the reasoning there. I suggest maybe that anyone interested in this particular point might do the same, because

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it may well be that, I mean, you know, it's probably not perfect by any means. But but there's a starting point in terms of a potential public interest approach that distinguishes between the matters that ought to be dealt with by arbitration, and the matters that ought to be dealt with, by essentially a determining mechanism by the Secretary of State or by another appropriate authority, and distinguishing clearly between those, so that that seems to be quite a useful foundation and it

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be useful to explore that a little further, I think in an issue specific hearings, nine when we talk about the development consent orders again.

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Okay, in which case that then takes us unless I've got anybody else who wants to speak about arbitration to the procedure for the discharge of requirements. And I observed there that

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Miss Parakh wishes to speak and I believe Mr. Tate wish to speak as well. So I'll get him as Parakh first.

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Thank you. So Richie park for the county council.

1:10:42

So those two things on the discharge, and the procedure for discharge, in particular the time tabling or the time period. So firstly, what we have in paragraph one, which is the I think the default period is 42 days, we don't consider that to be enough and would very much like it to be 56 days. And the opposition is that the eight weeks is standard for planning conditions, for example. And that gives us sufficient time to consult other bodies, which usually, you know, it can take up to three weeks. And the second residual issue that we have. And and I have to caveat that by saying that, in practice, the County Council have, in fact developed a very good working relationship with SBR. But there is a residual concern that there is that one can run into difficulties if for example, all applications to discharge requirements are made at the same time, because there's issues of you know, the fact that

there's only a limited number of personnel involved, etc. Now, the two possible ways to address this one is if we could build in some sort of notice period, so as to provide, you know, discharging authority with prior notification of an application, which will allow it to open reorganise its diamond affairs. And

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the alternative approach, which which has, I have to say been used for ear three is to address timetabling through the use of the planning performance agreement. And so that was going to be something that we would recommend and endorse that the that it'd be used similarly for these projects. Thank you. Thank you very much. I the pain forms agreement is a potentially quite interesting measure, and one that probably deserves additional thought by us and, and, and by by other parties that are interested in this and by the applicant.

1:12:27

Okay, I'm then going to finally go to Mr. Tate.

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And I do now see Mr. Attorney on this item too.

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So Mr. Tan first, No, Mr. Turner, could I just come back to

1:12:43

his parents comments comment about a requirement or relation to the memorandum of understanding on skills just to settle that opposition, which is the same as hers. Because the mru has been a success successful as a as a free standing and flexible vehicle loan. Yeah, one. And so we are not requesting a requirement, that just expanding our position on shedule 16, we have three points.

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The first is that this provides for a deemed approval process

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in the event of non determination rather than appeal in the event of non determination. So in that respect, it doesn't accord with the annex to the pins advice note. And it is not it diverges from the approach taken in the vanguard, DCM 123. So we don't think that is appropriate. That's

1:13:46

point 1.2, we would endorse the view expressed by Ms parrot that rather than 42 days, it should be 56 days, that does mirror the

1:13:57

general planning regime. But it's also important here, because one might have two

1:14:06

submissions made in parallel for the two gcos same time. So that adds additional complexity. And it's important that there is sufficient time to deal with the

1:14:23

deal with the applications. And the third point is that there's a requirement under to to that, as a minimum, the discharging authority where it's seeking further information must notify the undertaker within 10 business days.

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That is not practical in circumstances where there is a period for consultation, which will be in the order of three weeks. And

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issues as to need for additional information may emerge precisely as

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As a result of that consultation process, so that is too short a period and it should be extended.

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And

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I don't have instructions as to a particular period, but it should certainly be no less than 21 days.

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Noted. Okay, and again, I'll be coming to the applicant to wrap all of this in due time.

1:15:28

Just before I go to Richard tourney conscious that I did wish to hear the council's completely on these matters first. Miss Parakh, your hand is still raised. Is that a residual handle? Do you wish to put something else having just heard Mr. Toad? Yes. So the latter I'm very sorry. For some reason we hadn't picked up on their 10 business days. And we would highly, absolutely endorse what Mr. De has just said. Okay, thank you very much.

1:15:55

Finally, then to Mr. Turney.

1:16:00

Thank you, Sir Richard, Tony, per se says in respective sheduled 16. The omission, and we say it's an important omission is for any provision for public engagement on the discharge requirements. And whether that requires more time or not, is a matter for the authorities. But certainly what is required is, when an application is made to discharge requirements, those documents are made available to the public as soon as possible.

1:16:27

When the application is made, that is, so that they can comment on them, before the authority discharges them. And I just give by way, of example, the detailed design of the substations that is all going to be done, but through the discharge requirements, it's going to determine what first and looks like in the future, in large part and the idea that that is all left to the authority without any opportunity for public engagement. It is, of course, one which which shouldn't be encouraged. And the same goes for some of the detailed plans. So the csep, for instance, also the landscape management plan, whilst they have to be submitted in accordance with outlines that we've seen, the detail of those is likely to be determinative of the environmental effects in the area if the projects were to be consented. So we do say there should be provision for public engagement on those on those discharges of requirements.

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Thank you very much. Now, I'm going to ask the applicant to wrap a response to all of those schedules. points.

1:17:37

Mel, will you be leading this?

1:17:43

Stephanie, most of the applicants, and I will wrap up the show just points. And then I'll hand over to Mr. Ennis. And to touch briefly on the mru requirement point as unconscious. We haven't spoken on that one yet. And with respect to shedule, 15 in arbitration, and you've obviously pointed us to the Senate recommendation report. So we will go in and look at that, and we'll come back and writing on that one.

1:18:06

With respect to shedule, 16, I guess just to point out that the timescales and the 42 days and the 10 business days, which have been flagged, and those timescales are within the pentad bass note. So that's why we obviously put those timescales in. But we will certainly take away those comments and give further consideration.

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And, and by just just going through the other points.

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I think all of the other points have been raised, we'll certainly take those away and and consider them. And we're conscious that this schedule, obviously when we went to that deadline for the CIO, and there hadn't been a great amount of opportunity for people to comment. So we will take those on board and report back in writing. And I'll hand over to Mr. Ennis, on the mru requirement, if that's okay. Thank you very much. Mr. Jonas.

1:18:53

Yes, Colin is half the African just returning to the discharge points.

1:18:59

In relation to the detail of the substation and the landscape. That is all part of the substation design principles statement, where it is envisaged that there would be direct engagement with both parish Council and local resident engagement with the design at that early stage. And generally, in my submission, that's the right stage to engage before things are finalised.

1:19:24

And that's already built into that which we're obviously going to cross the skin build further into that particular document. That principle is already established within that document. And I think that's the point is, is that that's the time when genuinely there can be a proper engagement over the landscape master plan and the architectural framework at a time when it's it can be properly influenced. I just flagged that as being a key part of that substation design process is through the principles design where they'll get that level of engagement in terms of the memory

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Understanding, we've already given evidence on the concept of how it's worked in practice. It's clearly a process which works. But before going on to say, why or how it can be dealt with, I think there's a wider context that I think is probably relevant. And that is the white paper page 55 identifies the economic benefits of clean electricity. And it particularly highlights the work that base have done in relation to the CFD supply chain plan process. And they are already in an essence of a process for for working through those supply chains with an auditable process. And there is a current consultation on going further with that supply chain framework. And the work of the meu sits within that framework, ultimately, that that is largely what's trying to be achieved is is developing some of those wider concepts within that supply chain plan process, and then working at the local level with authorities and education sectors. So in terms of how the

1:21:11

government currently looks at the delivery of this, it very much sees that CFD supply chain has been the critical mechanism of how the economic benefits of electricity are delivered.

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The Mo, USA has worked very effectively and actually brings together more than one project and therefore can actually bring together things in a more coherent way than a single requirement placed on a single project.

1:21:37

Our position is pushed in the context of requirement, instead of requirements we put a place up opposition is that it would have to be on a can't really do the same thing as an MCU. an MCU, is got relationship issues and those types of matters, which, in essence, don't sit easily with a requirement. And our position would be if you had to revert to a requirement, it would be to have a skill strategy approved and then implemented. And in essence, that would be the series of actual measures that we had to deliver, as opposed to those wider aspects which are delivered in a slightly different way through a memorandum of understanding. And we wouldn't want to get confused because the mru is already in place with these, these bodies. But this would end up being specific requirements related to each of the projects subject to their requirements. And that's how we would say it would be appropriate to deal with

it. If it's right, as I say, we say the context and the white paper. And the way things are developed is through the supply chain plan process, and how that work through on the ground. And I think that's all I really want to send that I think it's that that context of the white paper is pretty important. And the work that bays are already doing in relation to the monitoring of those supply chain implementations, and how that's delivered delivering on the ground.

1:23:21

Well, I managed to switch off my microphone, and Mr. Williams managed to switch on his speakers. Apologies for that brief

1:23:31

interruption. So ladies and gentlemen, that does bring us I believe now to the end of agenda item three. Now, I'd already worked through our actions on agenda items 456, and seven essentially saying we'll take and eight indeed same, it will take matters there to one of two places either to the second round of written examination questions or alternatively into issue specific hearings number nine to be held in mid February. And so on that basis, and we are then now moving towards agenda item nine and I'm going to hand over to Mrs. Jones all in that item.

1:24:15

Thank you, Mr. Smith. There is one other matter which the examining authorities wish to raise during today's hearing. At Issue specific hearing five Mr. Michael Bedford for Suffolk County Council raised the potential value of final statement of Common Ground positions being accompanied by a summary table of case positions for the principal parties, what amounts in some way to a set of closing positions. In the first instance, I am going to ask Miss pareek for Suffolk County Council to briefly confirm whether that request, so commends itself to the council and then to summarise the council's position, please.

1:24:56

Yes, thank you, madam Richard Barrett for the county council. Yes

1:25:00

And that is still opposition. And what all we've seen so far. And, you know, we wouldn't expect that this be mandatory mandatory on research. And we would not be, you know, expecting that this be used as an opportunity to introduce any new representations, but merely to provide some sort of and final updating statement with a route map. And so, you know, not long commentary or anything like that, but just provide sort of our final position with references to do appropriate points and other documents, just so that every the examining authority knows where each Bashi is.

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Thank you very much. Are there any other parties that would like to comment on that matter?

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either in support of amending or opposing that request,

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not seeing any hands raised, the applicants like to respond to that request.

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Colin's because I think

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she's obviously working with parties to identify both areas of agreement and disagreement. That's the purpose of the sale to Congress. What I think we'd be concerned about, given the number of parties that we have to engage with is somehow having a series of almost closing submissions at that stage, which is quite late.

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I think the key would be that anything would have to be restricted to essentially the matters that we've been discussing and where our positions were, and not opening it up to some opportunity. But it's closing submissions by a circuitous route, and which is very late in the process, for responding to that. That's the only concern that we would have. If it's genuinely restricted to matters and the statement of common ground, whichever unresolved, then yes, but not if it's going to become some wider position, just because I would think that there's a prospect that the applicant could get overwhelmed at the last minute with a vast amount of material that I had to respond to. So that that's, that's the caveat. But in terms of expressing or

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not don't have a problem in principle, but provided it does not end up becoming the opportunity, essentially, folks huge placing submissions to which

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I don't think it must be appropriate in an examination. Point taken. Thank you very much, Mr. Ellis. Okay, then as the as the time remaining in this hearing is limited. I'm going to suggest that if there are any matters relevant to the topic of these hearings that participants consider should be examined by the examining authorities if they could put that in writing by deadline five, please so that we can take it into consideration for further hearings, given what I've just said, Does anyone have any other business that be considered must be raised in this hearing?

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Mr. Turney.

1:28:04

Returning for say, says apologies, I realise it's very late in the day, but we would just seek some clarity from the examining authority please as to whether it is anticipated that the examining authority will produce a redraft DCO on the 12th of February, as indicated in the examination timetable. And the reason I asked that is because obviously, what we have is deadline five, where we're going to get a new DCA from the applicant. That's also the deadline to put in our submissions from this hearing. But then, the next deadline doesn't come until after the next is a higher stage on the draft ECA. So we're

looking for the right opportunity for us to submit our sort of full and final comments on the latest and fullest iteration of the DCA. I'll let Mr. Smith respond to you on that one.

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Thank you very much, Mrs. Jones and Mr. Attorney. And

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I would

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hesitate to call it a rewrite what what it is it is a

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it's an opportunity for us to set out a commentary on the draft DCA O's and to specifically consult the parties on a range of questions or issues that are at that point still maybe not fully resolved. And it certainly remains our very strong sense that we should issue such a document. One of the things that we will be doing directly after the conclusion of these hearings is deliberating further on remaining hearings and timing and you'll be conscious of the fact that in serving notice for

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ch two and issue specific hearing seven, eight and nine

1:30:00

What we expressly didn't do was then detail our decision around the further additional hearings that we believe we may need to hold. In early March, and in the reserved week for hearing events, we commencing the park. We're conscious that we have a number of requests for business in that time that are outstanding, including Mr. Attorney from your clients. And there is essentially

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a broad deliberation that we need to undertake within ourselves about, therefore the content and indeed the timing of

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our consultation on the draft dcos.

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So, I'm conscious, I'm probably not being quite as firm as you would like me to be. But I think all I can tell you at present is that absolutely, we will be maintaining it as a product, whether the date remains the same is a moot point at present. We will be deliberating on that very early next week. And of course, if we do decide to change the date, and then we will wrap that up in a rule eight three letter, but as you're sent to my remarks more generally, there's a rule eight three letter coming in any case to deal with additional hearing arrangements.

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I hope that's reasonably clear. It's probably as far as I can go. Before we thank you. Thank you, sir. Thank you, madam. Okay. Thank you very much.

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I'll return listen to Mrs. Jones.

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I think your microphones on mute. Sorry, apologies. I think if there's nobody else that

1:31:50

needs to raise anything, then that brings us to item 10 of our agenda, and I'll hand over

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to Mr. Hockley.

1:32:03

Thank you, Mrs. Jones. The purpose of genda item 10 is to provide us with an opportunity to review any procedural decisions or actions that have arisen during this hearing. We haven't even identified the need to make any procedural decisions. today. In terms of actions, we have a list of 31 reasonably detailed actions arising from these hearing. These have been flagged as we've progressed, they're largely for the applicants who I'm sure have been noting them that they've gone on. And we're going to publish these on the national infrastructure planning website as soon as practicable after the close of this hearing, realistically, as can be as soon as we can on in next week. We'd advise all participants today and those not in attendance, but we've been interested in matters covered by this hearing to review this action list when published and act accordingly. Thank you. I'll just pass over to Mr. Smith for next steps, please.

1:32:55

Thank you very much, Mr. Hockley. So, as you'll be well aware, this has been issue specific hearings number six in relation to the draft development consent orders. We have reserved time in the timetables for possible of German to an issue specific hearing six a that could have been held in either the first or the second of February, if there had been technical disruption or failure in this event. But it's clear now that neither of those days will be required. And so issue specific hearings, six a are cancelled and about a to that effect will very shortly be published. Again, realistically, and it will probably be Monday morning before we can publish that now. But hopefully everybody who's here and who might have been involved in an adjournment now knows that one is not required. And annex hearings in these examinations will be in February notice has recently been served to them and can be found now on the national infrastructure planning website, landing pages for both projects. They are compulsory acquisition hearing on the 16th of February, and that will have a focus on individual objections to compulsory acquisition and temporary possession requests. That's on the 16th of February. And issue specific hearings seven biodiversity and habitat regulation assessment on the 17th of February, issue specific hearings, eight seascapes on the 18th of February and issue specific hearings nine a return to the draft dtos and particularly focusing on outstanding matters left from today's hearing on the 19th of February. And so as I also played earlier, please note that we are still giving active consideration to

requests for additional hearings over and above those in terms of new topics. And our own need to examine further additional topics. And including in that is our deliberation on how we might use hearing time reserved for the eighth of March 2021. And I won't make announcements on that today. But I've said we'll be writing to you shortly and indeed we will.

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So on that basis. Now. I'm going to

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To move to agenda item 11, and the closed of today's hearings, I would like to thank all of our speakers today for your attendance and contributions, and particularly also everybody who has spoken in this substantial round of issues specific and open floor rings.

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Over the fortnight's this has now come to an end. Again, I'd like to thank our case team led by Mr. Williams for supporting these hearings. And so having a final check that there is nothing else that anybody wishes to raise. I'm looking for yellow hands or cameras coming on seeing none. And I'm now going to turn to my panel colleagues, and ask them to say their goodbyes. If I could ask Mrs. Jones to lead that process, please. Thank you, everybody, for all your contributions today. Have a good weekend.

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Thanks very much for your time and contributions.

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And thank you for me as well.

1:36:02

Thank you very much, everyone and good afternoon. Thank you very much. My name is Rynd Smith, lead member of these panels. I'm now closing this hearing. The time is of a C 26 minutes past five and issues specific hearing six are now closed. Thank you very much, ladies and gentlemen.