

# TEXT\_EA1N&2\_ISH8\_Session3\_18022021

Thu, 2/18 2:56PM • 34:37

00:03

Okay, good afternoon, everybody and welcome back.

00:06

Just before we recomend, can I just check that the live stream is start again, and it's working? Okay.

00:16

Good afternoon, john, I can confirm that the recording has started in the live stream is working.

00:22

I'm afraid Mr. Williams, the live stream is not working. I have an external monitor. And it isn't. So

00:30

I've been looking at it since he raised it, and it's working fine on my screen on my laptop. Yes, I'm conscious that mine, though, is going through an external

00:42

IP address. So it's what the public will see. We had EME, Caroline has emailed Rob, but from the case team side, we cannot see there that you see. Okay, well, I'm concerned, I'm concerned to the public cancer. So can we just reserve for three minutes and ask that production staff to formally respond?

01:08

Sorry, john.

01:11

No problem.

01:23

Again, you are monitoring it as as as seen from an external IP address?

01:33

Yeah. Okay. Well, let's, let's proceed on the basis that reasonable diligence has been done. Thank you very much for checking that for us.

01:43

Okay, thank you if we could recommend

01:47

last action before we broke in the last action of item three on the agenda was a question to natural England.

01:56

So, in terms of the break, Miss Burton, I was wondering if you had formulated an answer to as always, or if you wish to reserve your position for written submissions.

02:07

Louise better natural England. I thought it was probably beneficial that we could come back with some response to your questions. So here goes. So Louise Burton. And the first question you asked is all natural England objecting on seascape grants? Yes. Natural England is advising on the impacts of,

02:32

of the proposals on the statutory purpose of the OMB only

02:37

whether or not the yourselves and the regulators are decided that that is

02:44

something that means that the project doesn't go forward is up to yourselves, but we are advising Yes, there are a significant adverse effect

02:53

to the statutory purposes that the OMB has particularly in relation to the special qualities.

03:01

Okay, thank you. And that that relates to

03:05

all the parts of my question in one, one that bit. The second bit was, is there anything the applicant can do? Yes, to address? Yes. So and this is provided on a without prejudice basis, on a recognition that there would need to be some sort of assessment. So we've we've pulled some figures, and some thoughts, but it would obviously need to be assessed as to whether or not it would would meet the requirements. So

03:32

as a point of correction from earlier, Mr. Ennis raise that natural England has made comparisons between different projects, that is not the case, natural England has made comparisons between how policy has been interpreted between different projects, which is a slightly different thing. But we have recognised that if you were going to compare

03:56

impacts from one project to another, there is a very good example within that is also impacting upon the current a on B which is galloper.

04:07

And so we have taken the Gallup impacts where it was concluded that it was there wouldn't be a significant impact and have said well, if you wanted it to be like for like and and therefore considered to be acceptable,

04:21

the turbine heights would need to be lowered to at least 110 metres. And in lowering the turbine heights 210 metres. We also recognise that that brings in implications for mitigation measures for birds and collision risk because you've got a lower draft height potentially. And the second part of this is that there would also need to be potentially a removal of the first row of turbines closest to the coast. So they are the the two things that we could think of, in the time we had which was the

04:58

allowing the turbines to be the same height

05:00

Something that has been considered to be acceptable, which would be galloper at 210. And potentially the removal of the first row series of turbines closest to the coast.

05:12

Okay.

05:15

Thank you very much. And the last part, the question was, is it your view that development consent should not be recommended?

05:22

That is outside of natural inventory meant to comment on that point. Thank you very much. Miss Berg. Before we move on, I do need to go back to the applicant. So Mr. Ennis, is there anything you wish to come back on now? Or do you wish to reserve for written comments?

05:44

points out

05:47

that nattering mins advice is that they object on the grounds that the significant adverse effects on a statutory purpose of the RMB and that's how I've noted the advice.

06:02

And all that I would respond is that doesn't seem to match the test, and no one at five 912. And I think fundamental to the, some of the dispute here may be about that policy test. And we're clearly directing, plus the environmental statement, our analysis towards the policy testimony and one, whereas not from

the pier to be directing their material, back it environmental assessment, and that may draw one distinction. In terms of

06:38

an example. I suppose that I just submit that in terms of dropping the height 210 metres, because that's an equivalent height, without taking into distance and other factors seems to be a grossly over simplistic approach to to the matter,

06:57

and certainly would fail to properly recognise the purpose of any one. And if I may, say, the white paper, insofar as the government looking for competitive pressure to be brought to bear in the decarbonisation agenda. And a key part of that is the application of the most up to date technologies, which are the key driver in the context of the white paper as to why the government has chosen this technology, as it's one of its key responses. So, as I think that that put in the round, is probably a key response. But suffice to say that I think I can confirm on behalf of the applicants, and that's certainly not what we would be responding to in any meaningful way, because it's a wholly unrealistic.

07:55

And apart from that, I don't really have anything to add, insofar as the proposition from natural numbers put. Thank you. Thank you, Mr. Anna. So we'll just briefly go back to miss Burton, who I see has a hand raised.

08:09

So he's better natural England. Apologies. I quoted to start off with one tenant it should have been to 10 metres in height, and as clarity on that point, to 10. Okay, thank you for that.

08:26

Mr. Ennis, did you wish to respond further, or shall we move on?

08:31

We

08:33

can move on. My position does not change.

08:37

Thank you. No problem. Thank you, Mr. Ennis. Okay, that concludes agenda item three. I think we'll, we'll now move on to agenda item for any other business. And Mr. Smith, we'll take this item. Thank you.

08:51

Thank you very much, Mr. Hockley. Now we've got a couple of items that we need to touch on, as we flagged earlier on in this event. And we didn't want to close without providing a touch point around and the actions on the applicant to natural England in relation to the consideration and approaches taken

rampion and navitus. And just to check that we have a final position. So I think the the order here will be first given that natural England we're going to undertake some internal consultations, make phone calls, etc. during the lunch break, I thought I should go back to miss Burton, and see if we're in a position that is a little clearer or has changed at all, as a consequence of those compensations. And then we'll take that into account as a final position and make sure that we try and produce an action that takes into account everybody's positions. So

09:49

thank you, Louise better natural England. And so we have had some discussions and going referring back to previous comments of it's not

10:00

appropriate for us to compare other impacts that are the designated landscapes in this instance.

10:08

So if you were going for a comparable, it would be much better if you were going to do that to look at galloper and those effects in the same designated landscape. So it comes back to our view that comparing landscapes is not appropriate. Natural England hasn't compared landscapes, what we have done is looked at how policy has been utilised on different projects and interpreted. So we just wanted to make that point clear. And our view is still very much the same. So it would depend upon what the applicant wish to put in at deadline six, and then we would

10:47

review that, and if we felt it was appropriate to provide something further than we would but we feel that the matrix approach that's been suggested, and wouldn't actually progress this any further.

11:01

Oh, okay. Um,

11:04

well, in terms of progressing it further, obviously, the critical task is test is whether it progresses things further in terms of us being able to fully comprehend the issues before us, and to give the best advice that we can and to the Secretary of State.

11:22

Now, I guess, at the moment,

11:26

our take on that was that, and taking on board, what you have said about direct comparisons between different landscapes and also taking on board and the response to that, that Mr. Ennis provided when we last spoke, which

11:42

certainly in terms of my understanding of his proposal, and

11:48

responded to the the need basis for our request, whilst also responding to the concern, the reservations that you've raised. And

12:01

our starting point would be that, that, you know, we would be considerably assisted by this. And if we don't have it, and then

12:13

reaching points of evaluation and judgement that we have to, in order to report to the Secretary of State if we are not to provide a conclusion that we can't reach a conclusion, which is a very, very unsatisfactory position indeed. And as those folks who've been observing previous equivalent examinations will know, when that occurs, secretaries of state tend to take a very, very long time during decision then to undertake further reviews and consultations. And so that's what we're trying to avoid here. We want to have as complete a picture as we can. So our view at the moment is that as qualified by both yourself as Burton, and Mr. Ennis, we believe that this will add value.

12:57

And so we would urge if at all possible, and participation in it.

13:04

And

13:06

I think the best thing that we can do now is we've heard your position is to go back to the Africans here, their final position, and then we and then we can we can work out an action. And given

13:23

that our position on that is that the first step in that action

13:27

would rest with the applicant in any case that we'd be asking for the applicant to pitch a starting position. At deadline, six,

13:37

seven, I'm going to go to the applicant, Mr. Ellis

13:41

on behalf

13:44

Yes, thank you, sir colonists and behalf the applicant. Yes, in terms of opposition is that we select that we would send out that information for you, hopefully in a coherent manner that sets out

13:57

looking at designations and looking at the impacts that have occurred and the decision making around it may be of assistance. And I just paused to observe that in terms of N 1599. t. But there it was stated to be that it might be helpful to have examples of existing permitted infrastructure where they're aware of a similar magnitude of impact on sensitive receptors. Now, if we're going to deal with significance, as we've heard, we need to go and find other projects and significant effects or where that designation has been subject to different effects to help and assist. So I think that's what we're going to focus in on and we'd certainly be prepared to make that available to assist this particular matter. It goes on to say in that paragraph, that this may assist the IPC in judging weight in relation to the assessed effect. So, I I we will, we will give that information and to the extent

15:00

And on the basis that it is not essentially a comparative element. It's understanding what why artefacts were found, and the decision making around those in that context for those decisions, we will set that out and the extent to which you find that useful and gives weight to the week where which you might view matters is obviously a matter of the panel we will set out at seek to system that basis. Okay. And in terms of timing, deadline, six is achievable.

15:30

Yes. So thank you. Because of course, if if, if naturally the data participation, only meaningfully splendid needs to be in a deadline six, so they can have a look at deadlines seven

15:43

now was burn, your hand is raised?

15:47

No, he's better than that. ringland. I was just going to say I don't think what Mr. Innes has just said, is very far away from what natural England's position is, which is one of how the interpretation and policy has been applied to the impacts that are occurring there. And that is something that we've provided advice. I don't think he was that far away. before when we spoke about it. And we do indicate at that time that that, you know, we thought that there was a reasonable road that has addressed your reservation concern. Hence, what I would point out, though, is I think that natural England has already provided that advice and in our deadline, three submissions, and pulled out the areas that are appropriate to consider for this particular project. So it was just a recognition that there may still not be much more for natural England to say on this matter.

16:46

Right.

16:48

Well,

16:50

having having heard your return position on that, if that's concluded, then

16:57

my view is that we still do have an action that given the applicant's willingness to frame this out, we do ask them to frame it out at deadline six, and with an opportunity for natural England to respond deadline seven. And

17:17

in terms of whether or not the framing out is something that is done collaboratively, if there was in previous examinations, there have been useful conversations between applicants and, and interested parties around matters such as this prior to the deadline. And I would urge you know the value of maybe having such a conversation simply because it might help both of you arrive at something that's more useful to you both and more useful to us as a consequence.

17:48

But yes, deadline six please, for the applicants, position paper deadlines, seven then for any responses on that,

17:59

from natural England, and in that regard, usefully, you know, if the applicant can provide natural England with a word copy of, of their paper, and natural England can then edit onto it, Ed, we are not looking for a masterwork here. And in any description, we're looking at the capturing of the observations, both parties.

18:22

Okay, so I think that brings that matter to a conclusion, we will record that action. And we will obviously attempt to publish the action list as soon as we reasonably can. And my observation would be that it will be likely to be available on our website, and from first thing tomorrow morning.

18:44

Now, there's another

18:48

Ah, we have

18:52

do Sorry, that was by mistake.

18:57

That's absolutely fine. Moving on, then to matters in any other business, there was a general observation that the examining authority wish to make as a result of conversations around essentially the question of

19:13



the lack of access to natural England technical specialists. And we note, obviously, that we are in a pandemic, and there's a national lockdown applies. And this is posing challenges to everybody involved in these processes. And we understand therefore, that relevant natural England staff have for example, homeschooling or carrying duties and so therefore, have been unable to be with us.

19:40

So there is no criticism implicit in this observation. However,

19:45

I think it has become apparent in this particular hearing that judgments relating to seascapes do include a significant element of professional judgement and it is in principle important

20:00

And assists the examining authorities if we are able to explore professional judgments directly with the authors of the relevant judgments.

20:09

So, whilst we do recognise the realities of the current public health position, and collectively as examining authorities, we did feel as it was important to place an observation on the record, that in circumstances where evidence realised on a measure of professional quality of judgement, and the virtue and value of us being able to speak directly with the authors of that judgement is unimportant to primary value. And therefore, whilst we have endeavoured to pass through this material as best we can, and we certainly feel that we're in a, in a circumstance where the ability to to make the evaluations that run to credibility and weight that perhaps one would, as a result of direct dialogue with the relevant professional concern are ones that

21:07

have not been able to who have been made as well today as they would in more normal circumstances. So that I think does need to rest on the record. Does anybody wish to make any observations in relation to that point?

21:26

I'm not seeing any hands.

21:30

In which case, then, Does anybody else have any other business that they consider needs to be raised arising from this hearing?

21:43

I'm not seeing

21:45

any other hands. So that then brings us up. I do. I see another hand. Yep. Yes, currents above the African. I'm just in terms of, of, of one final matter, just in terms of the seascape matter. Um,

22:02

we just wanted to sort of just put a bit of context. So we didn't take more than about a couple of minutes. But Mr. Martin was an individual who also participates in the public information days,

22:15

in relation to the formulation of the proposals. And obviously, we now have relevant reps over a vast number of topics. But I think one of the matters that I think he could explain is that, that we did seek to extensively engage with the coastal communities who are potentially most directly affected by activity offshore elements and, and he'll be able to explain what we went to in phases two and three of our examination, and also what the response was, and how that ties in with the volume of representations that received in relation to seascape matters. So Alicia was going to give them two minutes just to explain that background and context, which I think is probably also relevant. I think that's a fair request. And but obviously, if we allow him to do that, then by definition, those assembled here need the right to come in. I'll provide that once he has spoken. So Mr. Mr.

23:12

Simon Martin, on behalf of the African just to pick up on that point. Thank you.

23:18

I attended many of the applicants public information days, as as was mentioned there at coastal locations during the phase two and phase three consultations. And we we did these at a number of locations that might be impacted or affected by the by the offshore wind farms and projects at low staff Southwold leisten thorpeness obrah Orford.

23:47

Were the primary focus of those those consultations

23:53

at the events, we presented the visualisations to members of the public that came in to to consider the proposals and the visual impacts of the proposals. And at that time, it was the unmitigated scheme that we were presenting to people the unmitigated

24:11

scheme that is,

24:13

and it was really to know I suppose, anecdotally, from our experience of the the exhibitions that we present that we gave that the you know, the level of concern from members of the public in relation to the offshore wind farms was actually you know, was actually very low. There are relatively very few concerns raised about the visual impacts of the offshore wind farm projects.

24:39

And that was really then evidenced in the the relevant reps that we received from members of the public and there are only nine relevant representations on on the matter, sir, in relation to seascape visual impacts specifically of the offshore wind farms.

24:58

So we we raise that I suppose just to

25:00

Put in put into context. Some of the earlier discussions we've had about AONB special qualities and perception of landscape character, which are all matters of, of importance.

25:14

I would, I would say that, you know, the visual, the visual impacts to the people that are living in this area, they're experienced the effects we found from the public information days and the relevant reps weren't weren't.

25:30

Weren't raised as a

25:34

as a concern, generally speaking.

25:38

So

25:40

I think I would just finish on that and just just raise that point for context.

25:47

Okay, now, can I go out to other interested parties present and just see briefly show of hands, does anybody wish specifically to respond to that point?

26:00

Now, I am seeing Phil Watson.

26:06

Just bear with me, Mr. Watson, just in case anybody else raises their hand because I would normally do this in an order coming from

26:14

local authorities onwards, but if natural England wishes to speak on this, I would bring them in before

26:23

the council's no Mr. Watson, the floor is yours.

26:28

Thank you, sir, very briefly.

26:32

As your as the panel is aware, having done many of these, one of the key issues with visualisations is fundamentally they are designed to be used on site looking at the location in question.

26:49

And,

26:51

as you know, is often the case they're not easy

26:56

for non specialists to interpret. And as there has been commentary, I understand from natural England earlier about the jet, generally, how the focal length and so forth can lead mislead the untrained viewer as to potential visual effects of offshore wind farms or even onshore wind farms. So I think whilst I entirely accept

27:25

Mr. Martin's

27:27

precis of characterization of the public engagement, I would caveat it asked panel to caveat it on that basis. Okay. Well, we've we've heard, we've heard you both.

27:43

And I think it's fair to observe that the nature of this hearing itself has been, in large part a hearing of technical review between specialists. And that, to a degree has been because this is a debate on which we have a lot of specialist analytical material.

28:02

But relatively compared to the range of engagements with a whole range of the other topics that we've examined, relatively small and volume of, of comment from the broader communities. But of course, we have to give careful evaluation to all important and relevant matters raised within the policy framework applicable. And that is, of course, the job that we will do. And so it's important that we don't move this into circumstances where we are starting to count the numbers of heads, it's the importance and relevance of the issues and the applicability of them within the policy framework that remains the driver here.

28:42

Okay, ladies and gentlemen. Well, on that basis, I think we have dealt with Agenda Item number four. And so I'm going to move on to agenda item number five procedural decisions, review of actions and

next steps. And the purpose of this is to provide us with an opportunity to essentially check point where we are, and there are no specific procedural decisions that have arisen during today's hearing. It may feel as though there are because we've had a lot of deliberation around the way that we frame our actions, but nevertheless, that is in the land of actions not in the land of procedural decisions. So I will move on to the Action List and we have a reasonably short Action List that we need to finalise immediately after the close. We will aim to have it finalised today, we will aim for it to be published and available on the Documents tab of the two websites tomorrow morning. Now, because it's published there, if you go to the Documents tab, and you will find it immediately listed, and that will be the best place to find it. Not the examination libraries themselves because the examination libraries typically take at least a couple of days to follow hearing events to update. So I would I would ask

30:00

ask anybody who wishes to go to find the action list as soon as they can to go directly to the Documents tab and look at the most recent documents added in the last couple of days. And because we are very conscious that deadline six is close at hand, and you very reasonably will need to look at the actions as soon as you can. And what I would flag as well is that compulsory acquisition hearings to and issue specific hearings, seven Action Lists are already there on that tab published and available already, even though they are not yet reflected in the examination library lists.

30:39

We would of course, advise all participants today and those not in attendance, but with an interest in the matters covered by this hearing to review the Action Lists, and particularly the Action List from this event, when published an act accordingly.

30:53

In terms of next steps, then this has been issue specific hearings number eight, we did have time reserved in the timetables for a possible adjournment had there been technical issues with the delivery of this event, to issue specific hearings, eight a that could have been held at a point between the 23rd through to the 26th March. Now it's clear that we have managed to pass through the entirety of this agenda. And so neither none of those days will be required for issue specific hearings as a which is accordingly cancelled, and in due course a banner to that effect will be published.

31:29

Our next hearings in these examinations, however, will be tomorrow, which will be issue specific hearings number nine. And the main agenda items there are on the draft development consent orders, and largely carried forward from the previous draft development consent orders hearing where there was a fairly substantial body of unfinished business. And what I would flag is that we will be publishing

31:55

tonight and a minor update to the agendas for issue specific hearings nine tomorrow to flag that shortly after 10am. At the very beginning of the hearings, we will have a short procedural session, as we have previously raised that will deal with matters around and the submission of correspondence from Suffolk energy action solutions sees raising concerns about the applicants engagement with affected parties. And to the extent we've had procedural submissions that are unresolved from the applicant on that

point, including with reference to miss Fiona cram, who has been advised of this and been provided with an opportunity to attend tomorrow morning if she wishes. And we will be engaging with the applicant with CS and Ms. cram if she attends so that will be shortly after 10am before we move into the substantive business of issue specific hearings, nine. And as I've said, we will be putting a minor alteration to the agenda out on websites to make that clear. Does anybody have any questions about any of those steps?

33:11

Again, I'm not seeing any hands. So this then brings us to the closure of this hearing item six of our agenda.

33:21

I would like to extend a warm thank you to all of our speakers today for your attendance and contributions. And whilst we have been dealing with some matters that have been reasonably contentious between parties and in dispute, and everybody has participated in good part, and we certainly have been informed by the contributions. So thank you very much. I would like to thank our case team led by Mr. Williams for supporting these hearings. And then I'm going to have a final check before I press the big red button on my screen to see if there's anything else that anybody wishes to raise needs to raise before we close.

34:00

And then I will ask Mr. Hockley, then to say his goodbyes.

34:07

Thank you, Mr. Smith. And thank you everybody for your time and your assistance and your contributions today. most helpful, thank you. Back to you, Mr. Smith. Thank you very much. And again, for me, the time is now if I can find it on my computer screen and amongst all the other windows 2:34pm. And these issues specific hearings number eight are now ladies and gentlemen. Closed