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00:05

Good afternoon ladies and gentlemen. Welcome back to the third session of this issue specific hearings nine into the draft development consent orders Rin Smith is my name lead member of the panel. before going any further, however, can I just check with the case team that live streams have resumed the recordings are on and the captions are also on.

00:25

To confirm that the livestream have started the internal recordings on you and the capsules are working fine. Excellent. That's very, very good news. Thank you very much, Mr. Williams. Okay, then you'll be conscious that we ended agenda item two just before the lunch break. So we will now move ladies and gentlemen to item three on the agenda which relates to protective provisions. Now we've had here a specific request from Suffolk County Council to deal with the question around the need for and form of potential highway protected provisions. We've also touched on EDF nuclear generation limited and progress on protected provisions. And we've also received an update on protective provisions force sizewell C. So we know what the

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operational and new nuclear power station

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provisions are. So we don't need to touch those. We have also raised as a general action the need to bring

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the original size Well, a the Magnox station and the nuclear decommissioning authority into the potential question around the need for protective provisions. So at the moment on my table, I have just the Suffolk County Council request, can I just check around the room before going any further on this agenda item whether anybody else wishes to speak to this item.

01:55

And I'm not seeing any further yellow hands being raised. I trust that's not the case that has a malfunctioning top that it's accurately reflecting the opinions of the participants, in which case and I will ask Mr. Bedford pleased to introduce the council's position on that request. And then I will ask for a response from the applicants.

02:20

Thank you. So Michael Bedford, Suffolk County Council. So I think I'd take this briefly particularly given the lack of wider interest in what is quite a narrow topic. So in our submissions at deadline, five in our submissions on behalf of the local highways authority, so that's rep five, zero 55. Section three have that set out, as it were the detail of the points that we want to bring forward in relation to why we consider there is a need for protective provisions to secure the highways infrastructure that would be affected by the scheme.

03:01

I don't elaborate on that, because I say I've given you the reference, and we've already set it all out.

03:07

There has been dialogue with the applicant, as I think Mr. Green has referred to, before lunchtime, there's possibly been some slight crossing of wires as to what has been discussed, which again, I don't think it's fruitful to spend examination time on that. Suffice it to say that I think there has been potential discussion about a section 278 agreement, possibly allied to a protective sorry, to a planning performance agreement. But no detail, I think has yet emerged on that. We certainly don't, as it were close our mind, eyes or ears to that being a potential way forward. And we are happy to explore matters further with the applicant. But having said that the as it were, the backstop needs to be that there is adequate protection secured in one way or another. And we are certainly of the view that protective provisions would provide that. But we're open to considering other possibilities if they can deliver the same result. One particular issue which obviously protective provisions will have over and above alternatives is that we would wouldn't have then a difficulty in devising a mechanism as to what is to happen if there is a transfer of the benefit of the order. Whereas the individual agreements, it becomes much more complicated to do that. So that's an issue. And so the only other point I would raise at this stage as I slightly rehearsed this morning, I said that we haven't given you any precedents, as it were for linear schemes to have protective provisions in relation to local Highway Authority infrastructure. And so there are three that I think we would particularly draw to your attention.

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Two of them are energy schemes and National Grid schemes for connection projects. One is the National Grid Hinkley Point C connection project order from 2016. And it's sheduled 15. Part Three of that with protective provisions in favour of Somerset County Council as the local Highway Authority. Secondly, there is the National Grid rich Brook connection Project decio 2017. And it shedule 40 in part three of that, with protective provisions in favour of Kent County Council as local Highway Authority. And the third, it's not an energy project. It's a transport project, but it's the most recent as it were, in point of time, the a 303 sparkfun, Ilchester tooling development consent order 2021 and shedule. Eight, Part Four gives protective provisions, again in favour of Somerset County Council as the local Highway Authority. There are other gcos, which also give protective provisions to highway authorities in relation to rail freight interchanges, but the ones I've picked up there particularly are the linear ones where there's as it were a series of as it were interventions between the scheme, and the highway authorities infrastructure. So we can elaborate on that in our written submission. Very helpful and will certainly turn up those references and to, to the degree that this has fallen into somewhat of a lacuna as a consequence of perhaps us not being as sharp as we should have been in identifying it as a matter of discussion in the decio commentaries, apologies, Miss Bedford. But anyway, this is the reason why we

have oral hearings to make sure nothing gets forgotten. And, okay, on that basis, I'm going to hand over to the applicants and ask for a response there.

06:55

Good afternoon, sir colonists and behalf of the applicants. And I think it'd be fair to say that our engagement with the counter counts in relation to transport matters, has has kind of been focused on resolving the technical issues. And we've made very considerable progress on those. And we're at the stage now of making sure that we deliver on those matters. And there's a range of discussions ongoing in relation to that matter. We wish to explore with the counter counsel whether through a PPA,

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potentially incorporating matters in the access management plan, and elements of 278, whether we can give them sufficient comfort on the matters that they raise, we recognise that if we don't achieve that relatively swiftly, then we will have to consider the proposition of protective provision. So we're cognizant of the fact that this matter needs to be progress pretty quickly. And we need to come to a conclusion as to the delivery mechanisms and the protections to be provided by to the high risk authority. So that's the current position. And obviously, we will seek to bring this to a resolution, and hopefully one that has that the parties agreed, but we are having regular and good quality engagement at the current time on these issues. Thank you very much. Mr. Ennis, I'm very pleased to hear that. I mean, essentially, it sounds as though this probably won't be needed. But I will place it out there as as the kind of default capturing case, but simply to identify that essentially, if by deadlines seven, this is still a matter in substantial dispute, and there isn't a settled mechanism, and or no drafts of relevant agreements have been seen

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that at that point,

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it would, then if if the council is still maintaining their view that protected provisions are needed, it would be useful to see a final form of draft words as they see them by deadline aid so that the applicants could respond at deadline nine. Now that's going very, very far to the end. But I think that's probably about as good as we can go in the current circumstances. But what it means is that if we then need to essentially adjudicate the dispute, which is that one of you says they're needed, and the other review says they're not. And we are at least then armed with the relevant drafting. And we're also armed with final views as to the merits of that drafting. And is that acceptable on both sides? Yes, sir. The comments above the Africans. Yes. Thank you. And Mr. Bradford?

09:49

Sir, yes, thank you. Yes, that's very sensible. Thank you. Okay, in which case, then I'm going to indicate this I'll close out agenda items three, and because

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I'm not seeing any further indications by way of yellow hands, or cameras coming on if anybody wishes to speak to it.

10:08

So, we are now going to move to agenda item four, referred to broadly as the changing policy environment. Now, I don't intend to speak to this to any significant measure of detail other than to flag, the page seven of our draft development, consent orders, commentaries, that I've already referred to deals with flexible adaptation mechanisms. Now, the proposition there is around, essentially this potential for the projects to become engaged in the need to deliver different means of transmission system connection than the ones that are currently proposed in the applications before us, as a consequence of a complex of policy change that's currently still ongoing. Now, we know the applicants in principle position here, which is that is not necessary, and that they are seeking to do two things to

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ramp up the speed with which schemes might be implemented if the orders were made. So reducing the commencement period from 75 years. And they're also taking the view that there is no need for flexible adaptation provisions around emergent policy change. Now, the reason that I didn't want to allow the draft development consent orders, commentaries, and indeed this hearing to go by, without placing this out for conversation one more time, is that essentially, if the applicants

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take the view that this is not necessary, well, you know, that is a point that is made, and we will have to consider it very carefully. However, equally, if the applicants wish to have a dialogue about potentially evolving some drafting that might build a flexible and adaptive capability to face policy change into either of these orders. If that process really doesn't start, essentially, is a thinking of deadline six, concrete drafting and seven responses to date, then, of course, it's not going to happen. So that's the reason why I wish to raise it now. I had a specific request to speak on this item by the Right Honourable Dr. Tres coffee MP. And, and what I would therefore propose to do is maybe seek mas coffees engagement, and then check to see if there is anybody else wishing to speak and then go to the applicant for a response. So if I can just check

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my hands.

12:58

Now at this point, I may need to ask for assistance from my colleagues, because my yellow hands are not showing.

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And so can I got Mr. Smith, we've got

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a Suffolk Council, se C's and C's. It's what I can see at the moment.

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Hands up.

13:22

Okay. Well, in which case, thank you very much, Mr. Hockey. And I will, I think, retain my original order of play there. So I will go to our sorry, Suffolk County Council as well. Sorry, Mr. Smith. Okay.

13:40

So I'm going to go to today's coffee, then to Suffolk, then to Suffolk, then to sociis, then we'll come to the applicant.

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So if I can ask the Right Honourable Doctor terez, coffee, MP and thirst.

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Thank you very much. And I'm conscious, we're referring to the decio. And I just want to be very clear, I have absolutely no specific objections to the offshore environment, elements of a one and a two. You know, the environmental regulators principle, the MMO will make any comments about the suitability of what is there. And I'm aware of the emerging policy, which is that the Prime Minister made a commitment to update the Conservative Party Manifesto. So that we had 40 gigawatts of offshore wind electricity generation by 2030, rather than 30 gigawatts. And I think, you know, throughout all of this, the main issue of contention has been the proposed onshore infrastructure and the more energy being projects being proposed for these coasts, and that's why it's important that this that we recognise the emerging policy changes which are coming from the government during the process, that work is underway. So just to recap, March 2019, and nearly two years ago now the government published its industrial strategy, offshore sector wind

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Do documents which committed to addressing strategic deployment issues including onshore and offshore transmission, and cumulative environmental impacts. And that becomes increasingly irrelevant. I think, especially in light of the ruling yesterday by Justice Holgate and summer last year, the energy minister who is now the Secretary of State, and that's the offshore transmission network review into how energy firms would bring their electricity back on shore to the National Grid. And that review has a focus on identifying tactical near term actions that can be taken an early opportunities for coordination for projects in the short to medium term, as well as the longer term strategic review, to develop that new regime for more coordinated approach in the future. The National Grid contribution to the review and aligned to this an integrated approach could reduce the number of onshore landing points by about half. And it suggested the majority of the technology required for integrated design is available now. I think that's something that the applicants seem to agree with considering their commitment to Scotland, England energy superhighway known as the eastern link, which brings offshore energy, onshore and integrated way with other developers and cables being routed actually up to 440 kilometres far more than what is being proposed today or alternative sites that could be considered. And they intend to dissipate starting construction. So it's complete by 2030. So time does not seem to be a barrier there. I think the thing is that the examining authority may be aware of is that people in this area are already familiar with the concept of using HVDC cables for multiple wind farms, and having just one route and connection point as precisely that is what's supposed to have happened

on these wind farms. And SPR had previously received consent for such a proposal going through bawdsey but later changed their connections, and has effectively led to the proposals for onshore infrastructure, which have been considered here today. And during the German debate in parliament on fifth of November, quasi quaternions said that the argument for some form of offshore Network Review had been one I think I shared with the examining authority and it's been published the hands Hansard, which is the formal recall record of what is said in in Parliament. And then in December, just a couple of months ago, the government published the energy white paper, I think in this is particularly important to point out not only the new policy framework, which commits to an integrated approach rather than single point to point connections. The white paper human specifically mentioned the east coast of England and the need for this more strategic approach, suggesting the use of hybrid multipurpose interconnectors, which are already being explored by developers in the UK and other countries to get the most from our offshore wind and transmission assets. And it's in light of this changing policy landscape I really think SPR should consider reconsider how they bring their energy from EA one and EA to onshore. And I've been consistent in suggesting that the brownfields size at Bridgeville and asik. Essex is a much better option for the onshore infrastructure design, and indeed, a greater potential capacity in the substations proposed for Friston. In fact, I think there's now such a clear direction on this from government in their policy, there'll be inclined to back the proposal being put forward by seasoned suggesting a split decision, approving the offshore works is not to unduly delay the project. But with a clear signal that instead of the current spaghetti cabling that we could end up with any suffer holding off on the onshore decision until a coordinated proposal is put forward that complies with emerging government policy would not stop the offshore decision. And indeed, there's already a precedent for this, in which I'm thinking of the try to no wind farm when National Grid reconsider the connection location. And I'd suggest that is increasingly noteworthy for the examining authority to consider particularly in regard to the rulings by Justice Holgate on peers versus the secretary state, and peers versus baton for which were published yesterday, and to which you referred at the start today's hearing, I too, have not yet been able to absorb the full details of the rulings. But the principles set out by Justice Holgate seems clear that government should regard the cumulative impact on the local environments and communities in the assessment for each application. And we know that national grid has already given connection commitments to other developers in this area, which lend themselves to further onshore infrastructure potentially being required. Some of that information is already released publicly like regarding the Nautilus interconnector one notice to other developers was released inadvertently. But nevertheless, these offers been made. And I'm not criticising national grid, because it's my understanding, they are legally obliged to do so. Even if no pre planning consultation has started. The examining authority I'm sure we'll be aware of the cumulative impact is potentially huge for this part of the country. And as long been my view is the number of parts of the coastal that the full likely impact needs to be assessed now in a coordinated, cumulative approach when considering this application. Now, in light of the rulings, it is my intention to make written representations on this point to this application, and also to the Secretary state, and I do not know he will appeal against the rulings that be made. But I'll make the case that this rule

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gives him the opportunity to accelerate the full adoption of his emerging policy, and that he should consider that in light of this decio application.

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It's an afternoon for Gremlins. Thank you very much, Dr. Coffee. Those are our clear submissions. And we will obviously take them away and consider them with the care that we consider all matters that are put before us. So moving on, can I ask Suffolk County Council which I assume again, will be Michael Bedford QC

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and make representations on this point?

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Thank you, sir. Michael Bedford for Suffolk County Council very briefly, because I think the way that we've put the point doesn't actually need or justify a need to alter the wording of the decio itself. Because the way that we've put the point, it arises in relation to what is now the substations design principles document, that obviously is a certified document, it has a particular focus through requirement 12. But all of those references as it were, can stand and stay as they are, what we have suggested already put before you in our representation,

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Rep. O 56. So rep five Oh, 56. At deadline five, was the wording for a suggested additional design principle to be embedded into the substations design principle statement. So that that will give effect to the flexibility and adaptability that we think this issue gives rise to. So I don't think I need to lay it out any more than that we've given you the wording. We, as it were identified the linkage. And that's I think, probably all we need to say thank you. I'm grateful for that. Mr. Bradford. And clearly, the value in this hearing process is that we can hear whether the applicants thinking in respect of that is something like they wish to share with us now. So let's move on then to East Suffolk Council. Would it be Mr. Tate for the council?

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Yes, thank you, sir. All I would wish to say on behalf of that Council is that we are aligned with Suffolk County Council

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in respect of changing alteration of the substation design principles document, rather than anything on the face of the audit. But of course, if there is anything that sketch can be suggested by the applicant to the pace they wouldn't we don't seem to be open to considering that.

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Thank you very much. I'm then going to go to Stacy's, please.

22:53

Thank you, sir. Returning for Stacy's? Can I first of all, endorse what

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the Member of Parliament said. Certainly that position that that she describes is in our view, an accurate summary of the need for action by the Secretary of State and obviously, you as the examining authority are not in a position to prejudge what percentage of state may do with your recommendations. So there are in my submission, three alternatives open to the examining authority. The first is the one that we generally press on you, which is to recommend refusal, one of the reasons for recommending refusal is the failure to adopt a coordinated approach the obvious opportunity to have done so, because there was the obvious opportunity to do so, at bramford which is still available, of course to scottishpower and which has been put to one side and of course, the cumulative impacts,

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which are very real in the Friston area, in particular. So all of those points towards a general approach would say recommend refusal and this is yet another reason to do so.

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On the question, though, more generally of coordination. I say there are two other approaches. One of them is the seas approach, which is a split decision. And of course, that is an approach which is recognised in national policy as being possible to consent the generating station but not to consent the grid connection. And it's an approach which is followed, for example, was being followed at Wilbur, New Earth until obviously, that application was no longer pursued, where there was going to be another DCA by national grid to provide the grid connection. And the the third alternative is the one that I just want to briefly mention, and we will provide deadlines six proposed drafting but we put forward without

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prejudice to our general case,

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a additional article in the DCA, which would prevent the undertaker from commencing the development until he has what we've called a grid connection coordination certificate. And we proposed that the Secretary of State should issue that after the strike price for the generating station has been agreed. So shortly before the substantial works would be likely to take place. And that that should require an assessment of opportunities to make use of other means of connecting to the electricity transmission network, which are available, or likely to be available, and to demonstrate that there are no better or more efficient, better coordinated means of establishing such a connection. And that allows the Secretary of State to review the position, which we say is appropriate in circumstances where very obviously, there is a fast moving, emergence of policy. And the reality is that on the applicants timeframes for this project, they will be building out their project in circumstances where it is clearly the case that there will be a change in policy. And as far as Freston is concerned,

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that change in policy will be shutting the stable door after the horse has bolted, unless provision is made in these orders to ensure that the matters are reviewed in a timely way. So to say we'll provide that drafting without prejudice to our general position on these applications, and then the applicant can consider whether that's something that they're amenable to, or whether they wish to propose alternative drafting. Thank you.



27:06

Sorry, Mr. Smith, you're on mute again.

27:12

It is not my afternoon. So some reason my mouse seems to be not clicking when it clicks on the little microphone icon. Thank you very much, Mr. Oakley. And now finally to seize And can I just check who will be speaking for CS this afternoon?

27:32

Do we have a speaker?

27:34

Yeah, we do. Representing CS this afternoon. Apologies.

27:42

If I may, just to be brief, I would like to first of all, endorse everything that Dr. Teresa coffee has said this afternoon. so eloquently and powerfully. I would also like to endorse what Richard tourney has just said on behalf of phases that, of course, the most important thing is that we achieve the goals set for 2030. And we are all cognizant of the need for speed and minimum delay in the process. We are trying to be responsible and that is why we put forward at deadline five for the third of February, our proposal for a split decision. And we are not going to repeat any of the arguments except to say that we believe there is a constructive way forward. That is a win win for all interested parties. And I think in view of yesterday's ruling, I think we have to without going into any detail on it. We have to bear in mind that the cumulative impact was quoted by Justice Holgate yesterday, the cumulative impact that had not been fully assessed because of the salami slice approach to assessing the individual DC O's as opposed to looking at the cumulative impact. So I do feel that the presentations throughout this examination with regard to the adverse impacts for Friston for the cable trench route and all the inhabitants along that route, we have added up over 5000 people are directly affected by the construction route. And that does not include all the people who are indirectly impacted. And the judge yesterday he said in his conclusions, that we have to pay attention to the local communities because they know

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They have the real knowledge of what are the threats to the environment and to the well being of the communities and the economic impact. So I would urge you, examiner's, and, sir, to consider very carefully these proposals for a split decision. Thank you, sir.

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Thank you very much. Now, that brings us to the end of the speakers who did request to speak on this item. So I'm going to turn to the applicant for a response.

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So who will be taking this to the applicant?

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Australia's Yes, good afternoon, sir Colin subpath. The applicant.

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In terms of Section 1043 of the Planning Act 2008 confirms that the sexual statement society application in accordance with any national policy statement, the current policy framework in relation to grid connection is clear. It is articulated in Section 4.9 of the N one, n three at paragraphs 2634 and 2636. The applicants for consent for offshore wind farms will have to work within the regulatory regime for offshore transmission networks established by origin and in relation to em five, paragraph 2.35.

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So my primary submission is the MPs is unequivocal and clear.

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And equally, in relation to the electricity matters, there is a legal framework which says we have set out the regulatory note

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that is established in law and cannot be changed by policy. It will require in terms of regulating matters for legislation to be passed, and for that to be changed. In terms of the energy white paper, it confirmed at page 55. At the MPs in respect of energy will be reviewed this year. It's anticipated that this will not be completed until the end of the year, and that the interim the current MPs remain relevant government policy and have effect for the purposes the Planning Act 2008. The Secretary of State confirms that they will carry on making decisions at utilising this framework.

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The applicants submission of oral case in respect of issue specific hearing for their submission respective aspects to white paper relating to grid connection. It identified that even the early response workstream had yet to be scoped and projects are unlikely to be suitable candidates. I make this clear, the applicants have never said that they will be unwilling to be Pathfinders. But on the information available as it currently stands, there was none of the technology solutions would be suitable for these projects. And equally, you have clear and unambiguous evidence on behalf of the applicants about the applicability of technologies and grid connection costs and that we've been through that in some detail. And effectively, in my submission. No party to this examination has put forward an alternative technical case, which is in any way realistic, and obviously respond to more detail post at this hearing in respect of those matters.

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Against that background. It's evident from reviewing the white paper and the base review, that the changes to go to light to acquire both new legislation and also a new regulatory framework. It would not be appropriate to second guess how that structure will emerge in the context of adding conditionality to DCA. The whole intent and purpose of the 2008 Act is to give certainty national infrastructure projects, the need for such certainty, the rise from the substantial lead in time and cost and delivery plans. The

applicants have illustrated how they are already engaging in the supply chain, any attempt to try and juice further conditionality and auctioneering, which has not been assessed would not be lawful and would undermine the confidence in the whole process further, or it would be inappropriate to seek to prejudge the outcome of the review, which has yet to be completed, for which the implications are currently unknown. And insofar as I go back to the white paper,

34:22

power, our goal accelerate the deployment of clean electricity generation through the 2020s. That is speeding up delivery. Secondly, a clear and unambiguous statement and paragraph page 45 that our actions are a strong signal to project developers and the wider investment community about the government's commitment to the risk in energy. This should stimulate the continued deployment of key local low carbon technologies in the near term.

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And in my submission, when this document and the white paper are properly considered as our

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Home, it's absolutely clear that investor confidence, and the early delivery of offshore wind is a key component of that future acceleration. And for the achievement of the policy outcome, I'm going to come back on a couple of matters, that coffee raised in her submission, she made reference to an Eastern link between Scotland and England, that is a transmission only asset. And that has absolutely nothing to do with the company. I here represent. I represent scottishpower renewables and the subsidiary applicants in respect of these applications. Scottish power transmission is a separately regulated entity. This is entirely separate from the business that I represent here. It is a transmission asset. It's got nothing to do with connecting individual generating assets to

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individual generating assets. I wanted to draw that distinction.

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And that is a distinction that you have previously drawn to attentional basis. It's an event that Dr. Coffee was not present at. And so it is in our minds.

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And finally, in terms of Brad, well, we have actually considered that part of the coin process. And you have evidence on the consequences of additional grid infrastructure, etc. and delays and why at that particular location, fared less well and be the coin process. I don't want to add anything further. You've obviously sent me a second challenge in terms of your questions, because what you then set in the questions is, I've got to assume that all these matters are differently decided. And I will respond in writing when we answer your question. Indeed,

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essentially, they're the challenges without prejudice.

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As indeed, matters are often argued without without prejudice in in these these hearings, to set out an alternative view, not because you believe it, but because it is a means of addressing the point, but you have made clear, in principle submissions that you do not believe that necessarily, of course, there are noted. Okay, now I do see two hands. I see Richard Turley and then I see counsellor Marian fellows, I believe. Now.

37:39

It's not normal to reintroduce parties after an applicant has made a closing on a particular agenda item. And I will briefly go to Mr. Turney and and ask, Is this a matter of clarification?

37:56

So yes, it is a matter of clarification I realised you didn't want back and forth. But can I just briefly say that we can pick this up in written submissions, but I'm afraid that Mr. Ennis mistakes and then overstates the legal position. And it's important that this is properly understood. First of all, he read out section 104. But he only I know the examining authority know this, but he ignored the other provisions in 104, including 1047. So to say simply, I rest on the NPS. And that's what the law requires. It's just a misreading of the Planning Act. The second point that he said he said it would be unlawful to impose any conditionality on these matters. And I don't know what that is just the kind of requirement that we anticipate or the kind of article we anticipate, or whether it's the split decision. But if he's going to make that submission, he'll need to make that good, because as far as we're concerned, that's completely wrong. As a matter of law, the Secretary of State can impose such provisions within a DCA as he deems appropriate, under split decision well established that decisions are lawful. So if he says it would be unlawful to take this sort of Route, then in my submission, he needs to make that that good. It can't just be accepted on the note. And the third point that I made just very briefly is that he said that no party had advanced a case for an alternative connection, but we put in at deadline five, the document, which is rep 5107. We look forward to his response to that that is explaining why a Pathfinder could be followed here. So far as I can see, that's not something that SPR have yet responded to. But to say that there's nothing but forward is wrong. So I'm sorry to come back, but there's a massive clarification.

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It was rep 5147. I believe.

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The reference on that last document, sorry, it was rep five hyphen 10712.

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Row seven. Sorry, I misheard you. 107. Thank you for clarifying that, Mr. Attorney. And again, I'm going to go very briefly to counsellor fellows and ask Is this a matter of clarification around? What has already been put? Because we're really past the time for in principle submissions on this item. And because there have been these returns, I will go back to the applicant counsellor fellows. Yes, thank you. Good afternoon, Mr. Smith. Ladies and gentlemen, Marion fellows over town council. Now it was similar to what Mr. Attorney was going to clarify. So I'll leave it there. And we'll reply and writing. Thank you, sir. Thank you very much. In which case, I will return very briefly to the applicant.

40:46

Colin's above the applicant. My submission in relation to lawfulness was in relation to DCA provision that gave with the one hand and then took away with the other, it wasn't top of split decision. And that's a separate matter. But we'll make the advocate position on that very clear,

41:02

just in real terms, a decision to grant an offshore scheme, bladder grid connection is incapable of getting into a CFD auction. It is and we'll make it clear as to the value of that, because things have moved on in terms of what's required. And I'll certainly make submission on there in relation to policy as well. Thank you. Thank you very much. And, and then finally, on this item, before we close this out, there is more or less see the question of consequential adjustments to ca or TP provisions if necessary. Now, that was on the face of the agenda on the basis that if any specific requests for drafting that took the view that certain elements of the proposed developments should fall away in certain circumstances that there is then a consequential need to review. And the degree to which compulsory acquisition and or temporary possession provisions still apply in certain places. And for certain purposes. If parts of those purposes were may be not being delivered, now. And

42:17

it's a it's a small, consequential point that flows out of the broader submissions that have been put in items A and B that we've already heard. Can I just check whether anybody wishes specifically to speak on it? It is a flagged item in the draft development, consent orders, commentaries, and we fully open the opportunity for people to respond to it on page seven there

42:44

at the next deadline in any case, but can I just check if anybody wishes to speak to that?

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I do see a hand because my hands seem to reflect back to life. I do see a hand from Councillor fellows. Is that a legacy hand from the last item or it's now disappeared? I'm not seeing any further hands. Can I just validate with Mr. Hockley just in case my, my hands are still behaving badly. That's incorrect now. Okay. Thank you very much. So in which case, we have moved through agenda items for a, b, and c, I'll close out that item. We will then move on ladies and gentlemen to agenda item five security for technical processes.

43:28

were essentially the principal question that we had related to petition particular drafting approaches to provisions securing and without prejudice, habitats, regulation, assessment compensation measures, as might be advanced. And this wind is all the way back to issue specific hearings three and agenda item two and various other written submissions that the applicant has then made what I wanted to flag at this point. And, and it is a shame that natural England are not here, but I'm

44:09

particularly the approach that has been taken

44:15

in

44:19

weatherguard, schedule 14 of the main Hornsey three drug development consent order. And

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now that if anybody wishes to follow it along, it's article 45 and schedule 14 in that order. The made order is available on the national infrastructure planning website at infrastructure planning spectrum gov.uk. And if you go to

44:44

Ponzi project three and the latest update there you will find the made order. Now what I just wanted to refer to the applicant there is firstly the Kittiwake compensation measures and the

45:00

The mechanism of the preparation of the Kittiwake implementation and monitoring plan the Kemp. And as it's defined in that schedule, and to flag

45:16

that there are specific issues around the drafting of that schedule, which mean that and essentially, the camp is in place at a point, potentially after commencement, as I read it, but provides that

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The Undertaker and this is a paragraph for the undertaker must implement the measures are set out in the camp approved by the Secretary of State and no operation of any turbine forming part of the authorised development may be commenced until for full breeding seasons following the implementation of the measures set out in the camp have elapsed. So it envisages a mechanism where commencement could occur, construction could in fact be fully undertaken, and yet the

46:06

the authorised development might not be operated. And it struck me on reading it, there is a possibility that

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were the measures in the camp not to be deemed to have delivered that which they are required to deliver, that there is some measure of doubt around the commencement of operations for that particular project. Now, my reading of this drafting may be wrong. So let's first test it. We have good lawyers in the room. Secondly, I would like to hear from the applicants and I would like by reference, and this would be an action, natural England to comment specifically. And the reason I would like them to come in specifically is unconscious that as a previous hearing where we did discuss the principle with them rather than the drafting, they made the observation that they had not had detailed engagement in the authorship of this drafting. And so it would strike me as being quite important that if anything of the

nature of this form of drafting is likely to emerge in these draft development consent orders, that we try to get as close as we can to clarity of understanding with natural England about their preferred form of drafting to. So to cut that brief down there. And I would like to hear from the applicant, first, around the drafting approach that has been taken in that provision, and whether there are any, in principle concerns about it. And I will then throw it open to see if anybody else wishes to address us on it. And if they do, I will provide the applicants with an opportunity to respond. So firstly, to the applicant on drafting principles.

48:00

Female for the applicants. And we, I think, as was explained at the last biodiversity and issues hearing, and we are continuing to progress and HRV compensation measures on a without prejudice basis with natural England. And so obviously, once we progress, the compensation measures, we will then look at how those might be secured. And obviously at the moment, and from an ornithology perspective, the only precedent we have in a meet order is Hornsey three, so we will be looking at that in in great detail. And the points that you have raised are noted and obviously for for Kittiwake, and, you know that the impact arises during the operational period. So we understand that's obviously why that has been set as a trigger point and given the period that was considered in that case to be required in terms of showing that the the potential harm, or indeed that there is so much compensator II measures at work before they are have proven to be effective before operation commences. And, and it was something Mr. Pitts, Allah has mentioned a previous hearing. And just that the difference in impact. I think it's worth mentioning just at the outset here in terms of and the potential impacts on Kittiwake from these two projects, and which are quite significantly different to what was considered for one of the three where there was a much larger number of of birds that were needing to be compensated for there. So and we're obviously taking that into account. However, in terms of the the drafting of the the Hornsey three shedule. And

49:41

at the moment, you know, that the approach that they have suggests in terms of an article which then gives and brings in so it gives effect to schedule and we agree with that. And then we would also agree with that approach whereby we have a schedule that is separated into different spots, different parts and for each species. So that

50:00

When the secretary state comes to make their decision, if they decide that and wants to be seized potentially has an adverse effect on integrity, but others don't, it means that that part can just be dropped, or whatnot. And in terms of presenting the principles within a certified plan, we agree with that. And and that is certainly our intention is to develop an in principle plan, which will be submitted into the examination that would be certified. And then the final plan would then have to be in accordance with that plan. And obviously, the the provision will need to incorporate a structure for for developing and delivering the compensation with and when we do need to look carefully at how Hornsey projects we did that. And we would like to engage with natural England and hear their feedback on the horn 60 approach, which

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I'm hoping will be at

50:49

a deadline soon. And likewise, with the MMO should be a deadline.

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I just didn't have it in writing there in front of me as to when they had said they were going to come back on that. So and we are planning to progress drafting, and so that it can go into the decio. And obviously, we are, you know, looking forward to seeing others comments on the Hornsey three drafting because obviously that is where we will be looking to take and our inspiration, certainly. And we're conscious obviously there is some drafting in the Norfolk Borealis final version of that DC or but obviously that I think that examination finished before the Hornsey city order was made. So there is a little bit of a mismatch there. So and we are very carefully considering this, and we do plan to put forward some without prejudice wording, and but we take on board the points that you have noted, and I would as I said I would like here, I think there's a slight difference, particularly from a Kittiwake perspective as to the level of compensation that should be required, should the SEC state consider that any is required. I'm i'm actually at this stage in a development consent order hearing, not gravely worried about the specifics of the measures, what I'm looking at are the modes of drafting necessary to secure and that form of compensator II measure in a schedule which could apply to almost any species that it was relevant to apply to. So for those purposes, that yeah, I mean, the the detail can fall out in further conversations with natural England around the specifics of sights and species and with ourselves. And I'm sure you'll be hearing from Mrs. Paris again, at

52:34

the subsequent biodiversity hearings in March. The detail will of course, the operational detail will come out there but the drafting points what I wish to touch on here and whether the drafting was appropriate. And essentially particularly the the the issue, the apparent issue, that it would be possible to end up with a commenced and indeed constructed projects that could not operate, where maybe an alternative was that

53:07

the necessary measures would be put in place

53:11

to

53:13

satisfaction and prior to prior to commencement. And that's just an alternative. Anyway, Does anybody else have anything specific to raise on this point?

53:27

I'm not seeing any yellow hands and I will be asking Mr. Hockley to second guess me again, in case my hands are still not working. But no, I think there are none. In which case, we are then moving rapidly on to Agenda Items six.



53:46

Now, ladies and gentlemen, agenda item six is a touch point on agreements and obligations. And page 50 of the draft development. consent orders, commentaries refers as well. And

54:04

and so what we are looking for here is

54:11

a touch point on the need for and progress on other commercial agreements and planning obligations, progress on the mo you approach and progress on section 278 or section 111 agreements and PPA. And now, I think probably the best way to deal with this is to note that we have already had fairly substantial submissions from the Councils on these points. But I do think I should, in fairness go to Suffolk County Council and Lenny suffer council first and just to see if there any matters that they wish to add around progress on these matters or indeed, any other matters that might require to be agreed, documented and secured by some mechanism.

55:00

In the face of the order, and before the close of these examinations, and having heard from the council's are provide an opportunity for others to become involved in then I will go to the applicants. So can I go first to Mr. Bedford and ask if there's anything further, that needs to be said that hasn't already been covered? Mr. Bedford? So Michael Bedford, Suffolk County Council, the short answer is no, you've heard from us already about the issues on dialogue on 278. And potential planning performance agreement. And you've already got all of our various representations, on the position on the mo you approach and as it were, our preferred position, and then what we put forward as an alternative, it was anything I need to add. Thank you very much, in which case, I will then turn to Mr. Tate and he Suffolk.

55:53

Thank you, sir. I wouldn't say more about the mru on skills, educational and economic development to signed into 2020. We made our submissions on that, which remind us of Suffolk omnisexual 111 agreement.

56:13

The substance of that has now

56:18

been agreed. And there may be one or two tweaks in terms of some of the legal drafting, but the substance is agreed. And it's anticipated that that will be in a final form before the panel but the examining authority by deadline he has requested that

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the in addition to that there

56:47

is a tourism fund that is proposed by SPR. That hasn't that the mechanism for conveying that hasn't yet been agreed and is subject to discussion, but the some involved and the

57:08

end use has been agreed.

57:13

And then there is also another MMU which is in play, which is called the environmental exemplar. And then you

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like the skills mru that also plays into already consented projects.

57:32

That currently is in draft form. And again, it's hoped

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this is less firm, it's hoped that that will be in place by deadline date.

57:46

And so that there is a potential for a what is the anticipation that there will be a second

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coming into existence? Okay.

57:58

Well, all of this,

58:00

again, and you're more than aware of the reasoning, but,

58:05

you know, our proposition is that we need to see anything on which we are being invited to recommend that the Secretary of State should rely on making a planning decision. And to the extent that it is capable of being disclosed, and is shown to us so that indeed, those are mapped the matters that they contain on matters on which the secretary of state can place weight. And there there have been difficult circumstances in the past in previous examinations, where

58:36

agreements have been reached, but they're not evidenced. And so not having been seen by the examining authority or not having been submitted for the site of the Secretary of State, it's very, very well they cannot have weight placed upon them. Now, I do see a hand from counsel, I just come back from one point. So the section 111

58:56

as I indicated that has been in substance agreed, and we will be providing a copy of that with our submissions next week. And we anticipate it being agreed.

59:09

Thank you very much.

59:11

Okay, now, I'm also seeing a hand from Councillor fellows. Now I did say that I'd heard the two main councils I would go on down the list. So we do have all Britam Council. Is there anybody else who wants to speak on these matters? Can I just see a show of hands.

59:31

Now I can see.

59:37

One other hand that is showing but it's not showing me whose name it is. So could it miss Fiona Gilmore is

59:48

it says excellent. Okay, so I will go then to cancel fellows, and I will go to miss Gilmore facies

59:56

Thank you very much, council fellows.

1:00:01

Thank you very much. Good afternoon, Mr. Smith. Ladies and gentlemen, very old fellows are speaking on behalf of over town council.

1:00:11

I think I must draw to your attention again, that today, Mr. Tate, has said that sums and Jews have been agreed. This is only something that's happened behind closed doors between east Suffolk and the applicant. So the local communities, individuals impacted. And local parish and town councils have not been party to any of that. We have not been consulted, we've not been asked for ideas or for and we would be positive in our willingness to assist the applicant to come up with some mitigation that would adequately make sure that this project

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is delivered. If that is your decision.

1:01:03

We say actually, the examining authority as well should not be content with proposals that have not been tested by or commented on by parish and town councils that are affected by the measures. Mr. Ennis was quoting very eloquently as he did earlier this afternoon, it's always done the policies that

support the applicants view. But as you know, that no one, the NPS, they still state that am B's and sites have significant environmental value should only be damaged in circumstances where there's no alternative, where the need for development clearly outweighs the impact of that location. And it can be mitigated if the measures in the section 111, for example, and the funds and the end use cannot mitigate, then this application cannot be approved. So therefore, it's really important that we are engaged. And we do contribute positively at this stage before it goes any further. And so these matters are not agreed. Thank you.

1:02:16

Thank you very much. And there is a point of general principles that does emerge from counsellor fellows submissions there, which she has previously raised in these examinations. And so it's worth remarking on them that and to the extent that community benefit is sought from a range of agreements, obligations, etc. And if there are other relevant representative bodies of whom town and parish councils are essentially

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key and that there is

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in principle value in those who are negotiating on the content of these agreements and the measures that they might provide for having some engagement with local community representative bodies, and particularly the parish and town councils. Now, if anyone disagrees with that proposition, then obviously please raise that in response.

1:03:12

But I think we are getting to the point where if bodies such as town and parish councils are to be involved,

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then they need to be involved before these matters get to finalised I'm moving on. Then I am going to go to seize finally.

1:03:35

Good afternoon, Mr. Smith. My name is Fiona Gilmore representing Suffolk energy action solutions CS and indeed representing the voices of many people when I say that we wrote a letter to a Suffolk Council. We have not received a reply yet. With regards to the adverse impacts of these proposals and in particular for tourism impact. We are dismayed at the paltry sums that have been in discussion between east Suffolk Council and the applicant with regards to mitigation for tourism impact, which we know from the dmo report, September 2019, has an impact potentially of as much as 40 million a year. And if we are to take into account the cumulative and in combination impact of eight substations and interconnectors, as we believe will be the case. We have to factor in that that number has to be multiplied by 12 to 15 years and it's an exponential impact, as we have seen from the presentation given by john trap, so we would ask that he Suffolk council

1:04:53

presents its case and allows the community that the community

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unity that has not been consulted to hear the small and medium sized enterprises that feel very worried, very anxious threatened an existential threat to businesses here, where there is no comparison with Norfolk or any other place. This is a unique region. And we are dependent here on tourism as our main sector for business. We are gravely concerned, sir, about a Suffolk Council's discussions on mitigation. Thank you.

1:05:42

Thank you very much. Now this is slightly out of the order that I originally indicated I'd take this item in, but I'm I am conscious that a pair of submissions have been made there that are at least moderately adverse to the positions adopted by the two principal councils and Suffolk County Council and the Suffolk Council. So what I did just want to do was then to revert to counsel for both of those organisations and just ask if there were any brief responding remarks that they wish to make. And then I will allow the applicant to wrap on everything having heard the responding remarks from the two councils. So I'm going to go to Mr. Bedford first briefly, is there anything else you wish to add? Having heard, Councillor fellows and CS?

1:06:29

Michael Bedford for Suffolk County Council? The answer is no. So you, I think, be aware. We are not a party to the section 111 agreement, which has been discussed? No, we don't want to add anything further. Thank you. So I will then go on to E Suffolk.

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Mr. Tate.

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Thank you. So now, in the council's discussions with the applicant, obviously, it's needed to be cognizant of the tests, both in law and policy as to proportionality and relevance and need. And so it's applied that and the cabinet report

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on the fifth of January 2021, to which the

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as to what to ask some questions,

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sets out the sums explicitly, and the justification for those in the light of the legal and policy tests. So that's all I think I would wish to said, David, thank you very much, I will now then go to the applicant for a final response on these items.

1:07:43

Thank you. So cornice above the African.

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I've got nothing really to add at the current time. Clearly, material was submitted to you, by itself a council and negotiations have been conducted in good faith, building upon prior examples that have been dealt with in Suffolk. But having regard to the very specific circumstances of these cases, in many respects, some of these partnerships are building on relationships that the applicants have already established within the area. And it's their genuine intention that these funds should be effective and that hopefully, once some of the council's other councils have seen documents, they'll see the opportunities that arise from them.

1:08:31

In terms of other matters, I think also originate the the topic item of this agenda also included commercial side agreements. You did Yes, still does.

1:08:44

Whether you wanted an update on that, yes, if you can, the reason I didn't introduce it in in the session up till now is that any of the parties that we'd understood as being engaged with them, and weren't present in the room. But it would be useful just to hear a brief update from yourselves on the position. Now if I've got that wrong, and if there's somebody in the room who's desperately bursting to speak on their side of a commercial agreement, then please raise your hands now before Mr. Ennis speaks so that he can respond to you as well.

1:09:19

I didn't think there was anybody and indeed, No, there isn't. So Mr. Ennis, yes. And then please do address progress on on remaining commercial agreements in relation to people who are not in the room.

1:09:31

Okay, I'll start off with the last bullet points first. But if I could start off with East Anglia to East Anglia, one North Ltd with maps on Route PLC, we've negotiations in progress. We're hopefully exchanging a draft of the agreement shortly, and we'll provide an update at deadline six, but we're, we're hopeful of making pretty rapid progress on on that one.

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So that's one outstanding

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East Anglia to limited and Qaeda gas limited. And also when n with Qaeda gas agreements exchange and enforce

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East Anglia to limited and National Grid electricity transmission PLC.

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That's in negotiation in progress. And we're currently considering engines latest comments. And that's similar with national in relation to the one in

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protective provisions are agreed in both contexts. So significant progress and just seeking to finalise those matters.

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In terms of East Anglia, to and East Anglia, one, both with power networks PLC, negotiations are in progress. And we're currently reviewing draft agreements. And finally in relation to East Anglia to an East Anglia, one out and Network Rail infrastructure document agreed and being prepared for signature. And that includes the current list of commercial side agreements.

1:11:00

Thank you very much.

1:11:03

And just to check, there are no other matters that that arise in relation to the obligations or or memoranda or PPA points that you you need specifically to respond to they're all

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chugging along for one the best description. And do thank you so. Excellent. Right,

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we can then move out and close out agenda item six, we will move on to agenda item seven consent of parties. Now, here principally This is a touch point on various possible needs for consensus parties, principally under parts seven

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of the Planning Act of 2008 and chapter one. And the specific question that we wish to ask related to

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Section 135, and the provision for consent in relation to crown land. And now we had asked the crown of state to be here, and they are not. And the reason this is relevant is obviously because although

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the there is no crown, terrestrial land there is, of course, and crown seabed, and a lot of it. And a point that has arisen generally across a number of examinations has been the need for evidence of the Crown's satisfaction with the provisions in the drafting of the order. And its provisions provision of consent as required under Section 135, before the end of the examinations.

1:12:51

Simply because it doesn't appear before the end of the examinations, that's yet another unclosed off item that has to be handed through to the Secretary of State secretaries of state tend not to like that very much. And it will be useful therefore, if that could be resolved. So can I just revert to the applicant and check where we are with the kind of state and whether whether essentially a letter can be obtained,

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which indicates

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the crown estates current position, whether they are satisfied? Or alternatively, if they are not what the remaining outstanding matters are?

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If I could ask for a response from the applicant on that point,

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Stephanie Miller for the applicants here, and I think as we set out in response to your written questions, and at deadline one, and obviously the current state don't have any land interest other than the seabed, and this is reflected in the book of reference, and as far as I'm aware, and may just potentially hand over to my colleague and Mr. Hubner, if that's okay, in terms of whether we're expecting any further and confirmation from the crown estate in that regard. And I am conscious that you did ask a question of them. And within your latest comments on the DC also, it may be that they will respond in writing to that, it could well be they do? Well, I mean to just so that you're aware of where we have been on a very considerable number of previous examinations with this kind of state matter is that sometimes they write a very useful letter. And it's simple and clear. And it either says they agree for the purposes of Section 135. Or alternatively they have reservations and would like to see additional drafting in the order for the purposes of Section 135. Now, forgive me if I've missed it, but I don't think we've had anything quite that explicit yet. So whether it's flushed out by wherever relevant part in the DCS commentaries or

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through follow up

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From this hearing, I didn't want to go past this hearing without having raised it.

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Definitely well for the applicants, we'll take that one away and we will confirm in writing. Okey dokey, thank you very much.

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In which case, we then move on to agenda item eight. Now, this merely was an opportunity for any persons here present who wish to raise the possible further need for coordination with and or progress



on on any consents beyond the transit regime does not provided for in the DCS but a necessary for the delivery of the proposed developments

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to raise such matters orally before we go any further. And now looking at the range of attendees that we have present in the virtual room.

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My starting understanding is that we do not have anybody who wishes to speak to this item. And there were no specific questions that we wish to raise. It was merely there in case any such parties wished to raise such a matter. Is there anybody who wishes to speak on this? And if there isn't, I'll move straight through it.

1:16:19

Now I'm seeing one hand but again, I'm very sorry, was talking but I'm still not seeing the name is Mr. Bedford. It is Michael Bedford. Okay for Suffolk County Council. I'm not seeing any other hands rising. So Mr. Bedford, the floor is yours.

1:16:37

Thank you, sir. Michael Bedford, Suffolk County Council, just briefly, the points have already been touched on somewhat this morning. There is a land drainage consent that will be required outside of the decio. regime under the 1991 act in relation to impacts on ordinary water courses. That would be required from Suffolk County Council as being relevant to authority. relation to that, and potentially, in relation to matters, temporary speed limits, closures of highways, which are not listed in the schedules in the orders, such as some of the rights of way which might be affected on a temporary basis would obviously be the subject of separate needs for consent. But there's dialogue ongoing in relation to those. So those are the only points are issued. And in relation to that dialogue. Clearly, if at any point, it appeared that any of those matters are substantial matters of blockage. And then, of course, it will be valuable for this these examinations to be alerted.

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But really, we don't need to say anymore.

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And does the applicant wish to respond to any of Mr. bedfords submissions there? I suspect this is relatively simple, and you're in good contact and know what's happening in any case was male or female for the applicants. And yes, we submitted a consents and licences required under other legislation document, which is an app 048 at the application. So that did include the land drainage and consent and the additional consents that Mr. Bedford mentioned there. So the only updates that to that document and since submission, and I guess they're just to highlight that generation licences have now been granted to both East Anglia, one North and East Anglia to limited and which has been confirmed in previous submissions, and the draft and crested newt EP s licence and the draft badger mitigation licence applications both have been submitted to natural England for letters of no impediment. And so they are the only three changes to what was submitted with the application. And But otherwise, that

documents still stands. Excellent. Well, look, I'm sure it was probably in your mind to do this in any case, but certainly in a number of previous examinations. We benefited from that document being resubmitted it the final deadline, realistically here deadline aid. And so we can make any observations on it if we need to, and not as a complete rewrite, but just in track changes with any changes since the the submission and marked up.

1:19:08

Of course, we can do that. Thank you. Excellent. And we'll record that as an action. So that's that's deadline eight, the other consent document from from the applicants to be submitted marked up with any changes that have taken place over the examinations.

1:19:22

Ladies and gentlemen, I believe that brings us to the end of agenda item eight, which we can now close out. So we are now moving on to agenda item nine which is any other business now there is one matter that is

1:19:38

hovering over us there which is that we did indicate that we may deliver a reserved decision in relation to procedural matters in item one, a or alternatively we may reserve that to writing now having deliberated

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extensively in the examining authority. We have decided to

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It would be, by far the best resolve to reserve that to writing. We don't intend to take any longer than we absolutely have to. So hopefully it will emerge relatively early next week. But I think it's important that that we give the matters that were raised their very full and careful attention. So the matters raises agenda item one a, are reserved for a procedural decision in writing that will proceed as soon as practicable after the closure of this hearing.

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Does anybody else have any other business that they consider must be raised in this hearing?

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Or not seeing any hands? Ah, I am seeing hand I'm seeing rich attorney per se C's.

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Returning says it's a it's a procedural point. And maybe it's more for placing out right at the end of this hearing. But we just wanted to mention the timetable for provision of updated drafting on the DCM at the moment. Deadlines seven is set as the date for the final draft DCA. But that is before the further hearing on the draft DCA. And it struck us that that timetable.

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No longer should stand in quite that form, because clearly, there's going to be a further consideration of DCA drafting after that date.

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That's a useful observation. Can I just check whether anybody else wishes to speak to that before I turn to the applicant on it?

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I'm not seeing any other hand. So can I just go to the applicant on that point?

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or comments? The African, sir. So we're flexible in terms of how that matters, take it forward, I think we should push for deadlines seven, there was obviously a further opportunity for the DCA to be heard. And there may be action points that arise out of that sub DC hearing, which in effect might be we've heard everything and we want further drafting on these matters or these matters, worth filling out satisfactory fix a relatively short time thereafter for those matters to be resolved. So I think there are procedural methods by which you can actually deal with anything that arises. But I think we're keen to make progress. But equally, we understand that there would still be an opportunity through that final process, possibly after that DCR hearing that action is to become essentially something that was able to follow up.

1:22:37

Indeed, now I think that's a very fair observation. And, and I think one of the important observations that we need to make is that we obviously in setting out timetables, seek to be

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as useful as possible in advancing procedures as assist examinations to proceed in a timely and orderly fashion. And we clearly are in circumstances where fairly substantial bodies of examination work are still remaining to be done in the tail end of the examinations. And I think in those circumstances, we all just have to be, you know, pragmatic and sensible about these things.

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Deadline seven, remains essentially the best endeavours and position. And we can, as we've indicated,

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except

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prospectively material flowing out of deliberation and argument in hearings, up to deadline eight,

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we will be asking everybody to do their utmost to make sure that as little as possible changes to the orders after deadline. So and however, you know, pragmatically, as we are holding hearings around that time, we can't exclude the possibility that considerations will emerge that ought to be reflected in

the drafting of the orders. And all I can say there is if that is what happens when we issue Action Lists asking for fast

1:24:09

statutory drafting, then we would ask that everybody abides with us, and that we try and get that work done as swiftly as we can, and brought to us in a way that enables it to be properly and fully considered before the closure of the examinations. So that would be my observation there. And turning back to your original point, Mr. Turney, what that does mean is if the applicant advances something after that deadline, seven threshold that it changes the drafting in the order, then that's, you know,

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we're not saying that we're not going to hear your commentary on that.

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We will.

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Thank you very much. Okay.

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On that basis, then, unless there are any other people who wish to speak in relation to any other business that they consider that must be raised

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During this hearing before we close, and I'm again looking around for

1:25:06

any indication of desire to speak, I'm seeing no cameras. I'm seeing no hands and Mr. Hockley is shaking his head too, which I'm extremely grateful for. That then brings us through to agenda item 10. And for this, I'm just going to hand over to Mrs. Caroline Jones.

1:25:23

Thank you, Mr. Smith, agenda item 10 covers procedural decisions, review of actions and next steps. The purpose is to provide us with an opportunity to review any procedural decisions or actions that have a reason during this hearing. Now, we have made just the one procedural decision on agenda item one a and we have just announced that under any other business, so I will not repeat it here. In terms of actions, we do have a list of actions arising from these hearings. These have been flagged as we've progressed, these are largely for the applicants who I'm sure have been noting them, as we have gone on, and we will aim to publish these on the national infrastructure planning website, as soon as practicable after the close of this hearing. If not tonight, then hopefully first thing on Monday, it may take a few days for the examination library documents to be updated. But as soon as these are published, you will be able to access them from the Documents tab on the websites where they should be at the top of that lists the most recently published documents. Similarly, the Action Lists for ch to issue specific hearings seven and eight till this week have already been published and can be found in the

same places on the websites. We would advise all participants today and there was not an attendance but with an interest in the matters covered by this hearing to review this action list when published and act accordingly.

1:26:40

I'll now hand back to Mr. Smith for the next steps. Thank you very much, Mrs. Jones. Now, these have been issue specific hearings number nine. And we had reserved time in the timetables for possible a German to issue specific hearings, nine a that could have been held on either of the 23rd will not either off, and in the time period of 23rd through to the 26th of March, had these hearings been affected by technical disruptions. But it's clear now that we have not had any significant technical disruption. And furthermore, that we've got through all of the agenda, and so no time will be required on those days. So issue specific hearings, nine a as provided for in the timetable is cancelled, and the banner for that effect will shortly be published.

1:27:30

Our next hearings and these examinations are timetable to commence on the eighth of March notice has been served of them and can be found on the national infrastructure planning website. And they are in summary as follows.

1:27:43

open floor hearings eight. Now this is to be held if required on the eighth of March in the evening. And I say If required, note that this particular open floor event

1:27:57

is reserved only for additional affected persons in relation to the additional land requests as made by the applicants a deadline one. So these are people essentially who are the owners occupiers or have rights impacted in relation to the new land that has been sought in the compulsory Acquisition Regulations request. And existing interested parties have already been provided with opportunities to be heard at open floor hearings. And I think it's important to make clear that open floor hearing aid isn't an opportunity to return to matters or two parties who have already been heard. So it's just for additional effective persons. And now they have a deadline to respond and request to be heard at deadlines seven. If any such persons do respond, we will make arrangements to hear them. If they do not, then that event will be cancelled and we'll provide the best possible and

1:28:59

notice of its cancellation on the national infrastructure planning website. The first hearings then that will definitively proceed because they are absolutely necessary and engage all of the interested parties are issue specific hearings 10. Health and Social well being on the ninth of March 11 flood risk and drainage on the 10th of March 12 noise on the 11th of March 13 traffic and transport on the 12th of March.

1:29:27

We have issue specific hearings 14 biodiversity and habitats regulation assessment on the 16th and 17th of March and compulsory acquisition hearings three on any remaining compulsory acquisition and

temporary possession considerations on the 18th of March and issue specific hearings 50 on the draft development, consent orders and other matters on heard on the 19th of March.

1:29:59

I will then move to

1:30:00

Agenda Item 11. And I would like to thank all of our speakers today for your attendance and your contributions. This has been a very valuable conversation. And I would like to thank our case team led by Mr. Williams for supporting these hearings. And I will have a final check around the room to make sure that there isn't anybody left, who feels that there's something that needs to be said, pursuant to today's business.

1:30:28

But it hasn't, for some reason, set it.

1:30:31

And I'm looking

1:30:34

for the usual yellow hands and I am seeing none and Mr. Hawk who again is shaking his head in case my system is still not working properly. So clearly, there are none. So on that basis, I'm then going to pass to Mrs. Jones, and my colleagues will do their goodbyes.

1:30:51

Thank you, everybody, for all your contributions. Have a good weekend.

1:30:57

Thanks very much, everybody, for your contributions today. This week. Thank you.

1:31:02

Thank you very much to everybody and good afternoon.

1:31:07

And finally, from me, Ryan Smith, the panel lead.

1:31:11

Thank you very much for your contributions throughout the weekend today. And the time is now 41 to 41 minutes past three. And these issues specific hearings nine are now closed.