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00:01

Good morning, everybody. And welcome to today's issue specific hearings 12 for East Anglia ONE North and East Anglia TWO offshore wind farms. Before we introduce ourselves, can I just check with the case team that you can hear me and that the recordings live streams and captions have now started?

00:22

morning when I can confirm that you've started the internal recordings. the live stream is currently working and the captions are working perfectly fine.

00:30

Excellent. Thank you very much, Mr. Williams. Now, ladies and gentlemen, my name is Rynd Smith. I'm a member of this panel, which is the examining authority for the East Anglia ONE North offshore wind farm application and have another panel which is the examining authority for the East Anglia TWO offshore wind farm application. I'm the lead member, and I'm in the chair today and will be leading the question in respect of agenda items two onwards, and I will now ask my fellow panel members to introduce themselves.

01:00

Good morning, everybody.

01:02

I'm Guy Rigby, a panel member today. I'll be mainly observing during this hearing, but I will be asking questions if and when they arise,

01:11

particularly during item two and item two do particularly traffic noise.

01:19

Good morning, everybody. JOHN Hockley here panel member. Today I'll conduct the introductions by I'll mainly be observing during the hearing from agenda item two, but again may ask questions as and when they arise.

01:30

Thank you very much, Mr. Hockley. And again, for those who've been involved in many of these hearings. Now you'll note that the full panel is not here today. The other members of the panel are working on preparation for the rest of our hearings, both from the balance of this week and next week.

And also introduce our planning inspector colleagues working with us on these examinations, who I expect most of you again will be quite familiar with by now. And Ray Williams is the case manager leading the planning Inspectorate case team and you will have met him in the arrangements conference this morning. And he is accompanied today by two case officers KJ Johansson and Caroline hope well, the published agenda sets out our and your reasons for being here this morning, which is to hold issue specific hearings on the topic of noise. I'm now going to hand you over to my colleague, Mr. Hockley, who will ask all of our participants today to introduce themselves. Mr. Hockley.

02:24

Thank you, Mr. Smith, John Hockey panel member speaking again. Shortly I'll be running through our list of participants and asking them to confirm who will be leading their contributions this morning. And before I do just a few things to note, today's hearing is being live streamed and recorded. The recordings that we make are retained and published. Therefore they form a public record that can contain your personal information, and to which the general data protection regulation applies. Does anyone have any questions about the terms on which our digital recordings are made? Not seeing any raised hands or hearing anybody so we'll move forward on the basis that that's all understood. Thank you. Turn it to this morning's meeting. I will now ask participants to introduce themselves. If organisations attending today have a number of representatives attending. Could I ask that you nominate a lead representative to introduce your team on behalf of your organisation? Because I know that for a number of the organization's here today we have several different individuals that may wish to contribute during the course of proceedings. It would also be helpful if you could let us know at which point in the agenda you anticipate participating. So firstly, Can I check the name of the main speaker that we have representing the applicants today please?

03:33

Good morning, sir Colin Ennis on behalf of the applicants. I'm a partner in law firm of Shepherd Wedderburn and instructed by Fiona Coyle, division of solicitor at scottishpower renewables. In terms of those who will potentially be appearing today, I have four potential individuals who may contribute to various parts of the agenda. The first is Alastair Baxter, and he's an associate noise consultant for ATP energised based in Leeds has 18 years experience for acoustics environmental noise assessments, is a particular expertise in large scale EIA and highways work and improvement schemes and also environmental impact of renewable energy and industrial sectors. He has experienced in noise assessments with large and small scale residential and mixed use schemes and up for the formal qualification of BSc in natural sciences from Durham and MSc in Environmental Management Studies from University of Sunderland. Prior to working consultancy, he works in environmental protection officer for the city of York Council. The second noise expert that the applicants are proposing to me today is Colin Copping. He is a technical expert in noise and health and a director of Pinnacle acoustic consultants limiters, he has an extensive record and the whole life cycle delivery of nationally significant infrastructure projects. Colin has been influential in setting best practice and developing scientific assigned approaches. For noise and health assessments, including the treatment of scientific uncertainty, he sits on a number of committees and working groups responsible for noise standards and guidance. In particular, he has a long association with the environmental health one three committee and was part of the core drafting team responsible for the substantial revision of BS 4142. In 2014, he was closely involved in the consultation to be BS 41423 to final publication, also presenting on

its launch events to explain the changes in the standard and the way in which the articles and papers to explain how it should be interpreted. In terms of his involvement, it was fairly clear to the applicants that quite a lot of the differences in relation to the noise issues were once at almost at the core of methodology. And that's why Mr. COVID was brought in to undertake a review of the various positions that have been adopted by to the examination in relation to both construction and operational noise. And he produced an expert report that was submitted under rep 7041 which attempts to as a synthesis to bring together the various matters that have been raised in relation to methodologies. In addition to the to noise experts, the applicants also have Gavin green, and he's in the engineering department manager with scottishpower renewables offshore engineering is responsible for cross project engineering design and management across the Petrella scottishpower Global portfolio of offshore projects. He has over 23 years experience in the power sector. And since joining scottishpower offshore team has over 10 years and has been closely involved with the grid activities relating to East Anglia zone. He also has played a role in a number of cross industry technical working groups, including the drafting of the European HVDC grid code, and the offshore wind etc. Tree grid group and the off gem expert group relating to the offshore regime. I also have Boma grellus, the onshore consents manager for East Anglia to an East Anglia on one North projects, who has regularly appeared before the panel over various topic matters. And that concludes the likely contributions on behalf of the applicant in relation to all agenda items. Thank you.

07:21

Thank you very much, Mr. Ennis. okay to have the attendees for Suffolk County Council today please.

07:32

Thank you, sir. Graham Gumby development manager, I'm a short term planner, and I'll be the sole representative of Suffolk County Council today. As far as today's session goes off, because it's majoring on noise. In general, we deferred to a Suffolk Kent, East Suffolk Council on these matters. Thanks very much.

07:51

Thank you very much Mr. Gumby Good morning. And the attendees for a Suffolk council please.

07:59

Thank you Sir Andrew tape QC for East Suffolk cancel. both myself and Naomi Gould were the senior energy projects officer will be in the background. And leading and joining the roundtable will be the two independent consultants from a Korean James acoustics and they are first Mr. Gary personal who will deal with the construction noise I genda. item two he's the environmental acoustics lead with Adrian James acoustics. He has degrees in audio technology and a master's degree in architectural and environmental acoustics a member of the Institute of acoustics and a diploma of the Institute in acoustics and noise control. He has extensive experience in this field. And then secondly, on agenda item three operational noise and for cumulative it will be Mr. Joe bear. Who's also with Adrian James acoustics, a member of the UK Institute of acoustics degree in acoustical engineering, and also extensive experience in the field and in particular, previously worked for bureau Veritas as a monitoring engineer role which entailed surveys in and around several 100 National Grid sites. So those will be the two persons leading for the council.

09:40

Thank you very much Mr. cycle. And conductor representatives for ACS please.

09:53

Good morning, Sir Richard Turney counsel instructed on behalf of spaces, I'm going to be relying print Let's play on Mr. Rupert Thornley, Taylor, who's a group at Taylor, his qualifications and experience we've set out previously, orally and in writing. So we'll repeat those now. And between him and I will be addressing each of the substantive agenda items.

10:19

Thank you, Mr. Turney. Good morning. Okay, I think that's all the attendees We have with us today. But before we move on can just double check that I everybody has been introduced today. Okay, thank you. I'm not see any more hands up. So we'll move on. Just as a general reminder for all our speakers today. Each time you speak, Please, could you say your name and who you represent. And this will help anyone watching the hearings to follow proceedings. Anyone who's not participating directly in a session videos is observing it is welcome to set out any observations about what they hear today in writing by deadline eight, which is the 25th of March. The introductions are now complete. And I'll now hand back to my colleague Mr. Smith to lead the next part of this session.

11:01

Thank you.

11:03

Thank you very much, Mr. Hockley. Now, this morning, as we've said, we're holding issues specific hearings 12 for both East Anglia ONE North and East Anglia two projects in parallel. There is a single agenda for both hearings that was issued on the second of March, my trust, everybody has it before them. As we have done in previous hearings to make the most efficient use of time, we plan to deal with the two applications together as we work through the agenda. But we do have the discretion to discuss any matters that are unique or specific to just one of the applications as they arise. But that being said, as you'll see from this agenda, we are confining ourselves essentially to landfall and onshore areas of the application sites. So I wouldn't anticipate that we will need to break out in any sense during this hearing. Now, as with yesterday's hearings on flood and drainage, this hearing is also intended to enable a deeper investigation of a specific technical topic. As I flagged initially specific hearings 10 on health on Tuesday, there are inevitable elements of overlap between those hearings and these held today. And the dividing line is somewhat arbitrary. But to make clear here and placed on the record here, as I did there, the purpose of today is to review and test the technical position in relation to noise assessment. And submissions that might move on to the human health implications of noise effects are, I would suggest matters that now need to be dealt with in writing. As comments on the agenda matters for issues specific hearings, 10 on health. But if there are cross linkages, then of course, they can be made clear. In terms of managing our hearing, today, we're planning to have a short break at approximately 11:30am. And then we'll take a break for approximately one hour at around 1pm lunchtime. If we need a break in the fourth session in the afternoon, then we will aim to break again at approximately 3:30pm. Now, before we move on to the main business of today's

agenda, does anybody have any questions of preliminary nature about today's hearing, and I'll flag that I have one, but I will just check to see by show of hands others anybody else who wishes to introduce anything of a preliminary nature. I'm checking for yellow hands, and I'm not seeing any rising. So I will deal with one item that I just wish to draw up to everyone's attention. And that is in relation to the handling of policy. Unlike the previous day's hearings this week where we had a general agenda item dealing with policy at the start. In this agenda we had found it was probably best to distinguish between principally construction and operational noise. And that a generalised policy discussion at the outset of both items that wasn't embedded in either might not be particularly useful. But for the avoidance of doubt on this point, of course policy is absolutely relevant. And so I am as I move into each agenda item, going to provide a touch point opportunity for submissions, and I will raise some questions on relevant policy and compliance at the start of agenda item two, and then again at the start of agenda item three and if needs be on the agenda item four. But this touch point will be to the extent required, and for example, the subsequent agenda items agenda item three, we won't need to rehearse material. We've already covered agenda item two, if it's adequately engaged, adequately understood. Are there any questions about the way in which we'll be handling policy? Excellent, good. So on the basis that I am not seeing any further interventions around preliminary matters, that means we can now close out agenda item one and move on to agenda items. too. And that, of course relates to noise from construction works.

15:06

Now, as you will have gathered, and for this and the next item on the agenda, I would like to run elements of the hearing slightly differently than some participants and regular participants have perhaps been used to so far in these examinations. And anyone who observed Mrs. Jones leading issue specific hearings, 11, yesterday, will have seen that for some items, relevant experts from all parties remained on screen. So rather than hearing necessarily from each party in turn, she was able to facilitate a more interactive discussion between the technical experts, I guess what might be referred to as a professional dialogue. And because this is a hearing of very much the same nature as yesterday's, I too intend to run a professional dialogue session for this item. And indeed for agenda item three, and four as necessary today. So it follows that running through the main elements of this session, I would request that we do have the following people and moving on to screen stroke remaining on screen throughout. Now, for the applicants, I take it that we are going to need regular reference to Colin carving. Alister Baxter, and Gavin green, and that we may need to touch backwards and forwards. And with both Mr. And Brian, the granite if required. Is that agreeable to yourself? Mr. Ennis,

16:30

yes, coins, some off the applicant, just to explain that our technology is either everyone on or one person on so we're probably going to keep one person on at any one time or otherwise, actually, it loses that dynamic of being able to do that handover, we will internally do the handover between experts should another expert need to come on. But otherwise, it ends up with being too many cameras on. And that will have bandwidth issues. And it also have issues regarding I think, the dynamics of the discussion. So what we'll do is we'll swap our experts, so when they're required, but it's just to let you know that we have that over that limitation. So either all or no one on so we'll go for the one on at this stage and see how it works.

17:16

Let's see how we get I mean, one of the principal considerations with this as a technique and one of the reasons why a number of examining authorities so far have been very chair in terms of using it in virtual events as the bandwidth problem. So that is a recognised issue. You know, as in all of these virtual events, we're trying our best to restore the functionality of a physical hearing room for experts. But we will have to touch as we go and see how we go. So thank you very much, Mr. Ennis, then for ESC, e Sussex Council, I would flag that for this item, it seems as though Gary Percival will be the main screen presence. Is that correct? was to take

18:00

for up for item two. Yes. And for item three, and for JOB,

18:06

JOB, indeed. And that's what I have on my note. So thank you very much. And what I would say in relation to advocates and counsel is, of course, you know, you value add in these processes, and you may wish to put matters to your experts. And if your experts are on screen and you need to intervene, raise your hand and I'll move to you. The same goes from Australia. And the same goes Of course, for se C's who I'll come to shortly. Okay. Thank you. Excellent. Now, if we can then move to Stacy's, and I sake it here, Mr. Turney. That river Tony Taylor will carry your torch throughout

18:50

that. That's right, sir. Thank you. On on agenda item two, I've got a number of points that I'm going to make as well. But I'll let Mr. thorny Taylor go first in all instances. And he'll lead the way and then I'll chip in and the way you described.

19:09

Excellent, wonderful, well understood. So now we come to Suffolk County Council and Mr. gunby, noting that you said that you generally defer to the position of a Suffolk Council. In terms of maintaining the flow of professional dialogue. What I'm proposing would be that in general terms, Mr. Gumby, I would come to you after each sub part of this agenda item as a checkpoint to see if there are any particular responding submissions that you wish to make before I go to the applicant for their response. Is that a sensible way of managing things or would you prefer to intervene as required by just raising a hand?

19:50

I think that'd be that'd be fine. I mean, I what I would suggest it I'll just I'll just, I'd raise my hand if you like because I it's not an area I have expertise of mine, and we have deferred to read Suffolk. So the chances of me wanting to interject are quite remote. So I could I think we could leave it for me to raise my hand if that's okay for yourself. So that is absolutely fine. And on that basis,

20:13

I won't subject you to the cruel and unusual punishment of as I had anticipated that would be specifically for the centre credited noise experts as opposed to the general officers of the authorities. Okay, so that's Suffolk County Council's position sorted out. Now noting that I believe we have no town

or parish councils in attendance at present. C's have indicated that they will respond in writing, I believe, save our sanderlings have had some problems with our technical equipment this morning, and so are unable to join. On that basis, I will remind them that any submissions on this material as their invited bodies can be made but must be made in writing by deadline eight. If any of those bodies do manage to join as we progress through these agenda items, what I will do is I will not involve them directly in the professional dialogue, but rather I will give them an opportunity to comment at the end of it before I return to the applicant for the applicants final right of reply on each question before we progress. So hopefully that's now clear. Okay, now, there's obviously a little bit of a caveat that I'll place over all of that which is in relation to policy matters. My sense would be that advocate stroke counsel for relevant parties will most likely lead in any case. And so in introducing item two, a, I did promise you a touch point on policy and compliance in relation to construction noise. So that is where I'm about to go before we move into the main substance of item two, a. And so therefore, before we throw everybody onto screen, I would flag that I would expect this item to be dealt with principally by the advocates.

22:03

Now,

22:05

in relation to providing a touch point on policy, I thought it would be useful just to pass through the key elements of relevant and applicable policy and just to validate the degree to which there was any outstanding dispute or concern in relation to these. So the principal policy source, of course, is the national policy statement in one. And I just wish to touch their on advice in respect of good design in paragraph 4.5. Point two, which flags that siting decisions, in addition to appropriate technologies can be used to mitigate adverse noise impacts in relation to nuisance, and section 4.14 of MPN. One and section 158 of the Planning Act of 2008. And the nuisance defences engaged we have a statement of engagement from the applicants, and that is under references a PP hyphen 042. And now, again, it's critically important that the engagement of that defence is not a charter in inverted commas for poorly managed construction noise emissions, and there's no suggestion that that is the case here. But the we need to be clear that the relevant construction noise management and mitigation measures are in place and adequately secured for the construction process. And so, as we again move through this agenda item, we will be testing that and the principal source of noise policy in in one is of course section 511 5.11. And there I would just flag the application and relevance of five point 11.8 in relation to the design process. In summary terms selecting the quietest cost effective plant available containing noise within buildings, wherever possible. optimising plant layout to minimise noise emissions, where possible using landscaping noise, controls bands or barriers to reduce noise transmission. In relation to the decision criteria, five point 11 point 19. The Secretary of State should avoid significant adverse impacts on health and quality of life from noise, mitigate and minimise other adverse impacts on health and quality of life from noise and where possible, contribute to improvements to health and quality of life through the effective management and control and noise, which of course, relates directly to the noise policy statement for England paragraph 1.7 which is also engaged 511 10 directs us to consider Creating measurable requirements or specifying the mitigation measures to be put in place to ensure that noise levels do not exceed any limits specified in the development consent. 511 12 again directs us to mitigation processes which can include engineering measures, layout measures, adequate distances



and good design and administrative measures in terms of control over the times of construction times operation, the setting of upper limits and the consideration of factors such as seasonality. Moving then on to MPs n three, whilst in respect of paragraph 2.4. Point two noise impact mitigation is a specific element of good design. And it's worth really flagging paragraph 2.6 point four one flags that the detailed assessment for onshore elements of grid connection should be determined in accordance with the electricity networks infrastructure mpfc and five. There isn't a great deal of detail in MP sem three applicable to these principally onshore connection works that we're investigating today. So then, in relation to MPI, cn five itself all direct considerations there related operational noise matters, an emphasis is placed in paragraph 2.9 10 and 11, respectively, upon there being well cited and well designed, planned. And that if such things are in place, that residual noise impact in summary times is unlikely to be significant.

26:49

Now, I have already mentioned the noise policy statement for England and its engagement, and I will briefly touch on the control of Pollution Act of 1974 COPPA and the section 72 duty to use best practical means BPM to minimise construction noise and vibration and section 61 approval, which will be the mechanism for the consenting of proposed measures. And, of course, the application of British Standard 5228. Now, with apologies for taking you on that tour, I did just want to make sure that there is general agreement that that represents the applicable policy framework. If anybody wishes specifically to highlight other particular matters, it would be very useful if they could do so now. Particularly if they wish to draw on the nppf or specific development plan policy or any other policy mechanisms. So can I just check first of all, is everybody in agreement that that's a picture of the policy framework. Secondly, other matters that we also need to take into account. And then thirdly, we'll just check to see if there are any specific matters of essentially policy applicability or regulatory framework applicability dispute. Can I go first to East Suffolk Council, please and just check with them.

28:11

Good morning. I have nothing further to add

28:13

respect to that. Excellent. Okay. And then if I can go to Suffolk County Council, this is a deferral to the Suffolk

28:23

Yes, that's correct. So, yes, thank you,

28:26

thank you very much and then I will go to Stacy's.

28:30

So, just to say that it is of course important that the concept of lowest observed adverse effect level I'm sorry, I should have said group authority Taylor. concept of lowest observed adverse effect level and lower and significant observed adverse effect level Nana Sol, are much newer concepts than the controller Pollution Act, of course. And I will be raising concerns about the way ps 5228 has been



interpreted by the applicants in deciding what they consider are the levels represented by law. And so because it has a big bearing on what might take place in an appeal against the section 61 determination that the applicants find unsatisfactory,

29:18

indeed, and thank you very much for raising those points, because essentially, what I did just want also to touch on that is the fact that in relation to COPPA, 1974 BPM is as all the various elements of the guidance emphasise a flexible thing. And I just wanted to then check with others that we are broadly agreeable, that Alolan soul as later concepts are nevertheless in trained within and current understandings of BPM and Mr. Tommy Taylor, your view I take it is that absolutely they are.

29:55

I believe they are. And fortunately we have with us today Colin copying with whom I have worked on major projects including Crossrail and HS two, and I think between us will probably agree on this matter. And it is vitally important that we don't start off with embedded in the environmental statement. Some considerations, which certainly I don't think are in agreement with the wording of British Standard five to eight, but I'd be interested to see what Mr. Corbyn has to say.

30:25

Okay, thank you very much. Now, before I go to the applicant, given that we have just delve down in a little more detail, taking one more step down the staircase, I'm just going to briefly returned to a Suffolk and indeed Suffolk County Council and just check on that engagement of Lowell and soul in BPM, and just check whether they're content with that position or wish to advance another position.

30:58

I have no real content with acquisition, that's not something that we're going to be focusing on today. So,

31:03

okay, thank you very much. Suffolk County Council contented with that. Yes,

31:08

thank you, we are concerned with that approach thinking.

31:10

Okay, thank you very much. Well, that basis, I'm now going to go back to Mr. Ellis or which of his team he wishes to put in front of us to respond broadly on the applicable policy framework, again, drawing our attention to anything else. And if you consider that standing, or any matters, on which he doesn't agree with the points that have just been promoted,

31:34

that's calling on behalf of the applicant, in terms of you're setting out of the broad policy framework, we have absolutely no disagreement with the identification of the relevant key relevant provisions of the MPs is, I think, in this context, are relatively clear. And obviously make reference to applicable British

Standards being applied both in the context of construction and operation on those aspects. And those are matters which we will further Canvas in the discussion today. But in terms of the second matter, I'm going to hand on to Mr. Coleman who will respond on this specific result. Yeah.

32:22

Yes, I'm happy to them SOS in this first

32:26

investor, Robin, can I can I just ask you to introduce yourself by name as you appear on each occasion, it's very boring, but people who are outside this virtual room will pretty rapidly lose track of who we all are, if they don't hear from you by name at the beginning.

32:42

Yes, of course, Colin copy. And just deal with one point about best practice means and how it relates to the laws and souls, because the definition of best practice means is defined under Section 72. And within that definition, is the need to protect persons in the locality of the works. So, so you can see in that way, the the need to protect persons in the locality and have regard to the particular sensitivities of receptors, etc, does relate to the to the policy concepts of adverse and significant adverse, the only the only slightly difference is that when best rotten means you used to have to take all reasonable steps. Whereas in policy terms, there's more of the degree of imperative that you must avoid significant adverse impacts. But in many ways, in many respects, they are linked. As far as the laws and Seoul's point is concerned then sort of know as part of the review, I have looked at the representations made by sasses. On the on the soul levels, and, and their comments about the use of highways guidance. And I've looked at those points, but you'll see from my expert report that I have, indeed, recommended cell values from HS two and they are reproduced in my expert report. And I, I state my preference for using the cell values within HS two because they're they're tried and tested. They've been thoroughly scrutinised. They've been thoroughly examined. Similar similar cell values have been used in lots of other schemes. And in my view, I think that the cell values used within sort of replicated within the HS two inflammation papers are perhaps the best and most recent expression of government policy on soles for construction noise. I it'll be interesting to see what position cities have and what their preference is. In relation to the highways guidance, I've looked at the highways guidance. And if you apply the highways guidance in terms of their definition of souls, and you apply it to this area, given that we're talking about generally sort of low ambient levels, it is it is correct that if you apply the high res guidance, you will have lower cell values than those recommended in the HS two paper. As a matter of fact, if you apply it to the circumstances of this situation, the sole values that you that would be recommended by the highways, highways guidance will actually be at or similar to the low values set out in the in HS two information paper. But it was irrespective of that if if whatever reason the highways guidance was to be preferred, there would be no practical consequences. Because if you look at the assessment for construction noise, and you look at the predictive noise levels, you are comfortably within the souls as defined by the HS two information papers. And you are within the the sole values that you derive. If you applied the highest guidance now that

36:25

that juncture has to come having, I'm just going to stop you because essentially the nature of this path, the conversation was that we wanted to nail the question of whether there was any significant outstanding kind of policy stroke regulatory source dispute between yourself and SAS ease on the question of the applicability of low and Sol values from wherever they are sourced, and their engagement in BPM. Now, at the moment, what I'm taking away from what you say is that you disagree with Mr. Tony Taylor, in relation to the specific setting and source of those values. But you do not disagree with the principle that regulation in respect of those values, having been understood and set is the way we should be proceeding. Am I am I broadly correct?

37:28

Yes, the provisions of sort of the controller pollution at bpm apply? those sort of, you know, I think that there's an accord on that, in terms of disagreement on the sole values, I think that's perhaps putting it too strongly. I'm not too sure if there is disagreement or not, sort of No, I think that all I've noted is that sessiz have expressed a view about the highways guidance. And I don't know whether there's there is ongoing disagreement or not.

37:56

But what we're going to do is as we march through this agenda, there is a place where I've got some more detailed questions about precisely that matter. And so I note that I've got Mr. Tony Taylor's hand up. But this is essentially the applicants reply on on the kind of applicable policy framework before we move into the detail of individual questions. So the Mr. Tony Taylor, what I'm going to suggest we do is that we reserve the technical debate, the discussion between yourself and Mr. Coburn to the point in in the agenda where the specific questions arise, and then we can actually go into the detail at the right point, and with everybody else provided with an opportunity to engage as well and the content with that.

38:43

Yes, indeed, I was merely going to respond to the fact that I don't disagree with anything Colin has said. I mean, there has been a process, which addresses the difficulty that faces us because low oil and solar clearly expressed in policy, but the numbers that go with them are not. Yes, that's what we need to tease out later today. I can't argue against the HS two approach because I was the secretary of state's expert in Parliament promoting that project on several occasions. I can when we get to the detail, explain what has happened with the introduction of the highways England approach. And I think you'll find that Colin copying and I don't really disagree.

39:29

Okay, excellent. So I think the important place to have reached this sort of first round of consideration of the applicable framework is is that we understand where you both sit in relation to each other. Now, I'm conscious that this is an intervention in the applicants response on the policy points that have been put. So I am just briefly then going to return to Mr. Ennis and ask if anything else needs to be put on the policy starting point before we move on to the the active substance with Android To

40:01

call from the applicant no further Thank you.

40:04

Excellent. In which case, we are now then going to move into, as I say the active substances agenda item two. Now, what we've attempted to do in this agenda item is to set out a framework that is almost a matrix that breaks and construction noise down into the specifics of noise at the transmission connection location, to a, which is where we're going to go first. And then within that to questions around the local background, specific construction processes, individual receptors mitigation measures of security. Now, what I'm strongly conscious of, again, is that on the first topic, at the first time, when we, for example, touch the debate around what is the local background, and how is it assessed and set, we're going to cover a lot of material of principle, that when we then get to other parts of the onshore construction works, cable corridors, haul roads, landfall, and the highway network, it may well be that we have settled principles that mean that we don't need to go back to the local background again in other than very specific individual observations. so that we may not need to visit at the same level of detail each element of each part of this matrix that we've that we've used to set out the agenda here. But nevertheless, we thought it was it was useful to put it out in those terms. And it may also be that by covering a matter under one element, that when we get to a subsequent element, it's already been covered, and we don't need to touch it at all. So then let's go to to a noise from construction works at the transmission connection, location, Friston and open the conversation about the local background. And in opening this conversation, I would observe that the examining authority notes that there is a measure of outstanding disagreement between firstly the applicants and ESC about the appropriate background levels for the first insight and making a starting observation that the first insight is in a tranquil rural area with a low noise background. low noise climate. Now, reading the material that's been put in front of us, in principle, it seems that escr, suggesting that the applicant's background levels for the first insight are insufficiently low and have been and this is a quote from rep 5048 clearly affected by one or more local noise sources, which were not present when ESC officers and the council's consultants visited the site on seventh to eighth November 29. t. So what I'd like to throw open for discussion between the experts now is the question of whether an adequate diagnosis of the first and sights tranquil nature has been made. Whether the appropriate sources of background noise the forest and site have been considered whether there are, for example, unexplained elements of background noise, such as transmission and highway noise, including arising from local roads are indeed the a 12 agricultural processes residential processes that might be also affected by seasonality by wind direction. How close to agreement are we around? What needs to be taken into account? And what is the starting point in a setting the background in this area? So can I open with ESC, please, in terms of your position here,

44:06

thank you, Zachary Percival for ASC. And what I would say on this isn't discussion around the suitability of the measured backgrounds. sound levels is more in relation to operational noise. I item three on the agenda. That's the item around which most of the discussion has taken place because those background levels feed directly into that methodology. While you suffer council do have some slight misgivings about the ambient measurements that were used in relation to the construction. Noise assessment. That's not a primary concern isn't something that I am planning on discussing today. So that discussion, when it comes will be deferred to my colleague Joe bear in relation to operational noise.

44:50

Okay. On that basis, then, is it is it a sensible conclusion from efcs position that you are In broad agreement with the applicants position in relation to the background starting point for the purposes of assessing and controlling construction noise.

45:13

Yes,

45:13

I would say that's broadly true.

45:15

Okay. And in that respect questions, for example, around whether or not transmission alignment noise, the matters that were considered in considerable detail in the applicants noise modelling clarification note at rep for hyphens 043, the whole question of the humid weather conditions have been considered adequately or at all in chapter 25 vs, that's AP, hyphen 073 those are not matters that that that you believe need to be duly concerning or dived into for the purposes of, of understanding background for construction noise purposes?

46:04

No, not specifically.

46:06

Okay. Right. Well, on that basis, I'm then going to move across to Mr. Thornley, Taylor, what will be quite useful actually is if ESC Mr. Thornley, Taylor, and indeed, whoever from the applicants team might be the principal respondent to this question will be could be on screen together, that would that would assist I think, so this can become, if possible, a free flowing conversation. Mr. Tony Taylor, your observations on the setting of an appropriate background for the purposes of regulating construction. Nice.

46:47

Thank you. So ruffoni Taylor, on behalf of Stacy's, we probably need to use slightly different terminology under the heading of construction because in bs 5228, the role played by noise, which is not coming from the development side is in terms of what they call ambient noise rather than background. And it's measured in I stand corrected? Well, it's it's measured in a different way. That's why it's helpful to use different words. ambient noise in the context of vs five to eight is measured using the LA EQ index. So it is affected by local sources, such as passing the cause on the highway and aircraft and other things that are in the environment that are not associated with the site. And it's less sensitive to the issues which we'll be discussing in some considerable detail under the heading of operational noise. There are special cases where vs four one for two can be the appropriate way of assessing noise from a construction site if the contractor installs fixed plant which runs for long periods on a construction site, it may be appropriate to take up the S 4142 approach to that. But as far as noise from earthmoving machinery, and mobile plant general construction plant is the ambient level in LA Q, that's important because it determines whether from the ABC method of the s5 two to eight, the site is

A, B, or C, and it determines the levels against which you consider the impact. And the issue that I referred to earlier in the EA S is that the applicants have taken the numbers you get from the ABC method in bs 5228, which explicitly says our levels at which there may be a significant effect, potential significant effect, they say, and if in the environmental statement, have drawn a line at that point and said there is no impact below that point, which I feel confident ESC will agree with consider is a miss reading and Miss application of that document. And I'm very anxious that although the e. s is the s and the subsequent section 61 process of any court hearings, relating to appeals against determinations, or non determinations are separate, and it's actually the latter process that is going to be most important in protecting the residents. Now, I'm very anxious that we don't have left on the record, a document environmental statement, which talks about no impact, when quite plainly, that's not the correct interpretation of bs 5228.

49:44

Okay, so we have that position from say, See, so can I ask the applicant to respond to those two positions just before I do, though, apologies. Mr. Gumby was there anything that you wish to interject on having just heard those positions.

50:03

Thank you, sir Graham, Gumby Suffolk County Council, nothing to say the present time. Thank you.

50:09

Okay, so I'll pass this to the applicant. Mr. Tony Taylor, if your contents remain on camera that, again this this becomes somewhat of the nature of a conversation rather than a kind of formalised standing up and standing down of witnesses. So to the applicant.

50:30

Thank you asked about half of the applicant. We thank Mr. Foley Taylor for the clarification on the language used in relation to background we were going to make very same point ourselves. Well, we do have to be careful because background has a very specific definition within noise in response to I think, Mr. Tommy Tony's main points, which is the disagreement over our interpretation of British Standard five, two to eight, in relation to the ABC thresholds. We do know that the specific language of 5228 to say the potential for significant effects occur above those thresholds, which is not quite the same as saying that significant effects occur or close threshold. So we would like to note that notwithstanding we do we do understand that there is there is disagreement on this matter. In relation specifically to the transmission connection location, we should note that predictive noise levels from construction are considerably below those threshold levels. So the 10 Db and more below those threshold levels. So we do think in practical terms, it is a moot point particularly, and in terms of minimising any impacts that may occur. We know the the commitment to the section 61 consent process and the legal duty to operate in accordance with best practicable means. And we do, we do feel that that will very adequately control noise construction noise impact, particularly at the bill of transmission connection, location and agenda item. Mr. Smith, I think I think you're on mute.

52:33

Thank you very much for that kind reminder, move. Moving that through then. And essentially here, what I want to validate is the question of whether or not there is any additional methodological work or survey work necessary to achieve technical agreement on the ambient noise levels, and then around the rest of the site for the purposes of managing construction noise. What I'm going to do here is I'm going to go to Mr. Percival three SC, then to Mr. Tony Taylor, and then come through with a quick check of Suffolk County Council to the applicant. So Mr. Personal

53:18

Thank you. Sorry, can you just remind me this specific question?

53:21

Yes, what I'm asking you now is whether any additional methodological agreement is required or whether any additional survey work is in your opinion required in order to appropriately set and assess the ambient noise applicable to the control of noise emissions from construction of the forest and site.

53:47

Okay, so at this stage, I would say no, but I would also acknowledge that as part of the second section there section 61 application process, and indeed, the final code of construction practice, which will be required as per requirement 22 of the draft DCO, we will expect as part of that process, the applicant will carry out a review of their existing assessments anyway. And as part of that, if, if relevant, which would be considered by the Council, they would at least consider updating or verifying their previous ambient sound measurements depending on for example, the period of time between when they're originally taken and when the application was submitted and other factors. So in summary, the council's position is that the measurements that were submitted in relation to the construction noise assessment, while limited were represented, you know, a minimal basis for construction noise assessment, but we would expect to see some verification of that through the section 61 process and indeed, the final code of construction practice or at least consideration of whether that validation was necessary, but then that's standard practice for that kind of process in my experience.

54:56

Okay, so Mr. Tommy Taylor.

55:00

ruffoni tailor retailer limited for se C's. So at the present time no further measurements are required. What is required is to resolve the disagreement between Mr. Baxter and myself. And I think he stuck on the interpretation of bs 5228. As I said a few minutes ago, I don't think that can be left unresolved, as it currently is, it should be capable of resolution is merely a question of reading words and applying the correct meaning to them. All I would wish to say is that I was very pleased to see following the representations I made a specific hearing for about the at that time absence of a commitment to use the section 61 process, I'm very pleased to see it appearing in the go to construction practice. But I would normally expect rather than a commitment by the undertaker, to us the process that commitment that the undertaker requires the contractor, the main contractor, or other contractors themselves to apply for the section 61 process because the undertaker is not in a very good position to police and enforce the



terms of Section 61 consent. It needs to be directly applicable to the contractor. And we've seen through history, controversial proceedings, there was a prosecution in the early days in London against the contractor building the Limehouse link. And, in fact, breach of conditions like that is a summary offence. And we probably don't want to imprison the undertaker, we'd rather imprison the contractor

56:41

poro contract as always at the bottom of this of this tree. Okay. And I mean, there is a residual question as well, which I am going to put to the applicant noting and the movement that there has been on the adoption of the section 61 process here. Which is essentially to be clear that that process is, you know, operating fully and can be engaged in a way that essentially doesn't damage the for want of a better description, one stop shop principle of nationally significant infrastructure project consenting under the Planning Act, where there have under a large number of other applications being essentially measures typically taken to try and decant as many related statutory processes into the ns IP and development consent process as possible. Now, here, we're moving slightly away from that, I have to indicate I have no firm view whatsoever about the wisdom or otherwise of that movement away there are, you know, there's been a clear argument articulated as to why it might be done, and there is a virtue in using an existing and established process that everybody understands. However, there's also the possibility of using a process that's fully trained and embedded within the development consent process. So I'm going to kind of leave that one on the table as well. And Mr. Tony Taylor, before leaving you and handing over to the applicant, and can I just you the author of the of the proposition that we that we move to the Coppa process? And can I ask for your response on that final point?

58:33

Yes, Sir Robert, Donnie Taylor on behalf and Stacy's, what I would ask is that the cicp be redrafted to the extent that the undertaker will require not intends to, but will require that either The Undertaker or his contractor apply for consent under Section 61 of the controller Pollution Act 1974. That is, meets the concerns that I have, when section 61 applications are made, they are very, very detailed in the modern world. And they are most likely to include updated ambient noise surveys. So any thing that might still be out there to measure that hasn't been measured will be dealt with at that stage, which is when it is most relevant. But that is my principal request is that the wording of the csep be modified in that manner.

59:30

Okay. And in that respect, another observation that I will make, which again, can flow through to the applicant for consideration their response to i, part of what you put to us Mr. Tony Taylor is a vision in which this examining authority if the section 61 process is clearly embedded and binds on not just The Undertaker but it's contractors. And as yourself and Mr. Personal have suggested, there is then a very thorough section 61 application process which includes the revisitation of primary orders or the generation of new primary data that that provides a measure of confidence that this examining authority can have that the construction noise impact element of these proposals would be managed. But using BPM

1:00:40

Rupa facilities while so they clearly the issue the examining authority needs to be satisfied about is that if after application of best practical domains, which is a qualified test, and you can have circumstances where there's nothing practicable, that can be done to reduce noise still further, and there is still a major impact on residents and there is still an issue and occasionally, whole projects are lost on the construction impact, nevermind the operational impact. So it is necessary for the examining authority to be satisfied that out of the section 61 process detail though it will be it is likely that the consequent environment is within the requirements of policy, including one. And then the process of doing it is it's vital that the tests applied in the environmental assessment process, which is required by law are applied appropriately. It's not right to jump to the conclusion that the section 61 progress process is a good one, and that will produce the right result. And everything will be acceptable. It is essential to have a correct forecast of how things will be at this stage. And that is why it's important that the methodology used in the environmental statement is correct. Okay.

1:02:06

That's clear. I will then just check given that there's a certain amount of to and fro and whether Mr. Personal wants to put anything else in front of us before we go back to the app. And indeed whether Mr. Gunby has any comment to make So Mr. Personal and anything further you want to raise before I put this back to the applicant,

1:02:28

as Gary personal but as saying nothing further, I would agree with Mr. Polly Taylor that the section 61 process is not a guarantee of ensuring an acceptable construction was impact but it just obviously inserts a layer of controlled process through which the council will have an opportunity to to ensure and control that I would also add that the latest version of the outline construction practice rep seven DASH o two six does include more detailed commitments to consider receptor specific sensitivities and some other detailed aspects of the construction noise impacts that we will not necessarily be expecting to be set out in quite as much detail at this stage, which does indicate at least that there is an intention on the applicants behalf to adopt a relatively robust process through the section 61 application, but obviously that remains to be seen.

1:03:32

Okay, and we're going to go at the subsequent agenda, sub items of this agenda item down to some of those specifics in due course. Okay, fine. Miss Mr. Gumby, any comments before I I turn this over to the applicant for a response?

1:03:48

Thank you, sir. Graham, Gumby Suffolk County Council. Nothing further to add at this point. Thank you, sir.

1:03:54

Okay, so to the applicants.

1:04:00

Yes, calling again. I think there's a slight danger of a bit of confusion creeping in here about sort of know about the thresholds to be applied. And in my expert report, I look at these matters. And I give very clear recommendations in terms of what the sole values should be used. And they're set out in the expert report. And I've also reviewed the predictive noise that was construction noise levels, against those Sol values, and they're comfortably within those Sol values. So I think that the examining authority can have every confidence that you know, the information provided so far, would suggest that you can have every confidence that there's the soldiers will be avoided or significant adverse effects will be avoided. And that's not surprising given the nature of the works and the circumstances in which those works will occur. Although there's a large degree of separation, and the sort of view and the given the nature of the construction activities, etc, I would ever every expectation of them being being controlled and using all best spectral means on site so that you can avoid yourselves. As I said, I've given very clear recommendations about the cell values. And if you if you use those Sol values that I've set out in the expert report, I think we can be confident that they will they the levels can be controlled such they will not exceed those cell values.

1:05:31

Yeah. Now can I just check to make sure that we are literally on the same page, Mr. Coming, that we're looking at the construction noise impact levels for permanent residential

1:05:40

buildings

1:05:42

in the table at the top of page 13, on purple?

1:05:47

Could you say? Just say the page number? Again,

1:05:50

it's the table at the top of page 14, I believe.

1:05:57

Yes, that's correct. Yes. So you'll see the table there, which I've reproduced from the HS two information papers. And you'll you'll see, as we move from left to right in the table, you've got various times of time, averaging periods, etc. And then you've got one column, which which sets out the lowest observed adverse effect level below the long the significant observed and the significant observed adverse effect level. And so for example, during the during the day, you've got a cell value 75 db, and it's those that I'm referring to? Yeah,

1:06:38

absolutely.

1:06:40

So principally here, then, you know, this, this folds back on. This is only tailored around the date, indeed, ESC as to whether any of those specific numbers are still specifically disputed, for reasons. So can I just revert back to those two before allowing you to continue your summary and reply, Mr. Conway? This is only Taylor, we're looking at the top of page 14 of Mr. Collins report. Any huge disagreements with

1:07:23

here's

1:07:24

what I'm concerned about. I'm hoping you can hear me because I've lost the screen. But I appreciate the Mr. Cobbin's report probably comes under the heading of additional environmental information. But it is important from a procedural point of view, whether we replace those parts of the E s, where if it disagrees, and whether it becomes part of the environmental information before the examining authority that they take into account in reaching that decision.

1:07:54

There. That's a critical point. And, and it may be one that we need to revert to Mr. Ennis, on the question of whether or not there's a proposal to for example, generated a certified document, that would be something such as a construction noise regulation statement or something of that nature, that is then referenced in the draft DCOs. And therefore, formally brought in for those purposes. So let's, let's note that question. Mr. Personal Can I just check though, we're drawing attention to the table at the top of page 14 of Mr. Collins evidence, any outstanding concerns or questions there are other than this question about how to secure this?

1:08:48

And no, not in addition to what Mr. Only Taylor has said, I would like to use this opportunity, if I may, to touch on something that Mr. Colvin said a moment ago about the noise predictions and the assessments such as is presented in the environmental statement, giving the panel confidence that an acceptable impact will be achieved. Obviously, the criteria are one part of that, and the correct adoption of lower and sole values. The other part of that is the noise predictions. And it's worth noting at this stage that as per paragraph 1910 of the council's local impact report is something does retain some concerns regarding the noise prediction methodology. And that matter has been this specific subject of extensive discussions between ourselves and the applicants over the last 18 months or so, at this stage of the council's position is that we don't intend to discuss that matter further in this hearing, but it's it's worth noting for the record that there are some outstanding concerns regarding noise prediction methodology and the applicant themselves have even acknowledged that. You know, there are inherent uncertainties in relation to the prediction of construction noise at this early stage in proceedings. So, yes, I just wanted to touch on that matter. And again, we will back that the validity of those predictions to be verified as part of the approval process? Yes.

1:10:06

This This was where I was going to go on that. Because obviously, my sense of it being appropriate not to further dive into that would rest entirely upon a view around this table about whether or not there's an

adequate subsequent process. And if the section 61 process is inadequate, subsequent process that can settle that, then, again, I follow where you're going. Whereas if, if the view is that it's not, or there won't be another mechanism to properly address it, then it kind of needs to be addressed in this examination. So can I test that with you, Mr. Personal, I'll then go back to Mr. Tony Taylor. And one of these days the applicant will get finished and come back. I'll come back to the African. Yes, I

1:10:53

agree, I think that the process does provide the mechanism to be able to do that, whether or not whether or not the requirement to submit that as it stands is robust and detailed enough to ensure that that process happens, to the extent required, because as Mr. Tony Taylor said that that process can be relatively limited, or it can be a huge complicated process. So a sub expectation would be that, you know, it will be important that the requirement to submit an accord to that process is robust enough to ensure that there is an appropriate revisiting of the technical methodology.

1:11:26

Okay, thank you very much. So, Mr. Thornley, Taylor on that limited point, and then I will allow the applicant to resume their response, and in resuming their response. Mr. kabhi, maybe you or it may be Mr. Ennis, but we do need to then visit this question of whether we are going to see from you an additional formal, certified document that deals with these questions of essentially the framework of Section 61 process, and, and ensures that that is the thing to which we have regard as distinct from what is necessarily the starting point in the US. So it's it's only Taylor.

1:12:11

Thank you, sir. ruffoni Taylor for Stacy's I, the important matter to bear in mind is I mentioned a moment ago that section 61 applications can be very complex, and the resource implications of responding to them can be huge. It's a different position for the Suffolk and for Stacy's is Suffolk have the statutory position. They are the people to determine it. They may have resource constraints, I was once leader of a district council. So I know all about that. And we don't want to leave more than is essential, I'm resolved. At this stage, we need to have the minimum of argument when the section 61 application is made. And it is vital that disagreements such as the one that there is currently between Mr. Baxter and ask is resolved. Se C's are in a very different position because they have no statutory role in the determination of Section 61 consent. If through shortage of resources, ie Suffolk are unable to devote with the attention that it merits and they make a decision which Stacy's find unacceptable. Stacy's can do nothing other than I don't know apply for a Jr. Or something is that in a very difficult position? So from my clients point of view, as much disagreement as possible needs to be resolved now and not left to the second 61%.

1:13:43

Apologies mild disruption to my internet there. My landline, which almost never rings is ringing, I will ignore it. Please continue. Mr. Thornley, Taylor.

1:13:55

I'm hoping that you were able to hear that I didn't drop out, in which case, I think I've said all I need to say on this particular point.

1:14:03

Okay. Well, that basis, let's revert to the applicant allow them to conclude their response on all these matters. And again, if we can have specific consideration of the question around the formulation of another certified document by Mr. Comey.

1:14:27

I think no defer to Mr. Ennis, about sort of certified documents, because that's more of a legal question. I'm going to address the points that have been made by Mr. Fornito. Mr. First of all, about the section 61 process. And I think that the section 61 process gives the Suffolk council a lot more control than they perhaps think. Because they have full control over the level of information which is provided at the application stage. The applicants and their contractors will prepare a section 61 application. But that's merely the information that's provided to the council. And if the council feels as though there is sufficient information, then they must determine the application. If on the other hand, they do not believe that there is sufficient information, they can ask for more and insist that there is more. So they have a lot more control a lot more power than is being suggested here. As far as the section 61 process is concerned, I think the section 61 process has been used on all other major projects. It's a well tried and tested process. And it's worked perfectly well. And, you know, these provisions have worked perfectly well on lots of projects that both I and Mr. Fornito have worked on. And they and they adequately cope with all these points. And so I think that the commitment to you actually use section 61 process is sufficient and it gives a high level of protection.

1:16:07

Okay, so that's, that's, that's a clear submission in relation to the use of the process. But what I do think we do now need is Mr. Ennis, back on screen briefly, because we need to meet this question about whether or not there needs to be some form of essentially section 61 regulatory statement that becomes something like a certified document or else is included expressly as an appendix in in the code of construction practice or in this stage in the outline code.

1:16:41

How, how do

1:16:42

you? How do you see giving this specific teeth and giving any additional reassurance around the application and operation of this process? And the sentence I'm getting from Mr. Tony Taylor, is that this is as much prospectively in the interests of the applicants as it is in the interests of both ESC and the interested parties here, because nobody would want to have a deeply contested and onerous section 61 process.

1:17:13

comments about the applicant? I mean, one of the just to say that the potential use of control of pollution that was actually referenced in the EAA chapter, chapter 25, at paragraph 4647, insofar as effectively the outline cursor construction practice was concerned, it was always envisaged that there would be if you'd like the equivalent of a section 61, but not quite same process of having to agree the

construction noise limits. Ultimately, with all the approach with a soft Council, what the applicant has done is to, as I say, reviewed everyone's comments. Come back with a proposal. And what we've got this morning is what I see is a consensus in relation to that matter, I would envisage that matter can now proceed to being put in the appendix to the outline code of construction practice, where the material already sits in considering construction noise. And that's where it would be best placed that is going to be a certified document. And obviously, we would seek obviously agreement off the form of councils with that position, and then it can be incorporated within it. But as I take it from this morning's evidence is that the other parties are agreed that that's an appropriate way forward. And that's the way in which we were proposed to proceed at this stage. But equally, we'd want to make sure that the council's agreed that if we're going to be as fixed in relation to that matter in that document, obviously, we don't want this matter continuing. But certainly from the information we've got today, there appears to be a consensus and agreement, which could be reflected, but if it might be helpful to ensure that the council actually agrees it serves the representative of of the prospective council that would be dealing with that confirm that position would certainly be willing to firm that up in a revised manner because go to construction practice. Okay.

1:19:12

Well, noting that and before I do go back around the table, just just to check on agreement on that point. Because like, like you are, it seems to me as though that there is an agreement close to hand. There is just the kind of thorny issue of timing, which is that any such document any such change to the outline code would need obviously to come in the deadline aid and be in a position so at least comments can be made on it a deadline nine which is of course, on the final day of these examinations. What I was therefore going to suggest is if this is a productive way forward if there was any way in which it would be possible for a Suffolk Council and the applicant to Engage prior to deadline eight, so that the document that was actually lodged at deadline eight becomes something that represents if at all possible and agreed position, so that the nature of the comment that would then need to be provided at deadline nine, in relation to the council's position would be relatively limited, if any at all. It would focus any remaining concern or dispute with the third parties essentially, places perhaps a little more burden on On se C's here as a non statutory party. Although that being said, if the applicant was willing in the interests of pursuing the greatest possible agreement on this to engage Mr. Thorn detailer before deadline eight, and we were in a position where actually a document that was agreed, was submitted at deadline eight. So that whilst we would have to offer the opportunity to all interested parties to come in the deadline nine, the likelihood of there being substantial disagreement around that document would then be quite small. Now, the reason I raised this, of course, is because we are very close to the end of examination. And so we need to try and produce processes here that are as fair as they can possibly be in very constrained timescales. Mr. Ennis, does only have that command, it's up to you or

1:21:31

out, calling us above the applicant? Absolutely. So I mean, in the background, in relation to many other topic areas, we've had that prior engagement with the council's to make sure that whatever is put forward, is essentially, one where considerations are given from the cancer perspective, we've taken on board comments, we've then been able to reach a concluded view, which obviously appears in front of the examining authority, and is then obviously potentially reflected in in our statements as well in the common ground. So insofar as that's concerned, we will divide to engage with the council to try and get



any agreed position, and then also to engage with CCS once that's available to ensure that as soon as we've got a position that we can put to them that we forward it on, and that they can get it in advance of deadline eight insofar as we're able to achieve that, that that objective, certainly, and that seems a very constructive way forward.

1:22:32

Okay. Well, noting now, early, not unexpectedly, that we have an intervention sought by counsel for the two relevant parties. So I'm going to go to Richard tourney. First, I'm going to go to Mr. Tate and for the council. Although I would flag if either of you wish to draw in your relevant experts on this as well. That's absolutely fine. So Mr. Turney.

1:22:56

Thank you, Sir Richard tourney for status. I think that there clearly is a sort of measure of agreement as to approach can I raise to three points, please. The first one is, Mr. Tony Taylor explained that the language used in the cscp, by way of the commitment, as it was put by Mr. Corbyn to the section 61 process doesn't actually involve a commitment, it says that the applicant intends to apply for Section 61 consent. And he also raises the second point, which is that, in fact, that is the wrong approach, it should be the undertaker rule will require the contractor to apply for Section 61 consent to those two points, it would be helpful if the applicant can say whether or not those are agreed as well, in terms of the use of Mr. cobbins noise table. Obviously, as has already been noted it so far, it's not in the certified document. Its inclusion in the cscp seems to be a logical approach. But there is then a disjoint, between the basis on which construction noise has been appraised for the purposes of the EAS, and the basis upon which it is going to be regulated under the cscp. And that's an unresolved issue, that the third point is about engagement. And, yes, we would be happy to have a have engagement with on this issue, and I think would be very sensible. I don't think Mr. inosine suggestion that there's a sort of sequential approach of speak to the council first and then speak to say is is is likely to be the useful one. I think the useful thing would be to see the approach of the applicant and then for so far as there is an issue, and there is need for discussion that that discussion, Mr. Tony Taylor participates in, because otherwise we're just going to be in a position where if we raise an issue, we'll have to go back to both the council and the applicants. So a three way discussion of that document. When we receive the draft, hopefully in the coming days would be would be welcomed. And we'd like to engage with that, as you say is the leading into deadline eight is is really dangerous here because this is a substantial change of approach by the applicant, a very substantial change, it comes in a very strange way through an expert report being filed 80% of the way through the examination process, and it's one which is welcomed, but one which we need to make sure is now bottomed out by the end of the examination.

1:25:38

Yes, those points noted. And I would make an observation there that critically here, this is one of the ways in which the examination process can add very substantial value. And that, you know, we need to have a care here that mechanisms that are procedurally fair and appropriate are adopted to enable all of those who need to engage on this to do so at the right time. So I would very strongly urge on the applicant, the value of you using an inclusive process prior to deadline eight, so that something was is as close as possible to the agreed and agreed position emerges at deadline eight. Can I then go to Mr. Tate for the council?

1:26:30

Thank you. So we very much endorse what to suggest in terms of discussing this offline, but open minded about the sequence of discussion. But clearly, the principle of that is sensible and warmly welcomed. I think we would agree that there is some tightening In any event, that would be beneficial, some tightening of the language along the lines that Mr. Turney has indicated about commitment rather than contention. And requiring the contractor to enter into the process also seems sensible to us. And clearly time is marching on. And so we will be ready to enter into these discussions as soon as possible.

1:27:22

Thank you very much, Mr.

1:27:23

Tate. On that basis. I will just very briefly check with Mr. gunby. To see if there's anything that has been said that is contrary to the county Council's interests or concerns.

1:27:34

Thank you very much, sir Graham, Gumby Suffolk County Council now I think we're in I think we would support that approach as well. Thank you.

1:27:40

Thank you very much, in

1:27:41

which case back to Mr. Ennis, to wrap this particular item and the approach to it up?

1:27:49

Yes, calling us about the outcome. And the way in which it was phrased in the updated outline code of construction practice was essentially that we hadn't received that, essentially of a formal position. And we wanted to make sure that we didn't prejudge how others would react to what was intended, given the reaction that we've received to the proposal. And clearly, we now feel confident to pull up to change the terminology to one out which is direct and is essentially looking for new ambiguities. The one thing I would say is that the contractual matrix for the delivery of the onshore infrastructure is not a single contract. So it and also there are tears of subcontractors within that. So it would have to be along the lines of the relevant contractor would enter into the relevant section 61 application. And that's just a process of who's doing what and with one particular expertise, but they are quite separately defined. And that's a matter which would have to be, as I say, we will have to be wrapped, it's not just the contractor, it would have to be the relevant contractor. So just like that, that the control the contractual matrix associated with the the the onshore infrastructure is relatively complicated, depending on what works are being carried out. So, tension, you need the relevant contractor to be at the party. But no, as far as other maps are concerned, I think, given what's been said, we're very clear on what's to happen and the timescales, we will progress as quickly as possible.

1:29:36

Thank you very much. Now, noting, ladies and gentlemen, that brings agenda item to a little a, really to a conclusion. There are some questions that I have in relation to B, C, and D, some of which we've already touched on. So we may I suspect progress through those considerably greater speed than we've passed through this item. What I'm going to suggest is it is absolutely now by the clock 1130. It's a good time to take a break. We will resume at 1145 ladies and gentlemen on agenda item to be to a little B. Thank you very much, ladies and gentlemen