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Thu, 3/11 4:10PM • 1:53:01

00:03

Good afternoon ladies and gentlemen, and welcome back to issue specific hearings 12 into noise related matters for East Anglia ONE North and East Anglia TWO offshore wind farms. My name is Rynd Smith, and I'm the lead member of the examining authorities and conducting questioning in this particular hearing, can I just check with the case team before we commence that I can be heard, and the recordings and live streams and captions have now started?

00:30

I can confirm that we can see you and hear you. And but the recording and live caption has started. Thank you very much, Mr. Johnson. Okay, ladies and gentlemen, we had moved through at some considerable length agenda item to a looking at specific impacts in relation to construction of Friston. We're still in item two. So we're still focused on construction. But we're going to move now to item two B, cable corridors and haul roads.

01:01

However, the good news is that having assembled quite a lot of the background conditions, as I indicated before I trust that we should be able to pass through these remaining items reasonably swiftly. Can I ask that we return to the same expert representation for sociis for a Suffolk Council and for the applicant on screen please. And then we will make a start on small item, a ambient noise in relation to the cable corridors and haul roads.

01:43

Excellent. So we have the applicant represented.

01:46

And we have Mr. Tony saver for Stacy's. So we're just awaiting East Suffolk Council.

02:06

I'll just wait for another couple of seconds before making a start. Because I ideally it would be good if we had the council's representative at the table. And, Mr. Tony, do you know if

02:21

we do have

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we said we should have Mr. Percival. So we'll

02:31

quickly send all the messages we got.

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Using all the media we have. Yes. Excellent. Okay. would you would you object Mr. Tate, if I just essentially made a start on this item?

02:46

No, sir. No. Okay.

02:49

So

02:51

Ah, I've just had a message from the case team that Mr. Personal appears to be on hold for some reason. Could I ask them as hope well, if Mr. Personal can be contacted to see if he can maybe drop off the link and then come back.

03:08

Because something seems to have gone wrong. Or maybe he can be texted or emailed.

03:16

If he's put us on hold at the far end.

03:19

Mr. Smith, if someone from me suffered counsel could contact him. And all we've been given is an email address, we don't have a telephone number. So it might be that they can get hold of him quicker. But it does appear that he's put us on hold rather than the other way around. Okay, so we can't connect to him.

03:38

Mr. Tate, can I leave that with you and your team that somebody else we said three messages from three different people. So

03:47

on that basis, I'm afraid I think we will have to proceed. And let's hope that we can get in with us as soon as maybe. So my first question then in relation to specifically cable corridors and haul roads on shore, was in relation to the local ambient conditions in relation to construction noise. Now, we've obviously investigated the position in relation to the construction side at first and at some length. I just wish to seek observations from safeties first and then he suffered counsel as to whether there are any different considerations that apply in relation to the local ambient conditions in relation to anywhere on the cable corridors or haul roads other than those

04:35

that are relevant Friston. And Mr. Percival is in the lobby now so ah, excellent. He's with us.

04:43

So, can I go to rivets on the tailor on that whilst Mr. Personal gathers himself and then then it may be simple. Are there other any additional considerations as from my point of view, sir, there are no additional considerations.

05:00

I don't know whether any other members of the Stacy's team wish to add anything but from a technical point of view, I have nothing further to say on the construction. Nice topic. Thank you very much. On that basis. I will revert very briefly to Mr. Turney to see if he's instructed that there is anything else that Stacy's wishes to say, Richard Tony says is the only point is the general point that I made about 100 metres which applies more specifically to the gable corridor, but know nothing else from us. Thank you. We're going to come to that in a second. Okay, so Mr. Percival, whilst you were out of the room, we started work on the ambient conditions in respect of cable corridors and haul roads, asking the in principle question about whether or not there were any differences of condition. That meant that an assessment was relevant to the first and construction site wasn't relevant to

05:52

the cable corridors or haul roads works. Whether there was anything else that you felt technically, we had to take into account here that the applicant has not?

06:04

Like said, Gary, personal BSA? No, not on that specific topic.

06:09

Right, that's clear. And in which case, I will return to the applicant for the briefest of responses.

06:16

And it probably needs nothing.

06:19

I think there's not too much sorry, Alister Baxter for the for the applicant. I think there's not too much that we that we need to add. The ambient noise conditions have been looked at, in detail in the environmental statement. Yeah. However, yeah.

06:35

We need to add anything particularly further on that. No outstanding and concerns or disputes in relation to the cable corridors and haul roads, ambient conditions. Okay, so we'll then move on to specific construction processes, which obviously, these locations include trenching trenches, techniques, stroke, HDD, and then trafficking of the whole roads. And what I wish to ask in general, was whether the outline code

07:04

provides sufficient consideration of these specific construction techniques, which are obviously somewhat different to the to the generic construction processes that will be happening first inside,

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are there any specific or different noise effects to which they give rise that require any additional or particular recognition in the outline code? And again, I think I'll go first to Mr. Thornley tailor them to the council. And if there are any issues that need responding to welcome to the applicant.

07:38

Thank you. So with only favour on behalf of Stacy's. I have nothing specific to raise here as as before, unless my colleagues at se C's have anything to add. I'm taking the view that

07:52

this Mr. Tally will raise his hand if he believes he does. So we'll move on to the council.

07:59

Thank you. So very first of all, the Supreme Council. Similarly, we have nothing further to add on this. Okay. Now then we come to the point, little c around individual receptors. And we did hear obviously se C's on the 75 metre point and their proposition that there was an argument for 100 metres being recognised generically as as the setback distance to the residential property. Now, obviously, we crossed the fact that the frist and construction side that didn't bring any additional residential properties within scope, but clearly on the cable corridor alignments, and we'll come to some of the specifics shortly. It could.

08:46

So can I is that a that's a well understood argument as you've pushed in principle. So Mr. Tony Taylor, unless you've got any further technical justification for it, and we can we can just move through it here, the Council on it, and then here the applicants response? I have nothing technical to say, sir. Thank you, in which case, the council's response, is that upgrading to 100 metres a valuable measure in your mind or are you content with 75 metres across the piece?

09:21

Gary personal BRC? Yes, we're very much welcome the 100 metre distance. I mean, the Council have specifically raised concerns over the proximity of receptors along the cabling route in the past. So we would very much support that proposal.

09:37

We would also welcome the specific commitments and additions that have been made to the outline code of construction practice that deadline seven. In particular, the applicants have now provided a plan in figure one of the outline COVID construction practice setting out the key sensitive areas, which correspond to those identified by Suffolk in the local impact report. So from that respect, we're satisfied that

10:00

There seems to be an acknowledgment of our concerns and the basis of constructive proposals going forward. Okay, now in relation to that question of the plan, and there's obviously the plan, but there are other words in paragraphs from 104 in the outline code, and through 2107. There, there's specific reference to the 75 metre setback. And this recognition of a specific need to manage as a sensitive receptor, the recreational field used by the wardens trust charity, and that set out on finger one and appendix two.

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And so barriers would be put in place to protect that as a receptor. Are there any other specific locations that in your view ought to be word checked mentioned in paragraph 105? In the outline code?

11:04

And in that respect, I guess,

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you know, just so that we don't spend too long on this. I mean, what's been occurring to Mr. Rigby and myself are things for example, such as the properties adjacent to the 100 River crossing point. And those the residential properties fronting fixtures laying at holding them, for example, but whether there's any specific justification

11:26

for defined measures in those locations.

11:34

Go personal but is suffering from our position, not at this stage. We would expect those properties to be considered as part of the ongoing process which has been discussed in great detail but at this specific stage, no.

11:47

So you'd allow that to roll forward. Okay, well, on that basis, I'm then going to go back to the applicant. We've got a live request for 100 metre buffer generally, no requests for the specific recognition or inclusion of any further the sensitive and present location. Mr. Grannis

12:13

I've run across for the applicants. The seven five metre buffer has been selected based on the the advice from our acoustic consultants based on the buffer distance required to ensure a temporary negligible impact arising from construction noise, we do not see any real material difference than a 75 or 100 metre buffer along the onshore cable corridor that routine of day onshore cablecard has been such that we have sought to avoid interactions with properties at that extent in any event. So we would have no problems increasing that to 100 metres if that would give additional security and additional comfort.

12:58

Our previous comment still stands however, and not the section 61 process will identify specific best practical means at the appropriate time for anything over and above whatever we agree with an art language of construction practice.

13:15

Okay.

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Now, then, moving on, to the degree to which we need to, to small letter D and the whole question of mitigation measures security and monitoring.

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There's obviously the specific references in the outline code to acoustic Paris stroke cushions in relation to any property within the 75 or potentially 100 metre buffer to the application of 10 mile an hour traffic speed limit is the principal means of reducing traffic noise effects. And I will be reverting to Mr. Rigby on those matters later in more detail if we need to.

14:05

Now, can I just check whether there is anything else specifically that anybody wishes to see secured in the outline code that is not currently secured

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specific locations or specific approaches?

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And what I would flag that as well? Is that given that we identified in relation to the Friston work side the desirability of a standing monitoring protocol and ongoing monitoring protocol

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is that something that is also applicable on the cable corridors or not? If it is, Are there specific bits of geography other specific locations from which

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monitoring should take place in the cable corridors or is that a matter that can roll forward to the section 61 concern

15:00

process.

15:03

Mr. Sahni, Taylor, is there anything you want to add on any of those points? Because I'm conscious that the monitoring point does address one of your earlier submissions. It does. As locations on the cable corridor, I think I will leave it to the Suffolk council to give their view on that app because I think they're in a better position than I am to respond on that. But I take it that it remains the opposition that

you're asking for stat, a standing monitoring protocol, not just for the Preston worksite, but for the cable corridors as well. Yes, sir. Okay. Which case hold and go to Mr. Percival for Suffolk unsanitary, personal free? Suffolk? Yes, it's certainly the council's position that we wouldn't expect some form of construction monitoring in relation to noise along the cabling routes. As a general point, we would expect that the approach to that to be slightly different to station reconstruction works because of the transient nature of it. And we would fully consider any kind of bespoke proposals put forward by the applicant in that respect. But we would expect those proposals to be developed and put forward as part of the section 61 application. Do you feel you need any hack peg for want of a better description in the outline code? At this juncture? Are you happy to allow that to flow completely through to the section 61? process? No, we're happy that the outline codes such as it is yeah, provides that that assurance? Okay.

16:35

In which case, I believe that we have dealt with item B unless and I will just check with my colleague, Mr. Ruby, and I'm going to come back to the applicant, obviously, but just check with mystery whether any traffic noise related points that he wish to raise at this juncture, given that we have crossed

16:57

the 100 River crossing points and features line, a

17:01

mystery. Why was it Oh, thank you very much. Mr. Smith. I was intending to cover that in Part D, if that's okay. That way we can deal with whatever is left that hasn't already been heard. Yeah, perfect. Okay. In which case, I'll return to the applicant. And for response toward that.

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Thank you, Mr. Baxter, for the applicant. We know the transient nature of construction works along the cable corridor

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where which will certainly have a an impact on

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in terms of choice of monitoring locations, but we feel that that's more appropriately dealt with within the section 61 process, which we'll look at our specific local conditions and the necessity or need for monitoring

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at any particular location.

17:52

Okay, that's, that's clear, and yourselves and the council seem to be in in clear agreement on that point.

17:59

Ladies and gentlemen, we will now repeat the same process in relation specifically to the land fall. And the reason why we specifically accepted this from the remainder of the cable coders was principally because of the worst case scenario around the utilisation of HDD 24 hours a day during certain periods and that that has been appropriately assessed. And that's been dealt with up front in chapter 25 noise and vibration, a PP hyphens 073

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and there's a provision made for that in the outline code or paragraph 100.

18:44

Can I firstly just check back more formal anything?

18:50

Are there any concerns about the assessment of the local ambient condition at the landfill location that require any different consideration than the cable coders or Friston?

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If I see no hands I will move directly on from that point.

19:10

I see no hands. So then let's get back to the specific difference between this and the rest of the cable corridors the 24 hour HDD worst case scenario and

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the first questions I have in relation to that is that whilst the cable corridors component of the outline code 9.1 point two

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does identify certain specific and receptors. So the wardens trust playing field and dwellings within 75 metres turning to the landfill section 9.1 point one

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there is no specific reference of any particular receptor

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That might require any particular measure,

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despite the fact that there are dwellings reasonably nearby,

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and activities by the wardens trust also relatively nearby. So is the silence of the outline code on the identification of specific individual receptors and measures appropriate or is any additional wording required their

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card just Firstly, check with Mr. Thornley, Taylor, whether Stacey's has anything to say on this. And if not, we will move on very quickly to the council. Well, thank you. So Rupert only Taylor, on behalf of Stacy's, I, myself have not done work on this part of the proposals. I leave it to see if there are any colleagues at ACS who have anything to say that I don't have anything. I will route them through Mr. Turney and ask whether there are any general submissions that need to be made on that point. No, thank you, sir. Thank you very much. In which case, I will go to the council. It's the question of the silence of the outline code on specific individual receptors at the landfill bearing in mind the 24 hour HDD scenario.

21:18

So Gary, possible free soccer counsel.

21:21

While they're there, it would be appreciated for there to be some additional comments at this stage, we're comfortable that any specific requirements for conduct consideration and perceptions will be picked up both through the final code construction practice, and indeed through the section 61 application. So that's where you'd expect, for example, greater specification around siting and plant and pre works areas, acoustic barriers, temporary funding, all that sort of stuff. Besides the all the specific measures they have mentioned in relation to those works, we would expect those to be reviewed in relation to specific receptors. And indeed, there are commitments that ensure that Okay, fine.

21:59

Well, on that basis that I have only one remaining question on this agenda item, which is again, a touch point on monitoring Now, given that the transient and lowball nature of works in a cable corridor are different to the solidly established and ongoing work programme that would be found at first, and we've already identified that there's a difference between the corridors and the Friston site.

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What about the landfall? Would there be any different consideration in relation to monitoring that might apply?

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And if there is, again, I'm taking it at the moment that it will be a general view that ought to be dealt with in the section 61 process.

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But I think it'd be useful as a matter of principle, just to get onto the table if there's a view that there are different considerations that relate to the operation of a 24 hour HDD

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process.

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Mr. Percival, sorry, Gary, possible free software. Yes, well, much the same as for the cabling routes, you cancel, except that you know, that that package of works is relatively bespoke, in particular, and we are satisfied that the processes such as they are will allow that to be scrutinised adequately.

23:22

Okay. We will, just to be clear that sorry, we will expect some kind of specific consideration of the particular nature of those works. When the final construction construction practices is submitted, but at this stage, we don't have any further comment specific. There's no more detail that you wish to see in the outline code. Okay.

23:46

Right. And I need them to return the applicant. But again, I'm not a great deal for a final response on item to see. Thank you. So after back for the applicant, we don't have huge amounts to add to that. We just reiterate that a specific control measures or monitoring measures will be

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addressed within the second 61 process.

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Thank you very much. Now if I'm going to we've touched to a degree on hole utilisation in the in the cable corridors, but I'm going to hand over for the next item D to Mr. Rigby just in relation to broader highway network traffic noise and indeed Hall road use and noise.

24:42

Specifically. Mr. Rigby.

24:46

Thank you for yours. Thank you very much, Mr. Smith. We're up to agenda item two big D which is highway network and traffic noise. And just before we get going on the highway

25:00

Network part of it, something that's ancillary to it is just to close out, because we're going to talk about associated construction traffic access on adjacent highways.

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The 100 River crossing points and the properties of fishers lane, are quite close to the B 1122 Gert auditorium.

25:24

And just to touch on the proximity of construction activities, to residential properties and enjoyment of the air, and B and so on, it's sort of partly to see as well.

25:38

But in this area, there are currently three access options for what is known as access to section three B of the cable route. And these I think, if I'm correct, are either accessed directly from access point to or access directly from access point nine, or a new access at five and six.

26:05

So to the applicant, Could you confirm that we have that correct. And

26:12

in which case, which of those options might be expected to have the lowest impact in terms of noise overall, pleased to the applicant? Thank you.

26:25

Brian grellus, for the applicants, you're correct, in that the works in that area, can be accessed or could be accessed through one of three ways one through sizable gap travelling along the temporary haul road, that will give you access to the eastern side of 200. River, there's no root bridge over the river.

26:46

So we do not permit any vehicles crossing over the 100 River in order to access the western side. So that that would be the primary the indeed the only means of access to the eastern side of the river.

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The

27:04

coming from the west, we could access via Snape road. And that would require travel along the temporary Hollywood from snake road across the woodland finches land across alvie Road and then into the western area of the hunter river that we anticipate to be the most likely means of access.

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That said, we also have provision and have also assessed with an environment statement access along the route itself, I'll be at that is limited that is very limited vehicle floors, I believe it was 10 feet 10 hgvs per day would be the maximum

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limit of HDV movements along that route.

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And that would be during the peak off of that particular construction activity. So we we do require the flexibility of the three accesses. There's different stages of the works, there's vegetation clearance, for instance, there's delivery of materials, there's construction works itself, each of which may mean good lengths, different vehicles that might lend themselves better to access through small gap or open road or indeed via snake road. So it's important to retain the flexibility. But our expectation is that the majority of access, certainly to the Western extents of the 200 River would be from from snake road.

28:29

As we mentioned that one of the previous issues specific hearings, also the work Centre in that area.

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Because it's not a it's actually a lockout area so that the works that would be undertaken in that area are at the extremities of cable sections. So we wouldn't be accessing areas to the west of the 100 River and beyond into the Agricultural Land Beyond purchase land, we wouldn't be accessing that from sysvol cap where our vehicles would need to travel from science well gap along the temporary Hollywood across the 100 River and across the road. So that again that minimises the level of disturbance and the level of activity really around that around that area. They are really quite discreet works. And the equipment and construction techniques will be quite specific to those areas given that they are we just work in areas set out within the draughty seal.

29:25

Thank you So just to clarify before I go around for submissions from others, the 100 River is kind of a dividing line so you'd only go east of the river from point A to A no further and then to the west of the river. It's your favourite at the moment appears to be point nine

29:45

would that be because of the additional works involved in setting up an access it's five and six? because presumably if you've got HGV making forward gear entry manoeuvres in that area, then that's going

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To have some influence on noise levels, compared with just using it as a crossing

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brymer crowdspring outcomes vehicle movements was one of those considerations, not so much in terms of the noise aspects, but in terms of the construction safety aspects. Generally on construction sites, we do not like vehicles from nursing along all the roads that it's one of the, the primary measures to avoid potential hazards and avoid potential risk. So, hence the, I guess the attractiveness of using the sniper would access we can cross over the only road undertake the works and on the western side, but on the river, the vehicles can then refer three a three point turn,

30:43

like or turning circle within that area, obviously mindful of the need to just vegetation clearance and registered the working area at that area. And then they can then drive forward back across all dirt road and back towards snakeroot. Thank you. So in terms of actual noise on the highway as it were in that area. You don't have any forward gear turning movements, you've actually got a movement that goes across the road from one side of the cable route to the other. So that's more straightforward as long as I've got that right.

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ramaa grounds for dolphins correct.

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And also, it also reduces

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the

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the size of they the temporary infrastructure Do we need to accommodate vehicles coming in from abroad turning left r&d turning right on through turning off all the road?

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It is not to a crossover rather than a bellmouth. Yes. And of course, I'm also thinking in terms of the pre construction work, there would be presumably a great deal less free construction work needed in that area. If you're just using it as a crossing. So I'm thinking about the noise generated by the pre construction works you would need in that area.

31:56

Grammar grounds for the applicants upset, correct. Yes. Thank you very much. Thanks for that. It's very helpful. Could I go to perhaps Suffolk County Council first on this occasion?

32:14

Yeah, thank you, sir. I've got nothing, nothing further to sum. And I'm really going to defer to each offered on these points and think Thank you. Thank you. I just thought I'd go to you first as you're the Highway Authority.

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and wondered if you had a view on the relative aspects in terms of operation in terms of acrossing as against

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an access point, but I guess we can cover that tomorrow. Anyway. I think I think that's right, sir.

32:42

We don't have the Suffolk County Council highways witness with us today. So we could either presumably do that tomorrow. Or you could we could respond in writing if you set an action point. Thank you not to worry, no need for an action point there. We'll deal with that tomorrow. Just thought I'd include you in the loop just in case anything had occurred to you. Thank you very much. So could I go to a Suffolk Council, please?

33:11

He's very personal, but you suffer Council. We actually have no specific comments to make on this matter.

33:18

Thank you very much. That's rifton finally two cc's. Please.

33:25

Thank you. So Robert only Taylor, on behalf of Stacy's, the only point to make is that he is concerned about the Hours of operation of construction traffic. And when it comes to considering hours of operation of sites, it should be borne in mind that that has consequences besides noise emission from the site's themselves in terms of the hours when there is construction traffic on the move.

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Yes.

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deeming it important to get that clarification about the lack of levels of traffic on the BLM 22

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in respect of that particular point, and the general point about construction hours going returning to the now

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famous page 14 table of Mr. copings report.

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Is there anything else for more specific or different nature in terms of controlling hours

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in relation to construction traffic movements?

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That needs to be set out Mr. Thornley, Taylor.

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I think the answer is yes. There could be I don't have specific proposals to make. But what does happen on some sites is construction traffic is on the roads much earlier than the site opens. And yes, I'm waiting at the gate so to speak. Yes. And it is necessary to deal with that, but I don't have specific ready made proposals to put before us. Okay, I think this fields with Mr. rugby's indulgences might need to be an action that if there are any specific

35:00

measures are sought in relation to the hours of construction traffic movements that are different from the general construction hours that are already

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broadly agreed. They do need to come in at deadline eight. So the applicant can respond to those deadline nine, or even better in the spirit of collaboration. If you're going to sit down and have a head to head between now and deadline eight and get an agreed position. Yeah. Even better.

35:32

Mr. Rigby apologies. No, not not at all. Mr. Smith. Yes, it will be useful, actually, given how close we are to the closes examinations, if that could be at that item can be added to your shopping list, if you like for your discussions with the applicant and the Suffolk before deadline that would assist us greatly. I think.

35:53

I don't have anything else I think to raise there. Because I think I'm right in saying that property is adjacent to the 100 River crossing points, and fronting fishers lane, are in any events going to be used for noise assessments. In any case, if I could just check with the applicant, I've got that correct.

36:18

Wrong grounds for doubt prints. Yes, the latest version for the outline quarter construction practice identifies certain properties to purchase land as

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that area within that 75 metre buffer where additional noise attenuation measures would be deployed. And with that offset in line with section 61, the process we will consider not only mitigation measures, but also monitoring measures and agree that with local authority, do you consider you've got enough receptors in that area for your monitoring purposes.

36:53

primary goals for the outcomes the draft DCO permits, monitoring environmental monitoring inside the Ord limits. So we wouldn't be constrained to monitoring within the order limits with regard to noise.

37:08

Thank you very much as we've just raised something different. They're just any other party or any other comment they want to make on what's just been said about the monitoring.

37:22

not seeing any hands and if not seeing anything. I think that's a wrap on item today. But I'll be right with the exception of the African who we need I think to Yes, synchro to make a close or close if if that is if they believe there's anything specific that they wish to say, conscious of those that that Mr. Tommy David did raise that issue potentially of different construction traffic hours to general construction hours. So Mr. McGregor's, no brown grass, our date options, I think tomorrow is probably a more appropriate time to deal with the transport matter. With just going back to fitness lane we also in terms of developing the order limits have ensured that there is a buffer between the order limits and fitness lane properties themselves. So we have to delay in and we also have a strip of vegetation that is outside our limits, before we can answer the potential construction area. So again, through the 3d design of door limits itself, we are seeking through to maximise separation distances between our work areas and sensitive receptors.

38:28

Thank you very much, very much. Thank you. That's me done. I think I'll return you to Mr. Smith. Thank you very much, Mr. Rigby. So we are now crossing into operationalize. And as I indicated at the outset of item two, we're now on agenda item three, I would provide a very brief touch point on policy just to make sure that we were all in in loud agreement, if at all possible on that before going to the substance of three a and then onwards.

39:01

Now, I think we can take the policy coverage that we dealt with for agenda item two, as read to the extent that it is applicable to operational noise. However, I wish to just flag also the specific application of NPS IE n five, paragraph 2.9 point 10. And the observation in that policy that where the applicant can demonstrate that appropriate mitigation measures will be put in place, the residual noise impacts are unlikely to be significant. So a kind of broad view that operational noise in relation to transmission systems connection and operation are unlikely to be a

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consideration that would lead to a recommendation that a development consent order not be made. But obviously the key rub there is in relation to weather and

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The sighting is appropriate and whether the appropriate mitigation measures have been put in place. So those are those are live considerations. Then in relation to paragraph 2.9, point 11 of MPs again five.

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Again, noise from over headlines is unlikely to lead to the IPC, as it says, of course, the Secretary of State refusing an application, but it may need to consider the use of appropriate requirements to ensure that noise is minimised, again, turning to the adequacy of operational controls. So those are two very specific operational noise considerations emerging from the NPS suite, in addition to those that we had covered in this morning session. So taking all of that in a bundle with this morning's policy positions,

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are there any other points that anyone wishes to direct us to or raise concerns about in relation to the applicable policy framework? And I do see immediately, a hand for Richard tourney of se C's is anybody else who wishes to speak on this item before we move on? And I obviously will give the applicant a right of reply.

41:12

I'm just seeing rich attorney. So I will go to rich attorney and then I'll go to the applicant.

41:18

Rich attorney for status. Just a short point. So which goes to the heart of our case is on operational noise. That Yes, there's a reference to mitigation measures. But those mitigation measures need to be

ones that meet the relevant tests, both in EIA legislation and case law, but also as a matter of normal practice for conditions and requirements. And the key point is that policy and law requires that you need to be satisfied that the mitigation measures that are being proposed are ones which are capable of being achieved. And that's really at the heart of the point. So it's not just a question of saying, Have you set the right threshold? It's also a question of saying, and will that threshold, in fact, be achievable? So that's really at the heart of the rest of our submissions. That's any point to make at this stage. Okay, now, can I just provide you a little on another aspect of that, Mr. Attorney, and that is that, obviously, appropriate mitigation was the point that the flag out of paragraph 2.9? Point 10.

42:29

But implicit in that, all other words, don't say as, as such, is the site in question, which is, is the site capable of absorbing the impact?

42:41

So is that is that a matter on which you're on which you are going to put any further submissions? Or is this essentially limited to submissions on mitigation in noise terms? Well, so it's, it's not that there isn't a point about the size and the suitability of the site. The point is in in in summary, and I say that this is perfectly well accommodated in the in em, one, which says you should avoid significant effects and so on, and in national policy to the same effect.

43:13

The point is that it is not enough for an applicant to say, Well, I'm going to impose on myself a requirement which constrains me in a particular way. And if that requirement is complied with, then there could be no complaint. This sort of examination needs to consider whether that requirement is capable of being achieved with the technology that's proposed to the site. And what we say is, in fact, the evidence shows the evidence will show that the applicant cannot it at all times in all conditions meet the requirement, which would be necessary to make this site acceptable in noise terms, in other words, to meet the requirements noise policy. So the focus is on the mitigation measure, because the applicants primary case, as we'll hear is, don't worry, because we're proposing noise requirements. So operational noise doesn't need to concern you because we're imposing noise requirements. And that's the mitigation. But we say the underlying question is, do those noise requirements work, but we will show that they don't work unless there's a certain level a level which would permit an unacceptable noise impact at relevant receptors. And in those circumstances on the evidence before you you cannot be satisfied that granting development consent for this infrastructure at Friston will avoid significant effects and therefore will meet national policy. So that's our case in a nutshell.

44:48

Okay, fine. In which case, I'm going to return to the applicant and ask if they want to make any further observations on policy framework material before we then move to the specifics first

45:00

leaves a transmission connection location for

45:04

stress

45:06

caused by half the applicant

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before forgone and deal with that mattering. It is of relevance in en five, paragraph 2.9. point seven, there isn't a lot said an EN five about substations appears to be primarily sort of

45:25

back factors of overhead lines, and then reaching a rather bold conclusion that noise from overhead lines is unlikely to ever be something which should be refused. But there we go. But in terms of what it does say about substations at 2.9. point seven is whether the noise can be heard outside a substation depends on a number of factors, including transformer type, and level of noise attenuation present, either engineered intentionally or provided by other structures. Now, that's the matter which we have led evidence on, provided specification on. And it is on that basis, which the applicants have based their sound assessment. And if those measures, I mean, what we've put forward is, we've got first of all the measurements, and then we've set the limits slightly above the requirements slightly above what we were measuring from the output through the model. And that does need to be a gap in relation to those matters to give at some margin against the model position. But what we will do in evidence this afternoon, if the when we get into the detail of it is explained how and why we have absolute confidence that the applicants will be able to achieve what is set out in that model. And equally, I think, very importantly, is there is an element also that's about the nature of the equipment. And that's pretty important. And you know, I've seen reports being submitted, and different occasions and other things. And in respect to some of them, there are indeed similar axes. And in respect of others, there are significant differences. And no doubt we can explore that in evidence if we need to this afternoon. But there are differences of different sites. But there are some elements of comparison which can be made. And I think what is important is n five recognises that with modern methods of design, that engineering and practical solutions can result in effectively removing the likelihood of there being are bought or directly avoiding significant effects that I often find 511 nine, which is at the key policy test neon one, and I say in the context of the applicants position. And we'll go on and see some evidence that we went further than just accepting, avoiding significant effects. We've gone on through adding engagement with the supply chain, to seek to minimise the levels of noise beyond that, which is well below at the significance level. And that sets out our broad thrust of our case. And no doubt we'll get into the detail of it in due course, but I thought it was just better for the context setting for the technical material, which no doubt we're about to discuss. Indeed. Thank you very much. with no further ado, then I think we should move into that material. And again, get back to the transmission connection location, site and setting at first and again, question of remaining outstanding disagreement around the assessment of local background and questions or concerns about the specific tranquility of the first insight and whether the applicant's position has responded adequately to that. So what I'm going to I think do here is move to Mr. Thornley, Taylor first, then via East Suffolk. So the council can essentially pick up and respond

49:13

to Mr. Foley Taylor's position and then

49:17

come to the applicant. Again, if it's possible to have the three experts represented on screen. That would be excellent. Welcome, Mr. Bear. We didn't have you.

49:31

And do we have an applicant?

49:36

team member taking this? Okay, Mr. kamin, thank you very much. So, Mr. Tony Taylor. Thank you very much, sir Rupert, Anya Taylor on behalf of Stacy's,

49:47

on the subject of background noise. In the presentation I made in specific hearing number four. I observed that it was one of the quietest places I had ever encountered.

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And

50:02

Baxter disagreed with me, which caused me to go back to the environmental statement and look again at the E s figures. And quite close to SSR. Three is SSR. Nine, which has the most the lowest background noise results that I have recently seen using the method of extracting a background noise figure from a range of measurements, what are the several methods offered in bs 4142. But the applicants choose to use the one where you find the mode or the most frequently occurring value of the nighttime. And then Id in the applicants own figures show that to be in the range 17 and a half to 18 and a half DBA which is very, very low. Yes. When I observed that fact, in representation, the response came back that that the applicants rejected SSR nine, for reasons which I simply find impossible to

51:12

to believe.

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In fact, just briefly run through their reasons.

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The first one was that the position where the measurements were made was not the one agreed with ASC. Well, yes, but that's not going to change the results,

51:27

that the measurements were made 350 metres away from the property facade concerned. Well, that shouldn't change the results. The facades don't emit noise, they do not be taken into account, heating.

51:44

And vs 140 expressly tells you to get away from the effects of reflections from surfaces.

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And

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then they say well, it's it's a 750 metres away from the proposed footprint of the National Grid substation. But that's not a source at the moment.

52:04

The distance from the site of the substation doesn't affect the measured background levels. And at this point, I should mention that, whereas this morning, when talking about ambient noise for construction purposes, we were looking at aq, which takes into account it's the long term energy average of noise from all sources, including vehicles, the thing which determines the background, la 90, which is a level exceeded for 90% of the time, used to be called a typical low value or mean minimum. It's what you hear when there's nothing else happening, no vehicles, nothing, no wind blowing in the trees, no aircraft overhead, that's what you're left with. And that actually is the consequence of noise from a great distance around the measurement location, or contributing a little from all directions to what you measure. So if you're near or far to a local rural road, doesn't make any difference to the La 90 that you will measure. So the reasons given for not using the results from SSR nine currently are not valid. Now, that being the case, if you take the figure of 18 dva, then the sole figure, according to the s one from two is 28 on the lower is 23. Which means that we would get a breach of the

53:29

EM one requirements. Without any doubt. It does, however, take us into another area, which I think will crop up on an item a little further down the agenda.

53:42

And that is the ps4 and four two says when you get to very low levels, you need to consider absolute levels. And Mr. Copying rightly raises that in his

53:51

report. I have a number of comments to make about that. But it's probably something for me to talk about when we move to further items on the agenda. So on the specific matter of background noise.

54:06

It does appear to be the case that this is an exceptionally quiet area, the only place I've measured less was on foulness Island, when there was a plan to construct a four runway airport down there. I managed to measure 14 there because in those days, sound level metres were made differently and didn't have the parent instrumentation, electrical noise that they now do. And when the applicant's measured 17 the true level was less than 17 because that was the noise floor of the instruments they were using. Well, under this specific topic. That's all I got to say.

54:44

Okay, and in which case, as I indicated, I think the best reading of this history, Mr. Bear for the council's position plus any commentary on that and then we can move to the applicant for a pickup in response to the combined. So Mr. Bear

55:02

Thank you, sir. Mr. Bear for a Suffolk Council. And I mean to summarise the position that he's at now it's the same position we've been in for a long time, which is that the background noise levels reported by the applicant are not accepted as being representative of noise climate. In the substation study area.

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This started off on first look at this on paper,

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in comparison with the experience that we have in house and in within the suffered officers experience of decades of standing around in fields in East Anglia in the middle of the night,

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the the numbers presented just didn't, didn't tally without experiences, what these kinds of noise environments are like. So the first thing we did was to go out and stand around in the study area in the middle of the night to try to understand what was different, or if it was different, that was making the numbers substantially different to what we were expecting to see. We didn't find anything then.

56:03

And subsequently, we were supplied copies of the raw data from the applicant.

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And found a number of things which lead us to believe that the numbers, the representative figures supplied by the applicant aren't representative of the noise levels in that area,

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in terms of the statistical analysis undertaken on them to come up with a single figure number and also in terms of determining what the typical noise sources in the area are, which drives the climate.

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So I mean, in summary, we don't accept the counsellors do not accept the position or the background noise levels supplied by the applicant. Okay, can I just progress in the sense that if you do not accept those

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levels proposed by the applicant?

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What in your view is the best mechanism of making forward movement on this? In other words, is there additional survey work that is required? In your view is the SSR, nine figure a more representative

figure? What is your view about the rejection of that? It look, these are only suggestions, but in a nutshell from you,

57:21

what additionally ought to be done that has not been or should have been done? This has not been?

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Well, if the applicant can demonstrate that what was measured during the long term surveys is representative of what was going on, which

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we I don't know, what was we don't know what was governing those.

57:42

Government, what events are what sources of domination, those noise levels, if they are typical, then, based on the analysis that we've done, based on the modal values,

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specifically SSR. Three, we would suggest go forward with the revised noise levels that have set out in appendix for the local impact report. But that is subject to the applicant be able to demonstrate that the noise conditions and the noise sources present during that survey are typical of the noise climate in the substation study area.

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Now, there's a kind of a little element of digging what I'm going to do here as well about what I've kind of loosely referred to as the missing background element.

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And the applicants issued noise modelling clarification note at rep four, hyphens 043 dealing with transmission line noise,

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and making clear that humid weather conditions weren't considered in catch 25 the is referring them to an gets identification around increased transmission line noise occurring due to amongst a range of causes damage drizzly high humidity weather.

58:58

Now, to the extent that we are moving towards any possible points of agreement on technical explanations for the differences between the levels that you've found and those that the applicants and founders, is this at? Is this a potential factor of causation?

59:21

Sorry, sir, is that directed at me? Yes, it is. Yes.

59:26

Yes, Mr. doback. Mesa counsel.

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I think it is a potential source of

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potential noise source in this area. I mean, my experience of visiting hundreds of national grid sites over the years is that they sometimes make noise and sometimes don't make noise.

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I don't have the information to be able to say this is that noise source? I'm just asked him the question of what are these thought noise sources which are very varying on shown in the survey data.

59:57

Okay, right. So we've

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Got a, we've got a sense of there being too high a set of levels in the applicants figures, a possible candidate but not a firm candidate for an explanation as to why that is the case. There are other potential candidates too. And at this juncture, you can't speculate as to what those might be. Is that is that a reasonably fair characterization of your position? Mr. Beck?

1:00:27

I think your

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job as a civil Catholic, Yes, that is correct. Okay. Right. Which case, I'm going to pass over to the applicant for a response on those points. And in doing that, if the applicant can address, essentially, the question of why the values that they have accepted and worked on are what they are the reason specifically for the non adoption of SSR. Nine,

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in response to the point that Mr. Tony Taylor has raised, and whether broadly there is any,

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any sense in which lower background figures would be justified or whether you stand by those that are that you've already put in. So to the applicant, please.

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Yes, calling, calling on behalf the applicants. And I think this goes to the crux of the matter, iTunes so far as

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whether the background sound levels are representative. And you asked the question from East Suffolk Council, if they would prefer alternative

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background sounder was and they responded by saying that they've set those out in their representations. And, in essence, the alternative background sound levels that they have

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recommended would be 27 Db SSR to 24 db, SSR, free, and 29. DBS is our fight.

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I deal with this in my expert report. And I end on the basis of the analysis that they've carried out. If we, if we compare that with the requirements in bs 4142.

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You cannot say that their analysis is invalid.

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However, for the reasons I've explained, and for the reasons I've given, I think that the analysis presented and put forward by the applicants assessment team is a matter to be preferred. And the reason why I say that is because

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these have a council are focusing when in their analysis, what they've done is that they've looked at the distributions of the background sound values, and they've found that they've there are two distributions for many of the locations. And they prefer to base it upon the modal value of the lower distributions. So in other words, that the basing it upon a subset of the data and preferring to sort of favour that more the lower values. Can I just test that particular point? apologies for cutting in there. But as I understand it, it's the opposition that we should be turning to the modal value of all the data, not the subset. Is that is that correct? Yes, my point was, is that the council's analysis is based upon a subset, and it's a subset of the lower values. Yes. My point is, is that you should be basing it upon an analysis of the total data set. And so you know, so if you allow me to explain a little bit more, when we have background sound levels at night, you do get a fairly typical diode or distribution. And, and so what that means is that you'll tend to get sort of sort of background sound levels continuing within the shoulder periods, and then it will fall off, and it will be its head at its quietest in the early hours of the morning. Okay. And it, it's, and that's where we tend to find the lowest values of the background sound levels, and it's precisely in the middle of the night. That bs 414 tells us that that's perhaps the least sensitive from a sleep disturbance perspective. Okay. And you have to bear that in mind when you're doing this analysis. But what is Suffolk Council is that they're focused on a particular subset of the data, which actually drives you towards the lowest values in the middle of the night. My preference would be to look at to look at what is a typical and Representative value, looking at all of the data throughout that night, and basing it upon the cumulative distribution, because when you look at the mode, and you've got different modes,

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And then it just leads to anomalies in my view. So my preference would be to look at the whole data set. And sort of, I think it's better to actually use the kimzey distribution. Okay. So if I, if I can just explore one other point in relation to that, and this is, I believe, on page nine of your submission deadline, certain report

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you in paragraph four, they're

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discussing

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bs 414, to highlight that it is not necessary to remove or exclude noise of an industrial or commercial nature from background sound that goes into the specifics of what might be occurring on the site if we've got

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an evenly temporarily distributed episodes of conductor noise from the moment.

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Am I correct in my understanding that what that means from your assessment is that that ought be absorbed into the full data set and the mode of the full data set taken?

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And that might explain the distinction in position between your values and the council's values?

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I don't know. I don't think it explains. I don't think that it explains that the differences? I think there's room for an entirely different reason, I think unless because I think that he suffered counsels analysis focuses on the middle of the night.

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I don't think that the on the basis of what the observations I've made of that location, I don't think that the sound from transmission lines is a significant contributor to the background. But is there is a possibility that it could be contributing? And if so, there's no reason in accordance with the standard, why you would remove that. Okay, but I don't think it's a material factor in explaining the differences. I think it's the way in which the council walk out conducting the analysis, which is the material difference.

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But then, if I may, then go on. I think the key question then becomes, which you which you began to ask,

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what implication does this have? And, you know, it's quite clear. And, quite frankly, I'm quite surprised that, you know, we've heard from Mr. Bear on this point, and he still hasn't acknowledged the importance of absolute sound. But if I may, if I may just expand on that point. If you if you take

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these other councils values at face value,

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at night, and then you were to sort of, and then you were to apply the rating levels that we will get at the limit values

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you could get,

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let me just look at my notes.

1:08:05

That would, that would start to indicate

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an adverse impact, not a significant adverse impact, but an adverse impact at SSR, two, and SSR. Three, if we would then apply to SSR. Five knew, it wouldn't necessarily indicate an adverse impact, even if we took that at face value.

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But then, if but as I've explained that some length within the report, and then what the standard says is that the comparison of the background sound, with the rating level, the difference that you get is only an indication, it's a starting point. And then you have to consider the context. And then when you when you've got low background levels, such as those that have been put forward by a Suffolk Council, then you need to consider the absolute level of sound. And then when you do consider the absolute level of sound, you can be fairly, you can be confident that there will be no adverse impact whatsoever. And that's evident from the standard itself.

1:09:07

Okay.

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So there are no practical consequences to these to the to the alternative views. That is the that's put forward by the Council. Okay, well, that's your position of, I think there is a, there is a dialogue in inverted commas around this. And so what I'm actually going to do is I'm going to pass round the room one more time, and then return for you to kind of complete having heard observations from Mr. Tony Taylor first and Mr. Baer and them having observed and heard what you just said, because I think it is, this is clearly a key outstanding matter of unresolved position between yourselves. And it will greatly

assist the examining authority to pass this around the table one on one more occasion. So if I can go to Mr. Thornley, Taylor and ask for his observations on what's just been

1:10:00

said, Thank you so ruffoni Taylor for Stacy's, if I could start with the proposition that the middle of the night is the time is a time when noise doesn't matter so much. I think it originates from comments you sometimes see in guidance to the effect that

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the most important times are when people are trying to fall asleep or when they might be woken early by noise, implying once people are asleep, or as well, you can make a bit of noise, and they're safely asleep and disturbed. But what that overlooks is the fact that

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sleep

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occurs in a sequence of stages. If you don't get enough stage for sleep, you are not well slept. And what noise does in the middle of the night is raise your sleep level, even if it doesn't awaken you. And you can have health effects, which aren't obvious because the person didn't actually awaken. Having said that people do wake in the night, for reasons which have got nothing to do with noise or their environment, it's just quite normal. For people to wait briefly, they don't necessarily remember that they have woken for a time gone back to sleep. And when they are briefly awake in the night, if they then hear a noise, they will be disturbed by it. So I do urge the examinee authority not to accept the point that it doesn't matter because it's the middle of the night when everybody's asleep. That is not a good basis on which to make decisions about acceptable noise levels. We will get into we have already got into the matter of absolute noise levels in Mr. copings report and also in material put in by the applicants, other consultants. And they make reference to World Health Organisation guidelines which offer recommended figures for internal noise levels. But we can't use those because they are all traceable to academic research into the effect of noise from transportation sources, primarily road traffic, aircraft noise and similar things.

1:12:22

The noise from a substation is quite different. It's continuous it subject to resolving the argument we haven't yet had what we need to have this afternoon about tonality and establishing whether it exists and providing adequate mitigation for it. I think we'll be coming back to that, I just need to read a very brief passage from the World Health Organisation guidelines, the 1999 guidelines have been superseded by the 2018 environmental noise guidelines for the European region which I was a member of the external review body, but the recommendations on internal noise still there. And what the document says is the evidence on low frequency noise is sufficiently strong warrant immediate concern various industrial sources of continuous low frequency noise, compressors, pumps, diesel engines fans Public Works and large aircraft heavy duty vehicles and railway traffic produce intermittent low frequency noise. low frequency noise may also produce vibrations and rattle and subtle secondary

effects. health effects due to low frequency components in noise are estimated to be more severe than for community noises in general.

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And that takes one into the field of low frequency noise which is defined as noise in the frequency range 20 hertz to 160 hertz and Defra commissioned a study by Salford University on the subject of low frequency noise, they proposed a spectrum in unweighted decibels as a criterion for low frequency noise and at 100 hertz which is the frequency at which Transformers emit the noise. The Salford criterion was 38. Indoors unweighted which is equivalent to just under 19 DBA.

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After applying the a rating criterion indoors, and if you take the 10 to 15 Db outdoor to indoor correction, which is in the latest applicants document, that's an outdoor sound level of about 29 dva which is where

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the sort of order of magnitude of suitable

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requirement noise limits, it is essential that we don't treat this as if it was transportation noise or some other relatively character is nice, and that we don't make the wrong decision on that basis. I should add that in the EIA one report, which was

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Put in.

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There is another approach to absolute noise level ones, which is to look at the audibility of sound against an international standard two to six, which gives you a minimum audible threshold for sound. And it purports to show that there won't be tonality because it, the noise will be Inaudible. But there are flaws in those calculations, which I've set out at length in this ACS latest submission. That takes us I know a little wider than background noise into the matter of absolute levels. But this central point is that I am quite satisfied that actual background noise levels in the first area are so low, that we can move into the absolute noise threshold field. And the Stanford University report helps us there, and leads us to conclusion that a suitable limit is in the 20s, Stacy's have actually proposed a draft amendment to the requirement, putting the figure of 30 in and if the noise is tonal, that would be a physical sound level of 24. I think that's all I would say at this time, although I've got a lot of other things to say about prediction methods and the like later on.

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Okay. And, Mr. better

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job above he suffer counsel. Just Firstly, to us on to Mr. cobbins points about no mention of absolute levels.

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I mean, that's actually a slightly separate point to this discussion about what the measured background noise level is. Just to, I mean, I think we're gonna have to come back to this in the discussion. But

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just to answer that head on, I mean, this is something we raised with the applicants, consultants 18 months ago, we're told very firmly that

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the old version of this full 40 was superseded, and noise levels below 30 DBA, that limit was gone. So actually, the appropriate method for assessing noise in all cases, in this case, in this assessment was a comparison rating level against background noise levels. So that's why we're talking about this. I mean, I suspect we may have to come back and talk about setting an absolute level. But that's the context. And that's why we're talking about background noise levels here.

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To come back to Mr. Cobbins points on the choice of analysis.

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As

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we know, baseball for two doesn't, it didn't set out a prescriptive method for determining background noise levels, it provides

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different suggested options. In this case, we looked at the the mean, the mode and the median data results and based on the data sets and the guidance in the ANC Working Group, guidance on this form for to

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opt to happen to up to the mode in all three cases. And I know Mr. Coppin says there's nothing wrong with the analysis we used in

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his expert note. So I'm

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not sure what to say about that, apart from in this case, the reason the mean wasn't used was because that is fundamentally affected by the noise floor, the metre, and therefore overestimates the background noise levels due to systematic measurement problems. And that's the reason we opted to the mean as the appropriate background noise level

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methodology based on the data we've got.

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And finally, I'll just add on the subject of this discussion about background noise loads in the middle of the night, I actually don't accept this. Having stood around in the substation study area between 11 o'clock at night and one o'clock in the morning, bear in mind that the nighttime period starts at 11 o'clock and goes to seven o'clock in the morning. Like I say that noise levels were very, very quiet between 11 o'clock and 1am. That is not the middle of the night, it's very common to have Carmen still conditions in this kind of rural environment throughout the night. And the variations are driven here, driven in this part of the world by

1:19:09

local traffic, rather than any other kind of distant urban sources of the lack of therefore, it can drop down to very low levels earlier in the evening than you may expect in other more populated parts of the world.

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And we've I think we will probably come back to absolute noise levels

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over time, as well, at some point we're going to have to kind of pin that particular item of jelly but but i i think in fairness I need to allow the applicant to respond to those two sets of argument received from Stacy's and and the council.

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And then if, if we can direct ourselves to a very specific question, which is around the setting of an absolute level and the view about what the implications of that are. I mean, we've

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We've had a kind of first essay into that from the applicants.

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But I think we need to take that particular point around the table one more time. So there's absolute clarity on it. So the applicant responding to these points, and then we then we will go into the absolute level point.

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Okay, Colin COVID number of applicants, I will deal with the points made by a southern council first. And

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from what I'm hearing, it seems as though the council position is that sort of the the, there was no rationale for for regarding the absolute levels. And so therefore, the sole focus should be on the difference between the background sound level and the racing level, which is the exercise of they've

done. And in effect, I mean, you know, it's, it's quite an incredible position they're adopting, I mean, in effect, they're saying that they just don't want to follow those parts of British Standard that apply here, in terms of considering the context in which that sound occurs. Well, that's, that's what I'm hearing, because unless I've misunderstood the point, they seem to be saying that sort of there was no basis for regarding the absolute level of sound.

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In terms of

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in terms of not accepting that the low values have driven by the middle of the night,

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they've seen the data, they've analysed the data, and they should understand the data. And that's exactly where the low levels occur in the middle of the night. And if this point is still not accepted, I suggest that we can take that point away. And we can do another note, when we can prove that those lower values are driven by the middle of the night, and on. And there was a further point say sort of we shouldn't be conceded the point about the middle of the night falls away. Well, that's not my opinion. I'll read from the standard section eight.

1:22:05

Among other considerations, diurnal patterns can have a major influence on background sound levels, and, for example, the middle of the night can be distinct, distinctly different brackets and potentially, of lesser importance compared to the start or end of the night time period for sleep purposes, not my words, not my opinion. But the standards.

1:22:27

No, no, no turn my attention to

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Mr. Forney, Taylor's points. And

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his first point was about the middle of night, and we shouldn't be sort of so much sidetracked by that.

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I, I agree with I agree with him, in that, throughout the night, we go for sleep cycles. And that that involves periods of light sleep, that involves periods of deep sleeping involves sort of them, there'll be sort of one or two occasions in the middle of the night where sort of, you know, we might come out with sleep into consciousness, where we are conscious, and we have, you know, we can perceive the sound environment. They're the type of effects which were caused, or the self reported effects or annoyance effects at night, and so on. But my point about the absolute values, and the rating there was doesn't just relate to objective sleep disturbance, it relates to all of the effects at night. And my point

that I've made about a noise rating level of 35, being an adequate protection for all effects of night holds for all of those types of effects.

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Mr. Forney, Taylor also makes the point that we can't rely upon who,

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for whatever reasons?

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Well, it's not just who sort of, you know, the points I've made is that you must consider the absolute level of sound, and you must consider all of the available evidence, and you must consider all of the available standards, etc.

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And, again, this is not a difference between me and Mr. Forney, Taylor.

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I've written articles, alongside other members of the

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committee. And the consensus view of the committee is that benchmarks such as who

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and such as a two double three can be considered and should be considered in relation to effects at night.

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And we, we published a number of articles explaining all this. There shouldn't be, there shouldn't be any doubt left.

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In addition to that, it's now embodied in the standard itself. Because if you go to the examples and it deals with consideration of absolute, it does refer specifically to a two level three and if it helps,

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more than happy to direct you to the example that I'm thinking of it's example six in Appendix A, I believe.

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And the articles that I've written, I'm pretty sure that we can furnish and supply copies of those, which makes this point perfectly plain is not my personal opinion. It's the consensus view of the committee. Okay.

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Mr. Forney, Taylor sort of draws

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towards sort of makes reference to sort of the low frequency sound, and the self and methodology. But the selfing methodology applies to sort of low frequency sound. And those effects that you get beyond the audible range. That's what that different methods primarily about, although he did, he did, he did specifically make reference to 100 hertz

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emissions equivalent to those from a subsection D just do you dispute the relevance of that reference.

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I

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just sort of there is a reference that can be used. I think dispute is pretty good too, too strongly. However, in my view, hums at 100 hertz for quite, quite comfortably within the audible range. And they fall squarely and comfortably within the remit of British Standard 4142. So four, one for two deals with homes at 100 hertz perfectly adequately. So there's no need to look beyond 4142.

1:26:40

Okay

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Mr. Mr. Thornley, Taylor is seeking to return on this and if he does on in fairness, I will go back to Mr. Bear before I return to the applicant, Mr. Thornley, Taylor, merely to say so that Bs, eight two double three explicitly traces its guidance to the World Health Organisation so the same caveats about transportation noise apply to the British Standard, as do apply to the World Health Organisation, they're not really different guidance.

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Okay. And Mr. Baer

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Thank you, Joe pace effort Council.

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It's just a wider point really is trying to understand that what we're considering here, I mean, if stuff if counsels position is developed on the, from the point of view of reviewing the information that's been received by the applicant up till now,

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which has included the deadline seven statements saying that the applicant is adamant that baseball for two is the appropriate standard and who is only mentioned as full contextual discussion. But then we also at the same time have this a different direction. From the applicants other consultant, I'm trying to understand which we're supposed to be commenting for the examining authority.

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We have two different positions. The same is true with the adoption of absolute levels in baseball for to or comparison to absolute level or a comparison of rating levels against the background noise level.

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Okay, look, I mean, what,

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two degree this this, this conversation begins to become somewhat circular. I mean, what what I think I need to finally hear from each of you,

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which you may very sensibly follow up in writing, and this becomes an action

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so that you can refer to the relevant sources. And evidence that supports your position is a is a final view on the appropriate method and the appropriate value to strike. So that we have, I get a sense here, that no matter how much we discuss this around this particular table, that we're not going to achieve a full meeting of minds. And that therefore, there will be an outstanding, essentially methodological stroke assessment difference upon which the examining authority has to adjudicate. And that's part of our role as part of what we need to do where experts for their own very clear, and well argued reasons are still at the point of difference, then, then we do have to adjudicate. So what I'm now seeking to do is to ensure that by deadline eight, we are armed with essentially the position papers from each of you that draw attention to the supporting elements of the relevant arguments that you've just put, so that we can clearly make that call. And that of course, leaves deadline nine so that if anybody wishes to comment on on those points, they are able to do so before we close.

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So, I what I'm now just going to do is I'm going to test the value of that as a process.

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I do see I've got Mr. tourney's hand up as well as Mr. Tony Taylor's. So I will go to counsel for Stacy's, then I'll go to Mr. Tony Taylor, then I'll come through the council. And then I'll go to the applicant, and then we'll move on from this matter. Mr. Attorney.

1:30:21

Thank you, Sir Richard, Attorney for status. There is, I think two important points here, and then they have to raise them now. The first one is effectively what Mr. Burgess touched upon. And as he says, there is a significant difference between the way the applicant has proceeded to date. And I say before

Mr. Coburn's involvement, and what Mr. Copping now says. And you see that from the time which Mr. Kabang adopted in attacking Mr. Bear on the question of absolute sound levels, because what Mr. Bear actually said, is that the applicant has ignored absolute sound levels until Mr. Kabang arrives on the scene, the applicant has looked at the difference between background until Mr. Colvin arrives on scene. And what we need to know. And what fairness requires is that we know the applicant's case. So is it the applicant's case that the noise limit should be set by reference to a measure of absolute sound levels? because of the low background sound levels here? Or is it the applicant's case that we should apply BS 4142 methodology and set a rating level by reference to background? And that that central point, there is a distinction between Mr. Copping's expert evidence and the facts. So it's yet again, there's a change in the approach. So that's the first point. And the second point is this again, just knowing what the case is? We haven't heard from Mr. Coburn a response to the point about background measurements. So he dealt with what Mr. Thornton has said about absolutes, but not with what Mr. Thorny Taylor said about backgrounds, and specifically hasn't addressed the observation about SSL nine which of course, Mrs. Zolani Tagger explains, is an important point, if we're going to use the BS for 114 methodology.

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Okay, I'm then going to go to Mr. Tommy Taylor. Are there any further technical observations that you need to make before I come back through?

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Mr. Bear and Mr. Tate? I will, I will give you an opportunity. If there are overarching points in submission that you wish to make. I'll give you an opportunity to do that before I bring in Mr. Bear. But Mr. Sahni, Taylor first. Thank you. Rupert Thani Taylor, on behalf Stacy's two points really, Mr. Copping made reference to the SB one four twos invocation of the context as being the way it brings in absolute levels. It does. But the other thing it says under context, rich, I read out, Isaiah 49, just briefly read out again was about whether the nines were represented in Congress song by comparison with the acoustic environment that would occur in the absence of a specific sound context cuts both ways and doesn't help the applicant's argument necessarily,

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but I think I see the Miss clearing. If Mr. Colvin would agree and I'm note that he didn't respond to my points about SSR. Nine, if he would agree that SSR nine monitoring results are admissible. put it that way,

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then we definitely get into absolute levels because they are so low 18 db, which actually is probably about 14 Db 15 db. I don't know after you remove the self noise of the instruments, that does take us into such low territory that to use the vs four and four two approach of background plus five plus 10. Gets you still low numbers. And most helpful. Mr. Corbyn has accepted that Salford University criteria can be used. So there we are, we be accepted SSR. Nine is admissible. be interested to hear from Mr. why he thinks he is not if that's the case. And having done that, take the software University low frequency criteria, and we're not talking about infrasound. As Mr. Colvin suggested, as I mentioned that that report defines low frequency as far as its ambit is concerned as 20 hertz to 160 hertz, it's not in person. And then my home because we can set the limit based on this offered criteria. We're left with

an argument about tonality, which we'll have in the next item on the agenda. Yes, in that on one side, we're done.

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Okay, so that's where you stand. Let's

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Let's then come back. Mr. Tate, do I need to hear from you? Or do I go straight to Mr. Bear?

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Well, so I can just preface what Mr. Bear said the point he made, which Mr. Turney picked on, picked up, I should say

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was that there is a

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specific methodology in the Yes. And if that is being moved away from it's important that that is understood, so that we can appraise it on a different basis if it is not being put on a different basis.

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And I think I'd like Mr. Bear to come back and fill in the context question, because that was raised by Mr. Copying, and I didn't think Mr. Bear responded to that specifically. Thank you very much. Okay, Mr. Bear, and then I will go to the applicant. And then I think we have to resolve what apps standing position we've reached and what additional material we're going to need in writing by deadline eight in order to enable us if necessary to adjudicate the point. So Mr. Bear, Joba is Suffolk. counsel.

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Just to highlight coming back to the point of context, and the the point where base 4442 goes from an assessment of rating level against the background noise level.

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I know Mr. Coburn has referred back to this the guidance in the 1997 standard, which says around 30 db, a background noise level and a rating level of around 35 DBA. Well, first of all, those figures stay around and they have been taken out of the 2014 standard.

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And it again, the choice of where that threshold cuts in is contextual. And I take Mr. Cobbins point about the guidance about

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the difference between the two may be less relevant at low level. But as Mr. Taylor, Mr. Thornley, Taylor says the context your argument cuts both ways. And in this case, the context is a industrial source being installed in an existing, completely rural environment. And I think we'd be looking at a

totally different contextual argument if this was an industrial source being installed in an industrial environment. So clearly, if it looks like we're getting to the point where accept is accepted to the background noise levels are in the very low territory well below what is reported what is reported by the applicant in their assessment. And if that's accepted, and we are getting into

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doubts in 19,

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SSR, nine, whether that's accepted or not it, there was a point where that becomes a moot point, because we accept that we're going over to an absolute level assessment. And I suppose, I mean, obviously, this being dropped on the local authorities at this point in proceedings we had there is no agreed position. But I should point out that when we discussed this with the applicant, 18 months ago, we pointed out that if there was going to be a an absolute noise level condition, we would expect to see a parallel low frequency noise condition, similar to those applied at the further north of Borja substation at Neptune, which provides protection at low frequency if you're looking at absolute noise levels, and that aligns with the safest position by the sounds of it. So hopefully, we'll find your way out of this. But I should point out that this has not been agreed with a Suffolk because this is only come up in the last few days. So this is not an agreed position. This is just my recollection of where we got to 18 months ago. So I can't present that as an ugly petition for the council. But I think that's likely way out.

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Okay, final response then on this from the applicant, which it looks as though it's got to come through Australia.

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As a starting point for us about the applicant, I just come back to 511, six of the

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year and one, the operational noise should be assessed using the principles of the relevant British Standards. And I'll leave Mr. Coburn to deal with that. But insofar as the applicants position is concerned, is we stand by our background measurements that are reported in the environmental statement. We've had a debate with the council over this for some considerable period of time. We've also had a debate with se C's about those background levels for a considerable period of time, that debate has not changed, it stayed the same, or that we have brought in is an a separate expert to review that debate and see which is preferred. Now he's expressed his view as to preferring the applicants current position, but recognising that the council's analysis is equally compliant in some ways would be asked but he's explained the difference as to why he prefers our position which we originally adopted. So the applicants are not changing key parameters.

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After assessment, the assessment of background, the predictions of noise are not changing, nor our predictions of non significant effect, our environmental statement stands and the position that we've updated with the updated condition requirement. And the updation noise modelling, also best to stand

in terms of that particular position, or that we have brought in is context to where the conditions that we have set lie is, and how effectively our position is that we have gone further than the Bs 412 would require as a minimum in recognition of what we can achieve. And we'll come on that out to look at that later, in terms of the minimization. And I just wanted to put that context, we haven't changed that position, we have changed in varying the requirement. But that was in noting the concerns that have been expressed, we engaged heavily with the supply chain, to seek to how we could bring that down now, rather than that at a future design stage, and he creates give confidence to that position, we've obviously put that in the requirement, as opposed to saying we'll do something at a future date. But I'm not going to hand over just opposite dressing, where we stand in terms of opposition of evidence, the evidence that is given as context to the evidence, which has already been given an A which the applicant realised. So I'm now just going to ask them to to respond to the specific matters that were raised.

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Thank you, Colin copying again, on behalf of the applicants.

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I have five sets of I

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I find Mr. Bear's responses on this far from helpful. And I'm still far from clear what their position is I you know, I've written a report. And I've led have led everybody in his over to those parts of the standard, which say that you must consider the absolute level of sound. So it's a very simple question. Does ps4 one forward to apply? Yes. Does it record? Does it require you to consider the absolute level of sound amongst other conceptual matters? And I agree that the, the other parts of the context are important as well. But if we if we if we stay with that question, does the absolute should the if you're applying for one four to a correctly, should you be considering the absolute level of sound?

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The answer is there's no ifs or buts or maybes, the answer yes, you must consider the absolute level of sound. And yet, I'm still not hearing anything from Mr. Bell says, Yes, we agree with that, and we accept it.

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Rather, he's now sort of, you know, try and make this point, which is a confusing point. So our positions changed in the position as well, on my basis of the reading of the submissions that have been made. And the methodology that was applied in the environment statement, there's nothing which has changed, because there are very there numerous references, or there are significant references in the environment statement that also refer to absolute benchmarks as well. And I recall within within those methodologies, that and also in the various representations that have been made subsequently, there have been made references to absolute benchmarks, and sort of who and the like. So, I just, I just, I'm just, I just don't understand what a Suffolk counsels position is in relation to the standard.

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Hey,

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fellas,

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it was also there was also some. So I've dealt with the point about significant differences between the assessors between what the method methodology used for the EIA. And now what I'm suggesting, I know, I think is incorrect. There are no differences. The importance of background sound has been recognised throughout.

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And then I was asked a specific question about SSR. Nine, it being very, very low.

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I'm sorry, if I didn't make myself clear. And I didn't deal with it explicitly, but I think I did deal with it.

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Sort of in, in when I when I dealt with the absolute sounds, or when I dealt with the

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the background sound levels, which the Suffolk council put forward is what they have suggested, truly representative. And the point that I made is that if you take those low backgrounds out of the hose, it's of no practical consequence in at night, because then you would consider the absolute level of sound. And that would take more, sort of more than that you apply more weight to that, especially when you've got such an extremely low and that same point would apply to ssrna.

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I'm not going to get into the specifics.

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And the details as to whether that's a valid measurement or not. That's a matter of detail. And if you feel as though you still need further help on that, then I will sort of defer to Mr. Baxter on that point. But my point on SSR nine, is that if you if you if you accept that as a starting point is of no practical consequence, because when you take into account the full context, sort of that port point falls away.

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As far as the incongruity of the sound and the importance of context, and the importance, specifically 11.2 of the standard.

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I agree with Mr. Forney, Taylor, that that is an important matter that needs to be dealt with. And I still think that there is a discussion and sort of to be had around the likelihood of tones and harms 100 hertz. And when we will deal with that, at that point. We're going to come back to that after after we

take a break. Now, I'm very conscious of wishing to exert considerable force here against circularity, given that that was meant to be the applicants response. And what I am going to say, Mr. Baer, I see you have your hand up, we have not reached a point where

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I would say that I have

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a clear final position between the three of you. And so I am, as I indicated, going to ask for you each to put a final considered submission on assessment method and approach, referring to the relevant literature as succinctly as you possibly can, by deadline eight, please.

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So that you can each comment across those papers at deadline nine and leaving the examining authority with the ability if there are still outstanding matters at that point, which I think there probably will be, too, adjudicate on the difference. Now, I do see before I bring this particular item to a close that Mr. Attorney has been waiting patiently for some considerable time.

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And so I will, if these are overarching submissions around the handling of the issue and asked him back in but a fairness then I will return to Mr. Ennis, if if there's a legal point that needs to be responded to or a procedural point that needs to be responded to. So Mr. Attorney, so rich attorney for status, I do have a procedural point. And it's this, the first part is that we still don't have the answer on SSR. Nine. So there's only so if this was an inquiry, I would have given up asking the question in cross examination and asked you to just make a note that there isn't an answer. The second point, so if there if there is one, we'd like to hear it. The second point is that

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I know Mr. Ennis says, well, there's no difference between what's been done in the ies and what's been done by Mr. kabang. But fundamentally, the noise requirements that Friston have been justified to date, are on the basis of the Bs 414. To take background and add to it. And the position that Mr. kovic now takes is that, in essence,

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everyone needs to be thinking about absolutes. More importantly, we just need to know what the target is here, what's the target, because if it is absolute, then frankly, we can stop talking about as Mr. felmy Taylor says, we can stop talking about the applicants assessment background, because they would accept that the background level points towards setting a requirement by reference to absolute levels. So that's the point we just need to know which one it is they say it's no use criticising us for being unclear. We're facing their application. So if they can just tell us that, which one is it that they are seeking to set by reference to? And we can focus our written submissions, which will follow on that. Thank you.

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Thank you very much. So I will then go back to the applicant. Mr. Lewis, is this going to be yourself directly?

1:49:17

Yeah, comments about the applicant. Both are potentially relevant. And that's the fundamental point is that in any application, there'll be different positions put before an examination, we have tested on both we have got absolute for referenced absolutes. And insofar as the standards concerned, we're very confident that, that we've applied it appropriately. And that's what Mr. Colvin has given you an overview of if, if you accept the arguments, that there's an exception, low background, then we've got the position from absolute. If you accept our background figures were well within within the above background levels. It's not it's not as binary as it's being suggested, as far as we're concerned that

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Background measurement sort of bust within five DB an equally on an absolute level or equally fine. And remembering that, in fact, as Mr. Cobban suggested, that in terms of have a look at in absolute terms, only here is recommended 35 dB of what we have produced in terms of requirements is well below that. And that, that that is through good design, and further design in terms of the process. So it's not an absolute that we have to say, which basis at all, that we have to set that limit, the standard says, there's things that we consider, and it's not done on that basis, we're satisfied that we've demonstrated in both circumstances of how you set a limit. But you can't you can't say that there is only one basis because that is not correct.

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However, what I will make an observation on as the examining authority is that we need to walk away from this particular hearing, and move potentially towards the end of the examination with the greatest and most clarified understanding we can have about the soundness for the basis of assessment, be it by either method.

1:51:14

And so we would very much welcome the applicants submission of a technical paper that sets out its final position as it sees it a deadline eight, similarly, a technical paper from the council setting out its final position, and equally one from Stacy's and Mr. Tony Taylor setting out there's

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what we would also like to see included in that technical paper is a clear disposition of the question about the rejection of SSR. Nine, whether that was valid? And

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if it was not, why not?

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And if that value were to be accepted at that location, what would the consequences of that be?

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Is everybody reasonably clear about what they've been tasked to do for deadline eight, with the opportunity to come in a deadline nine?

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Okay, I'm seeing no hands. Now, ladies and gentlemen, when we come back after the break, we are going to then deal with the specific

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operational processes of small B. And that's the time when we will get into tonality, standing waves, interference patterns, etc, etc.

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And the applicability or otherwise verse 60 v correction. So that's what we'll do after the break. It's now nearly close to four. Let us break until 4pm. Ladies and gentlemen, that's 4pm. Thank you very much.