

TEXT_ISH14_Day2_Session2_17032021

Wed, 3/17 12:55PM • 23:30

SUMMARY KEYWORDS

applicants, substation, deadline, examinations, hearing, site, survey, raise, undertaken, equally, matters, submitted, relation, document, submission, terms, comments, bats, item, guidance

00:09

Good morning, everyone. And welcome back to issue specific hearings 14 for East Anglia, one North and East Anglia to offshore wind farms. Can I check with the case team that you can hear me and that the recordings, live streams and live captions have started.

00:27

Good morning, Caroline. I can confirm that the recordings into may have started, I can see and you and the live stream recordings have started along with the captions. Everything's good to go. Thank you, Emery.

00:40

So before the break, we were at the end of item 13. And we were just about to return to the applicants for their final biter reply on submissions made in relation to impacts on the sandlings SBA. Could I ask the app and if there was anything they would like to respond on please?

01:01

Claire Smith, on behalf of the applicant. Oh, sorry, Colin.

01:05

Yeah, um, can be very brief comments about the applicant.

01:09

Just in terms of responding to a couple of matters raised by adoptive Oryx and also poor health with 100 River. If I could kick off with the same things as pa and the data which has informed our thinking and our assessment, I would invite you to get back to the ontological chapters of the environmental statement, where you will see that our judgments are informed not only by the datasets, which we gathered at the time of undertaking the assessments in relation to these projects, but also by a very extensive history of RSPB data that was also available in relation to the qualifying species. So insofar as our judgments are based there on very long term

01:55

information, which in my submission certainly gives solidity to the judgments. And it is on that basis that we have fought on formed our acting's in relation to developing our projects in relation to this particular

aspect of the SBA in the qualifying species. And against that background, there was a very solid database in which to form judgments. And to inform how we were approached for a month, for example, the crossing,

02:23

as regards the 100 River. The outline water cross method statement includes an extensive discussion of both the particular mitigation measures, which would potentially impact on the the SPL, triple OSI. And we've covered that in a lot of detail. And simply put, we've identified the risks and identified the management, which will ensure that there will not be any significant adverse effect on integrity. And it's on that basis, we haven't missed risks, we've identified those risks that properly considered, it's a technique which is well known. And therefore we understand the risks and how to manage them. And they've been set out in substantive detail within that document. And I don't really want to expand on that. It's all there. We do not need to add to it. But I think, particularly this morning, there were quite a lot of comments about risks. But if you look at to the document, and it's been carefully considered, and evaluated and appropriate mitigation put forward. And we're confident of the the strength of the crossing method statement, I'm not going to just hand over to Greg Smith, he's going to raise respond equally in respect to a couple of additional matters. Thank you.

03:49

Good morning, Chris Smith on behalf of the applicant, really just to reiterate their work and support what Colin has just responded back to you on those and then I won't go through all of the points because there were a number of points that were raised just before the break, but just to equally reconfirm an advice of the examining authority, as you are aware a number of documents have been submitted. So, for, for example, the ecological appraisal from the air quality modelling has was submitted at deadline six, where it drew on information that was gathered through the surveys undertaken in February, and that was undertaken in respect to both the SPI and the triple si habitats within those crossing locations. And in terms of the 100 River crossing method statement as detailed in the crossing method statement there are equally as already advised to you the identification of the potential impacts and in turn, there are mitigation measures that will be implemented and and adhered to during those works and in combination with that

05:00

So in parallel with that there was also the screening under the habitat regulations assessment in terms of the downstream impacts on the triple si and the SBA. So I would just refer to the the examining authority to those documents for that further information.

05:16

Thank you. Thank you very much. Miss Smith. Miss Gilmore, I can see that you've got your hand raised. But that was the applicants final right of reply. And therefore, we will come back to you what I'll suggest is that you put any further comments that you would like to in by deadline eights, thank you.

05:32

I just wanted to margin just say that it would be useful to have a copy a full copy of the independent survey, because we believe it is sub optimal carrying it out in February. And if necessary, another one could be carried out after the examinations closed in May.

05:51

Thank you, Miss gamma with the applicants like to respond to that comment.

05:59

classmates on behalf of the applicant with regards to the survey, which for which the applicants have undertaken all of our survey results have been submitted it deadline six. If the comment there is relating to the independent survey of the council's I will have to defer to those to answer on that. But in terms of the applicants position, all of our information is has been submitted at deadline six.

06:26

Thank you.

06:27

Miss Gilmore. Does that answer your query?

06:31

Yes, in the sense that Yes, please. We would like the council's full independence survey to have a look at Thank you very much, Madam. Good. I just asked the council's if they could submit that into the examinations please.

06:49

Thank thanks, James Murphree, Suffolk council entries at the same time, just I mean, the purpose of our site visit was was habitat characterization. We haven't undertaken a full survey of the site. That's the narrow opinion the job of the applicant to present and we provide comments on that. We made our position clear at previous deadline. That's fine. Thank you very much. can see another hand raised by CS? I'm not going to return to CS. We have heard Mr. Murray would Did you have anything you wish to add there? Thank you, ma'am. Mr. Winslow, the county council I was just trying to

07:25

do myself so I could respond to that, too. But Mr. Mr. Mayor said it. Absolutely. Clearly, that was opposition to go out and just scope rather than the formal survey. Thank you, man.

07:36

Thank you.

07:38

Finally, before moving on to the applicants have anything they wish to add on to item 12. Before we move on to item 13, any other business?

07:48

cards above the applicants? No, thank you, madam. Thank you. Thank you.

07:53

Okay, in that case, we move on to item 13, which is any other business relevant to the agenda? There are just a couple of updates we would like to provide the recordings and transcripts from day one of this evening have now been published on the website. And the rule 17 questions were naturally will be published on our website this afternoon.

08:14

We did have two other items that people asked to raise under this item on the first one was, safety's who wish to raise matters in relation to the substation, I believe. Mr. hallford.

08:29

Thank you, Madam, I'm very conscious of your, your guidance earlier on about keeping to the agenda and not raising items you don't want to come today. I just want to make the point that this is actually our final opportunity to speak on these matters. In the presence of the relevant experts concerning the Council have assembled here today. I will try not to incur Your wrath by then making

08:56

a submission. But I can tell you, it was about it's really about the ecology at the substation site, which we believe has been largely overlooked in favour of the designated sites and offshore issues. Now my colleague, Mary Shipman is available to say a little bit more about that. But as I say we're very conscious of of your guidance. Thank you. Thank you, madam.

09:20

misshapen.

09:22

Can you hear me? Yes, I can hear you.

09:25

Have I got a couple of minutes to go through at all? That's fine. Yes. Okay, thank you.

09:32

With regard to the substation site, the applicant makes a very broad brush statement that all areas of agricultural land are considered of low ecological importance. The applicant, however, fails to recognise that there are several Woods hedge rows, as well as water bodies in and around the substation site, which are a haven for wildlife. Many of these features are protected as other field margins which provide connectivity corridors, protected endangered species

10:00

benefit from the tranquillity of the site away from roads, traffic and urbanisation.

10:06

It's also unclear as to why which recognised criteria the applicant has defined important

10:14

in the updated oatlands at deadlines six, these are defined as species rich in tax coded as having a high level of bat activity and various other archaeological criteria. This differs from government guidance on countryside hedgerows, which defines important hedgerows separately from protected hedgerows. All hedgerows within an agricultural setting are protected. And not all the hedge rows which currently exist on the substation site have been identified by the applicants. These are identifiers such as submission rep 7092

10:53

that can serve as recorded that roosting sites and commuting and foraging routes on the substation side. But despite requests the applicant has failed to produce the high frequency data on noise emitting from the substation, which affects bats, bats themselves in that high frequency sound in their search for prey, which is called echolocation and have hearing ranges why above humans, we feel that the applicants should produce this high frequency data. So the examination is also relevant to ishs 12 on noise.

11:28

I also wanted to speak about artificial light, which is also detrimental to bats and other nocturnal creatures. The substation site as you are aware has pristine night skies and the introduction of artificial light during construction operation with detrimental to bats, as it increases the chance of predation.

11:52

It's also important because they get delayed coming out to the roost, and the main peak of nocturnal insect activity occurs sooner after dusk.

12:03

There are skylarks on the site

12:07

that can start survey identified 15 on their visit their brown hairs which are declining spaces and as well as deer badger and around a range of wildlife. And we feel a little has been said during the examination regarding the ecology of the substation site, which has been overlooked in favour of designated sites and offshore issues. The very tranquillity at the substation site makes it a valuable habitat for wildlife. And this influence also spreads out into the surrounding area, such as wood, also the ecology and substation substation site to recognise and considered in the determination of these applications.

Thank you. Thank you Miss shipment think I'm just before I lost the outcomes if they would like to come in, I would just like to make a point that just because some matters aren't discussed at a hearing doesn't mean that they're not important and relevant. What's important to let everybody know is that all written submissions carry as much weight as anything that's said orally in in a hearing. And we do read all written submissions, and we do take on board, everybody's everybody's points just because it hasn't been said it. So the hearing or hearing hasn't necessarily covered that topic doesn't mean it's not as important and relevant to the examination of these projects as other topics. Okay.

13:30

With the applicants like to respond to anything that Stacey's has raised that

13:37

close classmates on behalf of the applicant, really just in brief with regards to the onshore substation, it has been subject to all necessary surveys that stems from the extended phase one habitat survey, and that is subsequently reported as one of the appendices supporting the application and equally where suitable habitat features have been identified. Subsequent surveys for species specific requirements have been undertaken, all of which in accordance with guidance as in the required amount of effort by suitably qualified ecologists. And equally were those have been present they are shown on maps they are bought through to and considered as part of the impact assessment and equally as part of the

14:26

work that are proposed at the substation, there is the proposed landscape planting mitigation works, which although are the primary aim is from a landscape perspective, but there are recognised and captured for secondary impacts for ecological receptors, bats, birds, and also any features that we have recorded such as budgets, and they are subject as I mentioned at the last hearing, under the letter of no impediment process with natural England, but all information is submitted.

15:00

Either parts of the original application or through subsequent deadline submission documents.

15:07

Thank you.

15:09

Thank you. Miss Shipman? Do you have a new point you wish to raise there?

15:21

shipment need to drop your hand raised.

15:25

Sorry, I'm muting myself. So it's just can hasn't answered the question of what those submit the high frequency noise data into the examination

15:38

by Miss Smith

15:41

classmates on behalf of the applicant and deadline six or seven appreciate because they were quite close together. So I can't quite remember which one a response was given on the noise considerations from an ecological perspective at the substation. Equally, we have limited information which has been informed in the noise modelling that's been undertaken. And Previous to that a deadline five I believe

there was a submission equally around from the noise modelling that had been undertaken at that time. And just in terms of the other considerations, because there was mentioned, apologies I forgot to cover it before was around the artificial lighting in terms of any lighting design, it will be done. So in accordance with the BCT and the Institute of lighting engineers guidance current at that time.

16:34

Thank you. Thank you, Miss Smith.

16:37

Okay, I'm going to move on to another item of any other business which the applicants wish to raise in relation to offshore ornithology update following discussion yesterday on schedule 18, which contains the without prejudice compensation proposals. Mr. Ennis, yes, comments about the applicant, I've just got one further matter, I was just going to raise and that is, if Mr. has an interest that the other document that might be of interest is the substation design principles where effectively the the applicant is committed to a design process, which brings together the physical aspect of the development of the substations along with the principles of the lamps, and biodiversity and other matters will be an important factor in developing those particular work streams. And there will be opportunities for parties to input into that process, in the sense to seek to work to maximise the biodiversity opportunities that the Owens bring. And there may well be

17:44

insight that that local residents and others who are used to the area may be able to bring to that process. So I just wanted to highlight that the process doesn't stop in relation to the onshore substations, with the assessments and the outline drawings that we've been submitted, that there are further processes which will would influence the development of and potential biodiversity benefits arising from the the items. In terms of the

18:12

matters, which are raised yesterday, it was really a question of looking at the issue of shedula 18, and the security to be provided for that. And I'm going to invite Stephanie mill just to outline the applicants current thinking in relation to how that might be taken forward. Thank you.

18:35

Hi, there, Stephanie. Mo for the applicants. Yes, so yesterday, the matter of funding for compensation measures came up. And after the hearing, the applicants have considered the points that were raised. And further, I can confirm that the applicants will submit the document that they'd like eat, and providing details of how the compensator II measures will be funded. And we also intended deadline age to update the draft decio. And to include provision within each part of schedule 18. And requiring that prior to commencement, The Undertaker will provide details of the cost of delivery of the relevant compensation measures, and must also demonstrate how that has been secured, which must be to the reasonable satisfaction of the Secretary of State. And so we propose to put some drafting in the DCR to secure funding, and but we will also provide a document that deadline eight to to give you an indication of how the measures would be funded. And so we hope that that helps answer the question and give you some comfort on that particular matter.

19:38

Thank you very much for that Miss mill. That's that's really helpful update. And obviously, it may be something that comes up again, when we head into iOS h 15. On Friday, but it's useful to know that you've had that further thought and that we've been we're going to be expecting those documents in these updates at deadline. So thank you for that. No problem. Thank you.

20:00

Okay, there are no other matters that the examining authorities wish to raise during today's hearing. So before we move on to review our actions on next steps, does anyone have any other business that they wish to raise today?

20:18

not seeing any hands raised or cameras on. So in that case, we will move on to item 14 of our agenda. And I'll hand back to Mrs. Paris for that.

20:28

Thank you, Mrs. Jones. Okay. So if item 14 then just covers procedural decisions, review of actions and next steps. And this covers today's activity, but also yesterday's because this has been a single hearing.

20:41

In terms of procedural decisions, then we haven't identified the need to make any procedural decisions today, or in yesterday's sessions, either. But we have been compiling a list of actions arising from these hearings, and they've been flagged as we've gone through. But we will also be aiming to publish that Action List, a single list for both days on the planning national infrastructure planning website as soon as possible after the closure of this hearing.

21:07

And we will also advise all participants today and those not in attendance, but with an interest in the matters covered by this hearing to review that action list when published and act accordingly. We mentioned it yesterday. But also just to confirm that in addition to the Action List, we'll be shortly issuing some written questions under Rule 17. For natural England, but natural England are requested to look at both. Those are all 17 questions which cover everything up to the hearing, and then the actions which cover everything, including the hearing.

21:39

The deadline for response to all of that is deadline eight, which is the 25th of March, and then an opportunity for comments on responses by deadline nine, which is the sixth of April, and also our close date.

21:51

As we've said in the opening comments yesterday, given the late stage of these examinations, it is imperative that all parties adhere to these deadlines. And in particular, that final positions are clear at deadline aid in order that we have a final right of reply for all parties for the examinations closed.

22:07

And so I'll move on then to item 15, which is just to close these hearings. This has been issues specific hearing number 14, and next hearings, and these examinations will be a compulsory acquisition hearings, three starting at 10am. Tomorrow with an arrangements conference from 920. And then on Friday, we have the final development consent order issue specific hearing number 15. I'd like to thank all of our speakers today and yesterday for your attendance and your contributions, which have all been

22:39

very helpful to us. And I'd also like to thank our case team led by Mr. Williams for supporting these hearings. So I'm going to have a final check around make sure there isn't anything else that anybody wants to raise before we close today.

22:53

And I will ask my panel colleagues to say their goodbyes.

22:59

Thank you, everyone for your contributions today. very much appreciated.

23:05

Ron Smith panel lead speaking for me, thank you very much for your contributions again, very much appreciated. And goodbye.

23:14

Thank you all again, the time is 18 minutes past 12. And these issues specific hearings 14 are now closed. Thank you.