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Fri, 5/28 3:22PM • 1:05:09

00:02

Welcome back. And good afternoon, everybody. My name is Richard Smith, the lead member of the examining authorities. And before we go any further, can I just check with the case team that the recordings have started, and the live stream and captions are operating?

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After and I can confirm that I can hear and see you. I can also confirm that the live stream has stopped and the recording has started internally. Excellent. Thank you very much, Mr. Williams, in which case, we will resume ladies and gentlemen where we left off, which is at the start of agenda item four. And this item is pretty much as per the discussion item in the axos decio is commentary

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around the securing of good design Friston. And the beginning of agenda items three, I did flag the documents that have been sought to be produced in our rule 17 question he was issued on the 13th of may 2021. And two the documents that the applicants have produced in response to that question, which are as hyphens 120 and a s hyphen 122.

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That will be I think, highly relevant have available during this discussion.

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Essentially here, the DCS commentary asked for views on possible means of providing for and securing the production of essentially overall design and layout plans, outline master plans who want the best description, and ensuring that development then was in general accordance with the submitted plan relevant or closest to the particular circumstances in which development proceeded.

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And so, what I would like to do is to explore directly early the question that was set out in the axos decio. Country

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hearing first from the county council, and then the district councillors LPA.

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Then I will seek other contributions from others who may wish to join in and then move finally to the applicants now that the specific questions that were raised in the commentary were as follows.

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Firstly,

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the overall design and layout plans

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might be or are submitted before the close of the examinations and form part of the substations and design principles statement. Or they might form part of the outline landscaping ecological management strategy, the overland

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or another appropriate document will take submissions on all appropriate means of security. If such design and layout plans are to be submitted before the close of the examinations.

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In such circumstances, they would form part of what would be an existing proposal for a certified document, it would be an amendment to an existing certified document.

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And in such a case, the question that is, is anything then necessary to be done to further amend the draft development consent orders to secure the drawings and can requirement 12 was currently drafted be argued to be sufficient. So that's a sort of first proposition.

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The second proposition moves to later on in the design process. And that is a proposition that the overall design and layout plans are submitted to the relevant local planning authority.

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In that case, does requirement 12 require amendment to ensure the relevant drawing is submitted and approved and then forms part of the substations design principles statement or the outline landscape and ecological management strategy, the overland or alternatively as a free standing document. And that, of course, would require a new paragraph or a new reference, at least in requirement 12 to achieve this.

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And then is there a need for a provision that no stages relevant works and indicatively we would suggest those might be worked numbers, 3033 38 and 41. But we're open to suggestions from you about any other works may commence until an overall design and layout plan has been submitted to and approved by the relevant planning authority. So those those are the three broad possible approaches to security that we suggested in the discussion paper. And we're very, very much welcome submissions from you on each of those posts.

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approaches, or indeed, other another approach that we might have missed.

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And in relation to that, you know, there are two broad sets of alternative positions. And that we are, for good reasons perhaps, but nevertheless barking up the wrong tree and a view, there is no particular need to secure any overall design and layout plan of the nature of those submitted by the applicants as the additional submissions as I referred to.

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And related to that is a submission that

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you might have suggestions about what overall design and layout plans might be like.

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Do the ones submitted assist? And if not, how might they be amended or improved in order to assist?

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I think that's a reasonable roadmap of where

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the discussion on this item leads to proceed. So on that basis, I've indicated that I would like to hear a view first from the county council, then from the District Council.

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Can I also see a show of hands? Is there anybody else who wishes to speak to this item before I then return it to the applicants for a response?

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And I see Stacy's was demanding.

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Is there anybody else?

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No, at the moment, that's it. So Mr. Marley, I will come to you. But I'll come to you. After I've gone initially to Mr. Bedford. And that was Mr. Tate. So Mr. Bedford, your observations on these points?

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Thank you, sir. Michael Bedford, Suffolk County Council.

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So the start, I'm afraid, has to be from the county Council's perspective, that because of the outstanding concerns that we have, in relation to the adequacy of the drainage information, which has obviously been an input to these plans,

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we're not able, at the moment, to say to you that these plans provide a useful

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explanation of the inter relationship between the different elements, simply because we're not yet able to say whether the

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ponds, whether they be attenuation ponds, or infiltration ponds, are appropriately sized in order to fulfil the functions that they need to fulfil. And, therefore,

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if the pawns are not necessarily the right sizes,

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and they may need to be larger, then obviously, that potentially has further implications on the other elements also shown on those plans. Obviously, we rehearsed at issue specific hearing 16.

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The technical discussion about all of that, which clearly Mrs. Jones is fully aware of the the differences of view on on those matters. So, to that extent, we don't see the plans in their present form as being

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things that we could endorse as useful to the debate. Having said that, we're also well aware that the applicant has

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indicated the intention to further its campaign of infiltration testing, and to provide further information into the examination as soon as that becomes available. And that might lead us to be able to change our position on these plans, depending obviously, on what that information shows. So I have to make that as a preliminary point, because that then informs of as it were, your suite of options,

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how you would go about addressing them. In terms of option A sa obviously, at the moment, so far as we're concerned, these plans could not be usefully added into the process for that particular reason. If that changed, and let's assume that the plans or some variant of them was available to the examination, then so we would certainly say that in scenario a, you would need to amend requirement 12 to introduce some reference to either the plans themselves or you would have to change the reference to the design principle statement. So that he

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Made a reference to those plans. But some way that would need to be something that tied this material to what was then required

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under requirement 12. So that would be as far as B is concerned.

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Given again what I said this morning, that by the time that we get to the discharge of requirements, we would certainly hope that the design has been further advanced than is available to the examination at the moment

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that it may well be

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that

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B

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becomes a way of dealing with the plans. But the plans that are submitted and form part of the substation design principle statement would not be these particular plans, but would be some further iteration of them.

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But we would, we would certainly see it being helpful to have a scenario of either A or B. And at the moment, we're thinking probably B, we don't find that C is likely

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to be helpful simply because it's so large as to what could then come forward. That it is. It doesn't move matters further in terms of you have no real idea of what you're going to get an order we. So we wouldn't favour I think see. So I think those are the only points I would make. Okay, thank you very much for those submissions. In which case, then I need to go to Mr. Tate.

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Thank you, sir. As I indicated under item three, the District Council supports the principle

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of incorporation of

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such plans.

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That's the first point. The second point is that

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that needs to be at an early stage. And thus, we wouldn't support

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option C.

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The third point is we would prefer option

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A, and we think that could be incorporated into the SP ETS. And as to whether those plans are

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the right plants at this stage. I have indicated we were reserving our position. We haven't identified

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any fundamental criticisms at the moment, but we are still considering that.

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And that may become clearer prior to deadline guideline

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The

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final point is that

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they are indicative. And

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they will remain indicative whatever further information is forthcoming,

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I suspect during the course of the examination, and so there does need to be some form of updating process

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so that their status keeps up with the more detailed design process, which is

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why something along the lines of be may be needed to achieve that. So that we don't have indicative drawings that are

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inappropriately present prescriptive, if the detailed is, is preferable, and the outline should really catch up with that. That may not be a problem in practice at all. But we think there needs to be some sort of process for updating.

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So I think our overall position is a but possibly be for up to eight.

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But we haven't reached a concluded view and we're very much

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wanting to be influenced by the debate before you today.

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So so look just so that I can make sure as I'm completely clear on that, that that would be essentially a hybrid or composite of a and b which would be an initial submission within the framework of these examinations of an outline overall design and layout plan with all of that would be broad brush and that would explicitly recognise textually that there were elements that were still unsettled

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and could potentially run to

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point of concern emerging from Mr. Belford submission that for example, the detail of flood and drainage are is not sufficiently clear at present,

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followed then by a B type approach and submission of

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an overall design and layout plan that was generally in accordance with the outline plan.

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And that would be a change mechanism that would actually follow the design process and allow for appropriate refinement later on. Yes, it's a catch up really and then that assists in the process of considering the details in relation to the other substation. Yeah, okay. All right.

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Any further submissions on on that point, and I will just check with Mr. Hockley

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as well, if he has any questions. Nothing on that. Thank you that that's clear. Okay, brilliant. In which case, I'm then going to go to Mr. Mani and Stacy's?

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Thank you. Thank you, sir.

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First, I would like to endorse the comments of Mr. Bedford concerning the outstanding issues regarding drainage. So I think it's difficult to have plans showing South ponds where there's so much uncertainty about whether they're going to be sufficient or not.

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In addition, there is the difficulty or appending plans like this, that it gives some sort of indication that they are acceptable nine, there's a particular concern here around the positioning of the cable ceiling ends, particularly the largest sealing end. I mean, I think there's a great deal to be, I would hope there is a great deal to be done to improve the positioning of the largest ceiling and in particular, even whether in fact, it is necessary, particularly if only one of these projects proceeds and or not, or not the other in terms of the various approaches that you have laid out.

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And I've listened to both learn accounts, Mr. Buffett and Mr. Tate. And I'm curious as to how much clarity is is can be brought to this at this stage? I think what I would say is, is this, first, I think it is important that these plans are secured directly by requirement in the decio. But it does need to recognise name this is the point Mr. Tate was making that whatever is put in this point can only be indicative, and one would hope that there is substantial improvement to come. And hopefully, we're going to come on to what is an appropriate design process going forward. So my biggest temptation attaching these is that they somehow provide an acceptable framework framework for going for going forward.

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And I think that is all I one other couple other points. One, I think within this, and this touches on the point about this, this last point, I haven't used a reference to the

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outline, operational operational drainage management plan, as well as the as well as the OEMs. And I think in terms of relevant works.

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Although it may not be the most significant, I think it would be helpful to have a reference to the operational access road here. And also the, although we've not talked a lot about them, the pylons, I mean, given they have are potentially going to have such an intrusive effect on the landscape. I think their positioning whilst recognising it will be subject to technical constraints from National Grid, I don't think we ever looked at their positioning may be something that should be considered as well. So that's all I've got to say on this point.

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Right now, taking all of that material, then together, the remaining examination question versus horribly, like an examination question

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then becomes and Mr. Mr. Marley, I'm going to open this up again, to the county and the District Council as well and also see if there's anybody else who wishes to speak to this point.

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Given

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what essentially was a process that the examining authority

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developed to try and gain a window into the design process and and to try and flesh out the degree to which

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outputs from that were capable of being secured at this juncture, and whether it was useful to do so or alternatively whether additional work needed to be done at a later stage in the design process.

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So if so how ought that be secured? That there's the balance about what comes first. And what follows that we've dealt with that to some degree in,

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in our consideration of the two broad discussion,

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up options of A and B, and we've we've we've received views on those. But there is a broader conversation here. And before before moving on from this item, I am, I'm very, very interested in in submissions in general terms from from these parties about

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how the design process leading to the submission of detailed schemes that are capable of securing discharge under requirements might better be secured under the draft orders, if, in your submission, and it was certainly your submission, Mr. Varney, what we currently have is not good enough.

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an exam question that's an exam question with knobs on it.

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Now, I think what I'm probably going to do with that,

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given that we've got a consultative and just an a largely discharging authority to hear from to go in reverse order. So my feeling is that if I start with you, Mr. Manning,

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and then and then go to the county council, and then finally goes to the district, we might, that at least gives the district the opportunity to reflect on

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the shape of potential amendments to requirements in the light of what they hear from others. But I'm comforted. I'm putting you on the spot somewhat.

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One day, we're very used to be put on the spot, just like to clarify, what you're saying is, what is our view in terms of what the process should be? What the process should be, and how additionally might be secured anywhere? on the face of the orders?

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Oh, over and above, or different to the approach of merely securing some form of overall outline design and layout plan? Yeah, okay. Well, our view is that we do have a fundamental concern about the supervision of the detailed design of the infrastructure. And obviously, there was discussion of this on Wednesday in relation to the what we called the power engineering aspect of that design. And we are of the view that the approval stage, some requirement 12, five, and then obviously, as reference tuition and landscaping and operational drainage management plan, and all these things need to be linked blank that's too late to influence the power design of the of the equipment. And he said that power designers has such an influence on on everything else because it determines the footprint in particular, but also the height of the of the infrastructure. And what we have at present is that there's going to be no proper external scrutiny of the power design. And this seems to be a deliberate choice by the

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by the applicants. And I think the concern is that whilst in theory, the District Council could refuse an application under requirement 12. It's not equipped to review the power design. Now our view is, you know, our rehearse it is that we think the parameters are too broad in the decio. And we've given examples of other projects. Now, we're not necessarily necessarily saying we're right about those

parameters. But what it does highlight is that there is a genuine debate to be had about the power design. And that is why we think that there needs to be a proper design review. Now this as we know, as well rehearsed by the infrastructure commission, we have a design champion. So we welcome that in terms of a step in the right direction, but there's still some way to go on this journey. And part of the concerns we explained is the nature of the individual identified that necessarily have the rep Well, they don't have the relevant expertise, but it's also very, very unclear to what extent they can be a design champion in respect of the National Grid infrastructure, a lot of discussion on Wednesday, kept seem to be reverting to discussion about the applicant's substations are not the National Grid infrastructure. And as we can see from some of the drawings, were only a single project goes ahead. The dominant aspect of these projects is the National Grid infrastructure, not the the individual applicants substation.

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So what we take the view is that needs to be a design review. It needs to be independent, it needs to be informed by engineering expertise, it needs to reflect the Commission's design principles, and it needs to be carried out prior to submission for approval to the to the district council. I understand from our counsel that this request is not novel. It's been

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used in relation to the a 14 row scheme at Huntington. It's also been used in relation to the Silvertown tunnel. And all of this review is supported by, by government policies referred to in the Treasury, national infrastructure strategy is referred to as I've said in the NIC document, it's also been employed understanding the NHS to, and in the context of all of this, we do need to remember back back to the basic policy of Ian one, where it says that high quality and inclusive design goes far beyond aesthetic considerations, we have to give effect to that policy. And so much of what we've seen is about aesthetic considerations. And not about overall good design. So our view in terms of the design review is that there is a need to include a requirement for design review, in the decio, given the importance of design in this particular location, and we're not going to rehearse it, but we all know the sensitivities of the site. So whilst design is always important, it seems to be even more of even greater importance in this particular in this particular case, and we're very happy to draft some text for a requirement along those lines. Thank you very much. That answers the exam question it? Well, it's a dang good essay.

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Okay, I'll take that as a compliment. Thank you. And, you know, let's now hear from others before I do kind of go back up to the chain, so to speak towards the discharging authority. Let me just check around the room again, is there anybody other than those I've already flagged will speak on this item, who is waiting to speak because what I want to try and avoid is needing to go back to the county council and the District Council, again, after somebody else has intervened.

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So let me just check my hands. And I do only still have Mr. Marley. So if Mr. Marley, that's your relic hand, that can be lowered. And I will then go to as I indicated, the county council, followed by the District Council.

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Thank you. So Michael Bedford for Suffolk County Council.

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In terms of the county Council's

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approach, obviously, the wider issues on design in terms of built design,

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and matters of design detail, are matters where we've deferred to the District Council

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for obvious reasons, but we have taken issues in terms of design, particularly in terms of ensuring design is fit for purpose, partly that feeds into the debate you heard quite some time ago about cumulative impact assessment, and is a design fit for purpose. If it doesn't take into account, what we say are matters which are part of a cumulative assessment. But then secondly, it is again, an issue that we've raised is the point about adaptability. And if there are to be design principles, that one of those design principles should embed a requirement for the applicant to actively consider policy and technological advances as the project advances, with a view to incorporating those so far as practicable. And we do stress those words, recognising that the applicant would not be able to step outside of the parameters that are fixed by the decio. In any further iteration of the work that's put forward. So that is something that we say is not presently in the design principles and which ought to be. But with that exception, and that wider point about cumulative impact assessment. We were content with the design principles as set out in the

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substation design principles statement. And we welcomed in particular, the reference to the design being informed by Design Review, with engagement with the design council or a similar body set out.

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It's page 25 of the principles, they're not numbered, but that's the one that I'm referring to. Okay, thank you, sir. Thank you very much. Okay, finally then to Mr. Tate on this point.

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Thanks. That's so far as the substance of these substation design principles statement is concerned. I've already touched upon that earlier.

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But I would just like to add that we support what the current Council have been saying

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And we've been agreeing for some time about the incorporation of principle that relates to technological advance.

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Secondly,

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if for whatever reason, option is not

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appropriate at this stage, because there is, there are still,

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there is still disagreement about the substance of those plans. And that's a matter that both the county and district are going to take away, then from would in effect be going straight to something along the lines of B. But in our view, that doesn't require any change on the face of the order. Because

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that could be

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addressed through incorporation of that requirement into the substation design principles statement. And then

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requirement 12. Five

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would then govern the provision of the details that are provided pursuant to that statement. And also, requirement 14 about the risk landscape. Plan coding with our lands, is closely linked to the substation design principle statement.

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So that on the we don't think that is would be necessary as we presently have contemplated the matter to make any alteration on the face of the tissue. There's no reason why that couldn't be done. But we think at the moment, the sdps could be amended to make such provision. Okay. So really, the nub of this, in your view, then comes down to the degree to which there is sufficient certainty at this present point in time as we move towards the end of these examinations, to have submitted in and made concrete through an appropriate reference

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in the SD PS

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to

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an overall an adaptable overall master plan or framework plan. And that, that, that, as you then see, it is is reasonably adequately secured. For the reasons that you've you've set out. So really, the focus then becomes a very practical one,

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looking at the logic of your submissions,

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which is around the applicants, the county council and yourselves, reaching a point where you have sufficient confidence in the likely design inputs and their effects on the spatial distribution of use and development on the site. So that you can be clear as to whether or not there is something that could form a meaningful submission of an overall design or layout plan to be placed within

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the sdps before the end of these examinations. Yes, that's, that's the preferable position, albeit with some updating mechanism as well. Yeah, to get to that preferable position, that we had to go to something akin to be essentially, which provides a separate process, albeit within the sdps but not by reference to plans within it, and so far as those haven't been able to be

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read. Okay. Right. Now, before I move to the applicants on these points, can I just check and I am seeing counsellor fellows hand

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whether there are any other broad points that need to be made about securing a design process?

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counsellor fellows

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Thank you. Good afternoon, Mr. Smith, ladies and gentlemen. Council of fellows over town council.

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I'd like I agree and endorse the comments and Mr. Marnie.

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I think the most important question I'd like to ask and comment in is to what extent can any design be fit for purpose in a rural area where there is no other industrial infrastructure for it to blend into or alongside?

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And how can we actually comment or even agree mitigation or compensation when there are no clear inputs as to what that would be? And especially with regard to the design and the National Grid substation, as a potential hub,

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Which other projects may also then be connected within five kilometres.

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There is no invisibility cloak, there's no blanket for silence or mitigation of noise or landscape, or, or the impact on people using that area and living in that area that can never be incorporated. So this design as it stands will change wrist and forever and the surrounding area and our coastal communities. And over town council would say that the design principles, and that's the design of everything from where it sits on the site to what it is and how the technology is incorporated at Friston and at the landfall and the cable ducting needs to be at the very highest design principles and goes beyond what is offered now. It by a long way.

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Okay.

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Thank you very much for those submissions. So I am then going to go to the applicants for a response on those points. And it's essentially here, having heard the conditionality submissions that we've received from

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both Mr. Tate and Mr. Bedford.

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I think probably a key issue here that I would like to hear the applicants response on is the question of what can be done or what ought to be done

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to put us in a position where if

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a,

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an overall design and layout plan is to be drawn in and that seems to be broad agreement that that would be as as part of the substations design principles statement, if that is to happen.

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There is a there's some pressure around the settlement of the outstanding items, particularly around

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water, infiltration flood, that need to be resolved sufficiently so that there can be clarity that the spatial relationships between different components of use and development on the site are not going to

radically change and make essentially an outline, overall design and layout plan and irrelevance. So to the applicant.

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Yeah.

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Stephanie, Mel on behalf of the applicants. And so I think we're not a million miles away from from what the council's have been saying here. But I think in terms of of the position of the applicants, we obviously submitted design and layout plans last week as part of our rule, 17 response. And the intention is for those to be incorporated into the all ends, and which will be submitted at deadline 11. And obviously, the landscape management plan in due course, must be submitted to and approved by the relevant planning authority and must accord with the all ends. And that's already secured within the decio. But I think the key point to note with these design and layout plans is, you know, they are indicative at this stage. And obviously, the the comments raised have been noted. And they're obviously, you know, I think that is a key point about them is that they are still subject to detailed design. And so securing them in that way. And we don't think is necessarily

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appropriate, given that they are very much indicative at this stage. And I think as well, the applicants, will we don't consider that any amendments are necessarily required to requirement 12 itself. Because, you know, as we've discussed that that requirement itself already secures the the approval of the layout and scale and external appearance of not only the onshore substation, but the National Grid substation, and the cable ceiling and components. And so they all need to be approved, and they must accord with the substation design principle statement as well. And we welcome the comments made from the counsellors about other than the one outstanding principle and you know that those principles largely being in agreement on so that's that's very much welcomed. And, as I said, the details that are submitted, and will need to accord with those, and they're there after it's been approved. So between the commitments are already within requirement 12. And the final landscape management plan. And the view of the applicants is that we've already captured the relevant approval mechanisms, the principles are all secured as to what needs to be complied with. And now that said, you know, we don't think there are any gaps in the current requirements, but you know, we have been discussing this with the Civic Council and this week, in fact, and we are looking at the

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The potential for a commitment to be included within the substation design principles statement, and as was mentioned by Mr. Tate. And that would be along the lines of providing the planning authority with that sort of overall design and layout plan, assertive master plan, one might say that for context and illustrative purposes, and that would potentially sit alongside the discharge documents that are submitted for the relevant requirements in relation to the substation site. So we've got the obviously the substation layout

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requirements in requirement 12 that we've talked about in terms of the layout scale and external appearance, and the landscaping requirements and the public right of way strategy to the extent that it's relevant to the substation site. There's also the fencing requirement, again, to the extent that it's relevant to the substation site. And obviously, the operation of drainage management plan. So the intention would be to look at incorporating something within the substation design principle statement that required that document, that master plan that, as Mr. Tate mentioned, will need to be kind of it will need to evolve and be updated as the projects go through that detailed design. But it's submitted alongside those documents so that they provide that illustration in that context for when those those documents are discharged. So I think the position of where the where the applicants are at at the moment is that there are no changes required to the DCM itself to secure this, but we'll be looking at securing and some sort of commitment within the substation designs, same principle statement. And to set this set this up. And as I say, we are discussing it with the council. And that's something that we hope to be able to provide some feedback on that 911. But I wouldn't mind them. If I could hand over to Mr. Ennis, just in case there's anything he would like to add on this particular point as well. No, that's fine. Mr. Ellis.

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Mr. Nice, you are

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running your background, I believe, yes, coins market, the applicant. Just, I just wanted to raise one matter, which is, which is really critical to the design process. And one of the reasons why, in our submission, the correct way to go about

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essentially, the process is through the substation design principles. And the reason for that is that it deals with a lot of the issues that have been raised. And if you go through the timescales on page 38 of that document, what is clearly set out is an in gathering of the critical information, so that meaningful engagement can be undertaken through the design principles process. And effectively, the there is going to be unique the base information to understand what is proposed in terms of the detail of the architectural landscape frameworks, and both need to be worked up to a degree that meaningful consultation can actually be undertaken. So that's certainly how it has proved to be taken forward. And part of that is that early supply chain engagements. So we've got the technical aspects of the substation also being fed into into that early design process to ensure that it can be properly evaluated, because there's always a crossover between the design, whether landscape mitigation might go heart might all fit together. And that is all addressed in the timescales section of the design principles. And it's from that process, that there's even early engagement with design council at that stage at that early stage before, effectively, it moves through a series of consultation processes to ultimately reach a final conclusion. And we have identified that that process is likely take a seven month period. But there's a lot of work that goes into to that process before it even starts. I think I think it demonstrates, first of all, that the applicants are very serious about this design process, because we've set out a serious timescale within the process to ensure that it's undertaken properly, but also to to ensure that the there is sufficient information early in the process to have meaningful consultation. And, and I suppose what that drives me to is that the submission of plans at this stage, we certainly

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they anything we produce will be drafting indicative because we want to keep it open in terms of that engagement for for local ideas, both with individuals and stakeholders to come forward in relation to the landscape treatments and other issues that they might want to raise in terms of the design elements. an eco

45:00

At that stage, we'll be able to explain the design elements that have taken place to date in terms of

45:07

in terms of, of the technical matters. So I think the point is that we feel it's that process, that's the one which ultimately produces the outcomes that result in over discharge is of the technical process that is effectively reflected in the document itself, recognising a whole series of discharges are effectively utterly tied to completing and effectively completing that design process. So I think we would say that's where the plan should come in.

45:44

It would be inevitable as part of that consultation process, I would say that, I would hope that we could do more than produce an indicative outline of the of the where things might go. I mean, the design process will need a lot more than that, and a lot more information. And that really, is the end process. So I think at this stage, we would certainly submit that anything that was put in would be very draft and indicative, and probably the right time to really kick this off is a in the design principles at the outset of the consultation, when as Mr. Mani says he doesn't want things fixed or seen to be fixed. It's a process that should open and start with with with with that information. So that's our approach, we would favour that any of this material and the these plans should form part of the design principles process.

46:43

Okay, now, just check Misaki anything further you want to raise before we move on?

46:52

No, that's all fine. Thank you. Mr. Neff. I think I'm depositions of all parties are quite clear. Thank you. Okay. Excellent. In which case, ladies and gentlemen, I'm going to suggest that we close off now, agenda item four and move on to agenda item five and the following agenda items. Now.

47:10

Our purpose in agenda item five is very much not to second guess, a written process that we've already put in place. And it has a deadline established for it, which is deadline 11, which we are not yet cat. But there are individual elements that we did raise in the remainder of the examining authorities, DDC are countries that potentially could benefit from discussion around this table, because people are together in one place rather than not being. Now I've got a number of individual questions that I would like to raise. And I think the best way to pass through this agenda item will be if I deal with those first. And then I will ask if there are any specific, further submissions that people wish to put in relation to matters

raised in the countries. But what I would emphasise that in terms of taking those additional submissions.

48:16

The key principle that I will be bearing in mind about when considering about the allocation of time to those will be

48:25

does this really bear on multiple parties? And does it bear on an issue where there is still an evident absence of agreement between multiple parties, in which case it's a very good use of hearing time. If it's just an individual position on a matter raised in the commentaries, then writing is by far the best place for it to be. So in terms of the individual questions that I wish to put,

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my first question is a broad one. And it is to particularly

48:57

the District Council,

49:00

but also to the county council to an extent and it relates to the remaining position on deemed consent provisions. There has obviously been some movement there. And what I just wanted to ask was whether we had reached a point of broad satisfaction in either the district or the County Council on the remaining deemed consent matters.

49:29

Ah, Miss Paris has arrived.

49:35

Can I then first ask the District Council whether whether they're what your position is in terms of remaining

49:47

discussions or outstanding matters that you might still have with the applicants on deemed consent provisions where there are no outstanding matters now. shedule 16 the team comes

50:00

And provision has now been removed, as well as the thought. So we're, we're pleased,

50:05

and that results are

50:08

that result. Oh,

50:10

yeah, I thought that was probably the case but useful to check. And again, can I just check with the County Council whether there are any outstanding deemed consent issues that are of concern? Mr. Bedford?

50:21

Thanks. So Michael Bedford Suffolk County Council? The answer is again, no, we did have some issues about the timescale. But we're now satisfied that the way that the planning performance agreement has the word or the provisions that relate to the planning performance agreements, been worded in the relevant supporting documents meets that concern, so no further points from us. Thank you. So okay, well, again, reasonableness of timescale had been my one remaining question, so we don't need it. Okay. Moving on from that question, then. And, and again, this is principally to the District Council and the county council, but safeties have been interested in this matter. So, I will also

51:05

indicate

51:08

or wish to hear from them on that.

51:13

And that is around the definition and extent of operational land and the enjoyment of substation permitted development rights.

51:23

You will be conscious there that

51:27

the examining authorities have proposed a possible means of dealing with this with a possible

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additional provision or requirement 44

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observations, please.

51:43

Can I go to

51:45

the district council first Please, Mr. Tate?

51:50

Thank you. So

51:52

we we've seen obviously, he suggested alteration to requirement 12 and

52:00

the new requirement 44.

52:05

The first point is those go hand in hand.

52:12

Because on its own requirement 12 would not the possible change requirement to or would not be sufficient.

52:22

Locally, the District Council is well aware of the case that bramford where there was subsequently additional land acquired by national grid, and it was said subsequent to the construction of that generating station, that

52:41

that should be regarded as operational land. And that was the case. So that

52:47

merely defining the operational land at this stage which requirement 12 does usefully is insufficient. It needs 44, then to deal with what the implications of that are. That's the first point. The second point is that the to the chain requirement 12 and 44 wouldn't fully meet our concern, because there would still remain the position with them within the compound depends where the compounds are, what's included within the compounds. And that includes car parking, which can then be later on converted to

53:27

not converted, changed to placing buildings on it, for example, which will then escape the approval controls. However, having said that,

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the District Council view is that requirement 12 adjusted and requirement 44 would be of significant value.

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by excluding permitted development rights beyond the compounds, or the operational lab is then defined and

54:00

constrained in class ba to operational land, which is

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appropriate. So we would greatly welcome

54:11

that imposition. It doesn't go all the way to meet our concerns, but it does go a significant way to meeting those concerns. And I do, I do have to say, to take you know, we are, you know, have no fixed mind yet about the wisdom of a range of possible approaches. But this did seem to be, you know, to the extent that we heard, heard very clear, operationally based submissions when we last met from and get opposing any withdrawal of permitted development for clear operational reasons. We've heard the applicants on this point. Essentially, we're now trying to explore what the land looks like in the gap between the two positions. Hence, hence the consultation around this particular approach, but we will wait all carefully.

54:59

Thank you. Thank you.

55:00

So we would very much welcome that thought process. We understand. You understand that? Okay, excellent. Can I then come to the county council, please. And in doing so I, I have noted a hand from council fellow council fellows. I've got these particular questions as I need to put to, principally the district and the county council, I am drawing Stacy's in on this one because they've expressed a strong view on it previously.

55:28

Before we leave this agenda item, I will throw the agenda item open. So I will come to you but I'm just not coming to you straight away.

55:36

Mr. Bedford

55:39

exair, Michael Bedford, Suffolk County Council. So the operational land issue was not an issue that the county council had directly raised. But we can see the sense of the points that have been raised by the District Council, which we're happy to support. We've got nothing further to add.

55:53

Okay, and Stacy's?

55:57

Mr. Mani? Yeah, thank you. So obviously, on this particular point, I'm somewhat at a disadvantage as I don't have Mr. Attorney with me, you obviously has another client, which I've written, but there we are. What I would actually say here is, of course, you know, this is, as you know, a predominantly written process. hearings are places where we explore ideas, but the final ideas come in, in writing, and

please, if you are able to instruct him on this point, if do so. But I was just about to say, having said that, I do have some points I would wish to make. So I apologise. But I think the fundamentally, we,

56:37

whilst we welcome the,

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the the attempt to try and address this issue by the ex and try and move this subject forward, because it has become somewhat somewhat going around in circles. But we are not convinced that this wording does address the concerns that we have not least it's within the gift of the applicant submit the plan.

56:59

It's not very clear on what basis the the District Council could refuse the plan.

57:07

And I think the we will, on this particular point, we always need to go back to why in this particular circumstances issue is so important. And that is because we have this uncertainty over GIS versus AI is for the National Grid substation. And we also know that that is highly likely if not inevitable that other projects will come to this side. And therefore, the availability of Miss development rights and operational land would greatly facilitate

57:39

those projects for which as we know, there has been no proper cumulative impact assessment. So that's what I've got to say. And we'll put in some more details submissions deadline. 11. Thank you very much. Okay, I'm proposing then to move on to another specific question

58:01

that I had in relation to

58:04

discharge of water and article 16. And this is the point around the exception of consent under the land drainage act of 1991. Now, the last time we met

58:18

the county council, we're seeking change there. And and we have a balanced question in the decio countries, which is essentially to say,

58:32

if individual consents have to be granted, in all circumstances were such concerns normally would under the land drainage act of 1991. And essentially, it appears to us that there is no longer in drainage stroke water terms, a unified consenting process under the orders as proposed, but we may be missing something with there may be some element fine element of the county Council's case that we're not properly understanding. So I thought I would just flag that up for Mr. Bedford, to see if he could explain that to us in a way that

59:09

made matters clear, because they're currently not to last I think it's fair to say.

59:18

Mike Bedford, Suffolk County Council, well, I'm very sorry if we have contributed to matters not being clear to the examining authority. It is a matter where there have been dialogue useful and productive between us and the applicant. And I think the

59:37

the problem or the difficulty arose where there seemed to be an inconsistency of approach. But we're now content that it's been sufficiently clarified that the land drainage consents that are still required, will sit outside of the decio process, and therefore because they're outside of the DCA process, the DCA doesn't need to say anything about them and they will take

1:00:00

Their own course in due course under their own separate regulatory regime. Fine. Well, that's a very clear and succinct explanation. The applicants will have their opportunity to respond to this at the end. I think I'm clear. Just check with my colleagues.

1:00:17

Particularly Mrs. Jones, who's our water and flood, lead. But no. Okay, that's that's clear.

1:00:27

Oh, okay. Now we have dealt with all the DML matters this morning, because they were brought forward.

1:00:39

Finally, there is the question around arbitration. And this is principally a matter that

1:00:49

I would need to put to the applicants. It, I mean, I'm not going to belabour these points, I'm just going to say we have set out a position in the in the written commentaries,

1:01:03

but really just to provide the applicants with an opportunity to inquire of us if there are any elements of that that are not making sense to them before they finally put a written position into us

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to anything on schedules 15, the arbitration provisions, noting that we have compared those with a number of others and still finding them a little

1:01:28

highly specified, I think, is probably the best way of describing it and asking the question about do they need to be that highly specified what specific harms are being done that these more detailed provisions are typically found in orders? unnecessary to deal with?

1:01:46

Stephanie? Well, on behalf of the applicants, I think are your comments and questions are understood, and we're happy to come back to those ones in writing at deadline 11. But obviously, if there's anything in particular you'd like to discuss, and we can do that, we're happy to respond to writing. I wanted to give you the opportunity to interrogate us before we moved on.

1:02:06

Okay, excellent. In which case, we are then going to move into the next agenda item, which is agenda item six. No, we're not. No, we're not.

1:02:17

I'm leaping in front of myself. I did say that I would give others who wished

1:02:23

to introduce any other matters that require in principle discussion around the table because they bear on more than one party or matters. It is still in dispute, arising from agenda item five, and I did see a hand from counsellor fellow so apologies counsellor fellows, I am coming to you. Is there anybody else who has anything to raise on that?

1:02:47

So it is counsellor fellows.

1:02:56

Mr. Smith, we also have a hand, Miss Gilmore.

1:03:00

I think my hands have failed again. Thank you very much.

1:03:05

I can see. Excellent. Well, I hope your hands haven't failed.

1:03:10

Okay, well, perhaps then. Can I just if?

1:03:16

If council fellows isn't ready, then maybe I'm here, sir. Oh, you are excellent. My system, my system is definitely playing up. Because I cannot see you on screen at all. At the moment, I think I have the same problem that Mrs. Jones had on Wednesday. and Mrs. Paris with your

1:03:37

consent on this, I'm just going to leave for a minute. And I will return. But at the moment my system is so devoid of its normal functions that it's actually becoming quite hard to continue the hearing. So just a minute. No worries.

1:03:54

And council fellows, I can see you so I think it's it's a question of Mr. Smith system.

1:04:00

Shall I wait till he returns? Yeah, yeah, we'll just give him a minute. You shouldn't

1:04:06

let Mr. Smith I can still see you in the meeting at the moment. Yes, my problem is I've exited the meeting. And I'm actually going to have to completely restart teams. Because

1:04:19

I've still got audio,

1:04:21

which is very strange.

1:04:24

Would you like to continue? Or should we take a short break now, Mr. Smith, because it's not we're not too far off break time. We are not far off break time at all. I'm going to suggest in the circumstances because at the moment, I have

1:04:36

no teams running whatsoever. And yet, I can still speak and hear you and you can clearly still hear me which is very, very strange. So I'm going to suggest we move to the break. Let us call it 10 past so so we will resume at 25 minutes past three. And at that point, we'll move to agenda item six and ladies and gentlemen, you'll be pleased to hear that most of the other agenda

1:05:00

Some supervision items and we should deal with them very quickly. So 25 past three, ladies and gentlemen, thank you very much