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00:07

Good morning, everybody. And welcome to today's issue specific hearings number six for East Anglia ONE North and East Anglia TWO offshore wind farms. Before we introduce ourselves, Can I check with the case team that we can be heard and that the recordings and lives of now?

00:25

Good morning render, I can confirm that the recording has started again. Yeah. You and see you and the live stream has started. Thank you very much, Mr. Williams. So two introductions. My name is Rynd Smith. I'm the lead member of this panel, which is the examining authority for East Anglia ONE North offshore wind farm application, and have a panel which is the examining authority for the East Anglia TWO offshore wind farm application. I'm in the chair today and will lead the questioning in respect to the main agenda items, my colleagues will be introduced and question on matters relevant to their subject matter leads across the entirety of the agenda. So I'll now ask my fellow panel members to introduce themselves starting first with Caroline Jones. Good morning, everyone. My name is Caroline Jones panel member.

01:16

Morning everybody. My name is John Hockley.

01:21

Good morning, everybody. My name is Jessica Powis , and I'm also a panel member.

01:26

Good morning, everybody. My name is Guy Rigby, and on the fifth member of the panel.

01:33

Thank you very much, Mr. Rigby. Now for people who have been involved with or watched any of our previous hearings. And I would imagine most of the people here today have, you will note that the full panel is here today. individual members will come and go off camera. And as I've indicated, all are involved and all can introduce questions at any time.

01:55

Can I also introduce our planning Inspectorate colleagues working with us on these examinations, and some of whom you've spoken to already today? Am Ray Williams is the case manager leading the planning Inspectorate case team. He's accompanied today by two case officers KJ Johansson and Caroline Hopewell, who you will have met in the arrangements conference this morning.

02:17

Hopefully the published agenda papers for these hearings provide an explanation of our and your reasons for being here now, and that is to hold issue specific hearings on the draft development consent orders, which we'll be referring to throughout the remainder of these proceedings as the draft DCA owes

02:35

the draft DCA OHS are important documents. They are draft pieces of legislation which if the secretary of state were to decide to grant development consent would form the legal basis for the delivery of the proposed developments. They set and secure the standards to which the developments must be constructed and operated. They secure the environmental performance of the developments ensuring that they do not exceed what is described as the Rochdale envelope assessed in the environmental statements. And they provide where necessary for actions around decommissioning.

03:14

We're conscious, there's a number of people attending here today have positions of principle, that object to the proposed developments they are putting submissions to us, in other parts of the examination that the Secretary is that the Secretary of State should not grant development consent.

03:33

It's important However, for all participants here today to be clear that these hearings are being held on a without prejudice basis. What does that mean?

03:45

In simple terms, it means that even if your position is that development, consent should not be granted, and therefore that the Secretary of State should not make one or both of the draft DC O's.

03:59

You can make representations in these hearings on the drafting of the DC O's without conceding your wider position that they should not be made.

04:11

This is important for everybody participating in the hearings today because it means that you can make representations that affect how the DC O's might be drafted. For example, relating to requirements, which are the equivalent of conditions to the Planning Commission, or to the conditions in deemed marine licences that you will find in the schedules to the DCS, which again are the equivalent to conditions to a planning permission offshore.

04:38

You can do this, even if your main position is that the DCS should not be granted. And you do not need to refer back to or repeat submissions that you have made elsewhere in the examination that the DCS should not be granted. We can recall those. What we need to focus on today and hear from you about today is

05:00

Your position on the drafting of the DCS themselves.

05:07

The DCs and this hearing are important for the examining authorities because we are under a duty to provide the secretary of state with the best drafted DCs that we can. And this is the case, even if we were to end up recommending that the Secretary of State should not make one or both of the DC O's.

05:27

This is because we do not decide these applications, the Secretary of State does, and we make our recommendations to the Secretary of State.

05:36

If the secretary of state decides to grant development content, they need draft VCO, or DC O's for one or both of these applications, and they need to be the best draft of that they can possibly be. So even in circumstances where our reports would recommend that they develop the development content should not be granted for one or both projects, we would still append a draft decio to the report ensuring that the Secretary of State can decide to make one if they wish.

06:08

Every recommendation report from an examining authority to a secretary of state contains a draft decio on this basis, no matter what outcome the examining authority recommends, I thought it was really important to set that out as essentially ground rules for today.

06:26

So on that basis, you know, who we are, and why we're here and what we're doing. So I'm now going to hand over to Mrs. Jones, who will ask all of our participants today to introduce themselves

06:39

and to also wish to speak to you briefly about some procedural issues arising from public health controls and the current lockdown.

06:47

Mrs. Jones.

06:49

Thank you, Mr. Smith. Good morning, everyone. This is Caroline Jones panel member speaking. Shortly I'm going to be running through a list of our participants and asking them to confirm who will be leading their contributions today. Before I do, there's just a few things to note. Today's hearing is being live streamed and recorded and the recordings that we make are retained and published. Therefore, they form a public record that can contain your personal information and to which the general data protection regulation applies. Does anyone have any questions about the terms on which your digital recordings are made?

07:23

seeing any hands raised hearing every one so a hearing any ones that will move forward on the basis that this is all understood. Turning to today's hearing, I'm now going to ask the participants to introduce themselves. If organisations attending today have a number of representatives. Could I ask that you nominate a lead representative to introduce your team on behalf of your organisation? Because I know that for a number of you, you have several different individuals that may wish to contribute during the course of the proceedings. It would be helpful if you could also let us know at which point in the agenda you anticipate participating. So in the first instance, could I check the name of the main speaker that we have representing the applicants today please?

08:06

Yes, good morning, madam. My name is Colin ness, and I'm a partner in the law firm of shepherd and Wedderburn and appearing on behalf of the applicants through today's hearing.

08:16

In terms of those accompany play, I also instructed by Fiona Coyle, divisionist List of, of Scottish power and your boss who is here, and I also have Stephanie mill, Senior Associate for my office, who will be taking us through a number of the agenda items in relation to the DCA and also Steven Hubner, also a Pampered Chef, the Wedderburn who is involved in the property in real estate matters. So for any compulsory purchase matters that are raised, he may be able to assist in addition to those parties from my office. I am also accompanied by Rich Morris Senior Project Manager, Kieran Molnar, Senior Project Manager and he has responsibility for property matters and in relation to the projects in MCI Project Manager for East Anglia ONE north and prime mcnelis, the onshore consensus manager. Thank you. Thank you very much. Good morning, Mr. Ennis.

09:15

Could I now ask for the main representative for Suffolk County Council, please?

09:22

Good morning. My name is Richie barrique. And counsel for Suffolk County Council today. And I have a number of instructing officers who have joined in the eye. Realistically, I think Steve Mary who's transport policy and development managers likely to weigh in on some of the transport related points. But apart from that, perhaps if I may just introduce them if I need to call them in due course that might be more than that. Yeah, absolutely. Good morning.

09:51

Okay, could I next have the representative for East Suffolk council please?

09:58

Good morning.

10:00

Tape QC I will be leading and supported were required by Naomi Gould is the council senior energy project.

10:10

Thank you very much. Good morning to you, Mr. Tate.

10:15

Could I have the representative for the marine management organisation please?

10:23

Oh, good morning. My name is Lindsay Mullen. I'm the case manager for East Anglia. Two. I also have on the call with me, Mark, currently the case manager for East Anglia, one north and two case offices, Rebecca Reed and Jack Cole. And due to the way that we have split the work internally, we may speak at different points on different agenda items. But if I may, I would like to take the opportunity from Caroline Hawkwell, for her email to confirm if marine management organisations are only expected to speak at agenda item three, and with your support and the amendment or would like to leave the hearing of the conclusion of that agenda point, unless you think will be required for further points. No, absolutely. We've seen we have seen that email and that's absolutely fine. Smelling. Lovely. Thank you very much. Thank you.

11:07

Could I have the representative for EDS please?

11:16

Good morning.

11:18

My name is Katie Abraham's on behalf of EDF energy nuclear generation limited and the owner and operator of B nuclear power station. And I've got Brian Macleish. With me today.

11:27

And we would like to speak to agenda item two pleasing protective provisions were introduced to that stage, which we understand maybe for agenda item three H and requirements. And again, with your support. We would be minded to leave at lunchtime if the examination didn't have any further questions for us at that point. Absolutely. That's fine. Thank you very much.

11:52

And could we have the representative for Trinity house please?

11:58

Good morning, madam. Russell Dunham Trinity house. If I could just explain Trinity house is not intending to make formal representations today. And this, obviously requires to answer any questions from the examining authority. We're principally here just to observe proceedings. And if I may, Madam,

12:17

I need to step out of this hearing at 1130 today, possibly. We'll rejoin later on if possible, please, that's no problem. Okay, steam will let you back in if you want to rejoin me to thank you very much. Thank you actually.

12:34

Could I ask for the representative for Friston parish Council, please?

12:44

Hi, it's Mike Kaplan, the chair of Friston parish Council. The Morning. Good morning. We

12:53

are really here to observe the proceedings and maybe make some comments.

13:02

Hopefully relevant ones.

13:05

That just to add to things that my other professional colleagues are saying to you absolutely. Mr. Caplin, when if you want to come in just let us know by raising your hand or turning your camera on. I want to thank you very much. Thank you.

13:22

Could we next have the representative for Aldringham Cum Thorpe parish council please.

13:31

Good morning. My name is Philippa McLarty I'm here really to watch on behalf of a lot of the parishioners who are very concerned as you would expect

13:46

I

13:48

mostly wanted to address the landfall and the cable route.

13:57

I might have to I might have to leave you at lunchtime if that's all right. No problem. No problem at all. Thank you very much. Thank you.

14:07

Could I ask for the main representative for CCS please?

14:15

Good morning Madam My name is Richard tourney barrister instructed on behalf of say says I've got Mr. Michael Mahoney on the call as well. Although I think I'll be speaking in the first instance for this morning. Thank you very much. Good morning Mr. Attorney.

14:32

Could I next ask for the representative for Suffolk energy action solutions please.

14:41

Hello, good morning madam. This is the only girl or speaking of representing South okay energy action solutions. And I would like to reserve the right to be able to speak on points to three to do with, land for and on short.

15:00

So that's E, F, G, H, and point four,

15:05

and anything else, but those are the key ones. Thank you much. Thank you very much. Good. My name is gilma.

15:13

Next, could we have the main representative for save our soundings, please?

15:20

Yes. Good morning. Good morning panel. My name is Paul Chandler save our sanderlings. I'm joined today by Richard Reeves. Primarily we're in an observation role today but we'll be specifically interested in items three, ie the landfall and onshore cables and of course may wish to comment on any other items as they occur. Thank you very much. Mr. Chanda. You know, just raise your hand if you do want to comment. I will do thank you. I don't have a handle now to just switch my camera on. That's fine. Just let us know there. Yes.

15:55

Okay, that's everyone that I have on my list. Is there anybody? at the hearing who I've missed off? Can I just check? I do believe we have Councillor Marion fellows world return? Yes. Yes, we do.

16:09

Apologies, cancer fellows. That's okay. Miss Jones. Good morning, Madam says fellow colleagues and interested parties, Marianne fellows over town council, I'd specifically like to speak on item two,

16:25

3d very briefly, then three E, F, G, and H in more detail, and item for a, I really appreciate the opportunity to continue to contribute in the examination process. And suggest today that actually what you've done is quite fortuitous. And I'm more than happy to come later down on the agenda of being called, especially after SES, and CS, as they have instructed counsel, and I think they may be able to

succinctly point put the points today, probably better than the parish and town council. So if my colleagues at first in an old room would agree, I think we should come after the professional

17:10

instructed those speakers as they may be able to, to do that more effectively for you. But thank you very much again for today. And we really do appreciate this opportunity. Thank you very much COVID. The fellows that's very helpful. And can I just check with the other parish councils that they are also happy for us to take speakers in that running order? Starting with Kristen, please? Sorry, Algerian consulting? Yes, yes, that's fine. Thank you. Yeah, Mr. Caplin? Are you? Are you happy with that as well? I guess I'm happy to play dustcart to the Lord rez parade of learning Council. Thank you.

17:48

Thank you very much.

17:51

Okay, I'll move on. And anyone who's not participating directly in this session, but is observing is welcome to set out any observations about what they hear today in writing by deadline five, which is Wednesday, the third of February.

18:05

Now the introductions are complete, I'm just going to raise three issues emerging from the current public health position. Participants in these hearings who have been involved in the examinations since they started will be aware that the examinations timetables were prepared, enabling flexibility so that if by the New Year, we were in a position to begin to plan for return to physical hearings, then we could do so I think it's fair to observe that the Coronavirus situation remains difficult, perhaps more so than many would have anticipated. On that basis. The examining authorities consider that as important that all interested parties are clear that we now consider that it is most likely that all remaining hearings in these examinations will be virtual. Equally. And for the same reason. The examining authorities recently took steps to significantly limit attendance at the site inspections held earlier this week, with only people whose attendance was essential supported to attend then, it's important to place on record that the examining authorities considered that the site inspections had to be delivered in this limited manner, to enable them to be safe and compliant with public health regulations and guidance. Finally, if you do consider that you cannot participate in these examinations in the manner or the extent to which you deem necessary due to the current public health controls, then please write to us by deadline five, setting out your concerns. The examining authorities will consider any such submissions in our planning for events programme for February and March 2021. And for the remainder of the examinations as a whole. I'm now going to hand back to my colleague Mr. Smith, to lead the next part of this session.

19:38

Thank you very much, Mrs. Jones. Now, as with all previous hearings, these are held for both projects in parallel and so there is a single agenda for both hearings that was issued on the eighth of January.

19:51

Whilst the agenda is designed to enable us to here are all submissions to the two applications in parallel we do have the discretion to consider each project individually during procedure

20:00

If necessary, and if anybody would like to request us to do so then please raise your hand at the relevant point on the agenda and ask us to move into separate session.

20:12

Before I move to the rest of the agenda, I think it would be useful if I speak briefly and check that we are all on the same page, literally, as well as metaphorically.

20:23

In referring to the draft development, consent orders, the DC O's, I will have the most recent track versions open on screen in front of me. And those are version three. And their reference numbers in the examination library are rep three, Ra p3, hyphen, 012. And they have the same reference number in both examination libraries. And it will, I think, assist all parties speaking, if they to have both of these available

20:54

in front of them on screen or in print form. Can I first check with the applicants that in your view, these are the most appropriate versions of the DCS to refer to Mr. Ennis?

21:12

Yes, as comments on behalf of the applicant, yes, or you can have the clean version as well, whichever, but the those are the most up to date and relevant ones that we should be considering today. Thank you very much. I did in fact, choose the tract ones, because it's quite useful to see what the most recent changes were. And indeed, as we move into agenda item two, I'll be asking University ministers to speak to the most recent and indeed, future anticipated changes. And moving on. And

21:44

both drafts are what we have come in these examining authorities to refer to as a Pidgin pair, which means that their provisions are either identical or if they're not, the divergences are at least found in the same place and with the same number. This means that we can refer to, for example, Article One in both drafts and that article is doing the same task. It's setting out how each order should be cited and when it would commence. And so on that basis, as we move through the orders, if we take the pigeon paired provisions, one and the other together, then in general terms, we can move through both projects at the same time, is everybody contend with that broad approach?

22:28

And I'm seeing no hands being raised, I suggest we do it otherwise, which is very good. Excellent.

22:36

So on agenda item two, I will ask the applicants to take us to their most recent position on both draft orders. And I would like them to particularly focus on the points in the drafts, where changes have most

recently been made, and particularly where discussions alive with other interested parties, and changes are intended to emerge of which we may not be fully aware, I will ask the applicants to present their position first, and then I will go to the rest of the room to seek relevant contributions. And I will then ask the applicant to respond. But what I would ask is that in agenda item two, which is essentially an opportunity for the applicant to seen set for us that we don't get into too much detail, because I would like to focus the detail within agenda item three. And in terms of the lettered items in agenda item three. And I will reassure you that we will cover all of the topics listed there. But I'm proposing that we actually walk through the provisions of the orders in draft number order.

23:44

And this way, we will cover everything, all of the topics identified in the agenda for discussion, but it will be easier to do so in provision order, rather than topic by topic. So, for example, if there is an issue that arises around the commencement of the proposed developments, the route into that will be in discussion of Article two in both draft orders, which deals with commencement. And we could return to it, for example, in the requirements or in conditions to the deemed marine licences. But we will start the conversation with that issue in provision order at article two.

24:26

Now, is everybody broadly clear with the way I'm going to take this and again, I just want to check as everybody's reasonably content.

24:36

Again, I'm not seeing any hands being raised.

24:41

So, in agenda item three, we're interested parties with particular observations to make will be introduced. If you've got a note to raise a comment on a specific provision. I will seek your interventions by either raising your yellow hands in the team system provision

25:00

By provision. And so raise your hand when we get to the provision that concerns you. Or if you don't have a hand function on your system, switch on your camera.

25:09

My examining authority colleagues and I will also introduce questions on individual provisions as we pass through the draft and provision order.

25:19

In relation to some specific questions from interested parties that we received before the hearing, EDF have asked about when they might make submissions on protective provisions that they are seeking. And so if that issue is raised in agenda item to in as a broad issue by the applicant around negotiations in progress, then of course, it's a matter that we will run to at a high level in agenda item two. But no matter if the applicant say they have no action in process, when we get to schedule 10. In agenda item three, and schedule 10 is the part of the orders in which protective provisions are set out. We'll deal

with any comments on the provisions that have been drafted. And then I will ask EDF for their submissions on provisions that they say ought to be included in the orders but have not been

26:13

answered. Similarly, in terms of inviting the marine management organisation and only other interested parties and with concerns about the de marine licences. When we get to the appropriate schedules in the orders, schedules, 13 and 14. That's where we'll be asking questions that relate to those bodies.

26:36

Now, I would find that this means that probably the majority of the hearing will be taken up with agenda item three. And we've had specific time constraints flagged and I do note that individual speakers would like to leave lunchtime. If it feels as though we're getting perilously close to lunchtime and you haven't been heard, then please raise your hand and make your request to speak out of order. And I will where possible bring items forward. So we perhaps move to enable matters to be heard before relevant parties have to leave.

27:13

agenda items for onwards each have specific matters that members of the examining authorities wish to ask. And although of course, we will be opening those matters to interested parties to contributions to. But what I would say is that we're not going to be artificial about this. If the debate naturally occurs in agenda item three, and there is a free flowing conversation around it, it may well be that we move to the matter and settle it in agenda item three is we're moving through the orders point by point. And at this point, I will also emphasise one of the most important reasons for holding this process orally rather than in writing is that it's much easier for everybody here to see the implications of one set of proposals for changes to the orders on all parties, and the performance of the draft orders in the round. If we have this as a roundtable conversation. So even if you've come on to speak only on a particular piece of drafting a particular point relevant to your interests. It's worth listening carefully to submissions on other provisions made by others in case they affect your interest to and if they do, even if you didn't plan or ask to be introduced, you can at that time as to be introduced. And as long as we are not too badly pushed for time, we will try and involve you. Now of course if we are pushed for time, there is always deadline five.

28:36

Okay. Does anybody have any requests to proceed differently? Or questions about how this will work?

28:46

Again, I'm checking the virtual room. And I'm seeing no yellow hands or sudden cameras pinging on. So it seems that everybody is content.

28:56

Now before I move on to the main business of this morning's hearings and move into agenda item two, Does anybody else have any other questions of a preliminary nature about how today's hearings will run?

29:09

And again, I'm not seeing yellow hands rising or cameras being on. So on that basis, ladies and gentlemen, we will now move to agenda item two, which is the introduction to the orders by the applicants.

29:25

And then introducing Mr. Ennis, to speak to this item. Again, I'll remind him, I would like him to move most directly to the applicants most recent positions on the draft orders. And I would like him particularly to focus on points in the draft where discussions alive with the other interested parties, particularly those here today. And changes are intended to emerge, of which we as examining authorities, or indeed interested parties in the room may not yet be fully aware because

29:54

the applicants are responding to matters that have been raised in the examinations to date.

30:00

So, Mr. Ennis, can I ask you to introduce the opposition?

30:06

Yeah.

30:08

According to the applicant, I'm going to invite Stephanie mill to address you on this agenda item. Thank you, sir. Thank you very much as well.

30:20

Good morning, Stephanie mill for the applicants here. And I was hoping to give a very brief overview of the the purpose of the draft DCR, and the approach that we've taken to drafting and then I can come on to talk about the the changes, and particularly those that we are currently contemplating for the next version of the DCU. And because obviously, that is in hopefully quite relevant. It's good, same setting. I just wanted to make sure that that we did, in a sense cut to the chase. Absolutely. So I guess just in terms of background, the purpose of the order is to grant the respect of applicants and consent for two linked nationally significant infrastructure projects being the offshore generating station. And the overhead lane realignment works together with the associated development now, and the order also authorises, and deemed green licences, and one for the generation assets and one for the transmission assets offshore. And it also contains the powers to acquire land or rights compulsorily, and for the construction and operation of the projects. And now in terms of the general approach that we took when drafting the development consent orders, and the provisions have largely been derived from the model provisions. And they are also largely based on the development consent orders for the East Anglia, one offshore wind farm order, and the East Anglia three offshore wind farm orders, but they also draw from other offshore wind development, consent orders, and other recent decio precedent. And now, each project is subject to its own separate dcl. And the requirements and enduring licence conditions and will require to be discharged in respect of each project under its respective decio.

32:09

And whilst a level of flexibility is sought within the consents, and this is obviously due to the scale and the nature of the project, the applicants have worked hard to try and refine the parameters as much as possible. And in order to try and further reduce reduce impacts. And this is reflected in some of the changes that were made at deadline three. So for example, the reduction in the substation parameters and the reduction in the maximum tip height of the turbines, and some of the refinements in the order limits, including the reduction in the East Anglia, one North order limits offshore. And, and in terms of looking forward, and I'll talk a little bit more about this later. But we've also looked to reduce the noise limits at the for the operation of the substations, and which we'll be looking to do it deadline five. And so we have provided a great deal of information in terms of the outline plans and the outline method statements that have been submitted in order to try and provide stakeholders and the examining authority as well as the Secretary of State in due course, with as much certainty as it's possible at this stage in order to assess the nature of the work that will be undertaken, and also the mitigation measures that will be employed. And so, you know, these projects, they're not just concepts are very large areas of the sea to be developed. And they're very much detailed individual projects with grid connections, and the proposals at this stage are significantly advanced. And one of the more novel aspects of the orders and which has been discussed in a future hearing in previous hearing sorry, is that both of the projects share the same order limits onshore, which are typically 70 metres in width, and in respect of which the cable corridor for each of the projects would be located. And each project will have its own dedicated on social control substation, and its own dedicated cables and they will be contained within a discreet and usually 32 metre working with and and the substations have been co located adjacent to one another. And and wherever possible that the working with for the cables will also be adjacent to one another as well. And now obviously with having overlapping order limits that's that's raised a number of questions which we have explored in previous hearings to date. And and just the interaction of the project is very much governed by the protective provisions set out was in part five of sheduled 10 and which, for East Anglia to order their opposite for the protection of East Anglia, one north and then East Anglia one North order and for East Anglia to and and those provisions prevent one Undertaker from acquiring any interest in land or other interests in the other Undertaker

35:00

Otherwise, and by agreement, they also make provision for the sharing of information and and the provision for one project to prove the plans of their works that are to be undertaken those order limits. And by the other project to make sure there's that coordination cooperation on that one project is aware of what the other project is doing within those shared order limits. And now one of the key changes and to the decio, that we brought in at deadline three, and which was a result of some discussion during the early stages of the examination, and was then looking at ways that the project's could be optimised in light of the shared order limits, and is that the applicants made a commitment that we're East Anglia to an East Anglia, one North projects are constructed sequentially, so one after the other, when that first project goes into construction, the cable ducting for the second project will be installed along the whole of the onshore cable route in parallel with the installation of the onshore cables for the first project. And, and that's obviously to try and reduce construction impacts. And that commitment has been added as a new requirement and requirement 42 of the draft decio, which was submitted at deadline three.

36:19

And another point that has come up to date has been in relation to the National Grid works, and and the precedent for actually consenting National Grid infrastructure within development, consent order, and front end set project. And just in respect of that, I wanted to highlight that it's not unusual for developers to consent works required to connect their projects to the National Grid. And there are a number of examples of that approach being taken. And one such example would be the galloper and wind farm order. And the very recent Norfolk Vanguard offshore wind farm order, and also includes some precedent there. And looking at the Gallup order, which is probably the most similar to what we're doing here. And that order included overhead lines and new sealing end compounds, as well as associated development, which included an electrical substation, and in that order, the overhead lines were treated as a separate asset. And so therefore, the galloper DC or also consented, offshore generating station and an overhead lane, and CIP as well. And now, obviously, we have included the national grid connection works within both DC O's. And that is obviously some that has also come up in previous discussions. And that is because both projects require the national grid connection works in order to be able to connect to the grid. So we have included the National Grid works within both DC O's. And to ensure that if

37:51

one project for example, were to get concerned and the other project didn't get consent, then the national grid connection works would be within the project that got consent. And within their DC or similarly, if the national grid connection works, we're all included in one DC or and that project was unsuccessful seeing the CFD process, but the other project was successful. And then that could also cause issues for the project without the consented grid connection works. And so that's why those works are included in both DC O's. But the intention is that they will only ever be vulnerable only ever be constructed once and that is secured by requirement 38 which prevents the grid connection works being constructed under either sorry, under both DC O's

38:42

and, and so in terms of the the deemed marine licences just touching very briefly on on those and they have been drafted in a way that allows flexibility as to whether the offshore platforms and the platform cable links are constructed as the generation assets or the transmission assets. So those works are included in both dmls and and that's

39:08

and that's to make sure that there's not an arbitrary line drawn as to where the generation station assets and stop and the transmission assets begin. And and that is very much secured in terms of the shedule one of the order limits the maximum number of offshore platforms and platform link cables overall. And each of the individual dmls also sets limits set by reference to the other licence as well. So it's just a flag that particular point. And you axial clearance is something that has come up and out a number of issues specific hearing so far, and the applicants have included your axial clearance within the the dmls for both of these projects, and these are controlled by the conditions of the dean three licences and and just in terms of how we came about to draft those conditions, and we

40:00

did look at other UX or marine licences to try and pull together and appropriate conditions. And at deadline three, we did expand some of the conditions within the dmls to just make sure that the notification requirements and around within the DMS, covered UX or clearance activities. And, and we're obviously in engaging with NMR. As well, in case there's any other conditions they would like included, or they would expect to see in order to control your EXO clearance activities. Although we accept that animals position that they would prefer that such activities were not covered by the DML.

40:38

And we're looking as well, and a number of comments came in from the MMO, in respect of the timescales for the submission of the plans and documents in respect of the UX or clearance activities. And we have been engaging with the MMO in respect of that, and do plan to make a change at deadline five. And in respect of the time period, which will be amended from three months to six months for most of those UX or clearance documents, with the exception of the plan that shows the area in which clearance activities are proposed to take place, and also the Exclusion Zones and microcytic requirements, those will still be subject to the three month and commencement period. And so just to make you aware of that change, which we're proposing to make next week. And in deadline three, we also updated the DML to include a new condition regarding scour protection and cable protection during operation. And this was as a result of discussions with the MMO. And its deadline to submission.

41:41

And we understand that the MMO is currently reviewing that condition, and we'll come back. And that was really to make sure that any cable or scar protection installed during operation, and within new areas that weren't with cable or scalp protection wasn't installed during construction, that details of that protection and are approved by the MMO prior to being installed.

42:02

And and the final point on the DMS that I wanted to mention was the new cooperation condition, and which we included as a result of a request from the MMO. And that requires cooperation between The Undertaker's of East Anglia to and of East Anglia, one north. And so there is a similar condition has been included in the DMS in respect of both projects. And so that's a very brief overview of where we've got to. And what I'd like to talk now about briefly as the changes that we are currently considering and for the next version of the decio and then and beyond as well. And one of the key changes that we're looking to make at deadline five relates to the commencement period. And so the East Anglia hub concept and so East Anglia, one North East Anglia, two and dystonia three, and means that the delivery of the project is being brought forward. And this is reflected as came up, as was discussed at the hearings last week, and that the grid connection date for East Anglia two has been brought forward to 2024. And as a result of this, and in light of the the comments that have been made at previous hearings, the applicants intend to reduce the commencement period specified in requirement one of the draft decio, from seven years to five years. And the intention is to make that change in the DC or deadline five. And we would just like to clarify the the DCR will continue to seek a seven year period for the exercise of compulsory acquisition powers. And, and the reason for that is is all of the reasons that we spoke about compulsory acquisition hearing one. And so that's to enable the projects to procure only the title or the rights that are required. And once the construction works have taken place, and and that's the train, restrict the permanent rates are taken as much as possible.

44:00

And other key changes that we're looking at making it deadline five, I've briefly touched on one and that was in respect of the operational noise condition. And I suspect we'll come up to talk about that at agenda item three when we get to that particular condition. And but just as a general overview, we are planning to include a new receptor, and within that requirement, and we're also planning to reduce the noise limits as well. And we'll also be making a number of changes to address comments that have been made by the MCA and Trinity house deadline for and, and also some comments made by historic England a deadline three and

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sasses

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provided a number of detailed comments on the DCU add a deadline one and the applicants at deadline for confirmed or responded to those comments and confirmed within their their submission and that they do plan to make a number of changes to the DCR to address some of those comments. So

45:00

Some of the main changes that we're looking at making in that regard relate to specifying the number of cable ducts within the description of the works. And we're planning to include a definition of cable ceiling and compound, and also to expand some of the requirements to cover cable ceiling and compounds, where they previously only covered the onshore and National Grid substations. And so that includes the

45:26

operational drainage management plan, and also the artificial light emissions and requirements as well. And we also plan in requirement 12 to require the details of the killings, cables ceiling and campaigns to be submitted to the planning authority for approval prior to those being constructed. And such details are to accord with the substation design principles statement. And we're also looking at included footprints for those works as well within requirement 12.

45:55

And then, a number of those comments with respect to the cable ceiling campaigns will also address comments have been raised by a Suffolk Council and Suffolk County Council. So I think that there was a theme coming out of a number of comments about making sure that their cable ceiling and components were appropriately controlled. So a deadline five, we hope to be able to add that additional comfort thereby expanding those requirements out.

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And as a quantity, EDF have

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mentioned are in attendance today. So just to touch very briefly, and with respect to sizewell B, and sizewell C, and the applicants are discussing draft protective provisions with both parties, and unconscious. That's a slight change from the position that was mentioned last week in the hearings. And so we hope to be able to progress the discussions with both sides while companies on separate draft protective provisions. And so in relation to sizewell B, those protective provisions are likely to relate to the use of sizewell gap, and the protection for public services that serve sizewell B. And they'll also be looking to include measures in relation to sizewell B's cooling water infrastructure, and also around the Caroline, the Coraline crag. And in relation to say as well see, their protective provisions are likely to relate to the applicants and sizewell C's interactions at sidewalk gap, Snape road and fraidy Street junction and and also look to ensure the protection of sizewell seas, cooling water infrastructure. And and then finally, again, it was discussed at previous issue specific hearings and the natural England have requested, deemed green licenced condition, which places a restriction on multiple piling or UX or activities, and happening at the same time are within the same 24 hour period. So we are looking at the potential for a DML condition in that regard. And we'll provide an update on at deadline five on that.

47:55

So I think that is a bit of a whistlestop tour of the approach we've taken to drafting some of the key points. And I thought were worth kind of elaborating on and some of the changes that we're looking at making. And obviously if you have any questions and happy to take them. Alternatively, we've obviously got deadline three so sorry, agenda item threes, I suspect we'll go through each of the items in quite a bit of detail, then. Yes, indeed. Thank you very much was mill out, what I'm not going to do is to drill down into the detail of of that position. Now I think it's very useful that we've got picture painted of some ongoing negotiations, some ongoing discussion, so that parties are present, with interests, hopefully have a clear idea of those matters that are proposed to be taken up. And what I would then ask is, can I have an indication and by show of hands of those parties who wish to speak on this item, what I would say is I would have a strong preference that again, and speaking on this item is around high level points of principle. For example, I am an interested party, I have sought changes to the order. And at the moment those changes are not reflected in any of the conversations I've had with the applicant, because Animas mill has not raised any action, in her oral submission. Just know that that's something that I think we do need to hear now. But what I don't want to do is get into, for example, the detail around draft protective provisions for size will be or size We'll see. We will deal with those in the relevant order of the order provisions themselves when we get to the protective provisions schedules.

49:41

Okay, so can I see shows of hands in terms of who wishes to speak? And I'm seeing at the moment

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raised hands from Ah, no, I'm not.

49:58

Not seeing raised hands.

50:00

from

50:01

anybody at the moment, my system seems to be causing me. Mr. Smith, we have both Mr. Tierney and Councillor fellows.

50:12

In which case, I will go in that order. I will go to Mr. Attorney, and then I will go to counsel fellows. So Mr. Attorney first. Good morning, Sir Richard tourney on behalf of se says, Can I just make a couple of preliminary points. The first one is, as has just been acknowledged, there are detailed submissions from my client on the terms of the DCA and an indication that some of those will be accommodated. In the revised draft. Obviously, that's something that deadline five, so we're slightly out of sync on that. And we will need to come back, having reviewed those changes. So I made up one generally, because I don't need to keep repeating it throughout today. And the second point I wanted to make by way of generality, and we'll come on to the specifics of it, but given it was raised

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is about EA one as the comparative for the drafting. Now you would have heard, I think yesterday from Mr. Mani on, on behalf of SES is about concerns about EA one being used as a precedent. And the fact that in in the view of my client, it is not an example of something that has worked well for good practice. So that's the general point that I make now, because I don't need to keep repeating it. And the third point that I wanted to raise briefly is about the interaction between the two projects. And the interaction between the SPR infrastructure and the National Grid. And CIP

51:53

is something which comes up in a number of places. And again, we will go into the detail of it. But there is an overarching structural concern about these DCA owes about the way in which the National Grid infrastructure can come forward, perhaps separately, and it's an important point which we want you to consider. As we read the orders, the National Grid infrastructure that is proposed to be consented could come forward without these offshore wind farms. And that's a point of importance. The recognition in the draft orders now that the National Grid infrastructure may indeed be delivered under other cumulative schemes through the change that we've seen recently to requirement 38. But also, and I think exposed perhaps by requirement 42, the interaction between the two projects and the possibility and risks associated with sequential development of the two projects under the two DCs for which consent is sought. So those are high level structural concerns about the approach in the DCS. I raised the now sir on this agenda item because they go to but what has just been said on behalf of the applicant and also so that they're in mind when we make the more detailed submissions on subsequent agenda items.

53:18

Now, I'm grateful for that, Mr. Attorney and in that respect, I will make a general overarching observation that I would very much appreciate and the examining authorities would very much appreciate the applicant turning its mind very carefully to the what if scenarios, if one of the two projects is not delivered, what occurs if projects were to be delivered by different Undertaker's other than the

current subsidiary special purpose vehicles of SPR itself, what would occur in relation to all of these points and again, you know, the question of whether or not it is possible for the transmission system connection point works the grid unzips so called to proceed without the offshore works, the appropriateness of that all of these matters do need very careful consideration. And and some of those we will be moving on to pick up and when we revisit compulsory acquisition and temporary possession around for example, and the approach to the 70 metre width in relation to cable corridors.

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Questions for example about the need for

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an element of width to fall away if there were to be circumstances where one project were to proceed, and another one did not. So that there are some high level issues there that I'm literally just placing on the table so that they're visible. We'll get to them when we move through the detail but but they are important points and when

55:00

Attorney, you know, you've, you've turned to them in your submission. So I'm, I'm now then going to introduce and counsellor fellows. And when I've heard from counsellor fellows on the basis that there are no further intervention source on this item, I will return to the applicant to respond. So council fellows.

55:25

Thank you, Mr. Smith, very kindly, for the opportunity to speak on briefly Maryam fellows over town council. I represent interested parties, which have requested changes to be made to the DCA, which have not been incorporated and Miss miles is not raised this morning.

55:46

I agree with Mr. Turney completely on his first point regarding the National Grid infrastructure in its own right, not having a place in this examination. I think, you know, we can't say strongly enough, that this has been the thing that really has, you know, triggered everything else to go off in such a wrong direction. But that has got to be seen as integral, but separate to these examinations and be looked at in its own right, under your auspices, I believe.

56:23

Secondly, we do think the timing of the decio is seems strange, especially in light of the Bayes review, and they're commenting the government white paper to flex. And we were told today that the commencement period for EA to is being brought forward to 2024. But we haven't been told why. So I don't believe in the decio. The applicant has addressed why this is now going to happen, especially as 2025 is the key target mentioned in the government white paper. So it does feel a little bit that they're trying to avoid being able to flex.

57:05

Thirdly, I think the lack of robust consideration of other Brownfield locations, that has not been addressed, we've we've asked for that to be addressed in the decio. And it hasn't been incorporated. And Miss miles hasn't mentioned that today. And lastly, I think the refusal to include other offered connections in community aspects and considerations by the applicant in the decio. Especially as they've said today, they're going to be working with EDF size or C, to consider use of size or gap and to protect the info water inlets. But sighs we'll see has not even begun. It's DCM. So how can they work with one

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potential project that may receive a connection in the area may be consented, but absolutely refuse to consider the others that we know have been offered connections.

58:08

Thank you. So

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thank you very much. And just before I return to the applicants as well, I will

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make clear the broad issue around I guess this is the policy change relationship is separately on the agenda. So we can once we pass through an agenda item three and dealt with all the detail, come back and take the high view says in the helicopter again and look at the question of whether there is adequate flexibility or responsiveness provided within the draft developing consent orders or indeed needed to be provided within the draft development consent orders in that respect. And I think it would be very useful if when we get to agenda item for the applicants can speak specifically to that point that Councillor fellows raised, which is what is the justification for the earliest start and the reduction in the commencement period. And if it hasn't already emerged in the submissions that we are about to receive or indeed in agenda item three, I will also flag that we're not that far away from the 19th of February where we have already served notice of issue specific hearings nine into the draft development consent order. And so again, Mr. Attorney, responding to the point that you raised about us finding ourselves partly dealt with on a whole range of issues in which you have maybe been in conversations with the applicant. This is about a checkpoint that will be a further checkpoint to where we can actually go back and watch progress on that as the tar in negotiation.

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I'm now then going to turn to the applicant and ask for submissions in response and on those points was mail. I take it you will be leading these

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Stephanie Miller for the applicants, and yes, thank you for the those comments, I think on the

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overall structural concerns around the National Grid infrastructure, and

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I think we'll obviously explore those once we get to individual article numbers as to specific concerns. And we have obviously tried to draft the DC or in a way that enables flexibility. And there are appropriate controls in place to ensure as I see that the national grid connection works are only built out under one of the DC ORS and, and will certainly take away the point that was raised about the there being no restriction there on the National Grid ends up going ahead without the offshore wind project. So that's something we can we can take away and provide a response that deadline five on that particular comment. And

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requirement 38, as a Mr. Attorney pointed out, that was amended at deadline three, and that was to refer to any other development consent order. So requirement 38, and essentially prevents the grid connection works. And previously, the wording was being constructed under either East Anglia to or the East Anglia, one North order, we did expand that out to see another development consent order. And that was to try and cover the situation that

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and what it was a result of national grid ventures and, and discussions through the statement of Common Ground process with them who were considering grovewood Friston and as one of the number of grid connection locations, and the requested that that change was made. And having considered the the comment, it did make sense to make that change, or be it doesn't have any practical difference to the requirement itself. And it's really an additional control, as opposed to enabling anything different to what was what was previously proposed. And

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with respect to the Mr. Attorney commented on requirement 42 and the possibility of risks associated with parallel sequential construction. So there wasn't any specific commentary. So I suspect that might be discussed when we get to that particular requirement number. The devil is in the detail. There. It is. Yes. And so I think that that certainly is just a very high over view on high level overview of the the comments raised by Mr. Attorney there. And I suspect, again, as you've mentioned, we'll come on to talk about the policy agenda item four.

1:02:44

And so I guess the comment was raised about the National Grid infrastructure and needing to be considered within this examination, and certainly the National Grid infrastructure is included within the development consent order, and therefore will be obviously subject to examination. And we'll obviously be talking about that today as well. So, so, I would hope that that and provide some comfort that,

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you know, that part of the DCR will be examined and discussed, and we are certainly and will take away comments and and wherever possible, and

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addressed, it was at relevant deadlines. And so I think that was the the main points I wanted to cover. But I see Mr. Ennis has his camera on. So I will pass over to him for any additional points. Indeed. Thank you very much. Mr. Ellis. Yes, comments from half the applicant. Just returning back to the to the approach at n one paragraph 4.9. Point two specifically states government therefore envisages that wherever possible applications, new generating stations and related infrastructure should be contained at a single application to the IPC are a separate application submitted in tandem, which prepared in an integrated way. And I just paused in terms of of the approach that's been adopted in relation to these applications are to the meets that best course of action advocated an EA one in relation to

1:04:12

an offshore generator generating stations and their grid, it then recognises that the far from ideal may not be capable of being delivered. And therefore, as I say, I think we, in terms of the approach, gain strong policy support from E n, one, as the approach of which had been adopted of bringing these matters together and being dealt with in an integrated way. And there are a number of facets of the development where that really comes to the fore. And obviously, we'll look at landscaping and other treatments, where clearly the approach that has been adopted is an integrated one. And that clearly is an approach which is strongly supported in terms of government policy. And I that's the only point the general approach is the one that government wants to see happen.

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Which is that these developments together with their associated developments and potential connections are brought together in an integrated way wherever possible. And that's really the ideal. And other aspects, or other approaches may be forced upon the applicant. But that's not considered the idea of so in my submission, it's clear that we gained strong support for the approach from the government's intentions, how the decio process should operate, which is to provide the flexibility to bring together all elements. And I think the key point is it recognises that these are really about making sure that the

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delivery of the project in a timely way, the fact that these are all have to be brought together. And I think, to understand how important it is that in a major infrastructure project, particularly such as this, that it is all brought together. And that's one of the purposes of the 2008 Act is to enable that that to be facilitated, and to enable all parts to be brought together in a way that ensures the delivery that is required to actually deliver orders, a large and complex infrastructure project when you put all the bits together and how much has to be achieved.

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Oh, okay. Thank you very much. I think on that basis, we can draw agenda item to to a close now, I'm also looking at my clock and thinking that I would normally aim to call a morning break at or around 1115 noting that

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most participants have been active on screen

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since the commencement of the arrangements conference, and it's now nearly 10 past 11, which is five minutes early, but we are just about to change mode and go into the detail. I think it's actually a very sensible place to call a break. So let us say that we will break now. And we will resume at 25 minutes past 11 Thank you very much, ladies and gentlemen. 25 minutes past 11 with the commencement of agenda item three