

TEXT_CAH2_Session4_16022021

Tue, 2/16 5:10PM • 52:02

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Good afternoon, ladies and gentlemen. And welcome back to this final session of compulsory acquisitions hearings. Number two, my name is Ron Smith, I'm the lead member of the examining authorities. And I'm with Mr. Guy Rigby, who will be leading the majority of questioning in the remainder of this session. Now, we're very conscious that we need to essentially draw to a close any contributions from and get in relation to the agenda item, agenda item five that we were on just before the break. We also remind ourselves that Mr. Mani, whose hand I do see raised has asked whether he can come in and make some oral submissions in relation to matters raised there. And then we will be returning to the applicants on the remainder of the items under agenda and agenda item five. So I'll hand back to Mr. Rigby and we can make a start. But Mr. Mr. Maroni, is there anything other than that order of business that we need that we need to consider from you before we start? No, I just wanted to say a few words concerning the submissions that are just made by Mr. Humphries on half of Avengers. Yeah, well, let's let's make sure that Mr. Humphries is properly finished.

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Then we'll come to you. So

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thank you very much, Mr. Smith. So Mr. Humphreys, if you had any concluding submissions to make in respect to item five, please. No, sir. In fact, I had finished I I I

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would have said, but I thought just in case someone sent me a message saying look good. You mentioned this, but no one has. So I finished all I need to say so thank you. So I that was what was in my mind when I suggested it, because a break might be enough for someone to be reminded they needed you to ask something. Yeah. So I thought if we could leave that avenue open, that will be helpful, really great.

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In which case, Mr. Mani, please. Thank you.

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Thank you, sir.

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is obviously I'm an affected person. And one of my concerns relates to punitive impact. And I listened with great interest to what Mr. Humphries had to say. And I was just thinking that it was a pity that, and

yet we're not at issue when they're invited to attend to discuss matters around cumulative impact, design and site selection. And I think there are a number of people who have been very interested to hear that today, who may not have been listening in because they thought about compulsory acquisition and not those issues. And I just want to pick up on a couple of things. One, what Mr. Smith referred to as the downward case, where only one of the Scottish power projects is consented. And what that might do for the size of the National Grid substation, the answer was absolutely nothing, it would remain the same size. And I think this goes to a similar debate we had around the downsizing of generation capacity, because essentially, the National Grid substation could support 1.7 gigawatts of power that's 800 for the one of the projects and 900 for the other. And yet, if any one of the projects is consented, and so rather than 1.7, it's 800 900, there are going to be no reduction in the environmental impacts on the National Grid substation. And that must go into the planning balance at some point is the same point we discussed. It also goes to the question of good design and the requirements of each one to make sure the resources are properly used. And again, I find it rather curious that again, when there is such a substantial reduction in the power to be accommodated, that there is no reduction in the size of the substation, nothing that's relevant matter for good design. I would also add as always, we are entirely dependent upon the applicant and en jet. In terms of the electrical engineering requirements that are required, we have no independent means of assessing whether those electrical engineering requirements are valid or not. So that's just a few comments on the on the downward case in respect of the upward case expansion and q1, our good friend q2 impact.

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Mr. Humphries, there's no doubt been instructed that obviously the the document is not an end yet document. But we have to remember that in terms of the connection of the NGV have been given, there would have been OSI on process in relation to that connection offer and connection offer and and yet would have been involved in that process.

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Also, it is a little difficult to believe how National Grid ventures came up with the expansion area of three acres or three acres for each of their interconnected projects. So the National Grid substation, unless there had been some conversation with engineers, I'm not denying anything Mr. Humphrey says in terms of the regulatory distinction between Amgen and NGV but we

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We do have to remember, they are all part of the same group. And there would have been discussions concerning the connection offer and what that might mean for the connection hub. At first, I was thinking more about those arguments have been subject to many written submissions. There's no point me repeating those here. And that is all our Oh, sorry. There's just the other point, I'm still unclear

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as to how this is vs GIS decision is going to be made. And I'm still baffled as to why that decision cannot be made now, and and how that might affect the land take.

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And I also heard about the listen to the comments concerning the amount of land required

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or loss. And I think we're going to come back to this whole issue of operational land and permitted development rights at the decio hearing this Friday, and I look forward to discussing those then. So thank you for your time.

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Thank you very much indeed. Mr. marnik. Before we move back to the applicants, I see Mr. Gumby has his hand raised. Suffolk County Council Mr. Gumby? Yes, I'm not just doing this for the sake of putting in an appearance, but I did listen with interest to end gets evidence. And obviously Mr. Montes picked up on it as well.

06:19

And we did have an electrical consultant who was present at the previous hearing. And I have to say, he didn't quite come to the same conclusions as national grid. So all I think I better say at the moment is, is that we would like to come back on the points that were made possibly in a statement of or case with cross reference to our document. And I expect that we'll probably do that. Thank you, sir. Excellent. That'd be very helpful. Thank you Mr. Gumby, if you can do that. And deadlines six. With that be possible. Thank you. Yes, we will, you know, that will be helped us a great deal. Thank you. Thank you. So right, I can't see any more hands anywhere. So if I could pass back to the applicant, if there are any more submissions you want to make in respect of any of the bullet points in item five, please.

07:15

Thank you. So colonists and behalf of the applicants. The information provided by en jet this afternoon, is entirely consistent with the written material. That is before the examination. And I have nothing to add to the matters, which then gets given to you in relation to item five.

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Thank you very much indeed, in which case, I do have some questions under item five, but in view of the time, I think I will put those in writing because they will tend to

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involve only the applicants. And if Mr. Smith is agreeable in view of time.

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I will put those questions in writing. But there is one thing I know that you would like to raise Mr. Smith before we leave item five. I think it was touched on just our my Mr. Mani, indeed. And it relates to the air insulated versus gas insulated switchgear options, and the land requirement difference between those. And this is essentially a supplementary question that arises out of documents put to us today, and indeed the submissions that we've heard today.

08:33

Now, I guess probably the sort of best place to start this is to observe that a considerable number of generating station and zips have been provided with during their examination, an optional approach

that keeps open the possibility of using AI s or GIS. And the number of reports have been written and the number of decisions now being made by the secretary of state that have accepted the virtue of retaining that optionality in the public interest essentially justified on the basis that it is broadly in the public interest to have the cheapest means amongst other things of delivering generated electricity to the transmission system. And that if by not specifying between those two technologies, it retains a more competitive and scope for an undertaker to finally configure works and then control costs, but that that is in the public interest. So that's the reason in broad terms why a significant number of decisions have been taken to allow that optionality to flow through to a made order.

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And, but I think I did want to make an observation in relation to compulsory acquisition that that

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It is not necessarily the case that that optionality has to flow through to

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the made order in circumstances where if one has a range of significant impacts that are additional over and above the other, and

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the site specific circumstances of the project or project in this case are such that it is necessary to respond to policy and in the public interest to control the impact of the more adverse option, then there can still potentially be an argument for asking an applicant to specify even at this stage, whether it is going for air insulation or gas insulated switchgear. And in this respect, what we would like the applicants view on is

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the sense of which of these is the worst case? And also, which of these options is the more easily extendable? Or does it make no difference.

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And whether in that sense, it could be reasonable to ask an applicant or as the applicants to specify the chosen technology. Now, if the logic of asking that we're

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to take the view that

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if one does have more signal, in aggregate, more significant adverse impacts, and there is a need to control adverse impacts, and by specification, the net adverse effect of the applications could be reduced. So

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it's, it's important to place those on the table now, because of course, part of that mix is the amount of land that's required. And so if one were to move to, for example, a GIS as least worst case option, and then there is this cc's in those circumstances to be the justification for the acquisition of the additional land for a is so that's, that's the context in which this is raised.

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But I'd like to throw that over to the applicant. And I'm very conscious that it may require some deliberation. So as in all of these things, and there is

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a, there is a potential to put in submissions in writing. And I do also note that we have Michael Humphreys hand raised as well. And because this is an get kit for wanting a better description, and I think we should go to him as well. And in fact, thinking through fairness and the order of play. And Mr. Humphries, would it make sense if I came to you first on this and then reverted to the applicant?

13:02

So yes, that makes that makes perfect sense. And I'll be very brief. We have made a number of points in our submissions. Indeed, I I referred you to a note before that was part of our response on the action points raised after last meetings

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and gets current preference I can make clear is to have a is technology

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that is not actually primarily driven by cost. There are a number of other reasons, but one of the principal reasons is that GIS technology uses sulphur hexafluoride, which is a greenhouse gas and a very powerful greenhouse gas and has a much higher

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carbon equivalent than a is technology and gets own policy is to try to remove and not commissioned further

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kit with sulphur hexafluoride in it.

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And as part of the government's overall

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netzero climate change target Now, you may then say to me, Well, in that case in the timeframe what why is GIS even in the mix at all? Yes, indeed.

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And why have we maintain this optionality? The reason is that

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GIS technologies are beginning to evolve and there is the potential for what I might call greener GIS in the future, ie GIS that does not use sulphur hexafluoride.

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And we want to keep open the ability to consider

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Using that in the future now, if you pushed us now to a decision, then we would say we want a is please, if you leave open the decision and we can talk to our

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suppliers and look at how the technology is evolving on this, there is a possibility then that we might

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be able to commission GIS, but I just cannot I cannot make that call at the moment. And in relation to land area, of course it is the AI s envelope that defines the greatest extent. Great. Yeah, correct. If you reduce the lantech clearly that optionality falls away. And I'm, I'm conscious of you have said that there's been a number of other projects that have have had the optionality and some where it's been taken away.

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And it is very much as I indicated, it's a horses for courses position, where if it has been taken away, it has been taken away for reasons and the reasons essentially relate to the very specific adverse impacts of the particular technology and an argument as to whether one should regulate that, because those impacts are seen as too adverse now. Yes. And I think in fairness, some of those decisions, you know, they the 2008 tax system has been kind of switched on since about 2010. So some of those decisions where optionality was removed. Certainly the ones I was involved in were earlier, before perhaps, you know, certainly before the UK Government had moved to net zero in the climate change act.

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And so that, you know, that that's added an extra an extra sort of pressure, if you like, an urgency to, to, to, to that particular issue from an gets point of view.

16:47

Okay. Thank you. Anything further than or shall I go to the applicant?

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Please go to the applicant as far as I'm concerned. So thank you. Excellent. Right. Thank you, okay, to the applicant, then in response to those questions.

17:05

Yes, good afternoon, clients and staff, the applicant. I'm going to restrict my comments really, to matters relevant to this hearing.

17:14

And, and then I'll come on to the other matter, which you raise insofar as the substation site is concerned. And in relation to particular landholding that is engaged by either the GIS or is

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National Grid, we don't have the objection being made that you should take less land between these two, I just make that submission, which is always, in my submission, a CPA context, quite important. We don't have an objection from a landowner saying, could you reduce the land take here, we've had obviously very advanced discussions with the relevant landowner. And we have a clear understanding of how these matters will be taken forward in terms of future agreements with them, insofar as you're trying to tease out the benefits and dis benefits of the National Grid GIS and a is I wouldn't like to do that off the hoof in front of you at this stage. And I think I would have to gauge the a number of others to come back to you in that point. In time, it's not it's not something that I can give a view on or make any meaningful submission to you this afternoon. As to the relevance to see a however there is there it is, it is an engaged matter in the examining authorities view. Because essentially, if one were on the balance of competing considerations to take the view that one technology was superior to the other, and it happened to require less land,

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and that there was a policy justification for using it, then the underlying need for the larger of land might fall away. So it's a it's a one way ratchet for want of a better description, it works in circumstances where one might conclude that GIS were the superior for policy reasons. If A is is concluded as being the superior, it has the larger land requirement, and so therefore, there is no ratchet. But that is the way in which it bears on and is relevant to ca.

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We in broad agreement on that point, we are calling for backup we are insofar as it would make a difference in relation to matters such as landscaping, which we've had a look at. And we have considered that in quite a lot of detail on the islands. And believe that the way in which our landscaping is configured relative to the substations is not something which would broadly change significantly between the two. But there would be an area of space to the potentially where the between that, but in that broader context, no, we would still keep the order limits. Probably the same.

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But maybe opportunities within those where there might be opportunities for less land tech, but not in the wider extremities because the landscaping drives that the location of that landscaping and the effectiveness is driven by its relative location, both two receptors. And so insofar as both east and west, we've moved the landscaping to be more effective, rather than just sticking it immediately adjacent to the substation, it's taken to a location which is more logical, and also produces a coherent structure relative to that landscape framework. So it's not just a question of, if you squeezed it, would we change everything? The answer we have in terms of that strategic landscaping? Probably no. But insofar as the

landscape next the substation, there may be some space that might not be required. Yes. Well, look, yes, there are, you know, Payton's be there ca relevant issues, but they're all part of a larger mix. Okay, I'm done on that question. So I will revert to Mr. Rigby. Thank you very much, Mr. Smith. So

21:11

I think that brings us to the end of item five, I can't see any hands raised here. So we'll move on to item six, which is relating to the strategy conditions and general principles.

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And we'll consider the remaining matters relating to those tests, which are outlined earlier on in my introduction. So I'd like to hear at this point, from any affected persons on any matters, which they feel fall under this item, and they haven't raised already as part of their submissions. So is there any affected person who needs to add to their submissions in respect of the four bullet point tests, if you like, that I've outlined in item six of the agenda?

22:01

And I'm monitoring for yellow hands. And at the moment, I see num, in which case, is there anything further that the applicant wishes to put orally at this point under item six? Or are you content that we've covered items that you might need to respond to orally?

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Counting some half napkins? A hand appears to have been raised? Oh, we have. Yes, sir. Yes.

22:37

Thank you. Yes. Dr. jimson. Please, if you'd like to speak. Thank you. So apologies for the delay there.

22:45

That's right. No, I was trying to assert First of all, thank you for letting me speak in inductions and speaking on behalf of Mrs. Elspeth. jimson. I was just wondering whether the phrasing of your bullet points to whether consideration has been given to all reasonable alternatives to compulsory acquisition, does that,

23:06

by that meaning and I apologise that I am not an expert, unlike all the others on this call in the minutiae of planning law, is that alternatives to those two options, compulsory acquisition or temporary possession? Or does it mean alternatives to the route that requires it?

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If I can, if I can help you here, it relates not to the route, but it relates to whether consideration will be given to any kind of private agreements, or anything other than anything that doesn't require compulsory acquisition. We had mentioned earlier of a side agreement between an gats and SPR, for instance. So that's really the nature of the of the question.

23:56

I see. And so does that relate? And I'm sorry, if I may ask this question again. does it relate to agreements that pertain to pre consent access to land?

24:12

It could potentially, yes, it could. It potentially refers to anything that's not okay. Mainstream ca and TP. One of the arguments of CA that is, is that it can assist the occupier because it extinguishes all rights, including rights that the occupier currently might not have known about. But yes, in principle to answer your question, I think Mr. Smith is agreeing with me. Yes, it will potentially refer to such an agreement as you describe, okay. So would I be able to speak on that point?

24:46

Yes, by all means, do. So. This is to raise the issue that I touched upon previously, which was the request for pre consent access for geotechnical surveys on

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My mother's property at ness house near thorpeness.

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And that

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pre consent agreement did in Clause 16 require me to withdraw my previous objections in that I've made in writing and at your previous meetings, I do have considerable concerns about that. And I thought that that should be aired at a meeting such as this, because if and I have no idea whether that is the case, those clauses have been included in other

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pre consent access agreements,

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then that, then that I think, is something which is legitimate for this examining authority to to consider the reason I suggest that that might be the case is that the contract that my mother was asked to sign which was on

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Shepard Wedderburn headed paper was actually filled out in the name of another affected person

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wasn't actually filled out in the name of Mrs. EP gyms.

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So I'm aware, or it seems possible, we've not even probable that the contract that I was offered, has also been offered to others who may

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be affected parties. I mean, I'm not privy to whether this particular organisation

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isn't affected party, but it just it caused me concern.

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I should point out that, at the same time as being offered

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this contract to sign with that particular clause, which required me to withdraw my objections. We were also offered,

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what emails referred to as incentive payments.

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And again, this caused us some, some not inconsiderable concern, because I wasn't entirely clear what, what they were referring to.

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I apologise if this isn't quite speaking to the point you are making under bullet point to Section six notes. It's not something that's come before me before. So just having just that, hence, my slight hesitation is that I would make an observation at this juncture. I mean, we have now potentially, on the table in front of us this question and concern that Dr. jimson has raised. And it's also been separately raised by by interested parties. And I think we will run a severe risk of running into

28:14

error. If we try and deal with it extemporary only the applicants are now aware of it, I think it's important that we received the applicants response to it. And my view would be that that response, most usefully be set out in writing again, at deadline six, we do have another compulsory acquisition hearing, in this examination, and it would be my read, given that this entire complex of issues arose. To our knowledge, I know it's affected others much more much earlier than this. But to our knowledge, it arose yesterday when when some initial correspondence emerged, which now forms part of the examination Library's and I think the best way to deal with it will be it, you know, in a slight in a slow and reasonably deliberative manner where we hear from the applicant, they can respond to the material that's been putting in writing and orally. And we can then come back to this and and deal with it face on with an agenda item that's designed to deal with it in compulsory acquisition, hearing three, rather than trying to kind of needle it in around the structure of a hearing wasn't really designed to deal with it, because we didn't even know this was an issue until yesterday.

29:30

Is that fair? Is that Is that a fair observation? Mr. Rigby? Are you content with that? Yes, I think that's a much better way of dealing with it. It's it's there simply as I explained to Dr. jimson, in case private

agreement can be reached of some sort. And that's quite commonly in terms of, perhaps an agreement with a corporation rather than an individual. It's simply what the wording is simply not it's not my wording. It's simply one of the one of the wording from the guidance.

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Under the legislation to close out that possibility before you go to CA, that you've exhausted possible alternatives. So in that case,

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we won't hear from the applicant on that subject. Now we'll hear from a deadline six, I think that will be better. When we've had a chance to think about things.

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Is there anybody else who wishes to speak on any part of item six, any affected person here?

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have another look for the hands here.

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In which case, I would like the applicant simply to

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make any submissions that

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they wish to on this item.

30:56

To the applicants, please.

31:03

Comments above the applicants,

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I just want to relay First of all, one matter, public beta software and have not written to Dr. Gibson's run mother asked you to sign a document, we've been engaged with agents acting on her behalf. And through her powers of attorney, I just want to make that clear, because that, obviously, given the nature of what's been said about an individual, and that she has representatives to representative, I just want to clear that up. And we will address the matters and writing. But on the on the level of information that I have. The references to the documents are not squaring, with our understanding of the position. So just to let you know that we disagree with what's been said, we will put it in writing. But in terms of the way it's been put, I just want to record that now because I don't want any ambiguity about that particular proposition.

32:02

gaining any credibility

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in terms of that particular side wanted to lay down that marker that we have not been writing directly to Dr. Kim's mother seeking for her to enter into agreements, we have been working through agents quite appropriately. Now. I'm going to ask Mr. Hubner to respond to any matters in Section six, that he feels that he wishes to the stage. Because he's he's really responsible for this section of our response.

32:36

Thank you.

32:42

Good afternoon, Steven, hoping to have the applicant. And yes, thank you for letting us speak. And really, this is just to address I think the point made there about whether consideration has been given to all reasonable alternatives. And Mr. Rip, you kindly alluded to the fact that that would in essence, say go through the process of first look at voluntary agreements, and then look at whether it is appropriate and proportionate to seek to exercise powers, either in this case of temporary possession, I will address that, or more tellingly of compulsory acquisition, which, as you said, goes to the human rights aspect previously discussed, and whether it's proportionate to be granted those powers, which may detract from rights individuals who otherwise have as landowners. So, just dealing with the point of our voluntary agreements, we do have terms agreed with a majority of landowners, where we are seeking powers or compulsory acquisition. We also have terms agreed with the majority of landowners where we are seeking rights of temporary possession. Regrettably, I can't report agreement. So I get signed, I can tell you that agreements have been drafted and negotiated with lawyers representing all those landowners. And they are believed to be now in a final form, but they're not ready to be sitting down for signature, because we need to adapt them to particular circumstances and particular terms for each landowner. So we are confident that we will, before the end of the examination, sign up the majority of landowners to negotiated and settled agreements. But I'm afraid I can't yet tell you that's the case, which is a matter of some grief to me, personally.

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However, moving on to other alternatives, one of the reasons for compulsory acquisition is where land ownership is unknown. And we've touched on that previously, and is a bit down to the level of my new shy, but you will recall that you were going to ask about any affected persons who wish to talk about the additional land. And that includes plots what we call plots, 104.

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A, B, C and 1091 of those are

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You may recall, is undisputed ownership at the moment, and should the project need to acquire a rights in the land to lay a drain, which is, as you're aware the purpose of seeking rights there, then we wouldn't want the project to be threatened and laid by dispute between neighbours as to ownership, we

would be in a position should we be granted powers to acquire rights that are necessary for the project to proceed, and then leave the metric compensation to be settled once ownership is established. So that was just an example I was to give you a y powers of milestone position are sometimes very appropriate, very useful. I think the other bullet points you mentioned are whether the rights are necessary and proportionate. And temporary possession has been touched on Mr. Smith made the point about the use of animals for breach, for example, where we should be clear about the area of land we require for the project, and attempt to do this and convey this in communication with the owners as early in the process as possible. The difficulty here is that, as Mr. Ennis said earlier, we're still in the design stage. And it's, it's a simpler matters not yet knowing, for example, to which port the appraisal will be delivered. This is a

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not a problem of the examination, but a problem of timing of how we go through this process and how we seek the flexibility for projects to be delivered in the most advantageous and efficient and economically sensible way. Because that is, after all consideration for office, Jim, as has been touched on earlier. And then we have to deliver those projects some years later, once we've gone through the financial closing. So that is why we need an amount of flexibility in here. And while we seek that in both projects cases.

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And that's why as I have said, previously, at the last SEO hearing, we put in our submission, then we do want the Temporary Protection rights over the area identified. So we can then narrow down the area of land, but we're quietly permanent REITs we are seeking to minimise the impact of these projects on landowners. And that's the purpose of that. Now that position we've taken,

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thank you very much helpful, and that is the end of all I needed to say.

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That is very helpful. Thank you very much. Very quickly. Dr. jimson. You still got your hand up was that because you forgot to say something earlier? No, I just wanna I just wanted to point out too that I did not say that we had received any documents from shepherd and Wedderburn, but we had my mother has received a document to sign on Shepard Wedderburn headed notepaper, I have not received any communication from Shepard Wedderburn, and I don't think I actually said that we had.

37:53

Thanks for making that clear. Thank you. rights, coming up to five o'clock. If that's concluding item six, I am proposing that item seven, which we've touched on already, will bear holding over to a later hearing. I have very one one very quick question on item eight funding, which is almost like a yes, no answer.

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And it was to the applicants? And could they confirm that the guarantee is in fact a parent company guarantee? I didn't see that anywhere in their previous submission. Forgive me if I've missed it. But if that could be confirmed, that would be very useful.

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Comments on behalf of the applicant? Yes, that's my understanding that it is indeed a parent company down deep. And just to provide you with

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an update is that we said at the last compulsory purchase hearing that will continue to update the consideration of the funding statement. And we have continued to review and consider the funding statement. And our latest appraisal indicates there has been an increase in the projected costs. And that will be required a revised funding statement and a commitment from the parent company which was submitted.

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Probably around deadline seven we were thinking was the appropriate time. But just to say that one of the reasons for that is we're constantly engaging with the landowners. And as Mr. Hubner is set out with, we have ongoing relationships with their agents and the landowners. And from that we get better information as to the essentially the compensation that's required for crops and that information. As we get more information. We're obviously able to evaluate it as the current date and with better information and that that's the primary reason why there's a change and will reflect that

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As to say that line seven, as we previously indicated, we have kept it under close review.

40:07

Thank you very much. That's helpful. I was thinking that in it in respect of item seven, which is a review of the CA schedule, it would be helpful if you could provide us with an update of where that stands. And also

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in respect of agreements with landowners, and hopefully you're going to have concluded those before the end of the examination. If I might make a brief suggestion. I mean, I'm on a confirmation of conclusion of agreements and and a final stated position in the timetable deadline eight? Is is the is the one really, the reason I raised that is because I'm very conscious that deadline nine sets absolutely

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not Yes.

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Deadline a deadline. Yeah. And and and the trouble with that is it gives us no room for manoeuvre if if things are not clear, for any reason, there is no capacity to issue a rule 17 question. And typically with these things, even in the most beautifully formed of projects, there will be something that emerges that

ends up needing a rule 17 question. So for safety sake, if nothing else, really deadline eight is the time at which that has to be made concrete? Yes. And and also in respect of items seven, and nine, I was thinking and updated deadlines, six in writing would help us a great deal to know how progress is being made, if that would be possible also.

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So we'd like to do that. And those are essentially monitoring points.

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Right. What I propose to do now is to defer the remaining items to the third compulsory acquisition hearing,

42:02

at which point we may well get fuller and better particulars anyway, as they say, and move right on to item 11. And handover back to Mr. Smith. He agreeable to that, Mr. Smith. I certainly am. And in passing through that material, I will and I will note, of course, there's agenda item 10. That opportunities to speak on agenda item 10 were provided within agenda item three, for all of those individual affected persons who wish to raise them. So if we then move to any other business, and there was only one item that I wish to flag that was flagged at the very outset of today, and that related to the concerns raised by Suffolk energy action solutions in its letter, and received yesterday and now documented as additional submissions 074, which relates directly to the points that have been raised by Dr. jimson. It's concerned about the negotiating position that the applicants have taken in relation to requests the parties,

43:12

withdraw existing submissions and refrain from further submissions. And now, what I wanted to briefly do was to to again, indicate very clearly that we have received that correspondence it has been published. We've also heard Dr. jimson. On the related points, as we indicated to Dr. Jensen, I think in fairness, if we move too fast, we will run the risk of

43:39

appending ourselves and making avoidable errors. So we have then asked for the applicant to consider this is an action. And we're asking the applicant to consider that correspondence and respond to it in writing and deadlines six, the balance of issues that arise We will then form into a specific agenda item at compulsory acquisition hearings, three. So we'll we'll get there. We're just not going to get there today because we don't want to rush and we don't want to move into error as a consequence of rushing. Does anybody want to address us specifically on those points? And I do see Dr. Jameson's hand.

44:22

And I see yes, no, it is just Dr. Jensen. Thank you. I was going to say Mr. Smith, to say thank you for allowing us to raise this particular point at compulsory acquisition, hearing a number three, I think it will be very important for that to be fully aired. I would hope that at that hearing, because this is an issue of such wide implications

44:51

that you would consider that it's something that both affected parties who clearly are very materially affected.

45:00

by it, but also interested parties might also have some opinion on because it is of such a wide. And I'll leave that there for you to consider

45:13

outside of this in this meeting, but I just hope that something you might be prepared to consider for the future that said meeting, thank you very much. I will I'm going to hear the applicant on on that point, too.

45:26

Because of course, it is something that naturally does come back to a compulsory acquisition hearing, but it doesn't have to, it could possibly appear in an issue specific hearing the agendas for which we haven't fully defined yet. So we do still have a little bit of operational flexibility. But over to the applicant in response on that point.

45:49

I'm calling from half the outcome. And this clearly relates to affected parties and our discussions with them. I think it's quite right and proper that it's addressed. If it is addressed further in the CPA hearing. I think the important thing is to give you the information and you can make a judgement thereafter. I don't really want to the other people make comments because they're entitled to comment on these examinations through written proceedings. But equally, I think this is right and properly dealt with in the CPA context. But I think probably best when you've heard the

46:26

where where it sits. And I think I'd rather leave it at that at this stage. Now, just before you think you've got away, Mr. Ennis, I'm afraid I do see Mr. Marley's hand, which rose literally by the second as you start to speak, so I will just introduce him. Is it on this matter? Mr. Marley? Yes, it is. And thank you very briefly. And just I very much support what Dr. Gibson said this is not an issue which relates just to compulsory acquisition. It's a broader issue relating to the fairness of the process, and the appropriateness of these sorts of clauses in this in this type of hearing. So it isn't simply a compulsory acquisition matter. But perhaps it is best to wait until the applicant has responded. And then a decision can be made later. Thank you very much. I don't think Mr. And is that in any way, raises new considerations. So if you're content, we will move on. And I have no other items of other business. So I will check the room for hands to see if there are any other items of other business. And I see, Mr. Martinez hand, is that a legacy hand Mr. Mani? Or is that a further item of other business that we have not yet spoken about? legacy and just removed it? Thank you very much. In which case, we can then move on to agenda item 12

47:47

and procedural decisions, review your actions and next steps. And just to make clear that we have not made any specific procedural decisions. And

47:58

we have, however, raised a range of actions and folk have been working assiduously in the background, like, extend my thanks to our team for the compilation of an action list. And we've got at least seven items on it. One or two of those may be broken down into a little more detail before it's published. We will endeavour to publish as soon as we can. And I very much hope to have these published by the end of this particular week, and to give people the opportunity to respond in writing by deadline six. And I think it's worth making clear that the majority of those are actions on the applicants, although there are actions in relation to the Suffolk Council adopted jimson on behalf of his mother, and also on Richard Reeves around the whole issue of water supply around ness house. And

48:55

yes, the others are all for the applicants. Okay, so I'm in terms then of next steps. And these were compulsory acquisition hearings number two. And you'll have seen now that we've sent out notices for hearings and with time that we had previously had reserved now formed into concrete proposals for hearings during week commencing the eighth of March and the following week, and a small amount of business has been adjourned from this hearing to compulsory acquisition hearings. Number three that will be heard that there is however additional compulsory acquisition business that we will do at that hearing. And

49:40

so hopefully, the the approach with the the next round of hearings is reasonably clear. And having reached that point, the emergency reservation of time for what we had referred to in the timetables as compulsory acquisition hearings to a will not be required, and so

50:00

I'll make arrangements for that time to be cancelled off. And for that to be announced in the banners on both examinations. So

50:12

I would then finally like to thank everybody for their participation contributions today. And everything that has been said, we'll of course, as normal be carefully considered by us. And there are a certain number of matters that we've already identified, we may need to see further, in further written questions we have around of x q three. And in the further round of hearings.

50:35

I would like to thank the case team, once again for supporting these hearings and making them run so smoothly. And the next hearings this week are issue specific hearings, seven, in relation to biodiversity matters tomorrow, eight on seascapes on Thursday, and then nine on the draft development consent orders on Friday the 19th of February 2021, which will bring this week of hearing processes to a close. And again, reminder, post hearing submissions arising from anything that has emerged today. Please

put them in in writing by deadline six, Wednesday the 24th of February 2021. So I will then move unless I see any further hands final call the reading of the band's.

51:25

I'm not seeing any further hand seeking to interject. So I'm going to move to agenda item 13, which is the closure of these hearings. I'd very much like to thank Mr. Rigby for his leadership and the questioning. Mr. Rigby, would you like to sign off?

51:40

Thank you very much, Mr. Smith. Thank you to everybody here for a very useful session. I think. Lots of very useful contributions. And good afternoon. And indeed, good afternoon. For me, this hearing is now closed. Thanks very much.