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00:02

Good morning, everybody. And welcome to today's issue specific hearings number 15 for the East Anglia, one northern East Anglia to offshore wind farms. Before we introduce ourselves, can I just check with the case team that can be heard and seen the recordings of live streams have started under the captions now switched on.

00:25

Good morning ruined. Yeah. Can't complain that you stopped the internal recordings, the captions are working fine. the live stream is literally just started up now. So everything's good to go. I'm very grateful. Mr. Williams. Thank you very much. So now two introductions. My name is Ron Smith. I'm the lead member of this panel, which is the examining authority for the East Anglia one North offshore wind farm application and have another panel which is the examining authority for the East Anglia to offshore wind farm application. I'm in the chair today and I will be leading the questioning in respect of all the main items on today's agenda. I will now ask my fellow panel members to introduce themselves starting with Caroline Jones.

01:06

Good morning, everyone. I'm Caroline Jones, panel member.

01:10

Money, everybody. JOHN Hopley here panel member.

01:14

Hello, everyone. I'm Guy Rigby, also a panel member.

01:20

Thank you very much Mr. Rigby. Now for those of you who have been involved in or watched any of our many previous hearings. Now you'll note again that the full panel is not here today. Our fifth member Mrs. Parrish is working on natural environment and HRA matters. And the other members who you see on screen at present may go off screen at any time. But indeed, they can also return at any time we'll be able to introduce any questions that they need to introduce,

01:49

can I also introduce our planning Inspectorate colleagues working with some of these examinations who you will have spoken to already and Ray Williams is the case manager leading the planning Inspectorate case team. And he is accompanied today by two case officers to make a hole and Kj Johansson, who you may have met in the arrangements conference this morning.

02:11

I trust that the published agenda papers for these hearings do provide a clear explanation of r&d or reasons for being here now, and that is to hold this issue specific hearing into the draft development consent orders the draft dtos as we will be referring to them. In this respect, as I did for the last development consent order hearings, I sh is nine I will flag an addition to these agendas, a new agenda item one a and this is here to enable oral conclusions to the extent that we can on procedural submissions that were made by the applicants during issue specific hearing seven, following on from written submissions by Suffolk energy action solutions or C's in our library as additional submission a s hyphen 074, which raised concerns about the conduct of some negotiations between the applicants and affected persons. And this item also relates to oral submissions on the same point Raised by Dr. Alexander jimson. As compulsory acquisitions hearings to add to detailed oral submissions also heard at agenda item one a tissue specific hearings nine a month ago today.

03:23

The amended agenda is available on the agenda link on the websites for everyone to see.

03:30

I'll flag that the last time we sought submissions on this point we conducted what amounted to a procedural hearing or in order to inform decisions about what steps need to defend need to be taken. On this occasion, we wish to hear concluded oral submissions from the applicants and interested parties engaged in this matter to the extent that they can, noting that there may be additional written submissions at deadline aid. And so final positions will need to be put by the applicant at deadline nine. But this is the last apparent opportunity for us to hear oral submissions on this matter. So hence, it's been placed onto the agenda today.

04:09

Once the examining authorities have heard those who need to speak at this agenda item when I will move on to the rest of the agenda which remains unchanged from when it was first published. And I will note Finally, that depending on the nature of the points put in agenda item one a if a procedural decision is required that the examining authorities are most likely to reserve this in order to deliberate and given the need to consider matters that arise the deadline April indeed deadline nine, it may be that we would have to do so

04:41

in our reports.

04:44

In introducing agenda items from agenda item two onwards, I would like to draw attention back to the opening remarks that I made in the first decio issue specific hearing issue specific hearing six and again at the second issue specific

05:00

Hearing nine, which is again to flag that the DCA owes the draft DCs are important documents they are draft pieces of legislation which, if the secretary of state were to decide to grant development consent for one or both of the applications would form the legal basis for the delivery of the proposed developments, by certain secure standards to which the developments must be constructed and 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.

05:33

Now, as I said last time we met some people attending today have positions a principal with the Secretary of State should not grant development consent. But it's important for all participants here today that they are clear that these proceedings are being held on a without prejudice basis. And so, again, I will remind everybody before we set out on this road what this means, as a starting point, it means that even if your position is the development, consent should not be granted. And therefore the secretary of state should not make one or both of the draft development consent orders, you can make representations in these hearings on the drafting of the orders, seeking to improve them without conceding your wider position that the orders should not be made.

06:18

This is important for those speaking today, because it means that you can make representations that affect how the DC O's are drafted, for example, relating to requirements. And you can do so as I said, even if your main position is that the orders should not be granted. But you don't need to refer back to or repeat submissions that you've made elsewhere. And that DCs should not be granted, we will recall those at the relevant point in our reporting process. So what we need to focus on today is just the drafting.

06:49

This is an important principle for the examining authorities, because we are under a duty to provide the secretary of state with the best drafted gcOs that we can, even if we were to end up recommending that the Secretary of State should not make one or both of them.

07:04

And this is because we do not decide these applications, we make recommendations to the Secretary of State. So if the secretary of state decides to grant a vote and consent, they need draft development, consent, order or orders. And these need to be the best drafts that they possibly can be. And so again, that's the nature of the exercise that we're focused on today, ensuring that we have passed through these drafts. And they are as close as they can be to being the best drafts that they can be for the purpose for which they are intended.

07:38

So now you know who we are, and why we're here. I am shortly going to ask the participants to introduce yourselves at but before I do, just a few things to note.

07:50

As we have been doing throughout these examinations, these hearings are live streamed and recorded. And the recordings that we make are retained and published and form a public record that can contain your personal information, and to which the general data protection regulation applies. Does anybody here have any questions about the terms under which this process proceeds?

08:11

And I'm checking for yellow hands, and I'm seeing none. And on that basis, I'm going to move forward.

08:18

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 attending. Please Could I ask that you bring forward a lead representative to introduce your team on behalf of your organisation? And it would also be helpful if you could let us know at which point in the agenda you anticipate participating. And if you have any restrictions about participation, for example, a request that you might wish to leave at a certain point.

08:48

Can I first check the name of the speaker who will lead the representation for the applicants today please?

08:59

Good morning, sir. colonists, appearing on behalf of the applicants. I'm a partner and chapter Wedderburn and structured by Fiona coil of scottishpower renewables. In terms of those attending today's hearing. I also have Stephanie Merle of my office, Jerry Avella. The offshore consents manager, Brian McLaren is the onshore consensus manager. And in the context of the first item Kieran, Moana, Senior Project Manager land and stakeholder engagement, those participants may speak on occasion, if required. At this stage of the proceedings. I would also like to just thank the case team for all the support they've given to all members who've joined in at the various hearings, and Rick AJ, Karolina Tamika, it makes a real difference in the way in which they have engaged with people before the hearing, start helping people with technology and putting people at ease and making it as easy as

10:00

possible to participate in these proceedings, and it couldn't have done more to make everyone feel welcome. And I just would like at this juncture just to acknowledge the support that they've given to everyone participating in these hearings, and all, everyone who's participated and say, thank you to the team.

10:16

Thank you very much for those remarks. Mr. Earnest,

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I'm sure there'll be much appreciated by the case team. And again, I can say no more than equivalent of those remarks, because the case team have provided these examining authorities with the most extraordinary support through these examinations. And Mr. Nunez just before you disappeared, can I

just check that when we get into the mechanics of the draft vote and consent orders? Will I be directing questions principally to yourself autumn as male?

10:45

primary to the smell, but I'll be coming in on occasion. Okay, thank you. Right, like

10:51

we know the drill. Thank you very much. Moving then on, can I go to the marine management organisation?

11:02

Good morning, Lindsey. Merlin here for the marine management organisation. I'm the case manager for the East Anglia to project on the call with me today I have my colleague Mark Qureshi, who's the case manager for East Anglia, one north, and my colleagues, Rebecca Reed, and Jackal who are the case offices for East Anglia to an East Anglia, one north, respectively, in terms of who will be speaking to the agenda items, we intend to speak to agenda item two and possibly four. And we have various sort of different people speaking to different items. So if the questions could just be directed to the MMO, and one of us will respond. Thank you. That's fine. Now, I did note from the case team, that there was a possibility that you were seeking to leave after agenda item two, but I did note there that you're anticipating speaking of agenda item four.

11:50

Do we need to bring forward any of any of your contributions? Or are you content that we've just proceed in normal agenda order I, I trust as well, we should move through to form reasonably swiftly. I know we've we've revised that position on reflection, and we're happy for the agenda to be followed. So thank you very much. That's that's much appreciated. It does make it easier for us. Okay. moving them to

12:19

I believe we do not have anybody here for the crannis. State Suffolk County Council, please. Is this Michael?

12:30

Thank you, sir. Michael Bedford Queen's counsel for Suffolk County Council. I will be leading the team today. To the extent it becomes necessary for you to hear directly about the state of negotiations and discussions

12:46

on transport matters that I may bring in Mr. Steve Mary, the transport policy and development manager who you've obviously heard from before, but that we'll wait and see on that. We would, I think wish to speak on agenda items, two, three, and five.

13:05

And if it's not the Oscars, but if I can simply say we absolutely echo and endorse what Misurina said about the sterling contributions of the case management team, and we're very appreciative of all their assistance. I won't say anything more, even though there's a lot that we would like to say, because you need to move on. But we endorse those comments. Again, Mr. Bedford, I'm very grateful for those comments, which are duly noted. And can I then move to East Suffolk Council and again, I take it that we have Mr. Tate of counsel for the council.

13:43

Yes, that's right, sir. Andrew Tate Queen's counsel for a Suffolk I will be leading with the assistance of Natalie Gould, who is the council senior energy project officer. And plainly we endorse what's been said about the case team for their efficiency and very welcoming approach.

14:06

Thank you very much. Can I just check any specific agenda items that you wish to flag or are you present in all of them? We are present in all of them, but we're not going to be contributing on item one, a no on

14:25

four, probably or six.

14:29

So we will primarily be dealing with item two, and five.

14:38

I'll make sure that you are drawn in on those occasions. Right moving on.

14:48

Just let me mark you up in my list.

14:56

Do we have

14:58

EDF nuclear generation

15:00

From limited size will be.

15:05

You do Hi sir. Good morning. My name is Katie Abraham's and I'll be representing the owner and operator sides of the nuclear power station. I've got with me my colleagues, Nick Cofield, Angus Bloomfield, and Brian McLeish,

15:19

we will be speaking to agenda item three on protective provisions. If that's obviously introduced earlier by the promoter Ed under item two, obviously, we're happy to come in there, if that's appropriate. And if the examination is happy for us to do so we're reminded to leave once the relevant agenda item has been heard. Okay, well, if I can flag to assist both the the applicants and and yourselves in relation to handling there, my intention was not to linger on protective provisions at all in agenda item to pass directly over them on the basis that we have a specific place on the agenda shortly thereafter, is the next item to deal with them. But as soon as I tighten this down, I'd see no reason why you would need to remain.

16:03

Okay. In which case, can I then ask the same question of the size we'll see an NBA generation company? Hello, I'm Sasha Hyde here representing an OB generation company I said see limited. And our comments are the same as EDF jet nuclear generation. So again, we're speaking to item number three, and again, requesting leave after that, if that's suitable, indeed, for exactly the same reasons, I'm sure that will be suitable, I'd ask you to sit tight through to if you can bear with us. And and of course, do contribute if there are any other matters that emerge that bear on your interest and the same comment goes for size will be, we will then run to agenda item three. And once that's done, of course, you can leave Oh, K. If we then move on, down to the town and parish councils. Can I ask if we have obrah? town council here, please?

17:09

Good morning, Mr. Smith, sir. Members of the panel, ladies and gentlemen, Marianne fellows speaking on behalf of over town council.

17:19

I would like to reserve the right to speak on mostly agenda items today. But first, just very briefly ahead of the main part, I had written something and Mr. And Mrs. has started off on the right pathway this morning to say a big thank you to Emory Kj, Carolyn, and to make up for their support, which has been invaluable in this process. And to yourself, sir, for your willingness to to accept and hear our submissions, and for creating a respectful environment in which this process has been able to take place. It hasn't been without its problems, and I will provide some detailed feedback if if that's acceptable. But I will say in terms of using teams, the live stream, especially yesterday, specific problems that occurred, the transcripts, you know, it's it's been a difficult, difficult and different experience, especially this side of the camera. Some of the timelines and the turnarounds have been quite challenging, especially recently, it's virtually been full time for the last two weeks. And for some people to actually read the volume of responses has been difficult. But in a way, it's been quite heartening that people have responded both virtually in person at these hearings, but also written in many, many submissions. And I would like to briefly play tribute to all those who have contributed as interested parties or members of the public. And I do understand so that you and your colleagues on the examining authority have a huge challenge now in front of you over the next three months. And I would just like to reconfirm over town Council's confidence and trust in your deliberations. Thank you. Thank you very much counsellor for those again, those remarks much appreciated.

19:14

Okay, well, I'll make sure that we we draw you in to the great bulk of these items. Can I then check the other parish council so I'll go first to Friston parish Council. I believe we have Mr. Caplin.

19:30

Hi. Can you hear me? I can. I can't see you.

19:36

You want the delight? Oh, let's let's have the delight. Good morning, Mr. Caplin.

19:43

Good morning and it's it's lovely to be with you once more.

19:50

My

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agenda is much the same as Marian fellows

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there are a number of issues I might like

20:00

To contribute to,

20:02

but nothing specific, really.

20:08

But otherwise, I'm here to see how things are going. My learned colleagues from sizes will supply lots of technical background that's very much beyond me. So apart from all that, I'll I'll just like everybody else, thank Emory Kj and the other boys and girls in the band for all their efforts over the recent months. Thank you. Thank you very much, Mr. Kaplan. Again, those kind remarks are noted. And if I can then move to Mr. Beach, I believe for Snape parish Council.

20:48

Yeah, good. Good. Good morning. So yeah, Tim Beach State parish Council.

20:55

I would like to be able to listen and make representations on the agenda items as they come up with that's permissible. I will have to leave by two o'clock again, if that's okay. And lastly, without becoming a stock record, I do want to echo the thanks to Emory and all that team. We've done that a bit already, and to yourselves exactly what Marian Fellowes says it has felt inclusive. So thank you.

21:24

I'm very grateful. Thank you very much Mr. Leach.

21:28

So then moving on to the representative bodies. If I can firstly go to Stacy's, please.

21:42

Morning, Sir Richard Turney on behalf of services council instructed on behalf of those decisions. Thank you

21:49

very much. And Mr. Turney, I take it that we will be drawing you in on nearly all agenda items. Was there I think the focus is going to be on agenda item two for us. But yes, if I can reserve my position to chip in on the other items, I'd be great. Can I just check I you intending to be engaged in agenda item one at all? I know that was never originally your item, but I just wanted to check whether I needed to go to you on it. No, I didn't have any instructions on that. Okay, fine. Okay, if I can then go to CS please. Good morning, sir. Good morning, everyone. My name is Fiona Gilmore, and I represent sees that it stands for Suffolk energy action solutions. And on behalf of all of our supporters, and our team Glynnis Robertson, Jenni Wells, Anthony Fincham and all the other people behind the scenes and those who've also appeared at these hearings.

22:54

We would like to say a very big thank you to Emory, TJ, Caroline, and Tamika. And to all of you for making these examinations viable for people who have no idea about hearings and examinations, steep learning curve for all of us. And without Henry and his team. It would have been a nightmare for us. So thank you. Today, we have Anthony Fincham, who will be speaking at item one a, and probably will have to go later in the day, depending on but I hope that that would be all right. I will be here present for the whole day and may wish to speak on a particular item. In particular, I think items eight and nine. I do have a procedural question, but I think according to the agenda, that waits until item nine, if I'm not mistaken. Okay, fine. Right. Thank you very much. Miss Gilmore. Now, I'm going to go to save our sanderlings

24:12

Yes, good morning, Mr. Smith. From morning panel. Morning, everyone attending Paul Chandler save our soundings. I don't anticipate needing to speak today. But I will raise my hand if I need to comment on any of the items.

24:28

Can I just echo all the comments that have been previously mentioned about the case team and yourselves?

24:35

This has been quite a traumatic experience for a number of people.

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As you may have noticed in some of the submissions that have been given, and you've done your best under very trying circumstances to make it as easy as possible for us.

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Now I may need to leave the hearing as I'm waiting for confirmation of an appointment but I will follow the proceedings on on the trends

25:00

Fit, and respond accordingly at a deadline eight. Thank you. Thank you very much again for those those remarks. And then finally, in terms of my list, and do we have Dr. Alexander jimson Present.

25:21

Thank you, Mr. Smith. And I am going to repeat to the comments of the previous speakers to say thank you to your team, Emery Williams and his team. For those amateurs who are volunteers in these matters, we have greatly appreciated the guidance that we have received from everybody. So thank you for that. I am here speaking on behalf of my mother who is an effective person and for whom I have power of attorney.

25:52

Thank you very much, Dr. jimson. And I trust that it's item one a that I will be introducing you at.

25:59

So I will make sure that you're introduced there. Now, again, before we move on, given the remarks that have been made by

26:09

nearly all of the participants here today, and the thanks and appreciation, particularly to the case team that has been passed on, which for which we are very, very grateful. I think it's also important that we don't go any further than the now without acknowledging the extraordinary contributions of all of the people who have participated in these examinations. Because we have been very conscious that the deadlines have sometimes been extremely tight that we have sometimes asked for turnarounds, between batches of hearings that are very tight indeed, with enormous amounts of reading to be done. And we know that these are obligations that bear equally on the applicants. And on all the council's local representative bodies, and on individuals who have volunteered their time,

27:00

whether or not people are being paid to do this or not, it is still very hard work. And I can say that, you know, we have been very appreciative of the enormous amount of effort that has gone into serving these examinations by all of the participants in them. And the very high standard of documentation in general terms and oral submissions that have also been made. So I would like to extend our thanks to everybody who has helped us get to where we are. Okay, then I am going to move on and just confirm that any interested party who's not participating directly in this session, but is observing on the live stream is of course Welcome to set out any observations about what they hear today in writing by deadline eight, which is on the 25th of March 2021, just under a week away.

27:51

The introductions are now complete. But I do have some preliminary remarks before we move to agenda item one a.

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As with all of our previous hearings, these are being held for both projects in parallel, there's a single agenda for both that was issued on the ninth of March and then amended as I've indicated on the 15th of March, to incorporate additional agenda item on a

28:13

we do have the discretion to consider each project individually during proceedings if necessary and can break out so if there's anything that needs to be discussed that relates to just East Anglia, one north or just East Anglia two as quite sensibly, there may be with the development consent orders, then please ask for that to be done.

28:32

Before I move into the rest of the agenda as well, I think it'd be useful just to check that we are all on the same documentary page, and literally as well as metaphorically. So in referring to the DCA O's, I will have the most recent clean and marked up versions open on screen in front of me now the clean versions are marked up as version five, rep 7006 in both examination libraries, but the track changes versions are probably the most useful starting point because they show what has changed since we last met, and they are rep seven hyphens 007, which for reasons best known to the applicants are still described as being in version four. They weren't submitted at the same time as the clean versions five. So can I just check with the applicants that those do represent the latest versions on which we should be basing our discussions? It's definitely more for the applicants. And yes, that is correct. I think the reason the track change version is marked as version four is because it's the fourth version of the track change version. But the fifth version of the DCU. Perhaps that's a little bit confusing, but that's the rationale. I now understand. That's clear. I was I we did have we did have moments of panic when we're trying to work out whether we were looking at the right document, but no, that's clear. Thank you. And I will then flag up that on the 12th of February the examining authorities published originally commentary on both draft development consent orders which is PD hyphen, zero

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Three One, many of the issues emerging from that have been dealt with in writing or orally at issue specific hearings nine, but whether are items that bear on these agendas and will benefit from further discussion around our virtual table, then we will deal with them.

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So again, you can obtain those from the examinations libraries.

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Both of the draft development consent orders are a pigeon pair, their provisions are either identical if or if they are not, the divergence is found in the same place. So again, this should mean that we can refer to, for example, Article One in both drafts and that article is doing the same job.

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So, I trust that everybody's happy with that.

30:41

Now, before we then move to a new agenda item on a Are there any other questions of a preliminary or procedural nature about how today's hearing will run that we need to deal with now before we make a start,

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just checking to see if I can see any hands and I'm seeing none.

31:01

On that basis, then Ladies and gentlemen, we will move on to agenda item one, a. Now the purpose of this item essentially is to provide the final

31:12

oral touchpoints on matters that were raised initially on the 14th of February by Suffolk energy action solutions, which expressed concerns about the applicant's conduct of negotiations with affected persons alleging that these were being offered draft terms of settlement that require them to withdraw their objections in these examinations. There have then been a subsequent round of written submissions, which were initially accepted into the examinations as additional submissions. The applicants expressed concern about the terms under which some of those were made on the basis that it was felt that they did not necessarily fully or accurately reflect the applicants practice in relation to the conduct of negotiations with affected parties in affected persons and that the applicant wish to essentially correct the record and place its position onto the record. And that was done both in writing and in oral submissions that issue specific hearings nine. Now, we are not fully concluded on these matters, ladies and gentlemen, because there is the possibility as I flagged in the introductions that there may be further written submissions, responding to the applicants position at deadline eight, which in turn, the applicant may finally respond to a deadline nine. But because this is the last opportunity at which we can hear any oral submissions at all, I thought it was important to provide the applicants with the ability to briefly touch on the matters raised in their deadlines, seven written response on this point. And then finally, to return first to individuals who might wish to speak on this, I'll go to Dr. jimson. I will then go to CS, and then I will go for a reply to the applicants. Now before I do that, can I just check that there's nobody else wishing to speak on this specific item?

33:17

And I'm not seeing any further hands. I do see doctor. I do see Dr. Jensen's light coming up. Dr. Jameson, I will come to you but I will, I will introduce the applicants first and just ask them briefly to take us to the points that they made in their written submission deadlines seven in response to this matter. So Mr. Ennis, or an appropriate member of his team, please

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call his behalf the applicants in rep 7061 the applicants that set out

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in greater detail their response to the CES, letter of complaint.

34:00

Insofar as the letter of complaint is concerned, we had formally after the hearing that submitted material, which effectively demonstrated the position which we had reached in relation to the affected party at all before the complaint have been lodged by CMS and we set out the detail of the discussions that had been held and the communications that have been held between the parties on the matter. In the letter of fourth March. On behalf of the AP the African set out their position. Select the context for the CES Letter and the concerns that they have. Within the letter. They also set out the applicants approach to negotiating land rights, which is to ensure that all parties that they deal with are appropriately represented both by agents and solicitors.

35:00

And conducted in an appropriate manner, with proper advice being given to parties throughout the process.

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It's really against that background, that in my submission, there is no substance to the complaint that has been made. In effect, the complaint that was made was effectively that the applicants were seeking to stop parties participating in these proceedings. It is clear from the information that's been communicated to you that far from stopping parties, whether it was an issue, the applicants actively dealt with the matter to ensure that those parties could continue to make representations representations, and also to continue discussions in good faith with the applicants. And I think it is particularly important that the applicants do take great pride in the way that they conduct their negotiations. They have a land team that are experienced in dealing with landowners, and they seek to ensure that they are treated with respect at all times through that process. They also seek to employ agents who are experienced in negotiating such contracts. And particularly, I want to particularly flag this during what has been a very difficult time, I think, for all parties during the pandemic, that the applicants have sought to work effectively with those parties, recognising that it has been far harder to deal with matters such as legal contracts without the ability to sit down with advisors and other matters. And we have made very significant progress. And heads of terms have been achieved with many of the parties along the route. And information, as you can see, from the funding statement that that that has all been gleaned by those discussions and ongoing engagement. So in most submission, there's absolutely no evidence to support the view that the applicants have been anything other than appropriate and negotiations with landowners and affected persons. And that in terms of the only instance that's been cited, the actual evidence demonstrates flexibility on behalf of the applicants position, and also demonstrates that they're perfectly prepared to alter that terms in an open negotiation, as should be properly happen. And there's nothing really that I can further Add to that the actual position is so fully in rep seven.

37:25

Thank you, indeed, which which of course we we have noted the content of an in relation to that I had one, I guess, key question which relates to the flexible adoption of negotiated terms,

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in circumstances where it might not be in the interests of

37:47

an affected person to conclude an agreement with the applicant,

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to withdraw the totality of its concerns, because there are elements of those concerns, which are potentially of merit or be dealt with and are on concluded. my reading of the document that you have placed into us is that one, those affected persons have had access to independent legal and professional advice. And to if that advice has raised the prospect that they ought negotiate a reservation in any agreement with yourselves, enabling unresolved matters in their representations, for example, to these examining authorities to continue to be heard out or made out,

38:37

whilst also concluding on all other matters that aren't in contention with yourselves, that that provision has been able to be negotiated.

38:48

Is my understanding they're Correct.

38:53

Correct to have

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that exact exactly my understanding of how things have continued to progress and would be normal. I mean,

39:03

in terms of the process, some of the landowners have been represented by a single set of solicitors where we have effectively negotiated a

39:12

blanket option agreement, but that then has to be bespoke to the individual landowner subsequently, where it's made specific to that landowner. And there may be individual variations within that. But again, it it that was seen as a positive way forward. And at all stages. It has been on the basis of having the interested party having appropriate agents and legal advisors advising them. And as you say, if a party raises a particular concern, and I think we did flag and highlight that the nature of the option agreement is there are mutual obligations on parties. And in that context, in order to keep the ability to

continue to make representations. It probably does need a specific carve out given other obligations and things

40:00

involved to ensure that there's no ambiguity in the matter. And that's exactly how the applicants suggested, when the matter was raised, it should be dealt with. So that was no ambiguities. And it was very clear that the affected person can carry on making those representations based on a clear and unambiguous carve out of the particular provision, and such an opt out was not be unreasonably held, I guess, would be my final test. Your question on that?

40:30

Yeah, I mean, it's, it's, as I say that the provision was put forward, and it's continued to be discussed. As I understand it, between between solicitors and agents, the actual drafting of as it was suggested, was put through by a surveyor, and they did reckon recognise that it might have to be tightened up subsequently in drafting between solicitors, but the principle was very clearly established, as to how this, how this should be dealt with. Okay. Thank you very much. Now, because this point was originated by CS, I am going to go to Dr. jimson, first as an as an individual, affected person for representing his mother. And then I'm going to come to CS, and then proceed finally to the applicants for reply. So, Dr. jimson.

41:31

Thanks. Thank you, Mr. Smith.

41:36

I think that

41:39

the the C's will be described being in a few minutes in a little bit greater detail, but I wanted to just make a couple of points, if I may.

41:52

1 of all,

41:56

we do appreciate that some of the difficulties that have occurred in the negotiations, were

42:07

due to the constraints that are laid upon us by the pandemic.

42:13

And the fact that face to face negotiations, with advisors with agents, what became obviously extremely difficult, and so much of the negotiation was done through second and maybe even the third part is via email.

42:36

And, and and there are inevitably sometimes a difficult is a nuances that get lost in those that you cannot, that you can avoid when doing a face to face negotiation. So that would be my first point.

42:50

We our second point would be that we are aware of exactly what the applicants have responded.

42:59

And that they have made some suggestions about

43:08

that I should be signing documents on behalf of my mother, excluding issues, which we may still have concerns about.

43:18

But that we felt still

43:24

did not address our concerns relating to the fact that the contract that we were asked to sign did require me

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to

43:40

formally withdraw everything that I had previously said and objected to in these proceedings,

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and also constrained any further objections that we might have in the future, about any further changes

44:01

that there might be in this or subsequent applications that that scottishpower renewables might wish to make.

44:09

We thought those two clauses,

44:15

removing what we'd previously said, and constraining or possible objections in the future was an unfair

44:26

constraint upon our ability to make our thoughts

44:33

available to future planning decisions.

44:39

It's quite possible that we could sign a document and said that as it currently stands, we have no further objections.

44:48

But I don't think it is fair to then say that I should not make objections to any future changes that there might be in any documents that happened.

45:00

that occur at a subsequent time interval, that seems to us to be an unfair constraint.

45:06

So I don't think I'm going to say anything more. But I just think it's worth the planning authority being aware that

45:17

these issues

45:19

do cause individual affected persons

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in lightspeed, not just for myself, but I suspect for many other affected persons,

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they do cause these individual affected persons significant

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discomfort and distress.

45:44

Most of us, same necessarily me, but most of us in our everyday working life, don't come across

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large planning Inspectorate meetings don't come across negotiations with large multinational companies who are able to

46:08

put forward large quantities of

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experts,

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when we are here, as volunteers who actually also have another day job.

46:22

And and

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the negotiations sometimes do become very, very difficult. And I just think it's important to people to be aware of that, that this whole issue of non disclosure agreements, or whatever you may like to call them, and I don't want to give them an emotive title, but that, that those do cause individuals, individuals, not big organisations, individuals, some considerable degree of discomfort. And many people are frightened by them because of their legal nature. And so they may have views, which they feel quite uncertain and

47:03

concerned about making public. So I just leave you with that thought. And I may well reserve the right to present something further in writing at the next deadline, if I may. Thank you. And I think the point is clear, we have accorded that opportunity to people who are not here today. So it's there. It's in writing, which means it won't conclude until deadline nine which is when the applicant will respond to what people said deadline aid, which in turn means that any

47:34

matters that need to be finally resolved by us will need to be taken up in our reports, but

47:41

nevertheless, you've had an opportunity to put your case it has been this has been heard.

47:47

Can I then move finally to CS before I returned to the applicants for a reply.

48:03

Good morning, sir. Good morning, everybody. My name is Anthony Finch, and I'm a retired solicitor living in the middle of fields just to the north of the proposed site. And I'm speaking for CS.

48:18

I'd like to take the opportunity to update the authority on development since this matter was lost in today's hearing on 19. February, I will be brief.

48:30

First, we're grateful, sir, for your recognition in the procedural decision of 22nd February, that CS has raised the general point of public interest and for your statement, that it is not in the public interest. There should be any enduring apprehension on the part of an affected person that they might be prevented from participating in these examinations to raise outstanding planning merits objections.

49:02

Everyone will recall that SPR has on longer taxes for being inaccurate. We stand accused of withholding material information on the authority. individuals who have suggested that SPI has been trying to gag landowners and prevent them can be evidence have been described as vexatious.

49:25

An SPL spokesman even told the telegraph that SPI not entered into any agreements with gagging clauses in

49:33

first person also said that SPR had followed our ICS Royal Institution of Chartered Surveyors guidance. Neither statement was true.

49:46

In its response to the C's complaint, spr has repeatedly said that when the full facts were known to authority, a different view will be taken. Everyone's putting no doubt but the rescue

50:00

I would provide the relevant material.

50:03

When response was submitted on fourth March, it amounted to four pages of self righteous indignation, but no evidence, not a single document was disclosed.

50:15

SPR provided no evidence, even though in that same document, it said that context was critical. And its actions had to be seen in the last 12. And I quote, the fullest and most accurate information, which they said, All parties should provide the authority

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that echoed what was said at the hearing four weeks ago when Mr. Ennis said, your deliberations should be based on the full facts and particular circumstances.

50:48

They also argued, other contractual provisions should not be viewed, and I quote again, in isolation, without having a full understanding of the broader context of the contractual arrangements in which it sits.

51:04

SPR has taken a very deliberate decision not to provide you the authority with that evidence said not surprises on a single document has been produced at any stage.

51:20

Over the past few weeks, more and more individuals have made contact with CDs, and they have been providing information evidence, were being told how SPR negotiates and that's the pressure and the tactics that they use.

51:36

Most significantly, we now have the key contractual documents that SPO is so keen to keep concealed.

51:46

We'll be setting out our full analysis these agreements and the evidence in our formal written response where you serve next week by deadline eight. And I would invite everybody interested in this issue to read the C's written representation.

52:06

The system that SPR has put in place has been operating for over two years.

52:11

It uses two different types of agreement. The main one is called heads of terms. It's very closely linked to a second agreement the option agreement, as long as you see

52:23

the two agreements fit together seamlessly. For example, many of the payments often the head turns and become payable on condition that the landowner enters into the option agreement.

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agreements contain highly restrictive clauses, prohibiting a landowner protecting all or participating in the planning process. Both impose watertight secrecy

52:51

and you will have noticed an NDA or gagging clauses in relation to housing or building have been in the press recently. They were highlighted on the BBC money box programme on 13th March, Chris live former CEO of the Chartered Institute of building scribed these clauses as despicable. Clive Betts MP who's the chair of the housing Communities and Local Government committee at the House of Commons, described pegging provisions in house purchase agreements as appalling.

53:26

clauses used by SPR go much further.

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They do impose a very tight gagging and confidentiality obligation, but they go a long way beyond that, and they prohibit a landowner from objecting during the planning process. This includes, as Sue said admin in its initial complaint obligations requiring any landowner who has submitted evidence to withdraw it, even require the landowner to support the application, if required by SPR play produce the public interest.

54:04

We now know that SPL was entered into agreements with this sought a long time before the authority started the present planning process for example, we now have an agreement entered into in January 2019.

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This meant that the gagging and non objection systems well entrenched, for the examination got properly underway.

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The object of the SPR strategy has been neutralised from start to finish all opposition from affected landowners to the applications

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such as the extent and vigour of these obligations. They view the authority where to ask a landowner, whether they've been forced to agree to a confidentiality clause, whether they've been prohibited from making submissions to the authority or if you're to seek an explanation as to why objections

55:00

To the application has been withdrawn, that person will be obliged to lie or to assemble.

55:08

It may strike you as an irony that Mr. In his his class having ganked people in this way, should as he did yesterday, sought to make some capital. Out of the low attendance he said in his experience of objectors.

55:29

A increasing number of people are speaking to CS talk and the pressure that has been placed on them ASP annotations that tell them they do not agree now, spr will later on exercise compulsory powers and pay the bare minimum. They're told the NSI pa processes such that SPR will win. So the landowner has no real option. But to strike the deal now.

55:57

Series addresses all of SPS arguments in its full submission.

56:04

We say the implications of this inquiry are very serious. we contend that the actions of SPR are fundamentally undermined and compromised the planning process. And we set out in the paper, the facts we've been able to establish and what in our submission. This means for the query.

56:29

That is all said, as I wish to say at this stage, and thank you very much. Thank you very much, Mr. Fenton. Well, I have the same question as I'm going to put to you in broad terms as the one that I put to Mr. Ennis, which is he has made representations both in writing and orally this morning around the

degree to which the position of the applicants is a position that isn't negotiable in a contractual setting. And that in inverted commas, carve outs or specific provisions, while whilst whilst the applicants might commence a negotiation from a standpoint of seeking very broad brush non disclosure, provisions to be adhered to the carve outs or specific provisions protecting the particular interests of individual affected persons are negotiable. And the point that I put him such and such carve outs would not be unreasonably withheld OR, or NOT acceded to in negotiations by the applicants.

57:40

Can I ask you whether you are aware of circumstances where

57:46

such carve outs have been sought and applied? Or are these matters that haven't been drawn to your attention by people to whom you're speaking?

57:58

Now, I welcome the chance to address that point.

58:03

They carve out in the case of Doctor Timson only goes to enforce the serious complaint, but they basic point is that when Dr. jimson objected to the clause

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in this case and the proposed option agreement

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and he takes it to the entirety of the clause SPR his position was yes, we will revisit that tos and we will agree or carve out but only restricted to the discrete question walks by water aquifer, we see this set out in in the SPR response,

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which follow the last hearing.

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But the point is that SPL maintain its position on non objection to the applications and indeed support for the applications. So, the fact is that when that clause was objected to and came to be reviewed and reconsidered, spr didn't say as it might have done, okay. We will allow the testimony you give them to the this authority to stand. And on any of you. I would argue Dr. Jameson has been very helpful to the inspectors in the evidence he's given both on behalf of his elderly mother and on behalf of the porns Trust, but no the obligation to withdraw that remained. So I have to say I was finished raised this point four weeks ago, puzzled us because it seemed to us that the negotiation history on that clause went to reinforce the C's complaint.

1:00:01

Okay, that's a clear response to that question, in which case, Mr. Veteran, I'm going to revert to the applicant for their reply in asking them to reply. I will note, of course, that we are not fully concluded because there is a written process that needs to be landed as well. And that's the deadline aid for final submissions from yourselves and indeed other interested parties with with points to raise on this. And then finally, deadline nine for the applicants final concluded submissions in writing. So unless there's anything further that you need to put, I'm going to return to Mr. Ennis, thank you very much.

1:00:41

This call is about the applicant. Before responding. Sir, I was just wondering other parties that they may have an interest in the topic. And I'd rather probably address all of your matters rather than keep coming back. So

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I don't intend to have you keep coming back. So I did

1:01:01

check at the outset of this item, whether any other speakers did have any particular points to raise, hence my introduction of Dr. jimson. Before we heard from CS, and I didn't see any hands at that point, can I just have a final sweep around the room and check whether there is anybody else remaining? who wishes to put anything

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on this point.

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And I still see no hands. So I do believe

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that in terms of reply, there is now nothing else that you need to take into account.

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This involves the applicant,

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I'm just going to take the ticket through the series of events as it were in terms of of a of an option agreement.

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Because I think there's some misunderstanding as to the nature of effectively what heads of terms are. And that's where effectively the parties set out the future topics for negotiation,

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having agreed general principles, but what is said is the

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on the option agreement, terms of terms level, is the above heads of terms represent the main terms for option a big deeds of grant facing. But I'm not supposed to be fully inclusive and are subject to additions to them or amendments by the grant or grantee and the respective solicitors. And effectively, it therefore is not a binding contract. And indeed, as we've heard, Dr. jimson had indeed signed such a heads of terms back in January 2019.

1:02:44

And you will see that he is made representations and carried on making representations. And at no point have the applicants in any way sought to restrict Dr. jimson. And making any such reps patients, because the point of heads of times is to document then gets passed to solicitors, who then will negotiate with the benefit of agents at the formal option agreement. So I just want to make that very clear that heads of terms are not a binding contract, and the passed on to form the basis of a subsequent negotiation. And the heads of terms make make that very clear, as I say, parties that sign them, such as Dr. jimson have raised representations. There are also other parties who have signed heads of terms, but also continue to make representations. And equally, the applicant does not in any way sought based on the heads of terms to discourage any party making representations or participating in any hearing or written submission before this examination.

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The second point,

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and that goes to the like go to rep 7061 because it's got the requisite provision in it with the amendment on page four.

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The position is that effectively the the accusation was they had to positively support the applications. It's reasonable steps to assist the grantee to obtain permissions. And that is perfectly normal and an option agreement because as

1:04:28

the promoter gets through the process and has to discharge requirements, there may well be matters that arise in the context of that particular landholding where we may have to obtain information to assist in discharge of provisions. And it's very common for for such agreements to have a positive obligation and option arrangement to ensure that positive support and information is provided. It does not say that you have to write in and support an application

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Furthermore, it acknowledges that the assistance may well, it will be kept confidential, ie the landowner does not have to display it does not have to be disclosed that London has provided the information in support of the particular application in terms of the details.

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So, in my submission, that's simply an incorrect interpretation of the clause. But fundamental to the criticism that's been made, is again, the position that not a single party have signed up to an option agreement at this stage. And therefore, none of the clauses are promoted, or have been during the whole of the examination. And simply put, in my submission, it's very clear that parties properly represented with proper advice can enter into commercially negotiated contracts. And I noted Dr. Jameson's concerns about entering into these documents. And I fully understand that for an individual, an option agreement and all the technical aspects may be quite a daunting document. It is a technical legal document. And that is exactly why the applicants seek to ensure that all parties that negotiate with have proper advice from agents and proper advice from solicitors. But suffice to say the ability to subsequently object to matters which you're supposed to be assisting with makes it very difficult, so for seeking to discharge your requirements, and the landowner is then suggesting that I now have the right to actually act contrary to the interests of the parties that you've entered into the auction is my submission, clearly not an appropriate one, the appropriate protections for the landowner, or the interests are in the option agreement where there is extensive protection as to who can who can do what, in relation to the land. And equally freedoms I've kept to the landowner expressed expressed through the agreement and full, full compensation established as well. But that is where you protect the various interests is through the negotiated position. And simply put the idea that this is

1:07:17

just an agreement to agree it's got a lot of detail in it. And it is to determine the long term relationship between somebody who's agreed effectively for works to be carried out on their land. And therefore it has to reflect both obligations on both parties. duties are not on both parties. And that is why it is negotiated with proper advice.

1:07:42

I'm just going to come back finally on on where things stand, as I say,

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as far as the applicants are concerned, no party has formally entered a turn option agreement at this stage. And therefore, there cannot be anybody who's legally bound at the provisions of that clause, because nobody has entered into that clause agreements at this stage. Secondly, as far as we're aware, the applicants have not discouraged any party from making representations or participating in these proceedings. And indeed, I don't think there's any evidence suggests that any representations have been withdrawn. And my submission, therefore, there is

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nothing in terms of the applicants conduct that that forced to be considered further, the position is clear. And certainly, we are satisfied that we have set out the relevant material in 7061, for the examining authority to conclude exactly how the applicants have dealt with this issue. And I don't think I have anything further to say at this point. Thank you, sir.

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I believe muted myself. Thank you very much, Mr. Ennis. Now, that draws oral submissions on that point to a conclusion.

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Obviously, we do have to note that there remains deadline at which

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CS and other interested parties may no doubt put their positions to us and then deadline nine for the applicant to put their concluded, written position on this that we will then take fully into account.

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On that basis. I'm going to move on from that to the first substantive agenda item on this agenda agenda item two. Now here, we are seeking a progress position statement by the applicants in relation to their most recent position on the to draft orders since issue specific hearings nine. There have been some substantial changes given the fact to since we last met that have brought about changes to the draft development consent orders on the table and

1:10:00

If when the applicant I'm moving through their opening statement on this, it would be very useful if each of these can be touched upon. And I particularly also like the applicants to focus on any remaining points in the drafts where there are discussions that are live with other interested parties. And where changes are intended to emerge of which we may not yet be fully aware. And hopefully, there'll be fewer of these outstanding items. And there were issues specific hearings, six and nine. But I think we need to flag that there may still be some matters, that that have not yet landed where we will see a final revised draft what amounts to the applicant's preferred draft development consent order position at deadline 8am before handing over to Ms. Miller, I trust it will be for the applicants and I would flag the following items that I would specifically ask her to speak on and that I will have some questions on as we move forwards. Firstly provisions in relation to operational land and the related question of limiting or excluding permitted development rights at the transmission connection point the substations

1:11:14

I will wish to touch on the introduction of Article 44.

1:11:19

And there's a minor point in relation to the definition of the term compensation that I will wish wish to touch upon.

1:11:29

But I would also note that the bulk of that material and the schedule its support schedule, it is a matter that will arise under agenda item four. So article 40, the substance of the content of schedule 80, will hold over to agenda item 4am.

1:11:52

I then note that there are a number of changes in schedules 13 and 14 the generating and offshore transmission and deemed marine licences around which the marine management organisation are interested, touching on scour protection, cooperation between the applicant bodies,

1:12:12

Southern North Sea sac and sip piling, unexploded ordnance clearance and herring spawning limitations though those matters on which I would like to touch because I will be wishing to come back to the MMO. And check whether those matters are matters that satisfy the MMO as they're currently drafted.

1:12:35

I want to touch briefly on schedule 15. And the arbitration rules clarification on confidential matters and the necessity for the level of detail in those rules. And schedule 16. The introduction of procedure for the discharge of requirements again, there's a touch point with particularly East Suffolk Council on time limits and appeal processes.

1:13:00

And then just to briefly touch on the introduction of the schedule 17 and documents to be certified process. So those are the matters that I would ask the applicant to touch on. And the and as I say that I will have questions on and I'll be introducing the other parties on now that is not to exclude other party's

1:13:23

ability to raise other matters. But

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we'll come to those as we go through those who speak. And finally, I will just flag and just as I flagged that schedule, a team will hold over to agenda item four, as I did, just to remind you, as I said in the introductions that schedules 10, the protective provisions, and particularly Part Seven and eight in relation to the interests of size will be in size. We'll see. We'll hold over for agenda item three.

1:13:53

So can I ask the applicants to introduce their most recent changes the status of them, and the direction of travel in relation to anything that hasn't fully landed yet?

1:14:04

Was male.

1:14:08

Hello, Stephanie male on behalf of the applicants. And so as you know, and as you've touched on this morning, we did submit an updated draft DC, what deadlines seven and that was originally timetabled to be the final version. So as you can imagine, imagine there was there was a very big push to try and reach agreement with stakeholders, and on any concerns or comments that they had raised on the DC at that stage. And so there are a number of changes that were made to the DC, deadline seven, some of which were fairly minor. And then others were obviously at larger points. And that came as a result of detailed discussions with with the relevant stakeholders. And I wasn't actually originally planning to go through every change because obviously, at the last hearing, it was really just the changes in progress

that you wanted to discuss. But what I'll do is I'll try and pick up some of the key changes. And I'll also touch on the matters that you have had

1:15:00

There in particular, but if there are any other changes that I don't go through that you would like to discuss, then obviously, just just raise that. And then I guess the main focus of what I was planning to talk about was the changes that we are currently considering for deadline eight. And as we discussed it issue specific hearing 14, there obviously wasn't an intention to submit a subsequent version of the DC or in the timetable. And but given that there have been some further comments raised and there are still some changes that perhaps need to be made. And the applicants do propose to submit an updated version of the draft DC or at deadline EAD.

1:15:37

And to make that completely clear, so there's no suggestion that somehow something is coming out of timetable order. And we will make clear as the first action arising from this hearing, that we do expect to see any final revisions to drafting on on the draft development consent order emerging from today to be put in writing at at line eight, with an opportunity for any interested parties to respond, but deadline night.

1:16:07

Okay. Okay, so, without further ado, algos, I'll start going through some of the main changes that were made at deadlines seven. So article 17, and the examining authority in their questions and clarified whether it was sufficiently clear that equipment could be removed, or was required to be removed after surveys or investigations were completed. And so we do come onboard that comment. And we have now included some text to just make it absolutely clear that Following completion of any survey, any equipment that is placed on the land will need to be removed. So that was just addressing the comment that the panel raised in their commentary on the decio.

1:16:52

In terms of Article 22, and article 23, we did go away again at the suggestion of the examining authority, just to make sure whether any further changes were needed to those particular articles, just to account for legislative changes and and recent decio and precedent. And so we did make a couple of minor changes to those just to reflect text that was in the the Hornsey three decio and some other recent orders. So that was just to, to bring that up to date as possible. And with current practice. And the one of the other changes that arose and from previous discussions that at issue specific hearings, and the compulsory acquisition hearing, and also was raised in your commentary was the period with which notification should be given prior to temporary possession of land under Article 26. And so that has been amended from 14 days to 28 days, as we hope that that will address the concerns that were raised by yourselves and others on that particular point.

1:18:00

Okay, and we have also amended and just working through the changes, and a very minor change was made to Article 34. And this was just to clarify that the removal of important hedgerows are those specified in schedule 11. And obviously schedule 11 is split into two parts. And the first part is is the

headers that will be removed. And the second part is also headers that will be removed, but it's where they will be crossed with a reduced swathe. And so the removal will be more limited. And I don't think that was particularly clear with the way it was drafted previously. And so we have made that change just to make that that absolutely clear. It's it's always been the position and it was set out within the ordinance and other documents. But I think the drafting just wasn't quite as clear as it could have been. And so the applicants have have made that change.

1:18:55

At deadline seven obviously one of the changes that came out at numerous issues specific hearings previously and in discussions was about article 36 and documents to be certified. So you have asked for us to touch on that particular point. So so if I may, we have amended article 36 to refer to a schedule, and then schedule 17 lists. And the documents that we consider are comprise of the environmental statement. And then below that it's all of the certified documents. So I think we split it out into two tables, because we thought that was the clearest way because obviously we submitted the environmental statement with the application. But since then, there have obviously been a number of additional documents submitted in response to stakeholder comments and

1:19:44

critiques from from yourselves and arising out of hearings. And so we thought that was a good way to try and capture all of the documents that have been submitted that are relevant to the assessment that was carried out within the environmental statement.

1:20:00

To set and then we have the dynamic setting in the second part,

1:20:04

the all the processes that have been subject to ongoing change. And the second part,

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sort of, I think in the fact I'll just, I'll just jump into the schedule just to make sure I'm seeing the right thing here. And so the first part is, yes, the first part is actually the documents relating to the environmental statement. So that's where it's not just the fixed, that's everything that's potentially changed, and relates to the environmental statement. The second part, though, is the certified documents. So that's, for example, the outline and landscape and manage ecological management strategy, the outline landfall construction methods, and those sorts of documents that are specifically referred to in the decio. And there's plans as well. So that's the structure and we just thought that was a clear way to do it. And it does reflect what was in the Borealis, which I know is what m parties were particularly keen to see. So that's the approach that we've taken. And so hopefully, that addresses some of the concerns.

1:21:06

Okay, Article 41, we made a minor change to Article 41, just at the request of the crown estate, and that was just to add the word take into paragraph one. Now on article 41, though, as you mentioned, the compulsory acquisition hearing yesterday, the crown estate have written into the examination to confirm

that their consent is not required on the basis that there is no onshore crown land. And therefore, under Article 1351, and 1352, they do not require to give consent, however, they have requested the deletion of paragraph two of Article 41. And I can confirm that that is a change that the applicants will make at deadline eight. And so we that is one of the changes that's in progress, but is something that we can agree to. And we will do. And we'll look at that addresses that I'm going to actually put a little set of brackets around that specific item, and essentially suggest that we come back to it as agenda item six on consensus parties, because there are perhaps one or two questions that I might need to ask in relation to the approach that's been put by the crown estate

1:22:20

for you. And indeed, for any other interested party who is following this point, I would flag that the current state have also corresponded with us as I as I suggested yesterday, and the crown estate correspondence dated 17th Of March 2021, is now published, it was it was published on the 18th. And it, it should be at the top of everybody's list, if you go to the relevant documents tab on the two websites and look in the doc is not in the examination library yet because it takes a couple of days to catch up, but it's there. So I think probably the best thing to do as well is if you have a if you have a look at that, maybe over lunch,

1:23:05

if that says anything different from what's been said to you, and you can then respond, and we'll we'll pick up the balance of of the issue.

1:23:14

In in agenda item six, of course, I am aware of that later. And I had looked at that this morning. So and my comments there were just to echo what was in that letter. But yes, we can we can touch on this again, at agenda two, six, that seems seems like a sensible approach. And so the next change to talk about from deadline seven is the inclusion obviously, of Article 44. And the compensation measures for ornithological features, which have obviously been included in square brackets. And because we consider that it's only if the Secretary of State considers that such provisions are necessary that they should be included. Now, you did mention that you had a query about the reference the word compensation being used. So I don't know if you'd like to raise that now. Raise that now because what I want to do in agenda item four, is to have a touch point on the content of the schedules, just to make sure that every everybody in the room has their opportunity to to have their their final say on those.

1:24:13

But there's just the kind of mechanics of drafting here. In that, of course, the schedule is referred to as compensation measures and and the title of the article article 44 is compensation provisions.

1:24:29

Correct me if I'm wrong, but compensation as such is a term that isn't a defined term as yet in the definitions in in Article One, but yet it does have a common English meaning particularly in relation to compulsory acquisition. And there are a number of other provisions that refer to compensation both both in the articles and indeed in conditions in the DMS from from memory, and I just wondered whether it might be

1:25:00

Why's to define the use of the term compensation for the purposes of Article 44 has that as being absolutely nothing to do with the payment of compensation for the taking of land or rights or anything of that nature. So there's clarity that this is about habitat regulations assessment, compensated ri measures for two hours, I am sorry, Miss mill for the applicants. I was wondering just for your conversation, I was about to suggest maybe we change it to compensator II measures potentially to almost remove that. But um, we'll take that one away and have a think I think that would be the other alternative, don't just use a different word. Yeah. I mean, if you if you in terms called this habitats regulation assessment, compensator II measures that then it will be placed, I think, beyond any sensible doubt.

1:25:51

Absolutely, we will take that one away and try and clarify that point. That seems sensible.

1:25:58

Okay, so that is B and through the Main articles of the decio, in terms of the changes that we made, in terms of the schedules, and there were some comments made by the Council at prior to deadline seven, just in terms of the roads and the street names. And so we picked up some some changes in the schedule, which I'll come on to. But the description of work number 17 is just one such place where thorpeness road has been amended to Thorpe road. So it's just explained that that's why, and that has been amended there.

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But I'll come on to that. And that was at the request of Suffolk County Council, I believe, and requirement 12. So that's one that we have discussed a number of times, and you'll see that we we didn't feel that it was necessary to split it out into multiple requirements.

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Amendments to it.

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But we have restructured it, so hopefully, it is now a lot clearer. And we obviously set out upfront the the main details of the substation, the National Grid substation, and the cable sealing end components and so that they're all together. And then we will then have the the details of the height restrictions and whatnot, and areas. And so it's, it's hopefully set out in a much more logical order now. And and when you're looking at it, it's hopefully a bit clearer. And so that's, it looks quite messy in the track change version, because obviously, it looks quite a few things have moved around. But I hope that that now maybe addresses the concerns that were raised just on the clarity of that requirement. And given the nature of the oral submissions we had last time again, I'm going to specifically flag that for the other speakers on this item, if there are people with concerns about article 12 as was

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does the change, address those concerns?

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Perfect, thank you. And, okay, and so just moving on, and requirement requirement 12 Sorry, just before I move off requirement 12 there to answer there's one additional change was just the again, it was discussed at the compulsory acquisition hearing yesterday, and that is the commitment to reduce the

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this working with when crossing the 100 river from what was 14 metres down to 34 metres. So that has been reflected in in requirement 12.

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And as as as another comment that was raised within your commentary just about whether reference to the cables and the comprise work number six being installed by HDD whether that should also refer to the ducts. And yes, you're absolutely correct, it should have referred to the ducks as well. And so we have made that change. Okay, thank you very much. Moving on to requirement 13. And this is the land for construction methods statement. And obviously there have been a few changes to this particular requirement. And this came as a result of discussions issue specific hearings and further engagement with the Suffolk Council. So as you will see from that, and as you'll have seen from our deadline six documents, we have now submitted an appendix to the outline land for construction method statement, which is a landfall monitoring plan essentially or an outline landfall monitoring plan. And we have secured that within paragraph one B. And we have included at paragraph two a requirement that both land for construction method statement and the landfall monitoring plan must be implemented as approved. So obviously, all of the key commitments are set out within those two outline documents will flow through into the final documents which require to be approved by the relevant planning authority, and then they must be implemented as approved. Now the other key change that we've made to that particular requirement is the requirement to carry out inspections.

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And that again, came out of discussions we had at a previous hearing. And we have discussed and agreed that the text of those of that requirement with the Suffolk Council. So we hope that that now addresses the council's can

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turns on that particular requirement and that particular matter. And again, I'll flag up as we have the past through and we hear from the council, but be very grateful to hear from them on that specific point. Okay, turning to requirements 15. And this is the replanting period for certain trees for trees and shrubs within certain areas. And we had a commitment for that to be 10 years. And for work numbers, 24 and 33. So at deadlines seven, at the end, we have included work number 19, within that, so that's the 100 River crossing. So that's where trees and shrubs are replanted within that area, there will be a 10 year replanting period there. And he suffocates have also requested that that applies to work number 29. We initially didn't make that change deadline seven, but I can confirm that for deadline eight, the DCR will be updated to include work number 29. there as well. Thank you very much. So again, we hope that that causes that particular matter with a separate counsel and requirement 19. And we just made a

minor change to refer to the outline WSI within that requirement, and that was at the request of Suffolk County Council. And so we hope that requirement 19 is now agreed and closed out with Suffolk County Council. And as we believe requirement 20 on archaeology and due to the changes we made previously to that particular requirement.

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And on requirement 21. Two, we made a very minor change now, he said that council had requested that paragraph two of requirement 21, which is the ecological management plan, and refer to the pre construction surveys that were carried out informing

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the ecological management plan that needs to be submitted prior to onshore preparation works. But given the onshore preparation works actually comprise of ecological surveys, it was a bit circular to include that specific reference there. But what we have done is we've just tweaked the wording ever so slightly, so that it's just a more general reference to survey results. So to the extent that it's previous survey results that need to be factored in there, then then that's captured. And if any, if that document is submitted, seen in stages, and some pre construction survey results have been carried out that more general reference now should capture all sorts of survey results. So we hope that that change addresses that particular matter. And obviously an earlier deadline, we made the change at paragraph one to refer specifically to pre construction services, because by that point sub service will have been carried out. So we hope now that that the Suffolk council are comfortable with the changes made to requirement 21

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to refer to the right service at the right time.

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Okay, so

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they are

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sorry, did you ever do you want me to stop there or

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do do continue? I think probably the next substantial group of changes are the onshore preparation works management plan. 26. Okay, I can jump ahead to those. And apologies, I'm just

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working through my schedule. So yes. And onshore noise requirements, as you have seen, in fact, yesterday, you for them at first, yes, the onshore preparation works management plan. Apologies, I've had them the other way around in my notes here. And onshore preparation works management plans. So that's something again, that's come out from many discussions over the course of the examination.

So we have now submitted an appendix in the to the outline code of construction practice, which includes essentially an an onshore preparation works management plan.

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And there's now a commitment to submit such a plan prior to carrying out the specified onshore preparation works. And we have a specific definition there. And that's to capture the the onshore preparation works that the parties were concerned about. And we did discuss the particular definition in there with the counsellors to confirm that they were they were happy with that. So this, we hope now will resolve the concerns that were raised previously about no approval mechanism being in place for works that fell outside the definition of commencement. And so as a as a See, the outline csep sets out details of what the process would be and the sort of works that will be caught by that. And this new requirement now secures that, and it's a very, very fine drafting point. But I do know that in 26, three, we now have a 26. Three a containing the specific definition of certified onshore preparation works. does there need to be an A because there is no B?

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That's a good question and there possibly doesn't need to be

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good drafting terms. There doesn't need to be

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Yes.

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Okay, and so that brings us on to the onshore noise, the operational noise condition. So this one has been amended quite significantly and obviously we have deleted, we've deleted this standalone and onshore substation noise condition. And that's because we have now incorporated the National Grid substation into the cumulative noise condition. And given that there will never be a situation where the onshore substation is in operation without the National Grid substation, it made no sense to include that onshore substation loan requirements. So so that has been deleted. But the requirement 27 has been bolstered quite significantly now, to include reference to the National Grid substation. And, and it also includes some additional detail, which was set out in some of sasses responses previously, referring to the British Standard. And we've just provided a bit more detail about what the scheme that must be submitted must consist include when it is submitted for approval. So we've we've made quite a few changes to that. But we hope that that now addresses and some of the concerns were that were raised. Now, I do note that during the noise hearing last week, this was there are some further discussion around this. And I can confirm that we have been discussing, and this condition with the Suffolk Council. And we are continuing to engage with them on a couple of points in particular, and the deaf the use of the word standard within the standard operation. And we're discussing with them. And we're also discussing the submission of a kind of pre commencement noise report. And so we're just at the moment discussing how best they are dealt with within the drafting, as such, but that's one that we

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we will we hope to be able to make the changes at deadline eight. And we hope that that will be an agreed position with the Suffolk Council. But the discussions are not quite progressed enough for me to give much more of an update at this point in time. But I can see that good progress has been made so far. And we hope that we'll be able to continue and have an updated deadline eat for you. Yeah, that's to be expected, given the pressure of hearings that

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working fairly hard at. But But yes, we will conscious that they will essentially outstanding actions remaining on that. And so we're expecting to see changes to that to address outcomes from the noise issue specific hearing at deadline date. So that's, we'll wait to see what we await to see.

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And if that can be an agreed position that that of course, will will make matters much clearer than would otherwise be be the case. So again, I'd urge on the council the benefits of reaching an agreed position, if that can be achieved. But of course, if they need to be reservations, set them out at deadline nine and then we will adjudicate the difference. Okay, moving on. Okay, and the next one then is requirement 30. And this was just to include a requirement to submit a notification of the permanent cessation of commercial operation. And just so that the I think this, again, came out of a comment that was made in your dcl commentary about whether it would be helpful to have a notification so that the council they know when that six months kicks off. So we've included some some text there to address that particular point. And we've also added the relevant Highway Authority as a console T which Suffolk County Council requested.

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Okay, and then requirement 33. Again, there have been quite significant amendments to that particular requirement. And that was to address ongoing discussions that were being held with Suffolk County Council and the Suffolk joint energy sorry emergency planning unit. And we have now got agreed wording for a condition and that is what is in the deadline seven version. And so we hope that that now addresses concerns from from both Suffolk County Council on that point, and also the odnr who I believe we're finalising a statement of common ground with and will have that submitted at deadline eight. Okay.

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All right. Okay. Moving on. For the next sort of more significant change is requirement 38. We've added some text in requirement 38. Just to make it absolutely clear, because again, this came up in your commentary and sasses have also raised it previously in some of their submissions, about concerns about work number 34. possibly being constructed twice because it's included as both the part of the

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transmission works but also the the National Grid works. And so we have made it crystal clear within this condition now that it cannot be constructed more than once either within this order, or because it's obviously included within both orders and are under multiple orders. So that is now intended just to make it absolutely clear.

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That work number 34 is is a work that can only be constructed once.

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And then finally on the requirements is

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the new requirement on carrying a grid connection works. So this again came out of some some early discussions at some of the early hearings and submissions made by searcys and others about the grid connection works not being able to go ahead unless that option works, or sorry, that offshore wind farm is going to go ahead. And so what we have done there is we've included a requirement to secure that.

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And so we hope that that now addresses that particular concern that's been raised. Yeah. And

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continue moving through the schedules and sheduled. Two, you'll have seen, we made some changes there, just with respect to some of the road names, and some of the particular points referenced on the plans. And this was just some errors that Suffolk County Council flagged and so we just wanted to make sure they were correct. And so we have addressed those. And similarly, that applies to schedule five as well switch, just making sure that the plans and the shedule was was absolutely aligned. So what we do apologise for those errors and appreciate Suffolk County Council pointing them out to us. Very, very grateful to both councils in respect to the final kind of QA check on all of these tabular references in relation to matters in their interests. So again, if there's anything that needs to be put in

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the ideally, please flag it directly with the applicant sufficiently before deadline aid so that the deadline aid can contain any final QA revisions that need to be made that will be installed effective that could form an action that the two councils and the county council and Suffolk Council,

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if possible, are able to flag immediately after this hearing with the applicants if there are any outstanding

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quality assurance issues around drafting in any of the tabular schedules, enabling the applicants to to public included position by deadline aid.

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And okay, just moving on now to schedule seven. And that's just one change. And that was to delete and plot number three, which has been removed, as was discussed yesterday at the compulsory acquisition hearing at the request of the Council.

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Okay, and shedule, nine has removed the same plot. So again, the amendments there, just reflect the middle of plot three. And as you've requested at the start, I will not discuss shedule 10 and the protective provisions. But I can provide an overview of the updates once we get to agenda item four. That's the preferred approach is

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I guess, yes. Okay, that's fine. I'll probably forget when we get to agenda item four, but there were just some minor changes made to some of the the other parts. And that was just to reflect or

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points flagged by yourselves in the comment just as to whether certain defined terms didn't need to be there. And so it's just a flag. I don't propose to discuss those later. But it was just to mention, and that particular point, and shedule 11, we have added reference to an important headrow Mark 28. That was something that we discovered when carrying out our own QE as well. And I think the council may have also mentioned that, but it had been omitted from the important Hydros and tree preservation sorry, it was on the plan, but there had been omitted from the shedule. So we've added that to the schedule now. So again, we thank that for being highlighted. And, and moving now then to the the deemed marine licences, obviously there were quite a few changes to the deemed marine licences in ages 13 and 14. And there is still there's going to be some further changes and to those provisions, which I'll come on to talk about briefly, but I'm running through the the main changes just now though the UX or clearance condition. And the main change there is to remove the references to the safety integrity plan. And because that's now dealt with in its own standalone condition. And we've also

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added reference to you extra clearance closeout report. And within that condition. Now, I just like in terms of ongoing discussions, and the MMO have requested that paragraph five refer to a timescale and so I can confirm that we will be adding a timescale within paragraph five. So that will just require the Closeout report to be submitted within three months. And and we will also change

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paragraph six where it says

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the report may be provided it will be amended to the report will be provided. And so that will address hopefully the two comments that were raised by the MMR on that particular point. And there were some changes made to condition 17 and just very minor changes to reflect and terminology that had historic

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England wanted in the

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WSI conditions, so that's 17, one G and 13, one g

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across the two and two marine licences. And then obviously, we've removed from 17 to the site integrity plan condition altogether, because again, the subject its own condition now. And then condition 21. Three, the changes there were to add reference to significant meaning statistically significant. And, as we discussed, issue specific hearing 14, and that change was made at the request of the MMO. But the natural England have since come back to say that they would they don't like the word statistically included, or they would rather the word statistically, were removed. And we have meetings with that both MMR and natural England on Monday. And so we hope, unless the animal has any update that they're happy for that text to be reverted back, and on today's call, and we'll discuss that with both parties on Monday and see if we can, we can agree on a way forward. I think the way to resolve natural England's concern would be to revert back to the previous text, but we would just need to make sure that they're more comfortable with that. So

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that one is we hope to be able to reach agreement one way or another, but it's just we haven't got confirmation just yet.

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Okay, well, let's see what you have to say.

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sheduled. So part a circuit condition 24 and 20 of

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just 14 is the scar protection and capable protection condition. So again, there were quite a number of changes made to that condition. And I believe it is now all agreed with the with the MMO. And so those were all kind of as a result of comments made and engagement that that was held. So um, there's quite a few changes made there. But hopefully, that's all now largely an agreement.

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That then brings us on to condition 25, which is the cooperation condition. And again, we made some amendments at deadline and seven, as a result of comments that Miss powers made at the hearing. And again, we agreed those changes with the MMO prior to submission. And I think at hearing issues specific hearing 14, the animal confirmed, and I think they'd also confirmed at previous submissions that that word is all now agreed.

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And then, as we've we've alluded to a number of times, now site integrity plan, we now have a standalone site integrity plan condition. And again, that text was discussed with MMR and and has been agreed with the MMR.

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And

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moving on then to the control of piling and you XOR detonations again, that was quite a key condition that has arisen out of a lot of discussion with both MMR and natural England to try and secure the or to secure the mitigation for project alone impacts. And so we now have that condition, which I believe is agreed, I think there's been some discussions about

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some ongoing discussions behind the scenes just about some of the terminology. But as far as I'm aware, I think that that condition is probably in a largely agreed form. But we will confirm that deadline eight and following any further discussions with them and more natural England on Monday. And, and finally, we have the new herring spawning condition. And that we just had a couple of we received a couple of comments from MMR on that particular condition. And so we are making a couple of minor changes, I think one is just to add some text at paragraph three to see unless otherwise agreed, just in case we want to agree some alternative timing for the submission of the report. And so that one was at the request of the MMO. And we're also adding just a little bit of text at the end of paragraph two, just to say that the report will also include details of the methodology of the analysis. And but I think we have just some further discussions to have with him on that particular condition. But again, we hope that those changes can all be closed out and agreed prior to deadline eight in terms of agreeing variances under that one would assume that unless otherwise agreed in writing, or Yes, that is correct.

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And yes, that would just go in at the start. And it's just as I said it's only in relation to the timescales for submission. Yeah, yeah. Okay. And okay, and why all of those changes are reflected also in chapter 14. So I will not go through. I

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suspect everyone's getting very conscious of the fact that they're all kind of pigeon pears for one of the better description and

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flow on into 14 so we can move then through, I believe,

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to schedule

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arbitration, I think I did. Yes. And so shedule 15, obviously, is the arbitration provision. And we did make a change of schedule set a deadline seven, to deal with this confidentiality point that had arisen previously. So we hope that that now addresses the concerns that were raised.

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And it just really makes clear that the arbitration process will be in public except in respect of disputes in relation to the protective provisions in sheduled, 10. And so that's the, we thought that was a sensible compromise position. And, and so we've included that drafting in the dcl. Now, yes, and and we will obviously invite submissions on that point from from parties here, because we're conscious that that

was something that others had views on in relation to the entire structure around arbitration, I will be clear that as we raised in the commentary, we will be paying close attention to this drafting, essentially, because it in its current form, it is a march forward from from where practice has previously been. And essentially one of the matters that we need to be very clear upon, is the degree to which

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the complexity of the remedy is warranted by I guess the seriousness of the underlying concern about need for specification around an arbitration process, bearing in mind that this is a migration from simplicity and a range of previous made orders to considerable diversification.

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You're aware of the arguments, we set them out in in the in the commentary, none of them have changed. But, you know, just to flag again, that we will we will be having very close regard to this drafting. And, again, would ask for any final oral submissions on this from other parties here today. But but the changes in relation to confidentiality, I think, appear on the face of the drafting to have

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significantly addressed the concerns about public interest points that were raised that issue nine. So let's, then I believe that's the only change in that schedule, so we can then move to six Dean. Yes. Well, here, it's actually the principal issue is, is the remaining dialogue with And particularly, he suffered counsel and times and operability of procedures? Yes, so am I just 16. As you're aware, we amended the draft dcl to add the additional information at paragraph one. That that he said, the council asked just to clarify what will be submitted. And we also amended the period from 42 days to 56 days, again, that came at the request following a request from the Suffolk Council. And we also amended the period for further information to be submitted from 10 business days to 20 business days. And that was at the request of a separate counsel. But I do note that he said that councils still are not happy about that time scale and have still think it's not considered not to be long enough. What I will say, though, about that particular timescale is you know, we did consider or have considered a separate counsels comments on that point. And the applicants do consider the 20 business days to be appropriate and unnecessary, and to avoid any undue delays in the discharge process. And I would highlight that there is precedent in other DCs for further information to be requested. And in some, in some instances in quite significantly shorter periods. So the Southampton to London pipeline is five business days, and 21 days where there's consultation and the the iminium open cycle gas turbine order is 14 business days. And again, 21 days for consultation is required, and Great Yarmouth is 28 days. So in all cases, the 20 business days that we've got is, is the longest of all of those periods and in other DC O's and whether or not the include consultation or not, so we consider the 20 business days to be a good compromise position that that should give sufficient time. But whilst also moving things forward.

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We're obviously

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see the precedent position. And we'll be having careful regard to this. And obviously, there are strong arguments in relation to the prioritisation of nationally significant infrastructure projects that we're also

alive to. But equally there are kind of local context and deliverability matters at the end of the day, these individual provisions are different between different paid orders, because they bear on specific individual authorities. And what needs to be clear here is that something has been developed which is reasonable having regard to the capabilities capacity and delivery by the authority concerned, which also takes into account the scale and effect and the number of discharges and the nature of discharges required by the by the individual project or projects. So it's a balancing act. We'll we'll we'll be looking very carefully at all of those things. But but we're grateful for the for the for the movement that has occurred to date. So

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moving on, we've got nearly there

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I would like to those who are maybe hanging on to the edge of their seats wondering when this is going to end. I will break after Miss Mills primary submissions on this. And then I will introduce speakers on the changes after the break. So we know where we're going was mill fiberskyn? Yes. So just to finish off on schedule 16, there was an East Coast that deadline six did actually raise some concerns about the time periods for submissions in the event of an appeal. And so there was a very quick turnaround time between six and seven. But we did manage to capture an increase in the periods for both of those, both of those deadlines that they that had been mentioned. So and that is for the period for representations to be made from 15 business days to 20 business days. And then for counter submissions from 10, business days to 20 business days. So it was justified. I know that you said that counsel had mentioned that, again, in their deadlines, seven response by I don't think we had had quite enough time to communicate that we were making that change to them. So and I hope that that now does resolve that particular issue. And with a separate counsel. And, and so that takes us on to shed just 17, which we've already discussed. So I won't go through that, again. sheduled 18. I think again, we're gonna leave that until Agenda Item Number four, unless you have anything in particular you want to mention at this stage.

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Take it all together. So that brings me to the end of everything at deadlines seven, that we did a deadline seven and I've obviously touched on as I've gone through there, the changes that we're hoping to make at deadline eat. And if I may, I might just if I could very quickly, I think there's just a couple of other points that haven't come up yet that we are making are planning to make it deadline eat. So I don't think it should take me more than a couple of minutes to run through those. So

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that's fine. So requirements 23 and 24, which are the construction hours requirements, they came up at the noise hearing. And we've since engaged with a Suffolk council about some of their concerns in respect of those requirements. And the Suffolk Council have essentially requested that requirements 23 and 24 are amended so that there's an addition, requiring a separate council to approve whether or not something is essential, in addition to approving the duration and timing. And so I can confirm that we have very, very recently agreed to some wording with a Suffolk council to go into that condition to address that particular point. This is the closed or enclosed list point. Yes. And so that should hopefully

address that concern of theirs. And the other point that was raised in the action points, and also came up at the hearing was about a notification following any construction hours undertaken in the case of an emergency. And again, whilst we don't we're not actually proposing to make a change to the decio. On that, we have agreed with the Suffolk council that we will include a commitment within the outline code of construction practice, that an explanation will be provided if the Suffolk council within five working days following an event. And that will include the details of the nature of the emergency and the hours and duration in respect of which the emergency works were undertaken. And we've agreed that approach and the securing of that through the outline code of construction practice with the Suffolk Council. So we hope that that resolves the outstanding matters with the Council on those two requirements. I've already mentioned obviously, requirement 27. And we're not touching on schedule 10 and sheduled, 13 and 14, I've mentioned most of the changes that are in contemplation that they own at the moment, the only other couple of changes to mention

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are that we are planning to include a deadline eight a new condition regarding sediment sampling. And this again came out of a request from the MMO.

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And it's just due to some some issues with some of the sediment sampling that was undertaken previously, and in order to resolve that, and the animal have requested a new condition be included. And so we are just in discussion with the MMO about the wording of that condition. And we hope to get have an agreed set of words of agreed agreed wording for inclusion in the DML at deadline eight.

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And then finally,

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are second provide level of completion of construction. The MMO have also requested at deadline seven for the inclusion of a new condition requiring our completion of construction closeout report and this is intended to address some of the industry issues around releasing headroom in terms of Ornithology

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impacts and so we are currently considering the wording of such a condition and we'll be engaging with animal on that over the next few days with a view to having an agreed position for deadline eight with MMR on that. So it's just to be clear, check with that.

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And maybe the MMO can address us on that point it would would it be proposed

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Then if that approach would become a generic approach that the rest of the industry would then follow, because of course, there's no point one project or project setting out a kind of headroom release provision, if nobody else is a dream on the same terms.

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If I would say that I think that's something that is under discussion with the MMO at the moment in terms of

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whether whether it's included now or whether we wait until a condition is almost imposed on us, but I think we were quite keen to, to try and

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if we can lead the way in terms of trying to get this in there, and then

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set set up set a precedent so that hopefully, this this sort of resolves things going forward. But I appreciate that there are discussions are going at an industry level in the background. So I think that's why we're still having a little bit of discussion with them and more about this, whether, whether we put something in the dmls. And that is a starter for 10, so to speak, and then we can see what comes out of the industry discussions or whether we wait and have a condition imposed at a later date once that's been agreed. So I think it's just trying to decide what the best way forward would be in that regard. So and that's what the discussions are about at the moment. Okay, fine. Well, on that basis, I would look forward to written submissions to accompany the, the order from both the applicants and indeed the MMO. On essentially,

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the balancing considerations that may apply in relation to the finalisation of what amount to headroom measures, in circumstances where there are other conversations going on out with these examinations with the rest of the industry, and potentially for other future projects. I mean, if if the MMO are clear that they are satisfied that the strategic

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approach makes sense, then then again, that will be useful to know from them whether that is how they see matters.

2:02:05

Right. And then finally, shedule 18, what I can do is we obviously briefly discussed the funding for compensation, but I suspect we could maybe just hold that until agenda item for later. And so we do have some changes to make to deadline, sorry to schedule 18. But we can cover those later. I think that is now me at the end of the all of the proposed changes for deadline aid. And I've also obviously, hopefully covered all of the changes that were made at deadlines. Seven. Thank you very much.

2:02:32

On that basis, ladies and gentlemen, I'm going to call a break now I'm going to ask that we actually resume at 12:20am a little later than normal, but that gives all the parties who need to draw their thoughts together a chance to do so before we resume this item 1220 ladies and gentlemen