

TEXT_ISH15_EA1N&2_Session4_19032021

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00:02

Good afternoon, everybody. And welcome back once again to session four of these issues specific hearings 15 into the draft development consent orders for the East Anglia, one North and East Anglia to offshore wind farms. My name is Ian Smith, I'm the lead member of the examining authorities. Before we go any further, can I just check with the case team that I can be seen and heard that the internal recordings have started, the livestream is running in the captions have been switched on?

00:33

Good afternoon, I can confirm that the recordings of 13 Tony, I can see and you and the livestream has started and the captions are working. Everything's good to go.

00:44

Thank you very much, Mr. Williams. Much appreciated. So now, ladies and gentlemen, and we return to the very, very tail end of agenda item three, at which the applicants are going to respond to the points put around protective provisions, who will be taking this for the applicants?

01:02

Definitely Well, for the applicants. And I will keep this fairly brief. I've got nothing to add regarding what size will be size we'll see and Suffolk County Council mentioned with respect to protective provisions, other than to emphasise that we are also you know, we're working very hard with all three organisations to try and close out the outstanding matters. And with respect to the comments made by Councillor fellows in respect of the National Grid, and mitigation, I guess I just wanted to highlight that the requirements of the draft decio apply equally to the National Grid infrastructure. And so any mitigation in respect of the National Grid infrastructure is secured through the requirements of the draft decio. So it was just to hopefully clarify that particular point. And But otherwise, I have nothing else to add on the protective provisions. Okay, thank you very much. And obviously, if there is anything else that needs to be clarified that can be done in writing a deadline, eight. So then Ladies and gentlemen, we move on to agenda item for security for technical processes. Now, this has been a supervision item is centrally for a number of agendas in relation to

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security for without prejudice, habitats, regulations, assessment compensation measures, and up until the last issue specific hearings on the DCR issue specific hearings, nine we had not yet seen the form of those, obviously, in the versions of the orders that we see before us now. We see schedules 18 drafted, as has been explained to us on a without prejudice basis. So the starting proposition from the applicants is they are not necessary. However, should the Secretary of State form the view that they are necessary, we now have the form of words

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placed in front of us that would, as far as the applicants proposed provide the security necessary for those habitats regulations assessment measures. Now what I just want to do is to check where we stand in relation to the drafting of those with others who may wish to speak on this item. My record is that the marine management organisation wish to speak on this item. Can I just check whether that is still the case?

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blanket Mark Hershey MMO. Yes, we wish to confirm some matters in this item. Okay, excellent. Well, I'll be calling on you. Can I just check whether there's anybody else who wishes to speak on this item in relation to the content and adequacy of security provided in relation to Kittiwake compensation measures ganic compensation measures given not compensation measures, Razorbill letter black bank Go Red throated diver compensation measures set out in the parts of the schedule. Is there anybody else who wishes to speak on these items? I'm casting around for yellow hands, and I'm not seeing any. So on that basis, Mr. Croce The floor is yours. And then we will pass to the applicant. Thank you, Mr. Smith. And I'll endeavour to keep this fairly brief. First of all, Mark currahee. Mo. First of all, I would like to just acknowledge the points that Mr. Smith he raised early this morning regarding the naming of the schedule. In relation to compensation, perhaps there might be more appropriate naming

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just to confirm that the MMO support perhaps a more appropriate naming in more closely aligned with the habitats regulations.

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Secondly, just to confirm, and I believe that we did this on Tuesday as well, that the MMO defers to naturally insert on the appropriateness of the compensation packages that to say the actual detail and their quality.

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And also, again, to

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iterator that the MMO is contented that these matters are part of a schedule on the DCS decio. And that these are controlled by the Secretary of State.

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And on that basis, I take it that puts to bed, the possible suggestion has emerged in the natural environment hearings that you, you might prefer there to be parallel or alternative provisions in the DMS. And we were taking the view that there should be no reiteration here. But yes, your content, this is the right, if there have to be these provisions. This is the right place for them.

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Mark crecimiento Yes, Mr. Smith, I was going to touch on that as well, just to confirm we have taken that point away from Tuesday.

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But if I may just go on. One thing I would like to, to state today is in relation to the content of schedule 18. One thing that the MMR would like to see is a timescale for the consultation period. Within part three, I believe it is within each compensation package section. And that's really just to ensure that it's clear for all quantities as to how long that consultation period would be.

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So specific suggestion of, of how long it should be? Or do you leave that in the Africans hands or our hands?

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more correctly, MMO, we would suggest a period of at least six weeks, would you like it is an EA development and we consider that would need it or at least that

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amount of time for consultation.

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Okay.

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So just to clarify, Mr. Smith, the point earlier on Tuesday, the examining Spectre Miss has posted us via email to consider whether there should be

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a parallel condition on the DML in relation securing

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the compensation package. Just to confirm as I've just mentioned earlier on just just before, the MMO feel that there is no requirement or need for a separate condition on the DML. Firstly, as I mentioned before,

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it is we feel that it's secured within schedule 18 of the DCS DCs is a piece of legislation which must be a T two regardless.

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I'd also like to back that up.

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Any condition on a Diem relicence must adhere to the five tests. And those five tests are that it must be necessary that a must relate to a marine licensable activity must be enforceable, precise and reasonable. In relation to being relating to an activity, the MMO considers that whilst there may be some marine licensable activities

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in relation to the compensation measures, there's not yet any clarity on that. And therefore, we cannot be certain that there will be any licensable activities as part of the compensation measures. Therefore, we feel that it's not appropriate for a condition to be on the the marine licence relating to the competition package, which actually runs to a question as I was going to ask, but I'll ask it now, given that you've you've raised the the starting point of it, which is

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is there in your view, any prospect that marine licences, that licensable activities might possibly flow from any of these measures, and therefore, my sense would be that

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you may be saying that separate marine licences needs to be applied for if that is the case, but you'll make that judgement on the facts that are put before you when the detailed plans are consulted upon. Is that where we are.

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Marker hiromu Yes, Mr. Smith, but that will be the point are we making you wouldn't require a separate marine licence application when further details are known. Okay. Right.

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And I believe that's really all I wish to, to discuss on schedule 18. And at this part of the of the agenda and this item. I'm very grateful, Mr. crushy. Now, before I go to the applicants for their response on that there is essentially one final kind of broad overarching question of principle that I had. Well know why I'm back a little bit. The first thing is that we will need to in the Action List record that we would like natural England to respond specifically to the draft

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Do you schedule it now? I'm conscious that there is a relationship here with the actions that we set following the last natural environment and habitats, regulations, assessment, issues, specific hearings.

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But nevertheless, for completeness out of this

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hearing, too, if if natural England have any observations that they wish to make on the drafting approach, and the form of security offered by schedule 18, then by deadline eight that must be received. And then that there's an overarching point, which I would

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like if at all possible, natural England to direct themselves to and indeed the applicant as well. And that is that in a number of instances, the proposed compensation measures have a specific location and the relevant clause of the provision. For example, if we look at the Kittiwake measures, and

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clause three,

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three a provides that amongst the things that must be submitted to the Secretary of State for approval, are details of the location where compensation measures will be deployed and details of the agreements demonstrating how land or rights would have been secured, etc.

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Now,

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I've got, essentially, my question is,

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as a matter of policy, a location where a compensation measure is delivered, then becomes a place that is treated as though it were a European site.

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And that's something that then becomes prospectively

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a matter that has to be

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considered in the HRA processes for following applications for planning permission and development consent.

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And due regard has to be given to the appropriate protections to be provided to those places now, because of each of these instances of compensator II measures have some geographical location.

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What I wanted to ask natural England and the applicant is

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what if anything additional needs to be done to ensure that the appropriate policy protections to these places are provided.

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And then we do have

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some of the measures that do not necessarily have quite such specification around place. And I'm looking there. I think it was was it the red throated diver measures which

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I think I'm in the right place where in relation to control over vessel route diversion and navigation. So there, the idea of there being a place

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that essentially becomes the policy equivalent of the European site is

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harder to get one's mind around.

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Is there a place in in that part in Part Six? And if so, how is it accorded the same protection moving forward as a European site? So can I refer those points through to the applicant first, for an initial response, there may be obviously more detail following at deadline aid. And we will try and form that in some sort of coherent action that we will ask natural England to respond to as well. Who's going to respond to the applicant on these points?

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Stephanie, well, for the applicants.

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With respect to the comments about location, I guess, the the shedule, as we mentioned, at issue specific hearing, 14 has been drafted to be inclusive, and and as you know, some of the locations are still to be determined as to measures will necessarily be taken. So at the moment, the way it's been drafted is obviously to provide those details in due course. And that's all secured through through the wording that's there and through the the plans that sit behind. And so the the appendix and the relevant appendices within the offer ornithology without prejudice competition measures. And so that's the sort of mechanism for locations with respect to the specific comment that you raised about the protections that are then afforded I believe, we may have answered a very similar question previously, I'm just struggling to lay my hands and it's struggling to lay my hands on the answers.

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And apologies if I've forgotten, it's absolutely fine. So we will we will take that one away and move on.

15:00

Today what we will point you to the previous response on that and see if we can add anything further. I think ultimately, the The answer is, is that you don't think it necessarily impacts the HRA as such,

because they are not obviously designated sites at that point. But then I will find the answer that we I'm sure that we provided previously, because I'm sure it was worded much more eloquently than than that. But certainly we can, we can come back on that particular point. And the issue is very, very strongly a forward facing one, it's less of an issue for this particular set of decisions by the Secretary state, it's more a case of making sure that if the secretary of state were minded to support this approach, and make these orders with these provisions in them, and then at some future date, there was discharge of paragraphs, three in any of these parts, and the details of the location where compensation measures will be deployed as submitted, that somehow needs to be a public facing and an evident plan.

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That is a red line on a map or a chart so that a future developer, a future public decision maker, anybody who needs to respond in policy terms to what is at that point, the protected sites network can search and find these plans in exactly the same way as you can currently find the SBA plans or the SAIC plans, and they're a matter of public record, because otherwise, those things are not equivalent be protected. To us a site that is a designated European site. Yes, and definitely for the applicants, I would highlight, obviously, that there is a process for designating sites in which all of those details are obviously set out. So until such point as, as any site that you if a site were to then be designated, it would obviously go through through the relevant process. And so, yes, I think there's two different two different things and

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in play there. So I think it's just bearing that, that in mind that we will certainly take away the points that you've raised and respond in writing. Yeah. I mean, essentially, there that I guess my concerns are probably most clearly related to the gap between a point where it was decided as a compensation measure is delivered on a specific side. And the point when government does or does not decide to formally designate which is one of the routes forward. But the other policy

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position might simply be that they don't designate they just called them the same policy protections as though they were candidate sites.

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You know, it's all it can, it's all a little bit vague, because it hasn't been done a lot before.

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It's probably the best way of describing it. So So the best means of making sure that they don't disappear, needs to be thought about. Okay, I will not press that point any further, I think I think we'll get submissions on it. And from yourselves and from natural England and the MMI needs to be at deadline eight, in which case, we can move on from agenda item four, I don't believe there's anybody else who needed to speak on that item. Now, the following items amount, essentially, to supervision items.

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Agenda item five, we had reasonably substantial discussions at issue specific hearings, nine on the approaches to be taken to agreements and obligations, a broad range of prospective agreements were referred to by Suffolk County Council and a Suffolk Council. And

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essentially, this is just to remind the applicant and prospective parties to any agreements, that if these are essentially Public Law agreements, planning obligations, and the like, then an executed agreement ought to be put in before the close of these examinations. And if it is, then the secretary of state can pay due regard to the agreement of the court it wait. If an executed agreement is not put in

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then, of course, it is merely a promise or a hope of an agreement rather than an agreement. So it is not something to which the same weight can be accorded. Alternatively, if we're talking about commercial agreements, side agreements, contracts and the like, some of which may be commercially confidential.

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What we don't necessarily see there are executed agreements we wouldn't expect to but we do as I've already foreshadowed with individual parties where this is relevant needs to see correspondence passing between the parties.

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The agreement, which essentially set out a summary or the heads of terms of the agreement, and at an appropriate level within the organization's concerned state, that they have bound themselves contractually to deliver that. And that relevant facts which are then set out in the letter are taken out of dispute, representations withdrawn or whatever the necessary consequences of the agreements are, so, that the position in relation to those and then we've got memoranda of understanding and, and the position as we understand it there is that there is a concluded mru on skills.

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There was reference to a possible environmental exemplar memorandum of understanding,

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and also to a PPA. Now, can I briefly return, firstly to Suffolk County Council and then maybe if necessary to the Suffolk Council, just to get the latest position on those.

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Michael Bedford Suffolk County Council, so my mouse was

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being a little bit

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obstructive, there for a moment.

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So I think the position really remains pretty much as was

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in terms of

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mru matters, obviously, we've had a debate about that. And we are,

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remain of the view that that should be dealt with outside of

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examination, but again, you've got our default position through the various representations we've made about that, in relation to a PPA that is something which is being discussed in the context of the various highways and transport,

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outline plans, and it's part of that dialogue, and discussion. And we're hoping that that's moving towards a conclusion. And obviously, that goes back to the message we were talking about earlier, in terms of protective provisions. I think that's probably all I want to say on that item. Kelly, well, as long as you're clear and content that progress is being made, and you're not coming to us asking us to consider anything particular to put in front of the secretary of state as a recommendation then, other than what you've already put, then all is good. And anything then from East Suffolk Council on outstanding issues around agreements, obligations, memoranda, etc.

22:53

Great, thank you. So nothing to add on the skills education and economic interview, which was signed

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now last year,

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so it exists on the section 111 agreements, those are the for you now in rep 6079 unsigned form, and it's anticipated that they will be signed

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by deadline, eight,

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their status hasn't changed the applicant. As I understand it, says they're not necessary and it's not asking you to attach weight to them,

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or the Secretary of State, but there they've been important, so far as is Suffolk councils concerned in

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informing its view as to the

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impact of the project. And the compensation for it

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is also, as you mentioned, the environmental exemplar projects

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mru, which

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is intended to be signed off by the end or before the end of the

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examination.

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Again, as I understand it, the position of the applicants is that that stands outside these,

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this examination, but again, you suffer cancel, because I consider that to be important in

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affecting its approach to the proposal. As it's clear from the cabinet report. There's funding the tourism fund,

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where the applicants agreed to contribute 150,000 to support promotion and marketing of the East Suffolk area. And my understanding of that is that

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that is going to be a separate arrangement as between the applicant and Suffolk Community Foundation.

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Again, that has influenced

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the council in

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its view about

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The offset of impacts

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and

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not kill the status the applicants attached to that, but that they can explain that

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they can indeed, and they will either do that now or in writing a deadline. It Again, I mean, this gets back to the balance of benefit points that that we have raised on a number of occasions before that, if there is anything that

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is sought

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to be taken into account as part of the balance of benefit, then obviously, it needs to be clear that the applicants themselves consider this an account or be taken out of it.

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And an idea if it relates to matters that deliver public benefits that there's agreement on that between the applicants and the relevant local authority. Okay.

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Unless you've got anything further to put I, you know, we will deal with what appears in front of us at headline eight,

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I will then just check around the room to see if there's anybody else who wants to speak on on this item, I'm not seeing any yellow hands. So I'm going to our I am, and I have cancelled my own fellows.

26:19

Oh, per Town Council.

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Thank you very much, Mr. Smith, sir. Ladies and gentlemen, room fellows speaker on behalf of over town council. It was just to reiterate that compensation for these projects has not been discussed, as you know, with town or parish councils, or with interested parties. And although he Suffolk, have today

echoed similar views to ourselves on other matters, this is a matter that we're still in disagreement with them.

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For example, the proposed tourism fund of 150,000 has not been discussed with tourism leaders or, you know, with businesses that may be impacted. The use of Suffolk Community Foundation mentioned today, this is the first literally within the last minute that I'm aware of that. And the choice of that, and how that might be delivered for projects locally. So if you are to take this into account in terms of the balance of benefits the project, I have to be very clear, and

27:31

honest. And probably this is the last thing I'll address your answer. So I will remain professional and polite, and gracious and positive, as I hope I've tried to be throughout this whole of this hearing to say we do not believe that this represents benefits for the local area. Thank you.

27:54

That is very succinct, clear submission, and obviously one that we will take into account. So on that basis, I don't believe there's anybody else that needs to be Oh, I've just seen another hand arise.

28:09

If I can just check my hands. I see Miss Mrs. Gilmore of seats.

28:16

Good afternoon, everyone. Fiona Gilmore representing South UK energy action solutions. Some of our members are also members of the Suffolk Business Council and on their behalf as well as C's behalf. I would like to just make a point about the tourism fund that had just been mentioned by Mr. Cake. We were not aware until this afternoon, that this was if you like going to be handed to Suffolk communication foundation

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and 50,000 pounds. Just to put things in perspective, one hotel alone in old bruh have calculated that due to the cumulative impact of these projects, it will lose well over 150,000 pounds.

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So this paltry sum is a complete joke. What do you think it is an insult.

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We think that the Suffolk council will continue not to understand this area and its dependence on the tourism economy. We have grave concerns about the impact here.

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And we do not believe that it has been listened to fully. Thank you very much.

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Do you very much again, clear submissions. So can I then revert to the applicants for responses on those matters.

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corners about half the applicant. And

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I will, I won't cover all the points. But I do want to just address a point where it stated that we believe that that there may be issues about taking into account certain matters. In particular, the one on one agreements are going to be submitted our primary position, it's not necessary to make the price development acceptable.

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Secondly, in relation to some of the other matters, the way in which we've negotiated with this, the Suffolk Council is that we have sought in terms of the breakdown of the sums to consider the types of

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additional matters which could assist the wider community in relation to integrating the development in a wider context. And one of the problems is that either you choose to directly relate the the sums to the development and direct impacts of the Roman. And one of the problems in relation to that issue then tie as to how those funds are spent. We got very clear direction in negotiating with a soft Council, that whilst we worked up the sums based on what activities could be taken in and around the particular locations, but there was a dark desire for flexibility, which we have respected. And one of the key points about that is that the funds can be spent in the local area after consulting parties and bodies and Representative bodies as to how they wanted spent. And it is very easy for an applicant to turn around and pick a particular point and say we'll pay for this directly related to the demand to say you should take that into account. We were mindful also of some of the guidance coming out of natural national infrastructure commission about placemaking, which goes if I may say slightly different way to considering major infrastructure projects from being just a single planning application and trying to look at in a wider context. But we are stuck with the guidance of applying em one provisions relating to very strict rules about when a matter can be taken into account or not taken into account. So I did want to set that context for the way in which these agreements have been formulated. And equally we have discussed in good faith with the council meaningful contributions to address and enhance areas in around where the proposed developments would take place. We've also sought to address them in the context of where the impacts would arise, I can considered individually the construction elements and thereafter considered the more long term permanent effects as well. So the the contributions are related to in that broad sense to the way in which the development is set out.

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I don't really want to go into the detail because I can put it in writing afterwards. But I thought it was worth setting out that broader context. But one area where we're probably there is a greater certainty in some respects as to the funds is in relation to East Anglia to 111. There is a separate distinct contribution to the A and B, which supports access, environmental and ecological enhancements within the area, and B, that is more specific and more direct.

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And I think of all the specifications that comes closest to meeting the tests and requirements. And it may well be that it does so because it actually reflects the statutory functions of the RMB. And also, we do acknowledge that there will be residual significant effects on the RMB. And therefore there is a closer relationship to all is in respect of those particular aspects of funding in relation to pa two.

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In terms of other funding.

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Again, these have been negotiated with, with both the county and Suffolk County, but in terms of the environmental example projects, that is a memorandum of understanding, but equally in the context of applying the tests applicable in the A one, two agreements. These are broader range of opportunities. And in that context, again, it probably doesn't meet the test set like that. But it is part of being a major infrastructure project to work with the council to seek to achieve

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delivery of important environmental projects. The tourism fund was a matter that was actually negotiate with the council and deeds. There was input from the dmo. So it's not come from nowhere and there wasn't no consultation with tourist bodies. There was input and

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Effectively what it addresses, it addresses the perception issue out, which was the matter of which was identified. And one of the responses to that perception issue was funding of marketing, to deal with the potential perception which may be wrong, and I don't want to go back over the evidence, but everything in most, the terrorises assets will still be open and accessible, contrary to what's been said, and therefore, this was a far as a fund. And we're certainly looking to provide the Council of latitude. So there's absolutely no ambiguity about being paid.

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There is also a community benefit Fund, which clearly is out with the context of the

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ambit of of the test, that is the end one, we will provide you with the details in order that you have the full context of of what is being said out, but we don't think that is relevant maps to take into account. But for the purposes of our negotiations have been public about what has happened, we're happy to put it put the details and

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finally, memoranda of skills signed. And I think in relation to these 279278.

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Yes, I think there's a high degree of confidence and well, for the applicants that very good progress has been made, and that it's very likely that assigned to seven, eight will be available that line it.

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Thank you very much.

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In which case, then, ladies and gentlemen, I believe, we can close out agenda item five, and move rapidly on to agenda item six consensus parties where I have only one matter to raise. And this is the matter of the correspondence from the crown estate, in a letter dated the 17th of March 2021, which

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in I must record my pleasure and astonishment, rapidity of the administration team behind us, because that is already now in the published examination libraries as additional submission as hyphen 101. So anybody wishing to look it up, can do so. And what I would ask is that the applicants have that on screen in front of them. Essentially, the point

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that I just wish to test in relation to it is that it is the position in that letter, that because there is no onshore crown land forming past the crown estate that is subject to the orders that therefore there is no need for consent pursuant to Section 1351 of the Planning Act of 2008.

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Which

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is a point that appears sound. But then if we turn to

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Section 1352, and the question of the need for consent of the crown,

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to relevant provisions, and I'm looking here at the drafting of Section 135 itself, section 1352 provides an order granting development consent may include any other provision apply in relation to crown land or rights benefiting the crown only if the appropriate crown or authority consents to the inclusion of the provision. And the general view that has been taken in a number of reports to secretaries of state and decisions by Secretary of State secretaries of state so far, I believe, has been that in such circumstances,

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even if the only interest of the crown has an interest in the seabed, that a formal consent, under Section 1352 is required, as a prerequisite to the making of the order. Now, there have been circumstances where that's been forthcoming. In examination, that's the desirable route forward. There have been other circumstances where it's been forthcoming by the bell just before the Secretary of State makes a

final decision. And as I read the letter that we have been provided with buy and count legal counsel for the crown estate commissioners, their current position is they do not believe they need to provide any consent under section one through five. And I just wish to test that, again with the applicants because again, the consequences of it not being provided if there's a view that it ought have been asked severe. So

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because the order cannot be made.

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Can I just turn to the applicants on that final point, please?

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No, definitely no for the applicants and the letter set, or the text set out in the the Cronus states letter was certainly certainly our understanding as well, and that they do not require to consent under 1352. And that we obviously have an agreement for a lease in place with the crown and the crown estate in respect of any rights over the seabed. And obviously, the the order itself doesn't include

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any, there's no crown land in respect of the the onshore order limits. And that's certainly the approach that has been taken. I do note that on

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the purchase protection in a number of other decided cases, though, that's the problem. you'd mentioned the one issue specifically 14 that you're going to men you'd pointed us towards try to know now I have had a look at that. And both the recommendation report and the decision letter for the array for trading? No. And I couldn't see anything about this having been discussed. And I just wanted to check. Was there another example that you could perhaps point us to that you're referring to there?

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I think we will do a little digging, further digging. And I haven't recall the treatment because I was a member of the examining authority. And yes, it was. And of course, the problem is now that the range of supporting documentation that was on the website is no longer available, which was of course, the problems I bumped into when I went back to look at the crown estate letter. And leave that with us. I think probably the best way forward may well just be a simple an informal one, which is that if Mr. Williams finds equivalent correspondence that is still published,

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that you'll be made aware of it.

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Either way, I think we need to vote this down. And if if therefore more consent is to be provided. And the best way forward would be for it to be provided before the end of the examination.

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If that can't be done, then obviously it becomes an outstanding matter for the Secretary of State's development consent team. But

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either way,

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we're, we will do our best to make sure that we get a latest position on practice on this to you before the close. And if that is that that content is still formally required. And my certainly my recall is that it is then obviously your best endeavours in moving that forward, but would be much appreciated.

42:45

Thank you. Okay.

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There is then. And I just nobody else wishes to speak on that rather arcane item. Ah, Mr. Ennis. Yeah, his comments about the applicant. I mean, I am aware, in other cases where effectively the crown estate had been engaged and and effectively are having to consider consenting, that were on shore land has been involved, that when they didn't consider referred to, because it's by provisions of advanced consent order that they approve it, but that's subject to if there's any revisers to that order that they're made aware of them. Because it if 1352 is engaged, it's about the it's the order granting development consent,

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and the provisions that are applicable to it. So therefore, if there is a change in the terms of the provision, but they may have to consider it further. And we've seen references to that again. And that was an onshore context, but they they're ready to set. If there is subsequent change to the at the order we'd like to be consulted. So that if it is about the provisions of the order, then genuinely they may need to see any order that was recommended, not just the one that was before the examination, because ultimately, you will receive representations about changes to the order, and there's different positions on the order. So I just flagged that I've because I thought it was useful in the context of the fact that in onshore terms, where it has been engaged, there is the potential caveat raised that they may want to see any changes to the provisions of the order? Yes, that I think is a reasonable position. So you know that possibly pushing it from something that is submitted by the end of the examinations, up to something that is submitted to the Secretary of State's office, and however, however this is managed, I think I think there is still a significant outstanding concern that there is a requirement for their consent under Section 134

45:00

I have to.

45:01

And that's something that that does need better consideration by them than has been provided in the correspondence that we currently have.

45:10

Oh, okay. I'm moving then on to other consents. This is, again, a supervision item. I had no specific questions to raise on it. So I'll just check with my panel colleagues, whether anybody does. And I'm not seeing any desire to come in on this. Are there any people here in the hearing who wish to raise anything in relation to other consents?

45:37

And if there are no, if nobody wishes to then let us move on to agenda item eight, which is any other business now, here, in relation to

45:50

agenda item one, a, I will just flag that because we are still outstanding,

45:57

written submissions that deadline eight, to which the advocate the applicants themselves may properly respond that deadline nine, then we are not in a position to issue any sort of formal concluded decision on that item. Now, orally, as I've blanked this morning, it will be most likely that any such position would have to emerge in our reports. And I think that is the best, safest and fairest way forward.

46:25

That was the only other that was the only item that I wish to raise. And so Does anybody else have any other matter that they want to raise as an item of any other business? Now I do see attorney and I was conscious that you did ask to be involved. Is there anybody else before I hand this out?

46:47

And I do see Mrs. gillenwater sees

46:53

only two hands. So that is where it is going to fall. I'm going to go first to Mr. Turney. And then I'm going to go to Mrs. Gilmore. And then I will come to the Africans for a response. So Mr. Turney.

47:09

So thank you, rich attorney for spaces. I've got one point to make myself and then I need to ask Mr. Mani to join. To make a further point. The point I wanted to raise is in respect of the correspondence that we've seen relating to the five estuaries wind farm and the outstanding request that you have made to national grid for further information on that decision.

47:39

It's a timing point really, because we have made, Stacy's made a request to national grid to provide the relevant assessments that have underpinned the decision to send the five vestries scheme somewhere else.

47:57

That material may or may not be relevant to this examination. But it has clearly hazard potential relevance because

48:06

the proposition is perfect. This is an appropriate location for a grid connection. And indeed, there's a policy emerging policy requirement for better coordination. And obviously, a decision to move another scheme away from Friston and to a different grid connection location is potentially relevant to your consideration of the appropriate list of restaurants.

48:28

So you've got your outstanding request to to national grid. We have requested that that further information, but we may not receive it before the end of the examination, and certainly it seems unlikely it will arrive before deadline eight so I wanted to raise with the examining authority whether they should request the information from national grid that underpins their decision to move the grid collection location to somewhere else which we understand to be an Essex

48:59

and it's really just to leave that with you and to point out that if we do receive such information, it's likely to come at deadline nine at the earliest realise that it's the end of the examination. So it may be coming late from us unless you requested earlier for national grid.

49:15

And the next the next point was for Mr. Mani to to come in on Okay. I will hear Mr. Marley's point.

49:25

Thank you, sir. somewhat different point more of a community point really which I've been asked to raise. And and I'll be very brief, just so on Wednesday this week, notice was given by Scottish power to conduct some survey work for ground investigations.

49:42

The notice does indicate that as yet the order is yet to be granted. But it's been a matter of some consternation this notice has been issued before the examination has concluded it would have been rather better I think, had to wait until after the close of the examination.

50:00

But the point is more relevant to this hearing is that it's very blindly said in the notice that these works will take place between the hours of 7am and 7pm, Monday to Friday, and then 7am to 1pm on a Saturday, because that is what is in the draft DCA. Given all the discussion that has taken place on working hours, I do think it's somewhat insensitive to take that approach. And I'd invite the applicants to give some sort of assurance. In fact, work work won't be taking place at 7am in the morning, or 7pm in the evening, particularly in circumstances when this is the point at issue in the examination. And and I think this also more generally reflects the attitude which the community feels that scottishpower shows

towards it. And there's a certain lack of deafness of touch in this approach. Certainly, from my background, I'd waited until after the examination, and acknowledged that there was an issue over working hours rather than just sending the stuff out that it has been churned out by a computer.

51:01

So that was the first point I wanted to make. I mean, when it comes to this issue of being deficit touching How to Win Friends and Influence People, I would also like to say how good the case team has been, Emery and his team have been excellent.

51:14

And I think the planning spectra are very lucky to have that quality of people working for them, because it has made the process a little easier. There's a lot to finish there. Thank you.

51:24

Thank you very much.

51:28

Okay, now let me move to counsel the fellows.

51:33

No, sorry, it wasn't after for those apologies, I'm losing my grip. It was Mrs. Gilmore and sees

51:43

it late in the day. Thank you very much. The only girl more sees really just a very quick point. In fact, Mr. Attorney almost said word for word. What my concern on behalf of our community group was the gala per extension when they re named themselves.

52:07

A nice marketing name five Esther is when you look into the name of those five s jurors blind or well, deep and old or and stauer. Four of them are in if you like in Suffolk, and one of them is in ethics. We believe that name was based on a time on the thinking that they were going to be at Friston and that it was at the heart of the fai bestiaries they've now moved to ethics. And if they still keep their fibres jers name which they've only just changed, then there's those stauer left. So one could with a bit of investigation conclude that the new location is going to be somewhere around the mouth of the stauer. And we would benefit all of us from knowing if that's the case, because it could be that this wondrous location that has been found by national grid for the gala per extension five St. Louis could in fact be a superb site pre industrialised or a brownfield site for a mega hub, including Scottish powers, EA one and and da two. So thank you very much for your attention. Thank you again, to all the team. And I hope that this is if you like the conclusion. Thank you. Bye bye. Thank you very much.

53:40

Now reflecting briefly on those points. I mean, there's a there's a specific request that's been put to us about pressing national grid for reasoning on

53:53

the movement of the five ESeries connection point we will not extemporaneously decide that point. Now, that's that's a matter that the examining authority will deliberate upon after the closure of this hearing.

54:07

But I will ask for the applicants view on any of the points that have been put in a ob before I bring this item to a close

54:22

call is half the applicant in terms of the five bursaries position. In that letter, they state that the project still early phase of development, and that a new substation expects to be located within the East Anglia coastal area, whatever that may mean, an occasional substation is unknown. So

54:46

they then go on to say the exact location of the connection point is expect to be determined and 2022.

54:52

Therefore all that I suspect might be known as a grid connection area, as opposed to a substation site.

55:00

But seems to be the indication of the material submitted.

55:06

Most official, I don't know has any relevance that five vestries have asked for the current applications. And the simple fact is these extensions are all the extension, five ESeries is simply not of the scale of the comp proposals, its infrastructure requirements will be different.

55:25

I guess that background, I don't see that there's going to be any further information that you'd like to get other from a general occasion of our connection, vocation as opposed to a subsection location, it will be very general,

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I leave it entirely up to you as to whether you wish to get back further information or the extent to which it will be useful. Indeed,

55:50

those observations are noted and obviously, we will deliberate on that point after the close today.

55:56

So on that basis, I'm going to close out Agenda Item Number eight. And at this point, I'm going to hand over to my colleague Caroline Jones, who will take agenda item.

56:11

Thank you, Mr. Smith. We're moving on to agenda item nine, which is procedural decisions, review of actions and next steps. The purpose of agenda item nine is to provide us with an opportunity to review any procedural decisions or actions that have arisen during this hearing. We have not made any procedural decision today. In terms of actions, we do have a list of actions arising from these hearings, these have been flagged as we've progressed, these are largely for the applicants who I'm sure have been noting them as, as we have gone on, and we will aim to publish these on the national infrastructure planning website as soon as practicable after the close of this hearing. Hopefully, first thing on Monday, it may take a few days for the examination library documents to be updated. But as soon as these are published, you will be able to access them from the Documents tab on the websites, where there should be at the top of lists, the most recently published documents. Similarly, the Action Lists for compulsory acquisition hearings to issue specific hearings at seven and eight held this week.

57:16

Thank you.

57:19

How do you think they have already been published and can be found in the same places on the websites, we would advise all participants today and those not in attendance, but with an interest in the matters covered by this hearing to review this action list when published and act accordingly. I'm going to hand back to Mr. Smith now. Thank you very much, Mrs. Jones. Gosh, it has been a long fortnight

57:40

forgetting how many hearings we have covered. So hoping that I have not slipped again. In terms of next steps. This has been issued specific hearings number 15. And we have had reserved time in the timetables for a possible adjournment of business from this to issue specific hearings. 15. A, that could have been held on any day from the 23rd to the 26th of March. And indeed the same has been true of issue specific hearings, 14, and compulsory acquisition hearings, three, there were reserve items in those days 23rd to 26th of March, had there been any technical disruptions, but there were none. And it is clear now that we will not require any further time on those days. And so any of those a branded and alternative hearings are cancelled an issue specific hearings, 15 days specifically cancelled, a banner to that effect will be published early next week. And

58:41

so on that basis, nobody should be under any concern that they have to attend any of those further hearings.

58:49

Which brings me then to the final item 10 of our agenda. I would very much like to thank all of our speakers today for your attendance and your contributions. And in that respect, I would also like to extend a much broader thank you to all of the participants in these examinations across the piece. Because together this has been a cast of many hundreds, well 1000s if we include the people who've made relevant representations. And so, again, it has become a litany of the day but I will customarily and most appropriately thank our case team led by Mr. Henry Williams, for supporting these hearings

and without whose help we would not be where we are. I will raise a final check to make sure there is nothing else that anybody wishes to say before we bring this hearing to a close. I do see was generous to the applicants.

59:48

Thank you, sir colonists and half the applicants. I just wanted to say at the end of this hearing to thank all participants at all the openflow hearings, the compulsory activation hearings, and the

1:00:00

Specific hearings for attending and making representations in relation to the applications. It's also involved many public bodies, statutory bodies, also participating in those proceedings. And whilst I am going to name a number of people who have been almost all present for their attendance and support, right, those hearings, particularly highlight Naima Gould of his Suffolk Council, and Graham Gumby of Suffolk County Council, who've attended many hearings, but also helped in moving forward matters act with with the hearings, they've been very constructive in the approach, I would also probably particularly highlight a number of individuals who've been leading individual groups and collective local groups, because it's clear in terms of examination of this scale, that the effort that they have, corralled and put for the hearings has been very significant. And in particular, Fiona Gilmore of of C's, Michael Many, Stacy's port Chandra of SOS, and also cancel at Marian fellows, a lot of the town council are all individuals who've put a tremendous amount into this process, and I think do should be recognised, we may not have agreed on every matter. But it's always been conducted in a very appropriate and cordial manner. And also, we're very welcome the respectful way in which everyone has been treated throughout all these hearings. And it finally forced me to thank the examining authority for the manner in which you've conducted all these hearings, it's, it's not been easy, we've all had to adjust to a new way of doing things. But certainly the hearings have been

1:01:40

very well handled, and also afforded a maximum of opportunity of participation. We do appreciate that, how much organisation and forward planning goes into conducting hearings. And we're very grateful for that for the way in which they've been conducted. And finally, just to wish everyone a very good weekend. Thank you.

1:02:02

Thank you very much, Mr. And it's not my last point, I trust that everybody will have a weekend with as little work as I can reasonably achieve in the circumstances. Those Mark remarks are very much appreciated. And again, from the examining authority before we finally close, without naming any individual names, because I believe it would be almost impossible to name all of the people who have contributed so much. And we will once again like to thank everybody for their very substantial contributions, which have made our lives immensely easier and clear in managing these proceedings. And at the end of the day, this has all been conducted with good humour. And one of the glories of this process is that if we can agree to disagree, but also agree to recognise the dignity, the humanity and the passions that everybody brings to tables such as these, and then we all move on, with decisions that are taken in the best interests of society as a whole. So a big thank you to everybody for your

contributions. I am now going to note the time which is three minutes past five. And these issues specific hearings number 50 are now closed.

1:03:27

Thank you very much, ladies and gentlemen.