

TEXT_ISH17_EA1N&2_Session2_28052021

Fri, 5/28 1:16PM • 1:33:22

00:04

Good morning, everybody. And welcome back. Can I just check before we proceed with the case team that we can be heard and that the live streams, captions, etc, are running and the recordings started?

00:22

Hi, everyone, I can confirm that I can see you and you and that the live streams have started and everything's being recorded. Thank you very much, Mr. Williams. That's a distinct gain on where we were in the first session this morning. Thank you. Okay, so as a reminder, ladies and gentlemen, we are returning to partway through agenda item to the applicants who have set out their position. So can I see by way of Show of hands parties that wish to speak I was specifically already intending to introduce the marine management organisation first.

00:57

And Mr. Bedford, Can I check? Are you wishing to speak

01:06

for Suffolk County Council? Just looking at my hands at the moment?

01:12

So yes, I put a hand up this.

01:16

Yes, I seem to have a little bit of a hand issue.

01:22

And

01:25

yeah, no, I'm not seeing any hands from any. Mr. Smith. I can see them. Would you like me to? Yes, that would be very helpful. So at the minute, we have got Mr. Turney. Mr. Tate, and Miss Gilmore. Okay. In which case, can I say Mr. Bedford? Yeah. In order terms, we will then go to the MMO. We will then go to Mr. Bedford. We will then go to Mr. Tate.

01:52

And I will then hear Mr. Attorney. And then I will come to

02:00

miss Gilmore. Apologies. Did we have counsel fellows as well?

02:08

Okay, so that's that's the order of play. So MMO first, then, please.

02:16

Thank you, Mr. Smith, Mark. Qureshi MMO.

02:21

I'd like to comment by exception on the applicants commentary on the DCR changes for majors to so we can focus on the main points.

02:30

So first of all, I would like to acknowledge all the changes that that applicant set out as discussed by Stephanie Mills for the applicant earlier, I'd like to focus on the herring spawning period. Because I know that's probably one of the key issues. First of all,

02:48

the MMO does acknowledge the applicant's desire for a need to drive down the uncertainty of the three month period, and strive to provide something a bit more with a bit more certainty. To that end, we have had discussions with the applicants earlier this week, with a view to changing that to

03:11

setting out a period of up to one month or up to one up to 31 days, I believe the actual wording is, which we believe hopefully will give the applicant perhaps more certainty in their scheduling and contracting, but also give us

03:29

the requirements we need that, you know,

03:33

it won't be you know, they can be the actual condition itself can be enforceable.

03:39

To that end, we are seeking advice from CFS, our scientific advisors, and we shall continue to work with the applicant and respond to yourselves in due course. Okay, now, I'm essentially here, but it's the holy grail that's being soft, which is a form of drafting that is sufficiently clear as far as contractors to the applicants are concerned in relation to a period of not being capable of being varied from two weeks to 20. But equally,

04:10

in your minds also meeting the test on the tests on the drafting of conditions in nppf, paragraph 55.

04:20

Do you feel as though it's close?

04:23

Yes, I mean, I think we're all set out, there is an under general understanding that the key period is going to be less than 31 days. So it is a general understanding of that. So hopefully this will give

04:37

a condition which First of all, you know, is enforceable, but also drives down that period so that it's realistic as well.

04:47

We do acknowledge in the examiners questions, the reference to that the phonate condition

04:55

and in actual fact fuel potentially

04:59

you know, if

05:00

We can get agreement on the 31 days, that's actually might provide more flexibility.

05:05

Finally, condition actually, if the word he on the ground changes, once he certainly made it would require a potentially variation to that decision. So this does give some flexibility as well. Now that is noted. And I mean that our only purpose in drawing out the fannett argument was to essentially make the point that they're in circumstances where this particular issue around the precision in drafting of herring spawning provisions that ended up not being fully resolved and examination that Secretary of State have deemed it necessary to consult. And their starting point for consultation had been a certain period, now making no judgments at all about the appropriateness of the period or its duration, but merely to highlight the point that the Secretary of State went for what in the end was a certain period?

05:54

So yes, it sounds as though the conversations need to continue. And if they can usefully be brought down to a shared position that deadline 11, that will be greatly appreciated. And again, what I would emphasise here is that there's there's great value in us a great value for us in in a process that engages dialogue between the applicants and yourselves in the gap between now and deadline 11 with a view to having an agreed position of deadline 11 rather than having the applicant propose something, you then react with a deadline 12. And before we know where we are, it's very, very hard to reach a settled an agreed position if you haven't, by accident in inverted commas. Agreed. So I'm sure there is dialogue continuing. And we just be very grateful for its continuance and with a view to having a shared position of deadline 11, if that's at all possible to achieve.

06:51

Mark correctly noted, and that is our aim to provide a response by deadline by 11. Thank you very much.

07:00

Okay, now, you know, we've obviously lead on on the matter that was clearly viewed as being most significant by yourselves, and indeed, by us. What about the other positions? I mean, I'm, I've had a conversation with Jessica Paris, who is reminding me that

07:21

the UX home close out,

07:24

and best practice protocol for RT D matters seem to be settled and that you have confirmed

07:35

your positions in relation to those and that the southern North Sea sac condition separation of the sick seems also to be broadly fine with with your sales, because I did just want to finally check on those points. Small crush. Mmm, thank you for that. Mr. Smith. Yes, we are content with those changes.

07:56

Okay, well, in which case, are there any other specific matters that we might have missed that you still need to make oral submissions on relating to the changes to the draft dmls

08:10

Mark Kirsch MMO, just a few points just to just to raise they're not they're not major issues. And some, some of them relate to the examiner's questions from last week. But we thought it would be good to just to share them today.

08:25

So first of all, in terms of schedule 18, the offshore ornithology compensation schedule.

08:34

Our position remains that a six week timescale should be noted. In that schedule, in terms of consultation, on the implementation plans.

08:48

We feel that's necessary in order that the relevant interested parties have a sufficient consultation period. And also it does mirror other conditions in other parts of the decio, where consultation periods are set out.

09:04

Okay.

09:06

And just to go through a few more things, in terms of in combination effects on the signal seen sec.

09:16

In relation to the activity tracker, this is one of the examiners for some questions, we'll just like to say we will provide a more detailed response to those questions.

09:27

But we'd like to say that

09:29

in terms of the tracker, we are actually

09:33

working on some live applications at the moment and using that bat tracker and working closely with other regulators principally operate. And just making sure that that, you know, truck is actually working as its intended to work. I think it's fair to say that

09:50

the tracker is only as good as the information that's put into it. And one of the key things that we're doing now is just to identify all those gaps

09:59

and just make sure

10:00

Now that we capture everything, for him in combination effects, I'll be making good progress on that. So really, it's just to say that we are actively using that tracker now

10:12

in live applications, okay, thank you very much.

10:18

Okay, any other matters then that you wish to draw our attention to? Before we move on?

10:26

I think the only the real point worth mentioning, I guess, is in relation to the overland for construction documents and how we'll be working with the local planning authority. I'm aware that is one of the written questions that we need to respond to. And I'm also aware that the believe that you suffer Council of our attendings here today, as well, it's just really to say that, you know, the MMO is content that we are going to be consulted on this document along with natural England.

10:54

So worked by content that we're going to be part of that decision making process.

10:59

But at the moment, we'll probably provide more detail as to how that will work out work, the intention is to in our written response next week, but also,

11:09

you know, assuming, you know, the DCS consented, I think that might be the appropriate time to, to for the actual

11:18

details themselves of the process.

11:22

But the main things that, you know, we're content with our role in that

11:28

kind of consenting process. Okay. I critically, the point being now that, you know, if there were any substantial outstanding kind of high order matters, you know, this is here now place to raise them, you're not raising them. This is all the financing of detail. So it sounds to me as though in in broad terms, you are content, pretty much the wording of your last written submission, which of course, we did just want to check back on.

11:56

Just in case there were any specific, outstanding matters. Okay. On that basis, then Mr. Qureshi, thank you very much for those contributions. Now, before I move on to Mr. Bedford and Suffolk County Council, what I'm just going to do is I'm going to ask Mrs. Jones to hold the fort for literally about a minute, because I'm still in a world where I cannot see hands. And that has typically been easily cured in about 30 seconds or so by me leaving the event and rejoining it. So that's what I'll do.

12:32

No need to leave this

12:35

item, Mrs. Jones, I'll just drop out and drop back in again. No problem, Mr. Smith. And, of course, if I don't drop back in again, but you will, but I will message you if that's the case.

12:51

Mrs. Jones, could I just come in with a quick follow up question to Mr. crashy. While Mr. Smith's just sorting out this technology, is that okay? Yes, of course. Thank you. Mr. cresci. I just wanted to follow up with you mentioned about the the southern North Sea activity tracker. I just had a follow up question to that, please.

13:07

Hi, khursheed. Mobile? Yes. You've previously provided the link to that document. It was an Excel spreadsheet, as I recall, I just wanted to check that the same. Now you say it's now being used fully for

projects, is that the same link as you've previously provided? I just think it might be useful for us to have perhaps that confirmed a deadline 11

13:28

Mark Russia memo? Can I take that back? examiner powers, because I know that there are different versions. So we'll confirm that deadline. 11. Thank you very much.

13:41

Thank you very much. Now, ladies and gentlemen, I like being heard and I my back.

13:48

looks as though I am And furthermore, wonderfully. I now can see raised hands. So on that basis, I was going then to move to Mr. Bedford for SCC. Mr. Bedford.

14:04

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

14:09

In relation to agenda item two of the matters that have been listed helpfully by Miss mill Tim, the update

14:19

in relation to requirement 12. We raised no issues with the text changes or the restructuring that have been so far proposed.

14:30

There is, as you know, an outstanding issue in relation to the design principles, which of the is part of requirement 12.

14:42

Five, but the issue on that is about the scope of the design principles rather than the wording of the decio provision. And so as I'm saying, that's a matter you're going to deal with as part of item four.

14:58

And similarly,

15:00

The issue that was raised from your decio commentary about the overall design and parameters plans, which would be for item five.

15:09

So then, secondly, requirement 32, which relates to the public rights away matters. And there, I can confirm that we welcome the revisions to requirement 32, which provide the clarity that we were seeking. And we think it now works effectively as a provision.

15:32

Then, in addition, in terms of an update from the county council,

15:40

you will recall from previous

15:45

exchanges and submissions, that there had been an issue raised by the county council about the scope of the port construction traffic management plan, required requirement 30.

15:58

In relation to HTV traffic from the port to the onshore sites.

16:07

There has been further dialogue between us and the applicants about that. And it's really a question of as it were finessing in which document the control should be provided.

16:20

And I think we've reached, I think, an agreed position, that if the outline construction traffic management plan, has some wording changes to as it were broaden its scope, then we can be content with that, and there would not be a need to make any further changes to the port construction traffic management plan. We think we've agreed that in terms of the principle with the applicants, but we haven't yet got any finalised wording as to how the construction traffic management plan would change. But I think effectively, neither of those would need to change the requirements themselves. That will be 36 and 28. It's the as it were simple, subordinate documents where the finessing happens. So that's that point. And then the last point is requirement 41, which relates to the outline, operational drainage management plan, as you will know that there is an issue between us and the applicant about the identity of the discharging authority. Indeed, obviously, that's a that is a textual change. Were you to agree with the county Council's position. But that's one, it's probably a matter that's linked more to item four.

17:43

But, you know, obviously, we've set out a position already in previous representations on that. Yeah. And look, I mean, it may well be that it if it's if it's relatively briefly dealt with, we have, we are obviously fully cognizant of the opposition, we're taking it fully into account.

18:02

If that hasn't changed, and the position in the end of ESC in the applicants hasn't changed, then for may be brief indeed. And we will just be setting ourselves up to ensure that we are able to adjudicate the point.

18:19

But anyway, let's see what happens when we get to item four on that.

18:23

Thank you. Thank you very much. Okay, well, in which case, I will now go to Mr. Tate for ESC.

18:35

Thank you, sir.

18:38

So we welcome the changes that have been made since I sh 15. I can run through them briefly. First of all, Article 38 and shedule 16.

18:52

We

18:55

were pleased to see the removal of the deemed consent provision which we have been seeking. And so that addresses our concerns in relation to schedule 16 in the light of the earlier

19:09

changes that have been made in relation to the timings. That's the first point. Secondly, in relation to requirement 12.

19:21

Again, we welcome the restructuring. In particular that now that the

19:29

substations design principles statement is brought into apply to

19:37

all the substations including that with National Grid

19:44

associated with that, of course, there have been a number of changes to the substation design principles statement itself

19:52

in relation to noise and the commitment in that to further minimise the

20:00

The operational noise rating levels, para 71. And table five one, the pre commencement operational noise design report, which is further specified in the substation design principles statement. So that that those are significant changes from the council's perspective, there is a proviso about ecological receptors and noise. And we're in this as was pointed out earlier by Miss mill and we're in discussion

20:34

about that

20:37

the substations design principle statement also includes commitment to further reduce the visual extent of infrastructure and the detailed design process. So again, we welcome that.

20:52

Perhaps this comes really under item four, we had sought to include on the face of the

21:03

decio in the requirement, commitment to maximum finished ground levels.

21:10

But that's a matter we can come back to

21:13

under item four, but we know what the ES DPS says about that, in the light of the commitment I've just mentioned, we also welcome

21:24

the change on the face of the requirement and nine overhead line guard crews in electrical equipment, in response, particularly to se C's are understand, and we welcome that

21:37

as well.

21:39

We also support what Suffolk have been saying about the additional design principle in relation to technological changes. But again, perhaps come back to that under item four, in relation to requirement 13.

21:57

We are content with

22:01

the changes there

22:03

would likewise requirement 15 we'd sort for those

22:09

requirements to extend to work 29. And that's been done that

22:17

in relation to requirements 23 and 24.

22:22

Class closing, again, we've been pressing for that and we welcome those changes.

22:30

requirement 27 were agree with the wording,

22:36

which define standard operation again, something specifically we've been seeking

22:41

requirement 37.

22:53

Don't think I need to mention that requirement 41.

23:01

Out opposition as to why the local planning authority should be the discharging

23:07

body consistent with the approach to the csep. But we need to come back to that we'll come back to that again Under Item form. And that's well troubling grand

23:19

opposition's

23:21

a risk of retracting it just just again, to be clear that this is now about if it remains in this be putting us in a position where we can make an adjudicator position clear to the secretaries of the Secretary of State. Yes, that's understood.

23:37

In relation to operational land, we're going to come back to that understand that item five, because there's a specific suggestion made, and likewise, design and layout plans come back to that under item

23:53

four, both those relate to requirements 12 and also an additional potential requirement.

24:00

44. And then finally, I think I can mention in relation to Article 37.

24:08

where there isn't a proposed change that will be cancelled that previously

24:14

said it would be beneficial under Article 37 to to specify also the local planning authority. But

24:24

having considered that further and on the basis that it's agreed by the applicant, that sheduled 16 does provide a

24:33

complete code in relation to the exercise of powers conferred by the decio on the LPA then 37 the exception that unless otherwise provided for Yes, would be adequate on that assumption. Indeed, and that was a point that I had specifically wished to press upon you because my reading there was that that example. That exception does do the job and

25:00

And therefore given that we do have schedule 16, and a very clear appeal process that it is otherwise provided for, and therefore you don't particularly need to be named or indeed, any other discharging body does not need to be named, if it's within the scope of a discharge process defined in the schedule and an appeal process that flows there are. So in the life of that we did see that point.

25:24

Okay, excellent. That was the last item on my list. So we are clear, we have your submissions, unless there's anything else that you wish to add.

25:37

Thank you. Excellent. Right, in which case, I'm now going to go to Mr. Turney, please, for sociis.

25:46

Thank you, Sir Richard, Attorney for spaces, I'm going to deal with this relatively swiftly. If I can.

25:53

We still have a number of unresolved concerns in respect to the draft decio, and will reiterate those in our written submission. The next deadline,

26:04

we're concerned about article seven, which hasn't yet been addressed by the applicant in terms of dealing with best practical means,

26:12

within that submission, that you've had our submissions on that and we'll we'll reemphasize those in terms of the schedules, part one of schedule one, we're grateful that there's now a minimum power requirement, although we do note for the purposes of your assessment that it's set at about two thirds of the plant capacity of EA two and 75% of the plant capacity of EA one n. And when you're considering your benefits versus dis benefits, you need to consider the way in which the applicant has chosen to set

those limits. In terms of in terms of requirements. We're still concerned about parameters. But I think I'll probably leave that to agenda item four. In the context of securing good design,

26:59

we have an ongoing concern about the use and scale of the National Grid infrastructure began. I think that's agenda item four.

27:11

In terms of other requirements, construction noise. First of all, during the process, I think there was acknowledgement by the applicants that the proper approach to working hours and therefore construction noise was to prevent any actual construction activity in the first hour and the second and the last hour of the seven till seven rains. That's not in fact, reflected in requirement 23 and 24. And we think it should be a not just limited to the cscp. At the moment is framed as seven till seven. And I think it's been agreed that that is excessive and inappropriate. So there's the DCA should reflect the working hours, which are thought to be appropriate.

27:59

In terms of operational noise. We've made detailed submissions on this, I do have to note that, although you have a requirement, which I think is now agreed by ESC,

28:11

it's not a requirement, which has been agreed by spaces. And it's an important point to note because you asked that, that we were involved in those discussions. And that request has not been followed up by either the applicants or by the Council, that District Council. So we haven't been part in today's discussion. And

28:33

in that respect, I mean, you know, our intention was given the nature of the expert contribution that was made in our issue specific hearing on the matter. The there was a substantial technical contribution from yourselves. And it seemed important that apparently, clearly founded arguments raised by your expert were, at least clearly and expressly responded to, from a standpoint of we will not do this, because

29:03

or, alternatively, that if there are matters that could sensibly be taken up in the spirit of actually enabling them to be taken up in securing the broadest possible community support for an approach that that was also a thing of value. So look, I would, I would finally again, urge on both the applicants and ESC to the degree necessary that if there is a possibility of further resolution and reaching of technical agreement on these points that would be viewed as very valuable by the examining authorities. But of course, if that is to be done agreed positions are quite urgent now, because if we don't see them by deadline 11 then realistically the ability of parties to respond to them a deadline told them for meaningful closing submissions to be made at deadline 13 becomes hard to do. So I will leave that marker resting on the table.

30:00

Thank you, sir. And I think just very briefly, there's been no progress on including a tonal noise specific element to the requirement. There's been no clear agreement between the parties on background which of course, goes to the the appropriateness of the figure. And other receptors are still left out in the sense that it's still only a series of named receptors as opposed to all residential receptors, which are gained the protection of the requirement that there are other points. We will put those in writing deadline 11 witnesses authority Taylor's input, so I won't

30:36

trouble you further on that. And finally, and I say this, just very briefly, in terms of the debate that we've just touched upon, I won't say more about it. But in the discharging authority for drainage matters. Stacey's position has been quite clear throughout that it should be with the County Council. There are serious drainage issues here. And it should be with the local lead federal authority and not with the District Council, who in frankly, are not skipped, didn't have the skills within the district council to approve the detailed drainage plans. So that's where we sit on that argument. I won't say more about it today. Thank you won't say more about it today. Well, in which case, I will just question you on it very briefly, because it will arise a little Well, I'm happy to I'm happy to contribute later, if you'd like me to well, whenever suits you. Essentially, in a nutshell, it is just this that if if that

31:32

discharge obligation is not to be placed in the hands of the local planning or the relevant local planning authority, which would, with reference to many other made orders be the kind of normal location in which that determination will be made? And how then can competing matters to be balanced, be balanced, in circumstances where drainage considerations give rise to a very substantial input around the consideration of broader design matters specifically, where they relate to the mitigation of landscape harm,

32:12

natural environment harm, historic built environment harm,

32:17

because at the moment, unless you have a single ring holder, so to speak, in relation to flood drainage, and those other matters, as I've previously mentioned,

32:29

achieving the potential discharge of the matters around water and flood and drainage could to a degree become a frustration, or a means whereby the resolution of proper mitigations on the other matters were not actually brought forward, then and that's, that's a concern.

32:53

And in terms of a final resolution on this,

32:57

you know, we want to be clear that we've got a clear and coherent solution that recognises the substantial technical expertise of of, of the county council, but also makes sure that there is a single ring holder across all matters bearing on a sensible, integrated design approach, because otherwise, we foreshadow possible difficulties. Now, those are all rebuttable points and rebuttable positions, we have not made up our mind on this at all.

33:25

Court, I think it's worth pitching that in before you disappear, bearing in mind that you might not be around for part of the afternoon. So thank you, thank you. Essentially, I recognise the point. But it is not unusual. And indeed, it's present elsewhere in the order that there are other technical approvals that need to be achieved before the detail of the mitigation design can be achieved. So for example, highways approvals are required, and there may they may be relevant to detailed approvals which are given by the local planning authority. So we say it's really a sequential process that would need to be followed. It allows consideration of landscape matters and so on. And indeed, it may be that the submission that's made by the applicants would say, to the locally federal authority here are drainage proposals, and we're proposing in this form because they will integrate landscaping and so on Suffolk County Council are perfectly competent to understand those points, they will understand those points. The real difficulty is that this is because of the nature of this site. It is a technical and challenging issue, drainage. In other words, it is not just a sort of further condition that needs to be addressed as we go along. But the moment is, you know, our position is that they haven't, the applicants haven't shown that to be a viable scheme. And if we're at that stage at this stage of the examination, then it rather points towards the fact that this is not a routine planning discharge matter, but actually a point of risk.

35:00

Need for real specialist involvement prior to the settling of the full detailed design, for the mitigation and so on and distribution of uses across the substation site. So it is more akin to a technical discharge that needs to come before it is possible to finalise layers and so on. And we say for that reason, it's better placed with the County Council. But as I say, we've made we've made the point previously, I think, I'm sure Mr. Bedford will make the case that he has made previously, we essentially adopt the county Council's position on this. Okay, now, I do see Mr. Bedford has specifically raised his hand on that particular point. And I think in the circumstances, we are running slightly out of my originally intended agenda order, but I will bring Mr. Bedford back in on it. And then the applicant has a rapid response to all of this material, and will be able to pick these matters up in that final response. So

36:04

Mr. Bedford, you want to come back on that?

36:09

So I only did so in part, because obviously, we were talking about the topic. And also I thought, Mr. Tate, I don't know whether you can see me now seems to take time to and I'm going to come in, but I thought it would be best to come to you first. So that Mr. Tate is unaware is essentially the entirety of the case against his position or his current position, or just to add services. And retail I hadn't intended to put my hand out. I think that's the residual hand. But

36:36

well, is that because

36:41

I was content to leave it all to item for but I say now we're now we're into it. If you're happy, so then we may as well. We continue here. And my read my reason for being here and not in item four is essentially again, noting the constraint on on Mr. Attorneys time and trying to do the best

37:00

make the best use of counsel before we lose them. Yes, indeed.

37:09

Perhaps just by way of a starting point, I will say that we set out in detail in rep 8176.

37:20

Our reasoning, and also by way of background to emphasise that the county council is not as it were mano cited with only drainage as a consideration. It's well aware that there is a interaction between drainage and those other environmental disciplines, as you have mentioned, and of course, the county council does have its own internal landscape and heritage. Technical officers able to assist. But it also absolutely recognises that if article. So requirement 41, were to be amended, as we seek it to be amended, that it would expressly include consultation with a Suffolk Council, and also with the Environment Agency on the discharge of requirement 41. So we absolutely recognise all of those points.

38:21

And then, in terms of instance, the point that you raised about what you sent, who holds the ring, if there are as it were competing,

38:31

as it were desirable outcomes, and ensuring that there is a balanced judgement may serve first of all that that issue arises as it were, whichever body one put in that role. What one? Yeah, what one needs to be satisfied is that that body both has the ability to make that judgement, and that it has the technical skills to make that judgement. And so I say we say that the County Council, which is of course, a planning authority, albeit that it doesn't have a planning authority function directly for decio matters. But actually the same is also true in relation to the district council because the actual decision maker is of course, the Secretary of State. But it's perhaps just worth picking up on the point that there is already inevitably going to be an overlap between some of the matters that are dealt with by the

39:30

outline, operational drainage management plan and matters which will have to be grappled with by the county council in any event. So you will note that the

39:43

final operational drainage management plan

39:48

is required to be

39:51

produced and discharged prior to the commencement of works in relation to works 30 3430

40:00

to eight, and 41 and 34, of course, a bit not the most important, perhaps of those four. But 34 is the new access road from Saxmundham road to serve the

40:15

substations. And the reason for highlighting that is so that when you look at the draft,

40:25

current outline operational drainage management plan. And the reference it's section 5.2. point one.

40:36

It's specific specifically deals with the need for the access road to be considered in terms of surface water drainage as part of the outline operational management plan, because it recognises that that runs in a in an area of high risk surface water flooding,

40:58

and medium risk of surface water flooding over parts of the root. And that

41:06

there is also a possibility of it being rooted in part over areas of existing surface water flood storage. So the Highway Authority will clearly have to be engaged in the interaction between that element and the

41:25

that part of the surface water flooding and the views of the Highway Authority on that will be clearly important. The Highway Authority is also the discharging or authority

41:38

under what is article 13, for the access to works on on one of those access to websites 13. So that's article 13. One, and one of those access to works in shedule. Six is of course the point where that access road then emerges onto Saxmundham road.

42:04

And so

42:06

these matters are already interrelated and integrated. And the discharging authorities for these different requirements are already going to have to have dialogue with each other to ensure that there is a

consistent approach between them. And that in a sense, one doesn't do something which Stein is another. So it is a complex situation, I quite agree. But it isn't a question whereby one can simply say, well, it's obvious that one body or another body necessarily ought to be the discharging authority. I say I go back to what we said in our representation on this, you will have to make a judgement as to which body is best placed, but we certainly see in terms of technical expertise and understanding of the complexities of the drainage issue. But as well an absolute as it were a liveliness, if perhaps a word, to heritage and to landscape considerations that we are perfectly capable of

43:12

managing and balancing those issues in consultation, understandably, with the A Suffolk Council and indeed the Environment Agency.

43:23

I can't really say much more than that, but it is it doesn't lend itself to as it were an easy answer. And you will have to obviously regionally judge a judgement. But we remain confident,

43:35

for the reasons mentioned as to why we are appropriate, and albeit it's probably not

43:43

an absolute driver. It is worth noting if I can an echoing

43:50

one of your comments in a slightly different context. When you were talking to Mr. Attorney about the question of noise and resolution of what seemed to be outstanding issues between his clients and the applicant strokey suffered counsel on noise evidence, and you did obviously understandably say that it would be helpful to achieve the broadest possible community support for whatever approach is adopted. And I say it is perhaps of some moment to note that one of the leading community bodies, which is concerned about drainage and flood matters at Friston,

44:31

say faces and Mr. Tony's clients. They also share, as it were a reassurance that we are well placed or indeed best placed to be the body that is the discharging authority in relation to requirement 41. Yeah, now I hear all of those. What I'm going to do before we go any further because Mrs. Jones on the examining authorities has been leading on flood and drainage and is with us and I'm sure she has some specific points that she might

45:00

What I'd like to test with you, so I'm going to draw her in. And again, I will reassure Mr. Tate, I'm seeing your hand down in the background, and I am going to give you a full reply to this before we go to the applicants. So, Mr. Jones.

45:15

Thank you, Mr. Smith. I think these were questions I was going to ask an item for precinct probably worth asking, though, because we seem to have jumped ahead.

45:25

Yes. Just in terms of if the examining authorities were to

45:33

go with the requirement as as is Levy, civic Council. And then what would be your opinion in also bringing in the county council as a console tea when requirement 12 with respect to works 3034 38 and, and 41. And that way,

45:55

both both councils would then be part of discharging and under consultation on landscaping and on drainage?

46:14

Well,

46:16

I think my first reaction is we would obviously welcome that as a

46:22

as it were, second best position.

46:26

Albeit that we would expect that even if that wasn't written into requirement 12 so that the requirement remained in its existing form, we would have expected a Suffolk council to be consulting with the County Council on the discharge of those requirements in so far as they related to matters with potential drainage or flood risk implications in any event, so we would have expected them as a responsible body to have been engaging with us on those matters. So one would be really writing in in a sense, what would be

47:07

I say, good practice? anyway?

47:11

I have to say, I don't think I say it will be a second best of what we think is the preferable arrangement, which is that the body with the most technical expertise for the operational drainage is the body that discharges the operational drainage. But that's just going over the ground again.

47:29

Thank you. And I would be quite interested to hear Mr. Mr. Tate's opinion on that as well. And perhaps, Mr. Turney, if he has to leave by this afternoon, and we don't get back around to it in item four.

47:44

Unless you have any further matters, I could help you on that. That was all I was going to. That's absolutely fine. What would be Mr. T, what would be a suffix counsel opinion on incorporating that into requirement? 12.

48:01

So in specifically in connection with requirement 12.

48:11

I suspect the

48:16

council would be amenable to that haven't got direct instructions to that effect. So

48:22

given my role, I need to check that but

48:27

that would then be consistent with what's stated in requirement 41, which requires a present consultation with Suffolk County Council in the discharge of those functions.

48:40

So I'll check with schooled and and revert to you.

48:46

And I can very briefly summarise our position. Whilst that is occurring, if that's convenient.

48:53

Yeah, no problem.

48:56

So very briefly,

48:59

the council's position is set out in red 8152 and rep 9040 40.

49:09

And I just make the following points. First, think it seems to be common ground that an integrated approach to considering the discharge is required that there needs to be a single

49:24

ring holder and in most submission in those circumstances, that should appropriately be the local planning authority, who

49:37

are required to balance landscape ecology, heritage and other matters including flood

49:44

flood issues in the ordinary discharge of their functions. In contrast to the County Council, which has specific and rather narrower functions.

49:54

Secondly,

49:57

looking at requirement

50:01

22, which relates to the code of construction practice, that also requires a an integrated approach

50:12

to the discharge by the ring holder, the relevant planning authority, and that includes under 22 to a surface water and drainage management plan. So that's a consistent approach to the operational

50:30

water the position under requirement for 41.

50:34

That is reflected in requirement. 22. And then, thirdly, the point that I've just made that requirement 41 explicitly requires consultation with Suffolk County Council. So it's not a question that they're not being that ordination that statutorily required, but it would happen in any event. And fourthly, the

51:05

District Council are the enforcing authority.

51:09

Under, for example, section 167, section 169.

51:14

And it's appropriate that the primary position should be therefore they should be the discharging authority. In this particular instance, they've been very specific carve outs from the norm, with highways and archaeology, where the current account such as the discharging authority,

51:33

and although there may be some overlap, that's a primary function that they are discharging and the overlap is at the margins. Here,

51:47

the

51:50

competing interests are

51:54

varied, and one doesn't need to have the local planning authority as the ring holder. And I'll just come back to on

52:07

my instructions, which is that we will be entirely content for those changes to be made.

52:16

and support the

52:20

position that you set out.

52:24

Thank you, Mr. T. Is it worth us asking Mr. Attorney, Mr. Smith? Yes, absolutely. I mean, I think given the progress we've made on these issues here, principally because of my concern that we might lose, Mr. Attorney at the point when we actually reach this in the agenda, it would be remiss of us not to ask for his specific response to the matters put by Mr. Bedford and Mr. Tate

52:48

that Thank you, sir. Thank you, thank you, madam return emphasises

52:53

the proposition that requirement 12 should have Express reference to consultation is one, which I think helps. And we would, we would welcome it. But I don't think it really goes as far as we'd like it to go. Because we do feel that the county council should

53:16

take responsibility as the local lead flood authority for dealing this very difficult size. And

53:22

that includes in the long term, obviously, taking responsibility for the decisions that are made in respect in respect of flood and drainage design. And it seems strange to have where there's such a big issue of surface water management,

53:39

to have it left with an authority that doesn't have the expertise to deal with that. But But certainly, I don't want to sound churlish. So we would welcome that step in requirement 12. But we we don't say that it's a complete substitute for the request we've made on discharge generally. Thank you.

54:01

Okay, so can I just check them Mr. Jones, any other matters that you specifically need to dig into in the here now I'm very conscious of the fact that is probably not the complete end of this. Because in agenda item for once we're looking at designing the round, clearly, flood, clearly water are going to be key considerations in our debate there. But again, it did seem important that we got this material onto the table before we lost Mr. Attorney. Okay, so any other matters, Mrs. Jones.

54:36

Good. Right. So we will return back to core agenda and I've got one round of final submissions, then on the changes to the draft decio from Mrs. Gilmore for C's, and then I'll be returning to the applicant for a wrapped up response to all this has been put. So Mrs. Gilmore

54:59

you all

55:00

won't be able to see. Thank you. I will be brief this morning definitely know, on behalf of the applicants indicated a change in the land for cable route, where they are now proposing a removal of plot pen. And Dr. Alexander Jackson requested to speak today on behalf of alpha Jensen, his mother, and a trustee to organs trust.

55:28

inspectbrates response with negative to quote Dr. Jensen was not required, because these issues will not be discussed, if you hearing certainty

55:40

isn't the first time and this is absolutely not a criticism of anyone. I'm just stating that sometimes issues arise, which are not necessarily on the agenda. And so that sometimes means that that really should be commented is not available, or can I address that very specific point. And that is that if we're thinking about the distinction between the way that we're holding a virtual event, and a real one, where we'd have been in a public Hall somewhere,

56:13

course, the

56:16

what we didn't say to Dr. jimson, was that he couldn't attend at all. And he absolutely is fully welcome to attend. And we trust that he's either watching the livestream or May, if he so wishes, us the transcripts or the recordings after the event and deadline 11 is available to him. So had

56:38

had we been in a public Hall, he might have raised his hand on this point. And we would absolutely have introduced him, because we're in a virtual event, his rights are directly equivalent, and they are to

respond to the points that have been raised, and to put the matters to us in writing, and and those adjusters way, too, will be accorded

57:02

as much input in our considerations and deliberations as if he had physic physically being present.

57:09

Thank you for and that is very much appreciated. And he will do that third line 12.

57:16

Please received the recent applicate applicants response to the point of removal. But what I wanted to say that see, on behalf of all its supporters have a great concern about the existential threat to the hoarding trust and removing prop 10 we would indicate make absolutely no difference to our concern. Let's all not forget the borders above ground do not apply to aquifers. aquifers do not recognise ownership borders, where the plot can be taken out of the equation or not immaterial, there is a significant risk of breaching the aquifers and contaminating the water, water for wardens trust. And that's how irrigation. And let's be clear a breach is a breach. And that is an existential threat to the vulnerable and the elderly who have absolutely no voice in these hearings, where the top 10 is removed or not. So I just wanted to say that this is a concern that they have on behalf of the whole community. Thank you very much. Thank you very much, Mrs. Girl.

58:36

Okay, well, on that basis now. And Mrs. gillum. Okay. Can I just ask you to lower your hand? If that's complete? I'm now going to go to the applicants for a wrapped up response to those matters. Mr. Ennis, I trust your leading this. Yes, colons from half the applicant, I'm going to deal with the drainage matter. And then I'll hand over to miss mill to see if she has anything further to add on the other matters. If I may start off with I think it's quite helpful just to consider the practicalities. First, before we get to the detailed wording in the context of East Anglia. One, the in terms of the discharge of conditions with the two district councils, the county council was also engaged and consulted in relation to all those discharges as well. There's a recognition that there can be interrelationships. And the key is to make sure that those authorities are properly informed. So that's how, in broad terms that work for you staying there, one in the context of this particular decio. And in particular of the framework that's been put in place. fundamental to the substation elements is the substation design principles, which is essentially a process which requires input from a range of the factors that go into the good design.

1:00:01

And that reflects landscaping, visual drainage. And also the design elements of the built development that's proposed alongside at these proposals. Those all come to the fore and seeking to design and to provide the best design having regard to all those factors. And insofar as that design process requires, it will require an input in relation to that the drainage factors in order to ensure that that produces a robust design, and there's an element of they will have to ultimately all be integrated in that the landscape management plan was to have regard to the drainage factors. So I think fundamental to this whole process will be the input of all those factors into a final design process. And from that becomes

the final discharge of matters. But the proper place for these matters to be resolved, is initially in that design process.

1:00:58

So in terms of this very narrow debate of which party is best place, as I understand the argument of the county council, Mr. Bedford, is that effectively they are best placed because the local lead flood authority map, the fundamental point about the role of the lead local flood authority and planning is that it is largely an advisory one, rather than assigning body so that having that technical expertise is not a precursor to being the party that should have the decision making function. And in that context, I just think it is important to draw that distinction, because that's what's being argued for the justification for taking the decision making up to the county council level. Thereafter, Mr. Bedford did his best to try and link in as many sort of aspects of the county council might have an overlap with, to seek to argue that his integration was more important than that of the local planning authority. And I think just his attempt there perhaps illustrated that compared to the core functions of discharge of 12 and 14, his attempts really were far, far, far less likely to be directly integral, and were far lesser importance. I just like, particularly the attempt to try and get a highways authority, there is a highways authority with a tie in at the access road for 34. But works 34 is a private access. It's not a public road, it's a private access. But it will have an interface, obviously, with the highway network at its junction.

1:02:36

So taking it together, when one brings together the various aspects of what needs to be discharged the landscape, the physical, and the drainage, it is clear that having given the responsibility to local planning authority to discharge at 12 and 14, it does not make sense in any meaningful way to suggest that the discharge of requirement 41 should sit with the County Council, that's simply inappropriate, and fails to have regard to the way in which those are directly interrelated. And the quite proper course of action is for the local planning authority to be the party that discharges those respective provisions. And I think also was very good point made by Mr. Tate. But effectively, what we're saying is it's okay for the planning authority to discharge the construction elements, but not the operational elements that, again, is inconsistent in the approach in relation to this matter. And I think, particularly important as reg requirement. 41 clearly gives a key role to Suffolk County Council in its role as lead local flood authority as a specified council tea alongside the Environment Agency, those two bodies are directly required to be engaged and to work through the discharge. And in my submission, that in terms of an approach is an entirely appropriate one. And essentially trying to work the decision making up to the counter counsel on this particular matter. Isn't my submission contrived?

1:04:15

I'm not going to ask Miss Miller unless you have any questions about the matters that I have raised there. I would hand on to miss mill.

1:04:27

I will just check with Mrs. Jones, again, any any further, direct flood related matters that you want to explore with the applicants. No, just wouldn't mind their opinion on the suggestion of incorporating a consultation on those particular works numbers in requirement 12.

1:04:49

I'm calling from half Africa, I haven't taken full instructions. But what I've already articulated is that the county council would already be involved. So So I suspect the instruction that I will

1:05:00

Receive is that would cause no difficulty because it would be intended that the county council would be involved in all those matters as well.

1:05:11

Thank you.

1:05:14

Okay, so moving back then to miss smell

1:05:19

those matters in relation to the submissions that we've just heard on which you need to respond.

1:05:26

Stephanie, well, for the applicants, and I think in terms of everything that's been raised so far, and we welcome all the confirmations where provisions are now agreed. And I think that the party's for setting that out. And with respect to the things that are the provisions that are still under discussion, we've either generally already provided our position in writing, or we'll be doing so at deadline 11. And so I don't really plan to go through any of that. And in. And, in fact, I think there's probably nothing in particular that I need to raise. Now, I'm conscious, obviously got agenda items, and three and four, which will cover some of the things that were alluded to here. So I suspect there may be more discussion there, but there are no specific points that I continue to respond to verbally just now. Okay. Right. Well, in which case, my sense is that that brings us to the close of agenda item two, we have covered in a sense the updating positions now, agenda item three, which we will move directly on to relates to the potential operation of each development consent order each DCR was a standalone consent. And in the agenda papers, the examining authorities flagged the discussion and this item is relating to circumstances in which in which one or another of the DDC owes in these applications will either approved or implemented on a standalone basis. And just to clarify, for the purposes of example, this might be because the Secretary of State granted consent for one application but not for the other, or, for example, circumstances where both might have been consented by the Secretary of State but because of a subsequent decision in relation to financial investment, taken by government, for example, in relation to something like contract for different surround or by the relevant Undertaker, the beneficiary of the order or an investor. One consented scheme were to proceed, but another consented scheme did not or one proceeded before the in principle, investment or delivery decision had been made for the other.

1:07:37

The reason why this is important is because we need to assure ourselves that whoever is discharging

1:07:47

relevant requirements around the integration have

1:07:52

a coherent design approach, particularly in relation to the substation site at Friston.

1:08:01

In each of the potential scenarios that might come to pass,

1:08:08

has before them

1:08:11

clarity about the matters that they need to determine and essentially, an outline plan an outline,

1:08:24

overall design and layout plan as we refer to it in our rule 17 questions of 13th of may

1:08:30

might potentially add value by being available to assist the overarching consideration and integration of all of those points. Now, we asked for the preparation of such plans in the rule 17 questions a, that were issued on the 13th of May. And we asked in that paper, whether and if so how such plans might be secured and whether it will be appropriate that development should be required to be in general accordance with such submitted plans as appropriate to the particular motor development that was being carried out.

1:09:10

The applicants are very kindly submitted these

1:09:14

in additional submissions, 120 and additional submissions 122 in both libraries.

1:09:24

Now, I'm not going to ask just yet the mechanics of how such plans might be secured as the precise mechanisms are they deemed to be appropriate and necessary are likely to be the same or similar to those that we will discuss in our next agenda item for

1:09:43

but in opening the conversation on this, what I am particularly interested in is this.

1:09:51

in circumstances where one authorised development proceeds to the discharge of requirements or conditions where it is clearly other would not proceed or where the staff

1:10:00

The other is unknown. Do the plans put the relevant plans put forward by the applicants in the admission? additional submissions one to two? assist, principally a Suffolk Council, but also consulte bodies and particularly Suffolk County Council in discharging requirements? And if not, is that because the concept of having these additional plans adds no value? Or because those bodies would like to see amendments? And if so, what amendments would you wish to be made?

1:10:39

And I'm also then going to provide any other bodies

1:10:43

with an opportunity to comment on this point. Now, I'm conscious that the primary focus of the this question is in relation to the onshore environment. And now, I then just raised the point for the MMO. Have we missed anything that requires further or better coordination on design related provisions offshore in these scenarios?

1:11:07

So I will ask the MMO, that question, and then we'll come to a response from the applicants.

1:11:12

Now, can I see who wishes to be heard on this? My we do believe I need to hear from a Suffolk and Suffolk County Council particularly. I do see a hand from Richard tourney.

1:11:29

So what I'm going to do first is I'm going to go to Andrew Tate.

1:11:34

Can I just check Mr. Bedford?

1:11:38

Does the county council wish to be engaged on this point?

1:11:44

Sir, sorry, Michael. Yes, briefly. I didn't put my hand up because you've renewed referred to as directly. So I was assuming that. Yeah, no, we will come to you. But I think, I think my thinking about the order of this, maybe it's best if we do go to the county council first, because then

1:12:03

I mean, to a degree that the local planning authority role is held by the District Council. And and and I suspect they would prefer it if they knew what I was saying before they have to put their own position. So so let's let's run this in a slightly unconventional order, I will go to the county council. First, I will then go to Richard tourney, who is requesting to speak for se C's, then I'll come to Andrew Tate. Then I'll do the check that I foreshadowed with the MMO and then I'll go to the applicants. So

1:12:35

Mr. Bedford first.

1:12:39

Thank you, sir. Sir, I think

1:12:43

if I start by saying that whether we were a console T for a requirement, or we were the decision making body for a requirement, I think would not affect the issue that you've raised. As to the adequacy of information to make an informed judgement. I say whether we're responding to something as a console T, or we're actually having to decide something as a discharging body. So

1:13:12

I say our previous debate, in the sense, however, that's resolved, wouldn't really alter the point, then, in terms of the issue of making a decision on an informed basis, certainly the plans that you invited the applicants to submit are helpful in showing, as it were the spatial implications of different permutations. And therefore, useful information within the limits of what the applicant is able to provide at this stage of the process. In terms of matters, that they say their design hasn't evolved further, to allow greater precision to matters as to the information that they have provided. We did,

1:14:06

as it were, run it through the various elements of the county council to see whether any particular implications arose that were of concern to what we're showing, for example, checking with rights of way and checking with our our technical adviser who's been assisting as on switch gear, and so on. And that didn't throw up any particular issues, such that we would want to suggest that something different should be shown to what you have raised. Having said that, we do note that you'd have I think asked a question, particularly of national grid in relation to their facilities that get a better understanding, first of all of the sizing of it in terms of if there's only one does it make any difference and secondly, and particularly with the the GIS, whether it

1:15:00

There is any technical scope to move eastwards or westwards? And if not, why not as it were, we understand that and obviously we will welcome any response that national grid provides on that, and may need to comment on that.

1:15:14

But then moving beyond that, in terms of the information,

1:15:19

that the I think the issue is that we will expect, and certainly hope that by the time that the issue arose for the discharging of requirements, whether I say we be conceit consulte, or the discharging body, the design would have advanced further, that we would have moved beyond these effectively, very outline indications, and that, albeit that they provide some kind of helpful guidance, we would certainly hope that by the stage that we get to discharge, there would be more detailed and more coherent

1:15:58

information that would probably supersede what we have at this stage. I think that's, that's probably what I would say in relation to those matters.

1:16:08

Okay, thank you very much, Mr. Bedford. And Mr. Hockley, who's been in leading on these matters is here. So before I actually before I release, you, Mr. Burton, Mr. Hockley, any questions that you want to put on any of that? No, no, that's all self explanatory. Thank you, Mr. Bedford. Excellent. In which case, I'm then going to ask Mr. Turney to speak on these broad questions for sociis.

1:16:35

Thank you, Sir Richard, Tony, on behalf of spaces. Just to take the matter briefly. As things stand, there's of course, no requirement for any sort of comprehensive master planning of the site. in circumstances where there are three ends, IPS being consented, and they will come forward through different developers, and they may come forward at different times. And and that's as you know, it's been an enduring concern of spaces. In terms of particular points on this topic.

1:17:08

First of all, it's unclear how these controls will operate. If the National Grid infrastructure is built under a different DCA, which is anticipated on the face of the draft orders, but also, it's unclear how it would operate in circumstances where National Grid develop their infrastructure, of their own accord. And of course, that is also anticipated.

1:17:34

And we think that really, there needs to be more control beyond simply saying, here are some potential arrangements, because there needs to be a master planning approach that ensures that whichever promoter comes forward first. First of all, they don't frustrate the delivery of mitigation for other projects, but also that they fully mitigate their effects in an appropriate way. And without any sort of comprehensive master planning, those sorts of issues are likely to manifest themselves at restaurant. And of course, this is the stuff of agenda item for

1:18:08

it, but it comes down essentially, it's it's, there's more on design there. But in terms of standalone consent, it's a particular concern, because

1:18:20

we do, we cannot see how, for instance, an approval would would be submitted for a detailed and comprehensive landscaping scheme for one of the two projects that would nonetheless accommodate the other project and is not something which the orders expressed the anticipate, and that's why we've been looking for something more thoroughgoing in respective ensuring that there's comprehensive master planning of the site. So yes, it's also a matter for agenda item four. Thank you. Now in relation to the more thorough going, in terms of dealing with circumstances where, you know, one were to mainly proceed, but it wasn't either unknown, particularly if it was unknown where the other would proceed. But also in circumstances where it was known that the other would not.

1:19:14

Are you able in shorthand to identify the additional specification that you might deem to be necessary and appropriate there?

1:19:27

And if not now, then, clearly in writing by the next deadline.

1:19:34

It's so we can address it further in writing, but I do say there's a real difficulty and the applicants just haven't thought about this, because if they Submit for Approval, detailed proposals for one of the projects,

1:19:50

presumably the the authority would not approve those if they show just bare Earth in the location or concrete and the location of where the additional project may come forward.

1:20:00

But then, of course, the second project coming forward would conflict with the approved landscaping scheme. So there is a real problem about how do you submit a comprehensive proposal for the first project, and then accommodate the second project unless you simply leave an area of land that may or may not come forward for future development of the new substation. And it's these simple points. We've been raising these since pre application stage, the applicant hasn't answered them. And it's not clear what the planning authority to say about the such position, would they approve a plan that showed a white space in the location of where a substation may come forward in a different decio in later years? Or would they reject it because they'd fail properly to mitigate the impacts of the first proposal?

1:20:47

So we can certainly speculate as to how one might manage that better. But it's the point that we've been saying for for several years in which the applicant really needs to be telling the examination how it proposes to deal with it, rather than say, says having to find a solution. But it does seem to me that it's a significant problem. And we see it when we when we look at the the arrangement plans, because effectively,

1:21:12

it seems in broad terms that that suggestion is that they would promote a scheme where they provide all the mitigation through scheme one, and then leave a substation sites area as some sort of grassed land, which may then come forward later. But of course, they would then be in breach of the

1:21:34

planting scheme for substation one. When substations two comes forward and proposes a substation on that grassed area. There's a real difficulty here is there's there's frankly, there's a risk that there are too inconsistent consents. And we've been raising this for some time.

1:21:54

Okay, those are clear submissions. Mr. Hockley, again, any any further probing that you wish to

1:22:01

put on lead, and No, thank you. Okay. Right, in which case, I'm then going to go to Mr. Tate for

1:22:12

the local planning authority.

1:22:16

Thank you. So

1:22:18

we think that

1:22:21

having overall design and the overall design and layout plans,

1:22:28

identified at this stage

1:22:31

student to the specific suggestion made under

1:22:39

item four would add value.

1:22:44

We think that the logical place for that would be within the site, substations design principles, statement.

1:22:56

We don't have any specific amendment to make at present, it's a matter we're still

1:23:03

considering, but we haven't identified the need for an amendment as yet.

1:23:10

And

1:23:11

30, we think that it is important to do that at this stage, because the scope for having a final overall

1:23:22

design and layout plan, it is more problematic to achieve at a later stage

1:23:29

because of the unknown interaction between the timing time scale of the

1:23:37

product projects. So we think that it's something that is of value at this stage in incorporating into the stps. Okay, do you do in some relay, you'd wish to see them incorporated as DPS, and they will then be part of an existing certified document draw

1:24:00

identified in schedule 17. And then that would need to be secured at this stage and submitted to the Secretary of State alongside our report. Yes, that's our position. Okay. That's very clear. very succinct.

1:24:15

Again, I'll just check with Mr. hopfully. Probably, no. Okay. Now, a final check before I go to the applicants on these points, and that is MMO. And we've, we're running here on the live assumption that the MMO is content with the positions in the two sets of dmls. The these are terrestrial matters and and, and arise principally only in those locations where the infrastructure shares a corridor and shares a connection point. And so therefore, we've started off by assuming that you're probably not interested in this type of measure offshore. Are we right or are we wrong?

1:25:00

Like, Mr. Smith, Mr. Qureshi MMO. Yes, we are contents our content that we've treated them as separate projects. And we believe there's no dependencies as set out in the various permutations described. So we are content.

1:25:15

I'm glad you've put that clear and claiming on the record. So I will now leave the MMO alone on these matters, actually, Mr. crusher before you disappear. Given this after lunch, we'll be moving on to more detail on this in the agenda item foreign secure and good design at Friston, as we said in the agenda. I mean, my sense then is, given what you've just said, MMO doesn't need to be involved in in any of that item at all.

1:25:44

My curriculum? Yes, I believe that we we don't feel that we have any further input today. Okay, excellent. Now that that makes sense. So if you wanted to disappear and use the live stream here, after that, we find Mark cruciate Minh banker, like you'll do for amending your agenda today, for us appreciate that. No problem whatsoever. Okay. In which case, then can I return to the applicants for an element of a response and when I say an element response, and I'm very conscious that this was a kind of preliminary item around the specific circumstances where one comes forward and the other doesn't, but the real nuts and bolts about whether such an outline, Master Plan approach is valuable. And whether it might be secured in a particular way is clearly the stuff of agenda item four. So I'm not I'm not looking for a magnum opus on on this. Mr. Ennis, we can we can probably deal with the, you

know, much more for that the question really now is, you know, are there any specific concerns on the matters that have been put by the other parties and also this general usefulness point about whether

1:26:56

this is a particular set of scenarios that need somehow to be dealt with, in plan form?

1:27:06

So Mr. Ennis, call us on behalf of the applicant. I'm taking it relatively briefly. And I think the scenario that you put that two schemes get consent,

1:27:19

both schemes get concerned, and there is a

1:27:23

position where one schemes coming forward. And it's not certain whether the second scheme is coming forward at that particular point of the discharge of the landscape master plan for scheme, one seems to be the scenario that is effectively the one that you're looking to almost envisage. And how do we deal with that? And specifically, if we look back at a number of equivalent instances, I mean, for example, if I look back at the Dogger bank t side A and B as they were exactly that happened

1:27:55

yet, well, we've got a thing there to where we've got East Anglia, one built and constructed. And there's a site available,

1:28:03

close by free staying there three. So there are lots of other examples of where this has happened. And what I think, though, is the stack generic point about having to potentially developer consents in close proximity and how you manage that. But there's two points I just wanted to make which arose. First is of course, with the commitment regard regarding ducting, or sequential construction. That means that the cables or the ducts are in if there's two schemes, and if it wasn't sequential, or ducted, then the second scheme is not coming because it wouldn't be compliant with the centre. So that one is a key point in the sense of the cabling coming in would be essentially a matter that had been partially dealt with in the initial construction, or was coming shortly thereafter. The second point is that our protective provisions between the projects to ensure that cooperation, but I suppose to some extent, you can talk about the fact that the practicalities, what we're really talking about is the master plans that was submitted. I think one key point about the development framework around the advancement of these projects, is that effectively, if any one project comes forward, the extent of where we put the external and structural landscape framework is not going to substantially alter because they've been chosen out to where they're most effective, or where we've identified those to be an equally under whatever scenario, the National Grid substation fits with sitting income claims, and largely requires its landscaping. So insofar as Mr. Tony has made this out to be a significant issue, if you actually look at the practical elements of the various options that we have, the issue that really arises is that if the preferred initial site would be the BB, the eastern one if that Eastern

1:30:00

is constructed, what happens if there's an interim to follow the the western substation, but that seems to be a matter that master planning can properly and adequately deal with in terms of the approaches that the treatment that's given to that area, either in the scenario that that the other scheme comes forward, or it doesn't come forward. So that is the element actually, rather than being some huge issue is actually a very narrow issue associated with very particular parts of the site. And it doesn't really engage with the larger strategic landscaping. It's core within the site within what is the landscaping to the west, and other likely treatments, and the substation. So those are the only points I want to raise at this stage, because obviously, we're discussing more about this afternoon. But I don't think it's as big an issue, as Mr. Tony is trying to make out. And equally what through the the adopting or the sequential construction, there are elements of mitigating that second project coming in, have already been taken to try and minimise the impact of two projects coming forward. And to manage that as effectively as it possibly can be, in the circumstances where you have to separate DCs. But we're obviously come on and look at the the question of how that should be managed this afternoon. But I have nothing else to add. I just wanted those general points at the state. Now, before we break them. And

1:31:30

getting back to the real reduction of this. If I asked you the very simple question, Mr. Ennis, which is the proposition that there might be such a set of potential outline coordinating master plans, such as were submitted at as 122, two s 122.

1:31:53

Applicants starting position, valid is

1:31:58

not valuable, choreograph the outcome, we think they should be part of the design process and substation design, where all these matters are properly considered and evaluated with all the relevant parties participating. So that's where we think these documents would have the value. And it's almost inevitable, that as part of that process, drawing such as these, but with probably, you know, no, this is what the layout, but you'd be looking for more, that you can't really do the engagement without a layout and without understanding then what sits within the various parcels. So it these layout plans would be a starting point to to that whole consultation process in any event. Okay. Right. Well, we're going to get into the mechanisms in agenda item for and we're going to broaden from the specifics of this particular scenario of one but not the other. But I think that is both for a bunch of reasons best not started before we break for lunch. It is now approximately five past one.

1:32:59

So ladies and gentlemen, what I'm going to suggest is that we break now, and that we return at five past two and at that point, we will go straight into agenda item four. So with no more ado, let us break for lunch and resume ladies and gentlemen at five past two