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00:04

Welcome back, ladies and gentlemen to session four the final session of these issues specific hearing 17 into the draft development consent orders. My name is Ron Smith, lead member of the examining authorities. We were almost completely heard on agenda items five when the computer Gods intervened against us.

00:24

We are then due to hear outstanding submissions from Council and Marianne fellows, and then four C's from Miss Fiona Gilmore. So can I go to counsellor fellows?

00:47

Thank you, Mr. Smith. Excellent counsellor, Marion fellows on behalf of over town council. I have some comments on item five. Can I just foreshadow that by saying that I did have some connection problems while you're doing item four. But I didn't quite understand we didn't seem to cover all of item four. But I'll put what I intended to sell half of the council to in writing on that. So item five.

01:18

Regarding deemed consent, although the local authorities said that everything is agreed our experience so far today to the applicant's relationship with the planning authority in Suffolk County Council and their capability to follow both the Suffolk guidance and industry best practice during pre consent works has actually not been very positive.

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There's been quite extensive investigation work as you know, both onshore and offshore. And just to give you some brief examples, there was no real prior notification to the RNA ally, or local fishermen about the offshore rig. In fact, I emailed local people, when I found out about it the day before the rig was going to take, I think it was a Friday evening before it was going to take up start digging offshore. On the Monday, the road signs for works access appeared. Again, suddenly, eight different locations across our area.

02:22

Not following industry standards already suffered guidance with regard to notice notices that were needed on on the roadblock signs they will remove suddenly, they're reinstated half of them within 48 hours. Again, no explanation. There was also incidences of trespass in the area. So that's all improved. Now communication has improved, because we've actually done a lot of work to register. So we get told about things. But my concern is that following their experience, which they keep referring to with

em one SBR really shouldn't have failed in these basic requirements, not following what he suffered asked them to do in terms of highways,

03:08

signs. And second, you know, when they were done second level question emailed trailer, I'll send you anyway. But how can we overturn counsel and have a level of trust or confidence in the delivery of the dee dee dee CEO, in terms of the more complex matters if we can't even get this right? In pre consent matters. With regard to governance throughout the D decio. There's a likelihood as you know that projects could be sold on. So how can we be reassured that what SPR is offering is actually going to be able to be delivered. And again, the absence of national grid once again today on this very important issue specific hearing where we really needed to hear from them.

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Within the draft decio. There is an adequate mitigation compensation that's been agreed with local communities or with local parish and town councils. And there's nothing that will mitigate for the harm that's already caused been caused blight to housing, the mental health and well being of people over the last few years. And then the harm that will be caused during any construction. But also I would ask that within the draft decio. There's

04:26

included the harm that's actually going to be caused by the project for its lifetime. Because first and certainly will never be the same again, the surrounding area Won't the coast communities won't if this becomes a hub in the future. And we could face going through this process again and again for the next 12 years. As each purely speculative as the applicant tells us they are

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project comes forward for consent to connect to the 400 kV lines in the

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Friston, they can't be more than 45 kilometres away, we're told

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this whole process and the draft decio, I think would be very different. If we already had a national grid substation in place such a brownfield did. And I'm sorry, but we cannot agree that what is being offered with the draft decio. And the requirements of how it would be delivered, is going to be sufficient to result in an approval being able to be granted by yourselves. So there's still a lot of uncertainty. I do understand what the applicant Mr. Ennis said earlier about wanting to involve stakeholders later on in the process with things like design specifics. But insects are supposed to be front loaded with that sort of information so that then we take the examination to review that agree that and come to solutions. We don't get an approval now. And then solutions happen in the future, because I'm not sure what the process will be in terms of formal engagement, because we haven't had that to the extent that we would want during either during consultation, or during examination. That's not the fault of the examining authority. So how are we going to get that going forward? So huge concern still, I'm afraid. Thank you, sir. Thank you for those about now, then, I'm going to move finally to miss Gilmore.

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And then I will of course, return to the applicant for a wrap up Roger response on all the submissions on this item. Let's go.

06:39

Gary Gilmore represent public energy action solution. I've been having connection problems on and off early morning. And I wanted to just input on four. And so and I also have a quick point on site. So if I could clean up to you if I could just quickly mentioned both points. Now, point four, where we talk about good design, we are

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or architect or their design process. And the questions they would have are if they were doing this, and they said that the first and most important basic questions, were one to know the full scale of the project from the outset

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in terms of worst case scenario, to what would represent one and three and very importantly to the discussion, what is the appropriate context rather than context context relevant? and I are going to therefore give me a q&a on that. And they said the following question, what is the appropriate context for coastal nature based tourism resort, Nature Reserve, AONB, triple si dark guide, tranquillity unspoiled landscape cultural heritage on all for Faulkner with small unspoiled villages such as ordering them and baristas dotted around question, what is the appropriate context for a major energy hub? possibly the biggest in Europe on a brownfield site, a site that is pre undoctored right, possibly already contaminated residual concrete tarmac close to where the power is required.

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So, I found that a very useful process, and I would suggest that waiting off the applicant, what is the process that ensures good design? It is one that ensures that it is fit for purpose and context relevant, if you like the key question to be asking.

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Now moving on to point five. I would like to share

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what Marian fellows just said. I would just like to mention that in Preston, in the heart of this mediaeval village, where they have dug trenches, dozens of trenches, dozens and dozens of trenches way beyond the actual space defined for the Scottish power substation. I've taken some photos personally myself at these trenches. I mean, it looks like all

09:48

somebody says to me, it's the soul the body. I mean, it is unbelievable how many trenches there are. Why are there so many trenches out high, the stakes are

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The substation is that to suggest that this is such an advanced programme. They want everyone to feel that this is the last cause. We would like to understand why the trenches are not defined by the space designated for this update. Thank you.

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Thank you very much. Okay, can I then return to the applicants for concluding and submissions address all of the points that have been raised? And agenda item five, please.

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Miss Gilmore, I take it that, yes, your hand is now down. Thank you very much.

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It cost us about applicants.

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In terms of matters, quite a lot of them agreed. So I'm not going to go through and respond to every single aspect, I really only have one that I want to come back on, and not to have a definitive definitive position, promoter satire, some of our concerns regarding one matter, I'm going to kick off with the

11:09

essentially that the concept of

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the permitted development rights and essentially the definitions of operational land, you've had our previous submission there as a matter of law operational land is I fully understand that as a panel, you're asking us to go away on a hypothetical exercise to go and test out that if we were trying to define operational land, how would you define it relative to the works that you're proposing, and come up with drafting that would respond to that to define the operational land that would arise? We are engaged in discussions with issues of the council in relation to the matter, and honour without prejudice basis will engage further with them in terms of looking at that particular aspect of what and set out. And if I if I can clarify maybe slightly there. I mean, the critical issue that we were trying to nail is

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the spatial extent of it, because I think what we had taken away from a number of the submissions that have been put to us to date was a the importance of being clear that operational land, as properly understood is available for that land that is truly operational, and that permitted development rights are potentially enjoyed within that land. But secondly, that there are concerns about its sort of proliferation in inverted commas want to discuss description across land that is,

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maybe has no on ongoing justification for being operational or is not, in fact, operational when women apply the test of what is being done upon it.

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And it's about trying to nail that one.

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I think we will respond for we feel that in terms of the definition, we feel it stands and whether you've identified that correctly. And I'd say we propose to engage with the East Suffolk County, we've had some ideas about this as well, and will do so not without prejudice basis in the sense of we may have a primary position, but also engage positively with counsel and without prejudice basis, because that was essentially what you've asked us to do in terms of the questions, and we will do so. So if you were trying to define operational land, how would you do it? And how would you draft it and will confer careful consideration to that particular aspect. But I think it's only fair to say that in terms of the removal of permitted development rights, in terms of the proposed requirement 44 that we see very considerable problems with what has been proposed. And, again, I'm not going to go into a lengthy submission, but I just thought I'd highlight some of the key matters that we feel the drafting fails to consider. The first is

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to what extent does it actually apply? Is it geographically defined the the removal of the permitted development rights?

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Secondly, whose permitted development rights are removed?

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Is it a blanket removal of permits developed by rights over this area? Or is it the removal of permitted voting rights for certain persons that might be associated with this order?

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And from our looking at the drafting, it does appear a little unclear. The problem that that raises us is because different entities within the various electricity transmission and distribution of assets within the order limits is the unintended consequence of effectively what you're doing is also potentially removing that

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permitted development rights.

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And I flagged that as a serious concern, because there are significant

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distribution assets,

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which are distributed quite widely throughout the audit limits.

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The second key issue in relation to 44. A, is because effectively the 400 kV line is being realigned. And as part of the works, that you are effectively promoting the removal of permitted development rights in relation to one of the critical infrastructure assets in the GB system. The connection to Sizewell is clearly one of the important double circuit 400 kV lines are absolutely critical. And I suspect that the proposals you've heard from National Grid, there may be others that might have concerns about how permitted development rights are potentially being taken away, in relation to part of that line, how they might view that, so I think it might be just wider than National Grid to have a concern. And that's really the 44 part A plus B, A, which is the universal rights of a section, essentially, distribution, transmission, and

16:24

generating assets in terms of link cables. And I think one of the really, really critical aspects of this is the unintended consequences. And for example, this also includes underground cables. So was strictly speaking, for example, in terms of these projects, that will be underground cables between the projects,

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we may well define as we go back between the various substations and the fencings, there may well be gaps, and there may well be gaps between the projects where cables go, if you remove the permitted development rights, effectively, if we had a problem with a cable, we may not be able to go in and do the effective work that we may require. Because there may be for example, if you had a cable that wasn't performing particularly well, you may well actually do the works to replace the cable.

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But you may not switch off the existing cable until you provided the alternative. That's why we have permitted development rights. So all these things that could potentially happen. And the concern is that unintended consequences of the removal of these permitted development rights could be fairly significant. And that's why I think National Grid stated, they're concerned in relation to the matter, because as I say, BA is the installation replacement in or over underlined of electric line. So we've got the specifics between our project and National and National Grid in relation to overhead, the concern that the unintended consequence of removal of permitted rights may apply to other parties.

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And the other aspect to the particular wording is that having defined the operational wound, it does appear to be potentially rather odd to then remove the permitted development rights which only apply in relation to operational land. So effectively, having defined the operational land, that would be a potentially corporate disorder, you then go and remove under D and F, essentially, committed violent rights, the only pliner operational land at that, again seems somewhat,

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somewhat odd time is the best description at to some extent, I know, it was other parties that have suggested which rights have to go. But it does seem rather odd in terms of drafting terms to end up in a circumstance of having defined operational land, and then to remove permitted development rights that only apply to operational land with the operational land. That seems to me to be quite a difficult

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like it, essentially the logic there. And it was something that we did give a certain amount of thought to the logic there relates to

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the need for a means of finding clarity about what specifically geographically is and needs to be the operational land. Now, there are many ways of skinning cats expression, this may well be a cat that is capable of being skinned using another mechanism. But

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the entry point into this conversation seemed to be a place where one looked at the broad classes of rights that had been raised as a concern by other parties, and then looked at the geographical problem and worked out if there was potentially a way of relating the two in insensible drafting now, as journalists, it's your start

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proposition that you don't think there is. But equally

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I think your earlier remark that there is a need to move towards a without prejudice position that seeks to address how, in practical drafting terms one might deal with the broader concerns that have been raised by communities and by and by the relevant local planning authority here

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to make as clear as it possibly can be that certain rights apply within defined land areas and that they're, that

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certain

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parties are there not at large across very large areas of land within the red line boundary of of the order, recognising that not all of that land is ever intended to be operational. And that national grid, for example, said very clearly, that they would not intend it to be operational. So it's about it's about working out where a sensible line is around certainty as against flexibility in bringing forward projects. Now, I don't claim any universal wisdom in terms of an essay into drafting on this. But the conversation needed to be had

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constant North Africa, I totally understand that. So if we were taking the I would just highlighting this in part two practical, very competent discussion, obviously with the council subsequent to this and to get some of the thoughts. But the permitted development, right, which is probably absolutely fundamental to all,

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transmission and distribution is the subparagraph. A, with this fundamental bit of being able to do things with lines, it is just because it is so universal. And it seems to me that it's very hard, that effectively the district distribution operator would have PD rights in an area where transmission operated, and that doesn't seem

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to fit easily in terms of object, and there is that, as I say, very difficult to take that away without having severe consequences for all sorts of matters. Brexit also applies underground as well. So cables that you can't see, but maybe supplying individual properties. So I think the the blanket removal of that is a very, very

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blunt instrument.

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And I may have unintended consequences, I must say other things. So those those are those are sort of key concerns. But we, as I say, are already in discussion with with the Council on these matters. And we will progress them in insofar as we can, in relation to the matter. I was going to do one map from Mr. Mani, which is obviously the restriction on PD rights in terms of EIA development is, is is a key restriction on the scope and mandate, and then there is a limit to what can be done, certainly under any PD rights, given the delegates has to be potentially excluded. So I do think there are and I don't want to go over that, because we've we've been through that, but it was raised. And I just want to flag that also that additional control and restriction that applies. So I don't think there are any other matters, we wish to specifically come back on in agenda item five, if that was merely really to have a discussion and to we will go away and have a further consideration. But I also think we might engage with others as well. Yeah, grateful for that. Now, before we leave the matter, I have seen a hand from Mr. Mani again. So just before we leave,

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can I just check

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with Mr. Mani? Yes, thank you just very, very briefly.

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Because we have rehearsed this, but the examples which Mr. Ennis gave numeration to maintenance, and obviously, the applicants and wherever the undertaker maybe have a power to maintain under the decio. And I'd also what I would say as I endorse his wording about unintended consequences, that is precisely what we are concerned about, is just that the unintended consequences that we are concerned about a different from the unintended consequences that the applicants might be concerned about. I would also note that as throughout these

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examinations. Now, these are clearly matters of great importance to what would appear to matter great importance and national grid, and yet they never deign to turn up at these hearings. So if these are these hearings, these matters were so important. I'd expect to see them here. I just finished on that point. Thank you. Thank you very much. Now I do have to return to the applicant in case there are matters just raised by Mr. Mani, that need to be responded to very briefly Mr.

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Cohen, some of the applicant. These applications are being submitted by the parties that I represent.

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And we are responding in terms of those, those matters. So

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National Grid have got a series of questions, they've made the position very clear on these matters. I think they could take one look at the agenda and say, Well, we've actually made submissions on all these matters, that that are there. So I don't think it's fair to say that they haven't engaged in these matters. They've been very, very clear in relation to their view and put in a very detailed submission on the permitted development issue, which I don't think would have been advanced and read further. My as is the conversation I've just had, I've made lots of submissions already in this examination. I'm not repeating that, because I understand we're moving on to discuss a hypothetical scenario that you wish to draw for it. And that's the basis of which we've come today. So I don't think rehearsing what we've already put in, was really where we were at this afternoon gauging in the what the test that you've set us the exam questions that we will come back to, indeed. Thank you very much. Okay. Let us then move on to Agenda Items six. Now, these agenda items as we move on now ought to be really quite brief. They are what my colleague Mr. Rigby has previously described as supervision items, it's just a case of making sure that

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debates that we understand are broadly concluded are

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and whether there are any final matters of detail now in relation to protective provisions.

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Then

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I did just want to very briefly check with the County Council in relation to the fairly substantial point that arrays that was raised earlier on in the examination, draft highway protective provisions, whether there are any outstanding conversations on these or whether in the context of the section 2778 agreement, the planning, performance, agreement, etc. believe your positions are now clearer, happier, etc.

27:04

The three microbead for Suffolk County Council The answer is the latter, sir. Matt has moved on. I think it's probably our omission. We did confirm at deadline 10 that we were content with the changes that the applicant had made to the documentation, which meant then at the planning performance agreement, allied with the 278 agreements, met our concerns, we had said that we would tell you that that meant that the protective provisions were no longer required. But I'm afraid we didn't actually do that in our deadline 10 submission. I'm doing so now you're doing so now and that's why we're here. So that's good. That's that's resolved. And then I was just very, very briefly going to touch on the issue of

27:56

the nuclear decommissioning authority and Magnox limited. We raised a specific question there that we didn't know the answer to when we wrote these agendas. We do know we do now know the answer to it, it appears that they are also completely satisfied. Can I then just ask, are there any other points relating to protective provisions and protective provisions only that anybody specifically wishes to raise before I close out this item.

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And I will see no hands, applicants, I'm assuming you do not need to respond to that matter, which is a general expression of contentment by those who have spoken.

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Let's then move on to agenda item seven.

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And this is consent of parties. And there is one outstanding matter here, which is crowd consent and the latest position as stated by the crown in correspondence which we have in the examination libraries under reference, a s hyphen 101. Now this goes to an it's probably a very arcane point. But it's the question about whether the commissioners need to provide consent under Section 135 of the Planning Act of 2008. in circumstances where the only interests affected of the crown are offshore, as distinct from onshore. Now, the very clear view set out in that letter, and this is something that has

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probably never been through any more than one or two consecutive examinations since the inception of the Planning Act jurisdiction. The 2008 Act jurisdiction with the same position articulated it, it seems to depend on which individual legal advisor one obtains a view from for the crown estate, as to their view on the law, but the law

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his position as they set it out seems to be that they take the view that no consent is required in relation to any matters offshore. Now, again, I do not believe that that has been the position of those who provide legal advice to the Secretary of State. And I'm just looking back at section 135 itself. And section 135 to

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an order granting development content may include any other provision applying in relation to crown land or rights benefiting the crown. Only if the appropriate crown authority consents to the inclusion of the provision. Of course, the concern about that is if that content is absent, there is an apparent bar on

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the relevant provision, or indeed, the making of the order contain that provision. And there doesn't seem to be any distinction there between onshore or offshore rights. So at some point, we're going to have to make a final call on this one, but I just wanted to come back to the applicants and see if they could shine any more light into this dark corner was Mel Stephanie Mills to the applicants, and yes, deadline name, the crown estate did submit, make a submission, which is the red line 054. And within that, whilst I think they maintain their position that it's not consent is not needed. They did have at the very end of that confirm that their consent, and to the extent. So they see the commissioners confirm their consent articles three, four and 41 of the draft deals to the extent that they're included in the orders. And so I think their view certainly is that, despite the fact that they don't consider their consent to be needed, they have now provided their consent. And through that letter, or given that we've got the kind of two contradictory items of correspondence, I just think we've got this additional submission as well.

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not to put too fine a point on it, it would,

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it would assist I think, if there was a qualifying submission, making clear that the two views that have been expressed, the latter view is the preferred view by the crown estate, and that the view set out in the latter half of the 17th of March 2021 has on consideration

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being viewed as being subsidiary to the to

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the other submission.

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That is a matter that I think we will set out as an action.

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And if it's a matter that the applicants were able to take up with the crown estate as well, I think that'd be very helpful, because it would be useful, just to be able to report this matter to the Secretary of State without any additional complication,

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as well, any any other observations on that?

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Stephanie Mills, the applicants nothing at this time, but certainly my understanding from the conversations with the Cronus stage was that that final letters is intended to be their their final position on this matter. So I would have understood that that was the one that to take forward. And we'll certainly see what we can do. But that's certainly our understanding is that that deadline name representation is the most up to date one, yes. Okay, fine. Well, to the extent that the two are in conflict, we will we will, we'll probably will probably make an action and ask them to address it by deadline 11.

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Now, if I can then move on to agenda item eight, and other consents, I didn't have any remaining issues left that felt as though they were outstanding. But before I close this out, again, I did just want to provide an opportunity to those present to raise hands from the floor. If they think we are wrong. In that respect.

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I'm seeing no hands, let us move on agenda item nine

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certified documents, orders and final positions, I mean, essentially where we are here is needing to ensure that everything that is can be set out in schedules 17

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is

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as good in as good a condition as it can possibly be. So that one we are ready to

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deal with the draft development consent orders in our recommendation reports and pass them to the Secretary of State. And secondly, that

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all of the proposed certified documents are in their final form.

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To order. And essentially here, what we just need to make sure is that if there are any of those that still require any measure of consultation and agreement that that consultation agreement has taken place. So the bounce down submissions towards the end of the examination can be fulfilled, that final versions of the documents appear, if at all humanly possible at

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deadline 11. So then responding submissions can be made to them by parties, a deadline 12. And then a final concluding submission at what amounts to closing could be made by the applicants that deadline 13 should that not be possible, for good reasons. And then what we would very strongly encourage the

applicants to do is to engage in essentially dialogue with the relevant parties. So that a joint submission can perhaps be made,

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at say, deadline 12, where it is clear that relevant positions between parties have been discussed, and they are both in agreement. So they are both in a position where they can submit a deadline to and say the position in document x is agreed between us, because that then avoids the need for another deadline to expire before the relevant party can comment on that document. So yes, this is an exercise around working down through the detail of every single document identified in schedule 17, ensuring it's in its final and correct form, and ensuring that all remaining outstanding matters that can be agreed between parties have been and that the nail has gone into the jelly, ideally, for deadline 11. And if not, by deadline 12 incorporating a process of agreement between parties, so that nobody loses their final right of comment, the importance of this, it rests in the importance of ensuring that when we report to the Secretary of State, we don't have to do so in a qualified manner, where we are then having to recommend that further consultations be undertaken during a decision making period. secretaries of state distinctly do not like to do that for very, very good reasons. It also tends to cause delay. And one of the things we're very strongly conscious of is that there has been delaying this process already. And that it would be desirable. If decisions can be made within essentially the three month statutory timescale, if that's at all possible.

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Those were general points that I wish to make in relation to the entire content of schedule 17. I have no other specific or detailed comments to make. And I just want to check with my colleagues, whether there are any final detail points that any of them wish to rise from their own individual portfolios?

37:59

No. Okay. In which case, we are then going to move on? Ah, no. Apologies. Yes, definitely. Well, for the applicants, I just had a couple of queries with respect to your request for the audit. And I wonder if I could hear them now, just so that we make sure we submit the right things at the right time with you. So within your commentary, you've requested an audit be carried out now, for every version of the DCU we obviously do check to just 17 thoroughly to make sure it is up to date. And the next version of the DCU is to be submitted at deadline 12 in accordance with the examination timetable. So to the extent that we are obviously doing the audit as we go, the audit documents that you're looking for in terms of the name of each plan, strategy, etc. Given that that final version of the DC deadline 12 is intended to be the final version would, from our perspective, it would perhaps make sense that the audit is submitted alongside that final version of the DCU at deadline 12 rather than that deadline 11. Because it in case there are any documents are then submitted at deadline 12. That audit would then have to be resubmitted again at deadline 12. So I guess

39:17

I just wanted to check whether that would be acceptable to yourself to submit that audit at that time 12 rather than 11. That that I think is a helpful intervention. Let's wind back in asking for finalisation deadline 11. What we are trying to make sure is that where the individual content of individual certified dogs are still at issue, then clearly it's desirable for those to be finalised after 911 so that you're not in a

position then moving forward to deadline 12 where you're having to set out what you believe to be the final versions folks in the statement of audit. in circumstances where actually they're not finalised because they're still moving around because parties are still engaging with them.

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That's what we're trying to avoid. Yep, no, absolutely. And I think just in terms of, obviously, we are aiming to submit documents of substance and those that have outstanding issues in at deadline 11. There is a bit of a mop up exercise going in, in the on in the background. So there are a number of EMS certified plans, for example. And the good example is probably the public right of way, or the permanent stopping up of the public right of way plan. Now, that hasn't been updated since deadline three, and that with the order limits changes that have happened fairly recently. And as I say, we're looking at removing plot 10. And our understanding, or we were hoping that it deadline 12. With that final version of the DCA or any of those plans were the substance of them isn't actually changing. Just that redline boundary, for example, is just to make sure that they're all picked up and final versions would be submitted of those that deadline 12. However, anything of substance or substitution design principles statement, etc. I think those documents were looking at submitting. And earlier or as we say, we'll look at the agreed position exactly as you set out that it was just to check whether that is something that is agreeable to the panel, just to try and make sure that we're focusing on trying to get to the agreement on those really key documents as early as possible. And then we'll make sure that more pop exercise is going on in the background. So that everything that deadline 12, we would hope would be in that final form. And it's really just those minor redline boundary changes on on planets rather than substance. I think there's a materiality point here isn't that which is that if you need to do things that amount to, you know, material shifts in the content, or the operation of a certified document, then clearly, if that doesn't happen, and doesn't emerge into the public domain by dime, 11, then there's going to be a party out there who's going to say, if you don't emerge the deadline 12. And their only opportunity to comment on this is deadline 13, at which point, you don't have a reply anymore.

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And that's what we're trying to avoid.

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So

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if it feels as though that might need to happen, that's where urging that you then engage in inter party direct conversations will take place as if you can't bring that document forward until deadline 12 that you do at least do it on the basis that it contains no surprises to the parties that it materially affects.

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On that basis, there is then a parallel joint submission,

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which then leaves you both in a position to make your own closing that deadlines. 13 because you know what was in the document and deadline 12 as opposed to saying never seen it before. And

therefore we reserve our position, and you're only going to hear from Mr. Deadline 13 At which point, both parties engaged in that conversation, effectively lose their right to closing.

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That makes sense. I see Mr. Mrs. camera on, so I will hand over to him.

43:02

Yes, conus, about the applicant. It was just to flag.

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The one issue that is really left, we indicated that the last issue specific hearing 16 that the infiltration tests were or are currently underway,

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they are going well, and we're hoping to be able to complete that next week.

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The likelihood of that all that information then being analysed and incorporated is unlikely to be on deadline.

43:35

But shortly thereafter, but what we are aiming to do is to submit that if it's permitted, as quickly as possible, and to have the data and the material. And in that respect, because the drainage measure applies. So one aspect of it so integrally linked,

43:56

it will probably be done at the same time. There is a we had the discussion issue specific hearing 16.

44:03

On the elements of the operational management, we know those construction matters raised as well. But the operational drainage management plan that really that should accompany those new figures or otherwise, we're putting in another draft, which gets superseded within about three days. And we heard the evidence of the Suffolk County Council and Stacy's their view is they don't think there's any real value in the material of the interim infiltration rates. And that's all that we will produce. If we were producing it. I just thought we will endeavour to produce the results of the infiltration tests and the consequences as early as we possibly can. And in particular, it will be of direct relevance in particular to the county council, if Suffolk Council and Stacy's and to ensure that they get that material as soon as we're able to do so. Okay, well, in that respect, I do know we

45:00

Got a hand from Mr. Bedford for the county council. And so I will bring him in on this point. And, and then there may be some remarks that we need to make just to bring it to a close to make sure everybody is clear about what needs to be done.

45:17

Mr. Bradford?

45:22

Thank you. So Michael Bedford Suffolk County Council? Yes, clearly Mr. Ennis. And indeed you sir anticipated the point in relation to the

45:33

finalisation of the outline operational drainage management plan. Clearly, based on our position, whatever is submitted at deadline 11 won't be one that we will consider is acceptable. The position is therefore likely for that document in a form that's informed by the full suite of infiltration tests won't be available until deadline 12. So that clearly has that timescale implication that you have sort of rehearsed in your remarks. The only other point I just wanted to raise more as a query to the applicants. I mentioned briefly, this morning, that there was a minor issue, which we now think has been resolved subject to wording in the outline construction traffic management plan. And we would certainly welcome if that change, were to be available to be presented at deadline 11. Because obviously, we can then take it on board in the ordinary course and deal with it as per the normal timetable. So it was just really a question of clarification, is the applicant intending to submit that revision at deadline? 11? Because obviously, I say we would welcome them

46:53

back to the applicant on that specific point. colonists on behalf of the applicant? Yes, indeed, we would seek to we will achieve that amendment but that time 11, I would say that we were hoping that we'd be able to get the drainage matters in before deadline 12. And certainly, we were hoping to try and essentially bring matters to head by the end of the week, in which the the deadline 11 expires. So can we attack, that's what we that's what we are trying to drive towards in terms of a, you know, a full stop backstop for the programme is trying to deliver that work. Within that week, it's being given every priority in terms of resource and other matters to try and progress it as quickly as we can analyse the material as quickly as possible. But I think the other point is that we do need to have it properly checked. And I don't want we don't want material being put in that hasn't been gone through a proper process of being checked. So that's our sort of

47:55

analysis that our deadline is is that week, and the end of that week would really be where we think we have to have that material properly presented with all the further calculations and plans that arise from it. And let's, let's be clear. I mean, we've asked for best endeavours in terms of dialogue between parties to avoid surprises that deadline 12. And what we are also mindful that we may do and it is a discretion of ours. And so we cannot promise to do it. And it depends what we are shown and what we were asked to do at the relevant time. But if we can assist in this process by

48:38

considering an additional submission that we all submissions that we may then publish to make them available to parties.

48:47

You know, we were not, we don't solicit extensive breaches of deadlines for very good reasons. Because if we do,

48:57

examinations very rapidly become utterly disorderly places in which it's very hard to tell what's going on when and why. However, there are very specific circumstances at hand here. And you have already seen that on a number of occasions where

49:11

in the interests of effective dialogue between parties, it's important, there's an additional submission is accepted out of deadline and is made available, we've already done it. And I will certainly give the same attention to an equivalent request if it's made in relation to these matters.

49:30

Okay,

49:32

as long as everybody knows what they need to do by when that is probably all we then need to do in relation to agenda item nine. So can I just check that there's no outstanding request of us realistically if anybody wishes to make them that? No, I'm seeing no hands. So if we can then move to agenda item 10, which is any other business and there are just

50:02

The obvious ones arising from me, which are

50:09

essentially confirmation of those final discussion points, that final preferred track development consent orders in tracks and clean will be received from the applicants as we have set out and timetable that deadline 12. Can I just remind the applicants that versions of each in Microsoft Word that that have been passed through the statutory instrument template checker, and validated, and also a copy of the Validation Report

50:37

needs to be provided with those final versions as well. And, of course, the normal updated schedule of changes to the DDC O's and the updated clean and tracked explanatory memoranda because those will be the last ones.

50:51

Mr. Rigby, I believe you've got a couple of issues that you needed to raise as ob. Yes, thank you, Mr. Smith. Firstly, to know your proposed change in respect to the removal of plot 10. So presumably all the documents, which bear on that will be submitted at deadline 11. But please also ensure that by the close of these examinations, we have before us for each application, the most up to date versions, clean and with track changes of the statement of reasons, the funding statements and dependencies,

the book of reference, making sure that those persons admitted under Section 102 and also any other persons such as additional category three persons in part two, as a result of continuing due diligence, they are all included.

51:46

And then, just a reminder about what we asked for an earlier procedural decisions, a schedule of CA and TP objections pursuant to our first examination questions 1.3. Point two, the position in respect of Section 127 of the Planning Act, statutory undertakers land all rights pursuant to our question 1.3 point four

52:12

and the position in respect of Section 138, striata, takers, operators, etc. Pursuant to our question 1.3 point five. that's to do with extinguishment of rights and removal evaporators. And also, just to be sure that we have before us for each application, the most up to date versions of the land plan, and also the plan showing any crown land offshore. I do suspect that if you're putting plans in a deadline 11 they probably won't change. But just so long as you can point us to what the most

52:49

up to date versions are, perhaps at the closing examinations that would help us a great deal. Thank you very much. Thank you. Thank you very much, Mr. Rigby. Now any questions or observations on any of those matters?

53:05

While they play? I see no hands. So I will just check with my panel colleagues and see if there are any other matters that they need to raise Mr. Hockley? No. And I don't believe there's anything from Mrs. Jones or Mrs. Paris. Okay. Does anybody else have any other business that they consider needs to be raised and must be raised in this hearing, bearing in mind that this is without doubt the last.

53:40

And I see no other hands. So that then brings us to item 11 of our agenda. And I'm just going to very briefly hand over to my colleague, Mrs. Jones, who will lead this item.

53:55

Caroline, I think your microphone is sorry. Agenda Item 11 is procedural decisions, review of actions and next steps in terms of procedural decisions. We have not made any today. In terms of actions. We do have a list of actions arising from these hearings. These have been flagged as we've progressed and these are largely for the applicants who I'm sure have been noting them as we've gone on, and we're willing to publish them on the national infrastructure planning website. As soon as practicable after the close of this hearing. It may take a few days for the examination library documents to be updated, and as soon as these are published, you'll be able to access them from the Documents tab on the websites where they should be at the top of the lists the most recently published documents. The Action List of all issues civic hearing. 16 held this week has 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. submissions are matters raised by persons who will work

55:00

On the live stream or who may watch the recordings in due course, must be made by deadline 11 on the seventh of June 2021.

55:08

I'll hand back to you now, Mr. Smith.

55:12

Thank you very much. Now,

55:15

in terms of next steps, this, of course has been issue specific hearings number 17. Which on this, this occasion we do heartily trust is and will remain the final hearings in these examinations. The next steps that remain are to remind you of the final result deadlines deadline 11 on the seventh of June, all responses arising from hearings this weekend for responses on our draft development, consent, order commentaries and examination questions set three, deadline 12, the 28th of June for the applicants preferred draft decio submissions, all remaining statements of Common Ground concluded agreements and all related matters. And this is the last deadline of substance in which any new material can be introduced. Deadline 13 is on the sixth of July for final comments and closing by the applicants on the final positions of interested parties, and by the interested parties on the final positions of the applicants. The examinations must statutorily close on the sixth of July 2021. And our recommendations reports, one for each application will be submitted to the Secretary of State no later than the sixth of October 2021. And the Secretary of State has in statute three months to make a decision on one or both. Although that is a period that may be extended. And when a decision is made, the reports are also normally published, which then moves me to agenda item 12, and the close of this hearing.

56:51

I would like to thank all of our speakers today, once again for your attendance and for contributions, both today and throughout these examinations. And I would thank also our case team once again led very capably by Mr. Williams for supporting these hearings. And so I'm then going to have a final check. There are no other matters that an interested party wishes to say before we close this hearing and all our processes and these examinations. And I'm seeing no such interventions. And so I will then ask my colleagues to say their goodbyes, starting with Mr. Hockley.

57:30

Thank you very much for everybody for your attendance and contributions and have a good weekend.

57:38

Thank you, everyone for your contribution today and enjoy the bank holiday weekend.

57:44

Thank you, everybody, for your contributions.

57:48

Thanks so much, everybody. And for the last time, it's good afternoon.

57:53

And indeed from me, Richard Smith, the lead member of these examining authorities, a large thank you to everybody who has participated over such a sustained period of time, and it is goodbye from me on this final occasion. Thank you very much, ladies and gentlemen. Issue specific hearings number 17 is now closed.