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FULL TRANSCRIPT (with timecode)

00:00:02:18 - 00:00:33:20

Okay by my watch. It's nine, 1050. So this hearing is now resumed. And if we can now move to item four on the agenda, please, which is the onshore water environment. And I note that we don't have any representatives from the Environment Agency here today. So as an action point to the Environment Agency, please, can they listen to the recording and provide any comments as required? Thank you.

00:00:33:29 - 00:00:55:26

Now, my question is to the applicants, which is rarely as per the agenda item, which is asking for an update on the progress regarding your discussions with the Environment Agency on matters such as the crossing of what and back on the dis application of the Environmental Protection Regulations 2016 and any other outstanding matters, please.

00:01:00:05 - 00:01:40:06

Clapper, the Atkins? Yes. As I mentioned at the disco hearing yesterday when we were discussing the protect provisions for the benefit of the Environment Agency, discussions are ongoing and we've not received any particular comments back on those protect provisions relating to either generally or specifically relating to what and back however, discussions are progressing in relation to the voluntary land agreement and we are currently hoping to arrange a meeting in the following weeks to discuss the development of those agreements from the initial heads of terms that have been in circulation.

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We hope for that. We are close to reaching agreement on those heads of terms, but the meeting that I mentioned is to discuss any outstanding practical points. As the applicant has previously mentioned, we are confident that the Hornsea four can co-exist with any future drainage and flood defence improvements that the Environment Agency wishes to undertake. And it's really a case of agreeing the process for which those works will be identified and undertaken and any costs associated with such works.

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However, we recognise that we obviously need the Environment Agency's consent to supply parts of the environmental permitting regulations, and to date that consent has not been formally provided. We are still hopeful that the Environment Agency will provide such consent, but in the event that they don't, then the application wording, which is in Article one, see if the draft ECI and permits flood risk activities would need to be removed and environmental permit would need to be obtained in the usual way.

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And the applicant is not aware of any reason why it wouldn't be granted to such a permit because as I mentioned, we believe that there is a technical solution to the crossing of Wotton back.

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Thank you, Mr. Broadbent. Just a gentle reminder to yourselves on the Environment Agency that this issue has obviously been kicking around since really the start of the examination and probably before the examination started. We've now got just over four weeks left. So if matters aren't resolved and there are still outstanding areas of great of disagreement on, for example, on the watch and back crossing issue, then the examination authority will require you to submit final position statements

from yourselves on the Environment Agency, setting out your position on the matters that are still to be agreed.

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That needs to come in at the final deadline, deadline seven. So so you've got four weeks to get this resolved or we want final position statements, please. Thank you.

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I don't have anything else to add on that. And unless anybody else does. I shall move on to agenda item five, which is socioeconomic and land use effects. Now, the first question I got a feeling this might just be an issue of documents crossing at deadline five, but it's to the east riding of Yorkshire Council. In your response to examine the Authority's second written questions in 509 for Mr.

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Salmon, you stated that you have responded to the applicant separately and that will be included in the Statement of Common Ground. And then the statement of Common Ground was also submitted at deadline five, and that no less, so much as on land use and agriculture and geology and ground conditions has been agreed. So as I said, I suspect this is just a question of things crossing in the post. But is there anything you'd like to add as regards land use and agriculture in challenging ground conditions? Or are you satisfied that all matters have now been agreed on matters and have been agreed? Okay.

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Thank you, Mr. Salmon. I thought that might be the case. I just wanted to check, just to be sure, though.

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Now a question to the applicants.

00:05:00:04 - 00:05:31:19

Can you please comment on Rep 5094, which was submitted from East Riding of Yorkshire Council? No to the Joint Local Access Forum has recommended specific monitoring of soil reinstatement for all public rights of way that might be affected by the proposed development. And the Joint Local Access Forum actually prefers to say DCO requirement to undertake this monitoring on a regular basis for seven year period. So can you please respond to the comments made by the JL?

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Clare Atkins, the applicant responded to this point in wrapped 5a-0 to three. And our position is that this is if it is required, it is already facilitated by the documents before the examination and the maintenance period referred to in Article 2911 of the draft, DCO makes reference to monitoring required as a result of the code of Construction Practice, which includes the Public Motorway Management Plan, such that there is sufficient flexibility with regards to the length of the monitoring period and the outline public right of way management plan, which is Appendix six to the outline code of construction practice

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at paragraph 6.2.2.7 refers to the public right of way following works to be reinstated to a standard commensurate to that existing prior to the commencement of construction works or an improved condition, and that the Application Agricultural Liaison Officer will act as a point of contact for the restoration of the right way and to ensure that the right way is reinstated in accordance with the agreed requirements and specifications. And it's the applicant's position that that reference to agreed requirements and specifications would enable a longer monitoring if it's required for that particular right of way to be achieved.

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But the applicant doesn't consider that it's appropriate to apply a blanket seven year monitoring period for all public rights of way as they may, will be affected differently by the onshore construction works.

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Thank you, Mr. Broderick. And just remind me, is the Article 29 maintenance period, one interim period, five years.

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It's the Atkins. Yes. It's a standard period of five years or it's a longer period if a longer period of maintenance is required, either in the landscape management plan or the code of construction practice. So there is that ability to extend up to seven years if that is required as a result of the final management plans that are discharged under the requirements.

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Okay. Thank you very much. I don't have anything else to add on that. Just before I move on though, did East Riding of Yorkshire wish to say anything on this matter?

00:07:59:04 - 00:08:08:27

Nothing further to add. Thank you. Okay. Thank you, Mr. Chairman. In which case, I shall revert to Mr. McArthur to deal with item number six, please.

00:08:10:03 - 00:08:28:23

Thank you, Mr. Jones. So coming on slide number six, the approach to within project cumulative effects and our agenda gives some some examples of the types of cumulative effects that. But we may wish to hear excuse me a little further information on.

00:08:31:09 - 00:09:07:13

Coming to the applicant's table three of the applicant's environmental risk assessments of the onshore substation and energy balancing infrastructure, which is examination library reference address 020. This identifies individual hazards and receptors which may be affected, and we would like to explore further the means by which cumulative impacts on individual receptors have been identified and assessed in applicant's response to the Examining Authority's second written questions. Question one, which is on national IP reference 5.074.

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The applicant apparently recognises the need to respond on the specific issue of cumulative effects on individual receptors and notes that it's and that codes can provide a specific response on this topic. However, the examining authority is unable to locate a specific response related to this item. Can the applicant provide some further signposting to the location of this response based?

00:09:50:22 - 00:10:33:00

Thomas was on behalf of the applicant. If it's useful, I can just provide some quick signposting to how and where we've undertaken such intra cumulative assessment. So multiple impacts on on one receptors, typically in section 14 of each of the onshore environmental impact assessment chapters, which are in Volume three. So for example, for in the Noise chapter, we have a interrelated effect that deals with a combination of noise, visual equality and traffic effects on human receptors and provide some knowledge if around how those impacts can combine in combination and how various mitigation measures can combine from the management plans that we that we've got secured in the application.

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And I will also just point to the Health Impact Assessment document that is AP 056, which covers with human health on a wider, broader scale in terms of a local and national population level and takes each of the impact assessment topic areas in turn and covers with the more individual or specific matters of health impact assessment.

00:10:59:01 - 00:11:13:00

Thank you. The examining authority is aware of the documents that have been submitted and against the examination to date. I just wanted to follow up on this specific answer to our question. Yes. 2.1. And

00:11:14:24 - 00:11:21:06

the wording wording that that the applicant provides a specific response is that

00:11:22:27 - 00:11:50:26

it sounds from your response that from your answer to my question just now, that that's the specific response is what you've just taken us through it it reads and perhaps could be or perhaps has been misconstrued that there is a further specific response related specifically to that question. Can you just clarify whether whether there is something else we should be looking for or whether the responses are, as you've just outlined them.

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Collaboratively at Kent? I believe that it is referring to the fact that the previous responses were adequate, but as this primarily relates to offshore related matters, we will need to check that point.

00:12:08:06 - 00:12:13:28

The specific responses referred to relate to offshore topics. So we would need to check that point.

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Yes. Although that request the question is, is is put in such a way that it we're seeking an answer to

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its effects on individual receptors.

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And that is that is that is what I'm I'm seeking further clarity on that at this stage. I recognise that the responses that you've given so far. If you wouldn't mind us, as you said, coming back and clarifying.

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Whether there is a specific response, which is which we cannot find, or whether the responses that you've given are.

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The sum total of responses that we should expect.

00:12:59:10 - 00:13:47:03

Thomas was on behalf of the applicant. I just. Just to summarize in terms of the question of yes. 2.1 and the comments raised by natural England, we certainly haven't had any discussions with them in relation to the onshore impact assessment, in relation to the source pathway approach that's been that's been mentioned there. This is reflected in the natural England statement of common ground that we have the agrees and and we've got full agreements in terms of the conclusions of the of the EIA for onshore matters which which we take to to and to be the case that the assessment that's being

presented as is adequate and the the cumulative effects that we've presented are considered to be robust.

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But as I say, we've certainly not had any indication from natural England that that's not the case.

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Thank you, Mr. Watson. Summarize, then. You believe that the

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the cumulative effects on individual receptors in the onshore environment particularly have been adequately addressed in the documents you've submitted to the examination so far.

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Two spots for the applicant is correct. The cumulative assessments that we've presented consider both three forms of cumulative assessment, the multiple projects combining together and and the potential for that to increase the significance of the effect the multiple or the cumulative increase of, for example, construction and operation of the project combining together over time and impacting certain receptors. And then finally the intra combination of multiple topic areas from the environmental statement, for example, traffic, noise and air quality combining together on receptors so that all three of those cumulative scenarios have been assessed in the, in the onshore environment chapters, typically in section 14 of each of them.

00:15:03:06 - 00:15:22:04

Thank you. Thank you, Mr. Watts. If I could just ask for an action point and ask you to confirm, I have no doubt you will assess as part of the the process following this hearing and just confirm that that response in writing that would be much appreciated.

00:15:24:04 - 00:15:31:28

If before I move on, can I just ask whether any other interested parties have anything that they wish to add on this subject?

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And I'm seeing.

00:15:37:27 - 00:15:44:00

No hands. So I will move on and hand you back to Mr. Mana to deal with any other business.

00:15:48:28 - 00:15:59:05

Against MacArthur. Is there any of the business? The examining authority doesn't have any items, as the applicant or any other party have any items they wish to raise under any other business.

00:16:02:04 - 00:16:08:25

No hands. I see. So moving on to agenda item eight, how would you like to do with the action points to home styling?

00:16:12:17 - 00:16:18:23

I think we'll do, as we've done in previous days, is quite a few of them. So we'll just publish the website rather than going through them individually now.

00:16:19:12 - 00:16:53:03

And in which case, that brings me to item nine, which is closing the hearing. If for no other items that are relevant to the hearing can remind you that the examination timetable requires parties to provide

any post hearing documents, including responses to our action points on or before deadline six, which is Wednesday, the 27th of July 2022. Can I also remind you that the recording of this hearing will be placed on the project page of the Planning Inspectorate website as soon as practicable after this hearing Examining Authority.

00:16:53:05 - 00:17:13:04

I'd like to thank everybody who participated today and unusually testing circumstances for their time and assistance. And we look forward to seeing many of you again this afternoon. We will consider your responses carefully. And they will inform our decisions and recommendations as how we move forward towards the close of examination and before I close my eyes.

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Brodrick

00:17:15:08 - 00:17:33:21

Kampusch Atkin Just before we close, we thought it would be helpful to confirm if we've checked internally and there was in fact some text missing from the response to your question. Yes. 2.1. So we will provide that text, but it does relate primarily to offshore matters, and that is just to confirm that that was in fact the text.

00:17:34:25 - 00:17:48:09

But very grateful for that. It was, yeah, it was the specific answer to the question at all, the general principle about how that cumulative assessment across the board had been undertaken. So we'd be grateful for all of that they've promised as a follow up.

00:17:50:01 - 00:17:56:28

So time is now 1108 and I'm closing this issue specific hearing about onshore environmental matters.