

ISH 3_22 March PT1

Created on: 2023-03-22 09:36:10

Project Length: 01:53:40

File Name: ISH 3_22 March PT1

File Length: 01:53:40

FULL TRANSCRIPT (with timecode)

00:00:04:29 - 00:00:33:16

And welcome. It's now 10 a.m. and I'm starting the third issue specific hearing for the application made by Equinor Limited for the Sheringham Shoal and Dudgeon Wind Farm Extension Project. We'll introduce ourselves fully in just a few minutes. Before we do that, please bear with me while I deal with a few housekeeping matters. So if I could just check with Case team is here that everyone can hear me at the back.

00:00:35:16 - 00:01:06:26

Thank you. Uh, could you also confirm that the meeting recordings and live streams have started? Thank you. Um. Uh, were there any requests for reasonable adjustments to enable participation? No, thank you. Okay. There are no fire alarm drills today. If the fire alarm sounds, please exit the building and congregate in the churchyard outside the building. There are three exits at the back of the room.

00:01:07:08 - 00:01:27:16

Um, then across the main entrance hall and out of the building. There are also two exits on the side of this room. The size of this room and head down the stairs, walk past the rear of the building, and then outside toilets are located to the right as you enter the building, and then also some to the back of the hall on the right.

00:01:30:12 - 00:01:50:16

Okay, onto introductions. I am Ms.. Sahai. I've been appointed by the Secretary of State for levelling up housing and communities as the lead member of the examining authority to carry out an examination of the above application. I'll hand over to other members of the examining authority. Mr. Manning, can you start with you?

00:01:50:26 - 00:02:01:17

Yes. Good morning. I'm Mr. Manning, and I've been appointed by the Secretary of State to be a member of the examining authority and will be leading on items 3 to 7 on the agenda today. Thank you.

00:02:04:13 - 00:02:07:18

Good morning. Am Mr. Rennie also appointed by the

00:02:09:08 - 00:02:11:07

as a member of the examining authority.

00:02:12:28 - 00:02:17:23

And good morning. I'm Mr. Wallace, and I'm also appointed as a member of the examining authority.

00:02:26:19 - 00:02:38:11

I can confirm that all examining authority members have made a declaration of interest responding to the planning inspectorate's conflict of interest policy, and none of us have declared interests in relation to this appointment.

00:02:39:29 - 00:03:09:13

Also present today are members of the case team. Case manager is Miss Louise Haraway. Miss Haraway is supported by Miss Phoebe Challis here in the room and Miss Harper Court and Mr. Christopher Glaser online. If you have any questions or concerns about today's event, please contact a member of the case team. The audiovisual and Internet service to today is provided by Mr. By team led by Mr. Stuart Avis.

00:03:11:06 - 00:03:41:25

That's the team on our end. Turning to attendees. I just want to welcome first acknowledge and welcome those who are watching the live stream today. Welcome and thank you for joining us. Um, I would now like to start with introductions from attendees. Um, when I read out the name of attendees, if all members of that team are present in person, please introduce yourselves first, followed by introductions from virtual attendees. My running order today will be the applicant

00:03:43:10 - 00:04:03:15

Norfolk County Council, North Norfolk District Council, Broadland District Council, South Norfolk District Council. National Highways. Alton Parish Council Environment Agency. National Farmers Union.

00:04:05:11 - 00:04:21:19

Barford and War Limping Parish Council, North Oak Parishes Movement for an offshore transmission Network. Savills Brown and Company and Mr. Aldous. So can I start with introductions from the applicant, please?

00:04:23:14 - 00:04:47:21

Good morning, madam. My name is Julian Boswell of Burgess Salmon. We are on the solicitors advising Equinor on this matter. I will ask the other members sitting up at the table to introduce themselves. Starting with my colleague on my right. Safe to say that we have different people sitting up at different sections and so I think it's better if they introduce themselves at the appropriate time later in the day.

00:04:50:15 - 00:04:53:10

Good morning, General. For the applicant.

00:04:55:09 - 00:04:58:12

Hello. Good morning. My name is George Rodriguez and I work in Aquinnah.

00:05:01:13 - 00:05:07:03

Good morning. My name is Ben Cave and I'm representing Equinox for Human Health today.

00:05:09:15 - 00:05:17:18

Good morning. I'm Ellen Shields, onshore technical director at Royal Zoning, DHV, and I'm here on behalf of the applicant.

00:05:19:19 - 00:05:23:14

Good morning. Sarah Chandler, development and consents manager at Equinox.

00:05:24:06 - 00:05:40:03

Just to say welcome to everyone first. Uh, Miss Chandler, you were very clear. Everyone else was a little bit too soft. I was just wondering if that might be a microphone thing or if you just. If we could just increase volumes a little bit, perhaps.

00:05:45:19 - 00:05:46:06

Okay.

00:05:46:17 - 00:05:55:19

We'll carry on with the other introductions. Is there anybody else from the applicants team would like to introduce themselves now? Or shall we wait for another moment?

00:05:58:04 - 00:05:58:25

No, madam.

00:05:59:07 - 00:06:03:05

Thank you. Norfolk County Council. If they arrived.

00:06:05:20 - 00:06:10:04

Now. I believe they're joining us later. North Norfolk District Council.

00:06:12:12 - 00:06:20:25

Good morning. My name is Jeff Lyon. I'm the development manager at North Norfolk District Council. And I have with me, Carol, by or just pass on to now.

00:06:23:13 - 00:06:31:18

Hello give Morning I'm Carol By from North Norfolk District Council. I'm an environmental protection officer at NDC. Thank you.

00:06:32:04 - 00:06:33:08

Thank you. And welcome

00:06:35:08 - 00:06:36:26

Broadland District Council.

00:06:40:17 - 00:06:54:14

Good morning. My name is Claire Curtis. I'm lead officer for The Intercept and am representing Broadland District Council and South Norfolk Council, and I have my colleagues who can introduce themselves next. Thank you.

00:06:55:02 - 00:06:55:24

Thank you.

00:07:04:14 - 00:07:09:23

Good morning. I am Catherine Ju from Broadland and South Norfolk District Council's.

00:07:11:26 - 00:07:22:03

Thank you. We're actually moving on next to South Norfolk District Council. Introductions. Sorry. Are you from Broadland District Council, Mr. Grimmer? Hello.

00:07:22:05 - 00:07:26:19

Yes, I'm Alex Cromer from Broadland and South Norfolk District Council. Hello.

00:07:31:14 - 00:07:34:28

Um, introductions from South Norfolk District Council.

00:07:38:11 - 00:07:49:10

Good morning. My name is Claire Curtis, representing South Norfolk District Council and the same offices that we have just been introduced also are representing South Norfolk District Council. Thank you.

00:07:49:24 - 00:08:05:03

Thank you, Miss Curtis. We don't need introductions from them again, but noted that you're representing both councils. Um, my understanding is that national highways are joining us later. But if there's anyone present from national highways now, please introduce yourself.

00:08:07:02 - 00:08:08:18

Good morning. This is

00:08:10:18 - 00:08:11:26

from National Highways.

00:08:13:18 - 00:08:17:01

Hello, Mr. Huck. Is there anybody else from your team present now?

00:08:17:18 - 00:08:22:06

Yes, please. Could you introduce yourself one by one?

00:08:23:21 - 00:08:25:17

Starting with Mr. Horatio.

00:08:28:18 - 00:08:34:27

Good morning, madam. I'm Horatio Waller. I'm a barrister representing National Highways.

00:08:38:15 - 00:08:39:00

I'm

00:08:40:17 - 00:08:43:05

from Andrew Cuthbert.

00:08:45:08 - 00:08:52:19

Um. Good morning. I'm Andrew Cuthbert. I'm work for ACORN, and we are the transport.

00:08:52:21 - 00:08:55:20

Planning consultant supporting national highways.

00:08:58:12 - 00:08:58:27

Mayor

00:09:00:12 - 00:09:01:16

Michael Anderson.

00:09:03:03 - 00:09:04:18

If he's there. Hello.

00:09:05:04 - 00:09:11:21

Yes, I'm Michael Aronson. I'm a colleague of Andrew Cuthbert working for on behalf of National Highways.

00:09:12:19 - 00:09:15:07

Emmanuel plays from Abnormal load.

00:09:19:24 - 00:09:21:00

Your mic is off.

00:09:33:03 - 00:09:34:29

Think your microphone might be off.

00:09:36:27 - 00:09:50:15

Oh, sorry. Yeah, it was all. Yeah. My name is Emmanuel. Senior Engineer. Abnormal low teams, East region, National Highways. Okay. Hello. And then Andrew Roseman from Third party works team.

00:09:52:10 - 00:09:53:10

Good morning, madam.

00:09:53:12 - 00:10:01:11

I am Andrew Rosamond. I work for National Highways and I'm a project manager in third party works delivery.

00:10:04:20 - 00:10:09:16

And that's it. There are other people who are joining as an observer.

00:10:11:09 - 00:10:20:10

Okay. Okay. Thank you. Thank you very much for those introductions. And welcome to everyone. Can we move on to introductions from Olton Parish Council?

00:10:24:12 - 00:10:33:29

Good morning. My name is Susan Mather. I'm representing Olton Parish Council and joined by Alison Shaw, also of Olton Parish Council. Thank you.

00:10:34:22 - 00:10:40:20

Good morning, Miss Mather and Ms.. Shaw. Um, Environment Agency, please.

00:10:44:23 - 00:10:50:19

Okay. My understanding is that they might join us later in the hearing. National Farmers Union.

00:10:54:21 - 00:10:58:28

Same. Think they will join us later in the hearing. Oh, no mistake. Good morning.

00:10:59:00 - 00:11:05:23

I'm here. But yeah, good morning. It's Louise Staples from the NFU and also representing the Land interest Group.

00:11:07:03 - 00:11:11:06

Hello, Mrs. Staples from the parish council.

00:11:15:02 - 00:11:15:26

Good morning.

00:11:16:11 - 00:11:18:05

Sandra Betts representing Barford.

00:11:18:07 - 00:11:23:14

And Rambling and Parish Council and also representing the Norfolk Parishes. Thank you.

00:11:25:17 - 00:11:28:15

Is there anyone else from Norfolk Parishes Movement?

00:11:29:20 - 00:11:34:18

Yes, Madam Chair. Jonathan Betts from the Norfolk Parishes Movement. Hello.

00:11:35:14 - 00:11:38:00

Um, introductions from Savills.

00:11:39:18 - 00:11:44:17

Good morning. Savills and a member of league and representing a number of the affected landowners.

00:11:46:27 - 00:11:48:06

Brown and company.

00:11:50:09 - 00:11:50:27

Morning.

00:11:51:02 - 00:11:57:07

Jonathan Rusch Brown and Co, a land agent representing a number of the landowners and part of league.

00:11:58:10 - 00:12:00:27

Thank you. And Mr. Alders.

00:12:01:17 - 00:12:05:22

Good morning. I'm Derek Alders. I am a resident of Norfolk. Thank you.

00:12:06:15 - 00:12:12:14

Thank you. Um, thank you very much. And welcome to everyone.

00:12:25:15 - 00:12:56:26

All right. We'll move on to agenda item two. I'm just going to make four points to set out the procedure for running the hearing today. First, a few words to acknowledge the format of the event. This is a blended event. It allows attendance both in person and virtually through Microsoft teams. It is expected that both blended and fully virtual events will form part of planning Inspectorate's future operating model. We, the Examining Authority are attending this meeting from Norwich, as are several of the attendees.

00:12:56:28 - 00:13:03:21

For those attending virtually, please be rest assured that you have our full attendance, full attention at all time.

00:13:05:08 - 00:13:36:03

Even if at times we are not looking at the camera. Um, we you do have a full attention to avoid visual and audio and noise distractions. Please keep your cameras and microphones off unless we invite you to speak. Um, the second point is about the proposed timing of the day. We will take a 15 minute break approximately at 11:30 a.m., a lunch break around 1:15 p.m.

00:13:36:14 - 00:14:04:13

an afternoon break, around 3:45 p.m. with an aim to finish around 5:30 p.m.. We will keep this under review and alter the timing slightly, depending on the progress we are making. Um, the timings, as I said, are approximate. If you're joining for a particular agenda item, we recommend you join at the start of the session that that agenda item is in. You can keep in touch with the case team who can tell if the sessions are running a few minutes late.

00:14:06:12 - 00:14:19:27

For virtual attendees. If you decide to leave the meeting during the breaks, then you can rejoin using the same link provided in the invitation email. If you're watching the live stream, then please refresh the browser to resume each subsequent session.

00:14:22:02 - 00:14:22:17

Um,

00:14:24:06 - 00:14:57:27

the second point is about, um, is general data protection, GDPR and live streaming. I'd like to make everyone aware that this event is both being live streamed and recorded. The digital recordings that we make are retained and published. Um, and they form a public record that can contain your personal information and to which general data protection or GDPR applies. The planning inspector's practice is to retain and publish recordings for a period of five years after the Secretary of State's decision on the development consent order.

00:14:58:08 - 00:15:31:23

Consequently, if you participate in today's issue specific hearing, it is important that you understand that you will be recorded and that you therefore consent to the retention and publication of the digital recording. It's very unlikely that the the the examining authority will ask you to put sensitive personal information into the public domain. Indeed, we would encourage you to not do that. However, if for some reason you feel that it is necessary for you to refer to sensitive personal information, we would encourage you to speak to the case team in the first instance.

00:15:32:20 - 00:15:39:27

We will then explore with you whether the information could be provided in written format, which might then be redacted before being published.

00:15:42:10 - 00:16:13:16

The third point is about the substantive matter of today's issue specific hearing, which is titled Onshore Matters. An agenda for this hearing was published on the Planning Inspectorate's National Infrastructure Project webpage on Tuesday the 14th of March 2023. Those are the only matters that are for discussion today. To be clear, it is not intended to discuss all matters relating to onshore environment. Today. Some matters will be pursued through rounds of written questions or at future hearings.

00:16:14:09 - 00:16:30:12

It is a full and ambitious agenda. Mr. Manning and I will keep under review our progress and we may request certain aspects to be held over and addressed as part of your responses to the second round of written questions that will be issued on the 12th of April 2023.

00:16:32:22 - 00:16:48:11

Fourth and final point is regarding post hearing actions should they arise. Today during this hearing, Mr. Rennie will be noting hearing actions as they emerge at the close of the meeting. We intend to go through the entire list of hearing actions which will then be issued as soon as practicable.

00:16:50:14 - 00:16:54:19

The assumption is that posturing actions will be expected or

00:16:56:17 - 00:17:21:11

submissions relating to post hearing actions will be accepted expected at the next deadline. In this case, that's deadline three, which is Tuesday, the 2nd of May. However, acknowledging any resourcing constraints on your end, if you fail, meeting that deadline will be difficult for you. Please do raise that at the hearing itself so we can, if possible, accommodate that in the deadline set out in the post hearing action list.

00:17:23:03 - 00:17:26:05

If anyone has questions, please raise your hand.

00:17:30:07 - 00:17:35:04

I don't see any hands raised, but I do see somebody wishing to join the meeting.

00:17:41:03 - 00:17:49:04

I'm going to move on on the assumption that there are no questions. That is all for me. I'll turn to agenda item three and handover to Mr. Manning.

00:17:50:26 - 00:18:09:06

Okay. Thank you very much. We will crack on straight on with agenda item number three, which is construction effects. And number is further to the applicant's reply to in question 1.6.2.3 Whether the salt cable corridor width at trench crossings is justified.

00:18:10:25 - 00:18:54:27

Um, obviously we've noted the applicant's reply to that written question, um, which sets out to eight ducks could be required for the crossings, which is ultimately three wires per circuit plus a spare duct for each circuit, a spacing of ten meters between each with the remaining space being needed for the sighting of of equipment. The first question is for the applicant. Please could you explain what will determine how many ducks will be required and ultimately why the wires might need to be separated, which is, as I understand, different from this sort of trenched cables where it would all be within one cable.

00:18:55:29 - 00:18:58:05

Um, yeah, I could start with that one, please.

00:19:13:15 - 00:19:48:13

Yes. Your height is Rodriguez for the applicant, the determination of how many drills you need. This was the first question, right? So the six versus eight, as we have said, is depending on the success of the first drills. So if you have one failure, then you have the contingency to have that additional one. So that is the reason for the six and the eight. So as for whether you need to go and split and split your circuits, that will be on the stability also of the of each drill, let's say.

00:19:48:15 - 00:20:17:19

So as you have mentioned on the open court, we're looking at three foil. But then when you go and drill independent, if you have to go deep and the ground conditions, then that will determine the stability that you expect to have on a on a on a drill. So, yes, you may go as a three foils, but you may

need to go on a split. And that's what we have put as a worst case. So if the ground requires that, then you will need to split your circuits for each cable.

00:20:18:25 - 00:20:32:13

Okay, Thank you. In terms of the ground conditions, is that so you can drill a smaller duct, which is easier to drill with The ground and conditions are difficult. Is that the difference between having a larger cable and a larger duct?

00:20:43:05 - 00:20:55:27

He Rodriguez for the applicant. So, yes, I was just confirming that point. So as you have mentioned, yeah, it depends on the on the diameter and the length as well of the of the read of the drill.

00:21:00:27 - 00:21:17:04

Okay. Thank you. Um, in terms of what's been assessed in the environmental statement is a worst case thinking. Maybe it's an example. Noise has the potential for eight ducks in terms of the drilling being assessed in the environmental statement.

00:21:20:12 - 00:21:39:03

You know, the strategy for the applicant. Yes. So that is actually the reason why we have the 100 meter width because it's accounting for this extra. And that's also the reason for the definition of the compounds that are on each side of the of the drilling point.

00:21:44:06 - 00:21:58:09

Okay. Thank you. And the final question on this matter is, are there any other windfarm projects which have ultimately had to split the wires and retrench list crossings? Is the applicant aware or could you find out maybe for the next deadline?

00:22:19:27 - 00:22:22:25

So we will find out for the next delivery.

00:22:23:15 - 00:22:24:18

Thank you very much.

00:22:31:07 - 00:22:45:21

Okay. Let's move on to the next question, which relates to whether the worst case has been assessed in the environmental statement for trencher crushing techniques that ultimately could be used given the flexibility sought by the applicant.

00:22:47:14 - 00:23:20:11

mean, ultimately, the applicant has set out that it requires such flexibility in technology in terms of the trenches crossing techniques that could be used other than the horizontal diagonal drilling. Such methods could include impact molding, micro tunneling, pilot tube, micro tunneling and pipe ramming. Um, the yeah, the authority note that the environmental statement assumes that will be used. Um, so the question really is whether these other techniques could potentially result in worse impacts than.

00:23:23:06 - 00:23:32:17

Julian Boswell for the applicant. Could I just clarify, you've just read out some text referencing other techniques. Where does that text come from?

00:23:33:12 - 00:23:44:22

The text came. It was within the environmental statement. I will probably need to confirm exactly where that was, but it was referred to in the application documentation.

00:23:50:02 - 00:23:50:22

Okay.

00:23:57:16 - 00:24:33:02

Thank you. Julian Boswell for the applicant prompted by your agenda item. We have reviewed the documentation and there is an inconsistency in the documentation which I think is what you're getting at, such that the development consent order only provides for horizontal, horizontal directional drilling as a trench less technique. But there are some references in the environmental statement to the possibility of other techniques. And your question is, have we assessed those other techniques? And the answer to that is no, we haven't.

00:24:33:04 - 00:24:46:22

And so we agree that that needs to be resolved in favour of the development consent order so that the only technique that is available is horizontal directional drilling.

00:24:48:01 - 00:24:53:24

Okay. Thank you. Would the applicant seek to amend the wording and maybe for the next deadline if necessary?

00:24:56:08 - 00:25:13:18

Think let can we can we consider that as to what's the most proportionate way of of addressing that? Um, but yes, I think it's fair to say that it needs to be clear somewhere in the environmental statement that um, that the point that I've just made.

00:25:14:18 - 00:25:16:09

Okay. Thank you very much.

00:25:24:20 - 00:26:25:27

Okay. We'll move on to question number three and item under the construction effects, which relates to discussion regarding the addition of missing vulnerable population groups and health outcomes and whether this affects the conclusions of the overall assessment findings. This is particularly with regard to the concerns expressed of Norfolk County Council. Um, so ultimately the question for the for the County Council is the applicant's reply to this relevant written question, which was one point, 6.4.5, which related to air quality effects and also question 1.6.4.6, which related to reduced physical activity effects, sets out that the inclusion of the additional vulnerable population groups and health outcomes sought by the County Council would not change the overall findings of the environmental statement with regards to air quality.

00:26:26:16 - 00:26:29:23

Um, I guess I should probably check is someone from the County council here now?

00:26:37:23 - 00:26:46:16

No. Okay. I think we'll probably maybe skip that question and I'll revert that to the written questions, but the applicant would like to jump in at that point, please.

00:26:46:27 - 00:27:04:29

Thank you, sir. I think for the applicant, just we've had exchange with the the council about this matter and they are happy to. They confirmed that they had they were not raising an objection. It was more a point of interest. And they're happy to take this forward through statement of common ground.

00:27:07:12 - 00:27:09:06

Okay, that's useful. Thank you very much.

00:27:14:22 - 00:27:47:12

Okay. Moving on to the next agenda item, which is further justification from justification from the applicant relating to the expertise used and the methodology that was that was undertaken underpinned the assessment of adverse effects on human health. Having regard to the concerns of COVID and Thought Parish Council. I see Mr. Barrett has has arrived, which is which is useful because I do have some questions for for Mr. Barnett as well. Would you just maybe before we start off with discussion, Mr.

00:27:47:14 - 00:27:52:04

Barnett, just introduce yourself as we missed you at the very start of the hearing.

00:27:55:23 - 00:27:57:25

I think you're still muted, Mr. Barnett.

00:28:00:09 - 00:28:08:18

I had not received any notification of this meeting from yourselves and have arrived at the very last minute. And I'm Professor Tony.

00:28:08:20 - 00:28:12:03

Barnett, and I have expertise in these.

00:28:12:05 - 00:28:17:18

Areas. I'm currently associated with the London School of Economics.

00:28:20:13 - 00:28:30:08

Okay. Thank you very much. Sorry to hear that you weren't aware of the hearing. Agendas were published about a week ago. They weren't published to me.

00:28:32:05 - 00:28:34:27

Okay. Thank you. Do you feel you did that.

00:28:34:29 - 00:28:35:14

Kind of.

00:28:35:16 - 00:28:37:02

Notification because have several other.

00:28:37:04 - 00:28:38:13

Meetings in progress at this.

00:28:38:15 - 00:28:39:03

Moment, I've had to.

00:28:39:05 - 00:28:40:28

Leave another meeting.

00:28:42:01 - 00:28:53:07

Mr. BARNETT, the notification for these hearings was sent out with the Rule eight, notification with the Rule eight letter, which was end of January 20th 7th January.

00:28:53:24 - 00:28:58:06

Anyway, we we I'm here and I'm happy to proceed.

00:29:00:11 - 00:29:02:12

Okay. Thank you very much, Mr. Barnett.

00:29:03:28 - 00:29:24:02

Okay. The first question is for the applicant, please. And it's a question whether the environmental statement provides a definition of what is meant and ultimately assessed in terms of well-being in the in the health chapter of the environmental statement. And if not, should it be? Thank you.

00:29:26:06 - 00:30:04:05

Thank you. I've been. Thank you, madam. Sir, I've been Keith, the applicant. The. The. The health chapter, um, takes the notes that public health England in their response to the consultation they they define well-being as and I don't have the exact definitions in front of me but it's from the public health definition public health England definition which off the top of my head includes access, transport and think education.

00:30:04:07 - 00:30:08:15

But I can't remember at the moment, but we can certainly provide that afterwards.

00:30:09:08 - 00:30:13:08

May be useful. Sorry, Mr. Barnett.

00:30:13:25 - 00:30:15:27

Am I able to intervene at this point?

00:30:16:18 - 00:30:25:06

I will come to you at the appropriate time. So will instigate asking you direct questions, but if you would like to reply on that particular issue, that's fine.

00:30:25:08 - 00:30:26:14

Thank you. Thank you very much.

00:30:26:16 - 00:30:37:11

Appreciate that. And I would like to know why the Public Health England definition was used when there is a very large literature concerning health and welfare and.

00:30:37:13 - 00:30:40:08

The economics thereof and the social science.

00:30:40:10 - 00:30:46:13

Thereof, which has apparently been ignored in that case. And I posed a series of questions in the.

00:30:46:15 - 00:30:48:06

Evidence which I have presented.

00:30:49:01 - 00:30:55:25

To this inquiry, and I would have hoped that each of those questions would have been dealt with by the applicant in detail.

00:31:00:04 - 00:31:06:13

Okay. Is the applicant okay to just reply on the initial question in terms of why that definition was selected?

00:31:06:15 - 00:31:09:00

Please briefly, please. Thank you.

00:31:09:07 - 00:31:12:26

Thank you, Mr. Sir. And thank you for the applicant.

00:31:15:07 - 00:31:33:11

The definition provided by public health, England was considered worthwhile. I mean, it's I think it was it was public health England one of the providing guidance on health and impact assessment. So it's right that we follow their guidance.

00:31:42:08 - 00:31:44:29

Am I allowed to intervene in response to that?

00:31:45:14 - 00:31:59:21

No, Mr. Barnett, we are not allowing any cross questioning. So if there's any questions, please ask us and if we feel it's worthwhile including that in this hearing, we will. But otherwise we will probably include that in written questions going forward.

00:32:00:23 - 00:32:04:11

Okay, Ma'am, I'd just like to say that I have posed a number of questions.

00:32:04:13 - 00:32:12:29

In response to your request of the previous hearing, and I trust that those questions are going to be dealt with in detail by the applicant.

00:32:15:13 - 00:32:43:02

Ultimately we will. We have reviewed those. Your statement that was provided after the last hearing. And some of those matters will be discussed at the hearing today. Specific questions that I have and other ones will be ultimately follow up written questions. Ultimately, we have a, you know, a small window to discuss matters today. And ultimately the written questions will be where the detail will be fleshed out in terms of our questions, both for the applicant and yourself. Okay. Thank you. Thank you.

00:32:46:12 - 00:33:24:22

Okay. Next question is actually for you, Mr. to Barnet, which is your written representation raised concerns about the use of the wider determinants of public health, which was shown in plate 28.1 of the health chapter of the environmental statement, namely that the diagram presents a general account of determinants of health but does not deal with specific situations and the impacts generated by the by the potential potential impacts from the project and in your view, requires significant detailed analysis of the cost of such impacts imposed on local communities.

00:33:25:08 - 00:33:43:18

Um, the question for you is do the other detailed assessments such as noise transport effects and air quality effects that form part of the overall environmental statements that filter into the findings of the health chapter amount to such significant, detailed analysis?

00:33:44:02 - 00:34:16:07

No, they don't, because I've pointed out that there is an entirely different framework in which this this problem can be approached, and it's the notion of hydraulic loss. Hedonic loss refers to loss of what

we broadly define everyday speeches, happiness. And there are measures of these things. My colleague at the London School of Economics, Professor Richard Layard, has worked for the last 20 years on questions of happiness. I also point out that Professor Glasson has adopted a different methodology which is not taken account of at all, although it was, I believe, taken account of by Vattenfall.

00:34:16:29 - 00:34:20:10

So no, those kinds of things are the most surface.

00:34:22:12 - 00:34:25:16

Surface approaches to what is a really complex problem.

00:34:29:28 - 00:34:33:11

Okay. Would the applicant like to reply to those matters?

00:34:35:12 - 00:35:17:18

Uh, thank you, sir. Thank you for the applicant. We note the critique from Professor Barnett. Um, the approach that we have taken is supported by good practice and by national and international guidance. And as mean to as Professor Barnett correctly says, the problem can be approached in different ways. Um, the approach that we have taken is as set out in impact guidance for health impact assessment and we are confident that it addresses the complexity of the issues.

00:35:17:20 - 00:35:42:00

Your initial question was about the use of the Dargan and Whitehead diagram, which is the plate 28.1, I think. Um, and that that is included to illustrate a model of human health and well-being. It's not illustrated to, to model, it's not included to, to model the specific impacts from this project. It's more establishing how health is defined.

00:35:45:12 - 00:35:47:05

Do you want me to respond to that?

00:35:48:07 - 00:36:12:23

I have a follow up question for the applicant In terms of criticisms being made that certain academic papers, which I think Mr. Byrne has just referred to to several in what he said just a moment ago, and I'd be interested in the applicant's reply to that, particularly having regard to how that compares to what the requirements of the national planning statements are in terms of assessing this subject adequately, please.

00:36:13:15 - 00:36:50:07

Thank you, Ben. For the applicant, I'm here to talk about human health and the paper is mainly about social impacts. So economic and social impact. So I'm not best placed to answer that from a as I say, from within the health impact of Human Health chapter. We we talk about health and wellbeing and follow the public Health England guidance there. And I think there are there are some points in the glass and article which are of note. There are also some points which support the activities that the applicant excuse me that the applicant is taking.

00:36:54:18 - 00:36:58:00

Respond to your question about it. Show that.

00:37:01:17 - 00:37:23:04

Okay. Thank you. In terms of specifically the requirements of the national policy statements, what in terms of the requirements of adequately assessing such effects on human health, including well-being

particularly? How does the applicant's approach fulfill those requirements? Maybe if you could flesh those out a bit more for us, please.

00:37:25:06 - 00:37:34:08

So the approach as a thank you, sir, for the applicant. Ben Cave. The approach

00:37:36:20 - 00:38:24:12

takes the the the model of health as set out in the World Health Organisation constitution so that it's not limited merely to disease and infirmity, but is is is a broader, more aspirational definition. It it's then this is then broken down into what is described as the determinants of health. And each of those determinants are considered in turn. And there was there has been a scoping exercise and certainly the methodology was agreed with Norfolk County Council, who have confirmed in their in their response that this is a that the methodology is appropriate and that they agree with the findings as well.

00:38:25:14 - 00:38:47:18

So just to reiterate, we are the we are following the guidance and actually going I think the doesn't specify huge amount of detail, but this is so we are going beyond well, we're following the guidance for for human health within impact assessment certainly.

00:38:51:20 - 00:39:28:23

Okay. Thank you. Um, another question for Mr. Barnett, please. The applicant in its reply. Have you seen the reply to your submissions at the latest deadline? No. Okay. Um, the. Ultimately, the applicant in its reply set out that the methodology employed aligns with the international and national good practice, such as publications by the Institute of Public Health and the International Association for Impact Assessment and the European Public Health Association, and also the Institute of Environmental Management and Assessment.

00:39:29:05 - 00:39:35:26

And it is also noted that the public health, that Public Health England and the World Health Organization cite these documents as good practice.

00:39:37:12 - 00:39:43:12

Please, could I get your thoughts on why it's not appropriate to follow those guidelines.

00:39:44:03 - 00:40:05:05

If it's not appropriate to follow those guidelines because they're not up to date. That is why they don't take account of the latest developments in the methodology for exploring these issues of health and welfare and well-being. And I've pointed out in my very detailed paper, which have submitted a whole series of questions which require answers.

00:40:08:18 - 00:40:25:18

And in particular, as I remarked before, I have pointed to the questions of Hydronic loss. I have tied this entirely to a process of cost benefit analysis, and I've also requested a response as to why it is that the Government's Green Book is being ignored in this Treasury Green book.

00:40:27:17 - 00:41:00:23

You see, what I'm what I'm hearing from the applicant is a whole set of statements where they're using to legitimize their existing method. A series of very high level statements which do not actually refer to the collection of any original data concerning the communities affected by these proposed developments across the east of England. In particular, looking at the effects of health on health and well-being considered from, among other things, point of view.

00:41:01:08 - 00:41:25:21

Now did set out at the request of the examining authority a whole series of detailed questions. One of them was to inquire what kind of specific expertise the applicants had deployed in relation to answering these questions. And I have seen no response as to the qualifications of anybody which would be counted as relevant to considering these questions in a proper way.

00:41:28:08 - 00:41:41:27

Okay. Just to jump in there. I mean, ultimately, the applicant has provided a reply to your representations at deadline to which you've indicated you haven't. You haven't seen yet. So do wonder if some of my questions.

00:41:42:01 - 00:41:43:19

So I'm sorry.

00:41:43:24 - 00:42:15:18

If can finish, please, Mr. Barnett. Um, which I think it would probably be helpful for you to see before I ask you questions on them. So I actually wonder if my questions were better frame during the written process which will follow the hearings once you've had a chance to digest. I think that would be a very good. Mr. Barnett. Sorry, please. Haven't finished, Mr. Barnett, please. Thank you. So do wonder if that's the best process to follow now, because obviously I'm asking you questions on things that you haven't seen yet, which I think is obviously slightly unfair as well.

00:42:17:05 - 00:42:21:21

But with the applicant like to just reply to anything that we've just heard from Mr. Barnett.

00:42:23:14 - 00:42:30:13

I think. Thank you, sir. Ben Cave for the applicant. Happy to pick this up with further written questions.

00:42:33:10 - 00:43:09:01

The guidance to which you referred was has been published in the last 2 or 3 years. So I think it is I would say it is certainly up to date. I think also that this you know, it's possible to summarize it. It's always possible to do more work, to do more research. There are there are potentially different methods you can use. We have taken a proportionate approach to identify the likely significant effects on human health. And and that's the guidance we've followed is set out and you've kindly read those out.

00:43:09:12 - 00:43:17:25

So you know, will happily answer further, but would look forward to Professor Barnett's comments and our response as well.

00:43:18:03 - 00:43:25:19

Okay. In terms of the concerns of the expertise employed by the applicant, could I just get your broad thoughts on that, please?

00:43:32:06 - 00:44:08:27

So Julian Boswell for the applicant. The I'd like to make two points, if I may. Firstly, just building on what Mr. Cave has just said and as a general response to the kind of approach that Professor Barnett is following. It really is the case whether Professor Barnett wants to acknowledge it or not, that we have followed the standard approach in relation to dealing with these matters for nationally significant infrastructure projects pursuant to the Planning Act 2008 and the related requirements of the environmental impact regulations and so on.

00:44:09:16 - 00:44:40:00

And as Mr. Cave has already indicated, the methodology followed was agreed with Norfolk County Council, and they are content with the conclusions that we have reached. It may be that there is an academic critique available of that approach, as Professor Barnett is indicating, but as an applicant, we necessarily and rightly follow the standard approach that we are expected to, and that is what we have done in relation to expertise.

00:44:40:02 - 00:45:11:10

Coming on to that question, Professor Barnett in his in his submission has picked up on the the fact that the two members of the client team at Equinor who are named as the ultimate sign off for the documentation in relation to this and I should say a large sweep of the documentation generally do not have specific expertise in relation to health matters. Yes, and that's absolutely standard.

00:45:11:12 - 00:45:32:12

The clients that are signing off on a whole range of documents necessarily don't have expertise in each particular matter, that they are providing an ultimate sign off on. The people that prepared the specialist health chapter very much do have the necessary expertise. And I can ask Mr. Cave to to briefly take you through that through that. Now.

00:45:33:13 - 00:45:34:01

Thank you.

00:45:37:04 - 00:45:59:00

Thank you, sir. Thank you for the applicant. So let me just go the the the. And I'm responding for the human health chapter. And the chapter was prepared by who are registered. So with to have the Q mark.

00:46:00:18 - 00:46:02:09

It was reviewed by

00:46:04:03 - 00:46:41:17

colleague Ring and Piper, who has expertise in public health and in impact assessment and in legal matters. And we can make his CV available. I am now providing health, but my background is in public health and social anthropology. I am a honorary professor at the University of Liverpool. I hold visiting positions at University of New South Wales, have written extensively on health and impact assessment and are worked on numerous health impacts and in health and environmental assessments as well.

00:46:46:13 - 00:46:48:20

Okay. Thank you for that clarification.

00:46:52:16 - 00:47:15:09

Okay. Professor Barnard. Is there anything else you'd like to say in terms of the discussion this morning? Ultimately, as I've said, there will be lots of follow up written questions, which I think are probably the best place to deal with most of the issues that wanted to ask to us today. Given that you've not seen the applicants reply to your concerns, but is there anything else you particularly wish to say at the hearing today?

00:47:17:10 - 00:47:30:03

I would like to see written answers to the questions I posed because I was requested to provide questions to the examining authority and they are detailed in my written submission.

00:47:32:08 - 00:47:42:06

Okay. Thank you. We'll deal with those through written questions. That's the most appropriate method of dealing with those. But thank you very much for your input this morning, Professor Barnett.

00:47:42:17 - 00:47:45:07

May I ask how they will be communicated to me?

00:47:46:07 - 00:47:59:13

The examining authority will publish its second round of written questions, which will be on the 12th of April. So those will be published on the national infrastructure website for the project.

00:48:01:00 - 00:48:10:13

Otherwise, if you contacted the case manager, they will be able to point you in the right direction if you have trouble finding them on the website.

00:48:12:05 - 00:48:12:20

Thank you.

00:48:13:07 - 00:48:14:23

Okay. Thank you very much.

00:48:25:01 - 00:48:55:14

Okay. Thanks. Okay. Thank you very much. We'll move on to the next agenda item, which is whether any further mitigation from that already secured is needed with regard to mental health effects, including to address concerns regarding adverse effects of EMF or electromagnetic fields. Having particularly regard to the relevant representation of Norfolk County Council. Um, again, I'm not sure if anyone from Norfolk County Council is here yet.

00:48:57:06 - 00:49:07:03

Okay. Um, so again, that could well be one that I hang over to written questions. Unless the applicant wishes to say anything in particular on the matter.

00:49:07:20 - 00:49:24:00

Thank you, sir. Ben gave the applicant just a similar response to, I think it was three three in that Norfolk County Council have indicated they're happy for for this to be addressed via statement to common ground and they have no particular issues to raise on this.

00:49:32:27 - 00:49:34:09

Okay. Thank you for that.

00:49:36:08 - 00:50:11:22

Okay. The last agenda item before the break is further to written representations from a local resident whether any field readings have been undertaken at the property in question and whether a meeting that was indicated to us took place on the 2nd of February 2023 and whether any similar surveys are required. Any other locations along the cable corridor? Um. I think that question as it stands is probably sufficient for if I could direct that towards the applicant, please.

00:50:14:04 - 00:50:28:15

So here's Rodriguez for the applicant. Um. So in reference to the meeting, actually, there is a problem with the dates because it was 2022 and the meeting took place, but that was on the 11th of March 2022.

00:50:30:09 - 00:51:13:09

Um, we have had multiple engagements with these members of the public. These engagements who play well were through emails, through meetings. Um, this last meeting that I mentioned in that meeting of the 11th of March was attended in person by several members of the Equinor team, including the electrical engineer that personally actually commissioned it. Also National Grid, to do a specific area study for the zone and for that area where the member of the public is concerned. So those results have been presented and they are part of the addendum to the EMF study that was submitted during the application, which is the AP to 79.

00:51:19:22 - 00:51:30:08

Okay. Is the applicant checked that? Because the way the representation read was that it was a future meeting and it was submitted at deadline one. I think it was.

00:51:31:02 - 00:51:44:16

Yeah. When I look at the representation, it looked to me that it was actually 2022 that they referred to. And the emails, if you look at the dates of the emails, they're actually 2022, the email exchange that she is presented there.

00:51:54:04 - 00:51:59:13

Okay, but there is no future plan meetings. From the applicants point of view.

00:52:00:04 - 00:52:18:13

No. Sorry. This port applicants. So said. We have had several really several engagement with the member of the public emails also through her parish council. MP was also present in one of those meetings. So we have really cover all the information that we could cover. Okay.

00:52:18:15 - 00:52:23:02

Were any readings ever taken from from the property itself?

00:52:24:16 - 00:52:57:19

So readings are not common to be taken at this stage. Actually, when looking also at the policy of whether compliance to this. So for EMF should be done by readings or calculations, it is actually seen that for when you're looking at linear features like overhead cables or on the ground cables, calculations are sufficient. When you are looking at complex, complex geometries like for example, substation and so on.

00:52:57:21 - 00:53:08:05

That is where it's more common to also look at the possibility for measurements. But for cables it is sufficient in the policy. Is that is sufficient to have measurements, to have calculations.

00:53:15:04 - 00:53:17:28

Okay. Thank you very much for that clarification.

00:53:23:15 - 00:53:32:27

So based on that, is it safe to assume the applicant's position is that there's no need for any other calculations anywhere else along the corridor or in terms of any other sensitive receptors?

00:53:33:28 - 00:53:34:23

That's correct.

00:53:43:21 - 00:53:50:13

Okay. Thank you very much. That leads us up to our break. So just bear with me.

00:53:52:14 - 00:53:52:29

Should, we can.

00:53:58:24 - 00:53:59:09

That's.

00:54:01:21 - 00:54:41:21

Yeah, this one. Okay. We're running slightly early. As I think I've pointed out, we've delayed several questions to written questions, which means we're running slightly ahead. So I propose, rather than have a break now, we carry on with the agenda items under construction effects. So we'll come to agenda item four. And the first question relates to the applicant's reply to written question 1.6.5.8, which is whether the cumulative air quality assessment for road traffic emissions is robust, particularly whether estimated effects on these links by comparing them to links of a similar nature is appropriate.

00:54:43:20 - 00:55:08:05

It's a little bit more detail for that. Ultimately, the applicant's reply to the written question acknowledges that there are some additional links that would exceed the IEA and 2017 criteria when considered cumulatively with other projects and are identified in Appendix A point. One of the applicant's reply to written questions.

00:55:09:21 - 00:55:29:24

The applicant has estimated effects on these links by comparing them to links of a similar nature which have been fully assessed. So the first question is whether this can be considered a robust approach. And secondly, why can't the applicant undertake an equivalent assessment as you have for the existing links, please?

00:55:57:00 - 00:56:36:29

Thank you, sir. Ellen Shields. On behalf of the applicant. So just to summarize our. The applicant's response to that specific written question. Let's go back a step, if that's okay. Just to help the explanation. Yes. The cumulative traffic flows that have been considered in the cumulative assessment, they're based on peak flows from those projects, and it's assumed that all those peak periods would coincide with the construction of SIP and DEP. And on this basis, a number of additional road lengths could have been screened in to the cumulative air quality assessment, but they weren't given that the project generated traffic alone did not exceed their air quality screening criteria.

00:56:37:01 - 00:57:20:21

So just to reiterate reiterate on those links, the relative contribution to any cumulative effect from the cumulative projects, they would have been negligible. Given that the project generated a traffic alone from SIP and DEP did not exceed the air quality screening criteria and the majority of the additional road links that would be cumulative screened in are within rural Norfolk, where baseline air pollutant concentrations are well below their relevant air quality objectives. And therefore it's considered highly unlikely that any significant cumulative air quality effects would occur for the road links that are closer to Norwich, which is a more urban area with higher baseline pollutant concentrations.

00:57:21:04 - 00:58:00:10

Effects are also not expected to be significant. This was demonstrated in our response by comparing the predicted impact at modeled receptors with similar baseline traffic flows, similar changes in traffic flows and comparable background concentrations. So this is considered to be a robust way to determine whether any significant impacts may occur as it's based on the quantitative assessment already undertaken, using an approach which has been accepted by all relevant parties. And there were no concerns raised from the relevant local authorities within their local impact reports on the cumulative air quality assessment or air quality in general.

00:58:00:25 - 00:58:21:27

And the statements of Common Ground showed that the local authorities were satisfied that the approach, the assessment approach, was appropriate. Therefore, it's valid to apply the findings to other road links where traffic flows and other factors which have been through may be comparable in circumstances in which peak construction traffic may happen to coincide.

00:58:23:24 - 00:58:32:12

I'm just to summarize, it's our professional judgment that the cumulative impact assessment for road traffic emissions is sufficiently detailed and robust.

00:58:36:23 - 00:58:44:26

Okay. Thank you very much. Um, are there any local authorities on the line who may wish to say something on that particular matter?

00:58:50:27 - 00:58:57:23

No, I've seen. That's. No. Okay. Thank you. Anyone else? Mr. Aldous, you've got your hand up, please.

00:58:58:15 - 00:59:14:22

Yes, Thank you. Thank you, sir. Is it the case that for rural areas, the traffic impact assessment is being compared against an upper limit for an urban situation rather than against a baseline of what is actually in place in those rural areas.

00:59:16:25 - 00:59:19:14

Could we have clarification on that point, please? Thank you.

00:59:23:11 - 00:59:26:02

Okay. Is the applicant happy to fill with that question?

00:59:46:09 - 01:00:02:06

Good morning. Sam Taylor for the applicant. I'm a transport planner and work for Royal Gardening DHV. In terms of the surveys for the baseline flows, they were we've surveyed all of the links within the study area, so the baseline traffic flows

01:00:04:00 - 01:00:12:29

have been captured. So for the rural areas, that's based on the the flows that are actually occurring at those areas. And then obviously for the urban areas, it's based on the flows in those areas.

01:00:20:19 - 01:00:22:17

Yes, Mr. Audis. Would you like to come back?

01:00:23:19 - 01:00:43:27

Yes, please. Thank you, sir. Yes. Specifically in relation to air quality. And the statement that was made about how air quality impacts are being assessed on a cumulative basis. Is the air quality change assessed against an upper limit for an urban setting, or is it assessed against an existing measurement of air quality in the rural area?

01:00:44:18 - 01:00:49:04

Thank you. Thank you. Again, if I could come to the applicant on that, please.

01:00:54:29 - 01:01:24:14

Um, Sara Chandler for the applicant. Um, just to let you know, sir, our air quality specialist isn't sitting here with us at the moment. We've got our transport planner and Ellen here covering general

onshore matters. And we do have Charlotte, who is the air quality specialist available to us later today by video stream. So I think it might be a question that's better parked if that's okay. Just for session four, at which point Charlotte can join and answer that slightly more detailed question on air quality.

01:01:24:16 - 01:01:27:16

Okay, that's absolutely fine. Thank you very much. Thank you.

01:01:38:24 - 01:01:39:29

Okay. Thank you.

01:01:41:23 - 01:02:29:09

Okay. We'll move on to the next agenda item, which is in relation to the outline code of construction practice and whether this is sufficient, particularly having regard to matters associated with agriculture, flood risk to third parties and waste management, with views particularly sought from the National Farmers Union, the Environment Agency and also the applicant. Um, we'll come to agricultural matters first, please. Um, and the National Farmers Union in its reply to question 1.6.6.1, its criteria state that it would expect to see an outline management plan specifically for agricultural matters that would link to the outline code of construction practice.

01:02:30:07 - 01:02:58:21

Um, and for this to include wording currently being discussed with the applicant that would cover matters such as handling and management of soils, fill drainage, water supplies, irrigation supplies, bio biosecurity and also the role of the agricultural liaison officer. Um, could maybe the applicant provide an update on discussions and where those are with the NFU if possible?

01:03:01:19 - 01:03:11:01

Purely impossible for the applicant. Just to set the scene, if I may mean in relation to the code of construction or the outline code of construction.

01:03:12:18 - 01:03:15:22

Generally, the

01:03:17:09 - 01:03:57:18

the starting point is, is obviously is the word outline. This is a staged process. This is an outline document which will be finalised when the design is done and the construction methodologies have been or either resolved or closer to being resolved. It's signed off, as you know, under requirement 19. And so our general approach in relation to this document, in accordance with other developers and I'm sure you've seen other outline codes of construction practice, is that it has to strike a balance as to what goes in at this stage and what is more appropriate for a later stage.

01:03:57:20 - 01:04:35:00

And that. So that's a general point that applies across the whole the whole document. Um, we want the final document in due course to be entirely fit for purpose and to address the full range of issues that it needs to because it then becomes an absolutely core document at the heart of the construction contracts for the contractors. So we want the final document to do everything that it needs to do, and that's very much in our best interest that there is a single place where everything that is required to be done to to control the construction effects is in a single place.

01:04:35:02 - 01:05:15:24

So coming on to the position, there's a dialogue going on with the NFU and the land landowner interest group, as they've indicated in their submission that you've just referenced, there are certain more detailed matters that are being discussed. Um, and as I think we've already said at the previous hearings, there is an expectation in relation to those landowners that sign up, um, options, which we

hope is a very large percentage that what's being called currently being called a construction practice addendum would be included within the options.

01:05:15:26 - 01:05:56:21

Obviously those are private agreements. Those give the landowners sort of direct assurance on a on a per landowner basis in relation to those matters. It is our intention that those matters in that addendum that are the subject to this ongoing dialogue with the NFU and the landowner interest groups will find their way into the final form of the code of construction practice, because as I've said a moment ago, it's absolutely in our best interest that everything that we have committed to as, as, as, as the as the two undertakers sell and Del with Equinor acting on their behalf at this stage, that they are in that document.

01:05:56:23 - 01:06:29:12

We want them to be in the final document because that is the core document. One of the core documents that the contractors will be being held to by their contracts. And so if it gives some if if so, we were discussing this within the team. This point hasn't been made to to to the NFU or the landowner interest group. But as a as a as a suggestion in terms of giving them any extra comfort that they might need on top of the fact that we have a really powerful interest to put it in that final document anyway, because it's the core document for the construction contracts.

01:06:29:14 - 01:06:57:16

We were thinking that we could put a line in the statement of common ground with the, um, with the local authorities in particular that would say that, that, that the output of where we end up with the NFU would, would be fed into the final proposals when we get around in due course to the to preparing the final form of the code of construction practice for for for for approval.

01:07:03:10 - 01:07:30:12

Okay. Thank you. Just a quick follow up question before I ask the NFU for for their thoughts in terms of the applicant accepting that the wording will be in the final code of construction practice. Um, why could the draft text of that not be fleshed out throughout the examination, which would ultimately also give the examining authority confidence that suitable mitigation will be in place?

01:07:33:07 - 01:07:38:08

Julian Boswell for the applicant. Guess that goes back to the point I made at the beginning that.

01:07:41:17 - 01:08:12:14

That this is a this is a multi-stage process. You can pick any of the topics that are covered within the code of construction practice and you can go, Aha, that isn't very detailed. And the answer to that is yes, because it's an outline and because the best and most effective way to do this exercise is when it's at, you know, closer to the time. And we don't obviously we don't know for sure when this project is going to come forward, when we're going to have got the contracts for difference in place and all the rest of it. So and so.

01:08:12:16 - 01:08:51:21

Yes, in theory we could do that. I'm not saying we couldn't do that, but it's a case of of working within the the intent of the document. If it's one of those situations where if if if a third party feels so strongly about something, then developers often give in, as it were, and put things into an outline document that probably don't really belong there. And then the document starts to look inconsistent and out of shape. I'm not saying that we may not give in to some to some of this, but in terms of our general approach, it's not that we have a problem with the things that we are discussing with the NFU.

01:08:51:23 - 01:08:56:28

It's simply a case of wanting to do this at, at at the right time.

01:09:02:00 - 01:09:25:00

Okay. Thank you. I will hand over to the National Farmers Union and Staples, if you'd like to come in at that point and maybe give your thoughts on the discussions which have taken place and also your thoughts on the suggestion that the best time would be in the final code of construction practice, closer to the point where any construction might take place. If I could get your thoughts on that particular issue as well. Thank you.

01:09:25:29 - 01:09:57:10

Thank you. Louise Staples with the National Farmers Union and League. Um, I do understand that there is a balance to be reached. Um, but it is the landowners that are going to be directly affected. Uh, you know, by the construction works. And therefore that's why we think it's absolutely essential. Um, that some draft wording has to be agreed within the outline code of construction. Um, up front that we can't leave it.

01:09:57:12 - 01:10:29:19

We've learned from all the other schemes that we've been involved with that we have to have that wording agreed. Um, so, yeah, really, I can absolutely say that the league will not be prepared to leave it. Um, we will want that wording. Agreed. Um, I can say that we've had one meeting on a statement of common ground. Um, that was rather high level, though. I've made a request that these areas that I've outlined in the written submission are covered in the statement of Common Ground.

01:10:30:11 - 01:10:41:22

Um, and as yet, we haven't been able to meet. Um, to take that forward. I have actually only just seen this morning. The, um.

01:10:43:20 - 01:11:09:21

Written response from the applicant. But again, it just says it's in negotiations with us. Um. And I'm not sure that's really fair because so think yeah, we would definitely will need to have another meeting to take all of these points forward. Because they're just giving a standard response in this written submission document.

01:11:12:13 - 01:11:13:00

Thank you.

01:11:15:00 - 01:11:24:00

Could just maybe flesh out your your views on why it's essential that it's within the outline document and not the final code of construction practice.

01:11:25:07 - 01:12:05:08

Well, don't mind if the wording goes into the final construction document, but. But we won't. Your examination will have finished then, so we have no input. So unless we get that wording agreed now and, and we see it in the outline, then we know it'll get carried forward into the final document. And unless there's another way of us agreeing it and knowing that that wording will then definitely appear in the final document. We'd be happy, happy with that. But so far in every other scheme we've worked on, we've had to agree the wording in an outline to know that it will definitely get taken forward into the final, say, soils plan or to do with field drainage, etcetera.

01:12:11:02 - 01:12:14:05

Okay. What are thoughts of the applicant, please?

01:12:19:04 - 01:12:46:00

Julian Boswell for the applicant. Just to be clear, the point I was making about the statement of common ground. Whilst yes, it can. It could be and we would have no problem with it being in the statement of common ground with the and lig my suggestion was or our suggestion was that it was in the one with the local authorities because of course they are the people that are signing off the the code of construction practice under the DCO. Um,

01:12:47:25 - 01:12:49:11

I think that.

01:12:54:04 - 01:13:05:22

So Mr.. Just just so. Understood that correctly. Are you suggesting there would be a tweak to the wording in the requirement 19 which said that it be signed off in consultation with the NFU? Is that.

01:13:05:27 - 01:13:08:24

No, we're not proposing that. I'm just the

01:13:10:11 - 01:13:41:00

I've just been handed a note that says that the wording in the addendum we think is almost agreed, though I'm sure all of our experiences of negotiations are that things are only agreed when they're really agreed. And so we can obviously I've heard what what Ms.. Staples has just said and there's been a dialogue going on behind the scenes, and there is inevitably some degree of comparison with what other projects have done in relation to the same point.

01:13:41:02 - 01:14:14:18

And I know that Ms.. Staples advises on multiple projects. Um, so I think I'm not instructed to agree at this moment that we would include it within the outline code of construction practice. I think we can if it's okay, we can leave it on the basis that the strength of the point that's just made has been heard. We don't if we're agreeing in the what we're calling the construction practice addendum as part of the private option negotiations, as I've already emphasised, it's not.

01:14:15:01 - 01:14:50:18

I mean, firstly, as and when those options are signed and they are binding, the landowners have a direct route, direct legal route to enforce that which is even better than the position of going to the local planning authority and saying, um, by the way, you know, can we have it in the code of construction practice? And for some reason it doesn't quite make it or it doesn't make it in every particular respect or the code of construction practice is there and isn't being properly enforced. They would have, in addition to that, a direct legal route, um, pursuant to the options.

01:14:50:20 - 01:15:20:11

But I accept that of course the options aren't signed yet and in theory not. You know, maybe that they don't all get signed. I mean, we very much want them to be signed. Um, so I think bearing in mind that that point, i.e. that the landowners will have the comfort of that being directly in their options, yes, I can see why they want it in the comfort in the final code of construction practice that is the enforceable document pursuant to the requirements. And so.

01:15:22:28 - 01:15:48:23

I think that's probably as much as I can usefully say at this point. We will consider further whether to to include it in the outline code of construction practice in in some in some in some form, i.e. I mean if it's going in there. Yeah. So I don't want to sorry, I don't want to sort of deal with this point on the hoof. We will consider that further. The representations and the strength of them have been heard.

01:15:50:08 - 01:16:09:09

Okay. Thank you. It sounds like there's some discussions still to be had between the parties. So I wonder whether maybe a follow up written question might be the best way of dealing with that to progress the examination and the parties can give an update for deadline three when the response to our second written questions is due.

01:16:13:21 - 01:16:48:22

Just one question for me to follow up on that. If certain matters, as you said, and if I've understood this correctly, certain matters are being agreed as part of the agreements with individual landowners. My question would be that would it then not be appropriate for some of those matters, particularly if they relate to certain aspects of the court of construction practice to indeed come into examination, as Mr. Staples has suggested, and even if it is not in detailed form, as you rightly pointed out, it is only an outline code of construction practice at the moment.

01:16:48:24 - 01:17:00:01

It's an outline document, even if it's not in detail at the moment, at least it highlights what aspects will be included once the court of construction practices is finalized.

01:17:04:01 - 01:17:37:03

Julian Boswell for the applicant. I don't have specific instructions on that. Obviously, if you ask us in a written question, can we please provide the latest draft of the document that I've been referring to, then we will obviously decide and respond appropriately. As you will have gathered, the nature of the topics that are being considered have been mentioned. It's not, as I've emphasized throughout, there's no intention whatsoever.

01:17:37:05 - 01:18:13:15

There's no secrecy here. It's just a process. It's just a process point. And it's our intention that whatever the final position is that's agreed with the landowners subject to that not giving rise to any wider public interest concerns, which I very much hope it wouldn't from the Council's perspective, because obviously when they're signing off a code of construction practice, they're not just doing what they're asked to do as it were. They are, you know, having to attend to and balance different interests. But assuming that they don't give rise to any of those issues and I'm sure they don't, then yes, it's very much going to be in public in due course.

01:18:13:17 - 01:18:30:10

And I fully understand where Staples is coming from that, you know, they the landowners that she represents want the comfort that whatever is agreed is in place in an enforceable way.

01:18:37:08 - 01:18:45:11

Okay. Thank you very much. Is anyone from the Environment Agency on the line virtually yet?

01:18:47:00 - 01:18:49:12

Yes. Barbara Moss Taylor from the Environment Agency.

01:18:49:29 - 01:19:24:21

Perfect. Thank you very much. It's just in relation to my next question was about the outline code of construction practice. I noted in the draft statement of Common Ground between the Environment Agency and the applicant that there was concerns raised that the outline code of construction practices not specifically addressed mitigation of flood risk to third parties during the construction phase. Has there been any other discussions taking place between the applicant and the Environment Agency on that point? Maybe if I come to the applicant first.

01:19:36:08 - 01:19:56:16

And thank you, sir. Allan Shields for the applicant. We have had no further discussions beyond those we had earlier in the year. But as part of deadline two, we submitted a technical note which addressed the environmental agencies concerns with regards to flood risk at little burningham.

01:19:57:07 - 01:20:07:00

Okay. Thank you. Could the environmental agency confirm that that was the sole concern of the Environment Agency in terms of this particular matter, or is it more of a general point?

01:20:09:01 - 01:20:12:16

A. Thomas Taylor from the Environment Agency.

01:20:12:21 - 01:20:37:11

I can confirm that it was solely this area that presented a concern for us, and the technical note has indeed answered our concerns. As such, we think that the outline code of construction practice and you should adequately address the risks to that area now that we have more details about it.

01:20:38:05 - 01:21:24:15

Okay. Thank you. That's really useful. Thanks for confirming that position. Thank you. Okay. The final question I have in that case in relation to the outline code of construction practices in relation to Site Waste Management and its plan, and ultimately, should the detail that was provided in the applicant's reply to written question 1.6.7.1 ultimately be set out in the outline code of construction practice itself. And we did note the changes to table one, one of the outline code of construction practice, which now does include a site waste management plan, but it does not refer to managing waste in accordance with the waste hierarchy and other relevant mitigation in terms of waste.

01:21:27:21 - 01:22:03:29

Thank you, sir. Ellen Shields for the applicant. Um, so just to signpost to to another document, if I may. Um, the environmental statement. Appendix 17.2 Waste Assessment, which is Doc reference 2007, assesses the construction and operational waste anticipated to be generated by the projects. Paragraphs 142 and 144 concludes the details of the construction phase waste, which is likely to be inert or non-hazardous given the project area is largely greenfield.

01:22:04:08 - 01:22:12:03

And paragraphs one four 5 to 1 four six concludes details of the operational waste, which is anticipated to be limited.

01:22:15:00 - 01:22:25:12

Okay. Thank you. Is there any tie within the code of construction practice to that document in terms of what it needs to do once the final code of construction practice is adopted?

01:22:27:00 - 01:22:36:10

Thank you, sir. Ellen Shields for the applicant. I think we could probably include an additional cross-reference in the next revision of the outline code of construction practice.

01:22:36:12 - 01:22:38:11

Okay, that would be very useful. Thank you.

01:22:49:24 - 01:22:53:26

Okay. I'll hand over to Mr. Hyde for for the next question. Thank you.

01:23:00:05 - 01:23:44:15

Thank you, Mr. Manning. Um, so my question is about, um, is agenda item three three No. Four, three. Sorry if pre commencement activities are adequately controlled in the draft development

consent order and through the drafting of requirement 19. So I'll go through some of my questions with the applicant and then invite comments from a local authorities. Um, so your responses are very clear. Thank you very much. Uh, and we note that from what you've said, of course, that a number of the existing requirements currently in drafted in the draft development consent order include pre commencement controls and that's ecological mitigation, traffic and archaeology.

01:23:44:17 - 01:24:21:25

ET cetera. And then there are activities that are generally permitted under general permitted development order. And that's generally fine. My question is that if we did go through that list of activities that are currently excluded from the definition of commence, are there any of those activities that are not covered under permitted development? So for instance, in your response to written questions, you've highlighted surveys and erection surveys and erection of welfare facilities do not require planning permission, and that's fine.

01:24:21:27 - 01:24:36:12

But of the other activities that are listed and I'm happy to read them out here of the other activities that are currently excluded from the definition of commence. What else is covered under general permitted development order?

01:24:41:26 - 01:25:02:18

Good morning, ma'am. Didn't get a chance to introduce myself to begin with. I'm Laura Fuller, a senior associate at Burgess Salmon, representing the applicant. And that's just scrolling to the response. Obviously you've highlighted that. Um, we just wanted to flag also that we already made one amendment to the draft.

01:25:02:24 - 01:25:04:14

We've seen that to, to cover.

01:25:04:16 - 01:25:13:06

Screening and fencing, which we felt is, is not would not be covered by virtue of it being excluded from the definition of development.

01:25:13:08 - 01:25:17:22

Or under the permitted development order. Yeah.

01:25:21:22 - 01:25:26:08

I'll come to that. Ms. Fuller in a bit. But yeah, so I've noted that change.

01:25:26:10 - 01:25:30:17

We have been having some further discussions

01:25:32:12 - 01:26:03:17

following submissions from North Norfolk District Council, which we received at Deadline two. In response to the first written questions. We noted we've had some follow up and there is some ongoing discussion around whether there should be any further drafting amendments around what would be deemed intrusive activities. At this point, we are still at an early point in that discussion.

01:26:04:12 - 01:26:28:25

As you'll appreciate, there hasn't been a huge amount of time for us to to progress that since since those comments came in. But we will certainly be doing that as a follow up. And that would form part of any Deadline three submission, but it is under active consideration in terms of each of those individual elements that are excluded from the definition of commence.

01:26:30:00 - 01:27:01:14

Okay. So, um, that would almost in a way there were three things that between the applicant and some of the other responses from local authorities that we received three things that justified certain activities being excluded. One, as I said, other requirements in the DCO, which already include pre commencement controls, permitted development and um, and indeed certain activities that would take place from by statutory undertakers.

01:27:01:16 - 01:27:30:09

So if you could take away an an action that as part of your discussions, if you could highlight what is covered by these controls anyway, what falls outside of it, what out of those you consider intrusive and what further controls you would put in place in regard to that? So that's, um, I think that would cover my question as well. And did you say that's for deadline three? You're hoping to submit something?

01:27:31:05 - 01:27:37:07

Yes, that will be our intention. As said, we have started that discussion. It's it's just an early stage.

01:27:37:13 - 01:28:17:14

Okay. Now, I'm very aware that Norfolk County Council are not here yet. Isn't that right? No, they're not. Um, and so I'm just going to put this question out there. In their response to this question, they had expressed some concerns about temporary works that would be associated with the construction compound and the watercourse crossing. And your response obviously, is that this will be controlled by protective provisions. Um, so if you could confirm that and perhaps as part of your discussions, if you could just satisfy us that that is actually satisfactory for Norfolk County Council, but I appreciate this question is directed at County Council.

01:28:19:07 - 01:28:23:13

That's my. Is that not one of the agenda items for this afternoon? It is.

01:28:23:15 - 01:28:42:18

It is partly part of the agenda item, but I think it was specifically with in response to any activities that might take place pre commencement. There was a concern expressed, but yes, generally that is being covered later on as well. Um, actually, I'll make a note and then we can come back to it.

01:28:48:13 - 01:29:26:12

Okay. Um. So, and then the follow up question is really about the drafting in the DCO and two things drafting of requirement 19 and the definition of pre commencement. So you've again stated that the definition of pre commencement, given that controls that are already in place, is not needed. And it just seems to me that if there are almost three different given the number of regimes that control the pre commencement activities, that it would actually help clarify, you know, how you're defining pre commencement and what is being controlled by it if you did have a definition.

01:29:26:14 - 01:29:42:14

So your comments on that would be welcome if you still remain convinced that a definition is not needed and indeed, if you'd be willing to, you know, give us a definition, if the examining authority was so minded to put one in anyway.

01:29:43:29 - 01:30:14:27

Laura Fuller for the applicant. Yes, ma'am. As said, think this is linked really to those wider discussions that are ongoing. That certainly was our position in relation to how we had drafted the development consent order and how we had excluded it by basically rather than having a definition that we weren't using anywhere else in the DCO at that point, we had excluded various activities from the definition of commence, and with the way it was drafted, that was considered sufficient.

01:30:14:29 - 01:30:45:08

As I've just indicated, those discussions are moving on. And in terms of I think this will be linked very much to the action point you've asked us to take away with the councils. And certainly one of the things I will be looking at is if we are to make any amendments like that, there may need to be some additional definitions to obviously drill down and define which elements we're referring to in terms of particularly around intrusive.

01:30:45:17 - 01:30:52:17

So, so that has been recognised and, and will form part of our response at deadline three.

01:30:52:21 - 01:31:23:28

Okay. Thank you, Mr. Fuller. I will. I know that we're expecting something at deadline three, but it's it's probably best if I just put some of the other concerns that I have regarding the drafting and requirement. 19 Now, I'm aware that there's a hand up on the screen, but if Mr. Waller could just bear with me one second while I carry on with some of the the other aspects. So requirement 19, paragraph one, you've said no phase of the onshore works make amends.

01:31:24:05 - 01:31:53:12

So the phrase no phase. And then in paragraph three, you say all construction works for each phase must be undertaken. And then so my question is about the phrase no phase in paragraph one and all construction works in paragraph three. Does that include or exclude activities currently excluded from the definition of commence? I mean, that's it's a terrible question, but I hope you've understood what I mean.

01:31:55:01 - 01:32:16:09

Thank you, ma'am. Laura Fuller for the applicant. Yes, that that is the intention. That sub paragraph three is linked to sub paragraph one, which obviously is linked to where we say no phase of the onshore works may commence, which links it back to the definition of commencement and by that definition excludes those activities.

01:32:17:06 - 01:32:33:25

Sorry, clarify this for me. So no phase shall commence. No phase of the onshore works may commence means that even the activities that are excluded from the from the definition of commencement can also not commence until the court of construction practice is approved.

01:32:34:22 - 01:32:38:12

For the for the applicant know that it's the reverse.

01:32:38:14 - 01:32:46:21

That it's the reverse of that right. Okay so that leaves my concern in place then. But you're covering that in your discussions anyway.

01:32:47:14 - 01:33:01:25

Yes, ma'am. And obviously, we made a step towards trying to to cover some of that and following discussions after the last hearing with the amendment that we proposed for deadline one sub, paragraph four. But we will continue to to look at that.

01:33:02:17 - 01:33:45:22

And then my next question was about sub paragraph for apologies. Yeah, it's about sub paragraph four. And my question was how would the timing of subparagraph four work? Because it says screening and fencing works must only take place. And I just want to kind of preface that a little bit, that my concern is not just about screening and fencing. I have other concerns about some of the other

activities excluded, but I'm just talking about timing in subparagraph for screening and fencing works must only take place in accordance with a specific plan for such pre commencement works, which must accord with relevant detail for screening and fencing security set out in the outline code of construction practice.

01:33:45:24 - 01:33:48:21

This which has been submitted and approved now.

01:33:52:01 - 01:34:01:25

The outline code of construction practice will not have any weight at this point because it's not yet been approved.

01:34:04:03 - 01:34:18:19

The code of construction practice will not have any weight at this point. And indeed. Yeah. So how would the timing of this work? How would somebody be able to use an outline code of construction practice to control any construction activity.

01:34:19:21 - 01:34:53:19

For the applicant? So the purpose of that drafting is in effect that a, a specific plan mean that covers screening and fencing would be put to the local authorities for approval. Okay. And therefore, before those works are undertaken and those there are details in relation to screening and fencing which are already set out in the outline code of construction practice, which is why that outline is referenced in that paragraph subparagraph.

01:34:54:24 - 01:35:08:19

So, so that's where that, that ties in. But in effect, you would end up with a screening and fencing, pre commencement screening and fencing plan that would be discharged and then would have to be and so it works would have to be done in accordance with that Fine.

01:35:08:21 - 01:35:25:21

I've understood that. Then in that case, it makes it that kind of reinforces my point that there perhaps there needs to be not only a definition of pre commencement works, but indeed a pre commencement plan because you will you already have a pre commencement plan for screening and fencing. So

01:35:27:16 - 01:35:32:00

that needs to be defined in the draft development consent order.

01:35:33:20 - 01:36:25:00

Of the applicant. Yes. Take your point about the definition of pre commencement works as a it might not be that that is the definition. It will depend on how we we put the drafting together. But there would likely need to be some further definitions to link into this drafting. I am I will consider whether or not there would be any need to reference another plan, but my initial response to that is that the detail is currently set out in the outline code of construction practice already, and therefore the cross reference in this subparagraph for whether or not it just eventually covers screening and fencing works is submitted, is sufficient, and therefore we there would not be a proposal to put in a separate pre commencement plan outline at this stage.

01:36:27:00 - 01:37:08:04

Okay. Um, we'll make sure that this is a hearing action for you to consider for deadline three. But it's just worth noting that, um, or perhaps as part of this action, you might want to look at other examples where a pre commencement plan has been brought in to examination and has been agreed, um, and is indeed a certified document, um, and is, and is then used outside of the outline code of construction

practice as a method to control the intrusive activities that are excluded from the definition of commence.

01:37:08:06 - 01:37:20:03

So you may want to look at some of those examples and see whether that they provide a good basis for you to perhaps have further conversations with the local authorities.

01:37:21:21 - 01:37:38:11

A lot of love for the applicant. I'll take that away. Think I'm aware of the examples that you are referring to specifically? Think that you think recent East Anglia projects. So we will look at that again. And obviously that will feed into the responses that we provide at Deadline three.

01:37:39:09 - 01:37:52:00

Ms. Fuller In terms of the responses, it would help us enormously if you actually responded to each one of those activities with justification. So starting with site clearance, demolition, early planting of landscaping works and so on.

01:37:53:25 - 01:38:01:27

Laura? Yes, ma'am. I assume you mean all those activities that are currently the excluded activities in the definition of commence just for clarity? That's right.

01:38:01:29 - 01:38:04:28

That's right. That's all for me, Mr. Manning.

01:38:05:28 - 01:38:08:11

Thank you. Okay. Thank you very much. Oh.

01:38:08:15 - 01:38:12:28

Got a hand? Yeah. Do you have a hand up? Sorry. Apologies, Mr. Waller.

01:38:15:10 - 01:38:25:20

That's quite all right. Thank you, madam. Two drafting points from national highways. The first is reviewing 1901.

01:38:27:15 - 01:39:02:12

The bodies which are required to be consulted in relation to the code of construction practice that does not include national highways. And we would request that national highways are specifically included in order that they can have the opportunity to check the timing of the the construction works that affect the strategic network.

01:39:03:07 - 01:39:33:24

So it's just a drafting point. The second point is that you will have seen madam, that national highways have. Are enclosed draft protective provisions that, for instance, involve national highways having input on the detailed design of the scheme insofar as it affects the strategic network, in particular the horizontal drilling.

01:39:34:28 - 01:40:08:29

It's my understanding that national highways and the applicant are in ongoing discussion about the terms of the protective provisions. And to update you, madam. Don't think I don't understand that there is a final agreed version yet, but it seems that discussion on those terms are ongoing and that, um, that either national highways or the applicant will update you on the terms of those protective provisions when they're agreed.

01:40:11:02 - 01:40:39:10

Um. Thank you. Thank you very much. Just on the second point that you raised about protective provisions, we were seeking updates at the compulsory acquisition hearing, which is next week. So it would be very helpful to have that update at that point. But it's really good to have this now. Um, and Will, if it's okay with you, Mr. Waller, I will ask the applicant to respond to that particular point of the compulsory acquisition hearing

01:40:41:21 - 01:40:42:12

on that.

01:40:42:14 - 01:40:44:23

Is that is okay. Thank you.

01:40:45:00 - 01:40:57:00

Thank you. Um, the second point about the drafting of paragraph sub subparagraph one in requirement 19. I think that's a point well made by Mr. Wallace. Did you want to respond?

01:40:59:11 - 01:41:00:27

Mum, Laura fell for the applicant.

01:41:02:16 - 01:41:35:13

In general terms, we would consider everything that we would need to cover with national highways is likely to be covered in the protected provisions and a We are also currently discussing a separate cooperation agreement. We are not proposing at this stage to amend requirement 19 one, not least because I feel that we would need to discuss inclusion of any further bodies that you might the local authorities would have to consult with with with the local authorities as well.

01:41:35:20 - 01:41:56:13

So I feel that's the point we ought to take away for for that wider discussion as well. But as I said, our starting point is that we would cover anything that we need to cover with national highways as part of the PROTECT provisions and wider discussions on a cooperation agreement, potentially as necessary.

01:41:56:22 - 01:42:13:02

Thank you, Miss Mister Waller. Actually. Would you just elaborate on that point a little bit? Is there anything that's not currently covered in the protective provisions which you feel you need to have sight of in the outline code of construction practice in order for you to be consulted at that stage?

01:42:16:01 - 01:42:24:14

Madam. Thank you. I am not aware of any specific. Shortfall that would arise

01:42:26:15 - 01:42:48:12

if 19 one is not amended. What suggest is that National Highways responds in writing to confirm. Why 19 one ought to be amended and sends that to you in due course.

01:42:51:07 - 01:43:23:03

Yes, that think that would be very, very helpful. Just on that point, though, the drafting of 1901, I think, again, um, just going by some of the May echoes the court of construction practice does. You've got relevant planning authorities here but there are instances where the court of construction practice also requires consultation with local with highway authorities. So, you know, which would include Norfolk County Council as well as national highways.

01:43:23:05 - 01:43:27:02

So perhaps it's a point for both parties to think about.

01:43:30:11 - 01:43:36:27

Lawful. Yes, noted. And I'm happy to take that away and think about that with with input from national highways as appropriate.

01:43:37:16 - 01:43:43:15

Thank you. And thank you, Mr. Waller. We'll have relevant actions in our post hearing action list.

01:43:45:02 - 01:43:52:01

There are several hands up. If I could go to Ms.. Claire Curtis first, please, and then Mr. Jeff Lynn.

01:43:54:16 - 01:44:10:27

Thank you very much. Claire Curtis, on behalf of South Norfolk and Broadland Council. Can I just point out that under the Part one, in terms of 19 Norfolk County Council have been taken out of the suggested consultee

01:44:12:21 - 01:44:38:09

taken place by the local planning authority? Um, I'm not sure why that was and wasn't something that I felt that South Norfolk and Broadland District Council have actually requested. Given the conversations that we've had this morning, in particular, say, for example, waste management and how that's dealt with. I think that Norfolk County Council should be consulted. One of the consultees.

01:44:40:05 - 01:44:41:13

As part of that requirement.

01:44:43:08 - 01:44:49:20

You're talking about the drafting of subparagraph one for requirement 19, aren't you, Mr. Curtis? Yes.

01:44:52:04 - 01:45:18:21

So if you notice, under the revisions day that have been submitted at deadline to its, it states that the submitted to and approved by the relevant planning authority following consultation with and Norfolk County Council have been struck out. And it says then the Environment Agency relevant statutory nature conservation bodies and if applicable, the MMO.

01:45:29:03 - 01:45:41:02

It would be helpful to have that clarification, but I'm wondering whether a South Norfolk District Council would be included under the relevant planning authority in this.

01:45:41:21 - 01:46:02:21

That's not my point, madam. What I'm referring to is we are the local planning authority. But what is taken out of there is the consultation with Norfolk County Council, with the county who has the responsibility for highways, waste management, etcetera, etcetera. So my point is I think they should be reinstated within the.

01:46:03:02 - 01:46:07:03

Understood. Ms. Curtis. Apologies, Ms.. Fuller, for your response.

01:46:07:22 - 01:46:40:22

Laura Fuller for the applicant? Yes. We there were some amendments made around which bodies and there have been ongoing discussions around which bodies would be responsible for discharge and which bodies would be consultees in any given requirement. There were some amendments previously made as noticed by Ms.. Curtis, that have resulted in Norfolk County Council being taken out of the list of bodies who will be consulted here.

01:46:40:24 - 01:47:08:29

We are happy to put that back in. We will obviously also confirm that point with Norfolk County Council. We are having just in terms of a wider point, we are having ongoing discussions with the with all the relevant local authorities and Norfolk County Council to to get some clarity and agreement across all authorities with regard to discharge and making sure we cite the relevant bodies for consultation.

01:47:10:04 - 01:47:45:04

Ms. Fuller I think it was first round of written questions where in the section we'd asked you a question about highlighting and naming all the bodies that would be consulted wherever there was a reference to a local planning authority, indeed, and so on. It would be helpful to have that updated at relevant deadlines. We'll put that in the hearing action list, but I think that will really help us. But in this particular case, I think you've you've answered that question and I think you're going to make the drafting error to drafting change to address the relevant point.

01:47:47:04 - 01:48:18:19

Lawful of the applicant. Yes, ma'am. Recall that that question. I think now that discussions have progressed, it will be easier for us to to provide that. Just just for clarity, we obviously answered and provided a list of all the bodies that are named. It might be helpful just if you could provide a little bit further clarity exactly what you're expecting in terms of what you want included. Yeah. And then obviously, we can we can look to provide that to you. And yes, we will.

01:48:18:21 - 01:48:28:06

We'll certainly make we are happy to make that correction. To what addition back in of Norfolk County Council into 1901.

01:48:28:24 - 01:48:38:19

Understood. Okay. Thank you, Mr. Fuller. Um, I think we have a question from Mr. Jeff Lyon from North Norfolk District Council.

01:48:39:24 - 01:49:18:28

Okay. Good morning. Jeff Lyon, North Norfolk District Council. My point really was just to emphasize, um, when we're drafting requirement 19, we need to think about the practicalities of what's going to be happening on the ground when, when works do commence. So we just need to be clear in terms of commencement, if activities are taking place, are they covered by a code of construction practice or not? Because it's members of the public who will be observing and seeing the activities going on, it could be impacted by those. And as we are as relevant authorities are, the enforcement authorities, we need to know, are we enforcing against the code of construction practice or not? So it's really a practicality point.

01:49:19:03 - 01:49:32:09

And North Norfolk are happy to have discussions with the applicant to agree a common sense approach to requirement 19 because I think it has to be based on the practicalities of delivering this development on the ground. Thank you.

01:49:33:01 - 01:50:11:11

That's helpful, Mr. Lyon. And I think the previous discussion that we were having actually think reflects that point, that it's it's about being sensible. Your response as well to that question reflects that point. It's about being sensible that if something and Ms.. Fuller's highlighted that it's only the intrusive works which probably need the kind of, um, controls that the examining authority would like to see in that regard, I think it would be very helpful for the examining authority if the applicant and

local authorities can give their views on each of those activities that are currently excluded from commence.

01:50:11:17 - 01:50:21:09

What sensibly can be done without any controls in place and what needs them controls and how they're being included in the draft development consent order.

01:50:21:26 - 01:50:32:18

Yeah, we have. So Geoff Lyon, North Norfolk District Council, we have a view on some of the activities that we think should be covered by a code of construction practice, but we'll discuss with the applicant and agree that position.

01:50:32:29 - 01:50:34:22

That's great. Thank you very much.

01:50:34:24 - 01:50:35:09

Thank you.

01:50:37:00 - 01:50:43:15

I'm not, um, I believe Norfolk County Council have just joined us.

01:50:45:23 - 01:50:47:17

They like to join us on the table.

01:51:05:10 - 01:51:06:10

I think the question.

01:51:10:06 - 01:51:11:27

It was the question about.

01:51:13:12 - 01:51:15:12

Water cross water goes across the.

01:51:21:01 - 01:51:21:16

Okay.

01:51:22:15 - 01:51:25:07

Mr. Faulkner, would you just like to introduce yourself?

01:51:27:10 - 01:51:30:04

Thank you, madam. Stephen Faulkner and Norfolk County Council.

01:51:30:06 - 01:51:31:20

And just for clarification.

01:51:31:22 - 01:51:32:23

I'm registered to.

01:51:32:25 - 01:51:33:27

Attend tomorrow.

01:51:34:07 - 01:51:36:00

Okay. My colleagues.

01:51:36:02 - 01:51:52:06

John Shore and Martin Dickson, who are highway officers, will be attending for this afternoon session. So I'm just have a basic overview of the process at Norfolk County Council. I'm the lead officer, but I'm not a technical officer in terms of highway matters.

01:51:52:08 - 01:52:14:09

Understood. Understood. Mr. FAULKNER. I just wanted to make sure that you were around the table, that we had your introduction just to highlight that there was a question that we'd asked of Norfolk County Council earlier in this agenda item, but it is something that we will cover again later on and we'll just come to you on that. So I just wanted to do that. Um,

01:52:15:27 - 01:52:19:04

okay. That's all for me. Mr. MANNING Thank you.

01:52:19:15 - 01:52:26:25

Okay. Thank you very much. In that case, we'll have our 15 minute break now. So, Mr. Boswell, you have put your hand up.

01:52:27:14 - 01:52:43:24

Julian Boswell for the applicant. Just if I may, if Louise Staples from the NFU is still here, it would be helpful to understand which other projects she was referencing when she said that extra wording had been put in their outline codes of construction practice.

01:52:46:21 - 01:52:50:17

Okay. Miss Staples, are you there now to be able to answer that?

01:52:51:22 - 01:53:13:29

I am still here. Yes. It's Louis Staples. The leg, I can confirm and actually I have already confirmed to Equinor this in a meeting in regard to our statement of common ground. Uh, but off the top of my head wording, that's been agreed like we're requesting at the minute, um, has been agreed with Vattenfall and with Orsted.

01:53:21:11 - 01:53:34:12

Okay. Thank you for providing that clarification. Okay. We'll come to our morning break. So it's just approaching on my computer, 5 to 12. So we'll come back at 12:10. Thank you.