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00:00:05:11 - 00:00:28:16

Welcome back, everybody. The time is now. Exactly 12:10, and I am resuming this issue specific hearing. It is now session two of the hearing. Can the case team or somebody from the audio visual team confirm that everyone who wish to join back virtually has joined back.

00:00:35:12 - 00:00:37:10

Okay. Thank you. Thank you very much.

00:00:39:07 - 00:00:50:06

Um, we'll just go through introductions on our end just one more time. A member of the examining authority has joined us, so if I could ask Mr. McArthur to introduce himself.

00:00:51:27 - 00:00:58:09

Good afternoon, everyone. My name is Mr. MacArthur. I've been appointed by the Secretary of State to be a member of this examining authority.

00:00:59:25 - 00:01:07:18

Thank you, Mr. MacArthur. Any other introductions for anybody who might have joined us at the start of this session?

00:01:12:15 - 00:01:15:26

Okay. I don't see any hands up. Just excuse me, I.

00:01:15:28 - 00:01:16:28

Sorry. I have my.

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

Apologies. Sorry.

00:01:19:06 - 00:01:27:06

No problem. Good morning. My name is Tim Britton. I'm representing the applicant as their noise and vibration specialist.

00:01:28:04 - 00:01:31:20

Welcome, Mr. Burton. Anybody else that I've missed?

00:01:35:12 - 00:01:50:16

No. Okay. Thank you. Um, just to confirm that we've covered already agenda items three and four, and we are now heading straight into agenda item five for those who have just joined us now. I'll hand over to Mr. Manning. Thank you.

00:01:52:12 - 00:02:37:18

Okay. Thank you very much. We'll come to agenda number five, which is in regard to noise and vibration. So coming to the first agenda item, it's whether it refers to the adequacy of the baseline noise assumptions, um, and of note the draft statements of common Ground with South Norfolk District Council and Broadland District Council set out that the councils believe noise surveys should be carried out in accordance with BHS 442. So just wanted to check with the authorities, whether that's along the cable corridor as a whole or whether that was in relation to the main construction compound, which we will come on to next.

00:02:37:20 - 00:02:41:24

I don't know if there's a representative. Is it? Mr. Grimmer Yes.

00:02:41:26 - 00:02:55:04

Thank you for Broadland South Norfolk Council four one for two should have be done for the actual substations. The cable corridor would be done under 5228.

00:02:57:29 - 00:03:36:28

Okay, that's useful. I just wanted to just make sure that that was the case. Thank you. Okay. Smith, We'll you move on to the second item then, which is in relation to to the matter of the main construction compound and ultimately the the applicant's response to written question 1.20 .1.3 set out that it was appropriate to use the British standard for 142 and gave the examples of other significant developments which have a similar construction time frame and ultimately those had use.

00:03:37:10 - 00:03:49:29

5228. So I just was wondering if I could get the the local authority's thoughts on that process, please. And if you can provide further justification on your view, why that's not acceptable, please.

00:03:50:27 - 00:04:26:26

Alex Graham for Broadland and South Norfolk Council. I understand the use of 5228 for a construction compound and usually it is the actual correct method of actually assessing noise and controlling noise from construction compounds. However, in my experience, construction compounds usually last for 3 to 6 months, at which point the actual loss in amenity would actually be significantly reduced. If we are talking about a compound lasting for multiple years, then I believe that the actual construction compound should be done under 4142.

00:04:27:24 - 00:04:42:05

This will actually then reduce the amount of impact on the amenity of the residence nearby because the construction compound will be limited in the amount of noise that they can produce and over the timescales that they can produce it.

00:04:43:25 - 00:04:55:24

Okay. Thank you. In relation to the sensitive receptors around the main construction compound. Are there any particular sensitive receptors that you have concerns on in terms of noise?

00:05:00:17 - 00:05:19:24

Let's run for Broadland South Norfolk. This it's not so much as specific as in I look for the amenity of all receptors. The distance between the the source and the receptor can significantly affect the amount of energy that is lost. But look at all receptors equally.

00:05:21:22 - 00:05:40:09

Oh, okay. But in terms of the distance from those sensitive receptors from the main construction compound. Are there any particular that you feel would be particularly affected by the use of BST 5228 rather than the the operational noise standard?

00:05:44:03 - 00:06:14:11

Alex running for Broadland South Norfolk. The ones that would be more significantly impacted by using 5228 would be the ones in close proximity because under the 5228, the actual compound would be allowed to produce a significant amount of noise provided they do not use produce that noise over beyond a set date limit. Time limit where as under 4142, they would be actually restricted into the amount of noise that they actually can produce at any time.

00:06:16:26 - 00:06:21:20

But you're not able to give me any specific examples in terms of the sensitive receptors around the main compound.

00:06:21:22 - 00:06:23:28

That's not off the top of my head, no.

00:06:29:14 - 00:06:33:25

Thank you very much. Anything more from the applicant on that point?

00:06:40:27 - 00:06:47:04

So Julian Bosworth, the applicant, just a general point at the start, before I hand over to to Mr. Britton,

00:06:48:25 - 00:07:29:03

I think what's being said to us, which seems to us to be very surprising, is that a British standard that is clearly for construction and and open sites shouldn't be applied to construction and open sites and a different British standard that expressly says that it's not for construction should be applied. We just find that a surprising proposition and one that seems to us to be completely outside the normal approach for obvious reasons, and one that would be deeply problematic if the panel were to conclude that that was an inappropriate approach, handing over to Mr.

00:07:29:05 - 00:07:31:27

Britton in case he's got any supplementary points.

00:07:37:16 - 00:07:42:21

My only supplementary point would be that and sorry, it's in Britain for the applicant

00:07:44:27 - 00:08:03:17

5 to 8 in its choice of its limits is on the basis of a pragmatism about what can realistically be achieved for an outdoor site and how noisy those works are not necessarily duration of the impact, which can, as we've explained, last many years.

00:08:06:27 - 00:08:40:12

Okay. Thank you. So, Mr. Goodman, just to get back to you on one more point, please. The applicant did provide several other significant developments where the approach of the the applicant had been followed in terms of, I think high speed two was one of the examples in terms of the construction compounds for those. And those had used BHS 5228 and would be in situ for potentially a similar period of time. Are you aware of any other significant projects where operational guidance has been used for the construction compounds?

00:08:42:01 - 00:08:56:06

Alex run for Broadland South Norfolk. No, I'm not aware, but I am judging this on. Our experience with previous sites like this. Where have we received significant number of complaints?

00:08:58:15 - 00:09:03:00

This is what was actually going for 4142 rather than 5228.

00:09:07:13 - 00:09:14:26

Okay. Thank you. Welcome the applicant. Thoughts on that? That last point about avoiding complaints, etcetera.

00:09:17:15 - 00:09:24:28

Tim Burton for the applicants. In terms of complaints occurring, the local authority have the power to

00:09:26:21 - 00:09:53:05

serve what's called a Section 60 notice under the Control of Pollution Act. If they believe that complaints are justified and that the noise impacts are unacceptable. So I would make the point that there are powers outside of the planning regime so long as best favorable to eight and the control the Pollution Act powers are used appropriately.

00:10:20:20 - 00:10:26:12

Okay. Mr. Grimmer, did you have any thoughts on that suggestion that there's other mechanisms in terms of managing complaints?

00:10:27:24 - 00:10:59:25

Yes. Sorry, Alex. Running for board in South Norfolk? Yes. Did and am aware of the section 60 which we can do present to the actual applicant. However, there is the alternative version where we can do a bs4 one for two and then the applicant when they want need to do something excessively noisy or for an excessive long period can actually apply with the section 61 which grants them permission to do said works and create extra noise for that time.

00:11:01:02 - 00:11:03:08

Which is a way that I'd prefer to go.

00:11:08:09 - 00:11:12:28

Okay. Thank you. Again, I'd welcome the applicants. Thoughts on on that last point, please.

00:11:20:19 - 00:11:29:12

We just believe that the norm should be followed. That set within the legislation that applies to construction sites and the control of noise therein.

00:11:36:21 - 00:11:37:22

Okay. Thank you.

00:11:41:26 - 00:12:08:06

Okay, we'll jump on to agenda item number three. And this item which is in relation to the mitigation scheme that was provided for receptor CCR two C and the explanation from the applicant in terms of if we identify significant adverse impacts along the cable corridor can be sufficiently mitigated and whether similar detailed schemes are required to demonstrate this can be achieved.

00:12:09:27 - 00:12:42:12

As I've mentioned under written question, the applicant's reply to written question 1.6.2.3. Um, the as we've sort of heard this morning, the could require up to eight rules in terms of providing eight decks with a gap of ten meters between each. The detailed mitigation scheme for sensitive receptor CCR to see notes that the cable will run 38m away from this sensitive receptor.

00:12:43:13 - 00:12:55:12

So it was firstly a question in relation to what constraints have been looked at in that location in terms of micro siting and whether actually a buffer of 38m is achievable or not.

00:13:49:23 - 00:14:28:02

Joe Rodriguez for the applicant. So in the specific location that you're talking about, we have done actually a feasibility study to confirm that we can actually do the three foil installation there instead of the flat formation. So it was actually also because of this engagement that we were. We did this specific study there to see whether we could give a bit more certainty that there we believe a three foil layout will work better or it could actually work instead of a flat formation, given the the length of the of the drill and so on.

00:14:29:27 - 00:15:01:06

Okay. Thank you. Um, and I think that point probably is central to our concern. I mean, ultimately, the applicant has done some detailed assessments or feasibility about being able to have that buffer gap between the sensitive receptor. But there are lots of other receptors where there's similar impacts. And how can the examining authority be confident that micro siting is achievable to create that gap, which is ultimately the main way that the noise levels were reduced in this specific example?

00:15:04:29 - 00:15:06:24

You're here for the applicant.

00:15:08:12 - 00:15:41:09

Part of the assessment that we have done is we have, as we have said in the situation of the kids, you have your last you have the last contingency, possible location of the of the dog, and then you have additional 50m right to you. That is your boundary. And then from the distance to the receptor. So from all the locations, the one that we actually saw, that was more of a concern because of the limitation. We have to maneuver as it is a crossing of one main road. So it's one of the roads and the location of both sides of the drill.

00:15:41:11 - 00:15:52:05

Then there, we didn't have much room to actually go and to actually account for what we have in the different parts of the corridor. So that location is quite specific in that sense in geometry.

00:15:52:22 - 00:16:27:06

Okay. Thank you. Um, but I say I think the general concern from the examining authorities, the level of detail and ultimately whether at each sensitive receptor, because there are several with similar potential significant noise impacts to this one Pacific example that we asked you to to look at in a bit more detail. And ultimately, given what we've heard this morning about the need potentially for the width of the corridor and the justification in the order limits for that, the two have the potential to conflict with one another.

00:16:27:21 - 00:17:07:07

And it's really just expressing that concern. Which comes on to my second question about whether the applicant is happy to undertake a slightly more detailed look at each sensitive receptor where there is potential significant impacts which are generally the drilling at night similar to to see. And it's whether you're content or whether you're happy to provide the examining authority with a bit more detail, which I think, you know, being, being particularly honest about the situation, I think we need to be comfortable that mitigation can be achieved to ensure no significant effects on those sensitive receptors.

00:17:27:28 - 00:17:28:13

Let's

00:17:30:13 - 00:17:30:28

see.

00:17:44:07 - 00:18:17:24

You know he just. Rodriguez for the applicant. One point that I also wanted to highlight is that in reference to the compounds, as we have said we have currently and assessments as they are, is we have compounds at both end of the of the of the drills and we have done the assessment the same way for each of the ends. Now, an opportunity we have, as we say, is where to locate the plant. I mean, what creates the noise? Are the plant in itself like the rig or so on generators and so on.

00:18:17:26 - 00:18:36:10

So that is something that we have also the option where there is a receptor that is close to a location, we have the option as well of putting the plants on the other side, for example. So that is one of the embedded sort of, Yeah. Mitigations or way that we can address that point.

00:18:38:06 - 00:19:14:10

So that to answer your more general point, we're we're extremely reluctant to be pressed to do the exercise that you're indicating. Again, this is a staged process. One of the key things in the in the process is the appointment of the principal contractor and the selection of, you know, going going into the level of design that you can then do once you know exactly who you're, who you're working with. And we think the approach that we have followed here is entirely within the bounds of multiple other projects which have adopted this approach in terms of how they've been consented.

00:19:14:24 - 00:19:24:24

And as I say, we're extremely reluctant to to be pressed to to do that extra work at this point in that stage process.

00:19:26:23 - 00:19:39:19

Okay. I mean, ultimately, it's probably, I think, important for us to set out that there could therefore be a potential that we were unable to determine that significant effects could be suitably mitigated.

00:19:44:00 - 00:20:15:09

Julian Boswell for the applicant. Guess it inevitably comes back to the point I've just made about the precedent. There is a balancing act in multiple dimensions when you're conducting a consenting regime for for, I suppose any development, particularly major complex development. And that balancing act has played out across multiple schemes over multiple years. We're confident that we are within the normal accepted approach.

00:20:15:24 - 00:20:47:14

And therefore, if if the examining authority was saying that they didn't have sufficient confidence that we were in a position to to mitigate using the normal, you know, methodologies and so on. Once the principal contractor has been appointed post consent, then, you know, clearly we can't stop you from reaching that conclusion if that is your conclusion. Ultimately, it's a matter for the secretary of State as to whether he or she would accept that.

00:20:47:26 - 00:21:06:09

And the history of consenting to date is that unless there are very specific situations where there are very obvious concerns, which we don't think is the case here, and I'm thinking there was a famous case in relation to the Thames Tideway Tunnel DCO,

00:21:07:29 - 00:21:31:08

where there were 1 or 2 sites that got an enormous amount of attention for very understandable reasons. We don't think we're in that territory at all on this scheme. And therefore I would I can only

repeat what I've already said, that we think that what you're asking for would push us into a realm that isn't normally expected for very good reason, and we're reluctant to go there for that reason.

00:21:32:29 - 00:21:53:15

Okay. You referred to sort of the normal approach. Could the applicant provide details of another windfarm development where impacts on or there were significant impacts identified and reliance on a no construction noise management plan for which a draft wasn't provided as part of the examination was relied upon.

00:21:56:16 - 00:22:23:04

I think it's best if we respond to that in writing. If you're asking for specific examples. But as I've said, I don't think we are doing anything out of the ordinary here. And as Mr. Rodriguez has already indicated in the particular example that you have focused on, I think we were already aware of that as being something of more sensitivity and we had done extra work in relation to that.

00:22:27:08 - 00:22:39:26

Okay. Thank you. Do we've got a hand up? I was going to refer to the local authorities now, so can't quite see who the hand is. But if it's either of the local authorities, that would be very useful.

00:22:41:26 - 00:22:42:11

Hi.

00:22:43:12 - 00:23:35:10

Sir. I'm Andrew Ross. I represent National Highways and I work on third party works delivery. Our experience of horizontal directional drilling is that we would prefer it to be done during the daytime. I'm aware that such a planning authorities like Breckland do not permit such works at night time, and we successfully find it easier to control the topographical level survey that we require as the horizontal directional drilling is being done under our road to ensure that heave and settlement do not get to a level where we would have to stop works and also covering the safety of the traveling public.

00:23:39:17 - 00:24:02:23

Okay. Thank you. We are going to come on to the matter of at night. So I propose we just park that point till then as we will cover that in due course. But thank you for that contribution. Um, so I can't see who who's next with their hand up on our on our screen, unfortunately. But if the remaining party would like to come in, is it miss by.

00:24:05:03 - 00:24:40:10

Hello. Good afternoon. I'm Carol from North Norfolk District Council from the Environmental Protection Team. I just wanted to add a comment that the local authority would welcome any additional details and reassurances that can be made at this stage. We do accept there are some difficulties in providing great detail at an early stage. I do have some confidence that the best practical means measures that have been suggested, um, are likely to afford a reasonable amount of mitigation at the site.

00:24:41:11 - 00:25:11:26

And there's a likelihood that threshold targets can be achieved. But nonetheless, we would welcome any further information that the applicant could pass on to us at an early stage. Um, we notice no to the comments, um, regarding the temporary rehousing option as well. I think for this site it's something that we would hope that thresholds will be met and normal processes would, would be possible. But we did want to mention that as part of the discussion.

00:25:12:00 - 00:25:15:24

I hope that's useful for your, your queries. Thank you.

00:25:17:28 - 00:25:25:06

Okay. Thank you very much for that. Um, Mr. Grimmer, did you want to come in again, please?

00:25:27:13 - 00:25:46:25

From South Norfolk. Just to say that I support Miss Bae's comments that more information at an earlier stage is better because it allows us to actually assess anything if there are going to be any severe impacts and then organise the mitigation around those.

00:25:49:27 - 00:25:58:02

Okay. Thank you. And me? Sure. I will then offer it back to the applicant to come on. Anything we've heard from from those three parties?

00:26:01:05 - 00:26:03:20

I'm sure. Would you like to come in? Yeah. Yeah. Thank you.

00:26:05:29 - 00:26:09:04

So. Um. Hello? Can you hear me?

00:26:09:13 - 00:26:11:03

Yes, I can hear you fine. Thank you.

00:26:11:11 - 00:26:41:27

Allison Shaw, Alton Parish Council. Um, the applicant has suggested that, um, because there is. There are precedents in this in this area. Um, on offshore wind farms. I assume he's referring to Orsted projects and Vattenfall projects, um, that they are following perfectly reasonable practice by resisting really some attempts to, to get more detail on areas and receptors that need mitigation, that might need mitigation.

00:26:42:08 - 00:26:42:23

Um,

00:26:44:00 - 00:27:14:14

Oulton parish Council would, would, would beg to council the examining authority that certain major mitigation issues were allowed to go through the processes for Hornsea three and Vanguard and Boreas without being resolved. Pre consent, for instance, the issue of mitigation for residents at Causton High Street for traffic through course and High Street in terms exactly and precisely of noise and vibration.

00:27:14:25 - 00:27:48:22

And we need to tell you that that here on the ground because we are only three miles from cawston, um, that these mitigation issues remain unresolved to this day. And Hornsea three is about to start its cable route construction on April 3rd. That's their information to us, followed by Vattenfall Vanguard starting in September of this year. We suggest, therefore, that it's unwise for the examining authority not to deal with any significant mitigation issues during the examination.

00:27:48:24 - 00:27:49:15

Thank you.

00:27:52:03 - 00:28:00:27

Okay. Thank you, Miss. Sure. Is that the applicant wish to come back on any of the the comments from the local authorities and miss your.

00:28:01:29 - 00:28:40:29

Julian Boswell for the applicant? Um, just picking up on the final point, I wasn't actually specifically referring to Orsted and Vattenfall. Nothing that's taking place here is remotely unusual across multiple projects, possibly hundreds of projects that involve laying cables and using and and and equivalent technique and other techniques. There is a staged process to how these evaluations are conducted and mitigation strategies are followed, which are routinely accepted by by councils up and down the country.

00:28:41:01 - 00:29:19:25

So I wasn't restricting myself to Orsted in relation to Hornsea three and Vattenfall on on, on on its projects. And of course we've just heard what Michelle has said. I'm not in a position to comment on the on the points. She's the factual points that she's made. Orsted and Vattenfall aren't here. And so, you know, I just can't really assist in relation to whether that's fair comment or not. I'm not saying it isn't. I just simply don't know. And I don't think it would be appropriate for us to have to immerse ourselves in what's happening on other projects in that in that in that particular in that particular regard.

00:29:20:16 - 00:29:55:04

I've heard what Mr. Grimmer and Ms. Bies have said and we can reflect on that. But the the main point that I would reiterate is that there is always a balancing exercise in the way that this issue is dealt with. And we think that we are very much following the the normal approach and striking, striking the correct balance in the information that we've already provided. We will give further consideration to to the points that have been made and obviously the points that you've made, sir.

00:29:55:06 - 00:30:01:17

But I just want to manage your expectations as to where where we're where we're at.

00:30:08:00 - 00:30:24:24

Okay. Thank you for that. Okay. We'll move on to the next agenda item, which is whether the cumulative impact assessment for noise has or should consider the impact of construction works on sensitive receptor CCR 16 C,

00:30:26:27 - 00:30:46:12

which is ultimately for the proposed development alongside noise generated by traffic access in the Hornsea Project three main construction compound. Could the applicant, maybe just as a starting point, just set out how it has assessed the impact on that particular sensitive receptor in terms of the cumulative assessment?

00:30:55:23 - 00:31:32:03

So in terms of the cumulative impact assessments, that's the each impact is assessed essentially separately. So where there is construction noise with the potential to impact on and from two projects on one receptor, then then that impact would be assessed. Um, I think the point that you're getting at and the question in terms of whether the separate impacts of traffic noise from one project and construction noise from another project is not specifically assessed.

00:31:32:05 - 00:31:41:05

And I can go on to explain if that's sufficient information about the cumulative assessment can go on to explain the justification for that decision, if you wish.

00:31:41:11 - 00:31:42:29

Yes, please. Yeah. Yeah. Um.

00:31:43:15 - 00:31:59:15

So it's predominantly the fact that traffic noise traffic on the public highway is an anonymous noise source subject to a specific regulatory regime in relation to traffic noise. So when you look at the impact of traffic noise,

00:32:01:15 - 00:32:48:00

you need to follow that regulatory regime. So it's specifically the Land Compensation Act really. Um, and that's the process by which you do that is predominantly that defined in the design manual for roads and bridges published by national highways. And that specifically actually advises you to undertake a separate assessment of construction noise versus that of construction traffic. Construction noise impacts would include vehicles on haul routes, but would not include vehicles on the public highway because once they're on the highway, they're considered an anonymous source that's essentially under that separate regulatory regime.

00:32:49:14 - 00:33:08:24

So there is no criteria or guidance that you could really or you should apply, which would involve the assessment of noise simultaneously or combined from traffic on the public highway and construction noise. So that's essentially why it's not been done.

00:33:16:05 - 00:33:20:22

Okay. Thank you. So make sure you got your hand out. Would you like to jump in at that point?

00:33:24:07 - 00:34:03:26

Hello. Susan Mather. Orton Parish Council. Yes, a couple of points. Regarding CCR 16 C, um, a noise assessment was carried out by Orsted, which was a quite in-depth noise assessment. Um, they, apart from the British standards which have already been mentioned. They also included British standard 6472, which I understand to be human health effects on vibration and also British standard 8233, which is nighttime noise.

00:34:04:12 - 00:34:13:16

The reason they use that was because there was a possibility of cables, drums being delivered at night time. Um.

00:34:15:03 - 00:34:51:17

So when they did the noise assessment, they took into consideration the construction noise effects from the main construction compound along with traffic. So my query is that there's that assessment has been done and mitigation has been carried out, but that property will also now have horizontal directional drilling. But not only that, it will be, we've been told, between 10 and 20m in depth and something like 600m.

00:34:51:20 - 00:35:07:24

So it will be quite impactful and we would like to know how they being assessed on that particular property and whether a combination of noise assessments will be done.

00:35:09:27 - 00:35:13:26

Okay. Thank you. Can I feel that question to the applicant, please?

00:36:23:13 - 00:36:40:05

So we want to give a helpful answer. But as you probably gathered, it's requiring a discussion. I'm conscious that we're coming to the lunch break relatively soon. And would it be appropriate for us to have a chance to consider it over lunch and give you an answer after lunch?

00:36:40:24 - 00:36:43:15

Yeah, that would be absolutely fine. Thank you.

00:36:49:15 - 00:36:58:13

Okay, we'll move on to. So Alton Parish Council, is that a legacy hand from last time or did you have something further?

00:36:58:19 - 00:37:23:23

It's just one more point that Susan Mather at Alton Parish Council. The cumulative impact is just being taken as Hornsea three. But there's also Vattenfall, who also have a construction compound, which is their their main compound, although they also have secondary compounds. But that will generate noise as well.

00:37:25:09 - 00:37:26:12

Okay. Thank you.

00:37:30:26 - 00:37:42:02

Okay. We'll move on to the next agenda item, which is in relation to the adequacy of the outline code of construction practice and securing necessary noise mitigation, including the use of at night.

00:37:45:00 - 00:38:15:03

The applicant's reply to written question. 1.20 .4.1 refers to restrictions of night working for HDD and actually sets out that nighttime trenched crossing work so only proposed where absolutely necessary, e.g. at railway crossings due to a network rail requirements. At most treacherous crossings, nighttime work would only be undertaken in an emergency.

00:38:15:27 - 00:38:27:17

Um, as far as I'm aware and that's stand point isn't secured in the outline of outline code of construction practice and whether that should be.

00:38:31:17 - 00:38:33:27

Julian Barnes. Julian Boswell for the applicant.

00:38:34:06 - 00:38:58:17

We think it's addressed through the working hours restriction and requirement 24, 2024, requirement 20 subparagraph four because there there are restrictions on what can be done outside the normal hours. And if you want to be outside those hours, you have to jump through various hoops with the local authorities approval.

00:39:08:02 - 00:39:08:17

Like.

00:39:18:02 - 00:39:28:03

Okay. Thank you. In the sake of clarity, given, it's quite a significant point of mitigation. Should it also be set out in the code of construction practice? So that's clear.

00:39:32:21 - 00:39:33:06

Um.

00:39:33:18 - 00:39:49:19

Let's. Julian Boswell for the applicant. Yes, let's consider it. Um, I can. It can't do any harm to reference the point that I've just made. So we'll. We'll consider it. Um, you can put that on the action list if you like, but I doubt we'll be resisting you.

00:39:49:29 - 00:39:50:25

Okay. Thank you.

00:39:55:12 - 00:40:29:06

Okay. Revision B of the outline code of construction practice that was provided a deadline to notes that a construction noise and vibration management plan will be included in the final code of construction practice and the addition of a study area for for the the management plan was identified, which is 300m from the construction works. Um, for the sake of clarity, should maps be included in the outline code of construction practice to actually identify that study area?

00:40:34:01 - 00:40:34:16

I'm just.

00:41:23:00 - 00:41:36:03

William Bosworth, the applicant. We have submitted the plan at deadline two and we can supply. We're trying to find the reference, but I think you're asking a slightly different point, aren't you? Which is whether it should be specifically referenced or included in the draft.

00:41:36:08 - 00:41:52:24

Absolutely. Yeah. There are maps provided. I think it was an appendix to the reply to written questions, but it's whether that should be baked into the actual code or construction practice itself, given that it is referring to a study area and whether it's important to spatially set that out.

00:41:56:16 - 00:41:57:27

Julian Bosworth, the applicant.

00:41:57:29 - 00:41:59:29

I think the answer is likely to be yes.

00:42:00:10 - 00:42:05:19

Okay. Thank you. Again, if we could record that as an action for the hearing, please.

00:42:07:28 - 00:42:17:27

Okay. We've got some hands up. Um, I'm not sure who was first, but I know we got Alton Parish Council. I can see you've got your hand up. Can't see who the other party is, so.

00:42:20:12 - 00:42:50:13

Um. Thank you. Thank you, sir. Allison Shaw and Parish Council. Um, it's been mentioned just now that the applicant is not requiring, uh, nighttime operation of. Except in the case of emergency. Um, as we have two very close receptors in Alton to, to the, to a very long, uh, section of being under a solar park.

00:42:50:28 - 00:43:24:06

Um, the two receptors concerned are 16 C 16 C which is, is has been referred to already this morning, but also, uh, CCR 16 B which is far less often referred to and is, is immediately at the other end of that very long section of drilling. Um, there are two other receptors which aren't mentioned but are on the whole road also following the length of that, they're parallel to the, to the length of that.

00:43:25:19 - 00:43:46:04

Um, and they're not very far away. They're a field one field away. Um, in view of all that, um, could the applicant perhaps be asked to define what would be an emergency? Could they give examples of an emergency situation that might require nighttime?

00:43:53:07 - 00:43:59:11

Okay. Thank you. It's a. Can the applicant provide any clarification on such circumstances?

00:44:07:14 - 00:44:22:06

Your heat is really good for the applicant. An example of that would be if we have problems with one of the drills. So if there is a problem with the with the competence, let's say, of the of the hole and we need to do any specific or extra measurements to keep the.

00:44:23:28 - 00:44:28:12

Yeah. So actually be able to perform the operation within the words.

00:44:29:02 - 00:44:42:17

Okay. With the the protections put in place by the working hours also make sure that ultimately it was an emergency as the local authority would have to sign those works off presumably. Is that correct?

00:44:48:04 - 00:44:57:21

I think there may be a misunderstanding. Julian Boswell For the applicant, I don't think our position is that we will only be doing an at night in an emergency.

00:45:05:10 - 00:45:24:09

There are some situations where we need to go through the night because of the length of the operation. I think is the is the core point and we're balancing different considerations, one of which is obviously mitigating the noise effects. But also we have to be able to, you know, safely and effectively carry out the operation.

00:45:25:05 - 00:45:36:03

Okay. Is that wording to be reflected in the working hours in that case? The requirement relating to construction noise, hours, restriction, working hours.

00:45:40:16 - 00:46:01:15

Think it is, but we can come back specifically on it. There's more than one situation that is that is specified and it's recognizing that if we're going outside those hours, we have to have a good reason to do so and that we have to have agreed the necessary related steps with with the relevant planning authority.

00:46:05:26 - 00:46:06:29

It needs to express.

00:46:13:17 - 00:46:14:29

I'll be very cautious.

00:46:19:00 - 00:46:20:21

Okay. Thank you. Um.

00:46:23:26 - 00:46:29:22

Which national Highways think spotted it might be your hand up was the other one. Yes, Mr. Waller. Thank you.

00:46:30:00 - 00:46:39:02

Yes, thank you, sir. And a few drafting points, mindful of the helpful comments that have been said about.

00:46:40:16 - 00:46:41:01

Um.

00:46:41:06 - 00:46:48:25

Requirement 20. It was said that. Security is provided by.

00:46:51:00 - 00:46:52:17

24.

00:46:54:08 - 00:47:40:02

In terms of nighttime working. The effect of 19 four seems to be a provision requiring the planning authority to be consulted about nighttime. Working except for emergency. Works in advance. That's its effect and that seems very sensible. I've got two. Two points to make. The first is Sub4 should, in my submission, include a requirement that the applicant explain to the relevant planning authority the need for.

00:47:41:03 - 00:47:53:06

The works to take place at night. Which at the moment it doesn't. So that then the planning authority can assess that need and take a view on it.

00:47:55:13 - 00:47:57:00

The second point was that

00:47:58:18 - 00:48:34:15

it was explained that there might be an emergency drill stops working, for example. And as a result of that, it's decided that it's appropriate without the consent of the planning authority to continue work at night. If that happens, it would be sensible in my submission for there to be a requirement for the applicant to tell the planning authority after the event that there was an emergency.

00:48:35:03 - 00:48:41:22

And because of that, works continued at night. And this is the reason why.

00:48:56:24 - 00:48:59:07

Okay. Thank you for that.

00:49:04:18 - 00:49:10:08

Okay, I'll hand over to the applicant, please, on both of those points if you'd like to say anything. Thank you.

00:49:10:26 - 00:49:15:00

Julian Boswell for the applicant. We're happy to consider the two points raised.

00:49:15:02 - 00:49:17:21

I'm not saying we're going to agree with them, but we're happy to consider them.

00:49:18:24 - 00:49:21:27

Okay. Thank you. We called that as another hearing action. Thank you.

00:49:23:19 - 00:49:27:11

Um, Alton Parish Council. I think you've got your hand up again.

00:49:29:08 - 00:50:01:02

I wasn't sure. Alton Parish Council. Thank you for your patience on this. A final point on this. The applicant has just mentioned that they would need to that nighttime working in some positions and

locations along the cable route will be necessary for purposes could for the sake of clarity and for our residents. They might as well know this right now. Um, does the sheer length they must know this. They must know the answer to this question by now themselves.

00:50:01:04 - 00:50:12:29

The applicant must. Does the sheer length of the section under the solar farm at Alton mean that nighttime drilling will be required? Thank you.

00:50:18:05 - 00:50:21:07

Okay. He's the applicant. We're happy to answer that one.

00:50:39:08 - 00:50:40:18

Julian Boswell for the applicant.

00:50:41:23 - 00:51:16:01

The simple fact is that there are always uncertainties in relation to to a project like this. So for example, in relation to the to the solar park, my colleague has just been sort of explaining or reiterating because it's a point I was already aware of that there is uncertainty as to how the solar park is playing out going forward. So we will have to we will have to deal and we've included that very long drill as a worst case. It may not be needed. And so the the fact is, as I've already said a few times, this is a staged process for for good reason.

00:51:16:03 - 00:52:07:18

And therefore, we can't always provide answers that people may reasonably have at this point to every question that they might want to want to want to ask. We can come back on the specific question of what our I'm sure we can come back with with with with a comment on the like the specific issue that has just been asked In that worst case scenario, what are the the the expected currently expected timing implications of of that? But I would just reiterate that the whole purpose of this exercise is to grant a development consent order or we hope to grant a development consent order which provides a staged process in multiple respects, um, to allow for a proportionate way to consent a project like this before

00:52:09:18 - 00:52:19:02

such that that is then obviously a stepping stone to it, to it going into the CFD auction and being funded and so on and so forth. And so there is always a balance being struck here.

00:52:20:12 - 00:52:23:25

Okay. If the applicant could come back, that would be appreciated.

00:52:48:03 - 00:52:48:18

Just.

00:52:50:20 - 00:52:59:14

Okay. Thank you. There is another hand up. Two people's hands up again. I think the national highways.

00:53:01:13 - 00:53:02:14

Uh, thank you. This is.

00:53:04:00 - 00:53:35:01

I know this point being discussed about the nighttime work for drilling that documents uploaded. 6.2.2, three. Noise and vibration. Thanks. Table 23, two realistic worst case scenarios. Page 21. They have mentioned potential for 24 hour working at translates crossings.

00:53:35:03 - 00:53:47:17

So there's points. We like to clarify whether that means drilling as well as well because this is following the council's reputation. Possibly. But I just wanted to mention this one.

00:53:51:18 - 00:53:59:29

Okay. Thank you. So the question was, in relation to the worst case that's been assessed in the US, is that sorry, national highways question.

00:54:00:19 - 00:54:13:03

Because they at the moment we don't know whether they need to take this worst case scenarios for the trains costing for the HDD. That's the things I was trying to clarify with the applicant.

00:54:14:06 - 00:54:14:25

Okay.

00:54:16:19 - 00:54:18:09

Can the applicant help on that front, please?

00:54:19:09 - 00:54:21:00

Julian Boswell for the applicant.

00:54:21:10 - 00:54:31:27

I don't want to respond to such a detailed point on the hoof. We will will come back. We're obviously in an extensive dialogue with national highways and we can address it through that dialogue as well.

00:54:34:07 - 00:54:39:10

Okay. Thank you. Miss Shaw, did you wish to come back in, please?

00:54:41:21 - 00:54:46:18

Alison Shaw, Oulton Parish Council. And again, thank you for your patience. One last one. Last attempt.

00:54:50:10 - 00:55:23:07

As Mr. Huq has just referred to. The worst case scenario is always in planning what what you have to plan for, what the applicant has to plan for. And therefore, my point was in theory, in theory is the sheer length of the drilling required were the solar park. To be in situ is the sheer length of it. Worst case scenario, would that require nighttime drilling on HDD? They must know that. That's an engineering question I'm asking and won't persist any further.

00:55:23:09 - 00:55:24:03

Thank you very much.

00:55:24:05 - 00:55:34:06

Okay. No, that's fine. The applicant did commit to providing a response as a hearing action, so they have agreed to answer that in due course. Okay. Okay. Thank you.

00:55:37:08 - 00:55:44:17

Okay. Thank you. We'll come onto our final agenda item before we break for lunch. So just before we do that, Mr. Aldous, you just put your hand up.

00:55:45:11 - 00:56:07:12

Yes, Thank you, sir. Just a point of clarification. We touched on air quality earlier, and now we're discussing traffic noise. Is it the case that where there is, for example, a big increase in traffic on a rural road, the noise impact is not assessed because it is classed as anonymous noise and therefore there is no assessment. Thank you.

00:56:11:14 - 00:56:13:18

I'll hand over to the applicant, please.

00:56:15:07 - 00:56:32:19

Yeah. Tim Burton for the applicants? No, that's not the case. So we do do an assessment which is based on the traffic data that's provided to us, and that accounts for the baseline flows and the development construction traffic flows in determining the impact.

00:56:33:05 - 00:56:35:17

Okay. Thank you, Mr. Rhodes.

00:56:35:24 - 00:56:43:18

Thank you, sir. What is the threshold above which that assessment would be carried out or below which it would not be carried out? Thank you.

00:56:43:26 - 00:56:48:05

Okay. Is everyone happy to provide a brief overview of how the assessment took place?

00:56:49:21 - 00:56:52:26

Thank you. Yes, that's fine. So

00:56:54:17 - 00:57:26:12

in terms of the traffic flows, that information is to somewhat constrained by the information that we're provided by our transportation colleagues who provide us with traffic data on roads that they anticipate construction traffic will use. So I'm not aware of any kind of minimum threshold below which, you know, certain roads wouldn't be considered.

00:57:27:02 - 00:58:05:08

As far as I'm aware, they determine a study area and the modeling that they do identifies the construction traffic on all of the roads within that study area. And then in terms of the noise, it's essentially a change in the traffic noise level due to that road that our assessment is based on. And we have certain criteria for what constitutes an impact and a significant adverse impact on people that live nearby, depending on how much the traffic flow is changing.

00:58:06:11 - 00:58:08:09

Is that sufficiently clear?

00:58:09:16 - 00:58:13:03

Um, it is from my perspective. Mr. Rogers, Did that answer your question?

00:58:14:08 - 00:58:21:15

Thank you. Could the thresholds be quantified in some sort of written submission, please? Thank you. Or point us to where that's already done. Thank you very much.

00:58:25:12 - 00:58:26:21

So is the applicant happy to?

00:58:28:15 - 00:58:37:24

It's within the environmental statement. In the noise and vibration chapter. I'm apologies. I don't have it right in front of me, so don't. What? No, that's fine.

00:58:37:26 - 00:59:30:02

References. Well, maybe in the break someone could provide a reference to Mr. August. That would. That would be helpful if someone could. Thank you. Perfect. Thank you. Okay. The last agenda item is in relation to the sensitive receptors and whether all of those should be identified within a draft of the the noise construction management plan and provided during the examination. I mean, I think this probably links somewhat to the discussions we've already had about requesting more information, but it was really in relation to the 300 meter study zone and to give the examining authority confidence that all sensitive receptors will receive mitigation if required, whether the applicant would be happy to list those either within the drafted the the outline code of construction practice or within a draft of the construction noise management plan itself.

00:59:39:23 - 00:59:58:08

I appreciate the point. Probably links again to discussion we had at the last hearing about how somebody would know if mitigation was required based on the documentation supporting the application. But given a study area, it has now been defined whether it's important now to actually identify all the receptors within that study area.

01:00:00:25 - 01:00:25:18

It's important for the applicant and normal processes to produce a figure similar to the one that we have supplied. And it would appear to me reasonable to expect someone to be able to look at that figure and identify whether their property is within that study area without needing to produce a list of every property within it. That's not something that we would typically do.

01:00:33:03 - 01:00:34:06

Okay. Thank you.

01:00:36:18 - 01:00:57:20

Okay. And if there's no other comments in relation to noise and vibration, that concludes our discussion on that agenda item. So we are coming up to our lunch break. So it is nearly 1:15, so we'll stick with our resumption at 2:15. Is there anything else before we adjourn?

01:01:00:24 - 01:01:20:23

No. Okay. I will just remind that there was a couple of action points I think, over lunch in terms of the quality for Mr. Aldis and and in relation to the the noise that we discussed slightly for. Yeah. Thank you. Okay. We'll adjourn until 2:15. Thank you.