



Hearing Transcript

Project:	Five Estuaries Offshore Wind Farm
Hearing:	Issue Specific Hearing 1 (ISH1) - Part 5
Date:	19 September 2024

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FULL TRANSCRIPT (with timecode)

00:00:05:03 - 00:00:29:15

Good morning everybody. It is now 10:00. So issue specific. Hearing one is now resuming having been adjourned last night. Um, I'm going to do just some very brief introductions. Um, can I first check that everybody in the room can hear me? Yeah. And for those participating online, can you hear and see me? Can somebody please indicate.

00:00:32:22 - 00:00:39:22

Yeah. Thank you. I can just check the case team that the livestream and recording have both commenced.

00:00:39:28 - 00:00:43:29

I can confirm that the live stream and recording has commenced. Thank you.

00:00:47:02 - 00:00:51:01

This hearing is a continuation of environmental matters.

00:00:53:21 - 00:01:19:02

Um, we'll just briefly introduce the examining authority again. Um, so my name is Graham Gould. I'm a part of town planning, and I'm an examinee inspector appointed. Sorry. With the planning inspector, I've been appointed by the Secretary of State as the lead panel member comprising examiner authority for this applicant. The examination of this application. I'll now just ask my colleagues to briefly introduce themselves. Mrs. Norman.

00:01:19:21 - 00:01:28:23

Thank you. Good morning. My name is Rebecca Norman. I'm a chartered town planner and an examining inspector. I've been appointed as a panel member of the Examining Authority.

00:01:30:14 - 00:01:39:27

Good morning. My name is Felicity Weber. I am a chartered town planner and an examining inspector. I've been appointed as a panel member of the Examining Authority.

00:01:41:09 - 00:01:52:16

Good morning. My name is Mark Harrison. I am a chartered town planner and an examining inspector. I have been appointed as a panel member of this examining authority.

00:01:54:10 - 00:02:01:06

Good morning. My name is Matthew Herron. I am a chartered town planner, and I have been appointed to this panel to examine this application.

00:02:02:14 - 00:02:29:17

Uh, and the examining authority is also accompanied by, uh, Mr. Kay Johanson, who is the case manager, and Mr. Ramil Bruni, who's, um, a case officer. And we are also assisted here today by, um, members of the CVS team who are providing um, support in terms of live stream, um recordings and audiovisual, etc..

00:02:32:06 - 00:02:49:08

Um, if for any reason the fire alarm should sound today, we will have to evacuate the building following, um, the guidance of the hotel member of staff that's present. Um, we we will evacuate to the sunken garden area, await, um, instructions, then to return to the building.

00:02:51:28 - 00:03:26:07

Um, is there anybody either in the room or online that hasn't already heard, um, an introduction either for this issue specific hearing or for that matter, the compulsory acquisition hearing that we had yesterday or the day before. If if there is anybody that hasn't heard, I can assist with, um, procedure. Otherwise, if everybody is either heard at least one of the versions of of the introduction, then I probably don't need to go much further in terms of introducing the procedural matters this morning.

00:03:26:09 - 00:03:38:26

So is there anybody in the room that's not familiar with how this hearing is going to proceed or continue to proceed? Not seeing any any indication anybody online that's not familiar with how the hearing will proceed.

00:03:42:00 - 00:03:50:29

Okay. Not seeing any indication. Thank you. So I will therefore just hand over to Mrs. Weber to deal with farming matters.

00:03:54:16 - 00:04:26:26

Good morning. Um, initially, we're going to just go to the applicant to give us, um, a ten minute summary or so on. Um, a number of cases we already identified. Um, agricultural land classification, temporal impacts on agricultural activity. Soil management. Short term construction and long term operation. Restoration of the export cable corridor and onshore substation. Water resources and management of construction and operations.

00:04:26:28 - 00:04:27:27

Thank you.

00:04:32:01 - 00:04:43:25

Good morning. Madam. Um, my name is Jason Gale. I'm regenerative agriculture lead at SLR consulting, and I'll be providing the responses for the applicant.

00:04:46:00 - 00:05:18:00

Um, point a agricultural land classification. Um, provisional Natural England ALK mapping has been used to assess the grades of agricultural land crossed, with the majority of land selected being good to moderate grade free land, minimising where possible, the impact on grades one and two. Land. All grade three lands crossed has been classed as grade three A as a precautionary measure, so treated as BMV land subgrade.

00:05:18:02 - 00:05:57:08

Sub grades will be confirmed during pre-construction soil surveys in order to inform soil management during construction. The Environmental Statement, Site Selection and Alternatives chapter application 066 sets out at a four point 10.2. One of the key technical requirements was for the onshore substation to be within around three kilometres, to a maximum of five kilometres from the grid connection point to minimize the length of 400 kV connection.

00:05:57:29 - 00:06:07:15

All of the potential sites considered within the area are BMV land. Accordingly, BMV cannot be avoided.

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Point B temporal effects on agricultural activity. The

00:06:18:24 - 00:06:55:21

onshore substation site is assessed as being permanently lost to agricultural use, due to the length of time for which the substation will be required. Permanent rights are sought for the underground cables. There will be a build period disruption to the existing agricultural activity, but then in operation there would only be disruption in the unusual case of needing to repair or replace the cable cables will be buried deep enough to allow agricultural operations to resume over them.

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The construction phase impact is accordingly short term.

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The overall onshore construction and commissioning for the project is expected to take around five years to fully complete. This is for all the onshore works and not all sections will be developed concurrently. The onshore cable reconstruction period has been assessed as a total length of 18 to 27 months in its entirety. The cable routes would be constructed in sections, and the individual sections of the cable route are anticipated to require up to 18 months for construction.

00:07:41:27 - 00:08:10:02

The applicant has to make allowance for some unexpected elements to arise in creating the Rochdale envelope for the build period, for retain flexibility and retain flexibility in the use of temporary possession to address uncertainty. In many areas, it is likely that the land will be able to be restored and handed back earlier than the conclusion of the full construction programme.

00:08:13:07 - 00:08:43:29

The timing of this, however, will depend on site specific conditions, the use of land, the work it is being used for and the build scenarios. The applicant is also seeking to temporarily, temporarily

occupy the land required during the construction of a project, over which rights are not required once construction has been completed. The use of Temporary Possession acts to minimise the areas over which compulsory acquisition is sought.

00:08:44:25 - 00:09:17:16

The application. Applicant cannot find specific periods for which temporary procession will be taken on individual plots, as this will depend partly on the build scenario, partly on the detailed construction programme and partly on site specific issues such as ground conditions of details of the construction methodology to be used in a particular location. The build scenarios are described in the Coordination Document application 263

00:09:19:14 - 00:09:48:12

Act section three, and allow for potential to coordinate closely with North Falls Offshore Wind Farm project, thereby seeking to minimise the overall impacts on landowners of the construction of the two projects. The use of coordinated build scenarios may increase the length of temporary possession by the first project, but would reduce the overall impact on the affected landowners.

00:09:53:06 - 00:09:56:05

Now we move on to point C soil management,

00:09:57:21 - 00:10:34:26

short and or short term and long term. So construction and operation as set out in the Code of Practice reference application 253. Section four Preconstruction soil surveys. Soil profiles and soil profiles will be recorded to a depth of 1.2m, which will include soil type and boundary change depths. Soil samples will be taken to establish baseline soil health and condition, which will be used to inform storage and restoration methods.

00:10:36:02 - 00:11:13:18

The soil management plan will define stripping methods, storage requirements to protect each soil profile, and restoration methods. It will also require that during construction, the soil budget will be created, recording the actual amount of each soil profile removed. Storage location. Storage practice to be followed. This is intended to ensure the soils are removed and stored according to their current condition, and managed in a way to be returned in the equivalent condition and profile to being removed

00:11:15:06 - 00:11:46:06

and storage removed from substation will not be stored until decommissioning. Soil stored for the length of time envisaged, which may be around 40 years, would not retain the qualities which currently render a grade one BMV land. It is unrealistic to soil store soils long term in a way that they will retain their current BMV status, especially for the length of time required.

00:11:47:00 - 00:12:17:24

As stores stored soils will succumb to natural regeneration. Top growth of vegetation, which may include trees and soils containing fibrous roots. The soils will then be rendered unsuitable for agricultural use. The applicant is aware that some interested parties have raised queries regarding any potential for heat from the cables to affect soil and any crops thereon.

00:12:18:10 - 00:12:30:13

Underground cables are not a new thing within the UK or Europe, with no evidence that there is any significant effect on the growth, ripening or harvest of crops.

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Moving on to point D. Restoration of the export cable corridor and the onshore substation side. The applicant notes that the cable corridor will be restored.

00:12:46:19 - 00:13:03:00

To it to be suitable for agricultural use following construction. The restored land will be monitored and soil samples taken for analysis for an initial period of one year to check the soil health and

00:13:04:23 - 00:13:23:15

condition has been returned to that it was removed. If this is found not to be the case, discussions will continue with the landowners concerned in order to plan and measure ongoing interventions until a point of equilibrium against baseline soil assessments are met.

00:13:25:00 - 00:13:58:23

The final decommissioning plan will have to regard to the statutory obligations. Environmental impact assessment requirements and guidance and force. At the time. It's not possible to precisely divine define every element of that. At this stage, the applicant considers that it cannot say with certainty at this time what the restoration of the substation would look like, and the assessment is not assumed that the whole area will be returned to farming.

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The substation footprint itself will be dismantled after removing the electrical equipment. Foundations will be cut at least one metre below ground or fully removed,

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with pits backfilled with equivalent soils removed. Materials will be recycled where possible and contamination will be treated to required standards. Fencing, buildings and access tracks will be demolished and disposed of and the land restored, the area may return to agricultural type use with consideration for ecological and agricultural needs at the time.

00:14:43:27 - 00:15:01:20

However, the applicant cannot commit that the planting around the substation would necessarily be removed as it will have ecological value and the applicant cannot know with certainty that removal of it would be acceptable at the time of decommissioning.

00:15:05:06 - 00:15:43:17

And now, moving on to point A water. Resources and management. Construction and operation. Farm drainage will be maintained through construction so not to affect field drainage outside of construction areas. Land drains will be reinstated at the end of construction to ensure their ongoing effectiveness. The restored land will be monitored for an initial period of one year after completion of

being restored to check that the condition is as expected, including the drainage is functioning appropriately and where issues are identified.

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Discussions will continue with landowners concerned in order to carry out potential subsequent repairs. The applicant is aware Majority Holdings operate arable enterprises and is looking at suitable mitigation measures, which will lessen impacts. The details of these will be progressed at detailed design, but industry standard mitigation works we would intend to include are movement of water pipes, movement of or alternative provisions for irrigation systems, and pre-construction drainage.

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That is all the points covered, madam.

00:16:31:00 - 00:16:33:18

Thank you. Um, I'd just take a moment, please.

00:16:48:14 - 00:16:57:01

Uh, initially, I would like, um, to us as county council to make any comments regard to the agricultural operations.

00:16:57:17 - 00:17:02:18

Thank you. Ma'am. Good morning. Uh, Mark Wood County Council, we've got no comments to make on that statement. Thank you.

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I understand that Mr. Foley is online.

00:17:12:09 - 00:17:14:00

Yes, I am. Yeah. Uh.

00:17:14:10 - 00:17:19:26

Mr. Fowler, you, um, prepared to make any comments with regard to what's been said?

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Okay. Thank you. Um, okay, so, um, Let's take a few points. Start with. So, uh, we we have been provided with a sort of construction practice addendum, and I'm not sure whether that is going to be included as part of the order. Um, but I've got comments on that. So, um, particularly over the so first thing really recorder condition,

00:17:52:29 - 00:18:28:01

I think it's really important from a soil perspective from a management that accurate records are done at regular intervals, say 50m along the cable or the construction corridor of the topsoil deck in particular. Remember, the topsoil is our growing medium. That is, as a farmer, that's the bit that makes us our money and enables us to generate a living. So, um, on a site currently, uh, offshore cable coming on on shore up in Dundee, across the whole length Of the corridor there.

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The developers who are SSC so not RWA here, but um, uh, have not put back enough topsoil. They've lost it during the construction process. Um, and we're we're out of pocket there, for example, of about 30,000 tons of topsoil. Now, unless you get a proper record done at the very beginning of topsoil at regular intervals, you can't ascertain as to whether soil depth, uh, beforehand and after hand is the same. Those soil analysis need to go much further than the gentleman from Sly was talking about, you know, and those should include organic matter, um, sampling at every sort of 50m on the corridor, pH, NPK, magnesium, sulphur levels.

00:19:12:17 - 00:19:51:23

We should also be looking at PCN testing, particularly where there's root crops been going on. Um, I have got concerns that where soil is being Where whole roads are crossing over different landowners, where there's potential PCN. Um, uh, issues disease issues on adjacent landowners that the tracking of soil vehicles between landowners is going to cause problems. So I would also like to suggest that there is washdown facilities where they move from one landowner to another landowner, um, where they where those vehicles are coming off the whole road.

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Um, I there's no mention of a stone haul road in, in that conversation or that, um, presentation we just held. Um, now, I've got first hand experience of what happens when a hall road is not a stone hall road is not constructed, and they rely on a sub on a subsoil hall road. Um, I can provide you endless Photographs, um, of moxie digger or moxie dumpers being stuck up to the axles, uh, where they're working in inappropriate conditions.

00:20:30:02 - 00:21:00:00

So I would strongly recommend that Stone Haul Road is a requirement of this scheme that will avoid unnecessary traffic, uh, and compaction. Um, in the documents we've been discussing with olive trees that, um, they're only talking about potentially putting in a pre-construction drainage scheme. Now, all this land, certainly in my client's land, and I'm sure pretty much all this land around here will be heavily drained. And I think it's a must.

00:21:00:02 - 00:21:34:10

It shouldn't just be a decision on behalf of the developer as to whether they install pre-construction drainage. The impact of that, obviously, um, is that if there is no if there are drains crossing this, uh, just the movement of water will mean that the land that is outside the corridor will become waterlogged and saturated. Um, and so the movement of that water is really important. Likewise, the pre-construction drainage, uh, the last example I was on a few weeks ago, they put the pre con drain in, and then they put all the topsoil bund on top of it.

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And the, uh, it was just acting like a barrier in the water wasn't getting to it at all. So, um, you know, thought needs to be had over that. Um, I, um, grateful that they're considering using independent drainage consultants. I think there needs to be sufficient scope, because a lot of the landowners will use their own independent drainage consultants. So, um, I think it either needs to be somebody who's jointly appointed by the landowner and the developer, um, so that there is confidence, um, and, um,

00:22:11:25 - 00:22:46:15

uh, you know, rather than it just been at the ground. T's uh, at the developer's, um, instructions, uh, the draft documents that they're wanting us to enter into, uh, saying, for example, saw a management plan that, um, SLR system was talking about is all, uh, being prepared solely, um, at the ground at, uh, the developers, uh, say so now, from our perspective, if we've got no ability to have any input into that soil management plan, then you know, that is pointless.

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Whilst you can have any amount of consultant, at the end of the day, the farmers know a lot more than the landowners know a lot more about the management of their soil and the water movement, and where fields get wet, where they don't get wet, etc. etc. where there are issues. So I think all that is all great to have a soil management plan, but there's absolutely zero point having it. If the landowners can't, the farmers can't have any input on that. Um, I am concerned about the length of time that the land is going to be opened up for.

00:23:21:11 - 00:23:53:03

Um. I, you know, we've heard there that there's potentially 18 to 27 months, although they're caveats in that pretty quickly by saying that they might want to have that open for longer. I think if you look, um, and we heard coming, whether it was yesterday or the day before that, the, uh, drum lengths are about 500m. So you're going to have joint bays every 500m with pull through sections. I think, you know, there's no reason why, um, you know, I know the places I've seen. They've been laying 30, 40, 50m of ducting a day.

00:23:53:19 - 00:24:25:10

Um, there's no reason why, um, certain 500 metre sections can't be installed and cable pulled through, and particularly where they are crossing over. What would be logical points that that restoration can't happen earlier than 18 months? My hunch here is that whilst the developers may say that they're going to do that, the reason they're saying a minimum of 18 months is that's probably the construction period for the entire length of the working corridor. And they'll go along, strip all the topsoil, put the, uh, put all the ducks in, and then come back and pull through.

00:24:25:12 - 00:24:59:06

And that's probably what they're working to for a minimum of 18 months. But I would urge there whether we can pull that back down again, because in my mind, certain sections could be in and out within six months as minimum. So to to minimise disruption for the farmers and landowners. Um, I'm really concerned about one of the, uh, um, clauses that we're being asked to consider about cable depth. And I would urge the inspector to here to ensure that the cable is laid to an absolute minimum, uh, depth and topsoil cover.

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There's a caveat being asked by the developer here that they, if they can't, for whatever reason, put the cable in deep enough, then they will lay it at a shallower distance. Now, I, you know, on my clients land, that is not that is not something we can accept. There is no obstacles from our perspective. And I think, you know, you know, if they're coming in laying a cable debts and they're saying that there's going to be no disturbance to us on, on where the, uh, cables can be laid. And that should be the case and that we shouldn't be, uh, constraint in, in in that.

00:25:35:17 - 00:26:16:19

Um, I've got issues with, um, the powers granted as well. Um, so on, uh, three recent examples, uh, I've had significant problems whereby on, on, uh, the developers getting consent, they've gone out to contract. Uh, the contracts have been basically design and build contract. Um, and they, those, those contracts have been awarded the scheme have been given the powers or access of provisions or whatever it is, whatever you want to call it, um, and have just done what they want to do.

00:26:16:22 - 00:26:52:05

And what we've had a problem recently is on several occasions now, is that there is between the developer, uh, they have little power over what they can and can't control their contractors to do. And it's almost as if they've sort of palmed it across, given to someone else, and they've said, you don't need to fear. We're on a set contract right here. We will install it. You know, as long as we've got the rights to come in, we don't really care. And so, um, and I can put all these in written submissions with evidence and all the rest of it, uh, if so, wish.

00:26:52:13 - 00:27:25:06

But we've had major problems where there's been basically, the contractors would have said, you're not stopping us. We'll carry on doing what we want to do. Uh, the developers are holding the hands up saying we can't do anything about that. And I think that interaction is a real problem on a practical side, which you probably don't see happening sitting here in a planning meeting, because actually, invariably the the developer is not the person that's in control. And it's all right having an agricultural liaison officer. But in reality, they've they've got zero power.

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They're just sort of a, uh, a point of contact between between landowner and whoever the contractors are.

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Um, I think, uh, fencing is really important. Um, I think having proper delineation, I can't stand this sort of post and a rope. What is a post and a rope? Stop. It doesn't stop soil being spewed outside of it. I think if you're going to delineate a working corridor, the walking corridor needs to be properly delineated so that there's a post and, um, picnic fencing wire in place. Um, and then everybody knows exactly where the boundaries boundaries lie.

00:28:08:02 - 00:28:38:07

Um, and I suppose the other, the other big thing we need to sort of consider is how crossing points operate. You know, they're certainly on my client's land. Fields are going to be severed. Um, now, my clients operate some very large bits of kit, and, um, you know, there's always end up being a debate as to whether a three acre field is is farmable or not. You know, um, when you've got a 40 foot head combined coming in, it's it's impractical to do that sort of stuff.

00:28:38:09 - 00:29:01:19

But so crossing points and severance is, is a bit of a bit of a concern. Um, um, and at the moment we're sort of being palmed off that we're not really going to deal with that at the moment, because I

don't know exactly where things are going to go in this sort of uncertainty. I don't think it is helping from from that point of view. Um, I think that's it.

00:29:02:03 - 00:29:24:12

Okay. Thank you very much, Mr. Feld. Um, certainly the power is granted. I think we'll probably be dealt with this afternoon in the draft DCO. Um, uh, ish. So, um, we'll park that for the time being. Thank you. Um, I haven't noticed that either. Um,

00:29:26:01 - 00:29:32:02

the district council or Tendring District Council are in attendance. Uh.

00:29:34:07 - 00:29:47:16

In return during. No, they aren't those they're in attendance today. However Suffolk or I don't know I know Suffolk are probably more interested in the later transportation but I don't know if you have any comment. You do. Okay. Thank you. Thank you.

00:29:47:29 - 00:29:52:25

Madam Michael Bedford, Suffolk County Council the agricultural impacts don't affect Suffolk. Okay.

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Fair enough.

00:30:16:01 - 00:30:38:03

I think to some extent, um, uh, the I'm going to go on later to series of questions, but I don't know that, um, at this point, the applicants team wish to respond to specific comments made. I mean, it's entirely up to you, but it may actually, in the questions we are going to be asking, they'll be addressed.

00:30:39:14 - 00:31:10:08

Thank you. Madam, the applicant, we'd like to respond very briefly, if we can, more on the principles and the details of the points raised. Um, firstly, the construction practice addendum, um, referenced by Mr. Phil is linked to the voluntary land agreements is not a DCO document. The DCO documents are the Court of construction practice, which also sets out the principles for the later detailed soil management plan. That soil management plan, which is secured by requirement, would apply across the scheme.

00:31:10:10 - 00:31:32:07

It would not be our plan for each landowner and it would be subject to approval and, if necessary, enforcement by the local planning authority in the normal manner. So I am slightly concerned that there is some conflation here between a document that was prepared to assist landowners in the voluntary negotiations and the DCO documents, which are before you, which have the scope of the whole development.

00:31:34:28 - 00:31:35:28

Um, Mr. Gale.

00:31:39:09 - 00:31:52:14

Jason Gales, speaking on behalf of the applicant. Um, the applicant is aware of all the points Mr. Phelan has raised, and these will be addressed within the outline. So management plan.

00:31:54:12 - 00:32:32:21

Thank you. Uh, now, moving on to the questions that, uh, prepared for this. Um, the XO provided an indication to the applicant and IPPs through the draft of first written questions. PG 008 the extent of further information that would be required during the examination. And Mr. Farrell has expressed concerns both yesterday and today, shared by many of the landowners affected by the proposed export cable corridor and onshore substation. At this point, the request that the applicant response of has responded to the to the um points raised by Mr.

00:32:32:23 - 00:33:06:12

fell um and we have also looked previously in relation to hedgerow removals and such like yesterday and the ecological assessments um on dormer most protection. So we're going to now move on to more specific agriculturally based questions as a consequence. Um, it's it's likely that we may have what's been put forward by Mr. Farrell, etc. we will probably add to those questions in the first round of questions when we publish them.

00:33:07:09 - 00:33:25:23

Um, however, um, at the moment, I kind of want a brief answer. I don't need you to go into a great deal of detail. Um, but first question is, have any surveys being carried out to date to establish the division of grade three land?

00:33:30:26 - 00:33:34:18

Uh, Paul McAuliffe, the applicant? No, ma'am. That's why we have a question. And it's okay.

00:33:34:20 - 00:33:36:01

Yeah. That's fine, that's fine.

00:33:40:17 - 00:33:49:22

And, uh, question two have or will any monitoring points be installed to monitor winter groundwater levels over the winter of 2425?

00:33:53:00 - 00:33:54:15

Alice may not for the applicant.

00:33:55:04 - 00:34:10:00

Uh, we we do have existing boreholes and groundwater monitoring, some at, at specific locations, uh, where we have conducted boreholes to. Yeah, there are areas we have that we've identified as high sensitivity.

00:34:10:17 - 00:34:12:26

Right. And that's ongoing monitoring and.

00:34:12:28 - 00:34:13:15

Monitoring is.

00:34:13:17 - 00:34:19:28

Ongoing. You will have data available in in the lifetime of the examination. Correct.

00:34:20:00 - 00:34:28:02

We have existing data that is being, uh, obtained monthly and has been being obtained monthly for some time.

00:34:28:04 - 00:34:29:28

So that will continue through this.

00:34:30:00 - 00:34:30:27

And that will continue.

00:34:30:29 - 00:34:31:26

Okay. Thank you.

00:34:47:06 - 00:34:55:29

Before I move on, I see that both there is, uh, two hands up, Mr. Fell and Mr. Gold. Um, I'll come to Mr. Fel first.

00:34:58:10 - 00:35:31:11

Uh. Thank you. I just wanted to respond to this, um, so-called private, um, construction practice. I think that really worries me that, um, the developers are suggesting that those landowners that are going to sign up to, uh, an option agree to a deal with the five estuaries, uh, in some way is going to get some preferential treatment over the condition of the soil.

00:35:32:01 - 00:35:59:23

Uh, I hope that's not the inference, but it is to me. And I don't see why, if they are, the developers are promoting this as a as a way forward. And the code of construction that that is not a document that's taken forward in this examination. I think it's I think it's underhand and I don't. I think it gives an indication of the lack of respect that the developer has shown towards the landowners that, you know, there is.

00:36:00:04 - 00:36:27:09

Could I just interject there a moment? I think at the moment, because this is, um, information that us, as the examining authority, have to consider ourselves and the appropriate responses and questions that we will ask going forward. Um, we have heard what what you've had to say. We've heard what the applicant has had to say. Um, and you would like to and I will pass across now to Mr. Gould, who has further comment to make.

00:36:28:19 - 00:37:04:22

I think there is an issue that Mr. Fairlie is fairly putting. Um, because what we've just heard from the applicant side is as far as soil management is concerned. Um, the expectation is that the local authority tendering, uh, primarily will be enforcing whatever requirement might end up in the main order. If we've got a two tier arrangement on soil management, tendering won't be in a position to

ineffectively enforce because they won't know necessarily what's perhaps been agreed with individual landowners.

00:37:04:24 - 00:37:07:07

That is what's appearing in the soil management plan.

00:37:09:12 - 00:37:41:16

Please can I respond, sir? Well, I'm a goody for the applicant. First of all, the construction practice addendum is not private or secret or underhand. It was prepared to assist landowners and not having to go and find the same information in the DCO documents, it was a collation of that information intended to assist them. Secondly, we are not proposing a two tier system in common with standard planning practice. The Soil management plan will be approved by the relevant local authority as planning authority.

00:37:41:18 - 00:38:15:00

There will also be land agreements with landowners that may address specifics on their sites or specific concerns that you have raised or agreements we have reached with them. That's not a two tier system. It's the planning authority for felling one rule and us dealing with landowners on a voluntary basis and a different role. It's not that there would be some secret arrangement that the local authority would be held back from, is that it would be dealing with site specifics outside of that general soil management arrangement, which is controlled through the planning system if and as necessary.

00:38:25:00 - 00:38:30:14

I thank you for that. Um, I'll now ask. Mr. gold appears to have his hand up.

00:38:32:08 - 00:38:49:09

Thank you. Thank you. Chairman. Chairwoman. Um, just a very quick question. I've been trying to get into the system, into this meeting since 930, but the link provided didn't work, and now I've got in. I just wanted to check that there's been nothing. No reference to Cobra missed or awkwardness during the previous half hour.

00:38:50:06 - 00:38:51:10

No, nothing at all.

00:38:51:21 - 00:38:52:23

Thank you very much indeed.

00:39:00:00 - 00:39:06:16

Uh, I'm now actually going to hand across to Mr. Gould, who to ask, uh, the next couple of questions. Thank you

00:39:08:07 - 00:39:08:22

for.

00:39:13:28 - 00:39:42:00

The the first part of this question will be directed to Mr. Gale. The second part will be for Mr. Gale and Mr. Phil. And before I get to the second part, though, to to perhaps assist in the background, I'm going to ask for, um, sheet eight in the land plans, uh, 8008 to be brought up and put on screen. So if somebody in the background can be bringing that sheet up, that would assist. Thank you.

00:39:44:27 - 00:39:56:20

Mr. Gale. At what point in the evolution of the applicant's design for the cable corridor? Have you been instructed to assess the design's implications for farming activity?

00:39:58:12 - 00:39:58:27

It's.

00:40:06:13 - 00:40:17:23

Really impossible for the applicant. Mr. Gale has got a very specific role in relation to soil management. You're asking quite a general question about how the team has operated.

00:40:18:20 - 00:40:47:24

Yet really, what lies at the heart of the question is, has Mr. Gale been asked to, in effect, look at farming practicalities, um, early on or has he, um, in effect been presented with a cable corridor and then asked to write, in effect, a chapter in the year or supporting documents? What role has he played in considering farming practicalities? That's really the nub of the question.

00:40:48:29 - 00:40:50:16

Julian Boswell for the applicant.

00:40:52:24 - 00:41:30:12

I think the context is more important than the specific role that Mr. Gale has followed, and the context is that RWA is a very experienced developer, one of the most experienced offshore wind developers in the UK. It has dealt with farming issues on all of those schemes, and that issue is hardwired into its considerations from the very beginning, trying to draw out the particular role of a particular individual would, would, would be misleading.

00:41:30:14 - 00:42:00:21

None of the issues that this examination is considering on farming practices is is novel. Um, and, uh, and it's been right there at the heart of everything for the, you know, along with a range of other considerations, of course. Um, since the project was, was, uh, was awarded and, and the, you know, site selection process that you heard yesterday has, has evolved.

00:42:02:04 - 00:42:07:13

It couldn't. There was absolutely no way that this issue has been neglected at all.

00:42:25:25 - 00:42:33:06

I'm going to return to the question I put to Mr. Gale in terms of the evolution of the project. When did you first receive your instructions?

00:43:00:04 - 00:43:27:21

Uh, well, I could give the applicant the difficulty we are having. And asking you or answering your question is that Mr. Gill wasn't the person who initially started work on this project. He picked it up from a previous colleague who left the project. And we don't immediately have to hand the knowledge at this table of when that person started, because it's been a continuation of specialists from our consultancy, not one person throughout. Um, Mr. Gill would also quite like to clarify that he is not a farming practices specialist.

00:43:32:00 - 00:43:45:18

I think we would then ask, um, in terms of farming practice and who who was, um, instructed when as a post hearing. Um, follow up.

00:43:49:22 - 00:43:54:15

Um, I'm going to turn to my next question, which relates to, um,

00:43:56:13 - 00:44:07:23

one of the plots, um, that I've just asked to be shown on sheet eight in the land plans and looking at plots 08012.

00:44:12:11 - 00:44:44:16

Which is quite a large swathes of the blue land that, in effect crosses from east to west in the middle of that sheet. Um, and if I understand correctly, hence the reason for indicating that Mr. Fell may also be participating in this question. That is, a is a plot that is owned by Strutt and Parker. So I suspect Mr. Powell has some knowledge of the land in question. Um, but turning to the the question which Mister Gayle, given what I've just heard, may or may not be able to help with on on farming practice.

00:44:46:07 - 00:44:53:10

Um, the the land north and south of plot 08012,

00:44:54:27 - 00:45:03:28

North and south of that that plot. It all appears to be one large field, or at least one field or series of fields that can be readily accessed.

00:45:08:17 - 00:45:20:16

Can you comment on the how long, how much longer it might take to plow, sow crops, or harvest crops in that field? Um, during the period of temporary possession.

00:45:24:22 - 00:45:29:01

Jason Kale, speaking on behalf of the applicant. At this stage. Not now.

00:45:36:03 - 00:45:47:12

Amongst the applicant's team is their somebody? Um, not necessarily in the hearing, uh, but as opposed to hearing action that would be able to answer that question.

00:45:48:20 - 00:45:57:26

Uh, so this would depend on that farmers farming practice machinery, how they like to. This is not really something that we can give you a concrete answer on. Well, it.

00:45:57:28 - 00:46:09:01

Might be that when I asked Mr. Field to assist in a minute, he might be able to give some background, which will then give you something to go away and seek some response to, uh, Mr. Fel.

00:46:13:02 - 00:46:13:17

Hello.

00:46:14:21 - 00:46:23:21

Can you assist in, um, explaining how this, this area of your client's landholding might currently be being being farmed?

00:46:25:18 - 00:46:26:18

Yeah. I mean.

00:46:26:20 - 00:47:06:16

Traditionally, you if you're farming the land for cereal production, you would crop it. Sort of. Um, from Annie's point of view, you go from the the longest, on the longest stretch, um, because you're turning the vehicle less, um, it's much easier. You've got less headlands, um, turning on the circle, and the headland is often at a lower yield. Um, and then each the subsequent year, you generally go at a slightly different angle. Um, so whether you, you go directly at 90 degrees or 45 degrees, uh, but you move the moving a so you're drilling in a different position all the time.

00:47:07:15 - 00:47:38:25

Um, so clearly where, uh, on some of these fields where there and I think most of our fields, it is severed straight through a lot of them, straight through the middle. We will lose a huge amount of efficiencies because we will be creating an artificial two more headlands, if you like, either side of the corridor. Um, in fact, some of those fields will be that small. And you can imagine when you're drilling and we'll be drilling with big eight meter drills, bill, you'll have various bits where they overlap.

00:47:38:27 - 00:48:14:21

They're called, um, rigs. And it depends where you are in the country. But effectively you get two bits of seed in the same bit. So it gets too much. And then the crop falls over because it's too heavy for itself. Um, and, and then you're getting problems with too many headlands and turning circles and sprays and everything going through and having much bigger vehicle movements. So there's not only a yield implication, there's a time implication, because having to go to different bits, and especially my clients, they're large farming businesses, they operate, um, on on economies of scale.

00:48:14:23 - 00:48:49:12

So they're operating, you know, at the right time with the right bits of kit. You know, we don't have the additional capacity to suddenly be confronted with, um, a corridor straight through the middle of it during a period of time. Um, the other issue is where we're growing root crops in particular, uh, for potatoes, for example, you will lose a lot more because you'll end up having a lot more headlands. Uh, and and so it's, it's it's not great from that point of view. Um, so there is definitely a time implication and it could be easily calculated.

00:48:49:19 - 00:49:11:27

Um, you know, we, you know, I could get the farm managers here to work out what the additional, um, losses would be on the additional headlands and time and everything on operations on a case by case. Um, and obviously, from our point of view, if it's only affected in one season, that's significantly better rather than having two growing seasons affected, if not three.

00:49:14:09 - 00:49:14:28

Does that help?

00:49:17:13 - 00:49:18:06

It it.

00:49:18:13 - 00:49:48:26

Does. I think what I'm going to suggest is that in the written representation that you'll be submitting on behalf of your client. Um, can we take this? Um, field. Um, north south of plot 08801 12 as an example. If it's a if it's a serial, um, area, can you, as you indicated, can you work through, um, in effect, how that area is being cropped at the moment.

00:49:49:04 - 00:50:23:19

And the cycles give an indication of the directions in which, um, things are changing from season to season. Um, and then can you also perhaps identify a root crop, um, field and do this the same exercise? The applicant will then see that when your written reps are submitted, and they will then have the opportunity to comment on what you have perhaps indicated as the effects, both in managing that land and the timing effects in terms of actually working the land.

00:50:24:03 - 00:50:36:16

And then we, as an examining authority, will have a better understanding of what the implications might be of laying, um, or digging trenches, laying cable ducting and cable pulling.

00:50:38:20 - 00:50:39:24

Yeah. That comes.

00:50:39:26 - 00:50:48:20

So is the applicant then happy to proceed that you'll come back to this issue once? Um, Mr. Powell has provided it. It would be helpful.

00:50:48:22 - 00:50:55:08

To understand what the purpose of this is, because this seems to be a question of compensation.

00:50:55:16 - 00:51:07:29

That we're just simply trying to understand what the disruption on the ground will be and what the effects on farming practical practicalities will be, uh, within parts of the route corridor.

00:51:12:06 - 00:51:12:27

Leading to.

00:51:14:09 - 00:51:16:24

Um from Daniel McLaren on behalf of the applicant.

00:51:17:03 - 00:51:28:01

Um, these are conversations that we are having with landowners up and down the route. Um, and it it is a matter that can be addressed through compensation and working with landowners through construction.

00:51:35:02 - 00:51:36:16

What we are.

00:51:37:06 - 00:52:00:11

The focus of this question is for the examining authority to understand what the interaction is between the construction of this project and and farming. Farming straddles are both socio economic effects. Um, uh, and we need to have a better understanding of precisely how this program, this project is being programmed and what the ramifications might be.

00:52:03:09 - 00:52:49:09

We fully appreciate that, potentially. Um, either if there are voluntary agreements or compulsory acquisition is required. Uh, compensation will be payable. That is in terms of the amounts of compensation. That is something that the cross-examining authority, uh, has no need to to trouble itself with because that's dealt with under other means. But we do want to have an understanding of how these works are going to pan out on the ground and how they may affect the operation of farms in the area, because that is an issue that has been raised by a number of the representatives and or farmers individually in their relevant reps, and we would expect to be seeing more commentary from them when we get their written reps.

00:53:00:24 - 00:53:05:25

Is it possible to assist with the query you raised? Is while examining authority is asking this question?

00:53:08:00 - 00:53:09:15

Julian Boswell for the applicant.

00:53:11:26 - 00:54:00:00

I guess my my hesitation is that The applicant isn't. Has never suggested and could never suggest. It would be absurd for the applicant to suggest that it isn't going to have an impact on farming practices and what exactly that impact is. Will, as, as Majidi said, depend on the the, you know, the individual farmer and how they use that, you know, a given field and so on and so forth. And the we've we've obviously put forward proposals that follow practice from multiple other examples in terms of mechanisms to seek to, um, address aspects of that, whether it's soil management that we've just been discussing or other matters.

00:54:00:12 - 00:54:39:20

But in terms of the, as it were, the core impact, it's it's entirely accepted that there will be impact and it will vary between, um, uh, landowners and farmers and and different uses of the field. So, um, yes,

uh, of course landowners can put more detail on that, but I'm not sure. Let's see how it plays out, but I'm not sure it's going to, uh, assist in terms of particular proposals that we are sort of already putting forward.

00:54:39:25 - 00:54:43:02

Um, uh, of of the kind that I've just indicated.

00:55:04:17 - 00:55:05:05

Mr. field.

00:55:08:12 - 00:55:42:03

Thank you. I was just going to say that I think the point really is, is one about the length of time that the land is left open and, uh, unavailable. And that is something I do believe that you, as a planning switcher, have the ability to, um, have some input on. Because my experience is and as we've heard over the last couple of days, that when you've asked the question of the live stream, is that how long does it take to put this in this cable routine? The answer is it can be done very quickly.

00:55:42:05 - 00:56:18:24

And I've seen, as I said, 40 50m of duct being laid in a day. Um, so you know, the impact. But we've heard just, just and I made a note of it, that the minimum open period is 18 months, potentially 27 months. So 27 months across is three cropping calendar years a year. So I do think the timing is really important and is often from a ease and practical point of view, and from a cost perspective, it's easier for the developer to leave the whole route open for the entire length of the until they pull through all the cables.

00:56:19:06 - 00:56:51:23

That's not always necessarily needed. Um, but it's from an ease and from a practical point of view. So, um, and I'd also just like to say I understand what Mr. Boswell's saying, that RWA are experienced. I can show you plenty of examples of RWA where they, um, haven't been so experienced and have messed this up. And I've got a site in Dundee where I can tell you another very large operator, SSE, have made a huge amount of mess and that is only in the last couple of years. So I don't take it that everyone's learning from job by job necessarily.

00:56:51:25 - 00:57:02:19

We sometimes end up jumping backwards quite a long way on these construction projects, and it's important that the Planning Inspectorate consider that as part of this is determination in my view.

00:57:04:24 - 00:57:05:18

Thank you, Mr. Paul.

00:57:12:23 - 00:57:20:04

Does the applicant want to respond to what Mr. Feld said? Or are you going to wait and see what he submits in writing and respond at that point?

00:57:23:20 - 00:58:00:20

Julian Boswell with the applicant, I think we're we're mostly going to wait. Clearly, um, Mr. Phil is referencing things that we don't have detail of, and nobody would suggest that everything always operates perfectly. Um, the focus of this examination, we assume, is, is, is to get the, you know, the structure, um, an appropriate structure, appropriate legal structure in place. Um, and then obviously everybody wants that to operate as intended in terms of the timing point that he makes.

00:58:01:02 - 00:58:34:03

We have a vested interest in not taking more time than we need. I've obviously heard what Mr. Powell said earlier that, uh, you know, the of contractors. The problem with these war stories is that unless you go up and down rabbit hole and examine them, they don't really help. So. So yes, if you've got, um, a supposedly out of control contractor doing what they like staying on land as long as they as long as they want it, etc., etc.. Um, but that's not what we're proposing.

00:58:34:05 - 00:59:05:27

That's not what our application is seeking permission for. And we have an inherent vested interest in minimizing the length of time that we have an inherent vested interest in minimizing the length of time, because that we're taking land, because we're paying more compensation. Um, and, um, and so, as I've already indicated, that we obviously there is a question of understanding the impact, which is where you're coming from, sir.

00:59:05:29 - 00:59:42:18

But equally, the fact that there, you know, that that impact is, for the most part, unavoidable, then kicks in with compensation. And we weren't really expecting the contribution from Dow McLaren. But, you know, the fact is that they are living and breathing, um, compensation claims all the time, you know, uh, on, on, on on projects from, from, from, uh, from farmers and, and other landowners and that's a big part of what, how these projects operate, whether that's under a voluntary agreement or under the use of compulsory acquisition powers.

00:59:42:25 - 00:59:48:00

Um, and yeah, I think that's as much as I can say at the moment.

00:59:50:04 - 01:00:06:25

Thank you. Mr.. Possible. I think that does bring us to the end of this agenda item on farming matters. Uh, unless there's anything that anybody else wishes to raise before we move on to transportation. But I think before we do move on to transportation will take. Adjournment.

01:00:08:18 - 01:00:14:12

But is there anything that anybody not seeing anything in the room not seeing anything online in terms of farming?

01:00:16:22 - 01:00:17:08

Mr. fowl?

01:00:18:26 - 01:00:56:01

So it's one point that I've made yesterday, which I think we were going to pick up today, which was over this, uh, temporary access rights. I don't know whether you we whether you feel that we covered

that enough yesterday over this. I gave a couple of we looked at those land plans a little bit about the, um, the temporary access rights coming off of the off the cable easement route. Um, whether that's been covered enough, enough yesterday or whether you want to touch on that today. It's obviously a farming matter as well, or whether we just record that, that that should, should, should, uh, cover this, this agenda item as well.

01:00:56:09 - 01:00:56:24

Yeah.

01:00:56:26 - 01:01:09:09

I suspect we covered in a fair amount of detail yesterday. It might also be something that comes up, um, more appropriately in the DCO hearing this afternoon. Are you attending that hearing?

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

Um, I can do. Yeah, I will do that.

01:01:21:03 - 01:01:28:11

Okay. Well, I think that then does bring us to the end of or the conclusion of the farming section. Um.

01:01:30:19 - 01:01:38:28

In terms of the German people content with 15 minutes or 20 minutes. Looking the applicant team. Any preference?

01:01:43:14 - 01:01:53:20

Is 20 generally. Yeah. Okay. So we'll, um, reconvene at 11:20. Thank you.