



Hearing Transcript

Project:	Five Estuaries Offshore Wind Farm
Hearing:	Issue Specific Hearing 2 (ISH2)
Date:	19 September 2024

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Five Estuaries_Wivenhoe_19 Sept_ISH2

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FULL TRANSCRIPT (with timecode)

00:00:05:03 - 00:00:26:05

Well good afternoon. Everybody at the time is now 2:30. So this hearing is now going to open. Uh, can I confirm that everybody in the room can hear me? Yeah. And can I check with those who who are attending online? Can they hear and see me? If somebody could please indicate.

00:00:30:09 - 00:00:35:16

Yes, I can hear you. Everyone else can say Sarah Marshall for National Highways.

00:00:35:29 - 00:00:48:25

Yeah. Thank you, Mrs. Marshall. I can't actually see you. We, um, our screens at the moment. I just showing, um, as the screen behind me. Can the audio visual. That's better. Great. Thank you.

00:00:50:05 - 00:00:50:27

Yes.

00:00:54:28 - 00:01:00:00

And can I confirm with the case team that the live streaming and recording have commenced.

00:01:00:17 - 00:01:03:03

Yes, they have commenced. Thank you.

00:01:06:16 - 00:01:39:14

I'd like to welcome everybody to this issue specific hearing to concerning the drafting of the draft of consent order, which accompanies the application made for an order granting development consent for the proposed five estuaries offshore wind farm. My name is Graham Gould. I'm a chartered town planner and an examining inspector with the Planning Inspectorate. I've been appointed by the Secretary of State to be the lead panel member, comprising the examining authority for this examination. I'd now like to ask my colleagues to introduce themselves, Mrs.

00:01:39:16 - 00:01:40:05

Norman.

00:01:41:02 - 00:01:50:07

Thank you. Good afternoon. 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.

00:01:51:25 - 00:02:02:05

Good afternoon. My name is Felicity Weber. I'm a shorter term planner and an examining an inspector. I have been appointed as a panel member of the Examiner Authority.

00:02:04:00 - 00:02:15:00

Good afternoon. 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.

00:02:16:04 - 00:02:54:24

And good afternoon. My name is Matthew Herron. I am a chartered town planner and have also been appointed as a panel member of the Acsa. So our role is to examine the application and to report to the Secretary of State for Energy Security and net zero, with a recommendation as to whether or not the development consent Order should be made. I'll now cover some brief housekeeping matters. Can everybody please set all devices and phones to silent? There are toilets located towards the main reception, the way you came in, and they are signposted in the event of a fire alarm sounding, please leave this room via the marked fire exits or follow the instructions of the hotel's fire marshal.

00:02:56:11 - 00:03:22:25

Turning to the format, today's hearing is being undertaken both in person and with some online participation via Microsoft teams. We'll make sure that if you are attending online today, you will be given a fair opportunity to participate in. The hearing is being both live streamed and recorded for those people participating or observing via Microsoft teams in order to minimize background noise and disturbance. Can you please ensure that you stay on mute unless you are speaking?

00:03:25:00 - 00:03:36:17

If you are participating online and you wish to speak at the relevant point in the proceedings, please use the raise hand function. Please be patient as we may not get to you immediately, but we will invite you to speak at the appropriate time.

00:03:38:10 - 00:04:20:25

I would also remind everyone that the chat function on Microsoft Teams has been switched off for this event. A recording of today's hearing will be available on the five Estuaries Offshore Wind Farm project page of the planning Inspectorate's National Infrastructure website, as soon as practicable after the hearings. is conclusion. With this in mind, please ensure that you speak clearly into the microphone stating your name and who you are representing each time before you begin speaking. If you are not at a table with a microphone, there is a roving microphone, so please wait for one of those to be brought to you before you speak. If anyone wishes to use a social media report, film, or record during today's hearing or any subsequent hearing than they are free to do so, but please do so responsibly and with proper consideration for other parties.

00:04:20:27 - 00:04:55:15

This must not be disruptive and the material must not be misused. We aim to keep the hearing focused so that it can be conducted efficiently. You will find information about the application on the Planning Inspector, its national Infrastructure planning website, and we would strongly encourage you to continue to familiarize yourself with this website, because the examining authority is using it to

communicate with you and to provide access to documents throughout the examination. Just a few brief words on the General Data Protection Regulation The examining authority will only ever ask for information to be placed on the public record.

00:04:55:17 - 00:05:22:04

That is important and relevant to the determination of this application to avoid the need to edit digital recordings. I would ask that you try your best to not add information to the public record that you would wish to keep private, or that is confidential. And please also bear in mind that the only official record of the proceedings is this recording that is to be placed on the Inspectorate's website. So I'm now going to pass you over to Mrs. Norman to cover some other introductory matters. Thank you.

00:05:22:25 - 00:05:32:03

Thank you. So I'm now going to ask those of you who are planning to speak at this afternoon's hearing to introduce yourselves. So could we start with the applicant and its advisers, please?

00:05:36:24 - 00:05:44:00

Paula McGeady I am a solicitor and a director. Burgess Salmon appearing with the applicant. I will ask the rest of the applicants and team to introduce themselves.

00:05:46:14 - 00:05:51:09

Julian Bowles will partner with Burgess Salmon representing the applicant.

00:05:54:05 - 00:05:57:03

James Eaton, onshore consents manager for the applicant.

00:05:58:26 - 00:06:02:03

And Alice Maynard, engineering manager for the applicant.

00:06:03:28 - 00:06:06:14

Daniel Bates, offshore consents manager for the applicant.

00:06:10:20 - 00:06:25:19

Thank you. Um, and then, um, just to confirm, are you happy to continue to keep a list of action points as we go through this afternoon? Thank you very much. Um, so moving on to other interested parties, and we'll just go around the room. I think we've got Essex County Council to begin with. Is that correct?

00:06:26:18 - 00:06:38:27

Thank you ma'am. Good afternoon. Um, Mark woods, principal planner, National Strategic, nationally strategic infrastructure projects, Essex County Council. I'm joined by two of my colleagues, and I'll just defer to Susan to introduce staff.

00:06:41:00 - 00:06:47:20

Something Susan Misa from Essex Legal Services legal services manager here on behalf of Ethical county council.

00:06:52:24 - 00:06:59:12

And I think. I beg your pardon. Not which county council? I think I have my colleague Joe Huff online as well.

00:07:01:02 - 00:07:01:17

And.

00:07:08:19 - 00:07:11:06

Then we've got Suffolk County Council. Thank you, Mr. Bedford.

00:07:12:03 - 00:07:21:27

Thank you, Madam Michael Bedford King's council, on behalf of Suffolk County Council. I think I will be doing the speaking, although there are other officers from the county council in the room with.

00:07:23:29 - 00:07:25:19

Us. Thank you.

00:07:27:06 - 00:07:31:20

Um, and have we got anyone here from tendering this afternoon online?

00:07:42:00 - 00:07:44:13

Uh, is it, uh, Mrs. Storey?

00:07:51:23 - 00:07:52:08

Okay.

00:07:52:29 - 00:07:53:14

Um.

00:07:55:11 - 00:07:57:18

And Baber. District council. Anyone?

00:08:24:02 - 00:08:34:22

So can I just check with. With the case team? Um, and then the story for tendering is signed in for this session. Have she dropped out of the the court for any reason? Do we know?

00:08:39:09 - 00:08:48:15

I can see that she's on hold, but she might be in a the different meeting. I'll email her and see if what is going on or if she needs any assistance.

00:08:48:18 - 00:08:49:10

Okay. Thank you.

00:08:53:03 - 00:09:02:00

So quickly, uh, North County Council, I'll also get in contact with her. I don't think she was intending to speak today, but simply to observe. But I can't get clarification for you.

00:09:06:16 - 00:09:14:29

Then we'll move on then, while we just wait for that clarification so I can see. Port of London. London gateway port limited. Do you want to introduce yourselves, please?

00:09:16:09 - 00:09:20:24

Good afternoon. Panel. My name is Trevor Hutchinson. I'm director of planning at London Gateway Port Limited.

00:09:24:06 - 00:09:25:08

Good afternoon everyone.

00:09:25:10 - 00:09:25:29

I'm Paul Brooks.

00:09:26:01 - 00:09:28:02

Harbourmaster for London Gateway Port Limited.

00:09:31:28 - 00:09:37:29

Thank you. Um, have I got anyone else in the room who wishes to participate in this afternoon?

00:09:39:29 - 00:09:46:16

No, in which case I'll move on to, um, online. I've got, um, National highways.

00:09:49:20 - 00:09:59:20

Good afternoon. Mum. Uh, my name is Sarah Marshall, solicitor for National Highways, and I have with me, um, Mr. Jeremy Bloom. Thank you, ma'am.

00:10:06:12 - 00:10:10:26

Um, have we got the Port of London Authority? Mrs. Bell?

00:10:11:09 - 00:10:26:07

Yes. Uh, Mrs. Vicky Fowler, I'm a partner and solicitor at Gowling Wlg, and I'm representing the Port of London Authority. And I'm joined by Lucy Owen, deputy director of planning and development of at the Port of London Authority. Thank you.

00:10:27:06 - 00:10:31:10

Thank you. Um, I did see a hand up for Mr. Gold, I think.

00:10:33:24 - 00:10:43:07

Thank you. Nicholas Gold from Cobham Limited, who's interested in schedule 14 at the DCU regarding compensation for lesser backpack girls.

00:10:44:07 - 00:10:52:22

Thank you, Mr. Gold. Um, just checking on this. Mr. Phil, are you with us this afternoon?

00:10:54:22 - 00:11:04:06

Yes. Hello, Louie fel. Uh, Maxie, on behalf of Strutt and Parker Farms, Indiana Enterprises. Um. That's it.

00:11:05:11 - 00:11:05:26

Thank you.

00:11:09:13 - 00:11:12:17

Is there anyone else online who wishes to speak this afternoon?

00:11:17:01 - 00:11:17:16

Nope.

00:11:19:06 - 00:11:20:00

Okay. Thank you.

00:11:24:20 - 00:11:57:05

And if anyone else decides that they wish to speak during the course of the hearing, for example, to make comments in response to representations made by other parties, you may do so. And please raise your hand, either in the room or using the functions within Microsoft Teams and we can bring you in at the appropriate moment. So I'll just talk briefly about the purpose of the hearing. It will generally follow the agenda as issued on the project page on the 11th of September. So it would be helpful if you had a copy of this in front of you. You'll see the hearing guidance noted in that agenda document for expediency.

00:11:57:07 - 00:12:36:27

I'm assuming that everyone has read this, and therefore I don't propose to spend time reading it out now, but I'll just make some elaborating remarks. So the examination of this in CIP application is primarily conducted in written form, as explained in detail by us at the preliminary meeting earlier this week. The purpose of today's hearing is for the examining authority to hear evidence concerning the applicant's approach to the drafting of the Draft Development Consent Order, which is app O24, and the accompanying explanatory memorandum, which is app O25 submitted with the application and any observations about the draft orders drafting the interested parties may wish to raise.

00:12:37:17 - 00:12:56:02

When you're answering the examining authority's questions, please ensure that you provide succinct answers where a question is deserving of a yes or no type answer, then please respond accordingly, followed by any amplification if necessary. Are there any comments or questions anyone wishes to make under agenda item two?

00:13:01:06 - 00:13:08:28

Yep, yep. In that case, that concludes this item of the agenda. More. Turn to item three and I'll hand over to Mr. Gould. Thank you.

00:13:14:06 - 00:13:25:27

Thank you. I'd like to turn first to the applicant to give it, um, summary explanation as to its approach to the drafting of the DCO and the explanatory memorandum.

00:13:30:16 - 00:13:31:25

Let me give you for the applicant.

00:13:34:10 - 00:14:11:23

The drafting of the draft DCO follows president orders, much of the drafting of which is based on the model provisions set out in schedule and the infrastructure planning model provisions England and Wales Order 2009, which is no longer enforced. The drafting has followed relevant precedents. Importantly, the Hornsea Four Offshore Wind Farm Order 2023, the only more Offshore Wind Farm Order 2023, and we have had regard to the Norfolk, Boreas and Vanguard orders, which provided some precedent on the reuse of temporary areas by another DCO relevant to our proposed coordination with North Wales.

00:14:12:27 - 00:14:28:29

Given that it was granted in April 2024 after we submitted our application, we are now also now considering the drafting of the Sheringham and Dudgeon projects DCO, which was made in earlier in 2024 and preparing our amendments to the draft DCO.

00:14:31:01 - 00:14:31:16

Um.

00:14:32:03 - 00:14:40:00

Normally at this point, sir, I would I would run very quickly through the purpose of each of the sections of the DCO notes, whether or not you wish us to do that in this occasion.

00:14:42:05 - 00:14:45:08

I think that's would not be necessary. Um,

00:14:46:27 - 00:14:59:20

if, uh, when I open things up for discussion in a little while about how you've approached the drafting, if anybody raises a query, no doubt they'll raise a query in that regard. But yes. Otherwise we could be here for another a while.

00:15:00:18 - 00:15:38:20

Thank you sir. The only other point then I would like to make is about them, the transfer of the benefit and the structure of the deemed money licences. So article seven of the draft DCO allows for the benefit of the order or part thereof, to be transferred. This is necessary because the DCO is in effect personal to the undertaker. In accordance with the Electricity Act 1989, it is not possible for one entity to hold both the generation and transmission licences for the offshore wind farm. It's therefore necessary, as a matter of law, for the transmission assets to be transferred to a transmission operator following the completion of construction.

00:15:39:06 - 00:15:46:11

The selection of the offshore transmission on or off toll is managed by Ofgem. Following a competitive process,

00:15:47:29 - 00:16:04:07

the deemed marine licences and section ten and 11 have their before being separated into the generation and transmission assays. Anticipating that separation and that it will be necessary prior to the commencement of operation of the development. Thank you.

00:16:33:01 - 00:17:08:22

Thank you, Miss Piggy. At this stage, does any party wish to make any sort of general observations about the the drafting of the order and the explanatory memorandum? Um, I'm going to run through a series of points, going through articles first and then through various parts of schedules. Um, I don't know whether you want to hear me go through the various bits and pieces that I've got before, perhaps. Um, you want to come back? If you've got any specific matters that I may not have picked up in my various questions of the applicant.

00:17:10:09 - 00:17:10:24

Mr..

00:17:11:04 - 00:17:19:14

Sir. Thank you. Mark Wood, County Council, um, we're quite happy to follow your lead, sir, on this because otherwise there might be some duplication.

00:17:19:20 - 00:17:23:05

But anything from anybody else? No,

00:17:24:29 - 00:17:25:19

this is Marshall.

00:17:27:01 - 00:17:45:02

Thank you. Sir. Sarah Marshall for national highways. Again, I think we'll take our lead from you. So if you go through your list first, we've got a couple of points. I think the majority of issues we are hoping to deal directly with the applicants next week on the provisions for the protection of National Highways.

00:17:47:11 - 00:18:13:07

Thank you. Well, I mean, what I'm proposing to do is first go through the articles. Um, it might look a little bit of a scattergun, um, because there are some significant gaps between some of the articles. So I say I'd prefer to go through my list first, but then if there's an article that's of concern to any IP interested party, then I'll invite you to actually, um, make comment about that at the appropriate time.

00:18:15:29 - 00:18:35:16

And similarly, I'm going to do the same, um, with the schedules and particularly with the requirements, um, in other hearings, I've tried a different approach and allowed people to come in, and

it's all got a little bit confusing as to where we are. And so I think I'd prefer to stick to this, this approach this time around.

00:18:43:27 - 00:19:16:00

Um, some of what I'm going to raise questions about or ask for discussion about picks up on the draft written questions that we issued, um, a few weeks ago. So some of the points, particularly for the applicant, may not be new. Um, turning to the first point, which is the references to units of distance, area, volume, etc., um, when an update of the DCO um or the draft DCO is submitted, are you going to pick up on that point and use the long form?

00:19:18:18 - 00:19:30:07

Uh, for the applicant, I personally have no objection. I would like to double check the PSI guidance. We were issued by, um, the stationery office, and if there is anything in there that's contrary, I will note that, but I expect it should be fine.

00:19:30:13 - 00:19:30:28

Yeah.

00:19:31:11 - 00:19:49:20

I mean, I don't think there is any conflict, but I'm certainly aware from the Inspectorate's guidance on drafting that generally there is a preference for long form and for certainly most of the orders that either I've worked on or I've seen at other examining authorities work on long form does tend to be the norm.

00:20:04:14 - 00:20:23:00

Okay then, moving on to article two. We we trailed in the written questions that the potentially worth some issues of tidying up that might need to be done. Um, since preparing those written questions, I mean, I, I, for instance, I spotted that there's a reference to, um,

00:20:24:23 - 00:20:58:06

high voltage direct current, which the abbreviation is shown the references. Um, the long form is given, but that then only appears in article two. It does not appear in any other part of the order as far as I can see. So the reference to, um, high voltage DC, either, um, it's got in by error or there was there's an omission and there was an intention to refer to it somewhere else.

00:20:59:13 - 00:21:07:03

Oh my goodness, that goodness. I believe it's actually a hangover from an earlier version of the project description which has moved on. That should be deleted. Yeah.

00:21:07:05 - 00:21:27:02

So potentially that comes out similarly with high voltage AC. Um, there's a reference in the short form and then the long form is given. Then there is a further reference to it in another part of article two, but again, it doesn't seem to appear anywhere else. So again, perhaps it's now superfluous.

00:21:28:25 - 00:21:42:21

But I think the general point with article two is we'd like you to review it and make sure that the if there's anything in there that shouldn't be in there, it's taken out. And similarly, if there are any omissions, then needs to be added.

00:21:48:22 - 00:21:56:22

As far as article two is concerned. Is there anything that any of the interested parties have spotted that perhaps is a bit problematic? Mr. Wicker.

00:21:57:12 - 00:22:09:17

Sir Michael Jackson County Council maybe is the answer to that question. I don't see the bit because this is mentioned elsewhere in the DCI. I don't see any direct definition of the word pre-commitment.

00:22:14:07 - 00:22:21:04

There are certain works that you are asking to do Recommendation. Whilst you define commencement, you don't define pre-commitment.

00:22:38:18 - 00:22:57:09

Paul McAdoo for the applicant. Uh, there is no definition of pre commencement. I must admit I am not aware of ever having seen one. Um, I can certainly go and look at the precedents and have a double check, but since it only means before commencement and commencement as defined, I'm, I'm happy to review it, but I'm not convinced it's necessary.

00:23:07:18 - 00:23:14:09

Mr.. What's your intent of what you've seen in terms of pre commencement, was it clear what the works were that were being referred to.

00:23:18:17 - 00:23:20:11

It was just cancelled. No, sir.

00:23:22:13 - 00:23:25:27

Then it may be something that needs. Needs to be checked.

00:23:31:24 - 00:23:37:06

Is there any other point that anybody wishes to raise with respect to article two? Mr. Bedford?

00:23:37:25 - 00:24:11:05

Thank you sir. Michael Bedford, Suffolk County Council. Um, so again, conscious of, um, the fact that for the most part, uh, the county council will not be directly, uh, the, uh, authority responsible either for, uh, enforcing the terms of the development consent order in the event that there's a breach of it or the discharging authority in relation to the discharge of requirements. We are obviously taking a more limited role than maybe in some other instances.

00:24:11:21 - 00:25:12:21

Having said that, we have looked at various of the provisions, including article two, and we do think that there are some drafting in Felicity's. But rather than taking up time in an examination hearing on points which are really just drafting matters, what we were proposing to do is, first of all, to liaise

with Essex County Council, who are more likely to be closely involved, together with Tendring District Council, on those matters, and secondly, also to liaise with the applicant outside of the formal process of the examination on drafting matters and really only needing to come to you in the event that effectively there is a disagreement with the parties between the parties about what is an appropriate way forward, because I think otherwise we might be getting bogged down into a lot of detail, which is unnecessary because I say, I think a simple dialogue will sort some of those matters out.

00:25:12:24 - 00:25:39:24

I have to say, I should say, in relation to Mr. Woods's point, that I'm familiar with there being definitions of pre commencement works in some other developed consent orders, particularly road schemes. And I'm thinking at the moment of the lower Thames crossing. Uh as I think one example. Um and so I don't think it would be unprecedented to provide a definition. That question as to whether it's needed is perhaps another matter.

00:25:45:15 - 00:25:59:23

Thank you, Mr. Davis, and thank you for the clarification in terms of how your or your client intends to, uh, work with Essex. Um, and then hopefully things back to the, the applicant on a.

00:26:03:27 - 00:26:09:13

As a way of assisting rather than being Obstructive. Let's put it that way. Mr. McGeady.

00:26:10:08 - 00:26:42:17

Oh my goodness. Thank you to Suffolk County Council. That would be helpful. I just wanted to be clear. I'm not saying that there's no definitions of pre commencement works that are absolutely are. I completely agree with that. I've drafted some of myself. Those are in the definition of commencement. What I've never seen as a definition of pre commencement as a standalone term. That's what I wanted to go and look for. A definition of pre commencement works is not uncommon. However we have included that in our definition of men's who receives please save for pre-construction survey and monitoring for example.

00:26:42:19 - 00:26:49:08

That is a pre commencement work because it is not it does not commence the DCO. So there's very slightly different things.

00:26:49:10 - 00:26:49:25

So.

00:26:55:27 - 00:26:56:22

Mrs. Marshall.

00:26:59:23 - 00:27:12:04

Thank you sir. Um there is no definition of National highways in the in article two. Um, we have sought that definition in particular where there are a number of other highway authorities.

00:27:14:21 - 00:27:19:26

I'm happy to finish highways to provide the correct wording for our deadline on submissions. So.

00:27:35:12 - 00:27:38:15

Any other observations on article two before I move on?

00:27:40:23 - 00:27:42:08

Not seeing anything. Thank you.

00:27:48:14 - 00:28:19:14

Moving on to article seven, benefit of the order. Um, this is just really for the applicant and perhaps more for your benefit than anybody else. Just to ensure that the drafting is consistent, such that where there might be coordination with North Falls, there's no conflict. I. I you content that you've managed to cover include wording um, that wouldn't, uh, adversely affect what you're seeking to do in terms of coordination with North Falls?

00:28:22:07 - 00:28:34:02

Yes, we are sorry. And if it's of any reassurance to you, they were provided with the opportunity to comment on our draft DCO before the application was made, and we were provided with the opportunity to do the same on theirs before they were made. And both legal teams are happy.

00:28:35:10 - 00:28:41:18

I just thought I'd ask the question, because it's the sort of issue that could suddenly, um, become an issue later on.

00:29:02:16 - 00:29:14:28

Then turning to article eight, which is a modification of legislative provisions. And so turning to the applicant first. Um.

00:29:18:03 - 00:29:34:01

Uh, all of the parties or authorities responsible for administering and or enforcing that relevant legislation. Um, which the applicant is seeking to apply. Generally content with the application. Or are there any issues at the moment?

00:29:43:08 - 00:30:11:06

Uh, pardon me for the applicant. Um, so two point. Sorry, I'm not aware. Under the possible exception of the perhaps so the environmental permitting flood risk activity, which the EA we're in discussion with them about to allow us to include that are prescribed consents for which we require active consent from the body. I have not been made aware of any objections subject to agreeing to the inclusion of these matters by any party.

00:30:29:11 - 00:30:44:22

Thank you. In terms of the interested parties that are attending this hearing, are there any issues for you? Um, I'm thinking perhaps, uh, where your, uh, flood authorities in particular or anything in that regard.

00:30:46:27 - 00:31:05:25

Sir. Excuse me, not logistics. County Council. We will respond to that particular request in writing at the next, um, within our local impact report, sir. Um, Apologies. I'm looking for it in this copy of the DCI I've got. And I can't find reference. Article 891 jumps from 3 to 10.

00:31:16:15 - 00:31:17:01

This morning.

00:31:19:18 - 00:31:26:07

I can't see the wood for the trees. One's right in front of me, apparently. Yeah, the. This application is on page 15.

00:31:30:17 - 00:31:33:18

So again, not much. We will report back to you sir on that.

00:31:38:13 - 00:31:56:14

Any anything from any of the other regulators that may be affected? I suspect we've got limited attendance in that regard to um, I think that potentially will be a question we'll put in writing, uh, for the various parties to respond to in due course.

00:32:02:14 - 00:32:05:13

I said there might be a bit of a jump. We're on to article 22.

00:32:07:03 - 00:32:36:09

Um, which is the time limit for exercising authority to acquire land. Compulsory. Compulsory compulsorily. We're going to have a bad afternoon with that word, I think. Um, applicant is seeking seven years. Um, the question is, is seven years reasonable? Um, I've seen what you've said in the explanatory memorandum, which is quite brief, but if you'd like to elaborate, please.

00:32:39:02 - 00:33:10:29

Uh, could you put that again? Um, there is not a lot of elaboration I can offer. Um, this project as of many offshore wind farms, and there are precedents for the period being sort is required post consent to apply for a contract for difference award from government. We are not in control when those award runs are run, and we can lose a considerable amount of time if we miss one. For example, we need to go into the next one waiting from government. And that has been the basis on which other offshore wind developments have sought a similar period. And I can provide examples in writing if that would be helpful.

00:33:14:23 - 00:33:53:20

I mean, it's just that there's a bit of a tension between the needs case, which, uh, on your behalf, you're indicating there's an urgent need in effect. Um, and seven years to exercise powers does seem rather a long time. I have seen in the explanatory memorandum at paragraph .4.72. Uh, there's also a need to wait. So insofar as the offshore works are concerned, until the compensatory onshore works have been undertaken, um, but then when I look at the construction program, which is.

00:34:05:18 - 00:34:19:07

A fact it and then folded up. Yeah. The back of the onshore project description as 004. Um, the onshore, um, work for the compensatory habitat actually aren't programmed.

00:34:21:12 - 00:35:01:01

Uh, allocated for the applicant, given that this year being sorted onshore, maybe it's more helpful if I explain the onshore rather than the offshore. So in order to minimize the final acquisition of rights and the permanent acquisition of the cable corridor, for example, we would use temporary possession during construction and take the narrower corridor. So the act with the acquisition under any powers is one of the later activities we would do in practice. Um, so any earlier delay in the program knocks that back? No, obviously we are intended to be connected in 2030, generating in 2030.

00:35:01:03 - 00:35:14:20

That is that is what we are trying to achieve and what government is asking of us. Um, we cannot guarantee there will not be delays along the way and see, sorry, compulsory acquisition is one of the later activities that would be done.

00:35:35:01 - 00:35:44:14

To any of the attendees at this hearing, either in the room or online, have any observations to make about a seven year period for compulsory acquisition.

00:35:46:12 - 00:35:51:10

Not see anything in the room. Anybody online? Yeah. Mr. Farrell.

00:35:54:00 - 00:36:26:02

Would you say from experience that this is this is a very long period of time, seven years, and it creates a huge amount of uncertainty for the from my side, from the farmers and the landowners perspective. Um, I appreciate the grid connection and everything is a is an issue. But, um, normally that's the sort of, um, governing factor and it's just a bit of a long time that people are not knowing what's going to be going on.

00:36:26:04 - 00:36:39:18

So appreciate there needs to be a reasonable period of time. But seven years does seem a huge amount of time without people knowing whether this is definitely going to happen or not, whether there can be any sort of milestones that needs to be achieved within that seven year period.

00:36:53:24 - 00:37:33:18

Second, second largest. Um, Michael Bedford, Suffolk County I don't think this is quite the right point to make the point, but there is a related point about the sequencing of works, particularly in relation to the East Anglian connection node, which you know, is albeit within the red line is not to be delivered by this project. So that's an issue that we thought was more likely to be raised under the requirements. And obviously, you know, that requirement one is a similar seven year time period. So uh, but uh, I wasn't going to develop the point now, but I just wanted to sort of note that there is a point to be raised about the sequencing of works.

00:37:33:20 - 00:37:34:15

And I was going to.

00:37:34:17 - 00:37:42:03

Come to requirement one in a little while. Um, but yes, it's a similar sort of issue. Um, yeah.

00:37:44:02 - 00:37:44:25

Mr. Gold.

00:37:47:17 - 00:38:05:04

Thank you. Chairman. Forgive my ignorance, but if, as is hoped, there is a voluntary agreement entered into. Does the seven years then be extinguished? Or can one enter into a voluntary agreement and then to still sort of planning blight, effectively hanging over it for another six or so years?

00:38:09:12 - 00:38:09:29

Spaghetti.

00:38:13:02 - 00:38:48:02

Well, I'll make a deal with the applicant. I think we need to be sort. The project does not. The project does not intend to remove compulsory acquisition powers from its application. Where an agreement is signed. Unless, first of all, that is a full agreement, not a heads of terms. And it's rock solid. And frankly, we don't see a circumstance where we wouldn't be seeking it as a fallback for, frankly, the unexpected, unknown interests, um, people, you know, we. We do have a couple of plots on the state that are currently in the hands of executors, for example, things like that happening.

00:38:48:04 - 00:39:17:26

We would normally, as almost every other project I am aware of, does seek to retain the CAA as a fallback position. That does mean in terms of the technical definition of blight. Um, so the technical definition of blight is the reduction in the value of the land you could sell it for because of this as compared to our willing seller. Now, if we've got an option for the same work, we could have an argument about that. I would say it fundamentally goes to compensation rather than anything else. But yes, the CCA powers would be there.

00:39:21:02 - 00:39:21:17

Thank you.

00:39:28:24 - 00:39:53:22

And Mr.. In terms of the point that Mr.. Phil made about the uncertainty, um have you got any observations to make there? Um, it. It's sounding like actually, the explanatory memorandum may need a bit of expansion to explain, uh, the seven year period. Um, because it I didn't find it particularly illuminating. Let's put it that way.

00:40:01:19 - 00:40:35:12

Julian Boswell for the applicant. We can expand what's in the explanatory memorandum, and we can address it more in a written submission. But I think it's hard to go further than what miss McGuinness already said. We totally believe me. Um, RWA is committed to trying to deliver this project for 2030 within its power. But as she has emphasised and is a reality. Which is why, as Mr. McGeady has

already said, other projects in exactly the same situation have been granted seven years by the Secretary of State.

00:40:36:09 - 00:40:41:25

Um, we there are absolutely essential things that go to delivery that we can't control.

00:40:43:15 - 00:41:06:18

And rather than have to come back to get it extended. No other projects have successfully asked for and received the same period that we're asking for. We accept that. That does create the uncertainty that Mr. Bell is highlighting. Um, but there aren't there isn't a credible sort of milestone type mechanism. You've either got those powers available to you or you haven't.

00:41:23:09 - 00:41:39:04

And just so we're absolutely clear on that. You would say that, um, a significant factor in that is the need to go through the cost for different process and the time frames that are involved in that are.

00:41:40:26 - 00:42:12:01

Doing impossible for the applicant. Yes. So there is an annual. It used to be biannual. It's now an annual so-called auction round. And different projects, you know, are jockeying for position as to whether they can satisfy the various preconditions of being able to bid. And they're targeting different rounds, but you can't guarantee whether you're going to succeed. And so how competitive your, um, your bid is, is, is fundamental to that.

00:42:12:03 - 00:42:54:27

And there's a recent example of a project that have that, um, tried multiple times to obtain a CFD and has only just got it. And I think it's the sixth or seventh attempt, so that I don't want to pretend that's the norm. But, um, you know, there's a project called Inchcape, um, in Scotland and, um. But that is the risk that these projects are having to manage, as it were. And so one of the ways of trying to manage that and to avoid, as I say, having to come back and asking for an extension and going through potentially a major process to obtain an extension is to ask for a longer period in advance.

00:42:56:17 - 00:43:11:03

And is the making in effect of the application for cost for different? Is that reliant on a consent having been given? Uh, I'm getting nothing from further down the table. Yeah. You can.

00:43:11:05 - 00:43:17:06

Boswell the applicant. Yes. Having a DCO or equivalent in Scotland is an absolute precondition.

00:43:26:26 - 00:43:41:29

Julian Boswell for the applicant, there are lots of other leading times in terms of procurement and so on. This is these are multi-billion pound projects. There is a phenomenal amount that needs to be done to line everything up. And all of those factors are going into the mix.

00:44:22:05 - 00:44:25:17

Mr. gold. Or is that a legacy hand up.

00:44:28:24 - 00:44:30:12

So that's an old one. I'll delete it.

00:44:30:22 - 00:44:31:07

Thank you.

00:44:34:16 - 00:44:45:13

I did have a question for article 30, which is temporary used, but I think we actually covered that largely in compulsory acquisition hearing one on Tuesday.

00:44:51:18 - 00:45:10:00

And then another jump to article 45 which is double sorry no double recovery. And can the applicant explain the justification for that in this instance. And what sort of scenario are you actually envisaging where double recovery might come into play.

00:45:12:10 - 00:45:36:00

Uh, for the applicant. So this this provides that somebody cannot seek compensation under both the development consent order and another enactment for what is essentially the same harm or the same loss they don't get. um, compensation twice and end up because the point of compensation is equivalency. To put you back into the position you would have been, insofar as money can do that.

00:45:38:02 - 00:46:10:13

Because there is other legislation that governs some of the activities. So for example, if we, when we issue compulsory acquisition notices, will issue them under the Acquisition of Land Act process, the Acquisition of Land Act, um, process it, it would really depend on, on where people tried to bring the claim when this would apply. It's essentially there. Um, it's essentially for clarity and to prevent disputes. If somebody raised two claims, one under the DCO and one under any other enactment.

00:46:13:00 - 00:46:35:27

We as the defendant to that claim would put in a defence the second one, that they'd already been made whole under the first one. This simply provides clarity for both them and the tribunal that has brought before that they don't actually need to deal with that because double recovery is not allowed as as a point of law under the DCO. So they have to pick their route to seek compensation and the only get one compensation for one harm.

00:46:42:27 - 00:46:51:07

In practice, what's the likelihood that somebody might try going down both avenues or that under two or more avenues?

00:46:58:15 - 00:46:59:24

Um, I'll make it up. And.

00:47:02:03 - 00:47:17:27

I couldn't honestly tell you I am not a compensation practitioner in the land tribunal. It's not my specialism. We think it's probably unlikely. We think it's a bit of a belt and braces provision, but it is a, well, precedented one that other people have asked for. And we do think it adds clarity.

00:47:26:05 - 00:47:26:24

Mr. Fell.

00:47:30:11 - 00:47:39:14

Sorry. Did I miss an agenda point? Do we miss out the temporary one? So do we skip over that side to the comments on that? We did. Um, I.

00:47:39:24 - 00:47:57:00

The question that I had, I've decided I don't need to ask because we did cover it in the hearing last week. But once I've been through the articles, I'll give everybody, including yourself, an opportunity to come back to all of the articles. Uh, so, um, if we can take the.

00:47:57:02 - 00:47:58:04

Okay. Thank you. Yeah.

00:48:02:20 - 00:48:12:13

Does anybody else have any observations to make about the double recovery? Um, article. Not seeing anything in the room. Anybody online?

00:48:21:21 - 00:48:48:28

Thank you. That's my run through of issues with articles, so I'll now open it up for others to come back with anything they may have. Um, on articles and if we can go in numerical order. Um, but if I look to those in the room first, uh, so primarily the local authorities. Anything from either the local authorities in the room on any of the earlier article or any of the articles? I should say.

00:48:49:16 - 00:48:50:02

So.

00:48:50:04 - 00:49:12:06

Not which is county council? No. However, we will be providing you with a commentary on the data in general terms and detail as part of our local impact report. So at this time, no, but noting that you made about definitions in particular the alpha. I'll have to discuss that with the local authority and put that narrowly out. Thank you. Thank you.

00:49:13:15 - 00:49:15:22

Anything for Suffolk, Mr. Bedford?

00:49:15:28 - 00:49:23:18

So not on the articles. It's covered by my previous comments about how we were proposing to deal with those drafting issues. Thank you.

00:49:25:00 - 00:49:39:23

Anything from anybody else in the room before I look to those who are participating online? I'm not seeing anything. Okay. Anything from anybody online. Mr.. I think you are probably going to raise a point about article 30 temporary position.

00:49:41:06 - 00:50:16:17

Yes, I did, thank you. I think my concern on that was that, um, point sub point 11 on 31. Um, no, about uh, sorry. So point 11 on, um, number 30 was about this taking a temporary position, um, more than once. Um, and I'm not particularly happy about them taking ten position more than once, because what does that mean? Are they restoring the land and then reopening it again? It to me, that is a real I don't particularly like that idea of them.

00:50:16:23 - 00:50:21:00

Brittanie land up, restoring it and then coming back in later on to repeat backups again.

00:50:31:16 - 00:51:01:24

And then my only other point on that was that on taping temporary possession, there's nothing in this order that relates to the schedule, the soil condition stuff, etc.. Um, does that need to be referenced back here if it's in the schedules? Um, but they didn't seem to be anything to say that this is all subject to the soil condition surveys being done beforehand, etc.. That's not what I think I covered under schedule two. Perhaps

00:51:03:17 - 00:51:05:15

there was nothing referencing back under here to that.

00:51:45:29 - 00:51:59:08

On, uh, Mr. Fell's point about um, 30. Paragraph 11, that the potential to take possession on multiple occasions. Any observations?

00:52:00:23 - 00:52:31:29

Let me get you to that again. Mr. Bale's interpretation is right. That is what that power allows. It is the entirely standard drafting of the temporary possession power. It allows flexibility for the applicant, for example, to go and do some works, remove from the land and if they need to, during the construction period, to come back in and do further works or other works. It is being used on other projects, for example to carry out archaeological trenching at close those up, go away and then come back in the build period or to undertake some build works. Close the land up because there's going to be a long delay and come back and finish them later.

00:52:32:13 - 00:52:35:17

Can I address Mr. Pell's other point as well? Would you like me to wait?

00:52:37:02 - 00:52:37:21

Yeah. Carry on.

00:52:37:25 - 00:52:38:18

Thank you. Um.

00:52:39:04 - 00:53:02:00

All of the powers in the DCO are stated as being subject to the terms of the requirements, which would include the requirement for the soil management plan to be applied. We do not state. And it's

the works that are subject to the requirement. We don't state, for example, that the taking of temporary possession is subject to requirements because it's the works we do when we have that temporary position that are subject to control through the requirements.

00:53:39:27 - 00:53:46:28

Mr. Phil, in terms of what you've just heard from the applicant, does that provide any clarity on the points that you raised?

00:53:47:18 - 00:54:21:21

Well, I think on the point about the opening up, I think for surveys, I completely understand that if you need to come and do pre-entry surveys, uh, you know, intrusive ground investigation surveys, then that subjects, um, fine. I think I'm more concerned about where they come and strip topsoil reinstated and then come back in a later stage and restrict it. Um, you know, what we're all trying to do is preserve this precious resource on the top topsoil and constantly stripping and relay and moving it again.

00:54:22:03 - 00:54:54:03

Now, the whole soil's structure is so vitally important. It is common in construction practice not to move that topsoil. You know, move it. Once bonded properly, seal it, then leave it and put it back again. We don't want to see that then being ripped up again. I think this is in my opinion, that is all to do with construction management and making sure you've got it all the works properly planned out rather than, you know, just giving the open right to doing it. So I'd like to see it tightened up if we could.

00:54:55:20 - 00:55:00:19

Thank you. Uh, the other point was fine, and, um, yeah, I understand that if that's how it's going to be drafted.

00:55:13:13 - 00:55:18:11

Mr. McGee on on the point of returning to, um.

00:55:20:16 - 00:55:27:08

The same piece of land several times. What is the likelihood that there would need to be multiple soil strips?

00:55:28:14 - 00:55:55:24

Uh, Paul McCartney for the applicant. It's. It's not something we would want to do. We completely agree that it's not the best practice. It's not particularly desirable. It would also probably be more cost to us. So not something that we would be incentivized to do. It would be something arising that more than likely that we had not planned for. That meant we had to go back to a site. It wouldn't be something that we actively planned to do. So, um, stripped soil multiple times because we understand that it's not beneficial.

00:56:10:05 - 00:56:27:21

So is the likelihood of something like that happening? More to be to rectify? Um, something that didn't quite go right during the construction phase. A bit of subsidence for, uh, ducting or one of the, um, passages beneath the road or something like that.

00:56:42:03 - 00:57:01:29

Yes. Uh, for the applicant. Apologies, I was, I was, um, I was speaking to my client. I'm told it's a very low likelihood. It's not something that we would commonly do. Um, it's there for sort of flexibility and need. It's not a planned operation to go back in multiple times, generally once, either in the ground or in the ground.

00:57:06:07 - 00:57:17:08

So in more simplistic terms is it is the likelihood more to do with dealing with snagging type points than main line re-engineering?

00:57:29:28 - 00:57:35:12

Problem. I don't believe we normally use the term snagging, but yes, we agree with the thrust of your point.

00:57:36:03 - 00:57:40:18

But that's a late late speak from somebody who's not an engineer. But yeah.

00:57:43:12 - 00:57:53:00

Mr. Feld, does that provide any further clarification on the point that you've raised as to what the intent of multiple entry might be?

00:57:53:24 - 00:58:30:07

Okay. I think I think if it is for, as we say, you know, fixing snagging issues, um, but I think do this. I mean, it's part of a bigger discussion we're all having anyway about stripping topsoil twice if North Falls follows in behind by those trees. But I think the point is, we don't want to see that topsoil disturbed more than it needs to be. Whether the, um, border can be amended to reflect that rather than just giving it open rights. Because my concern is, as it's drafted at the moment, then whatever we might be told here, will will be ignored.

00:58:30:09 - 00:58:39:26

When it comes to it, I'd hardly say, well, the intention was not to do that. And, you know, if there can be something to be clarified, any order would be great. Thank you.

00:58:41:07 - 00:58:50:16

Mr. Kelly. Is that something in terms of rectification works, or is that some form of wording that could find its way into the draft order?

00:58:57:20 - 00:59:11:05

Uh, Paul McCartney for that. Our position is that we would not be prepared at this time to propose that because it's too prescriptive, it reduces flexibility, it doesn't fall precedent, and we just don't think that it's.

00:59:12:27 - 00:59:15:27

It's not an admission that we are willing to propose at this time.

00:59:40:14 - 00:59:48:20

I think that's as far as we can take the point that Mr. Feliz raised. Um, Mr. Hough.

00:59:51:03 - 01:00:23:24

Thank you. Joseph, on behalf of Essex County Council, there's one kind of main point that I wanted to make was that, um, having spoken to strategic development colleagues at Essex County Council. I do think it would be really beneficial if we could have a meeting with the applicant where they run through what they envisage for the approval process and move it forward and improve our understanding of it in terms of the highways approval and how we are. Our ambition would be it would best reflect existing kind of section two, seven, eight practices, and how we can best do that through the DCO is something that we'd be welcome discussion on.

01:00:24:05 - 01:00:56:25

Um, but specifically with regards to the articles, um, two queries I was going to raise was with one, um, 12 part two, which is um, um, highway, including any culverts or other structures laid under it must be maintained and at the expense of the relevant highway authority from its completion. Normally, it's 12 months after completion that the highway authority takes on a, um, responsibility for the asset. And that's what we would be looking for here. And the second one article and 14, Part six.

01:00:56:27 - 01:01:34:12

If a street authority fails to notify the undertaker of his decision within 28 days. So it's 28. James Dean consent. And I believe this relates to temporary traffic regulation orders. The process for Tros that Essex is is 12 weeks. And there's many different reasons for that. One that you need to undertake consultation, but two, you need to manage the highway with regards to other works that don't want to accept you. And so we would be looking very much looking for that time frame to be extended. As I say, I think it would be better place to have this kind of wider discussion on the processes, and it could be explained to us what the applicant envisages, and that might address a lot of our current concerns.

01:01:34:14 - 01:01:35:03

So thank you.

01:01:35:19 - 01:01:48:05

Yeah. And that's potentially something you might wish to flag in your written rep so that it's there. And we can see what what the concern is and how the applicant might respond to it in due course.

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

Is there anything else that anybody wishes to raise on articles before we head off into schedules. Mr. McGee.

01:01:57:14 - 01:02:30:05

Sorry, sorry. I feel like I just have to make a comment on the 28 days. The 28 days is not for the council to put in place true or sorry, trade free traffic regulation orders. That's for them to approve or refuse an application by us to use the powers under the DC, or we are not expecting them to be able to

process an application for a temporary traffic regulation hundred and 28 days. I think a discussion with the Highways Authority on on quite what the DC or drafting does would be very useful because we have also, for example, tried to pick up the 12 month maintenance period point in draft protector provisions.

01:02:30:07 - 01:02:48:20

So we have thought about these points. But it it may be that a conversation with us and the council and the council's lawyers would be productive on these points. And so before you move on to the articles that Mr. Boswell wanted to raise a very short point on article two, which related to your draft written questions, if that's okay. Yeah.

01:02:49:25 - 01:03:34:29

Impossible for the applicant. It was just to have spoken briefly about something. Obviously, we'll address it in writing. Um, you have highlighted various duplications in definitions between the D marine licenses and the front end interpretation. And of course, we acknowledge that that duplication is there. But I just wanted to briefly explain that there's a lot of history behind that. And if the MMO were here and not trying to speak on their behalf, but, um, we know from other SEOs going back to the beginning of Offshore Wind Echoes that the MMO has a preference for the D marine license.

01:03:35:05 - 01:04:06:01

Looking forward to scenarios where they get varied and then they kind of take on another life. They have this weird sort of, um, existence whereby when they're first granted, they're sort of hardwired into the DCO, but if they get varied, that is done. That can't be done through the SEO change process. And they do get varied quite, you know, fairly often. Then they kind of then they take on a rather independent existence.

01:04:06:03 - 01:04:44:25

And whilst not everything is repeated in the dmos, there is a strong we know that there is a strong preference, um, for there to be, um, a degree to which the MLRS can be interpreted on their own. And so the kind of points that are raised in the draft questions, um, is just really, uh, advance warning that that's the reply that's going to come back and where we would be very we think the MMO. Well, we're confident that the MMO will will confirm what I've just what I've just said and that just a brief explanation of of the history there.

01:04:46:03 - 01:04:54:03

Thank you. That that's useful because those of us that come from a hard and fast planning background and have to deal with things like the, uh.

01:04:56:07 - 01:05:15:01

Various orders that get amended over many years, and it starts to become very difficult to find where the definitions are. We'll look at it perhaps in a slightly different way, but if if offshore and the HTML regime is a bit different, it's going to be useful if you can provide that explanation.

01:05:17:23 - 01:05:26:04

And as you say, there's now a long history of various consents. And draft marine licenses haven't been incorporated into those.

01:05:27:08 - 01:05:28:18

Yes, we'll do that.

01:05:49:05 - 01:06:18:12

But like now to have a brief look at schedule one. I'm saying that run through the various schedules while I identified some questions for some of the schedules. Again, in the same way that we did with articles, I don't ask my questions first. And if there are then any schedules that other parties want to raise points about, we'll come back to those in due course. But if we can look at schedule one and its drafting, um.

01:06:20:25 - 01:06:52:09

I am very sorry for interrupting. Could I possibly make an introductory point on the schedule and the formatting, if that's possible? Um, the schedule formatting, in particular, the running on of list and the odd appearances or paragraph numbers that should not be there as a formatting error. It shouldn't have happened. It should have been caught. I can only apologize. It's being fixed. We are aware of it, but it's an error. and it does not change the substance or the wording as what is in front of you. But there is a systemic numbering flaw in the formatting of these schedules.

01:06:52:17 - 01:07:05:04

Um, just I wouldn't want you to think that we hadn't noticed or that we aren't fixing it, but it does. I think it does. A lot of the points that were picked up in your draft questions, for example, related to that systemic flaw, which I could explain but is very boring.

01:07:05:06 - 01:07:05:21

Yeah.

01:07:05:23 - 01:07:06:08

Sure is.

01:07:07:29 - 01:07:08:14

Um.

01:07:09:11 - 01:07:35:13

I think that's useful clarification because it potentially then does have ramifications, perhaps for works drawings and in terms of making sure there's consistency, um, in terms of whatever, you end up with a format in schedule one then follows through into any drawings, um, and for that matter, any other documentation that subsists on on the numbering and schedule one.

01:07:37:23 - 01:08:03:00

Follow up again? Yes. So so for example, if we look at work number one and work number two. The list goes ABC and then it runs on. And work number two. To D.F. that should have restarted at a the cross references and other documents will be correct, but it will mean they are not matching up to the one in front of you. Because of this formatting error which has arisen. It should have restarted a. So you had work number two little a little B so on I only apologize.

01:08:03:20 - 01:08:21:07

I suppose you know the one work that does stand out is perhaps work number four, where there's, um, there is only one work, but we've got an A and a B and A wasn't used, but B is presumably somewhere on the drawing. B will appear and it will just need to become four. Ultimately,

01:08:22:24 - 01:08:26:11

unless there was another work or sub work for that one.

01:08:26:23 - 01:08:27:08

Uh.

01:08:27:17 - 01:08:38:19

For that piano. So that one isn't an error. That was deliberate. So I sorry, I, I sorry I thought we had explained this in our application but very happy to do it again. The onshore works the.

01:08:40:23 - 01:09:07:00

Sorry. I want your works, that is all. Relate to the second set of ducks or other works for the North Poles. The reason that we didn't in the end use Fourier is because it would have broken that logic of being very easy to pick out all the works that were related to the second set of docks or north walls. We originally did have a foray, and then we changed how we were dividing them up. So it broke the logic, which we thought was easier to explain to people of everything with an E related to the second set of ducks.

01:09:08:15 - 01:09:18:25

I understand the logic, but I think that probably does cause a problem because, um, there will be a vacant number there which will look a bit odd in potentially a made order.

01:09:20:23 - 01:09:31:09

Uh, Paul McCartney, uh, it's not uncommon in DC was by the time they get to the end of examination. So, um, we are happy to relook at it if you if you think it's unhelpful.

01:09:31:11 - 01:09:59:11

I think it would be. But then again, this is an inspector that's done a fair amount of appeal work in the past as well and had some interesting discussions about conditions and, um, the content, the conditions. And therefore I do tend to be a bit finicky. I don't know what my other colleagues are like with conditions, but, um, yeah, potentially. I think we would like you to think about four in particular. Um, it just looks a little bit strange.

01:10:14:22 - 01:10:27:15

Did anybody else have any observations to make about, um, schedule one, disregarding any formatting points because the applicant explained what the issue there is.

01:10:29:17 - 01:10:32:24

Anybody in the room know anybody online?

01:10:35:02 - 01:10:37:02

I'm not seeing any indication. Thank you.

01:10:47:26 - 01:10:50:01

That takes us in to, um,

01:10:51:19 - 01:11:07:06

schedule two requirements. And as trailed earlier, the time limit for requirement one. I suspect miss McGeady or Mr. Boswell, you'll give a similar explanation for seven years.

01:11:09:18 - 01:11:34:21

Now this calls for commencement of works, which is perhaps a little bit different to seeking compulsory acquisition powers. And now I think we do have a bit of an inconsistency in terms of trying to, uh, your needs case, which is suggesting that there is a need to get going sooner rather than later. Seven years does seem a very long time, even allowing for cost for different types of issues.

01:11:42:28 - 01:11:59:20

And I made this further note to myself. Um, of course, if you have to wait seven years, what is the position then, with some of the environmental data that you've gathered in terms of its currency, it will be starting to get very, very long in the tooth.

01:12:17:05 - 01:12:19:04

Julian Boswell, for the applicant,

01:12:20:28 - 01:12:41:20

we hear where you're coming from. I guess the the other feature that was in our minds and that is also relevant actually to this to the CCA point is that. one of the features of this project is that we are dependent on the National Grid project happening on, um,

01:12:43:15 - 01:12:58:00

as it were. However, you want to put it in the right timeline. In other words, if there were, if for any reason that was delayed in its delivery, we would be coordinating our, um, project with their project. So

01:12:59:20 - 01:13:12:10

I accept that seven years. I don't think it's completely unprecedented, but I think that, um, I accept that that is a long time. But I think for the for the time being, we, um, we are maintaining that, that request.

01:13:26:07 - 01:13:29:09

So in terms of the environmental data.

01:13:31:01 - 01:14:00:13

It would be open to the local authority to seek supplementary environmental information pursuant to the discharge of the regulations. And I don't say this point with any enthusiasm, but for completeness. Also, there is a slight curiosity, isn't there, that you only have to do a minimal amount of work to start a consent, and it can sit there for a long time and then be completed at any point thereafter. So I think the.

01:14:02:18 - 01:14:06:12

I think that's an additional point that's in the mix as well.

01:14:41:14 - 01:14:43:15

Thank you, Mr. Boswell. Mr. Witcher.

01:14:46:01 - 01:15:17:15

Sir. Thank you. Mark. County council, this may well be a moment to raise this. And given that we're now talking about the implementation of the planning of the DCO rather than the compulsory purchase powers issued for me indicated that, yes, seven years is a long time. Um, I'm just trying to source documents to give you an impression of when, let's say, for example, an ecological survey requires updating in terms of its longevity, in terms of its life.

01:15:17:17 - 01:15:41:27

And hopefully I'll have that back to you later this afternoon. And, um, the five Estuaries team have obviously Tabled the issue of the fact that they are now directly dependent on another DCO proposal coming forward for them to be able to take power to the grid with the OCS now effectively, um.

01:15:44:01 - 01:15:52:09

Not being a project that isn't going to move forward on our estuaries are wholly reliant on no to Tilbury.

01:15:54:14 - 01:15:55:20

Power into the grid.

01:15:57:17 - 01:15:58:02

Um.

01:16:00:05 - 01:16:24:05

If the seven years is is considered acceptable. And we think that that yes, we know what the applicant is saying in terms of trying to get this development ahead quicker to meet net zero targets. We understand that. But there is this, the spectre hanging above it of Norwich, Tilbury and any potential delays that the Norwich Tilbury development does take place.

01:16:25:27 - 01:16:37:26

Therefore wouldn't be. Wouldn't it be an idea to add an additional requirement here to effectively phase in this development

01:16:39:23 - 01:16:43:12

and put trigger triggers in the requirement? Um.

01:16:44:27 - 01:16:45:21

That in mind that.

01:16:45:23 - 01:16:51:12

Part of the DCO has applied for here is in the same red line as noise to to agree.

01:16:53:12 - 01:16:56:11

To require certain projects to come forward first

01:16:58:05 - 01:17:00:16

before potential commencement starts on site.

01:17:08:15 - 01:17:12:05

For example, potentially that no, no physical commencement

01:17:13:21 - 01:17:20:06

can take place until Norwich. The Tilbury also is in a position to commence.

01:17:27:24 - 01:17:28:11

Thank you, sir.

01:18:10:11 - 01:18:11:01

Yes, sir.

01:18:11:03 - 01:18:21:00

Before Mr. Boswell responds, because that relates to a related point that I wanted to make, it might be helpful if I made my point before Mr. Boswell responded, if That's convenient.

01:18:21:09 - 01:18:22:20

Yep. Suitable.

01:18:23:20 - 01:19:09:14

Thank you sir. Michael Bedford for Suffolk County Council. So obviously we look at this issue primarily through the lens of the effects on the county council's areas of responsibility. And so far as the county council is concerned, uh, whilst not the only, um, impact, uh, that we have an interest in, uh, the primary impact that we have in interest in is the, uh, impact from, uh, the offshore turbines on the seascape and landscape experience of the national landscape and the Suffolk Heritage Coast.

01:19:10:15 - 01:19:26:26

Um, and if I can just take you to, um, in the applicant's Documentation. It's in app 069, which is the, um, offshore project description.

01:19:28:14 - 01:20:01:21

And it is um, figure 1.21, the indicative construction program, the same programs for, as I can see, is the one so that you've already referred to in the onshore description of the programs change between the two. But because my point is about the offshore, that's why I'm directing you to the offshore, uh, version. And it's, uh, on page 75 of that. I don't know whether it's possible, uh, for the applicants team just to put that document up on the screen.

01:20:02:00 - 01:20:32:04

Uh, to illustrate the point, I say it was in app 069 and it was page. Um, so I'm sorry. Yes, I'm very grateful. Somebody much quicker than I am at, uh, Following things through. So if you look down, uh, the, um, uh, left hand side to the description of events, you see that wind turbines installation? Uh, it's fourth from the bottom.

01:20:32:21 - 01:20:42:10

Uh, is not intended, uh, to take place until quarter one of year four. If I'm reading the chart correctly.

01:20:52:20 - 01:20:58:03

Yes. Good. Uh, and so, um, clearly, um,

01:20:59:21 - 01:21:23:23

as, uh, has already been indicated, as the applicant has made clear, there is an essential dependency, uh, between this project delivering any power at all to the national grid and the provision of the East Anglian Connection node as part of the Norwich to Tilbury proposal.

01:21:25:27 - 01:21:58:14

So obviously that proposal is not before you and I don't invite the examining authority to say any of you whatsoever on its merits, because that wouldn't be obviously appropriate for you to do so. But you can simply note that there are parties, including Suffolk County Council, who are not at present content with the acceptability of that project as currently formulated and the subject of consultation.

01:21:59:20 - 01:22:26:19

So I make that point simply to indicate that there must be inevitably, as a matter of, um, procedure, some question mark or doubt as to whether that project will in fact secure its consent. And obviously, nobody in this room at this stage can know that, because none of us can read the future, and none of us are in a position to assess the merits of that project.

01:22:29:07 - 01:22:32:00

If that project is not approved.

01:22:35:12 - 01:22:42:26

The benefits of this development are incapable of being realized.

01:22:47:27 - 01:23:04:24

Through this DCO proposal, there is no plan B, as it were, being put forward of an alternative way in which the power that could be generated by the turbines can be delivered into the national grid.

01:23:18:24 - 01:23:30:25

But the harms which are created by the project, even allowing all the mitigation to

01:23:32:17 - 01:23:36:23

arise from the construction of different aspects of the project.

01:23:41:06 - 01:23:47:20

And as I said earlier, from a Suffolk County Council point of view, I focus on the the turbines.

01:23:49:21 - 01:23:56:22

As the offshore element of concern from the national landscape and the heritage coast.

01:24:00:14 - 01:24:05:00

And if you look at this indicative construction programme.

01:24:07:11 - 01:24:24:22

You can see that. Um, assuming that there were a consent granted on this project. It would not be until year four that one would actually need to begin the works to construct the turbines.

01:24:32:05 - 01:24:40:11

Which, if this consent or sorry, this application were to be consented at some stage during 2025.

01:24:43:00 - 01:24:46:11

Would imply some stage in 2029.

01:24:52:09 - 01:25:01:20

And that is, we would think, in terms of reasonableness a sufficient period.

01:25:04:13 - 01:25:14:03

To allow For clarity as to what is happening with Norwich to Tilbury and the East Anglian connection out.

01:25:18:21 - 01:25:30:04

So, from a Suffolk County Council perspective, we can see that there is a good reason for suggesting that there should be phasing.

01:25:34:01 - 01:25:40:16

Such that so far as certainly the offshore turbines are concerned.

01:25:43:05 - 01:25:46:21

That construction should not be permitted to commence

01:25:48:18 - 01:25:51:06

unless and until there is certainty

01:25:52:22 - 01:25:56:17

that the East Anglian connection node will be provided.

01:26:00:17 - 01:26:09:11

That the power that were to be capable of being delivered by the project is actually able to be delivered to the national grid.

01:26:18:29 - 01:26:55:18

So that probably as far as Suffolk County Council needs to go to make that point, because, as I say, because the impacts, as far as we're concerned, the primary impact is the offshore turbines. The way the timetable works enables that. But I should say, obviously, we also accept that you can develop that point if obviously you were looking at it from an Essex perspective, there will be land based impacts that they may be concerned about, which may suggest that one brings forward the timetable so that one has the phasing to bite on other elements.

01:26:56:05 - 01:27:02:22

I mean, what whether one needed to go quite so far as what in a planning context would be called a Grampian condition

01:27:04:07 - 01:27:19:00

is perhaps a matter more for you to think about. I say, I don't think I need to go quite that far for my purpose, given the Suffolk County Council perspective, but I say it may be that's a matter that you need to think about. Thinking about the point more widely.

01:27:26:16 - 01:27:57:04

And perhaps I should end this point by saying it's in that context that there is an uncertainty about the East Anglian connection node and whether it will or won't happen. And if it doesn't happen, what then? For that reason, we can see sense in Requirement one allowing a seven year period. Because again it allows this as it were, process of uncertainty to wash through the the planning or development consent order processes

01:27:58:20 - 01:28:15:12

and ensure. uh, that uh projects are not constructed causing the environmental dis benefits of construction, unless there is assurance that the benefits that those projects are intended to deliver will actually be deliverable.

01:28:27:12 - 01:28:39:20

So I do have other points on other requirements and other issues, but I think without disrupting your order, that's probably as much as it's appropriate to make on this point before hearing the applicant response. Thank you.

01:28:40:14 - 01:28:42:03

Mr. Boswell or miss.

01:28:44:08 - 01:28:46:02

Julian Boswell for the applicant.

01:28:47:17 - 01:28:58:12

The applicant would strongly resist any of the suggestions that have just been made by Suffolk or Essex to qualify the commencement.

01:29:00:27 - 01:29:32:15

We can we. It's probably better that we, uh, develop the the point in in writing, but it's, uh, it's acknowledged in the clearest terms in National Policy Statement n1 that generating stations and grid infrastructure can and often do come along, uh, or get promoted separately on different timelines. And um, Hinkley Point is a good example of that.

01:29:32:17 - 01:29:35:24

And there are other examples and.

01:29:38:14 - 01:29:53:18

It would not be appropriate to put in the kind of limitation that is being suggested. I'm going to resist the temptation to say any more, um, but we will develop that point in writing.

01:30:21:24 - 01:30:30:19

That said, can I just respond very briefly? Um, because I don't think I was putting my point in terms of commencement. I was putting my point in terms of phasing.

01:30:32:26 - 01:30:34:04

And you'll be aware.

01:30:36:13 - 01:30:58:27

From schedule 14, the applicant already accepts that there needs to be phasing of some elements of the project. So the principle of phasing until such time as some necessary precondition is satisfied is already built into this proposed development consent order.

01:31:00:15 - 01:31:03:10

It then just becomes a matter of planning judgment

01:31:05:00 - 01:31:25:13

as to whether the issue that we've raised. That's to say there is another precondition which the applicant needs to have overcome in order to have a deliverable project, whether that to also should be the subject of phasing to ensure that you don't get the harm, unless you're clear that you will get the benefit.

01:32:09:05 - 01:32:40:29

It's impossible. Surely impossible for the applicant. I'll restrict myself to one observation, which is that it's inconceivable that for a multi-billion pound project with debt funding and all the different, um, things that would need to be satisfied to press a green light on constructing the development that that would be done unless there was, um, a high degree of confidence that the grid connection was going to be there to be connected into.

01:32:41:01 - 01:32:47:23

And therefore, the risk that is being, um, talked about simply doesn't exist in the real world.

01:33:07:27 - 01:33:23:12

I think we've probably explored requirement one as far as we can at this stage. What I'm going to suggest, because we have just arrived at just come 4:00, we've been sitting for an hour and a half that we take an adjournment until

01:33:25:10 - 01:33:31:24

25 past. It's just over 20 minutes. Is is that agreeable looking at the applicant team?

01:33:39:25 - 01:33:54:09

Um, it would be helpful to know, given that there's a lot of travelling involved. For some of us, when you're targeting ending the day. So the later you have in mind for that, the shorter we would want the break to be.

01:33:56:29 - 01:34:02:09

At the very latest we would hope to finish by 5:30.

01:34:04:07 - 01:34:04:22

Um.

01:34:12:25 - 01:34:35:01

Because some of the, some of the questions I've got are quite short, but because what I don't know at this stage, as I sit here, is whether any of the other parties have got anything in particular in respect of requirements that I don't intend to ask questions about, and where we go with some of the, um, other schedules, particularly protective provisions.

01:34:38:05 - 01:35:08:25

That Michael Bedford, Suffolk County. If it helps you, sir. I have got one, um, um, or two additional points which are not on your list, but for the most part, their brief comments. Um, I mean, we could be content with a 20 minute break, but I mean, I suppose five minutes is neither here nor there, and we've probably spent as much time talking about diffusing the time. Um, but I, I wasn't envisaging that we wouldn't be able to achieve your timeline in terms of our contributions.

01:35:09:07 - 01:35:19:27

Oh, there's another question that I could put is how fatigued do people feel at this point, or do you want to carry on and see whether how much progress we've made in half an hour?

01:35:26:01 - 01:35:29:05

Julian Boswell for the applicant from outside, we're content to keep going.

01:35:29:09 - 01:35:30:15

Oh, Mrs. Marshall.

01:35:34:12 - 01:35:58:16

Thank you, sir. Sarah Marshall for National highways. Um, certainly. I'm. I'm happy. Happy to keep going. Um, I was just going to to mention the protective provisions. Um, we can put, um, the issues we're going to raise. One, we're going to meet with the applicant next week and to put it in our deadline on submissions. Um, so if that would reduce the time a little. Thank you, sir.

01:35:58:22 - 01:35:59:07

Thank you.

01:36:00:21 - 01:36:06:23

How do others feel about. Just carry on for at least another half an hour to see where we might have got to.

01:36:07:13 - 01:36:19:27

Um, so I was just going to cancel. Um, we're comfortable to carry on for half an hour in relation to questions about how many issues we're going to be raising. It'll be a few. The most substantive point we've already made to you, sir. Okay.

01:36:20:17 - 01:36:25:06

I think we'll we'll carry on at this point and see where we get to in half an hour or so.

01:36:31:22 - 01:37:02:05

Um, my next question relates to requirement for which is stages of the authorised development. And really it is What does stage mean? There's been a bit of disagreement amongst the examining authority as to what we thought stage meant. So I think if we can ask the applicant to indicate what they mean by stage, because it's not defined anywhere, is it, um, phasing, is it subdividing of works into geographical sections? It was a little unclear.

01:37:03:07 - 01:37:22:24

Uh, for the applicant. You are probably more familiar with this being called phases than stages are called stages because phases are used for something else. Um, it is the subdivision of works into the order which they would happen. So if, for example, we were going in to do HDD works first, that might be phase one or we're going to start in a substation first. That might be.

01:37:22:28 - 01:37:23:13

What you.

01:37:23:15 - 01:37:26:20

Would call phase one or we would call stage one. That's all this means.

01:37:35:13 - 01:37:51:26

I think probably some interpretation of that is needed either in the order but certainly in the explanatory memorandum, I say it caused a bit of confusion amongst the five of us sitting here. Um, and it might have caused confusion amongst others, I don't know.

01:37:58:03 - 01:38:00:06

Is that something that you you can take on board?

01:38:00:23 - 01:38:05:04

Uh, Paul McCartney applicant. Yeah. We'll take that away. Sorry. Yes, we will take that away in review.

01:38:07:00 - 01:38:29:25

Okay, then moving on to requirement eight, which is the code of construction practice. You'll have seen we've raised the query in the draft written questions as to whether that should be treated as a fully fledged document or whether actually it's an outline document. Uh, you'll have gleaned from the way we phrased our question. We think it probably ought to be outline at this stage. But any observations?

01:38:30:03 - 01:38:30:18

Uh.

01:38:31:03 - 01:38:49:19

By the applicant, uh, the draft that we have put in was intended to be a draft of a full document. We feel that we have enough information at this stage to present what is a code of construction practice? The requirement we are proposing would allow us to amend that in future as necessary, but it is intended to be a full draft, not an outline.

01:39:00:00 - 01:39:01:27

Turning to the local authorities, Mr. Major.

01:39:03:00 - 01:39:33:19

Thank you very much. We just can't cancel. Um, we would also prefer that to be a full document. And the reason for that is it acts as one of the fundamental control documents within the DCO. Um, I'd just like to refer you to principles of work for the development. For example, if that's set out in an agreed full document, then it adds a little bit more of a robustness over the control of the development and its impact on potential impact on local amenity.

01:39:35:08 - 01:39:48:08

Thank you. Does Essex at the moment have any concerns about any elements of the drafting of that code? In terms of areas where you may wish to see tightening? Um.

01:39:49:05 - 01:40:11:20

Not much. Essex County Council, no, but I'd like to defer back to the local impact report. The only thing that I think, um, that we would potentially ask for, obviously looking at the hours of operation is no working on the Saturday afternoon. I think that would be quite problematic for the scheme.

01:40:13:23 - 01:40:54:20

Quite clearly, and as you know, from your, um, recent unaccompanied site visit. It's a very quiet rural location. Um, and I would say very sensitive to noise. And we would like the amenity of those living in the local area and be using local footpaths bridleways, um to to be protected weekends and bank holidays. Um. Although I do fully admit, having sat in a number of DCO enquiries that um persuading the examining authority to give people respite, particularly on a Sunday afternoon, is particularly difficult.

01:40:56:17 - 01:40:59:13

Saturday afternoon? Beg your pardon? Thank you.

01:41:06:24 - 01:41:09:04

Anything from Suffolk on the code.

01:41:09:26 - 01:41:44:20

Sir? Thank you. Michael Bedford, Suffolk County Council. I think our normal practice is to prefer an outline followed by a detailed code of construction practice. But we do note that this code of construction practice regulates the onshore construction work. And since these are essentially not impacting on Suffolk. I think we can tend to leave that judgment to the Essex County Council and Tendring District Council, who would be more directly concerned with that.

01:41:44:22 - 01:41:59:10

There is a related point where we get on to requirement nine, where a different structure is adopted, and we certainly think that that is appropriate to deal with it in terms of an outline followed by a detailed plan. But those are different control documents.

01:42:08:28 - 01:42:19:16

I think then we will see what the local authorities variously say in that Nerys and written reps about um, requirement eight in particular.

01:42:22:06 - 01:42:22:24

Mr. Fallon.

01:42:25:15 - 01:42:27:02

I was just going to say that, um.

01:42:29:24 - 01:42:37:23

I'm sorry. I've struggled to find out. Where is this code of construction practice? Already drafted somewhere, so I've not seen that phase. Apologies if that's the case, but.

01:42:38:01 - 01:42:40:24

It's application document 253.

01:42:42:03 - 01:42:44:02

Okay. Um. Hopefully.

01:42:46:12 - 01:42:46:27

Okay.

01:42:47:07 - 01:42:48:06

Um. I'm getting.

01:42:48:23 - 01:42:49:29

I have got the right number.

01:42:50:12 - 01:43:29:18

Right. Great. Thanks. I will I'll, um. I hope that sort of reflects some of the, the private negotiation document that we talked about yesterday, but, um, I presume I can put some put that in our written report if it doesn't. Yeah, but I mean, and take a look at it. I think the only thing I was slightly concerned about is that there's negotiation over the management of my client's land asset, and soil is being agreed by the local planning authority now not to, um, cause any offence, but sometimes I think the landowners might know a bit more about soil management then perhaps By a local planning authority.

01:43:29:20 - 01:43:39:10

So I just always slightly nervous that sometimes those amendments, that construction practice have been done without reference. Back to the actual landowner, who's the one who's going to be physically affected by this?

01:43:41:10 - 01:43:44:00

Whether there is any ability to consult or something.

01:43:50:04 - 01:44:22:22

Well, as as things stand at the moment, the applicant is saying the document is final. I it's not a draft. Essex seemed generally content, um, that it would be fit for purpose, for want of a better way of describing it. Um, I think that the, the best way forward is for you to have a look at it on your client's behalf and to make any written representations about it, uh, in your written report that it's coming in due course.

01:44:29:20 - 01:44:31:07

Yeah. Okay, fine. Okay.

01:44:40:07 - 01:44:57:06

Um, I'm thinking I look at requirement 15 very briefly, and it's just a one word. Uh, most of the requirements have got the preferred must phrase will terminate. This one has got shall be used. Is something that you can take a look at.

01:44:58:04 - 01:45:03:09

Uh, let me get that. Yes. I'm aware of the, um, guidance not to use. Shall I will review that.

01:45:17:25 - 01:45:24:18

Um, looking at requirement 16, which is restoration of land use temporarily for construction.

01:45:25:19 - 01:45:26:04

Um.

01:45:28:20 - 01:45:32:22

And I think I'm just going to take a look at it properly.

01:45:43:16 - 01:46:11:05

Yeah. The wording talks about any land landward of, um, mean low water. I'm just wondering whether it might mean low water springs. I'm just wondering whether it might be better or clearer to actually, uh, use the work numbers that would be applicable rather than a reference to, um, low water springs.

01:46:12:20 - 01:46:20:05

Uh, can I I, I actually have an alternative suggestion. Sorry. Which is I believe there's a definition of onshore and offshore, and I could use the definition of onshore.

01:46:52:11 - 01:47:15:10

I'm turning to requirement 17, which is controlled noise during the operational stage. Um, this requirement refers to work 15 B, which is the onshore, um, substation. I'm just wondering whether it would be clearer to refer to onshore, uh, substation rather than a work number.

01:47:20:29 - 01:47:32:00

I'll make it happen. I will take that away in review, but I suspect all that would happen as you'd end up with a, uh, a definition of onshore substation and article two, which then referred to work number 15 B. I'm happy to consider it.

01:47:33:06 - 01:47:49:05

I'm just thinking in terms of the practicalities of particularly the discharging authority. Um, what's easier or um, in terms of transparency, um, you've got to then refer back to work 15 b to work out what it is that you're actually discharging.

01:47:49:29 - 01:47:57:03

Uh, for the applicant, there may be a very simple middle ground here of just putting onshore substation and brackets after work. Number 15 B.

01:47:57:06 - 01:47:58:07

Something like that. Yeah.

01:48:04:07 - 01:48:27:14

And subparagraph two of this requirement talks about noise investigation protocol. What is meant by the noise Investigation protocol. I've got a pretty good idea in my mind. But, um, what I might think what others on this table might think. Others in the room. I think I'm just wondering whether it needs some clarity in terms of definition.

01:48:28:18 - 01:49:14:16

Uh, Paul McKinney for the applicant. So this is one of the elements where we have been working together with National Grid and North Poles, because if there is a noise complaint, which is believed by the complainant to be emanating from the three substations and proximity, it would be challenging both for the complainant and the local authority to work out easily which substation is the one causing the issue. The Noise Investigation protocol is intended to be common across the three developments to explain how any complaint would be addressed and investigated so that it could be established which substation was causing the issue, and therefore who had to take the remedial action at that protocol in terms of being able to show something to the to the examining authority.

01:49:14:18 - 01:49:25:23

And this examination is under development, but it's not yet agreed with the other parties who have to agree with it so that it can be applied commonly across all three schools. We are working on it is just not finished yet.

01:49:42:08 - 01:49:53:25

So presumably the intention in the fullness of time, but before the examination closes is we potentially will see a document which then might be actually referred to in that requirement.

01:49:55:29 - 01:50:10:09

For the applicant, given that there are three schools and we are not in control of all of them, I suspect it will be an outline of the final document, but so that it can be tweaked in other detail examinations as required. But yes, we do plan to submit something as soon as we are able to.

01:50:29:18 - 01:50:38:09

That's Essex in particular have anything to say about requirement 19? Sorry, 17. I've jumped to number.

01:50:41:27 - 01:50:44:11

No, sir. Um, are you.

01:50:44:13 - 01:50:48:21

Aware of anything that perhaps Tendring? No, no, not at this stage. Okay.

01:50:48:27 - 01:51:14:09

Obviously not. We're not in the in the world of wishing to call it environmental health officers out this year. But as your report correctly identifies, there are some properties that are quite close to this, particularly Norman farm and the farm near it. So what can you put in place? Before we move on, I've actually got a question about, um, something that we've gone past, which is seven.

01:51:16:00 - 01:51:19:07

Um, and that's the provision of landscaping.

01:51:21:06 - 01:51:22:26

So applies to.

01:51:23:13 - 01:51:24:09

Yeah. Sorry.

01:51:24:11 - 01:51:24:27

12.

01:51:24:29 - 01:51:34:22

Mr. wood, can I come back to that? I'll, I'll carry on through my list and then we'll, we'll pick up any observations you've got on anything that I haven't got on my list.

01:51:41:14 - 01:51:45:01

Oh, uh, Miss Mystery.

01:51:46:21 - 01:51:47:17

Yes. Good afternoon.

01:51:47:19 - 01:51:51:04

Thank you. I just wanted to say that as, uh, Eleanor story.

01:51:51:06 - 01:51:55:06

Tendring District Council. Um, I'm not aware of any conversations.

01:51:55:08 - 01:51:56:19

As yet with regards to.

01:51:56:21 - 01:52:07:05

Uh, the noise investigation protocol. Um, I don't think there's anything happened with Essex yet or with Tendring, but we would be keen to be part of that. Thank you.

01:52:26:21 - 01:52:55:07

I'm conscious of what you said about three parties, i.e. that the three respected developers are trying to pull something together. Um, will there ultimately, well, potentially be scope once the three developers think they've got something sensible down in writing for that then to be shared, perhaps for comment from the likes of Tendring and or Essex.

01:53:01:00 - 01:53:08:08

Parliament. That is the intention. So we were trying to get the three developers agreed on a proposal to put to the councils to consider.

01:53:40:06 - 01:54:10:03

And then turning to requirement 19 which onshore build options. Um, really the the question there is what is the purpose of this as a requirement because it seems primarily to do or have more to do with compulsory acquisition. Um, and is it therefore something that would not be more appropriately, um, located within the. CCA or compulsory acquisition articles.

01:54:13:15 - 01:54:21:10

Because on the face of it, there's a requirement for the app or the Undertaker to notify the local authority. Um.

01:54:23:11 - 01:54:44:25

Which up build option is being followed? Um, but I'd say that seems more to to being an indicator to the affected persons or landowners, um, that, uh, there is a route, uh, and that will be then a route into compulsory acquisition potentially.

01:54:47:03 - 01:55:08:04

For the applicant. So if we may, I would rather respond to this in writing and along with the detailed draft questions as and when they are issued in their final form, because this and the compulsory acquisition and the land ownership notifications and so on, all tied together quite closely. I very much take your point, but it is quite a complex answer, and we really would prefer to respond in writing. If that's acceptable, that's fine.

01:55:13:20 - 01:55:32:12

Then heading for requirements 21 and 22. Um, hopefully fairly simple question are these meant to be different requirements or actually are they the same requirement. And in fact what just happened is um, 22 is crept in when instead it should have been a sub paragraph.

01:55:35:12 - 01:55:40:00

Uh, for the applicant. Yes. It looks like it should have run on. I will review that one.

01:55:58:01 - 01:56:19:01

And then my my final point on requirements is requirement 26, which is is it actually a requirement? Um, because this is the mechanism for um, discharging of details and where there are approvals for those approvals to be in writing. Um,

01:56:20:17 - 01:56:43:28

to me, I would have thought it would be clearer if each and every requirement that requires discharge in writing for that to be stated in the relevant requirement, rather than having, um, this, which is in effect an instruction to the local authorities to undertake the discharge in writing, which is the norm anyway.

01:56:46:18 - 01:57:12:03

I think this comes from a model provision. Um, but I suspect this is now a bit out of out of date in terms of how, um, requirements have been handled in numerous made orders. Now, I think the vast majority of them are now certainly taking the route of adding the written approval route, um, within the actual individual requirement, which is potentially a lot cleaner.

01:57:13:13 - 01:57:44:10

Uh, for the applicant, I'm afraid I'm going to respectfully disagree with you there, sir. I had a quick check of the recent offshore wind precedents, and this wording or similar wording is in a lot of them. Um, I, I'm not. Also, I'm also not sure I agree that the guidance would say that it's better to state it in every requirement rather than to state at once that because that adds unnecessary length and creates a risk of admission on one where it should apply. I'm very happy to take the point that we in review and address it in response to the written question on a similar point.

01:57:44:24 - 01:57:45:09

Okay.

01:57:45:17 - 01:58:08:12

Um, do the local authorities have a view as to what their preference might be in terms of whether each and every requirement requiring discharge? Um, the approval details, whether they should have the reference to written approval into them, or are you content with article 26 doing the job?

01:58:11:19 - 01:58:17:22

Turning to Tendring first because you're the ones local authority potentially having to discharge the most.

01:58:19:17 - 01:58:26:09

I would need to come back on that in our local impact report. I don't feel I can answer that at the moment.

01:58:27:04 - 01:58:27:19

Essex.

01:58:27:21 - 01:58:39:05

Any views and county council other than to say that we don't necessarily want to duplicate tasks for the applicant, sir, which is a kind of a roundabout way of me saying I don't know at the moment.

01:58:41:22 - 01:58:56:00

I'm all I would say on the point that I made that outside the offshore wind, um, sphere of work and what the examining authority's preference seems to be the norm.

01:59:04:21 - 01:59:15:04

The best way to leave that is that the applicant can, um, have a further thing about it. The local authorities can have a further thing about it and respond in due course in writing.

01:59:19:11 - 01:59:25:23

What? That takes me to the end of the points that I had on requirements. Um,

01:59:27:08 - 01:59:38:21

from the local authority perspective, are there any other requirements that you wish to make a comment on? Mr. Bedford is certainly giving an indication. So is Mr. Woods, I think.

01:59:40:00 - 01:59:44:19

Sir. Thank you. Mark. Logistics came to Council seven provision of landscaping. So.

01:59:46:28 - 01:59:47:13

Um.

01:59:49:25 - 01:59:58:03

At 71 the landscaping scheme has to be in accordance with the outline the Landscape and Ecology Management Plan.

02:00:00:10 - 02:00:09:07

I refer you to the examination library and the recent, uh, copy of the same. Is it as 006?

02:00:14:07 - 02:00:18:29

And for this one, sir, I primarily want to talk about aftercare.

02:00:21:05 - 02:00:24:01

Um, Essex is a dry county

02:00:25:20 - 02:00:26:05

and.

02:00:27:27 - 02:00:59:25

There are there were proposals around the table yesterday that you read yesterday that you heard about potentially bonding certain areas, etcetera, etcetera, which compounds to, um, drainage issues, particularly repairs to the landscaping. But if you look at power of 1.4 of as 006 bullet point for the aftercare Period. The establishment of the establishment of vegetation is set to five years.

02:01:02:01 - 02:01:28:16

We think this is too short a period, and we will request a period of ten years where that aftercare can be guaranteed. To make sure that any landscaping, screening or for that matter by biodiversity net gain as is at requirement 22.

02:01:32:06 - 02:01:33:01

And have

02:01:34:20 - 02:01:38:10

a certain uh, a certain degree of success to it. So.

02:02:03:21 - 02:02:06:02

Um, excuse me, Miss Spaghetti.

02:02:07:19 - 02:02:36:07

Uh, for the applicant, I think we need to be quite careful here that we're all talking about the same thing. There's a difference between aftercare and long term management, and that differences set out in the oil lamp. Um, there's also a difference in different sites. Um, there's a difference between aftercare for reinstated hedgerows along the route and the landscaping around the substation. Being is a separate issue again, and there are different periods for each of those set out. I'm sorry, can you excuse me one second?

02:02:47:24 - 02:03:17:24

Uh, Paul McAdoo, if the applicant. The one that we want to distinguish is the hedgerows along the route where we would object to the period being doubled to ten years, because that then doubles the length of time with which we need to interfere with the landowners ability to manage their own land, as we have to do. We have to restrict what they can do to ensure that those hedgerows remain in place, that we can access them, we could monitor them and we can replace them. We we do not feel that doing that for a period of ten years of our hedgerows is justified.

02:03:18:01 - 02:03:37:23

The landscaping around the substation, which forms greening, we have to maintain and that goes into the long term management, not the aftercare. And then being is separate again. If we are in order to be BNG. There has to be long term management for 30 years. So there are it's aftercare. Aftercare is one stage of a process. It's not the whole process.

02:04:06:24 - 02:04:11:02

Mr. widget does what Miss Spaghetti has just said give you any,

02:04:12:18 - 02:04:18:22

um, more confidence in what the Olympics is trying to do and the provision of landscaping.

02:04:19:10 - 02:04:23:24

Uh, sir Mark County Council, it does, but it's by no means clear.

02:04:30:06 - 02:04:41:10

Might it then be appropriate through your written rep, that you indicate how you think the wording and the area might need to be changed to address your concern and or requirement?

02:04:41:12 - 02:04:44:21

Seven uh, not to cancel. Yes, sir.

02:04:50:27 - 02:04:51:15

Mr. fell.

02:04:57:03 - 02:04:57:26

Uh uh.

02:04:58:06 - 02:05:34:28

Yeah. I was just going to say that my experience on restoration schemes, this extends to quarries and everything else, is that it's normal for hedgerows to be ten years. Five years, um, is just not really long enough for, you know, trees, hedgerows to get established and well up to back where they are. There would still be a lot of beating up and, uh, weed control required after five years. So my experience is always ten years for hedgerows and trees and, uh, that's just a normal part of it, I think. I think farmers would rather, you know, if there's access required to come back in again, there'll be compensation provisions accordingly.

02:05:35:00 - 02:05:40:21

That shouldn't be a reason for plucking out, managing of them in, in that intervening period.

02:05:54:05 - 02:06:00:29

Thank you. Um, any. Excuse me, any other observations about, um,

02:06:02:27 - 02:06:03:15

either.

02:06:05:22 - 02:06:08:17

Requirement seven or any of the other requirements?

02:06:11:07 - 02:06:11:27

Let me finish.

02:06:12:14 - 02:06:12:29

Yeah.

02:06:13:01 - 02:06:13:16

But

02:06:14:23 - 02:06:16:26

not we'll just kind of cancel your pardon? No, sir.

02:06:18:10 - 02:06:18:28

Mr. Bedford.

02:06:19:02 - 02:06:39:24

Thank you. Thank you, sir. Michael Bedford, Suffolk County council. No comments. Obviously on requirement seven. Um, so can I take you back, first of all, to requirement to the offshore design parameters, uh, where there are two points I wanted to, um, raise

02:06:41:13 - 02:07:20:27

The first is, I think, really by way of clarification and seeking from the applicant reassurance. Um, if you look at, um, that requirement, it requires the offshore works to be constructed in accordance with the parameters set out in table one. And then table one, then sets out what those parameters are. And it's the way that they work in conjunction with each other, uh, in relation to particularly the offshore wind turbine generators.

02:07:21:11 - 02:07:49:16

And certainly on one reading of this, there is, uh, nothing explicit, which would preclude the provision of 79, uh, WGS to a maximum height of 399, which I appreciate is likely to be varied in the next iteration of the consent order to 370 70m. But as worded,

02:07:51:02 - 02:08:22:03

there's nothing to say that you can't have the maximum number and the maximum height arithmetically. That might not be possible because of the intervening, uh, maximal total rotor swept area. And there's no doubt a complicated calculation that somebody else other than me could do as to what actually, uh, would be the true maxima that could be achieved if you complied with all of those parameters.

02:08:22:13 - 02:08:35:19

And as I understand, the applicant's, um, submissions and documentation, there is no intention on their part to have, um.

02:08:37:19 - 02:09:11:25

The maximum number and the maximum height. And we had a discussion, uh, at issue one about what was likely and I think the applicant was very clear. It was not even intended that it would be a mix and match of within one array. There would be a mix of some tall ones and some less tall ones. It would be either one or it would be the other. So I know that's the intention, but it's translating that so that it's explicitly precluded by the parameters of the order.

02:09:14:01 - 02:09:33:22

In terms of this requirement, as opposed to simply being with, that's what the applicant is intended. Um, because, uh, in my submission, it wouldn't be appropriate to leave that possibility in there knowing as we do that technologies change and also commercial judgments change over time.

02:09:35:11 - 02:10:29:15

So that's the first point. And it's really just how does one clarify? Because I haven't seen anything else in any of the other documentation, which specifically would preclude the applicant from achieving the greater number at the greater height. The second point is a separate point, and it's a point that relates to the matter that we rehearsed at, uh, um, Irish uh, one. And it's the issue of whether it is appropriate for this, uh, developed consent order to give the applicant the option of choosing, in due course, an either or option of the wind turbine generators, that's to say, either, uh, 79 to 1, sorry, 79 less tall ones or 41 to ones.

02:10:31:19 - 02:11:19:14

And we know that we're expecting some further information from the applicant on that. In the light of the change request, and we are also expecting to have some dialogue with the applicant about the landscape, seascape, visual implications of the different permutations. So we don't at the moment have a conclusive view as to which would be the least worst of the two permutations. But we do think that unless there is a good justification, which we don't think we've yet seen, for leaving that flexibility, we think that the order as made should limit the applicant to whichever option is the least worst, but which will still deliver obviously the project's requirements.

02:11:23:20 - 02:11:27:25

So that's those are two points on requirement two.

02:11:29:15 - 02:11:34:03

Then In relation to requirement nine.

02:11:34:19 - 02:11:44:19

Sorry. Yes. Can I suggest that we see whether the applicant wants to respond to requirement to first before we move on to the next requirement?

02:12:19:01 - 02:12:35:06

Uh, Paul McKinney for the applicant, um, our initial response is that we don't particularly agree with the points that are being made here. However, we would prefer to wait to see the Suffolk submissions,

particularly there. I respond to them trying rather than trying to do it ad hoc and without sight of their fully developed argument.

02:12:49:23 - 02:12:50:08

Thank you sir.

02:12:50:18 - 02:12:51:03

Yes, sir.

02:12:51:13 - 02:12:52:15

I'm at nine. Yeah.

02:12:53:03 - 02:13:30:02

Requirement nine. Um, and this relates, uh, to, uh, the approval of subsequent plans, uh, and, uh, in relation to the construction traffic management plan, as we've already rehearsed, uh, during the final part of H. Uh, one earlier today. Clearly, the Suffolk County Council has local highway authority, has a number of concerns about traffic, uh, matters, which is not yet, to its mind, being satisfactory resolved.

02:13:30:04 - 02:13:59:09

And so what we would, um, be suggesting, uh, not that we become the discharging authority for this, uh, requirement, but that there is built into the requirement a requirement to consult, uh, the Suffolk County Council as local highway authority for the local roads within its administrative area that may be affected, uh, on any matters relating to construction, traffic management.

02:14:03:11 - 02:14:38:15

And then, um, related to nine, but not yet, uh, present part of nine. You'll again recall from the discussion at issue one earlier today that we made suggestions about there being a need for an outline port management plan and if the, um, examining The authority were in agreement that there is a need for such a plan. We would think that that would probably be conveniently added as an item D to the list of plans in item sorry in requirement nine.

02:14:48:03 - 02:14:59:28

But I'm happy to pause there if the applicant wants to respond. But if the applicant is again going to say they want to take things away and see what the law says, I'm happy to carry on in your on their hand spaghetti.

02:15:00:26 - 02:15:31:27

Well, let me give you for the applicant, um, I think the first thing we would note is that the onshore works or works 4 to 17, the LPG compensation works as work 18 so it wouldn't actually be covered anyway. Um, we do not agree that the works to create the LPG compensation area at um Orford Ness, should that go ahead, are of such a degree or a scale that CNP is justified or necessary. So we would not be proposing that a CNP for those works was put forward with respect.

02:15:31:29 - 02:15:41:06

I suspect that's probably my fault for not explain my point clearly enough, but that wasn't the reason why I was seeking, uh, consultation with the county council on the CNP.

02:15:42:22 - 02:16:11:20

The concerns I was raising at each one this morning in relation to the traffic implications were the issues about HGVs and potentially ales, depending on how that debate unfolds, rather than the issue of simply, uh, traffic access to the Lbg area. I see Mr. Harrison is, uh, indicating that he understood that was where I was directed to. So I don't know whether that alters the response the applicant wants to make.

02:16:19:03 - 02:16:39:26

I mean, sitting here, I don't think that's an unreasonable proposition that Suffolk be a consultee in effect of, um, Essex because it they are the neighbouring highway authority. Um, and there is the potential for some traffic to be routing via Suffolk's local highway network.

02:16:42:00 - 02:16:55:07

Um, for that and I'm going to have to take that one away and get instructions. I mean, I am my understanding is that our interaction in Suffolk would be on the SRN, not the local roads, but I will take that away and get better instructions.

02:17:00:07 - 02:17:12:03

Then, um, the remaining uh, um requirement was requirement 1818, requirement 18, the skills and employment strategy.

02:17:14:12 - 02:17:39:03

Uh, and there is an outlined skills and employment strategy, uh, which is already in the examination library. I'm afraid I can't give you the immediate reference, but it exists, and it's quite clear that it includes within its ambit, discussion of initiatives and measures within both Essex and within Suffolk, and we very much welcome that.

02:17:40:18 - 02:18:38:18

It is also the case, as I think is being, uh, already indicated in our relevant rep, but will be elaborated in our local impact report. There are a large number of other, um, infrastructure projects happening or planned to be happening within Suffolk at the moment, which also have, uh, implications for skills, resources, supply chains, uh, and, and similar. And what we, uh, clearly want to see is that the, um, the benefits, Uh, in terms of, uh, economic and skills benefits are deployed in the way that is the most effective and in a way which doesn't involve, as it were, duplication, uh, or indeed discordant initiatives coming forward because there's a lack of coordination.

02:18:39:19 - 02:19:10:01

And so, again, we see this as an example where there should be written into the requirement, uh, a clear commitment that there is consultation with Suffolk County Council, which is coordinating those various employment skills matters within Suffolk to ensure that, as it were, the maximum benefit is gained from the measures in the strategy. Uh, and we don't see that as, as it were problematic.

02:19:10:10 - 02:19:20:17

Uh, but we do see that as building in a better way of ensuring that the benefits are widespread and are realized. So that's our issue on requirement 18.

02:19:32:06 - 02:20:02:08

And um, we would refer to table one in the outline plan, which already list Suffolk County Council as a consultee and as a consultee. On the final plan, we consider it's more efficient for them to be consulted before the final plan is submitted for approval by the applicant. When the plan is in draft, rather than being consulted by the discharging local authority under time pressure at the stages and for approval, we adding them to the requirement pushes the requirement to consult onto the discharging authority run. That being done.

02:20:02:10 - 02:20:17:16

There's quite a long list of stakeholders in that plan that would be consultees and for example, adding them all to the requirement we think is, first of all, not necessarily because it's an outline and secondly just moves the part into the local authority, instead of it being carried out at an earlier stage by the developer.

02:20:35:21 - 02:21:21:05

So could I briefly come back on that point? Michael Bedford, Suffolk County Council We're certainly happy to be consulted by the applicant during the preparation of a plan, but there is an important distinction. If the only consultation with this with the applicant and the applicant doesn't yield to our points, as it were, we don't have a recourse to to make those points. Whereas if the discharging authority is required to consult the person, who we will be making those points to will be the discharging authority. And we think that that is an important protection to ensure that the public interest is properly safeguarded in relation to the important issue of skills and, um, employment benefits.

02:21:38:25 - 02:21:39:10

It's.

02:21:41:02 - 02:22:07:23

Not just a matter of record, sir. Um, I'd just like to pass my thanks on to the applicant for actually putting this strategy together and for the engagement they've carried out so far, which I think will be beneficial to the local area in terms of jobs and skills and employment. Um, something which they've taken on. Um, uh, given also given the fact that the Planning Inspectorate, in its infinite wisdom, scoped it out and the original idea was submitted. So thanks to the applicant for doing that.

02:22:15:25 - 02:22:20:05

Mr. Bedford, did you have anything else on requirements for Suffolk?

02:22:26:06 - 02:22:26:26

No, thank you, sir.

02:22:28:27 - 02:22:30:03

Yeah. Mr. Fowl.

02:22:34:24 - 02:23:18:14

Um, I'm afraid I, um, I need to to disappear somewhere, but I just have one very final point on on all this. And that was in relation to cable depth. I think it's something that we mentioned previously in previous sessions, and I couldn't see any reference to that. And I have just not been able to find it. But I am slightly concerned that the cable depth that we're being told may not be, or there's certainly there's an indication from five series that that cable depth may not be maintained throughout, and I would like to see that minimum cable depth, um, as a, as a requirement under the order, um, through the farmland.

02:23:18:16 - 02:23:22:09

Otherwise it causes a significant interference in the future. Potentially.

02:23:30:26 - 02:23:37:22

Thank you, mister fellow. No doubt the applicant can respond to that, perhaps in a written submission. Yep.

02:23:39:07 - 02:23:53:23

Uh, with that, I would prefer to wait for Mr. Vale's written submission and pick up all of these points, if that's acceptable, sir, if we'd rather not do it in our post-meeting submission, when we are aware that the same deadline, then further submission should be coming from Mr. File. Yeah.

02:23:56:10 - 02:23:59:06

Still ping pong? Yeah. Contend with that.

02:24:06:06 - 02:24:14:12

Uh, Mr. Kelly, if that was your last point, then certainly we're content that you, um, go off to whatever other engagement you have.

02:24:15:16 - 02:24:23:03

Thank you. Children, it's Beaver's night, and I've got to look after the youngest, too. Sorry about that. Thank you very much for all your help.

02:24:23:16 - 02:24:24:02

Thank you.

02:24:27:27 - 02:24:39:06

Well, I did indicate a little while ago that we would go for half an hour. I think we've gone for nearly 55 minutes. Are people content to carry on, or do people want a short adjournment?

02:24:43:03 - 02:24:49:09

Views on the short adjournment. Not getting any indication in the room. Anybody online?

02:24:52:24 - 02:24:53:09

I think

02:24:54:21 - 02:24:55:22

we'll carry on.

02:25:13:29 - 02:25:28:07

Um, I had something in schedule seven, which is a formatting point. I think we already picked up that, um, there might be wider scheduling formatting points as well as the issue with schedule one anyway, so take that for Red.

02:25:37:05 - 02:25:47:21

I actually had two other questions. Well, within clarification, I think where we're going to do this is my final, um.

02:25:49:23 - 02:26:23:29

When a clarification was really an update in respect of deemed marine licenses as MMO aren't attending this hearing, I think we can park that and we'll we'll look at schedule nine, which is protective provisions, which no doubt is of interest to a number of the parties here. What I was going to do was going to ask the applicant to give an update date on negotiations. But again, because of where we are time wise, I think it's going to be more appropriate for those parties here are attending the hearing who have an interest in protective provisions.

02:26:24:06 - 02:26:41:17

If you want to highlight potential areas of concern, and I think the way I'll start is with national highways, then look at the local authorities, then come onto the ports or those with a maritime interest. So national highways first,

02:26:43:16 - 02:26:45:11

anything on protective provisions?

02:26:47:15 - 02:26:48:00

Mr. bloom?

02:26:49:24 - 02:27:22:15

Um, well, we've um there is there are some outstanding matters, um, between us, across the whole protective provisions. There is some difference between us, but we've got a meeting this week. Um, next week. Sorry to, uh, to work them through. Um, so, um, I, you know, Sarah just popped off for a moment, but, uh, the advice that I've got is that, uh, we're confident we'll be able to resolve them. So, um, there's nothing that that's causing us huge concern.

02:27:22:22 - 02:27:35:01

Uh, and so we've got the meeting next week, and, um, Sarah is planning to, uh, to put our, um, any outstanding concerns in writing in our, um, deadline one submission.

02:27:47:12 - 02:27:58:13

Thank you, Mr. Bloom. I mean, if that is all, um, from National highways, if you and your colleague wish to go and do something else, By all means, do so. Thank you.

02:27:59:08 - 02:28:00:05

Thank you very much.

02:28:04:15 - 02:28:06:15

Uh, turning to.

02:28:08:15 - 02:28:10:00

Essex County Council.

02:28:11:21 - 02:28:20:28

Thank you sir. I was just going to cancel, um, in the time today. So I think what we'll say is we will defer to comments on this on our local impact report, please.

02:28:28:24 - 02:28:31:26

Thank you. Mr.. Future Suffolk county Council.

02:28:33:26 - 02:28:40:22

Thank you sir. Michael Bedford, Suffolk county council. So unless there are particular works to, uh,

02:28:42:11 - 02:28:49:21

transport infrastructure assets within Suffolk and none is yet currently proposed, we wouldn't be seeking protective provisions.

02:29:01:15 - 02:29:02:02

Um.

02:29:02:21 - 02:29:04:24

Turning to pla. Then?

02:29:08:13 - 02:29:43:28

I found Mrs. Vicky Fowler. Um, on behalf of the Port of London Authority. Um, so we have there's two areas where we're looking for protective provisions. The first is regarding the onshore, um, and the radar site, and we're very close to agreement on those. Um, there's just one point of difference. Um, on the offshore, we've only received those recently. Um, and at the moment they mirror those for the London Gateway, um, port um, which involves approval of the cable specification, um, installation plan.

02:29:44:05 - 02:30:10:03

Um, so we would expect those protective provisions to go much further. Um, and we've indicated our, our concerns and requirements, to the applicant. And as a next step, we would propose providing the protective provisions that we would like to see. Um, so as a way forward, we will comment on those in our written representations and obviously keep you updated with those negotiations.

02:30:12:24 - 02:30:14:19

As a way forward. Thank you.

02:30:26:01 - 02:30:30:20

Thank you, Mr. Powell. And then turning to.

02:30:33:19 - 02:30:34:18

London Gateway.

02:30:37:05 - 02:30:52:13

That's Trevor Hutchinson on behalf of London Gateway Port Limited. Um, no comments on the provisions as written at the moment. We may seek to, um, uh, make representations in relation to any suggestions that are made particularly by the PLA, in their recent submissions.

02:30:54:02 - 02:31:00:06

But as things currently stand, are you generally content with what you're seeing in the protective provisions?

02:31:00:10 - 02:31:11:19

Yes. Content. Um, we've attended today really in a reactionary and hopefully a helpful approach. If there were any proposed amendments to the provisions, we could react to those proposed amendments.

02:31:12:29 - 02:31:14:14

Thank you for the clarification.

02:31:17:25 - 02:31:29:25

Is there anybody else present in the hearing that has an interest in protective provisions that we've not already heard from? I'm not seeing anything in the room nor online.

02:31:32:12 - 02:31:38:07

Does the applicant want to respond to anything that's been said about protective provisions by the other parties?

02:31:39:06 - 02:31:41:14

No, thank you, sir. We agree with the updates you've been given.

02:31:44:06 - 02:31:52:18

And amongst so any of the other parties that you're negotiating protective provisions. Are there any that are, um,

02:31:54:09 - 02:32:02:02

proving more troublesome, let's put it that way than others that that perhaps the examining authority needs to be aware of at this stage?

02:32:04:19 - 02:32:09:27

Uh, Paul McCabe, applicant. No, sir. There's none that I would draw to your attention with identified in the resolvable issue.

02:32:23:01 - 02:32:37:00

I mean, I think we've seen things from some of the utilities wanting you to use standard wording. Is that something that is progressing their standard wording rather than the wording that you first suggested to them?

02:32:38:12 - 02:33:06:23

Uh, for the applicant, yes, we have had standard wording and from a couple of utilities, um, we are in negotiation with them on bespoke that we are generally adopting it, despite the recent guidance that they shouldn't be just applying standard wording without applying it to the facts of the case. But in order to get this done in time, and because we are negotiating these jointly with North Poles so that each undertaker has an identical set of provisions across the two decoders, we are generally just accepting it.

02:33:40:15 - 02:33:43:15

And turning to item 3.2, would you believe.

02:33:44:17 - 02:33:45:16

But three.

02:33:45:18 - 02:34:06:01

One was always going to be the one that were the was the most significant discussion in terms of other consents, licenses and agreements. Is there anything from the applicant in terms of other? Is there anything else in that category, and if so, is any progress being made to get those matters sorted?

02:34:07:08 - 02:34:16:24

Well, let me give you for the applicant as set out, another consents and licenses document, the other concerns that we would need would be posted this consent and therefore they will not be being progressed during this examination.

02:34:42:02 - 02:35:01:09

And then the final item was really, um, from what you understand of North Falls draft order. Are there any consistent, well, inconsistencies between what you've got in your order versus what they have in their order?

02:35:03:14 - 02:35:03:29

Uh.

02:35:04:24 - 02:35:09:09

Then she might cause a tension if if both orders are made. That's really what the point of the question is.

02:35:10:09 - 02:35:33:19

Uh, for the applicant know. Um, as I mentioned briefly earlier, um, they reviewed ours. We've reviewed theirs. We are both content that that they set together. There are some stylistic differences, and there are some presentational differences because they were drafted by different legal teams and

consensus teams. So, for example, the work numbers are not identical, but the substances and we are content that they set together.

02:35:53:23 - 02:35:54:08

Thank you.

02:36:01:06 - 02:36:04:29

Are there any other, um,

02:36:06:18 - 02:36:09:23

DCO type matters that anybody wishes to raise?

02:36:11:10 - 02:36:19:07

Looking at those in the room first. Anything from local authorities? I'm not seeing any indications, Mr. Bedford.

02:36:19:09 - 02:36:53:20

So the only point. Michael Bedford, Suffolk County Council, we have looked at North Hall's, uh, draft development consent orders together with the applicants. There are some areas of difference. There are some requirements which are not duplicated as between two. I think rather than taking up examination time on that, I think we will deal with that in the same way that we suggested we would deal with our other issues on the terms of the DCO. Let's say we will liaise with the local authority most affected by those differences in the first instance, and we will also include those in our dialogue with the applicant.

02:37:25:06 - 02:37:28:16

Thank you. Anything from NDP online?

02:37:31:16 - 02:37:33:09

I'm not seeing any indications.

02:37:41:21 - 02:38:14:24

Nothing really. Just brings us to review of actions arising out of this hearing. And I don't think there are many from my recollection, because the applicant has already indicated that in terms of reviews of the content of the order, that that's something that's already ongoing. And I think that was really the primary, um, area that might have needed some further work. Um, are you able to give an indication when you think we might see the first redraft of the draft order?

02:38:17:03 - 02:38:33:29

Oh, thank you for that. So the intention is to put in an updated version at deadline one. Our intention would also be to use that updated version as the basis for the change request, so that we don't cause unnecessary confusion by putting in two different versions at that time, unless that would be unacceptable to use our.

02:38:41:28 - 02:38:52:06

The only potential difficulty in that, of course, is if when the change request is formally lodged and we don't accept the change request.

02:38:53:03 - 02:39:15:22

Apologies. Maybe I wasn't being clear enough. We will put in an updated, let's call it a version, because I honestly can't remember if we called it a or one revision. Be it deadline one, we will then use revision B as the basis that we track the change request into. So if you don't see all that, see if you don't accept the change request, revision C will never take effect. That's that's what I'm suggesting that iteration versions.

02:39:15:25 - 02:39:16:14

Yeah yeah okay.

02:39:27:10 - 02:39:31:22

In terms of your tracking of actions was is there anything else that the applicant spotted along the way to.

02:39:32:22 - 02:39:55:17

Good if without looking? Putting aside responding to people's reps as they come in because that's standard. I have noted that we are going to provide a justification for seeking seven years, or the intention of compulsory acquisition. Powers and examples. We're also going to expand on that justification and the explanatory memorandum. We will also respond to why we are seeking seven years within requirement one.

02:39:58:16 - 02:39:59:01

Um,

02:40:00:20 - 02:40:13:06

I did not responding to the idea of phasing the development to National Grid. However, I am thinking that's possibly more appropriately done in response to air, as at that point is going to be picked up in Warsaw.

02:40:14:11 - 02:40:22:17

Yes, because at that stage you'll have a comprehensive picture of what the various parties are saying about that. And there were some slight differences.

02:40:22:26 - 02:40:23:11

Yeah.

02:40:23:23 - 02:40:39:11

Um, and the final point I have not sorry that we, um, review the all sorry, the outline landscape and the ecological management plan Planned regarding aftercare and long term maintenance to see if we can make it clearer, await Essex County councils in that area as well. But we will look at it in the meantime.

02:41:01:21 - 02:41:21:11

Thank you. Then I think, does bring this to the close of the hearing. Um, I'd like to thank everybody for your participation this afternoon. Um, and we've actually managed to get there a little bit ahead of schedule compared to where we were about an hour and a half ago. So thank you very much. This hearing is now closed.

02:41:21:13 - 02:41:21:27

Thank you.