



Hearing Transcript

Project:	Five Estuaries Offshore Wind Farm
Hearing:	Issue Specific Hearing 4 (ISH4)
Date:	31 October 2024

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00:00:05:19 - 00:00:25:24

Oh good afternoon everybody. It's now 3:00. And this hearing issues specific hearing for is now open. Can I just check in the room that everybody can hear me. Yeah. And can I check with somebody online that you can both hear and see us in the room or me in the room at the moment?

00:00:28:06 - 00:00:30:21

Yes, sir. Can hear and see. See you online.

00:00:31:02 - 00:00:31:17

Thank you.

00:00:36:09 - 00:00:40:29

Can I also check the case team that the live stream and recording have both commenced?

00:00:41:21 - 00:00:44:27

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

00:00:45:06 - 00:00:59:26

Thank you. I'd like to welcome everybody then to issue specific hearing for which concerns the drafting of the draft development consent in respect of the application for the proposed five Estuaries Wind farm.

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

My name is Graham Gould. I'm a charter town planner and an examiner inspector with the Planning Inspectorate, and I've been appointed by the Secretary of State as the lead panel member that comprises the examining authority. Now, I'm going to ask my colleagues to introduce themselves. This is Norman.

00:01:18:03 - 00:01:25:29

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.

00:01:29:04 - 00:01:37:14

Good afternoon. My name is Matthew Heron. I am a chartered town planner and an examining inspector, and have been appointed as a panel member of the Examining Authority.

00:01:39:15 - 00:01:50:11

Good afternoon. My name is Mark Harrison. I'm also a chartered town planner and an examining inspector. I have also been appointed as a panel member of the Examining Authority.

00:01:52:03 - 00:02:26:17

Good afternoon. My name is Felicity Weber. I'm a chartered town planner and an examining inspector. I have been appointed as a panel member of the Examining Authority. 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. At this point, I'd like also to introduce the members of the Planning inspector, its case team who are supporting us today.

00:02:26:19 - 00:03:05:02

You have already spoken to them. We have K.J. Johansson, case manager for this project, and Deborah Allen, another colleague of the Planning Inspectorate. In addition, technicians from the audiovisual company, a CVS international contracted by the applicant, are in attendance solely for the purpose of managing the recording and live streaming for this hearing. I'll now cover some housekeeping matters. Can everyone please set all devices and phones to silent? Toilets are located adjacent to the registration desk.

00:03:05:04 - 00:03:39:12

Fire alarm. Alarm tests. In the event of fire alarm, please leave the room using the marked fire exits at either end of the building or the building central staircase. Then make your way to Assembly Point A in the main car park, which is on the left hand side of the parking area. You should wait at the assembly point until the stadium. Staff are advised that it is safe to re-enter the hearing room. Um. There are no scheduled um practices for um fire alarm today.

00:03:40:03 - 00:04:23:05

Hearing format. Today's hearing is being undertaken in person with some online participation via Microsoft teams. We will make sure that if you are attending online today, you will be given a fair opportunity to participate. 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? If you are participating online and you wish to speak at the relevant point in the proceedings, please use the raise hand function.

00:04:23:18 - 00:04:54:09

Please be patient as we may not go to you immediately, but we will invite you to speak at the appropriate time. 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 five Estuaries Offshore Wind Farm project page of the planning Inspectorate's National Infrastructure website as soon as practicable after the hearings. Conclusion.

00:04:54:11 - 00:05:28:01

With that in mind, please ensure that you speak clearly, clearly into a 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 these to be brought to you before you speak. If anyone wishes to use social media, report, film or record during today's hearing or any subsequent hearing, then they are free to do so.

00:05:28:03 - 00:06:08:09

But please do so responsibly and with the proper consideration for other parties. 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 this application on the planning Inspectorate's National Infrastructure Planning project page for this application, 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.

00:06:09:02 - 00:06:46:03

General Data Protection Regulations. It is necessary for me to say a few words on the GDPR. This hearing is being recorded as well as being live streamed. The digital recordings are retained and published. They form a public record that can contain your personal information and to which the General Data Protection Regulations applies. The Planning Inspectorate practice is to retain the unpublished recordings for a period of five years, from the Secretary of State's decision for this application.

00:06:46:05 - 00:07:20:13

Consequently, if you participate in today's hearing, it is important that you understand that you will be recorded and that you will therefore consent to the retention and publication of the digital record. The Exa will only ever ask for information to be placed on the public record. That is important and relevant to the determination of the application. It will only be in the rarest of circumstances that we might ask you to provide personal information of the type that most of us would prefer to keep private or confidential.

00:07:20:17 - 00:07:55:22

Therefore, to avoid the need to edit the digital recordings, I would ask you to try your best not to add information to the public record that you would wish to be kept private, and that is confidential. Please bear in mind that the only official record of the proceedings is this recording that are to be placed on the Inspectorates website, tweets, blogs and other similar communications arising out of this hearing will not be accepted as evidence in the examination of this application.

00:07:55:24 - 00:08:01:16

I am now going to pass over to Mr. Harrison to cover some other introductory matters.

00:08:03:09 - 00:08:37:05

Thank you. I'm now going to ask those of you who are planning to speak at today's hearing to introduce yourselves. Could you please introduce yourself, stating your name and who you represent, along with the agenda item or items you wish to speak on? Um, if you're not representing an organisation, please confirm your name, summarise your interest in the application, and also confirm the agenda item that you wish to speak on. And please, could everybody also state how you wish to be addressed i.e.

00:08:37:10 - 00:08:57:05

Mrs., miss, Mr., etc.? Um, so could we start with the applicant and its advisors, please. If we could hear first from whoever will lead the submission in this hearing today, and then from others who are expected to make regular contributions.

00:09:01:12 - 00:09:10:05

Good afternoon, sir. Miss Paula Majidi, I miss Lester Burgess. And on behalf of the applicant and I will ask, can introduce themselves starting on my left, please.

00:09:12:14 - 00:09:15:15

Uh, Mr. Daniel Bates, offshore consents. Lead with the applicant.

00:09:16:09 - 00:09:18:29

Julian Boswell. Burgess. Salmon for the applicant.

00:09:20:09 - 00:09:22:22

Alice Maynard, engineering manager for the applicant.

00:09:24:24 - 00:09:27:07

James Eaton, onshore consents manager for the applicant.

00:09:30:28 - 00:09:45:12

Thank you. Um, and as with the previous hearings, um, could I ask if there is someone amongst the applicants team who is able to keep a list of any action points as they arise during the course of the hearing. Thank you. I'm seeing a nodding head.

00:09:47:20 - 00:10:19:04

I am now moving on to the other interested parties who intend to speak in this hearing. Again, please introduce yourself and let us know which agenda item or items you wish to speak on. Um, I'll be covering in these introductions those who are both present in the room and also online via teams. Um, so if I could start with, um, Essex County Council. Um, those in the room and also online.

00:10:20:02 - 00:10:41:11

Thank you sir. Good afternoon to both yourself and the remainder of the panel. My name is Mark woods. You're a principal planner working in the growth and development team, Essex County Council on Insight Projects. Um, and I'd like to speak on each item as I see as necessary, sir, at this particular time. Thank you. And a colleague of mine is online. Thank you.

00:10:51:24 - 00:11:12:15

Good afternoon. I'm Miss Susan Mesa, and I'm here from Essex Legal Services on behalf of Essex County Council. And I will be, um, speaking to items, um, 3.1 and 3.2, but I reserve, um, the ability to talk to any other items.

00:11:14:00 - 00:11:14:24

All right. Thank you.

00:11:16:24 - 00:11:20:13

Uh, turning next to Suffolk County Council.

00:11:22:08 - 00:11:33:06

Thank you sir. My name is Michael Bedford, King's counsel instructed on behalf of Suffolk County Council, and we expect only to need to speak on item 3.1.

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

Thank you.

00:11:40:16 - 00:11:42:21

Um, for National Highways.

00:11:45:13 - 00:11:46:00

Hmm.

00:11:47:07 - 00:12:18:13

Good afternoon. Um, my name is Jeremy Bloom. I'm a consultant representing National Highways, happy to be referred to as Mr. Bloom. And, um, just to give my apologies, regrettably, for not my apologies. Apologies, regrettably, for Sarah Marshall, my legal colleague who's been called away on urgent business. But, um, I'm hoping to only speak on item 3.3. Protected provisions, if necessary. Uh, I can deal with that if required.

00:12:18:25 - 00:12:26:25

Um, and to refer back to to Mrs. Marshall if there's anything specific that I need to do. So thank you.

00:12:28:10 - 00:12:29:09

Thank you, Mr. Bloom.

00:12:31:06 - 00:12:34:23

Uh, next for the Port of London Authority.

00:12:39:12 - 00:12:47:00

Good afternoon, Sir Lawrence, solicitor of Gowling for the Port of London Authority, and I'm joined by my colleague Lucio, and he'll introduce herself now.

00:12:48:23 - 00:12:52:00

Good afternoon, sir. Lucy Owen for the Port of London Authority.

00:12:54:11 - 00:12:54:29

Thank you.

00:12:56:19 - 00:13:00:08

And for London Gateway Port Limited.

00:13:03:09 - 00:13:15:15

Good afternoon sir. Um, Trevor Hutchinson, um, from London Gateway Limited. Happy to be referred to as Mr.. Um, we expect to only be speaking on item 3.3 today. Thank you.

00:13:17:27 - 00:13:18:15

Thank you.

00:13:21:09 - 00:13:24:13

Good afternoon sir. Paul Brooks, DP world, London Gateway.

00:13:28:29 - 00:13:29:14

Thank you.

00:13:34:17 - 00:13:48:07

Right. So I think that's everybody that I was expecting on my list. But could I just check, um, whether there is anyone else present, uh, that hasn't introduced themselves yet?

00:13:51:15 - 00:13:52:00

Good.

00:13:54:23 - 00:13:55:08

Okay.

00:13:57:27 - 00:13:59:09

So, uh.

00:13:59:25 - 00:14:08:23

I think that concludes agenda, this agenda item one. So I am now going to pass over to Mrs. Norman for agenda item two.

00:14:10:07 - 00:14:26:05

Thank you. So just to run through the purpose of the hearing, it will generally follow the agenda as issued on the Five Estuaries Project page on the 22nd of October. It would be helpful if you had a copy of this in front of you, and perhaps the applicant could arrange for the agenda to be displayed on screen, please.

00:14:27:29 - 00:14:59:03

Um, you will see the hearing guidance noted in that agenda document. Um, I'm assuming that everyone's read this, and therefore I don't propose to spend time reading out now, but I will just make some remarks. The examination of this NQF application will primarily be conducted in written form. So the purpose of today's hearing is for the examining authority to hear evidence concerning the applicant's amended draft Development Consent Order, which is Rep 1008, and the accompanying explanatory memorandum, which is Rep 1010.

00:14:59:10 - 00:15:32:26

And the matters for discussion during the course of issue four have been identified by the Examining Authority based on its consideration of the application documentation, the relevant representations made by other interested parties, and the oral and written submissions up to and including examination deadline two. And when you're answering the questions, please ensure that you provide succinct answers and where a question is deserving of a yes or no type answer, then please respond accordingly, followed by any amplification as necessary. Are there any comments or questions anyone wishes to make under this agenda.

00:15:33:08 - 00:15:34:08

Agenda item.

00:15:37:27 - 00:15:48:06

Nope. Okay. Thank you. So that concludes this item of the agenda. So we will turn to item three. Now beginning with item 3.1. And I'll hand over to Mr. Gould. Thank you.

00:15:54:02 - 00:16:12:15

So item 31A um, looking to the applicant to give us a headline, um, run through of the main changes that were made to the draft order that have found their way into rep 1008.

00:16:16:02 - 00:16:18:12

All I could do for the applicant. Thank you. Sir. Um.

00:16:20:19 - 00:16:55:11

An article seven. Uh, the benefit of the order. We have added new paragraphs nine and ten regarding the notification of transfer of the benefit. These were added in response to MMO requests, and obliged the applicant to notify various parties of any transfer of the benefit. In article eight, this application. We have sought to add this application of the need to get RSI ascent or works where only in the situation where there is hydraulic fracturing breakout within the RSI, and we would want to address the cleanup of that as soon as possible, rather than having to wait and seek assent to do so

00:16:57:06 - 00:17:33:28

in article 16. This has been expanded to provide more clarity on what is meant by the traffic regulation, and to more explicitly cover the permitting or restriction of the use of roads through the imposition of traffic controls. Um, it's also in as well as trying to be more clear as also to provide greater alignment with the drafting that has been put forward by the North Falls project. And in our attempts to be as close as possible to one another on the works where we are proposing the same measures. We have added a new article 17, which is the power to alter the layout of streets.

00:17:34:13 - 00:17:51:29

We consider this as likely to be required on Bentley Road and been more minor and limited. Circumstances perhaps required. Where we are creating accesses. Again, there's also increases the alignment with the proposals being put forward by North Falls, who have included that article in their draft DCO.

00:17:53:23 - 00:18:09:25

Article 38 has been amended to include authority to lop depositories. Those particular trees and the works proposed to them are set out in schedule 12. Those trees were identified in arboreal cultural report but were omitted from the DCO application.

00:18:11:19 - 00:18:43:16

Um, we have moving on to requirements. We have, um, made various amends and including in response to comments from the examining authority and, for example, combining the various elements of requirements in relation to the onshore substitution Substation into one onshore substation works requirement. Um, I wasn't proposing to highlight any other changes, sir, but if I could possibly have a short period of indulgence to correct two errata in numbering, which has been. I've had questions from both the councils on. I think it may be helpful for forestalling unnecessary conversation.

00:18:45:02 - 00:18:51:13

Yeah, that may well assist. It may well be something I've also picked up on. So yes, if you'd like to deal with those points.

00:18:52:14 - 00:19:00:03

Uh thank you sir. Um, in table one, schedule two, the parameters of the development. If we could put that up, it's probably easier for people rather than.

00:19:02:15 - 00:19:36:05

Thank you. Um, the max seabed footprint for the wind turbines. The wind turbine generators, excluding scour protection, should not be 999,000. There is an additional nine. The correct number is

99,274m². And we will be correcting that. it's just, um, the max total seabed footprint for offshore substation platforms, excluding scour protection again, should not be 33,770.

00:19:36:07 - 00:19:53:05

It should be 3770. There is an extra three. And we will be correcting that. And finally in the line that says max torque of scour volume. And that should be max total scour protection volume. And again we will be making that change in the next revision. So.

00:20:34:12 - 00:21:05:03

Thank you, Mr. McGeady. What I'm now proposing to do is that under, um, item three one be looked to run through um, articles and schedules, starting with Essex and then Suffolk. If, um, you can indicate any areas of particular concern, um, or perhaps areas where you might want clarification.

00:21:06:07 - 00:21:18:07

Um, so I'm going to leave this bit, if you like, to each of the local authorities to say run through in order. Um, so, Mr. Wood, if you can start for Essex, please.

00:21:20:14 - 00:21:25:25

And could I ask that you go to a reasonable pace so that we we can keep up pen wise?

00:21:26:29 - 00:21:51:23

Thank you sir. Uh, Mark widget as its county counsel. Um, it'll come as no surprise that we obviously identified those issues that, um, the five issues team have pointed out. And, um, just like to thank them for making those changes. Um, if there are any additional points need to be made and invite my colleague, um, Susan Moosa to make those, please, sir.

00:21:58:23 - 00:21:59:17

Yes. Um.

00:21:59:25 - 00:22:33:17

Susan Maser from Essex Legal Services on behalf of Essex County Council. Um, thank you to the applicant for providing the updated DCO with regards to the points that we like to raise. Um, firstly, if we take article eight um and subparagraph I the addition of um the dis application of section 28 e and section 28 H of the Wildlife and Countryside Act.

00:22:33:19 - 00:23:05:19

We do note the applicant's position and that it's to allow for operations to be undertaken in the triple C should hydraulic fracture breakouts of the drilling materials occur, and we will consider Natural England's response. But in the interim, I think it would be helpful if, um, the applicant could provide some clarifications and explain the consequences of a hydro fracture breakout and the point to the relevant provisions of the IAS which deal with these eventualities.

00:23:28:03 - 00:23:28:25

Please proceed.

00:23:33:06 - 00:24:10:01

Sorry. Um. Would you like me to raise all of my points? Yes, please. Okay. Apologies for that. Also, with regards to, um, article nine, it's just, um, a drafting point. And just to flag that, um, it's just the wording just needs to in nine to a, uh, needs to be recast. But what we'll do is we can put that in

writing so that the applicant can and, and can consider that, um, with regards to article 16 traffic regulations.

00:24:10:03 - 00:24:27:10

And we would like to request some Clarifications. There are some, um, the drafting appears to have gone awry, but, um, that's something that will need to be addressed. But notwithstanding that, um, we'd like to. Sorry.

00:24:30:04 - 00:25:09:13

Um, we'd like to request some clarifications around, um, some of the additions. And with regards to, um, article 17, we'd also like to raise some clarification with regards to the power to alter the layout of the streets and clarifications as to whether that would be temporary, um, temporary changes to the streets. And we'd like to raise some things for schedule two, part two and paragraph five one and paragraph five two.

00:25:11:22 - 00:25:19:03

And that's those are the points that we, uh, like to raise. I can go in. I can raise them in detail if you'd like, or. Um.

00:25:20:26 - 00:25:52:18

Yeah. I think if you can go through each point, um, perhaps where there is, there are detailed drafting type matters, one of a better way to describe them, perhaps as errors. Uh, or what if you can just indicate that you think there may be an issue and then in a post hearing submission, actually spell out what those are rather than, um, perhaps spending a lot of time going through, um, more detailed drafting type points.

00:25:53:02 - 00:25:53:20

That's fine.

00:25:55:24 - 00:26:37:11

So, um, article eight one, I've already raised the point with regards to the, um, the cost of clarification. Um, article nine, we'll put that in writing. Um, we believe that there's a slight error. Article 16, the traffic regulations. Um, we'd request some clarification as to what the meaning of the the addition of or in consequence of which, um, is set out, um, under the, the refers to under the existing paragraphs two to paragraph six.

00:26:37:26 - 00:26:56:03

Um, for example, does this mean that the, um, that it can be exercised after construction is completed, and if so, for how long for and if that's not what it means? Just some clarifications around, um, what the drafting um, means.

00:27:00:19 - 00:27:42:15

And with regards to, um, article 16, paragraph Seven. And for consistency, weather maintenance works. The reference to maintenance works. Is that something that should be emitted? And if not for um, why not? And also the inclusion of the new paragraph 20 um, is is that has that been precedented in other DCS and is that relevant for this application?

00:27:46:20 - 00:27:52:20

And schedule to part two A part two.

00:27:54:26 - 00:28:15:28

Paragraph five one that concerns the fees to be paid to the local authority for dealing with the applications and discharge of requirements. Um our position. Um, we'd like some clarity around around the fees and, um,

00:28:17:16 - 00:29:01:29

request whether the applicant would consider whether this could be caveated similar to other DCS, whereby, um, it's been caveated for other bespoke arrangements. If bespoke arrangements have been agreed between the applicant and the um discharging authority that that's included. Um, paragraph five two. Um, we, um, we do feel that with regards to the, um, what has been set out, which, um, seeks to recover fees that have been made, that that's something that that should be removed from, from the DCO.

00:29:15:07 - 00:29:20:26

In respect of that last point, you're seeking removal of five two. And the reason for that is.

00:29:21:23 - 00:29:35:28

Um, because the the authority would have, um, done the actual work. Uh, therefore, the authority shouldn't be financially disadvantaged as a, as a direct result if it's had to, um, reject anything.

00:30:03:11 - 00:30:11:27

Um. Turning to the applicant, are you able to assist in in respect to the the article eight points that Mr. Moussa raised?

00:30:27:27 - 00:30:52:14

I'll make it if it can possibly not. And that the speed at which we think we. It would be helpful to move because we are currently checking the years with the references that would be sought to support that answer. Fundamentally, this is a fallback provision in the very unlikely event there is hydraulic fracturing breakout. Um, and if there is, it needs to be cleaned up. But we can provide those references. I don't actually have them at my fingertips, I'm afraid.

00:30:59:18 - 00:31:11:02

And that that can usually handle it? In a post hearing submission, Council can then review that and make comment at the next relevant deadline following that submission.

00:31:40:03 - 00:31:50:21

Then moving on to article 16. Um, any comment to make in response to what Mr. Musa said?

00:31:55:21 - 00:32:02:25

Particularly in terms of seeking clarification as to whether this article is for the construction phase only or

00:32:04:16 - 00:32:06:01

operational as well.

00:32:20:21 - 00:32:22:14

As for the applicant. Um.

00:32:25:25 - 00:32:33:15

I'm a little bit confused by the question because it says for the purposes of in connection with the consequence of the construction of the authorized development.

00:32:43:29 - 00:32:48:16

As far as I'm aware, this is Precedented wording. I'm happy to take it away and look at it, but I.

00:32:48:18 - 00:32:49:05

I'm.

00:32:49:15 - 00:32:51:22

I'm a little bit confused by the question.

00:32:54:06 - 00:33:00:12

Specific can you provide a little bit more explanation as to what the council's concern is. Please.

00:33:05:25 - 00:33:06:14

Certainly.

00:33:09:19 - 00:33:42:06

With regards to, um, article um, 16, it's just the so it's the addition of the in or in consequence of it's um, just requiring that I think it's just requiring that clarification. That, um, doesn't mean that the powers because there are, there are additional powers that were set out within um article 16, um, between.

00:33:42:08 - 00:34:08:27

So it's the numbering, the additional numbering of 2 to 6, um, that the local authority wanted clarity around. Does that, does that mean that that those will continue thereafter. Um, or is that something that because the in consequence of could be widely, um, interpreted?

00:34:22:19 - 00:34:26:02

We're happy to put it down and writing and as a posting.

00:34:28:06 - 00:34:35:03

I think I think that might assist uh, it'll provide a bit more clarity and then the applicant can respond accordingly.

00:34:52:00 - 00:35:07:02

Then going on to um, subparagraph five in part two of schedule five, which is the fees point. Does the applicant have anything to say in response to what Mr. Musa said?

00:35:07:26 - 00:35:30:24

Uh, Paula McKinney for the applicant. Um, this is a standard drafting, sir, and I've never, um, I've never been aware of an interpretation being applied to this, that they would in any way prevent a bespoke arrangement, but such as, for example, planning performance agreement for the discharge of requirements being entered into that this drafting is in place. That was certainly not the intention of it. I don't believe it as the effect of it. Um.

00:36:14:14 - 00:36:29:03

I'm just going to have a look at the wording. I'm wondering, do the curtains behind. Are they capable of being closed? It's just the sun is now very low and I think it's certainly affecting me. I don't know whether it's affecting my colleagues like.

00:36:33:03 - 00:36:34:05

That's much better. Thank you.

00:36:36:22 - 00:36:38:20

It's a shame to shut the sun out, but.

00:37:41:06 - 00:37:53:07

Are you able to give some examples of where um, subparagraph five 5 to 2 is preceded in recently made orders.

00:37:54:00 - 00:37:57:10

Uh, not off the top of my head. So I'm going to have to come back to you in writing.

00:37:57:21 - 00:37:58:14

Yeah. Thank you.

00:37:58:16 - 00:37:59:01

Okay.

00:37:59:20 - 00:38:20:12

I think then once we've got those, uh, precedent, um, council can have a look at those. We can also take a view, um, and then potentially re explore this issue with another hit, either in written question or if we hold another hearing at another hearing.

00:38:25:24 - 00:38:33:24

So in terms of Essex, was that essentially all the, the matters that you wish to raise in terms of the drafting of the order as it stands at the moment?

00:38:34:06 - 00:38:38:03

So, uh, Mark Wood County Council. Yes.

00:38:46:27 - 00:38:48:24

This week, sir, you've popped up on screen.

00:38:49:03 - 00:38:54:07

I've just come to clarify. Susan May, Essex County Council clarify. No further comments raised.

00:38:54:13 - 00:38:54:28

Thank you.

00:38:56:00 - 00:38:59:03

Then turning to Suffolk. Mr. Bedford.

00:39:01:24 - 00:39:45:16

Thank you sir. Michael Bedford, Suffolk County Council. Uh, so before I deal with this specific Suffolk points, if I could perhaps just add from Suffolk's general experience that certainly in relation

to fees, uh, it's strong uh, preferences to see that usually dealt with by a planning performance agreement, which allows obviously more flexibility for a, uh, appropriate recompense for the work done. But it's also our experience that, uh, whilst it's not unknown for, uh, made orders to include reference to the Town and Country Planning Act, uh fees regulations.

00:39:45:28 - 00:39:59:26

That is very much only a proxy. And clearly those fees regulations were not drafted on the basis that they were intended to cover development consent order, discharge of requirements.

00:40:02:03 - 00:40:14:17

And and certainly it's our experience that depending on the nature of the project, there can be an enormous amount of work involved in the discharge of DCA requirements.

00:40:18:01 - 00:40:39:17

Which tends to, uh, lead us to encourage bespoke arrangements such as planning performance agreements to cover the costs, rather being capped at what is effectively a relatively arbitrary figure, which was produced, obviously by the regulations for a different purpose.

00:40:41:12 - 00:41:32:09

So whilst I say clearly we're not the discharging authority, so I'm only making that as a kind of a general point just from our experience. But uh, uh, we certainly, uh, were we to be the discharging authority in this case, we would not be content with, uh, the terms of article five so far as the rate of fees. And we also wouldn't be content with the idea in paragraph 52 that if an applicant submit an application which is, as it were, turned away, as being inadequate or invalid, usually you only find that out after you spent time going through the application, and therefore it seems somewhat unjustified to expect the applicant to have his fee returned for having submitted something that wasn't fit for purpose.

00:41:35:15 - 00:41:43:26

But I say those those are generic comments because I say we recognize we're not the discharging authority on these requirements.

00:42:02:06 - 00:42:45:01

So then, turning to the matters that are of direct concern to Suffolk County Council. So you'll recall obviously at issue specific hearing two, we set out some particular concerns about the scope of the development and also the timing of aspects of the work. Uh, and those particularly relate to the wind turbine generators. Uh, both the issue as to their dependency on the um East Anglia Connection Node substation for their practical utility.

00:42:47:15 - 00:43:00:25

And the issue as to the height of turbines and the numbers of turbines, and whether there should be a choice retained within the order for the applicant to choose.

00:43:03:27 - 00:43:09:20

And we really made those concerns in the context of impacts

00:43:11:09 - 00:43:15:21

on the national landscape of the offshore wind turbines.

00:43:21:06 - 00:43:32:14

We suggested at issue two and in the post hearing submissions, which are rep 1071, how those issues could be addressed

00:43:34:03 - 00:44:01:18

via the addition of requirements to schedule two dealing with phasing and dealing with the applicants choice. It's fair to say we haven't thus far put forward precise wording for those changes, and they are obviously dependent upon the view that the examining authority takes on the, as it were, substantive underlying points.

00:44:04:03 - 00:44:37:01

Obviously, if you are with us on the underlying points, then you would want to see, I suspect, from both us and from the applicant, some wording that you could consider that could address those points off. If you're not with us on the points, then you're going to be less interested in such wording. Um, so as to how we can best help you in terms of taking matters forward, uh, certainly we would recognise that you would want to have any, uh, alternative wording.

00:44:37:19 - 00:45:12:29

Um, effectively, before, uh, you reach your own, um, potential schedule of recommended changes to the development consent order and next year, which would certainly mean that you would need them before I think, um, what if actually by no later than deadline five, but that may be later than you would be, uh, wishing to see things. So I'm making this point more in a sort of a question of inquiry for you to consider.

00:45:13:26 - 00:46:02:12

Is it potentially one could simply deal with the matter through written post, hearing submissions and, uh, responses to those from the applicant and so on. Another alternative would be obviously, uh, were you to be interested in any of these points for the second round of written questions to actually invite the parties to submit, um, potential wording, no doubt on the applicant's side, on or without prejudice basis, as is often done in development consent order examinations where an examining authority simply wants to, as it were, have uh, the, uh, armoury or the, the material to cover things, even if they may not be matters that the applicant is particularly proposing.

00:46:03:12 - 00:46:43:03

So, sir, I've raised this point in a slightly, uh, inchoate way because it would be helpful to have some kind of guidance, in a sense, as to how best you would like, uh, us to proceed in terms of that putting flesh on the bones. And I say there's a number of different ways that it could be done. Uh, and obviously some guidance from you would be helpful on that. Um, but I'd say those were the key points which relate to the question of phasing, particularly of the offshore wind turbines, until there is clarity as to the East Anglia connection node.

00:46:46:25 - 00:47:21:06

And the question of the scope of works in terms of the, um, choice between the large turbines but a lesser number, and the smaller turbines but a greater number. And as to whether that choice should be left open to the applicant or actually the development consent order should settle on what is the least harmful of the two options, and only if an order were to be made authorise that least harmful one.

00:47:21:15 - 00:47:24:04

And I say there's arguments about that.

00:47:27:15 - 00:47:55:14

Slightly less, um, at large as as topic was, the more as it were prosaic points that we also made at issue two, uh, and which have gained no reaction, or at least no positive reaction from the applicants because they're not picked up or addressed in any way in the changes that have been made to the draft DCO. And these concern, uh.

00:47:58:02 - 00:48:13:01

Two matters. Two of them concern the issue of consultation, uh, and using what I think is now the numbering, it's now requirement seven in relation to the construction traffic management plan.

00:48:15:13 - 00:48:21:20

And requirement 16 in relation to the skills and employment strategy.

00:48:24:10 - 00:48:36:04

And in relation to both of those Obviously for different underlying reasons that were explained. Uh, at uh, issue two,

00:48:37:23 - 00:48:47:03

we consider that Suffolk County Council should be consulted, so should be a express consultee.

00:48:50:00 - 00:48:58:26

By the discharging authority on the discharge of those requirements in relation to those documents.

00:49:03:15 - 00:49:05:21

Because of the potential.

00:49:09:00 - 00:49:30:17

Or the subject matter of those plans to have impacts on Suffolk in terms of the local highway network. So far as requirements seven and the construction traffic management plan is concerned, and so far as the wider skills and employment initiatives which are intended to be, as it were.

00:49:32:15 - 00:50:10:08

Both are Cross County, so they're both Essex wide and Suffolk wide. So we consider there should be consultation with the county. Um, but that should be by the discharging authority, not merely any prior, uh, engagement between the applicant and the local authorities, because it's important that the public authority responsible for discharging is able to take into account the consultation responses.

00:50:13:00 - 00:50:18:28

Of the county council. And I'll just illustrate it's a particular point in relation to requirement.

00:50:20:28 - 00:50:30:25

16 which is the skills and employment strategy. The discharging authority would be tendering district council as the relevant planning authority,

00:50:32:18 - 00:51:07:06

and we would suggest that they may not necessarily have the widest handle on county wide initiatives in Suffolk, where there's a number of development consent order projects which have either been approved or are in the process, which will also have employment and skills initiatives. And there is a need for, as we've said in our representations. A coordinated and coherent delivery strategy.

00:51:11:19 - 00:51:51:06

Then there is also a separate matter in relation to requirements, which doesn't obviously have a number at the moment. We were debating it at some length yesterday. That's to say the requirement for a port construction traffic management plan. We still see that as something that is needed. Were it to be something that the, um, examining authority share our concerns about. Clearly, it's the sort of thing that would need to either be its own requirement or it would be a plan that could be, uh, added into the plans, which I think are now in requirement seven.

00:51:51:08 - 00:51:58:07

There's a list of plans that come forward, and that may be an equally convenient way of dealing with it.

00:52:12:05 - 00:52:45:25

That's essentially in terms of the county council's position, there are those two wider issues about the framing of the, as it were, the nature of the development, where I say we would certainly welcome some guidance if the examining authority felt able to give it about procedurally, how? Timing wise, you would like that to be dealt with. And then secondly, there are those more specific matters on the wording of those particular requirements, where we would very much hope that the applicant would see the sense of what we're saying and would, um, uh, revise those matters.

00:52:45:27 - 00:52:55:26

But even if the applicant doesn't, we would certainly urge the examining authority to make those recommendations in their own suggested changes. Thank you sir.

00:52:59:05 - 00:53:49:27

Thank you, Mr. Bedford. Um, I think one of the points we we covered, um, during issue specific hearing, let's get this right to, um, which was the matter of phasing for want of better way. And if my recollection of what the applicant's response was correct or my my recollection is correct, the the applicator indicated that, um, because of the scale of the project and particularly, um, the capital price, um, it would be extremely unlikely that any works on shore would start without, um, in effect, the funding being in place.

00:53:49:29 - 00:54:11:18

And a lot of that would be reliant as things currently stand in the regime anyway, in effect, having got an award under the cost for difference auctioning process. Um, because that seems to be almost the start stop in terms of if a project of this nature is going to go ahead. Um,

00:54:13:03 - 00:54:17:10

perhaps does the applicant want to comment further on that.

00:54:18:25 - 00:54:19:10

Uh.

00:54:19:12 - 00:54:49:19

Well, let me get you for that. I'd like to make a slightly different point, if I could, sir, which was at the last hearings, what we actually said was we wanted to see Suffolk's case infill in there earlier and respond to that. We have not had a deadline to do so yet. The deadline to do that is deadline three. Um, I therefore feel it is somewhat premature to be seeking deadlines for us to be putting in without prejudice wording when we've not even had a chance to reply on the principle, which we don't necessarily agree with in terms of the contracts for difference.

00:54:50:11 - 00:55:09:09

There is a whole lot more complexity to nuance to that, sir, and we are that that is one of the points we wanted to pick up in our response. Um, but yes, fundamentally, if we do not have a CFD, we would not be starting because in most cases. But there is complexity and nuance, and it would take a very long time to go through it all today. And I don't think it'd be particularly helpful.

00:56:01:06 - 00:56:29:28

I think certainly in terms of the the phasing point, um, applicant needs to make make a response to whatever you put in your leer on that point, which we would expect to be seeing deadline three. I think at that point, um, the examiner authority would then be in a position to indicate what would have an understanding of what the applicant's response was, to the point in detail. Um.

00:56:31:00 - 00:57:02:22

Sir, could I just interrupt for a moment? I apologize for doing so. Sorry. Michael Bedford, Suffolk County Council. The the sequence of events is not quite as indicated. I think, in those comments on behalf of the applicant, after the issue was raised at issue specific hearing to. We did articulate our position in our post hearing submissions following the initial round of, um, uh, issue specific hearings.

00:57:02:24 - 00:57:35:15

And so that was provided actually by us at deadline one, because we had provided that an exposition at deadline one. We didn't then repeat that in the local impact report, and obviously the applicant had an opportunity to make its comments on what we had said at deadline two. But actually what the applicant did was, I think, in the applicant's own, um, post hearing submissions after those initial um,

00:57:37:13 - 00:57:47:01

uh, specific hearings, the applicant made it clear that it wasn't, uh, persuaded that there was a need for, um, such phasing.

00:57:49:23 - 00:58:05:17

So the parties at the moment, as far as I had see, had reached, as it were, an impulse. Uh, certainly. Uh, it's open to the applicant to submit something further to explain its position. Uh, at deadline three.

00:58:10:26 - 00:58:45:25

I'm just just pinning a note to myself. I think this is a matter that the examining authority can pick up as part of EC2. Um, because, Mr. Bedford, as you indicate, you've made a submission, uh, following is H2, um, which came in as a deadline one submission. Um, we've also got the applicants post hearing submissions. So yeah, I think this is a matter we'll take forward through the consideration of EC2.

00:58:46:23 - 00:58:54:00

Um, as to how we think we might want some further advice from one or other or both parties.

00:58:57:09 - 00:59:05:03

I think that perhaps takes, um, the phasing point as far as we can in terms of.

00:59:07:06 - 00:59:37:14

Um, whether the scheme were 41 large or 79 small. We've, we've had a bit of a debate about that over the last few days. Again, I think that is something that, again, we can pick up in Q2. We may well ask, on or without prejudice basis, for some words that might possibly form the basis of a requirement.

Um, if we felt that that was something ultimately that we thought needed to be recommended to the Secretary of State.

00:59:39:22 - 00:59:41:20

Julian Boswell for the applicant,

00:59:43:14 - 01:00:26:05

we are going to be putting in sort of a detailed position, and we're going to be having some dialogue with with Suffolk, as Mr. Bedford had indicated yesterday. But I just can't tell you strongly enough how fundamentally destructive to this being a fit for purpose offshore wind DCO. It would be for there to be any factor on the flexibility on turbine choice that is at the heart of this and every other offshore wind DCO, and that is going to maintain our that will be our position going forward.

01:00:26:28 - 01:00:43:21

And then and as I said yesterday, it simply isn't the case that there is some binary choice between large turbines and small turbines. There's a spectrum. And that's at the absolute heart of the commercial, um, procurement strategy.

01:02:19:25 - 01:02:40:21

I think as we sit here today, that's as far as we can take. Suffolks to primary point in terms of requirements seven, requirements 16, and the suggestion that Suffolk be a consultee and through the discharge process, does the applicant have anything it wishes to raise in that regard?

01:02:53:01 - 01:03:05:10

Uh, Parliament could be for that, but can I suspect, sovereign? I'm agreeing to disagree. Territory. We fundamentally don't accept that there is an impact that requires Suffolk to be a named Consultee on the face of the DCO for these matters.

01:03:30:13 - 01:04:04:20

The Michael paper for Suffolk County Council. I can understand from my understanding of what the applicant's case is, that that may cover why the applicant is not prepared to make any change in relation to the MP, but I don't understand it to be the applicant's case that so far as skills and employment initiatives, that they are not intended to be cross County. So I thought the applicants resistance to us being a consultee on the employment skills strategy was a different reason.

01:04:04:22 - 01:04:34:06

I think the applicant's position there was, I've previously expressed it was because they would consult as an applicant, and therefore they didn't think that the discharging authority ought to consult us. That's obviously a slightly different point, and we have responded to that in our, um, post hearing submissions and also in our local impact report. And I'm not clear whether the applicant's position is any different, it just repeating its previous position. But certainly that earlier answer didn't address that point.

01:05:12:01 - 01:05:34:28

Do you want to say anything further? I mean, this may well ultimately be an issue. When we hear the two sides, um, don't agree with one another, and the examining authority might, in making whatever recommendations to the Secretary of State just have to take a view as to what it thinks is appropriate. But, Mr. McGeady, do you want to say anything further?

01:05:35:05 - 01:06:02:06

Uh, let me give you for that. But again, we did include Suffolk as a consultee in the outline plan. We were doing that in an effort to be collaborative and engage widely and act as a responsible developer. It does not mean that we accept there is an impact. It needs to be mitigated. Those are two different things. We are not pulling back from that voluntary engagement and the commitment to commit and consult with them in the outline plan. It's that is different to them being named on the face of the DCU. And we're going to maintain that position, sir.

01:06:16:00 - 01:06:32:16

Then, as I indicated a few minutes ago, I think this is a point where ultimately the examining authority is just going to have to come to a view in making its recommendation to the Secretary of State in the final version or so in the recommended version of the DCO. Okay.

01:06:47:03 - 01:06:53:10

Mr. wood, you're just hearing that dialogue. Was there anything that you might want to add to the Essex position.

01:06:56:10 - 01:06:59:02

Sir Mark was your Essex County Council. Um.

01:07:01:22 - 01:07:12:06

In terms of socio economic impacts. That was the question, wasn't it, that he came back to. Well, yes. Essex County Council have been engaged with the applicant,

01:07:14:04 - 01:07:16:12

um, in seeking to.

01:07:18:15 - 01:07:23:19

Ensure that the development makes a positive contribution.

01:07:25:29 - 01:07:27:04

To the um.

01:07:29:18 - 01:07:33:05

Economic framework of particular the Tendring Peninsula.

01:07:34:26 - 01:07:43:06

Um and to the applicant's credit, um discussions with that have been quite detailed and we made ongoing.

01:07:47:20 - 01:07:54:19

Obviously. Um, the applicant company have a presence. Harwich. Ah ah ah ah ah ah ah ah ah ah ah ah ah ah ah ah.

01:07:57:05 - 01:08:10:00

And we consider that their, um, attempts to try and recruit, educate and bring people into work loving farms is genuine.

01:08:15:22 - 01:08:20:10

And those as I indicated, those discussions are ongoing.

01:08:22:24 - 01:08:32:18

And I say it's to their credit to because obviously, um, the Planning Inspectorate actually scoped out that topic when the development was originally

01:08:34:06 - 01:08:35:02

put forward to you.

01:08:42:25 - 01:08:44:02

Thank you. Thank you, Mister Butcher.

01:09:05:14 - 01:09:18:15

Okay. Well that then I think brings us on to agenda item three one. See which are questions specifically from the examining authority. And I've got a few points to raise.

01:09:26:05 - 01:09:29:23

So if I run through those in turn.

01:09:43:01 - 01:10:16:17

Um, for the applicant in respect of article seven, which is the benefit of the order and the revisions that have been made largely in response to the memos comments. Have you, in any recent discussions, had any indication from MMO as to whether or not the changes are generally addressing its concerns? Because the MMO in its, um, deadline two submission rep two zero 54 simply commented that it would be making comments in due course.

01:10:17:14 - 01:10:34:04

Um, which doesn't really assist things sending authority, particularly when we've got a question deadline coming, but are you able to assist at all in terms of having had perhaps recent discussions with them as to whether or not this article in particular is now closer to what he would like?

01:10:34:27 - 01:11:05:07

Uh, polymer goody for the applicant. Um, we have a meeting set up with the MMO next week. Unfortunately, we couldn't we couldn't get it earlier. And in terms of the transfer of the benefit. I suspect, sir, that we can predict now that the cause of examination will still be disagreement about the principle of transferring deemed marine licenses, because that has been the recent experience on almost every other offshore wind farm. I am aware of the other changes we have made as the more requested, but that point of principle, I suspect, will remain not agreed.

01:11:31:08 - 01:11:37:17

Well, that is it means we will be asking question to try and see their response.

01:11:41:06 - 01:12:01:18

Can we then move on to. What is the new article? Article 17 power to alter layouts, etc. of streets. Um, and really the query that I want to raise is in respect of subparagraph five. He says hopefully just.

01:12:12:22 - 01:12:14:25

Now I've told myself a dummy on the numbering.

01:12:24:27 - 01:12:39:27

No, no, I'm right. Sorry. I'm looking at a track change version. It's not quite so straightforward to hard copy. Final version. Um, yeah. Subparagraph five. Uh, the reference there to, um.

01:12:46:14 - 01:12:55:00

In particular the street Authority. Um, I mean, would the undertaker be a street authority or should, um,

01:12:56:22 - 01:13:01:16

subparagraph five be reworded or deleted? Um.

01:13:01:29 - 01:13:09:19

Well, I make it up, and I suspect this has come straight from the president. So given that we would never be the street authority, that final sentence could be deleted. I.

01:13:09:27 - 01:13:19:28

I had a feeling that it perhaps might have come from up a highways scheme where either there was a highway authority involved or national highways involved.

01:13:34:15 - 01:13:36:15

Is that something you'll take away and review?

01:13:37:12 - 01:13:44:00

Uh, Paula McGeady for the applicant. Yes, sir. We intend to put in a revision at the DC or the deadline three. Anyway, that's, that's a point we'll pick up.

01:13:57:25 - 01:14:06:17

And then moving on to article 47 which requirements and appeals. Um read the query here.

01:14:08:02 - 01:14:44:04

If if the examiner is reading item 47 correctly in in implies that should the Secretary of State make a refusal decision and that would be Secretary of State for Energy Security and net zero. Then that decision would go on to another Secretary of State for Redetermination. But we're struggling to see under what circumstances that might arise in this order, certainly as far as schedule two is concerned, which is where the requirements are.

01:14:44:06 - 01:15:21:01

All the requirement discharges would be for a local authority, and therefore the right of appeal would go through the Secretary of State and presumably ultimately end up with somebody in the inspector at dealing with the appeal, because that seems to be the way it would go. Um, so I'm just really seeking clarification as to whether or not, um, certainly. Firstly, has the examining authority interpreted article 47 correctly, that there is an appeal arising from a Secretary of State decision?

01:15:23:01 - 01:15:29:16

And would there actually be any circumstance where that right of appeal would arise under the provisions of this order as currently drafted?

01:15:32:15 - 01:15:42:16

Uh, let me give you for the applicant, if I could, sir, I'd like to tell in a way, because I would like to just dig in to the background of why this has been included in the forum. It's been, and I can't off the top of my head. Remember the thinking behind that, I'm afraid.

01:15:49:00 - 01:16:15:10

I mean, again, coming back to Transport Scheme or particularly National Highways, I could I could sort of understand the logic that if this was a highway scheme where the Department of Transport was, um, being asked by National Highways to approve the details of the requirements, which is the way their requirement discharge seems to go, that if for any reason, um,

01:16:16:25 - 01:16:45:17

the Secretary State for transport decided to refuse one of those submissions made by National Highways, it might get sent on to another Secretary of State for review, but that would seem to be perhaps the only, um, and maybe another instance would be having skimmed through the order, perhaps if, um, coming back to any requests to, um.

01:16:54:15 - 01:17:08:19

Yeah. Under article seven. So in effect, the power of the undertaking being transferred to another party and the Secretary of State refused that whether that would then bring it into play. But those are the only two sort of scenarios that I could think this article actually,

01:17:10:07 - 01:17:15:19

um, might necessarily necessitate this appeal mechanism to another secretary of state.

01:17:16:03 - 01:17:16:18

Um.

01:17:16:21 - 01:17:30:15

Parliament could do that. But again, the the primary precedents for this draft DCO were offshore wind ones, not highway ones. So I'd be surprised if it was a pure hangover, which is why I would like to go and look into the background of it before I answer you, if that's okay. Please, sir.

01:18:04:27 - 01:18:15:20

Then if we couldn't return to requirement to in table one, I think again usefully perhaps if that could be displayed on screen.

01:18:43:16 - 01:19:03:00

Now the applicant in responding to our DCO question 127 which was actually in respect of the maximum total swept path area you've indicated in rep two, hyphen 39. Um,

01:19:04:16 - 01:19:07:18

you confirm that that parameter is correct.

01:19:15:14 - 01:19:52:05

Um, but when we look at that table, what what that table seems to be showing is that for some of the parameters, the maximum relates to a 79 or the small turbines. While some of the parameters relate to the 41 turbines, which scheme which starts to make it quite difficult to interpret. Now heard what was said earlier about the applicant's view. You want maximum flexibility. I think it would assist not for inclusion, at least at this stage in the draft version of the order.

01:19:52:11 - 01:20:14:25

But if we could have a table and standing alone, which clearly sets out, in effect, what the parameters would be for a 79 turbine scheme and what they would be for a 41 turbine scheme, because I say it's quite difficult to interpret that table because it somewhat mix and match.

01:20:19:21 - 01:20:47:18

Paul McGinley for the applicant, I think again, the core of our response is going to be this is not a binary proposal. It's not 79 or 41. The swept area is the maximum that works for a range of different turbine sizes and numbers, because that is the controlling parameter. And to to put together a table where at this height you could have this number essentially. I'm not sure that it's actually in any way helpful because that number stays the same. The swept parameter number stays the same.

01:20:47:27 - 01:21:19:19

Yeah, I'm not so concerned about the swept path. It's all the other parameters. Um, because some of those relate um, either to the 41 or the 79. We heard evidence about 41. The larger turbines would be more widely spaced. They potentially have therefore a different cable corridor and different protection requirements to, um, to that that would be required for a 79 turbine scheme.

01:21:20:05 - 01:21:34:27

Uh, yes, sir, but the figure that's in here is a max for any configuration of where. This is the absolute worst case max for any configuration of wind turbines at any size, that is the maximum amount of cable and cable protection that we would need.

01:21:46:21 - 01:21:56:29

Okay. I think the best way to take this point forward is we'll, as an examiner, will have a further think about it and see how we might want to address it through EC2.

01:22:44:09 - 01:22:51:03

My. My next question is actually well for Essex and Tendring, but it'll be Mr. Woodhall responding, um,

01:22:52:23 - 01:23:38:15

at least this afternoon looking at requirement five, which is the onshore substation work's requirement, which is now an amalgam of at least requirements five and six in the um originally drafted version of the order that was submitted with the application setting aside asides, some legacy drafting issues which miss McGeady has indicated she will be looking at. Um, but in terms of the wording of that revised requirement, um, what are your observations? Are you generally content that it covers everything that you think it should do in respect of the onshore substation, in terms of matters of detail that would need to be submitted for approval?

01:23:41:26 - 01:23:51:12

Thank you. Mark Wood County Council. Um, for that, you're referring to 5181

01:23:53:02 - 01:23:54:03

and.

01:23:56:21 - 01:24:01:26

So just to go through that, we've got the layout scale

01:24:03:16 - 01:24:12:02

finished ground levels, which we touched on previously because he made a comment about the plinth height,

01:24:13:20 - 01:24:21:18

hard servicing materials, dimension, color and materials used for buildings and sing.

01:24:24:23 - 01:24:25:22

Lighting.

01:24:30:11 - 01:24:45:15

So I don't see any glaring emissions in that if we were to consider that. Um, those, um, those details, I think they're going to be sufficient for us to be able to consider the impact of the of the development on the locality. Yes.

01:24:46:12 - 01:25:05:22

I wasn't necessarily expecting that. You might. I just wanted to get clarification that you would if you were generally content or not. Generally, I think generally and as tendering aren't here, I think we'll raise this also as a written question so that they can expressly comment on it, um, in due course.

01:25:09:09 - 01:25:20:15

The only thing I would add is very minor points, which is a f uh, I know security fencing is is a matter that we would have to consider. Um.

01:25:22:22 - 01:25:47:19

And that's got to be functional and necessary for the development to stop unauthorised ingress into the site, etc.. And I understand that there are a number of reasons why that is the case. All I would say is that, um, maybe the, the uh, the colour and materials to be used for it could also be, um, a matter that we'd like to consider

01:25:49:05 - 01:25:50:06

as well, please.

01:26:39:29 - 01:26:48:18

Thank you, Mr. Wood. And then, um, my final question in this part of the agenda, um, is for the applicant,

01:26:50:05 - 01:27:07:27

um, and relates to part two of schedule two, which is, um, the discharge, the discharging mechanism for requirements. And particularly looking at subparagraph 11,

01:27:09:15 - 01:27:42:21

um, where there is a provision that, um, following the determination of an appeal, the local relevant planning authority would have the opportunity to confirm the decision. The determination given by the appointed person. Um. Now, that seems rather superfluous, given that subparagraph ten indicates that the decision made by the appointing person, the appointed person, would be final and binding.

01:27:45:13 - 01:28:16:02

Um, I would say, um, that this is something that I've dealt with on at least two occasions now. Um, and it's, it's something that has been removed, um, from the draft wording promoted by the applicants and certainly did not find its way into either the little crow made solar, the little Crow solar farm made order. Or for that matter, the Immingham Railroad port extension order.

01:28:16:17 - 01:28:27:25

Where I've raised this, I know it's wording that's in the the old model provisions, but it, it just doesn't seem that there's any need for it. Miss McGeady.

01:28:28:23 - 01:28:37:25

Uh, well I'm a goody for that. The applicant is entirely content to delete that unless it's going to have an objection. This would upset their administrative processes.

01:28:39:02 - 01:28:42:18

Mister. Mister Witcher, any observations on that?

01:28:42:20 - 01:28:47:28

Sir Mark wood, Essex County Council we also have no objections to the deletion that apparently I.

01:28:48:00 - 01:28:55:16

Suspect it found its way into the model provisions in the when nobody really quite knew how this procedure was going to work out in in practice.

01:28:59:22 - 01:29:04:16

Is that something? Then you'll you'll strike from the next version. Thank you.

01:29:10:07 - 01:29:53:11

Now I'm conscious. We've been sitting for an hour and a half. We were going to cover, um, as a next item, agenda item three two, which is matters for, um, the deemed marine licenses. Now, this was partly included in the agenda because we thought the marine management organization might attend, although they generally don't. I don't think there's much merit in it's actually running through three two. Um, especially as Miss Spaghetti, you indicated that your team have got a meeting with the MMO in, uh, well, next week, so things may change anyway once you have further discussion.

01:29:53:13 - 01:29:57:12

So I think we we will not explore three two this afternoon.

01:29:59:21 - 01:30:16:04

Uh, that then takes us to protective provisions. Now really the question is do parties want to go straight into protective provisions, raise whatever points they may have. And again, I was I was proposing that we would go, uh, through um.

01:30:19:23 - 01:30:32:18

Any issues that National highways, the Port of London and London Gateway have? Do we go straight into that now, or do parties want to take a short adjournment? Looking at the applicants team.

01:30:33:11 - 01:30:42:04

Uh, for that look at the applicant would prefer to keep going if possible. So sort of several of us have quite a long way to get home this evening. So the quicker we could do, the more grateful we would be.

01:30:43:11 - 01:31:00:25

Amongst National Highways, Port of London and or London Gateway Port Limited. Do any of you have any objection to carrying on and and hearing your cases in respect of protective provisions? I can see National highways are content. Port of London.

01:31:01:19 - 01:31:02:22

Yeah, that's fine with us. Uh.

01:31:03:06 - 01:31:06:17

Yeah. And London Gateway Port Limited.

01:31:06:26 - 01:31:08:20

Yes, sir. Happy to continue.

01:31:09:03 - 01:31:09:18

Okay.

01:31:20:27 - 01:31:29:06

So if we can start, then with National highways. Any observations you wish to make in respect of protective provisions?

01:31:31:03 - 01:32:05:07

Thank you sir. Jeremy Bloom, National highways. Um, we received, uh, so we've had a discussion, a meeting with the applicant about protective provisions. And actually, um, there was general consensus on the majority of items. Um, and we received a revised set of protective provisions from the applicant on the 18th of October. Um, we we've had an initial review. Um, Mrs. Marshall and myself have had a review. Um, there have been significant number of amendments to the original draft.

01:32:06:29 - 01:32:39:10

On the face of it. It broadly looks acceptable. There are 1 or 2 issues that we picked out that we want to give further consideration to a small number of commercially related issues, um, that we may need further discussion on. So, um, we're planning to, um, review that over the next week or so. And then, um, I think we'll probably need a further meeting with the applicant, so we'll seek to do that. Try and resolve any outstanding matters.

01:32:40:01 - 01:33:03:26

Um, but we don't foresee, um, any major showstoppers in, um, what we have to, um, before us. So, um, grateful to the applicant for the changes made. I think we're quite close, um, to resolving them, I hope. Certainly by the end of this month, we'll be in a position to to to agree.

01:33:09:14 - 01:33:13:18

When you said this month you probably mean next month November. Yeah.

01:33:13:20 - 01:33:24:14

Well, absolutely. Yes. November. Apologies. Yeah, I'm ahead of myself by a few hours there. So during November.

01:33:24:27 - 01:33:33:16

We're not dealing with a leap. Well, we've had the leap year, but February would be the one that obviously causes, um, particularly confusion.

01:34:01:06 - 01:34:14:20

Turning to the applicant in terms of the work that's being done with National Highways on protective provision, is there anything that you feel you need to draw to our attention, or are you generally content that things are travelling in the right direction? And there's another awful pun.

01:34:16:29 - 01:34:20:26

I'll make it up. And no matter as we feel that, we need to draw to your attention. So I thank.

01:34:20:28 - 01:34:21:13

You. Thank you.

01:34:31:02 - 01:34:34:24

Then, um, can we turn to Port of London?

01:34:39:15 - 01:35:16:19

Hello to, um, Laura Nation for the Port of London Authority. Um, we received quite a heavily amended version of the protective provisions this morning from the applicant. Um, so, as you appreciate, we haven't really had time to go through those in detail, which we will do. Um, I think the principle point that the Port of London want to make is that they just want to ensure that they have sufficient oversight of the activities that potentially affect the Deepwater Routes, um, and that this isn't left to the MMO. Um, given that we wouldn't want anything happening, that that prejudices the access and egress of the UK's largest port.

01:35:16:21 - 01:35:34:08

So for for us it's about oversight and ensuring that the checks and balances are in place. So we just need to review the protective provisions to ensure that that's the case. Um, I suspect in the coming days, we'll look at the comments that have been raised with our client, and then a meeting will need to be arranged for the parties to discuss the issues that remain.

01:36:09:25 - 01:36:15:06

From the applicant's perspective. Anything that you wish to draw to our attention in terms.

01:36:15:08 - 01:36:15:23

Of.

01:36:16:06 - 01:36:18:00

The protective provisions, with the plea.

01:36:18:25 - 01:36:26:23

Of Paul McCartney for that. And no, sir. We anticipated a further meeting would be required. I'm told that the my team and the PLA team are in the process of setting that up.

01:36:48:02 - 01:36:52:15

Thank you. Then I think that brings us on to London Gateway.

01:36:56:22 - 01:37:17:09

Hello, sir, I'm Trevor Hutchinson, London Gateway Port Limited. Um, so we haven't, um, had sort of any proposed changes to the protected provisions. Our interest is, um, those provisions within schedule nine, part seven. Um, should there be proposed amendments to those? We may wish to comment, but at this time, um, we will wait to see what that holds for us.

01:37:18:08 - 01:37:19:18

Thank you. Thank you, Mr. Nation.

01:37:40:05 - 01:37:57:17

I think we perhaps ought to, in this section of the agenda, just give Essex the opportunity. Is there anything else amongst the schedules that particularly relate to Essex as a highway authority that you want to raise in this hearing.

01:37:58:19 - 01:38:15:16

Sir? Thank you. Mark Wood County Council. Um, there isn't, sir, but I'm not a highways representative, so if I could take that away and I'll, um, I'll speak to our consultant on that. And if there is anything else you need to add, I'll draw that to your attention by deadline three.

01:38:15:22 - 01:38:16:28

That would assist. Thank you.

01:38:28:08 - 01:38:28:24

We.

01:38:29:25 - 01:38:52:21

You'll be pleased to hear I hadn't identified any specific questions relating to, um, protective provisions because they're still very much work in progress. Um, but certainly from those that have attended this hearing this afternoon, it sounds like things are moving, um, in an appropriate direction. Um.

01:38:54:29 - 01:39:07:24

And no doubt, if there are issues that are of concern to parties, we will hear about them in due course. I think unless anybody else has anything to raise under three three,

01:39:09:09 - 01:39:11:21

we can move on to agenda item four.

01:39:13:17 - 01:39:15:24

I don't recall which of my colleagues are going to lead on that.

01:39:16:01 - 01:39:16:16

That's right.

01:39:16:18 - 01:39:17:12

That's Mr. Herron.

01:39:17:14 - 01:39:17:29

Thank you.

01:39:18:22 - 01:39:26:04

Thank you, Mr. Gould. So turning to item four and any other business, is there anyone in the room that wishes to raise any other matter?

01:39:28:05 - 01:39:29:07

Yes. Miss McGeady.

01:39:30:07 - 01:39:55:16

Uh, Paula McCarthy, applicant. It's slightly off topic, sir, but we just wondered if we could, um, note that the update to the book of reference for the change request has been put in, together with an

indication of the timing. We could meet, um, for the consultation of that. Um, and it was really just to flag that if we are going to meet the earliest set of dates, we would we would be very, very grateful for a decision tomorrow, if at all possible, because otherwise we're going to miss those days.

01:40:00:21 - 01:40:35:16

I would hope that we can make it. The only reason I say I hope that we will all be traveling tomorrow, um, but I'm sure, um, that we may be able to have a quick discussion before the majority of us have traveled. Um, and then I suspect, as I have got the least distance to travel, I can with the case team, have a letter prepared or an email prepared to give an indication as to whether we are content with what's coming, and that will then assist you with what needs to happen next on notification.

01:40:37:04 - 01:40:37:19

Thank you sir.

01:40:40:01 - 01:40:46:05

Thank you. Is there anybody else in the room with any matter to raise? Anybody online.

01:40:48:24 - 01:41:06:20

I'm not seeing any hands up there. Okay, we'll move to item five. Turning to action points, I don't know, up until the very last bit there, we had anything specifically arising as an action point rather than a matter to be dealt with on the written submissions, but does the applicant have anything in in any list? It's kindly kept.

01:41:07:01 - 01:41:47:18

Uh, well, I'm very happy to be told these aren't action points, sir, but I did not some the applicant to provide the environmental statement references regarding any references to break out from um heading under the RSI. Um, that would be in our post hearing submissions. So for the applicant to provide um precedents and recently made DC laws for paragraph 5.2 of part two of schedule two of the draft DCO. And again, I could put that in our post submission. And finally, the applicant to review article 47 and advise about this appeal from Secretary of State to Secretary of State, if it should actually apply or if it should be removed, and that will be in our submission to it.

01:41:47:20 - 01:41:48:05

So.

01:41:51:09 - 01:41:51:24

Thank you.

01:41:59:18 - 01:42:06:12

Is there anyone present, either in the room or online that wishes to comment further on action points? See you again.

01:42:15:18 - 01:42:19:09

Yeah, I don't think we'll be issuing an action point list on this one. Just to clarify

01:42:21:02 - 01:42:35:00

anything. Well, that concludes item five on the agenda. And the only remaining, um, thing to do under item six is to thank you for your attendance today and throughout the week. If you were here and issue specific hearing for is now closed. Thank you.