



Hearing Transcript

Project:	EN010130 - Outer Dowsing Offshore Wind Project
Hearing:	Issue Specific Hearing 3 — Part 3
Date:	5 December 2024

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TRANSCRIPT_OUTERDOWNSING_ISH3_SESSION3_05122024

Thu, Dec 05, 2024 3:35PM • 1:04:43

00:05

Okay, the time is now 10 minutes past two, and it's time for this hearing to continue.

00:13

Moving on to gender item 3.8 land use, geology and ground conditions, and first of all consideration of agricultural lands classification, or ALC and soil surveys,

00:28

the the applicant response to our first written questions. Lu, 1.7

00:33

that's rep 2051

00:36

acknowledges that site specific ALC grades can vary from the prison maps ALC grade, but the site specific alt grades can vary

00:47

as well.

00:48

Apologies,

00:54

me,

00:55

it also refers to other end sips, where consents has been granted prior to ALC surveys being undertaken, namely Hornsey for the Sherman control and Dudgeon offshore wind farm extension projects.

01:07

And try to

01:09

null.

01:11

Can you just clarify, if it is committed to an ALC survey prior to construction, what's the reason for it not having already undertaken one at this point in time.

01:23

Harry wood, Philpott Casey, on behalf of the applicant, so I'm going to turn in this matter to Mr. Jason Gale is the soils lead and the regenerative agricultural lead for ecology and biodiversity at SLR consulting. So I'm going to ask Mr. Gale to respond to this question.

01:48

Jason Gale, on behalf of the applicants, as provided in re response, Lu, 1.7

01:56

ALC and soil surveys, the applicant has committed to carrying out pre construction ALC surveys within section 2.4

02:04

of version two of the soil management plan.

02:08

Document reference eight, point 1.3,

02:11

the applicant maintains its view that site specific ALC surveys are not required to inform the environmental impact assessment where detailed soil surveys carried out post consent will be used to reform final design and appropriate soil management practices.

02:30

I appreciate that point, but the question was, if there is to be site specific surveys undertaken, I'm just interested in the reasons why they haven't already been undertaken at this point to inform the ves

02:44

so Harry wood thorpeport on behalf of the applicant, so that the short point is that simply because something will need to be done in due course at the detailed stage, doesn't imply in any way that that work and the further detail needs to be undertaken in order to have an adequate environmental impact assessment at this stage. And the same principle applies across a whole range of topics, but you'll have seen the approach that has been taken to looking at the effect on best and most versatile agricultural land in the ES, adopting what we say is a conservative worst case approach, where there is significant where there is uncertainty as to ALC classification that as the other examples we've given is certainly adequate for the purposes of understanding the likely significant environmental effects as I understand the answer that's been given in relation to the further more detailed surveys they are required in order to inform what has to be determined in detail at the subsequent stage so they serve a

different purpose. The information is required in order to generate measures which don't have to be determined in detail, now, provided that a suitable mechanism is in place to secure those measures and to ensure that when they are finalized, they're based on an adequately detailed amount of information at that point. So that that is the distinction. Just because something has to be done at the detailed stage

04:30

doesn't mean it is needed to be done at this point where we're seeking to understand the likely significant effects across the project as a whole.

04:41

Thank you for that. Can

04:44

the applicant also confirm if the pre construction surveys, as just described, identified in section 2.4, of the outline soil management plan, will be under second prize the final soil management plan to inform the necessary details for the handling and road.

05:00

Restoration of soil

05:03

bits and Gale on behalf of the applicant, yes, it will. Thank you.

05:09

If I can turn to Lincoln County Council at this point,

05:15

excuse me. The County Council's response to our first written questions states that provisional maps are not sufficient to simply upgrade grade three a, three, three A, in terms of the assumptions made in the worst case scenario. Just to follow on from that, I'm keen to understand if the county council are content with the applicants approach of pre commencements agricultural land classification surveys rather than surveys and taken prior to any decision being made by the Secretary of State. Thanks.

05:47

Samuel McBride, links to county council. At this point, I'd like to introduce Mr. Franklin to the hearing. Mr. Franklin's been is a consultant who the county council have engaged in relation to providing advice in this particular topic. So I'll

06:04

hand over to Mr. Franklin. Okay.

06:08

Thank you, sir Sam Franklin, on behalf of Lincolnshire county council. So refer you to natural England's

06:17

input on this matter. Where they they say, in the absence of a detailed site specific soil and ALC survey,

06:27

assuming that all grade three land is best and most versatile, it's impossible to provide an accurate baseline and demonstrate the likely potential impacts. And I think we concur with that position as things stand at the moment.

06:44

Thank you for that clarification. Does Jonathan have any further points in response to that to raise

06:58

no so we think that the issues at the moment, and our position is sufficiently articulated in our written responses. If there's anything further on reflection that you wish to put in written, further written questions, I appreciate there's an opportunity for that. In due course, we're

07:15

reflecting that. Thank you, Mr. Mr. Philpott,

07:19

in addition to the ALC surveys, th, climates, response to written question. Lu, 1.12, that's rep 2079,

07:28

requests further assessment of soil characteristics. Can the applicants confirm if the pre construction surveys will identify soil, organic matter, levels, structural parameters, nutrient status and the biological premises, as well as the potential for multiple soil horizons within a profile.

07:49

I'll pass that on to Mr. Gale,

07:55

Jason Gale, on behalf of the applicant. So we have committed to carrying out these

08:03

nutrient sampling, soil organic matter sampling on individual basis, on an individual basis, in discussion with landowners concerned.

08:15

Thank you.

08:17

If I could bring in TH Clements at this point, please is Mr. Westmoreland Smith

08:24

online,

08:26

thank you, sir, yes, yes, I am, although the camera hasn't caught me. But Mark Westman Smith, TH Clements, yes, we're grateful for that indication

08:39

we've set out in our responses you've identified to your written questions

08:45

the importance of pre construction soil surveys

08:52

that will be captured in the soil management plan, and the applicant has kindly provided us with a Word version of that plan on which we're going to provide tracked change comments. And the key really having agreed that the pre construction soil surveys will look in detail at soil layers and the agronomy in general, is the question of the condition to which it will be restored to.

09:28

And at the moment, the soil management plan

09:33

indicates that the plan is to restore to an agricultural land classification grade. So for example, grade one.

09:42

And our point in response to that is, well, hang on a minute. Grade One is a spectrum, and our land, broadly speaking, sits at the top end of that spectrum. For example, stone content, we're less than 1% whereas grade one land can have.

10:00

Up to 5%

10:02

zone content, and so we are seeking restoration to the condition of the particular land prior to construction, rather than particular agricultural grade.

10:15

Thank you, sir.

10:17

Thank you.

10:19

So you are actively engaging in the drafting of potential updates to the outlying soil management plan at the moment. Is that, is that correct to address the outstanding concerns that you may have on this on this matter? Mark West for TH Clements, yes, we are. We, generally speaking, are having active and constructive conversations with the applicant, including on this particular topic,

10:46

thank you. We welcome that. Unless

10:49

the applicant has any further points on this particular line of questioning, I shall move on to my next question,

10:57

which is in relation to

10:59

apologies. Apologies. So I was simply going to confirm Terry wood Philpot on behalf of the applicant

11:07

that we are. We're grateful that Thompson taking this additional opportunity we've provided to provide detailed comments on the draft soil management plan, the outline soil management plan, because that helps crystallize these issues in terms of what else may or may not be required to be added to the documents at this stage. And so I think it's probably best to allow those discussions to continue. Obviously, we look forward to seeing their draft, and then we can update you in due course. Once that's run its course.

11:44

In terms of due course, is there a particular deadline by which we might see an updated management plan that reflects those, those comments at Harry wood pilfer on behalf of the applicant? So from our point of view, obviously, we're keen to make progress with that. We anticipate that should be by deadline for obviously, we're to a certain extent, in the hands of th claimants to get the draft back to us with their comments in good time for that, but that's certainly our ambition at the moment.

12:15

Thank you. Applause.

12:24

Moving on to my next question, then, which is around ALC cumulative assessment at a national scale,

12:33

natural England's response to our first rate question. Lu, 1.8 that's rep 2074.

12:39

Identified rumpkin. Two is a project which has provided consideration of the cumulative effects on BMV lands at a national and regional scale. Can the applicant please comment whether or not it able to provide an equivalent updated assessment on that basis? I

13:06

so as I understand, I just checked that I've got my instructions right before I relay them. So

13:20

yes, I had understood that correctly. Yes, we are. We're going to provide an assessment of those effects at deadline four. Is my understanding.

13:31

Thank you. We'll note that as a as an action,

13:37

moving on then to the working width of the cable corridor, the

13:44

applicant's response to first rate question, I, u, 1.4

13:49

confirms the detail set out in its response to relevant representation. 067, from church Clements shows the maximum design scenario for the eight meter working width of the corridor as identified in pages 400 to 402 of its response, but the actual width of the corridor may vary along its route.

14:11

The applicant also confirms that the reduction in the working width along the route would be informed by the surrounding land uses and potential impacts arising from that, but the final management plans will be subject to sign off by the local planning authority, and the

14:27

interest of persons may respond to details and the discharging of the requirement if the LPA deems that appropriate. Can

14:35

the applicant, first of all, just confirm if the potential impacts that would inform the working with of the corridor include any known feedback from landowners and tenants.

14:47

Everyone was pilg on behalf of the applicant. So on this matter, I'm going to turn to Mr. David Wright. He is the land manager for out of dousing offshore wind.

15:00

I'll ask him to respond to that. Thank you.

15:04

David Wright, on behalf of the applicant, just just to reconfirm that question you're asking, what variables would mean we can reduce that width is that? Is that

15:15

the correct there's more whether or not the landowners and tenants and their known concerns would influence the working width, so they may well identify constraints, which then in turn could influence the working width. So is there an opportunity for them to be able to feed into that process?

15:32

David Wright, on behalf of the applicant, yes, I think the consultation undertaken to date coming from a kind of two kilometer width, down to a 300

15:41

meter corridor, then down to an 80 meter corridor, has been done in close cooperation with landowners, taking into consideration that the surrounding land use so things like tram lines and the vegetable cropping rotations of the adjacent land. We will be doing that again as we then try to refine further our working with where we can reduce so if a landowner identifies that they have a sensitive crop or a tram line, and we can, you know, kind of micro site and move across slightly, that is something that the applicant will be

16:15

doing. Thank you. Do THC climates have any comments on this particular point at this stage?

16:25

Mark wetterman Smith, TH Clements,

16:28

no, sir, our only comments we made in the compulsory acquisition hearing on Tuesday where we identified the fact that the applicant has provided further justification for the working width of the corridor, and just raise given our focus of resources on impacts, as opposed to justification for land, take just two questions, and that related to First, how the areas for soil storage have been calculated, and that will go into justification. And then secondly, the link point about whether the same areas for soil storage can actually be justified alongside those sections that will be subject to trenchless techniques, which will, of course, we assume, produce less soil to be stored. But aside from that, we have no further points to make on this issue.

17:30

Thank you, Mr. Smaller Smith, I was going to revisit your questions from the earlier hearing, but thank you for raising them now. Would the applicant like to respond to those two questions at this stage, please? So my instructions are that during the compulsion acquisition hearing, we agreed to take those

matters away, which is what is being done. I don't have any further instructions on what's come out of that. I think that's still work in progress.

17:56

Thank you.

18:02

Um, staying on the on the working width of the corridor

18:07

in relation to the point raised by THC Clement sands representatives from woodlands farm around the potential for multiple horizons within the soil profile. Can you often comment on whether or not this could have any implications for the working width of the cable corridor if, for instance, there's a need for further separation of soil beyond topsoil and subsoil. At

18:32

this stage, it might be helpful if the applicant could please share their response to TH Clements written relevant representation on on screen, that's document. PD, one, dash 071, on page, 400 it's the cross section of the cable corridor that was provided to clarify and justify the working width for the of the corridor, if that's possible, please,

18:58

while, um, while that is being brought up,

19:04

this is also something that Mr. Wright is going to respond to. So once we've got the relevant page on the screen, I'll ask him to talk through this. I

19:26

It's page 400

19:38

Yep.

19:41

Thank you.

19:47

David Wright, on behalf of the applicant, yes, in terms of the free soil horizons that has already been accounted for on the figure that's in front of you now you'll note that there is both.

20:00

A topsoil, a subsoil and a transitional soil bund already so that has already been accounted for in this cross section, the applicant has committed to revise the soil management plans you reference these three horizons, and that will be submitted at deadline, free.

20:17

Thank you that that clarifies things

20:20

do teach climates? Have any any comments on that? I guess that's still in discussion with the with the updates the soil management plan, but if there's anything

20:29

you wish to raise now, so no, thank you. We're grateful for that indication.

20:36

Thank you.

20:38

Moving on then to discuss the depth of the cable burial,

20:45

the applicant's response to our first written question, I, u, 1.17

20:50

sumises the findings of its ground investigations undertaken during 2023 and 2024

20:57

including data from boreholes and trial pits, and indicates that the findings confirm its assumptions made to date, and that no changes are necessary to the cable depth, and that no further ongoing monitoring would be required if there are any possible effects later on.

21:13

Can we often confirm where the investigations were undertaken and what informs their locations to the trial pits and the boreholes.

21:22

What was the basis for their location and where are they? Please? Yes,

21:27

certainly. David, right on behalf of the applicant. So we outlined there that there were two sets of surveys undertaken by the applicant. There was an initial set in 2023

21:38

the surveys in 2023

21:41

were predominantly at

21:43

Crossing locations where trenches, technique, techniques were going to be used, so predominantly near larger rivers, main roads and the railway, with some additional surveys undertaken to fill in the gaps along the route. So we had a full coverage along the route. To give a an overview, the subsequent surveys in 2024 have essentially filled in those gaps. So if you were to imagine the number of

22:13

surveys carried out along the 70 meter kilometer, you're kind of looking at, yeah, 56 so they're kind of every, every kilometer or so along the route in the end. So they are quite,

22:26

quite spread across the ECC, and that that is common for a project at this stage to try and have a wide spread of data across their across their cable corridor. So they are representative the entire length of the cable corridor.

22:39

David, on behalf of the applicant. Yes, correct. So it's representative for the entire entire corridor. Is there a plan available that shows their location?

22:50

David around, behalf of the applicant? No, but that is something that we would be able to provide fairly quickly, and we could provide that for deadline free. Thank you. We'll, we'll note that as a as an action point, and

23:02

just staying with that particular line of questioning, have those findings been shared with the relevant landowners?

23:12

DAVID Right, on behalf of the applicant, no, those findings haven't been shared widely. I think if a landowner has expressed an interest and has asked for the specific data for their for their land holding, then that has been shared, but certainly in terms of a package of the survey results across the board to the wider land land owning group, that hasn't happened now.

23:37

Thank you.

23:41

We note that the applicant intends to respond in full TH Clements, written representation. That's Brett 105 with deadline three, in relation to evidence that presenters of farm machinery which may get

bogged down in wet conditions. Noting that position, is there anything that either party would like to raise at this stage, or is that something that they're both happy to defer to a later date, given that there are conversations ongoing with a submission due at deadline three.

24:11

DAVID Right, on behalf of the applicant, I think it's best got that in writing, it can be quite a detailed response, so not appropriate for for now.

24:21

Mr. Mola Smith, Mark westmin Smith for TH Clements, yes, we're happy with that approach. Obviously. We want to see what the applicant says, and we'll respond to that in due course. We've noted in their response to your question that le one point 17, some criticism of the photographic evidence that we provided on the basis that either it wasn't TH Clements or TH Clements, but not in the particular area. So we acknowledge that, and at the appropriate point, we'll make that good with specific photographs in the local area. It was really fine way of illustration, but we can.

25:00

Provide specific photographs and building but that's all we need to say for that, for the moment,

25:06

thank you.

25:10

Turning to Lincoln County Council, its response to question, Lu, 1.17

25:17

also appear to acknowledge the risk orbit smaller machinery getting bogged down, and that deeper cabling may be useful in such areas as a county council able to point to an examples itself where this may have occurred, and whether any considerations along those lines have been taken into account in any planning decisions that it may have been involved in, and how that matter was addressed.

25:40

Neil McBride for Lincoln County Council, I'll pass that to Mr. Franklin, if it's okay. Thank you.

25:49

Yes, sir. Sam Franklin for Lincolnshire county council, no, I can't point you to any specific sites or where, where this matter has been addressed before, but I am conscious that that it can happen. And I think they're listening to the feedback just now from TH Clements that the applicant is on this and it's likely that it will come out further in the soil management plan, there are occasions where there is justification for the cable being deeper than the normal depth, but I appreciate that there may be

26:30

complications in that regard, and so I'd be interested to hear what the applicant has to say.

26:37

Thank you. Would the

26:41

applicant like to address that point now? Or is that a massive the deadline three submission? So just very briefly, I'm going to ask Mr. Wright just to pick up on that point about what is normal and what's being done here, because I think it is important to understand that what is being done here is above and beyond what is standard.

27:03

David Wright on behalf of the applicant, yes, just to point out that the industry standard for UK transmission assets is detailed by the energy networks, association engineering recommendation, G, 50, g5, seven, Issue 220, 19, and in clause 4.2, in particular, it outlines that the standard depth for these assets is 0.9 meters. Is the suggestion. The applicant understands the farming practices in this area of Lincolnshire, and thus has agreed to the increased cable burial depth of 1.25 meters.

27:37

Noted, thank you.

27:41

If no parties any further comments to raise on the depth of the cable, I shall move on to my next group of questions which relate to the apologies.

27:53

Mr. Small Smith, it might be that you don't want to go into it now, and that's absolutely fine, but may I just put on the record that from TH Clements perspective, there is the farm machinery point in relation to cable debt, but there's also the drainage points, and that distills into 2.1

28:18

trenching, So that in adverse weather conditions where there's water logging, we need to be able to dig trenches from the fields to outflow that water into the existing drainage systems. And sometimes the point is you have to go down to levels that may conflict with the cable depth that's proposed. And then the second aspect is, in terms of the installation of the cable, there are existing land drains, and there is a clear potential for conflict between the installation and those land drains, and impact in that regard. And it will be very important as to how those land drains are restored after construction. But so if you don't have any details in that area, I just wanted to put on the record that that is part of the concerns Michael has no thank you noted, and I am conscious of that. And shortly we'll be coming to a question on that particular point. So if we could hold that thought for time being, please, thank you. We will come back to it.

29:27

Okay, so moving on to the potential effects on agriculture and soils during construction and their operation and release mitigation. So this is dust contamination, stone contamination, agricultural

drainage, severance, soil heating, ground stability and Earth movements, soil care, aftercare and restoration.

29:53

I shall take those items in terms of ground stability and Earth movement.

30:00

Points,

30:01

we note that national policy statement en five, paragraph 2.32,

30:07

requires applicants to set out the extent to which the proposed development is expected to be vulnerable to climate change and how it's been designed to be resilient to issues including Earth movements or subsidence caused by flowing or drought from the ground cables. Can

30:24

the applicant please just set out how it's addressed that particular requirements. So

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I'm going to ask Mr. Jason Gale to respond to this matter. Thank you. Applause.

30:49

Bison Gail, on behalf of the applicant, in regard to wetter winters,

30:56

specific instances from the winter of 2023

31:01

and 2024

31:03

which were noticed noted as the eighth wettest history, or eight wettest winter in history

31:13

within this particular area of eastern England, have been highlighted. These included machinery sinking and causing rutting on agricultural land. However, this is an example of one incident, rather than what appears to be regular occurrence. The effects of climate change may increase the regularity of these events occurring. However, it's it has been proven through land landowner discussions and site visits, but normal agricultural practices can continue in these extremes, down to a

31:51

depth of naught point seven meters,

31:55

with no impact

31:59

in regard to soil erosion level, land itself is less prone to soil erosion and steeper land. However, silts are especially prone to erosion through wind, surface, water, runoff and management established management practices employed by farmers and growers working silt soils, such as the speed of machinery and treading to reduce surface water. Aim to minimize these effects for loss of soil, for erosion, to reduce soil depth to 750 centimeters, would require a loss of nine centimeters of soil per year over 50 years, the average global soil loss through erosion is not point three to not point seven millimeters per year, and this does not take into account natural regeneration of soils. So there appears to be no specific impact on soil erosion

33:02

for this route. Thank

33:04

you. Just going back to the rainfall point. Did you refer to

33:08

rainfall during 2023 and 2024 as being examples of a worst case and effect?

33:15

That's correct, sir.

33:19

The flood risk assessment of the cable corridor applied a 20 25% uplift for peak

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rainfall, has that been taken into account in the context of this particular policy requirement in the NPS, because

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obviously climate change will potentially worsen peak rainfall beyond what we're experiencing in 2024

33:42

and Harry, we thought, on behalf of the applicant, can I just make sure I've understood the question? This is in relation to

33:51

the percentage allowance

33:54

taken in the flood risk assessment, translated across to potential impact on soils? Is that the essence of the question Yes, so the npsc and five requires consideration of climate change in terms of Earth movement and subsidence caused by flooding or drought to underground cables. So there's that Polish requirement in one hand, and then on the other, your flood risk assessments, applies a 25%

34:23

uplift allowance for peak rainfall to allow for climate change. So I'm just seeing to establish whether or not that peak rainfall allowance has been applied to your considerations of this particular Polish requirement for the for the cable

34:42

corridor. I So Harry Bucha, but on behalf of the applicant, my experts are just conferring at the moment, and they think they might need a few minutes in order to get to the bottom of that. I don't know whether you want us to come back to that in writing for deadline three.

35:00

Rather than provide you with a an answer, it sounds like it's not entirely straightforward.

35:06

A written response advisory would be appropriate, having bought them more time. It sounds as though I was unduly pessimistic. I think they may be ready to deal with it straight away. Okay.

35:18

Jason Gale, on behalf of the applicant, the flood. Flood assessments have assumed a 25% increase of rainfall, this could occur in the summer or winter. However, the with that level of rainfall, the soils will already be saturated, so cannot become any more saturated.

35:41

So with that 20% uplift allowance, there will be no greater risk of Earth movement or subsidence for the underground cable corridor.

35:50

That's correct, sir.

35:51

Thank you. If we can have that in writing at deadline three, that would be useful. Thank you.

36:00

Moving on

36:02

to on to agricultural drainage and irrigation,

36:07

we note the applicant's response to question. Lu, 1.18

36:11

which commits to updating the code of construction practice at deadline three, to include consultation with landowners and the process in instances where post construction drainage plans indicate that full fields may need to be partially or fully re, drained

36:28

and drains and reinstalled.

36:31

We'll review the updated coding construction practice at deadline three, and follow up with any questions that's furthering questions, if need be,

36:40

whether we just like to give TH Clements the opportunity to respond to that point, if they wish to do so at this stage.

36:52

Thanks to mark Westman Smith for TH Clements. I'll ask Dr Ian Gould just to explain in very brief terms, are concerns in relation to the agricultural drainage point,

37:08

Dr Gould,

37:10

I get Dr Ian Gould, on behalf of TH Clements with the drainage

37:16

issues. The three main issues of concern are that there's a proper procedure in place for cleaning of the drains, and once reinstated,

37:27

there's also needs to be well, these soils are quite silt dominated and prone to blocking of the drain, so clearance of the drains is critical for the whole field to be functioning. In some instances, we know a field of drainage going below 1.3 meters in these fields, so obviously those be instances where full schemes will need to be reviewed and reinstated. But if there is a drainage scheme that requires a full reinstatement, it's it's very important to remove any existing of

38:04

materials or any existing structures of the previous drainage scheme. Otherwise you could end up with water going in the wrong places. So we would look, and we will look to review the

38:17

the drainage document on the cocp, but we will be looking for,

38:24

yeah, we will be best to remove any existing legacy effects of drainage that would have existing previous scheme, if full reinstatement is case. So if I may just complete that and just say that

38:40

that is a matter that can be addressed in the various plans of the cacp, and so we are in dialog about that, and will provide comments to that effect. So it's something that can be resolved through appropriate drafting in some of the plans that are going to be captured by requirement of 18. So there is a route to resolution, but it's important that it is, for example,

39:08

thank you. That's that's helpful. Does the applicant have any further comments to make on this point before I move on to my next question?

39:17

David Wright, on behalf of the applicant, yes, please. If I could just come back to those three points that were made. The applicant, as you've already seen, have employed a local drainage expert so that we can understand the local drainage within this area and the importance of the land drainage schemes in the area. We are fully aware that jetting is an issue and something that needs to be maintained in order for the drains to work in the silty soils, and our local land drainage experts cognizant of that, and we'll include that in both pre and post construction drainage designs, which are then to be approved by the landowners themselves. The

39:55

second point was on their deep drainage. I think the applicants have already committed vol.

40:00

Entirely to go 300 millimeters below existing drainage schemes, where practical we are looking to bring that back across, I put that into the cocp so that it's documented, not just with those that have signed up a voluntary agreement, but it's documented within the DCO itself as well. So that will be happening at deadline, free. And then the last point there was removal of old schemes. Certainly the applicant's view here is that that is not normal. And we have found during our excavations, for both our GI and our archeological surveys, that you do come across old schemes and they're left in situ. It's the applicant's position there that we would follow the normal process and install a new drainage scheme, and the old one would be left in situ, but we can pick it up directly with TH Clements as part of our comments on the cocp.

40:50

Thank you. If

40:55

TH Clements have no further comments to raise, I shall move on.

41:00

Seeing no hands.

41:03

Okay. So moving on to the matter of severance of agricultural land. The applicant response to first rate question I, u, 1.5

41:16

refers to a commitment in the outline COVID construction practice to prepare management plans for severed lands for individual affected persons.

41:25

Consultation with affected persons will be undertaken when further details are known regarding design

41:31

th climates. Response to the question indicates it's not yet received full plans from the applicants showing severed areas as promised.

41:39

Can the applicant just clarify whether or not the plans referred to by THC Clements are, in fact, indicative given their response to the severance question?

41:51

Yes. David Wright, on behalf of the applicant, the only assessment undertaken to date has been the applicant's initial assessment of potential severed land, which is based on the worst case of the maximum design scenario, so that the full 80 meter corridors along the route in its entirety,

42:09

when we come to severed land that will have to be done off of our detailed design, so that's when we know where we're going to be, HDD, ing, where we're going to be narrowing our corridor, etc. And it's at that point that we would then go to the landowners with the final design and then agree the severed land with them. The severed land management plan that you've referred to is not a management plan, as in a DCO kind of perspective. It is a plan that's agreed between two parties. So it's just a bilateral agreement that says this land will be severed. This is who will manage it. This is how we will manage it. So it's just clear, good to get that point, clear that it's not a management plan that's going to form part of the DCA

42:50

noted that's that's a useful clarification. Thank you.

42:55

Th climates response. The question also identifies areas of land that they consider likely to be severed. It

43:01

notes that this is information that's yet to be shared and discussed with the applicant. Understand this is probably going to be part of the ongoing discussions between the two parties. But at this stage, does the applicant have any initial comments on the information provided by TH Clements,

43:18

David Wright on behalf of the applicant, the

43:22

applicant, as I said, has carried out an initial assessment, but it's, it's based on the maximum design scenario, so isn't yet fit for purpose. I will say that the plans that were accompanying the TH Clements response that came in did look very similar to those undertaken by the applicant already. So we're already on a very similar footing and a similar page, and we will continue to discuss that, I'd imagine severance as part of our ongoing bilateral discussions.

43:52

Thank you,

43:54

Mr. Westmore Smith, do you have any comments to raise at this point mark? West and Smith gates Clements, in light of those indications, I don't think we need to raise any specific

44:07

points with you. Safe to note that the indication from Mr. Wright just now that we are thinking along the same lines as to the quantum of land that might be affected in this way is helpful. And secondly,

44:25

we are content with the principle of an agreed approach to severed land in a bilateral agreement. We just need to get to that agreement so that if we fail to do that, we would like that to be

44:44

perhaps part of

44:47

a plan secured by and through the DCA, but we're not there yet, because we're having constructive conversations.

44:56

Thank you.

44:57

Thank you, Mr. Small and Smith. I.

45:00

I also noted your concerns regarding the management of severed land as well. Is

45:07

THC climate satisfied with section 5.13, of the current outline code of construction practice? That's rep 2029, and does that provide sufficient comfort? These matters will be addressed in consultation with them again. This may be a matter that's currently on the discussion between the two parties in terms of the wording of that section, but if there's anything you'd like to raise now please, please do so. Mark Weston says, TH Clements in broad terms, we are not content with Section 513

45:43

of the outline code of construction practice,

45:48

but the indications from the applicant are a slightly more detailed cascade of action in relation to severed land that would be incorporated in the bilateral agreement. So again, we can see the end point. We're happy, in principle, with the end point. It's about the discussions between the parties to make sure that the details are correct.

46:14

So I think the position is at the moment, it's really for ongoing discussion between the parties.

46:21

Thank you. Does the

46:25

applicant got any further comments to raise before I move on to my next

46:30

group of questions? Harry wood, Phil, but on behalf of the applicant, so no, just to confirm that we're grateful for that indication and we're content to pursue that through discussions in the way that Mr. Westman Smith has indicated

46:45

notice. Thank you.

46:48

Moving on to dust contamination, then, in

46:53

response to first rate questions, Lu, one point 10, the applicant confirms that measures will be included in the Air Quality Management Plan that will accord with the outline version of this plan, and which is secured under the Code of construction practice in requirement 18, the applicant is committed to including measures identified in table 2.1, of the outline aqmp, which are considered To be necessary

at the time when final details are known and subject to approval by the local planning authorities, in consultation with bodies including Lincolnshire county council.

47:33

Is the county council content with that approach in terms of the management of dust and confirmation of the details at the detailed design stage in terms of the Air Quality Management Plan and mitigation measures.

47:51

Neil O'Brien LINCS county council, unless Mr. Franklin has got anything to raise on this point, it's not an issue we've pursued, so

48:01

I think we are content with it.

48:06

Thank you, Mr. Franklin. Yes, sir. Thank you. Sam Franklin for Lincolnshire county council. That's correct. We didn't raise any specific issue here, so we don't have any further comments at this stage.

48:19

Thank you. And do we have Mr. Dua for the local planning authorities in attendance.

48:27

Seems not on that basis. I'd like to note an action point for the local planning authorities as well, just to confirm their consent with the the approach for signing off the details in the final quality management plan.

48:49

Do TH Clements have any comments in that approach, as well as outlined by the applicant?

48:58

I'll ask Mark Westman Smith Thompson, I'll ask Mr. Thompson, who's here to comment specifically in relation to the acceptability of the mitigation in the air quality management plan. As you know, sir, we have submitted a report on a dust dispersion model that Mr. Paulson has produced, and the applicant is going to be coming back on that, and has indeed raised some initial points in response to your question, land use one point 10, and the short point, I think, for you today, is that the air quality experts, Mr. Pawson and the applicant's air quality expert are in discussions to try and narrow the areas of disagreement between the.

50:00

Ourselves, and indeed, this isn't a point that we've, I think, specifically mentioned to the applicant, but it might be an area that's right for a scope and a common ground to identify the areas of agreement and disagreement as we go forward on this debate,

50:19

but specifically with relation to mitigation. Can I just turn to Mr. Paulson and ask for him to respond to your question?

50:31

Thank you. Damian pulse, on behalf of TH Clements, so yeah, I'll just start off by saying there's, there's no fundamental issue from my side, in terms of the approach taken to the construction dust risk assessment that's reported in chapter 19, and the resulting outline Air Quality Management Plan for mitigating dust

50:52

that is in line with the Institute of air quality management guidance, which is as written in the chapter and that guidance does state that with mitigation in place, the residual effect will normally be not not significant.

51:07

However, the outcome does guidance does also state that even with a rigorous air quality management plan in place, there may be cases where significant effects may arise. And therefore it is important to consider specific specific characteristics of the site and surrounding area to ensure that the conclusion of no significant affected robust. So that essentially formed the premise of the detailed report. More than that, I have done

51:34

especially accounting for the commercial sensitivity of the brassica crop that is farmed by Thompson, which,

51:42

as per their sort of contracts with customers, has to be practically free of visible dust.

51:49

So terms of the assessment completed, we did account for both without and with the mitigation measures on the construction activities. If it would be helpful, I can give an overview of the assessment at high level.

52:03

So if that would be helpful, or can just comment on the mitigation side of things,

52:09

I've looked at the assessment. So I think, I think we can, we can leave that for now. It's more the mitigation at this stage, and whether or not you're currently content with the the approach taken and the detail provided in the outline Air Quality Management Plan, and the fact that that with them is subject for the detail and consideration at the detailed design stage. Again, I appreciate there's a live discussion going on here, but it's just to confirm whether or not you are consent at this point with the outline Air Quality Management Plan. Really David Paulson on behalf of Chase Clements, so I, based

on the assessment complete that I completed, I would like to, or we would like to see more detail in the plan going forward in terms of measures that would protect TH Clements, land adjacent to the order limits

52:55

the assessment complete, it has factored in, particularly the wetting down of dust emissions and sort of wetting of the haul road, and also seeding of soil stockpiles, which the two major sources in the assessment for dust and our conclusions still demonstrate that there's a higher risk of dust impact, visible dust impact across the order of 100 hectares of Thompson land adjacent to the route. So on that basis,

53:23

I stated we are in discussion with the applicant section expert on this, but we'd like to see development of the measures within that plan

53:32

which address the concerns. Th COVID, length.

53:36

Thank you. You may be better since we went into the resolution of these discussions before we we progress much further on this point, unless anybody has any further points to raise with the

53:48

African letter to comments. Harry wood Philpot on behalf of the applicant, sir, we are holding back from trotting out and amplifying what we've provided to you in writing on the basis that we suspect that that is not going to help in circumstances where the parties are in constructive discussion. The only thing which I'll say, which I hope will be helpful, you raised an action point in relation to the local planning authorities position in relation to this matter,

54:18

it's been pointed out to me that in the current state version of the statement of common ground with the district councils, which is rep 1029,

54:30

on internal pagination, page 11, item LPA Eight under the headline outline Air Quality Management Plan.

54:42

The position is recorded there, and it's recorded as green. Green being these matters are agreed, and the LPA position there is recorded as the principles are considered acceptable. With.

55:00

Communications, including community engagement, are considered a key element prior to any work commencing. So when one looks at that and takes into account the green status that would appear to

provide clarity on their position, can't speak on their behalf, but that's where we understand they've got to, and that's the current draft of the statement for common ground, if that helps

55:20

now, thank you for that clarification. I guess we'll maintain the action point, and the planning authorities can confirm that as well. But thank you for pointing me in that direction. That's helpful. Okay,

55:34

unless I see any further hands, I should move on to my next question around stone contamination,

55:41

the

55:42

applicant response to first written question, Lu, 1.11

55:47

commitment dating, the outline soil management plan at deadline. Three, to include a section specifically for stone contamination. I

55:55

think, given the nature of discussion so far today, again, this may be a matter that is being actively discussed, and we can perhaps defer to particular points if both parties agree,

56:06

from the applicant's point of view. Harry wood, Philpot Casey, we're content to defer this matter. We think we're making good progress on this. We can't see any reason in principle why this shouldn't be resolved.

56:19

Mark Westman Smith, TH Clements, I agree with that.

56:26

Thank you. Moving on, then to soil, heating

56:32

the applicant response to question I, u, 1.16

56:36

questions, whether the studies referenced by TH Clements are directly comparable. And also notes that the photographic evidence provided by THC climates are the Triton null corridor, but suggests that this COVID due to a number of issues, and that the developers of Triton null have not accepted liability in relation to cable heating. Does THC climates have any further information in support of its permission,

around the risks of kale, heating, in terms of cropping yields, or anything that may be supporting its view. Or, again, is this a matter that is being discussed between the two parties already

57:15

Mark Westminster with TH Clements, so we will respond to the applicant's response to your question. EI, you 1.16

57:26

Can we just mention there that we'll be coming to the applicant for a little bit of help to try and identify and source the papers they've referred to. We don't think they've been cited quite correctly. So we can sort that out outside of the

57:43

examination, but there is an important point. They make a point about the comparability of the papers that we have referred to,

57:57

but what our concern goes to is not necessarily overall yield,

58:05

but differentials in germination, growth and maturation because of the specific nature of vegetable farming. Essentially, the vegetables need to be picked when they're ripe, and if heat from a cable means that there's a line of vegetables that ripens at a different time, it is just not practical or viable to harvest that particular line of vegetables. That doesn't change the overall theoretical yield on the field, but it does change the practical meal and

58:45

eat for cereals and combinables are those that can be harvested by combine they tend to be a lot more forgiving, and

58:56

this is sort of General readiness of the field will not

59:02

be impacted by the fact that there is a line that might have germinated or grow earlier. So so we'll come back in in writing, but that's just to put down a marker that

59:17

so far, we don't think the applicant's response has actually grappled with our main concern.

59:26

Thank you. Does the applicant have any initial response to that point?

59:31

Thank you, sir. Harry with pulpit, on behalf of the applicant, I'm going to ask if I can Mr. Gale to respond briefly on that, but recognizing that obviously we'll see what Thompson have to say in response, and we'll have an opportunity to respond in writing, but I'll just see if there's an initial response we can provide at this stage.

59:55

Jake Jason Gail on behalf of the applicant at the moment.

1:00:00

Moment, the most reliable research out there is Freiburg University,

1:00:07

which they have used similar crops, including brassica families, with no significant impact, and that's including soil, soil moisture as well.

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So we can confirm we've used papers that have used similar

1:00:28

species in field field trials. So

1:00:32

Harry Philpot on behalf of the applicant. So I think the essence of the response at the moment is is not to doubt that if you have crops maturing at different times that presents the sort of practical problems have been outlined. It's just as to whether that is likely to happen as a result of this particular factor, and that's what we say the evidence goes to but you've essentially got that already in writing, and I'm not sure we can elaborate usefully further today.

1:01:01

Thank you.

1:01:03

On that basis, we'll move on. Unless there are any further points to raise.

1:01:09

I don't see any hands.

1:01:12

I'll take us on to soil, aftercare and restoration. Then,

1:01:19

in response to our first written question, Lu, 1.12 the

1:01:23

applicant states that the decommissioning plan will review regulations and best practice at the time and propose appropriate methodologies to ensure that where returned to agricultural use, soils will return to the pre development quality as far as reasonably practicable. I set out in Section Five Point 10 of the outline soil management plan. However, the applicant then goes on to state that the soil management plan does not apply to decommissioning.

1:01:49

Can it clarify its previous sentence? Please, as to whether or not the decommission plan,

1:01:57

that's whether or not the decommission plan will return soils to the predominant quality, and whether or not that is secured. Through details within the outline soil management plan, there appeared

1:02:08

to be a contradiction, maybe misreading the response, but there seemed to be a contradiction in the response that was

1:02:19

given. Good afternoon. Andy Gregor, for the applicant, I think that what we're getting at here is that the restoration of soils to their pre construction conditions will be the case for the electrical cable corridor, but not necessarily for the onshore substation where the foundations would might learn that. So I think that that's the point that where we might have a little bit of misunderstanding, right? That's, that's useful. Thank you for that clarification.

1:02:55

Um,

1:02:57

have a series of questions now that relate to the soil management plan and comments. Predominantly from TH Clements,

1:03:06

given what we've heard this afternoon,

1:03:10

I'm minded to hold back from them, given that some of these matters may well be resolved over the coming days and weeks,

1:03:19

unless either party has any particular points to raise. I've not already been addressed in terms of the outline soil management plan. I shall progress further into the agenda, if that's okay.

1:03:31

Very good. Phil put on behalf of the applicant. So we're completely content with that. That seems like the most effective use of time.

1:03:39

Thank you. As is. TH Clements,

1:03:44

thank you.

1:03:47

On a similar vein, I did have some questions around organic farming, but again, note that the organic land protocol is is

1:03:56

in progress, and we don't have representatives from woodlands farm here today, so again, I propose to defer any questions on that particular point, if everybody's in agreement with that.

1:04:08

So yes, on behalf of the applicant, how we've thought what we're content with that approach.

1:04:14

Thank you.

1:04:18

I see any further hands

1:04:21

moving on, then we'll now take a short five minute adjournment just to discuss and agree our initial draft of the the action points taken this afternoon before we come back to discuss them with with parties. So there's now a five minute adjournment. Thank you. Applause.