

Hearing Transcript

Project:	Five Estuaries Offshore Wind Farm
Hearing:	Recording of Issue Specific Hearing 6 (ISH6) - Part 2
Date:	21 January 2025

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FULL TRANSCRIPT (with timecode)

00:00:05:02 - 00:00:41:28

Now 320. It's time for this issue specific hearing to resume picking up with agenda item 3.2. Effects for navigation and shipping and the fishing industry. Commercial fishing industry. Um, so as with the previous item, uh, and as per the agenda, the examining authority will invite the applicant to provide a brief update on any progress made or discussions that have taken place on navigation and shipping matters.

00:00:42:14 - 00:00:45:02

Since issue three to begin with.

00:00:47:04 - 00:01:07:14

Paula, for the applicant. Um, sir, can we introduce the team for this agenda item? We have three new people at the table and two on line. And just to note the update for shipping navigation and the update for commercial fisheries are separate and we are happy to hold Commercial fisheries 2.4 or if that is easier, to keep these two separate.

00:01:08:14 - 00:01:21:07

I think we probably agree easier to keep separate. So yes, if you'd like to introduce your team for this item and then give us an update on navigation and shipping matters. Thank you.

00:01:23:08 - 00:01:26:00

Daniel Bates, offshore consents manager for the applicant.

00:01:28:12 - 00:01:31:20

Sarah McNabb on behalf of the applicant, speaking to Commercial Fisheries.

00:01:33:29 - 00:01:37:09

Fiona Nimmo on behalf of the applicant, speaking on commercial fisheries.

00:01:42:00 - 00:01:46:15

And then, sir, we should have Mrs. Westwood and Mr. Millen online from Anna Tech. I hope.

00:01:47:21 - 00:01:57:27

We do. Yes. Uh, Mrs.. Uh, Westwood. Um, from, uh, Anna Tech speaking on shipping and navigation on behalf of the applicant. And I'm also joined by my colleague, Mr. Miller.

00:02:02:08 - 00:02:03:12

Great. Thank you.

00:02:06:06 - 00:02:10:15

So if the applicant would like to give its, uh, initial update.

00:02:12:24 - 00:02:51:27

Certainly. Um, since that last set of hearings, uh, the applicant has continued to engage with the relevant shipping stakeholders, including the Trinity House, Port of London Authority, Harwich Haven Authority and London Gateway Port Limited, making good progress in agreeing the content of the navigation and installation plan and the Outline Cable Specification and Installation Plan, or CCP, as confirmed through the various statements of Common Ground. The conclusions of the NRA are agreed, and it's concluded that there would not be an unacceptable risk to the safety of navigation from five estuaries following the implementation of mitigation measures, including the Nip and the sea SIP.

00:02:52:28 - 00:03:21:15

A significant update to the case. It was submitted at deadline for setting out the commitments around the deep water routes, including cable installation, boulder and archaeological archaeology, relocation, sediment disposal and cable crossings. A further update to the CIP will be made at deadline six, reflecting comments received from interested parties. However, the applicant the applicant considers that the substantive commitments that protect the future operation of the deep water routes and the Port of London are now secured.

00:03:23:03 - 00:03:54:09

The navigation and installation plan was updated at deadline five, addressing comments received from the Port of London Authority. It is understood that the only outstanding comment on the Nipp, leaving aside questions of approval, relate to the control of pre-construction surveys. The applicant's position on these is that these are surveys that are routinely undertaken through a sort of normal, appropriate engagement and notices to mariners, and that requiring them to be controlled by the Nip is unnecessarily restrictive.

00:03:55:03 - 00:04:01:29

Um, and it's proposed that suitable, suitable notification and consultation with the PLA could be secured through the protective provisions.

00:04:04:27 - 00:04:21:17

Uh, regarding the point on approval of the navigation installation plan. The applicant has committed to consult and seek agreement with all of the interested parties listed in that plan. But ultimately, the regulator is the MMO, and the plan will therefore be submitted to them for approval.

00:04:24:00 - 00:04:46:01

Moving on to the protective provisions, uh, for shipping and navigation. Uh, the applicant has responded to the PLA with a revised version of the PPE in early January, and we're in the process of

setting up a meeting with both client clients and lawyers and attendants to progress the protective provisions as far as possible.

00:04:48:13 - 00:05:23:05

Uh, the applicant has also met with Harwich Haven Authority to discuss both the statement of common ground and their response to the rule 17 request. The request for protective provisions from Harwich Haven Authority, um, as reflected in their statement in the Statement of Common Ground, was related to the protection for their statutory powers and functions where the export cable corridor overlaps with their harbour limits. The applicant's position is that any works within harbour limits will require a works licence to be issued by Harwich Haven Authority, and therefore the interests of the harbour are already suitably protected.

00:05:24:09 - 00:05:38:00

In summary, the applicant has made significant commitments to ensure both the safety of navigation and the future commercial operation of the ports, such that the examining authority should be satisfied that the project does meet the relevant tests of MPs and three.

00:05:52:09 - 00:05:55:16

Right. Thank. Thank you for that update.

00:05:57:23 - 00:06:07:27

So turning to the examining authority's questions to the applicant and other interested parties. Um,

00:06:09:13 - 00:06:40:25

sort of following the, uh, the agenda that we had set out. Um, starting with questions around, uh, cable burial. Um, particularly where the export cable corridor crosses the, uh, sunk and Trinity deep water routes. Um, and also, um, as close to the Margate and Long Sands Special Area of Conservation.

00:06:42:03 - 00:07:13:10

Uh, so, uh, starting with, uh, question to the applicant. Uh, and perhaps, um, something that the Port of London Authority may wish to come back on once the applicant has responded. Um, you will have seen the Port of London Authority's deadline five submission. Uh, rep 5107 and their concerns regarding the description of the commitment to cable burial depth within the deep water routes.

00:07:14:08 - 00:07:49:06

Um, in responding to your deadline for submission. Uh, rep for 040. Uh, they highlight that the 22m that's often referred to below chart datum within the deep water routes, um, should relate to the maximum depth of dredging to be enabled, not a minimum burial depth of the export cable. Um, by implication, the cable, we would think, would need to be deeper than 22m to avoid being disturbed or damaged by future dredging activities.

00:07:50:09 - 00:08:14:06

Um. Was that just a slip of wording? And is there agreement between the applicant and the Port of London Authority on a consistent form of wording to be used throughout applicant's application documents in relation to the depth of cable installation within the deep water route?

00:08:36:22 - 00:09:03:03

Daniel Bates for the applicant. Uh, yes. We, uh, obviously acknowledged the PLA position on that and have received Wording or proposed wording from the PLA, which we've agreed with. Um, and recognise that the 22m uh should be to enable dredging to that depth. Um, and we'll update the CC if it does accordingly.

00:09:16:08 - 00:09:27:00

And just turning quickly to the, uh, thank you for that answer, by the way. Uh, turning quickly to the Port of London Authority. Um, presumably that that was what you were hoping and expecting to hear there.

00:09:29:03 - 00:09:30:20

Uh, Mrs. Vicky Fowler, on behalf.

00:09:30:22 - 00:09:40:07

Of the Port of London Authority. Yes. So we understand that that wording is agreed. Um, and the um, outline cable specification and installation plan will be updated.

00:09:44:15 - 00:09:46:22

Okay. Great. Thank you, Mrs. Fowler.

00:09:56:18 - 00:10:42:28

Uh, so I think this is a question for the, um, port authorities and the ports, perhaps. Um, turning first to the Port of London Authority. Um, again on cable. Burial. Um, so if cable burial within the buffer to the Margate and Long Sands Special Area of Conservation was to be less than 22m below chart datum, um, would there be sufficient physical sea room, um, allowing for the proximity of the sunk pilot boarding station for vessels with up to 20m draught to manoeuvre in or out of the deep water routes.

00:10:43:00 - 00:11:00:09

It's, um, a sort of follow up to that is, if it's considered, there would be insufficient sea room. What implications might there be for the operation of the ports? And can those effects be estimated in terms of volume of cargo in question?

00:11:01:27 - 00:11:04:29

Um, so perhaps turning first to the Port of London Authority.

00:11:11:25 - 00:11:34:04

Uh, Mrs. Vicky Fowler, on behalf of the Port of London Authority, sir. Um, I can confirm that the area shown, um, effectively hatched blue, um, in the, um, outline. Um, so at the. Oh, CIP, um, effectively provides for, for what's required for the, um, for the piloting. Right.

00:11:38:25 - 00:11:41:29

So, so we're so effectively we're we're satisfied on that.

00:11:45:24 - 00:12:18:15

Right. Thank. Thank you for confirming that. So, um. Yeah. So, as we understand it, the, um, the root there for the, uh, I think it's the Trinity deep water route, isn't it? Um, as we can see, it seems to slightly move, um, inland to allow for the 500m, um, buffer, but it still provides a sufficient, uh, width of sort of dredging space for the type of future vessels.

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

Is that correct.

00:12:22:01 - 00:12:27:19

Vicky? On behalf of the Port of London Authority. Um, so I can confirm that. That's correct. That's an agreed area.

00:12:29:20 - 00:13:06:03

Okay. That's great. Thank you for confirming that. Um, and whilst I've still got Port of London, um, on the screen, um, Ah. Do you have any concerns about the proposed approach to the sunk deep Water route, as set out in the current version of the Outline Cable specification and installation plan, with effectively identifying a sunk area a below 22m uh, and then either side having an area B, uh committing to below 19m.

00:13:07:28 - 00:13:17:16

Rickie Fowler, on behalf of the Port of London Authority. So I can confirm that that those depths are agreed and the differences between the two sunk areas. That's all been agreed.

00:13:21:16 - 00:13:22:14

All right. Thank you.

00:13:24:18 - 00:13:40:23

Um, so is there anything in relation to sort of, um, cable burial or cable installation within the, um, the deep water routes that concerns the Port of London Authority? Or are those issues now all resolved?

00:13:43:25 - 00:14:01:00

Thank you. On behalf of the Port of London Authority, sir, I am instructed that in terms of the outlying cable installation specification, we are expecting an update to deal with, with profiles. If you need more on that, then I can. I can bring in Lucy, Queen of the Port of London Authority.

00:14:04:11 - 00:14:11:22

And I'll just turn to the applicant and just check that. That's the applicant's understanding that an update will deal with profiles.

00:14:12:10 - 00:14:20:24

Daniel Bates for the applicant. Yes. We've spoken with the PLA about including some information on the profile of the slope between 22 and 19m, and we'll include that.

00:14:23:07 - 00:14:24:03

Great. Thank you.

00:14:29:15 - 00:14:32:12

And, Mrs. Fallow, are you going to come back on something there?

00:14:33:28 - 00:14:55:14

Vicky Fowler, on behalf of the Port of London Authority. So I would I would just say that there are there are still concerns about how, um, these cable burial, um, depths are being recorded, as it were, and how they are secured. And I don't know if you want me to deal with that now or if you've got questions on that, that, that it would be appropriate to, to deal with that.

00:14:56:16 - 00:15:03:15

Um, no. I'm happy. Happy for you to deal with those. Now, if you'd like to explain them to us. Thank you. Yeah.

00:15:03:17 - 00:15:44:12

Thank you. Thank you. Vicky Fowler, on behalf of the Port of London Authority. So, as set out in the written representation, um, you know, the the PLA do feel that it's important to secure the agreed position, um, in relation to those deep water routes as an embedded mitigation and for that degree position to be clear and consistent, um, both within the application documents and within the draft DCO. Um, and so this is particularly against the backdrop, um, of references in the marine, um, sorry, the Dean marine license, which references no more than 5% reduction in water debts, um, in the marine license.

00:15:44:28 - 00:16:16:27

And as I say, we are looking for amendments to schedule 11 to make it clear, um, what the depths were and what happens at the deep water routes and what can happen elsewhere. Um, and so that maybe that one is appropriate for issue specific hearing. Seven but if I, if I can, I can note that, um, now obviously the outline cable specification insulation plan is a certified document, and that plan is to be approved under the marine license. Um, but the PLA would also wish to approve that.

00:16:17:18 - 00:16:39:20

So, um, the DCO stipulates that the final plan is to be in accordance with the principles of the outline. Um, so the PLA would would wish to see a specific requirements in the DCO referencing the depth. Um, as I say, and particularly given the potential for confusion, um, with the references in the in schedule 11.

00:16:41:07 - 00:17:19:06

Um, and so we final point is I think we'd submit that that's, that's not novel um or unique. So certainly in terms of a tunnel scheme, for example, um, there'd be an article in the order for the protection of the Undertaker's tunnel, um, which refers to a plan to show the depth, um, um, that the PLA can dredge to, um, and then protective provisions pick up on elements of the plan, um, where the undertaker can't go above. So currently, the only reference to depth, um, is within the offshore protective provisions, um, which we're negotiating with the applicant, um, and which aren't yet agreed.

00:17:20:26 - 00:17:23:17

Um, thank you, sir.

00:17:24:00 - 00:17:54:16

Thank you for that. Um, Mrs. Fowler, um, again, I think as as you sort of slightly alluded to in going through your points. I'm, um, slightly nervous or not nervous, but don't necessarily want to get into matters which are probably better dealt with at ish seven on on Thursday. Um, but I don't know whether there's anything that the applicant wants to say on any of those points at this stage, or whether it's more appropriate to have a discussion. Um, when we get to protective provisions, etc.

00:17:54:18 - 00:17:55:11

on Thursday.

00:17:56:11 - 00:18:01:28

Paula McGeady for the applicant, we suggest this would be better dealt with in the DCO hearings, sir, because it is going to get very drafty.

00:18:07:02 - 00:18:16:18

I was just, uh, subtly looking across to the panel, Lee, to check that he's happy that we, um, sort of deal with those matters in detail at ISO H7.

00:18:17:02 - 00:18:22:26

Uh, yes. Because I have a possible solution to the issue that I was going to raise through a question.

00:18:26:02 - 00:18:33:16

Is that okay with you, Mrs. Fowler? Presumably. I think the PLA are down to be attending the Ish seven on Thursday.

00:18:34:27 - 00:18:39:10

Vicki Fowler on behalf of the Port of London Authority. Yes, that's completely fine, sir. Thank you.

00:18:43:11 - 00:19:16:21

I think my my next question to the applicant was, again, one that's perhaps treading that fine line, um, of not trying to get into matters that are for H7, but, um, I'll have a go at it. Um, you'll be aware of the Port of London Authority's concerns, uh, relating to pre-construction activities. Indeed, Mrs. Fowler referred to it not being covered by the navigation and installation plan. Uh, the latest version being rep five, uh, 107.

00:19:17:03 - 00:19:36:12

Um, and they've obviously referred to it in earlier submissions to this examination. Uh, as I say, not wishing to get into discussions here about protective provisions. Um, but are you clear that the NEP isn't the appropriate mechanism for dealing with the pre-construction activities.

00:19:42:22 - 00:19:48:06

Let me give you that up again. Yes, sir. We are. The net is not intended to cover the pre-construction surveys.

00:19:52:14 - 00:20:22:00

I think Mr. Bates actually, um, started or to or almost wholly answered my, um, follow up question, but, um, which was, um, you know, how have pre-construction activities within deep water routes tended to be managed as part of any other earlier, um, offshore wind projects? I think he tended to mention things around liaison and coexistence, but, um, I don't know whether you wish to elaborate on on that response.

00:20:44:26 - 00:20:47:12

We don't think we can usefully add anything at this time, so.

00:20:58:10 - 00:21:31:05

Um, that brings me to the end of my questions regarding the, uh, export cable corridor and the deep water routes. Um, I will just turn back to the Port of London Authority. Uh, and and indeed, um, London Gateway port, whether they have any further views or any issues that, uh, you don't think we've covered here? I can I can see a hand up. Um, the initials th.

00:21:34:00 - 00:22:08:29

Yes, sir. Trevor Hutchinson, London gateway port limited. Um, I think we have generally covered it, but I just want to, um, highlight, um, an agreement between the applicant and ourselves, which is reflected in the, um, statement of common ground between the applicant and London Gateway Pool Limited. Um, document rep 5059 uh, for the references in the CIP to the 5% um reduction in navigable depth. Would not disagree that um, as I understand it, that that would not apply to the deep water routes. And I understand the applicant's intending to address that in a further revision of the CIP.

00:22:11:27 - 00:22:19:09

Thank you. Mr. Hutchinson, I think I saw a couple of nods from the applicant, but I'll just ask them to confirm if that's the case.

00:22:21:01 - 00:22:24:06

Uh, Daniel Bates, on behalf of the applicant. Yes, that's the case. We'll make that update.

00:22:25:21 - 00:22:47:28

All right. Thank you. And that. That also addresses one of my later questions, which I was going to be asking on behalf of London Gateway Port. Um, and Mrs. Fowler is on. Just before we move on from deep water routes and cable installation, is there anything further that the Port of London Authority wants to add at this time?

00:22:49:03 - 00:22:55:02

Mrs. Vicki Fowler, on behalf of the Port of London Authority. No, we have we have nothing further on this point, sir. Thank you.

00:22:57:25 - 00:23:09:13

Great. Thank you. I don't know if there's anything that any other party, perhaps online, that I've missed wishes to say on this. Before I move on to the next sub item.

00:23:10:07 - 00:23:11:22

Could I just make a point, please?

00:23:12:24 - 00:23:13:22

Yes. I don't know.

00:23:13:24 - 00:23:49:11

If this is a relevant section, but we're talking about cable burial. The 22m would be great for the fishermen. However, from our experience, The applicants will say that they will bury using best practice. But just let you know. In the Thames Estuary, when it's a continuously moving seabed, there are cables being exposed on a regular basis which create hazards for fishermen. And also in this route, I think there's estimated 50 cable crossings. They won't be buried, they'll be covered with rocks and other type of matter, which will again create hazards for fishermen.

00:23:49:19 - 00:23:52:28

Thank you.

00:23:57:17 - 00:24:05:06

Thank you. Thank you, Mr. Armstrong. Um. Just looking. Mr. Gould, was your hand hovering over the microphone?

00:24:05:22 - 00:24:10:24

I do intend to come to that point. Um, when we get to the commercial fishery section.

00:24:13:24 - 00:24:17:25

Okay, so we will pick up on that, uh, very, very shortly.

00:24:24:01 - 00:24:44:18

Um, so my next sub item is around the control and mitigation measures during construction. Uh, and as Mr. Hutchinson has already raised it, I skip over the first question about, uh, reduction in navigable depth in the 5%. Um, so to the applicant, uh.

00:24:46:20 - 00:25:14:07

You will have seen, uh, the Port of London Authority's sort of more detailed comments in section five of their rep. Five um, 107 uh, on the revised outline cable specification and installation plan. Um, do their proposed amendments appear reasonable to you? Um, or are there any that need to be discussed in this hearing with both parties present?

00:25:16:09 - 00:25:21:00

I know you've already committed to, uh, updating Dating that that document.

00:25:30:17 - 00:25:39:18

Uh, Paula McAadoo without looking, sir, we are still working through those. We think most of them are generally acceptable, but we would like to reserve our position and come back to you on writing, on the detail of all of them.

00:25:42:12 - 00:25:48:22

Great. Thank you. That that appears reasonable to us and hopefully to the Port of London Authority.

00:25:53:29 - 00:25:55:26

Okay.

00:25:56:15 - 00:25:57:03

Um, so.

00:25:58:03 - 00:26:00:03

This is Vicky Fowler. Sorry, Mrs..

00:26:00:10 - 00:26:06:08

Fowler, on behalf of the Port Authority. Yes. Yes, sir. That's that's that's fine. Um, fine for the Port of London Authority.

00:26:06:29 - 00:26:09:06

Great. Thank you for confirming that.

00:26:13:29 - 00:26:53:23

Um, so next, next one for the applicant. Um, again, it's comments that the Port of London Authority have made in their deadline five representation, this time looking at section seven. I suspect this might be a similar reply, but relating to the outline sediment disposal management plan. Um, again, which you'll no doubt respond to in writing. Um. However, the examining authority would just like to pick up on their question, um, why? The scope of the document is limited to the construction phase as currently drafted.

00:26:54:13 - 00:27:09:29

Um, in relation to the deep water routes. Uh, perhaps similar commitments throughout the period of operation, um, might also appear to be helpful. I don't know whether you want to come back with any views on that at this stage.

00:27:22:02 - 00:27:34:24

Up for the applicant. We think the point that's being referred to is the disposal of sediment in the deep water, which we are happy to commit to that in operation and during maintenance operations as well as construction. That's an update we are happy to make.

00:27:37:10 - 00:27:45:14

Thank you for confirming that. And presumably the Port of London Authority would welcome that answer. Mrs. Fowler.

00:27:49:02 - 00:27:49:18

Sorry.

00:27:50:26 - 00:27:55:16

Mrs. Vicky Fowler, on behalf of the Port of London. So. Yes, sir. We welcome that very much. Thank you.

00:27:57:08 - 00:28:26:08

Thank you. And just whilst I've still got you on the screen, um, I think my final question under this item is a very general one. So the ports and the Ports Authority's. Um, is there anything else you wish to discuss in this hearing regarding any of the sort of control documents? Or are you satisfied that any outstanding matters can be dealt with between yourselves and the applicant in writing before the close of this examination?

00:28:36:11 - 00:28:50:18

Vicky Fowler, on behalf of the Port of London Authority. So my instructions are that we don't need to raise anything with you today. Obviously, we are working through the issues within our deadline five submission, and we'll obviously update at the at the next deadline.

00:28:55:04 - 00:29:06:23

All right. Thank you. And London gateway port. Is there anything else that you wanted to raise regarding any of the control documents in as part of the application?

00:29:07:09 - 00:29:13:25

Yeah. Thank you sir. Trevor Hutchinson, on behalf of London Gateway Port Limited. No, nothing additional that we'd like to raise at this point, sir.

00:29:15:08 - 00:29:18:00

Great. Thank you for confirming that.

00:29:20:05 - 00:29:51:03

Um, I think that just brings me on to, um, a sort of general catchall item under sub point C, um, sort of any other matters outstanding. And just just one question under this for the applicant. Um, in response to the marine management organizations relevant representations, uh, the applicant has helpfully submitted a marine policy assessment, uh, which was recently updated as rep 5068.

00:29:52:02 - 00:30:26:00

Um, the offshore elements of the proposed development variously fall within the areas of the Southeast Inshore Marine Plan, uh 2021 and the East inshore and East offshore marine plans, uh 2014. Um, for us, without a reference to a map base. Um, it's quite difficult for us to establish, um, within each of within which of each of the marine plans. Uh, the relevant policies relate to the proposed development.

00:30:26:20 - 00:30:41:02

Um, so could as an action point arising from this issue. Um, the applicant submits a map showing the boundaries of the marine plans relevant to the proposed offshore order limits.

00:30:45:16 - 00:30:46:24

Yes, sir. I'll be concerned about that.

00:30:49:10 - 00:30:51:01

That's great. Thank. Thank you very much.

00:30:53:13 - 00:31:28:00

Well, I think that brings me to the ends of the questions that I had, uh, specifically around navigation and shipping. Um, we now propose to move on to, um, effects for the fishing industry. Um, which, as I understand, I think the the applicant's team is just going to provide, um, a sort of brief update on the, on the position. Um, and then I'll hand over to my colleague, Mr. Gould, um, who's got, uh, 1 or 2 questions for the applicant and interested parties.

00:31:28:16 - 00:31:29:03

Thank you.

00:31:31:28 - 00:31:32:13

Yep.

00:31:32:15 - 00:32:08:00

Sarah McNab for the applicant. I'll provide an update of progress since the last hearing. So, in summary, since the last hearing, the applicant has held two meetings with the Commercial Fisheries Working Group and responded to some of their concerns via update to the outline Fisheries liaison and coexistence plan. So that's app 247. So just to go through the process on the 11th of December, the first of those meetings with the Commercial Fisheries Working Group was held. That was to both discuss a draft statement of common ground and the outline for LCP

00:32:09:24 - 00:32:23:19

In that meeting, the Commercial Fisheries Working Group communicated that they weren't yet in a position to progress the statement of common ground, and that was on the basis that previously raised concerns had not been sufficiently addressed by the applicant.

00:32:25:12 - 00:32:39:17

So following that meeting, the applicant made updates to the outline FLC and those updates are shown in the latest version of that plan, which was submitted to the Planning Inspectorate at Deadline five.

00:32:41:19 - 00:32:45:23

And those updates were primarily made to address the concerns of the Commercial Fisheries Working Group.

00:32:47:15 - 00:33:10:16

The key update that was made was in section 4.3 of the FLC under the heading Cooperation Agreements. And it was clarified that any affected fishing fleet, subject to residual significant impacts during the construction phase, may seek to engage with the applicant to enter the evidence based cooperation agreement and disruption payment process.

00:33:12:05 - 00:33:23:21

So that's the updated document. The FLC was shared with the Commercial Fisheries Working Group on the 13th of January. And feedback from the group was received on the 15th of January via various emails.

00:33:25:11 - 00:33:27:09

The feedback was broadly positive,

00:33:29:00 - 00:33:45:17

and following that feedback, a second meeting was held with Harwich Harbour Fisheries Association on the 17th of January to discuss the feedback. We noted that other members of the WG were not available to attend on that date, but they had provided their thoughts via email.

00:33:47:27 - 00:34:20:18

So following that meeting on the 17th of January, that second meeting there, um, the applicant has agreed to further update the outline FLC as follows. So the applicant will clarify that no fishing methods are excluded from being eligible to apply for disruption payments where significant residual impacts occur. Harwich Harbour Fishermen's Association confirmed that this update would be helpful, and also confirmed general alignment with the evidence and evidence required to support that application process.

00:34:22:17 - 00:34:38:20

The outline for LCP will also be updated by the applicant to clarify their commitment to cable post installation, bathymetric surveys, and how the findings of those surveys will be shared with the Commercial Fisheries Working Group, which is anticipated to be via a working Group meeting.

00:34:41:03 - 00:35:03:14

In an update to the outline. FLC will therefore be made to include these two further clarifications, and it's the intention that that will be submitted at deadline six. It is expected by the applicant that this will be the final update to that document during the examination process, and that's noting that this is an outline plan that will be developed further in liaison with the Commercial Fisheries Working Group.

00:35:06:14 - 00:35:26:03

Finally on the Statement of Common Ground with the Commercial Fisheries Working Group, a template for that document has been developed. But as I said, not yet progressed. The applicant remains happy to progress that statement of common ground for deadline six, but it will require input from the Commercial Fisheries Working Group. Thank you.

00:35:57:20 - 00:36:27:17

In terms of what was, in effect, a draft statement of Common Ground Rep. Five. Zero. 65. I'm slightly confused as to who it's coming from, because it refers both to the commercial fisheries group in places, but also Harwich Fishermen's Association. Can you confirm which it's going to be? Is it from the Commercial Fisheries Group or from Harwich or a combination of the two?

00:36:30:13 - 00:36:48:05

Sara McNab, on behalf of the applicant, it's intended that that statement of common ground is with the working group, but recognising that that group has several members. It seemed a common sense approach to have Harwich Harbour Fishermen's Association act as signatory on that document, given that they had provided the formal representation to the project.

00:37:12:06 - 00:37:28:12

Given what's just been said, I think it would then be helpful if there was an explanation of that arrangement actually given within the statement. So it's clear that, in effect, the commercial working group has agreed, um, that

00:37:30:01 - 00:37:41:07

in effect, are delegated to sign on behalf of the group's behalf. Because it was certainly when I looked at it, it was getting a little bit confusing as to, um, who was able to say what and for whom.

00:37:46:03 - 00:38:02:09

Uh, Paula McGeady for the applicant. Um, we can certainly put some wording to the working group and the fishermen's Association to, to that effect, but it would be up to them quite how they structure that between themselves. We do not think the working group has any formal legal status, so somebody would need to sign on their behalf.

00:38:05:03 - 00:38:10:11

Mr. Armstrong, are you able to assist in how how the mechanics of the various groups work?

00:38:11:06 - 00:38:42:20

Yeah. Um, there. Right. I was the only person to register as an interested person. And, uh, that was after going to one of those, uh, commercial Fisheries working group, and I said I was happy to do that. However, I'm not happy to sign the document solely representing the, uh, the rest of the fleet up at the East coast. But, um, I have suggested that the next working group, the reps there, will have a mandate to sign that document individually.

00:38:42:22 - 00:38:45:18

So that would be representative of the whole of the fishing fleet.

00:38:50:26 - 00:39:02:12

How many signatories do you think that might end up being? Six. Six. And how quickly can that process of actually signing whatever the final form of the document is being concluded.

00:39:03:05 - 00:39:24:27

Um, I think that could be very, very quick because I think RWA has gone a long way to satisfy and satisfy some of our concerns. I'm not saying at all, but there's definitely room to, uh, to make it a document that may be acceptable. And if I get the draft through, I can look through it and speak to the other reps. And it could be done very, very quick.

00:39:27:11 - 00:39:36:06

I'm just wary of documents that require lots of signatories can take a long time to actually get from A to B, um, but.

00:39:38:15 - 00:40:05:13

So let's say there is a form of document which there are elements that the various fishermen agree to, and there will no doubt be elements that the fishermen don't agree to. But in terms of that final document, once that final document identifying matters of agreement and disagreement is ready. How

long do you think in terms of days or a week? Or how long do you think it will take to to get the signatures in place?

00:40:06:07 - 00:40:42:18

Um, that could be very, very quick. If we can call a meeting, um, everyone's expecting to have a meeting. The other reps. I mean, it was very, very difficult at the start because RWA came in with some, uh, policies that, um, weren't really acceptable to us. Um, and for RWA, they were following a quite difficult act of SPR who have done the East Anglian projects, who we've worked really, really well with. We haven't had any conflict. No trouble. Um, but I think RWA now accepting that there is a, um, model that can work.

00:40:43:10 - 00:40:46:14

Um, and that would be the way I would suggest RWA go.

00:40:47:25 - 00:40:58:22

Turning to the applicant, then, do you think the mechanics of trying to get the statement of Common Ground concluded is something that's going to work. Given the time that's left within the examination.

00:41:05:27 - 00:41:24:03

Uh, we think it's probably manageable. So we we although although we respect the optimism of the idea of signing it in the meeting, we suspect the wording might not be, um, agreed on the spot. And it might be easier, for example, to do counterpart signatory and just give you a combined version. We think it's probably manageable.

00:41:25:09 - 00:41:55:19

That's that's really the bottom line that we need something. Um, while we're talking about the statement of government statement of common ground. Um, there were some elements in the draft that I thought were a little bit novel and or perhaps a bit confusing. We seem to have, in the category of matters not agreed. We've got not agreed, not agreed Material impact. Um.

00:41:56:09 - 00:42:12:23

But surely if something's not agreed by one party, it's just not agreed. So would it make it easier not to have that subdivision? Because if something is not agreed and it's material impact, that seems to me to be the same as just not agreed.

00:42:22:11 - 00:42:36:08

Uh, well, thank you for that. That distinction has come from the parties that we are trying to sign up. The statements common ground with, not from us. So we would be happy to simplify that, but we would need the, you know, the counterparty to agree so we can take it away and discuss it with them.

00:42:37:02 - 00:43:16:25

Mr. Armstrong, do you get the point that I'm making, really what we're trying to establish with the statement of common ground? Um, unfortunately, the title is actually not all that helpful because it really should be taken to common ground. And that's not agreed or, um, but what we need to be clear about is where there are areas of agreement that that's clear and that where there are areas of

disagreement that is also clear. And the reasoning for why there is disagreement, um, what seems to be suggested here is that we get two categories of not agreed.

00:43:17:10 - 00:43:34:22

One is outright disagreement and one that, well, it's not agreed but has a material impact. As I say to me, the two basically mean the same thing. If a party doesn't agree to something, it doesn't agree to it and it considers it its material.

00:43:37:06 - 00:43:38:10

Yeah, I totally agree with that.

00:43:40:24 - 00:44:02:01

Do you think your other colleagues from the fishing community will will understand the point and perhaps, um, the classification of matters that are agreed, not agreed. And perhaps still being thought about at the point of whenever this document is signed, um can be achieved in terms of its final form.

00:44:02:24 - 00:44:07:24

Yes, I think that's that's possible. But there are certain things that we will never agree on. You know.

00:44:08:18 - 00:44:09:23

Everybody accepts that.

00:44:09:25 - 00:44:21:29

And that is example material impact. That's great thing to try and establish of what that actually means to a fisher. So, um, yeah, we wouldn't agree on that. But yeah, that makes sense to me.

00:44:22:01 - 00:45:00:13

And I think the applicant will accept that there are some matters that you will not agree about. What what we really need to understand in the final document is yes, something's not agreed. And why it's not agreed. Um, that's really that's why I say, actually the title of these things take the common ground in this sort of scenario, and it doesn't just apply to your interest area. It can crop up with highways. It can crop up with ecological matters. Um, because from a, um, an examining authorities perspective, often it's not the matters that are agreed that really count in terms of perhaps where we need to raise questions and do a bit more thought.

00:45:00:15 - 00:45:09:18

Where we're making recommendations is those matters that are not agreed, are the are the ones that are the more tricky, and we need to have a clear understanding of what they are.

00:45:19:29 - 00:45:37:11

Uh, in terms of the applicant summary of the position as to where the discussions are at the moment, are you content with with what? Um, Sarah McNab indicated a little while ago in terms of the various meetings that have been held? Changes that are being made, uh.

00:45:37:24 - 00:45:44:09

Is definitely going in the right direction. I feel, um, there's a long way to go. Um, but, yes, I think we can get there.

00:45:52:02 - 00:45:53:18

Okay.

00:46:29:00 - 00:46:39:28

And I'm sorry. In terms of the coexistence plan. Um, have you seen the version that was submitted at deadline five, which is rep five, hyphen 029?

00:46:40:04 - 00:46:40:22

Yes, I did.

00:46:40:24 - 00:46:45:22

Yeah. Um, you've indicated that things are.

00:46:49:27 - 00:47:03:05

Improving from your perspective? Um, are there any areas that you still consider are, um, more problematic in that version? Um, that still need looking at?

00:47:03:22 - 00:47:08:07

The major one for us is, um, is linked to the duration of the wind farm.

00:47:09:29 - 00:47:22:09

Um, everything seems to be geared to construction and surveys and everything pre construction. There's nothing in the coexistence plan about post construction that I can see that's going to help the fishing community.

00:47:25:01 - 00:47:45:27

Because what we do have, and this is a bone of contention between all developers and the the fishing fleet is they will say, and it will be a licensed condition, that everything is fishable after the event. But I can assure you the sites, cables, the crossings, they are a high risk area for fishers.

00:48:09:21 - 00:48:27:09

So in that regard, is the concern that you potentially take the view, you and your colleagues, that you cannot fish the array area once it's operational or that you can fish it, but not as readily as you would have been able to.

00:48:28:27 - 00:49:08:12

The East Anglian did some surveys within a rice site, um, for drifting and long lining, which is the major fishing method method we use. Um, their risk assessment said that they could only be conducted while it was slack tides, uh, no wind and, uh, in daylight. Um, and anything other than that, the risk assessment would say that they couldn't conduct the operation. I think that says a lot, really, because the fishermen are going out in all those times, mostly at dark, in darkness, um, and different winds, stronger tides.

00:49:09:11 - 00:49:13:04

Um, so they would say it's unfeasible.

00:49:16:22 - 00:49:28:07

When you've got a wind turbine coming up on you and the wind's blowing you towards it, you only need one little mishap and then you're on it. So who would take the risk? The skipper, um, just won't take the risk.

00:49:59:03 - 00:50:25:20

So is the point that you're really making that, um, the liaison plan doesn't deal with that point. Um, and in effect, you you expect the the fishing community would just avoid the area, which comes back to the earlier point you made at the previous hearing on, on the contraction of, of the fishing ground for you to actually, uh, fish.

00:50:27:06 - 00:50:57:18

Yeah. Yeah. It's exactly that. I mean, um, I did submit a document the MMO produced on, um, on exactly that. The impact of the wind farms were on the Thames Estuary is saturated point. Saturation point. If you think about the number of projects that are in the planning, you know we've got East Anglian, one, North East Anglian, the two, East Anglian three going at construction. You've got four interconnect cables, you've got aggregate dredging all those things.

00:50:57:20 - 00:51:17:12

It just is now they are no go areas. So what we're doing is condensing a small fleet. It's only 70 or 80 boats, but you're condensing them all into some areas. And that's causing conflict between each fissure and also reducing the livelihoods.

00:51:19:08 - 00:51:24:20

And I did in my submission say, you know, sooner or later someone's going to have to say enough is enough in the Thames Estuary.

00:51:26:26 - 00:51:29:17

Unless, of course, we want to get rid of the fishing fleet.

00:51:54:27 - 00:51:58:25

The applicant. Is there anything that you want to pick up on what Mr. Armstrong has just said?

00:52:10:19 - 00:52:44:19

Paula McKinney. For the applicant, I suspect this will remain a not a grade point. So I think part of what we would point to here is the baseline for fishing in our area. Um, we do not think that there is a particularly high number of long line vessels operating, and we are not aware of drift netting. We also do not think drift netting has actually been raised with us so far. We're very happy to go in and have those discussions. Um, but the we are not closing their area to fishing, and we do not think there is a significant impact to commercial fishing in operation, so there is no significant impact to mitigate.

00:54:00:14 - 00:54:00:29

I think

00:54:02:20 - 00:54:36:08

we've heard both sides views on that, and I think I can really glean much more for asking. Um, Mr. Armstrong on Mr. Armstrong to respond. Um, we certainly understand the point you made. Uh, you you made that previously that your concern is contraction, um, of of the Fishable area, um, and that there are concerns amongst the fishermen, fishermen community about whether or not they think it's safe to go into the array areas to fish.

00:54:37:17 - 00:55:00:26

And presumably, if they're taking the view that it's not safe to fish the area, then there are more fishermen and their vessels trying to fish other areas outside the various array areas. That's really the point that you're making that there's less space out there. If you discount the array areas, the various array areas.

00:55:03:03 - 00:55:34:14

Yeah, that's right. But I think it's important really to just understand what fleet we're talking about. These are all under ten boats. They're not boats that can go away for 2 or 3 days at a time. They're day boats single handed, operating on their own. Um, so the travel distance dictates where they can go on a day to day basis. Um, and the terminology significant impact. Um, we don't accept that at all. All the ideas that I've been involved with.

00:55:34:18 - 00:55:49:01

All come out with minimal. But if you're only earning 50 grand a year, and that prime bit of ground that generates 25,000 of it is taken away from you, that is significant. And that's what's happening on a regular basis now.

00:56:25:15 - 00:56:28:01

Okay.

00:56:30:21 - 00:56:37:11

Just turning to a slightly different topic. The liaison plan refers to.

00:56:40:07 - 00:56:52:12

Offshore fisheries liaison officers. Can you just help the examining authority in terms of what what's the background of those officers? Are they retired fishermen or are they part time fishermen that provide assistance?

00:56:57:17 - 00:57:22:15

On behalf of the applicant. So an offshore fisheries liaison officer would typically be on board a vessel and operating offshore. And their purpose would be to be aware of any fishing vessels in the area and to alert them of the project related vessels and operations that are currently ongoing at that time. So it's a separate role from a fisheries liaison officer, which would typically be onshore.

00:57:25:01 - 00:57:41:00

And to answer your question, in relation to previous professions. It could be that they are retired fishermen. And it could be that they are operating under other marine related activities, or there are specific offshore flow rule.

00:57:47:01 - 00:58:06:21

And do they tend to be, um, people that are familiar with the area? Um, is that perhaps the main criteria rather than the actual background, that they understand the waters, but they also understand, uh, how fishermen go about their daily business.

00:58:08:14 - 00:58:11:00

On behalf of the applicant. Yes. Absolutely correct.

00:58:39:05 - 00:59:19:10

Now in the statement of common ground that's been entered into between the National Federation of Fishermen's Organizations, which is Rep 562. Um, the national federation has sought a commitment to remediate cable exposures where they occur. Um, can the applicant explain how you intend to rectify cable exposures that any of that may arise? Um, I mean, would that be like for like repair, replacement or some alternative means? And if an alternative means is required, what would be the consenting mechanism for pursuing that alternative?

00:59:21:08 - 00:59:22:26

Alice Maynard for the applicant,

00:59:24:14 - 01:00:01:19

the approach to dealing with cable exposures understandably varies from site to site, location to location, and for the different types of cables. For example, a solution that is a typical solution or approach to dealing with cable exposures in an array area where the where each of the cables is only connecting another wind turbine, and those cables are essentially replaceable, and an area of highly mobile seabed where there might be more frequent, you might, might would be different.

01:00:01:21 - 01:00:22:27

Then, for example, an area where there's an export cable, um, and that's become exposed, you know, in an area of hard seabed, for example. So when we when I answer the question, we have to sort of be very specific about what would be appropriate in different scenarios.

01:00:27:08 - 01:00:37:12

In terms of effects for fishermen, what what are the most likely cable exposures that arise? And then how do you go on to fix them?

01:00:41:16 - 01:01:14:12

If there's an area of mobile seabed. So typically sand where we would have sand waves and the cables became exposed or on a sandbank and the cable, the sandbank moved and the cables became exposed. Um, if it was a rea cables, um, a essentially a watch and see approach might be taken or the cables may be rejected. So in that approach, um, you would use what's called a jetting tool.

01:01:14:14 - 01:01:20:14

That fluid uses the seabed and the cable sinks again. Um, because it's, um, that.

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

Would work.

01:01:22:02 - 01:01:48:00

If you were in an area of, say, hard seabed. Um, it's very unlikely the cable would become exposed because the seabed is not moving. Um, but if the cable was exposed, um, say, if it was under buried to start with, then it wasn't buried more than 0.6m depth. Then an appropriate mitigation might be external protection.

01:02:16:00 - 01:02:23:02

And just to add in terms of consenting, this would all be controlled through the marine licensing.

01:02:45:05 - 01:03:07:00

Thank you, Mr. Dana. Uh, Mr. Armstrong, earlier you referred to, you know, was it yourself or was it the, uh. Yeah. Um, in your experience or your colleagues experience in terms of exposures, um, what are you actually encountering?

01:03:09:08 - 01:03:13:12

Is it in the soft sea bed area or the hard bed areas?

01:03:15:02 - 01:03:45:04

It's it's only it's only in the soft areas, really. Where the the sea bed shifts. I mean, some of the sands move 100m each year. And the problem for a developer is the next year it can move back. So what has happened on other sites is, is there's cables exposed and some of them have been exposed. Now for well, one on the galloper is over six years. That is they describe it as a piano wire that's free spanning the seabed.

01:03:45:14 - 01:04:16:07

So of course you can't tow over it, you can't drift over it, and there's a danger of your anchor getting attached to it if you go to anchor. Um, it's difficult for the developer, except because they have to go for a license and and deal with it. But like I say, they, I think, want to protect their asset. But how long does it take? And then they put marker buoys to show where it is. Well marker buoys stops drift netting um, and the drift net and not been spoken about that comes under mobile gear.

01:04:20:16 - 01:04:46:28

And of course, if they do rock it, then of course that's quite good for potters because they can use that because that will generate crab and lobster, perhaps. But you can't rule over it. You can't drift over it. So again, that becomes a snag on your plotter and you stay well clear of it. And as I said previously, I think there's estimated 50 cable crossings. That means those cables won't be buried. They'll sit on surface.

01:04:50:25 - 01:05:05:25

And if you count the other four cables that are going in East Anglian one. East Anglian two, East Anglian three, you can see what a plotter would look like now to a fisher when he's trying to just go about his daily business.

01:05:25:14 - 01:05:34:01

Does the applicant have anything to say in terms of what Mr. Armstrong said, particularly in terms of potentially up to 50 cable crossings sitting on the surface?

01:05:35:18 - 01:06:06:12

Alice Maynard for the applicant, um, we've explained in the MDHHS technical note, um, the why we have arranged for a number of crossings and why it's, uh, why we quoted the numbers we have. Um, we have there are three existing three assets that we understand will be in place in the arrays. And depending on where we always go within the export cable, which I believe is the area more likely to be fished by day boats.

01:06:06:27 - 01:06:42:09

Um, there are fewer and fewer crossings. There is, um, if there was an existing asset in place, we and we have to grow across it, we have to install a crossing. The way crossings are installed is that we install a separation layer on top of the existing asset. We then put our cable over the top perpendicular to it, and we will install um, concrete mattresses or uh, rock berms over the top of that. Um, that protects the, our cable, which would be on top of the third party asset.

01:06:43:04 - 01:06:45:17

Um, that is how you build crossings.

01:07:14:03 - 01:07:37:00

Right? Well, that takes me to the end of the questions that I had on Fishing Matters. Um, before we move on to a completely different topic, uh, is there anything that Mr. Armstrong, you want to raise further? No. Anything from the applicant side on commercial fishing? No. Okay. Then takes us.

01:07:39:06 - 01:07:44:05

To item three. Three, three. Hopefully kept the order.

01:07:48:06 - 01:07:51:19

Does the applicant team just want a few minutes to. Yeah. Sure.

01:07:55:14 - 01:07:58:05

I'm still maintaining some stuff in the sun where.

01:08:00:05 - 01:08:03:25

I think we can come to them, you know? Yeah.

01:10:08:09 - 01:10:40:00

Okay. Thank you. So if we move on to item 3.3 of the agenda, which is effects for landscape, visual and Seascape. Um, I have a few questions to run through. Um, so if we begin, um, there's questions for all parties who've, um, touched on this before. I will start with the applicant, though, and returning

to the, um, duty under section two four, five six of the Levelling Up and Regeneration Act. Um. I'm sorry, did you want to introduce your new people first?

01:10:41:19 - 01:10:42:26

Yes. Sorry. Thank you. Madam.

01:10:47:26 - 01:10:52:29

Yeah. Good afternoon, Simon Martin. Um, seascape and visual technical lead for the applicant.

01:10:56:05 - 01:10:57:09

Hi. Jo Phillips.

01:10:57:11 - 01:10:58:20

On behalf of the applicant.

01:10:59:00 - 01:11:02:07

Specialising in landscape and visual impact assessment. Thank you.

01:11:05:09 - 01:11:31:02

Thank you. Sorry. Go ahead of myself. Um, so in December of last year, you'll be aware that Defra published guidance relating to seeking to further further the purpose of protected landscapes. And I know this is something we've sort of visited a few times already. But in light of this, I wanted to ask whether there's any further points. Anyone wish to wish to make about this duty? Um, for the Area of outstanding Natural Beauty. If we begin with the applicant. Thank you.

01:11:36:23 - 01:12:08:00

Uh, Paula McAdoo for the applicant. Um, the applicant would like to make a suggestion here, madam, if that's okay. And our suggestion is that, um, both us and other IPPs have put in various submissions backwards and forwards on these, and we we are suggesting it might be helpful for all of us if each of us put in a sort of brought together full submission on on our each of our cases at deadline six, and gave the other party a chance to respond to one combined submission. I do not think there is anything we particularly want to add at this moment.

01:12:08:02 - 01:12:10:22

If we could possibly do a full submission at D6.

01:12:11:16 - 01:12:21:12

Yes. Yeah, that would be sensible. I wasn't sure whether there was anything you'd want to add at this stage, but I just put it out there. If I just turn to the councils. Are you happy with that approach?

01:12:23:01 - 01:12:29:06

Um, Carol Wallace, on behalf of Essex County Council. Yes. We agree to have a coordinated approach. Thank you.

01:12:33:01 - 01:13:03:14

Thank you. Madam. Um, Michael Bedford, Suffolk County Council. Um, I think it could be sensible, but I just have some concerns in terms of timing. Obviously. Deadline six, um, is the 11th of February. Uh, and the responses to that are at deadline, uh, on the 3rd of March. And then there is only the final deadline. Deadline eight on the 10th of March.

01:13:04:07 - 01:13:04:22

Um.

01:13:06:07 - 01:13:45:21

Whilst looking at it purely in terms of clarity of the parties respective submissions, one could see that that sequence would allow for that process. What it is unlikely to allow for is any, uh, reaction in the light of those, uh, submissions and particularly any meaningful reaction by the EXR within the examination that could be responded to, in particular by the applicant was

01:13:47:15 - 01:14:17:24

putting the position very, very simply. We think that, uh, Suffolk County Council, that the applicant has misunderstood the scope of the new statutory duty and its obligations arising therefrom. And we think that there is therefore a risk. That the Secretary of State will not be able to find adequately that there has been sufficient discharge of the new statutory duty.

01:14:19:14 - 01:14:52:08

We don't I hope we've tried throughout this examination. We're not trying to create obstacles and difficulties. We're trying where we can to find solutions to problems. And we think there is a solution to the problem. We've rehearsed it in some of our earlier submissions, because we think the applicant could take measures to meaningfully engage with the statutory duty, and therefore to enable a positive finding in relation to its discharge.

01:14:53:06 - 01:15:24:27

But that takes time and it also takes some engagement from the applicant. And it seems pretty clear to us From the exchanges thus far that the applicant is not going to budge. To use, as it were, blunt language. Unless the applicant is pushed. And the applicant is not clearly going to be pushed. Simply by what we say. But the applicant might be pushed by a comment from the Xa. Once the Xa has had an opportunity to consider the issues in the light of the further exchanges.

01:15:25:15 - 01:15:59:25

I say my concern is that by pushing this matter off to parties, set out their position at the 11th of Feb. Other parties then respond to those position statements at the 3rd of March. It doesn't really allow the EXR if they wanted to issue either a request for further information or, um, further questions, whatever it may be, it doesn't really allow enough time to them for the applicant to respond to that before we get to the end of the examination.

01:16:00:04 - 01:16:54:15

So whilst I can see some sense in the point raised by the applicant this afternoon, which I'm afraid actually hadn't been rehearsed with us in advance at that point. Um, I'm fearful that if we take that, it won't actually allow a proper opportunity for the issue to be grappled with and hopefully resolved. I would suggest that whilst, um, certainly comprehensive submissions would be very helpful to you at

deadline six, it would probably be useful to try to cover some of the ground this afternoon so that at least the Xa can begin to be thinking about this process, and also the extent to which the examining authority wishes, therefore, to express any provisional views of its own on what is obviously quite an important.

01:16:59:07 - 01:17:03:27

Thank you, Mr. Bedford. Um, the applicant wants to come back on any of that.

01:17:05:21 - 01:17:12:01

Uh, Paul McAdoo for the applicant. Um, obviously, madam, we fundamentally disagree that we have misunderstood the duty.

01:17:13:23 - 01:17:44:06

And the submission appears to be predicated on an idea that our position will change materially. We do not consider that to be likely. We do think it would be useful, because the submissions have been back and forward and across various documents to bring them together. If the timing of that is of concern, we would not necessarily object to it being sped up a bit, but we would be happy to spend time that day if it's helpful to the ex. But I suspect fundamentally we're not going to come to any agreement today or in the future.

01:17:47:24 - 01:17:55:25

In terms of speeding the process up in terms of the ping pong. Have you got any suggestions as to how that might be done.

01:17:59:26 - 01:18:16:03

Uh, Paul, I haven't actually had a chance to take instructions on that from my client. My instinct would be that a deadline a where we respond to one another, for example, ahead of deadline seven might provide more opportunity for any questions or rule 17 requests to be issued, which.

01:18:21:20 - 01:18:33:19

I know colleague sitting on the case type uh side of things case management side of thing will will not like us introducing a new deadline. Um,

01:18:35:14 - 01:18:47:27

I just think even if we use a rule 17 sort of promptly next week, you're unlikely. Where are we where? 21st of January?

01:18:50:02 - 01:19:00:23

What prospect is there, potentially, of getting something in response to a rule 17 from us by deadline six or. Yeah.

01:19:04:00 - 01:19:06:11

It's time.

01:19:28:28 - 01:20:01:23

As much as case team might not like a change to the examination timetable, I think that seems the only practical way that we could make this work in the time that's available. Um, in effect, six would be some time after, obviously six and before seven. Um. Its implications will be more for the applicant, local authorities and perhaps Mr.

01:20:01:25 - 01:20:31:29

Amsterdam's, uh, rather than wider interest because of this being, um, a very particular area. Um. Mr. Johansson, um, do you think we can accommodate a timetable change? I'm thinking more broadly, not just within this project, but what's going on elsewhere, which no doubt some in this room will appreciate. There is quite a queue, particularly of wind farm cases going through the system at the moment.

01:20:33:18 - 01:20:34:21

It mainly depends.

01:20:34:27 - 01:20:48:09

Sorry. It depends on when you would need the deadline to be slotted in because we need to. I need to check with other colleagues whether it's possible to accommodate an additional mail merge.

01:20:52:12 - 01:21:06:06

That's the issue with a deadline change. It's the world in terms of the whole of this project that has to be notified. It isn't just a few parties. Um.

01:21:16:21 - 01:22:02:01

I think potentially that is the only way we can constructively deal with this matter. Um, and we, um, we are aware, of course, from the parties. You. There is considerable difference about your your positions even at this point in the examination. Um, Mr. Harrison was whispering in my ear another route. Um, but it would still involve a timetable change. Um, would be to look at a statement of common ground, i.e. a topic specific, uh, statement of ground to common ground, which at least would focus the parties and would no doubt promote collaborative working to try and get things over the fence in terms of some sort of.

01:22:04:29 - 01:22:11:00

Joint document or series of documents that explains your respective position with respect to this matter.

01:22:14:13 - 01:22:42:23

Paula Majidi for the applicant, I'm I'm obviously willing to take that suggestion away. My concern about that is setting out arguments, especially arguments about legal interpretation in the format of a statement of common ground becomes quite challenging because the format becomes restrictive in and of itself. I'm happy to think about how that could be made to work, especially if Mr. Bedford has any suggestions on how that could work. But I do think there would be some drafting challenges in making that into a useful document.

01:22:47:06 - 01:22:49:17

Mr. Bedford. Any suggestions? Well.

01:22:50:01 - 01:23:22:13

Sir, the parties have already rehearsed in the statement. Common ground that came in at deadline five. Using the traditional format and structure of the statement. Common ground their respective positions on the statutory duty. Um, I think that didn't fully reflect the different guidance, because I think that document either had only just come out or had not been fully absorbed. But the actual reason why the parties are,

01:23:24:00 - 01:23:59:21

uh, taking different stances don't really turn on the Defra guidance. No doubt either side will say there are bits in that guidance that might reinforce the positions that they've adopted, but I think the positions are more fundamentally apart than that. So I'm not sure that a statement common ground approach would work. I can certainly see uh, that, uh, there is um, uh, scope for uh, requiring, as it were, clear and as it were coordinated submissions at, uh, deadline.

01:24:00:02 - 01:24:31:23

Uh, six. That's the 11th of February, which is, as it were, the full recitation of the respective parties case. Uh, I would suggest that, uh, outside of the examination, certainly the county council, Suffolk County Council and the applicant agree a direct exchange of those particular submissions to ensure there's no delay in at least each of them seeing the other party's submissions outside of obviously being posted through the examination website.

01:24:32:05 - 01:25:03:19

But I would then think that it may be that if the examining authority were to think about a, uh, short intermediate deadline six uh, that that simply allowed the opportunity for final responses of those parties to that deadline. Six submission. The Xa would, well before we get to the 3rd of March, have, as it were, the respective stances.

01:25:03:21 - 01:25:46:12

And then if the Xa either wanted to issue, uh, further questions and or rule 17 request, you would be in a position to do so before we get to, uh, the, um, 3rd of March, because I say I'm just concerned that I appreciate what, um, the applicant has said that its position isn't going to change come what may, but I prefer to think that the applicant might be amenable to persuasion and particularly might be amenable persuasion if that was reinforced by some, uh, request from the examining authority, even if it were on a without prejudice basis to require the applicant to think about doing something it doesn't currently want to do.

01:25:47:02 - 01:26:09:01

Um, so that's as much as I can help you on the process. But yeah, I just think that we need to grapple with this sooner than just allowing it to slip through the examination. And it's then becoming, as you will know, obviously, from other cases, a problem for the case team within the department. Uh, because it's been left outstanding through this process.

01:26:09:15 - 01:26:17:13

Uh, yes. And we are increasingly being encouraged not to leave things that need to be dealt with during the decision phase.

01:26:28:06 - 01:26:47:05

Uh. Mr.. Do you have any observations on this matter and particular, uh, whether, um, a, uh, introduction of an intermediary or intermediate deadline would cause you any particular issues.

01:26:49:03 - 01:26:53:08

So I'm representing the National Landscape Partnership.

01:26:55:27 - 01:27:36:03

Um, you are probably aware that we have undertaken a statement of common ground, and the topic of the strength and duty was an area of disagreement. So that's our starting point for this conversation.

Um, in response to your specific question, um, I think as it is a partnership response and we would, you know, would need to get, you know, 25 partners to read, uh, submissions and agree it with the, uh, ping pong was I think he described it previously.

01:27:36:22 - 01:28:01:12

Um, you know, certainly a deadline nearer the deadline six would be pretty challenging. Um, but something perhaps nearer deadline seven or deadline seven itself. I'm. You know, I don't want to be a thorn in the side here. I'm sure we can make, uh, something work. I hope that answers your question. Thank you.

01:28:32:06 - 01:28:50:02

Having heard the various parties, certainly I am of a view that perhaps we we do have to explore and and an intermediate new deadline six a um to try and um address this point. Um, I think.

01:28:52:22 - 01:29:29:24

That this side of the table agrees. Yeah. The other side does as well. So the examining authority is of one view as far as that's required. Um, I think as Mr. Bedford indicated, even with an intermediate deadline, there is still going to be a need for the parties behind the scenes to be liaising, sharing information, information, even if that doesn't coincide with existing deadlines, just to make this work. Um, so that whatever the new six, a deadline becomes, um, serves its purpose.

01:29:36:25 - 01:29:37:10

Yeah.

01:29:41:17 - 01:29:44:16

Yeah. Curtis behalf.

01:29:46:25 - 01:30:19:15

Thank you. Curtis for the district council. Not to labor the point. And just to reinforce what colleagues have said from the other authorities and the national landscape team already, but just to make the point that baby District Council, as host of the national landscape, have not been substantively engaged on this project and or on this matter, we have made representation previously, um, about the statutory duty. So we will look forward to being invited to participate in that collaborative position from the authorities and other interested parties.

01:30:19:18 - 01:30:20:06

Thank you.

01:30:44:23 - 01:31:15:13

So just to sum it, is there general agreement between applicant and the various local authorities, um, that this issue, in terms of considering the statutory duty, will be taken away from the hearing? Uh, you'll work behind the scenes collaboratively to try and, um, to then make submissions, concluding type submissions or whatever. The new intermediate six eight deadline will be.

01:31:15:17 - 01:31:41:26

Uh, the examining authority will, once we've finished the hearings this week, um, discuss matters with our case team, but also the wider case management to try and come up with a sensible six eight deadline. Um, that doesn't cause all parties involved in this process. Too many, um, logistical problems trying to get across the hurdle.

01:31:42:28 - 01:31:56:05

So, sir Michael Bedford, Suffolk Council. Can I just clarify? Are you envisaging at the moment that six A will sit before deadline six, which is the 11th of February or after there, but before deadline seven?

01:31:56:07 - 01:31:58:17

I think it'll have to be before deadline seven.

01:32:00:18 - 01:32:12:06

Well then can I suggest that the the primary submissions on this issue from the parties I their main submissions certainly go in at deadline six not at the six a.

01:32:14:09 - 01:32:18:03

Applicant which Mr. McGee did. That's what primary you were suggesting.

01:32:18:05 - 01:32:19:29

That was the applicant suggestion. Yes.

01:32:20:01 - 01:32:32:21

And we can make that an action point of this hearing that those substantive hearing, both those substantive submissions are made at six. That then gives you the backstop of news six A to actually.

01:32:37:17 - 01:32:38:02

Mr..

01:32:40:19 - 01:33:01:07

Simon representing the national landscape partnerships have so you mentioned um uh that agreement uh working together with the local authorities, would you include the national landscape team or partnership in that discussion, or would you wish to see that then being part of that discussion?

01:33:01:09 - 01:33:25:03

We would, if at all possible, bearing in mind what you said earlier about you're not just representing one where you are representing a body, but that body is made up of a lot of partners, although presumably some of the partners are sitting around metaphorically, either, um, the virtual table or the physical table here today.

01:33:26:12 - 01:33:27:06

That is correct.

01:33:30:18 - 01:33:45:01

Yes, I, um. I don't think you should see it as any sort of, um, sidelining by the examiner. We're tending to treat you in the same sort of category, particularly with this, this issue as the local authorities.

01:33:46:18 - 01:33:50:14

Yeah. Simon says National landscape partnership. That's much appreciated. Thank you.

01:33:57:02 - 01:34:17:02

Six I think on this side we've we've we've got a way forward. Um, no doubt others have been recording what the action point actually is because I haven't. Um, but no doubt others will when we get to that at the end of this hearing, we'll we'll have consensus about what actually happens and who does what and when.

01:34:19:03 - 01:34:20:20

Okay.

01:34:20:22 - 01:34:59:27

Okay. If everyone's happy, then we'll move on to the design of the substation visual mitigation design guide. Um, so my next question, um, is for the applicant. And further to your response to um, EC2, which was SL 2.04 in Rec 4039 um, a response has been agreed with North Falls Offshore Wind Farm Limited, and I wanted to request, um, does the applicant intend to prepare and submit a design guide to Mirror North Falls Design guide intention for this project? And if so, how would the submission of a coordinated design guide be secured?

01:35:17:04 - 01:35:26:26

Jo Phillips, on behalf of the applicant, um, we're updating the Design Principles document at this stage to reflect some of the outcomes from the examination.

01:35:34:00 - 01:35:34:17

Uh, James.

01:35:34:24 - 01:35:46:26

On behalf of the applicant. Um. Just to clarify, there's no intention to submit a design guide. Um, during the examination, it will be a process that follows through set out in the Design Principles document.

01:36:00:29 - 01:36:07:15

Thank you. That's helpful. And do you have, um, a rough timescale for the updated design principles document at this stage?

01:36:18:23 - 01:36:22:00

Uh, James. Eastern half of the applicant. Uh, we're aiming for deadline six.

01:36:29:26 - 01:37:06:21

Thank you. Um, so turning to the visual mitigation within the substation zone. Um, most particularly the northern elevations of the proposed substations. Um, for the proposed development. And north was offshore wind farm. How effective do you consider orchard planting combined with hedgerows and hedgerows with trees shown on drawings two and three in the Olympe, which is rep 2022. Um, how, um, effective would it be, having regard to the likely height of the proposed substations and the proximity to Grange Road? And do you consider that planting other than orchard mainly would be more effective?

01:37:09:22 - 01:37:41:00

To Philips on behalf of the applicant? The nature of visibility on the northern side is quite contained. So the receptor we have the main receptors, Grange road. That is where road users would see that northern elevation from their existing tree planting along the road, and which to some extent contains the view looking south towards the substation. So it's really only within close proximity that you would get a view from the substation. So we've got mostly road users.

01:37:41:02 - 01:38:16:13

The way that Orchard works is because we're planting over underground cables and there's also overhead cables. The trees would only grow to about 4 or 5m. They're quite small, but that would be sufficient because we've got people in cars, so they're kind of slightly lower. And because the planting comes up to the road edge, it comes back to this point that because we'd have a 4 or 5m screen within close proximity to the road users. And once it's established and reached that level of maturity, then it would, yes, create an effective screen.

01:38:28:00 - 01:38:40:13

Thank you. That's helpful. Um, did any of the local authorities or county councils want to come back on any of those points at this stage? I've got a hand up of CB.

01:38:41:27 - 01:38:42:12

Yeah.

01:38:46:26 - 01:38:47:11

Hi.

01:38:48:01 - 01:39:20:22

Hello. Um, Catherine Bailey, principal landscape consultant, um, for ECC tendering. And, um, Barbara, um, I think, uh, the query, um, I had was, um, in relation to how effective that would be in my original submissions and also generally in relation to the mitigation planting, uh, how effective they will be at reducing significant effects, um, Entirely.

01:39:21:06 - 01:39:50:29

At year 10 or 15. And so we have, um, a couple of times requested and through submissions that some cross-sections would be useful through some of these viewpoints, um, to include the, uh, substation and the other installation as well, so that we can see and it is demonstrated that this um, planting mitigation planting, uh, is actually effective as, uh, screening.

01:39:57:15 - 01:40:00:20

Thank you. Um, did the applicant, Mr. Phillips, do you want to come back on that?

01:40:01:10 - 01:40:28:08

Jill Phillips, on behalf of the applicant. Um, we're in the process of preparing a series of cross-sections which demonstrate exactly what Catherine Bailey was looking for. So we have three cross-sections, and they rather helpfully show that relationship between visual receptors on roads or pathways and then how the mitigation planting at year five, ten and 15 would grow sufficient to screen the onshore substation.

01:40:30:14 - 01:40:35:25

Thank you. And do you have a would that be deadline 6 or 7? Yes.

01:40:36:26 - 01:40:37:13

Yes.

01:40:41:05 - 01:40:42:29

Thank you.

01:40:45:08 - 01:40:48:11

Miss Bailey, did you want to come back or is that a leftover hand?

01:40:48:13 - 01:41:03:02

I just, I just, um. No it's not. I just wondered if the applicant could clarify that the substation and the other relevant installations will be visible in those cross sections.

01:41:06:26 - 01:41:21:04

Jo Phillips, on behalf of the applicant, yes. We include the relevant substations within the cross sections. And just to add that we can send a draft version on to Katherine prior to deadline. Six. Thank you.

01:41:26:15 - 01:41:28:16

Thank you. Mrs. Bailey, is that helpful?

01:41:31:19 - 01:41:33:20

Yes it is. Yep. Thank you.

01:41:34:04 - 01:41:35:02

Perfect. Thank you.

01:41:38:13 - 01:42:13:03

Um, so moving on then. I also just had a question, two part question on the consideration of the design for the proposed substation zone under scenario for which the North Walls project did not proceed. Um, this might be something that you want to take away, but I'll ask it to begin with. So the submitted landscape and visual impact assessment and the outline landscape in Ecological Management Plan, which is rep 222 assume that both the five estuaries and North Falls offshore wind farms are both consented and then subsequently implemented.

01:42:13:25 - 01:42:46:00

Um, in that regard in section 2.6 of the limp, it indicates that screening for the proposed five estuaries would be dependent on the shelter belt planting for the proposed North Fork substation. However, if only five estuaries was to come, was to be consented and or implemented, what would the landscape and visual effect of its onshore substation be for a standalone five estuary substation? And how would a limp to be submitted for approval pursuant to requirement ten one of the DCO achieve accordance with the Olympe.

01:42:49:15 - 01:43:11:01

Jill Phillips on behalf of the applicant. The critical part of the mitigation planting is the outer perimeter. Oh, it might actually be useful to put the plan up. Um, okay, so it's, um. Rep 2-022. So it's in the OMS and on page 15 there's a plan there.

01:43:12:29 - 01:43:52:02

So the critical part is the outer perimeter. And that creates a kind of framework around the development. And also as discussed previously. Its importance is that it is close to the receptors. So it creates that effective screen. So you can see on the plan there, um, that whilst the mitigation planting serves both the five estuaries and the North Pole substation, if the North Pole substation was not included, and we would still look to maintain that outer perimeter because it forms that effective screen and with it being at distance from the five estuaries onshore substation is actually advantageous.

01:43:53:00 - 01:44:24:11

Um, within the perimeter, all the planting contributes in some way because it adds to the kind of overall screening. But the critical bit is the outer framework. And then within that you would possibly want to realign the internal planting so that it was in it was maybe more helpful to the structure of the farm fields, or was following existing field boundaries more so there would be some scope for change within that eastern part of the site.

01:44:37:08 - 01:44:53:17

Thank you. That's helpful. Um, that was my only question on that. Um, and that was all the questions I had in regard to landscaping at this stage. Was there anything else anyone else wanted to raise? Mrs.. Fairlie.

01:44:54:17 - 01:44:57:27

Tamsin Fairlie for T Fairlie and Sons. Um, it might actually.

01:44:57:29 - 01:44:58:17

Be useful if we.

01:44:58:19 - 01:44:59:10

Could have that.

01:44:59:14 - 01:45:00:06

Plan back up.

01:45:00:08 - 01:45:34:04

If that's okay. It might help my explanation. Um, we've got two outstanding issues with the landscaping, and it's slightly concerning that we're looking at this plan, which is a different plan to what we've been shown, although it has, um, our agent has submitted that as an additional representation where we've been shown an alternative layout. Um, so if I start with the first bit, which is that if you scroll down, maybe a click or two, um, the tree belt on there which surrounds Norman's farm yard is really problematic.

01:45:34:15 - 01:46:07:22

Um, not only at the moment does it go immediately up to the back of the buildings, so you wouldn't be able to access for maintenance. The plan we've been shown does move it away partially, not quite as far as we would like at this point, although I think we'd like to think we can come to an agreement. Um, the issue is we would like to think that the land, the land plot being acquired could be updated to exclude that, to take that land out of the freehold acquisition.

01:46:07:25 - 01:46:38:28

I get that might be more of a point for Thursday, but I can't be here, unfortunately. Then. Um, so if the applicant is agreeing that there's a different way to do the landscaping. We don't see why that can't be reflected in the land they're looking to acquire. So that's the first point in terms of the northwest western side of the yard. And the second issue we've got is with regard to the plant, the tree belt that's immediately north of Ardley Road, which sits to the east of the yard.

01:46:40:13 - 01:47:19:06

Um, that will be quite tall planting in order to, um, screen the substation at the you know, once it grows, it needs to be of sufficient height in order to screen it. That will cause a problem for the field in terms of drainage. And you won't get, um, sunlight on it. That will help to dry it out so that you can then get on the fields at the right time of year. So that that will be a problem which could affect yields. Um, we still need sufficient access, which again, the applicant has proposed a new plan, but that doesn't seem to be reflected quite on this one.

01:47:21:23 - 01:47:45:14

So I think our main concerns are that if there is an alternative layout, we want that land taken out because otherwise in a few years time it might be different people doing this landscaping. And although they might be saying to us now, we're quite happy to do something different, that might not actually be what occurs. Whereas taking that land out would give us some assurance that what they're saying they can do is actually what's going to happen.

01:47:49:05 - 01:47:49:26

Thank you.

01:47:51:05 - 01:47:55:21

Did anyone from the applicant team want to come back on that, or is that something that's ongoing in the background?

01:47:57:28 - 01:48:36:02

Jo Phillips, on behalf of the applicant, the plan that we're looking at there and what was submitted as part of the application And since then we've moved on. We've kind of progressed. We had conversations with the families at the end of October, and we've been working on various layouts that show how we could remove that planting from around the property. And we understand the concerns that they're considering potential expansion. So we're just looking to find a compromise in terms of, um, really the kind of concern is making sure that that outer perimeter is complete, that we do not open up gaps.

01:48:36:14 - 01:48:53:20

So there is flexibility in terms of where the planting goes. And it's just coming to an agreement in terms of making sure we're not preventing the operations of the farm and the possibility of expansions, but at the same time creating the screening that we require.

01:48:56:26 - 01:49:35:18

For the applicant. I'm aware this is not a compulsory acquisition hearing, but we are very much getting into the realm of detailed design here and where while we're looking for planting approaches that would assist and not cause problems for the families. Some of those, for example, would be putting the maintenance access that we would need up against the building so that we can maintain, we can maintain the trees and they can maintain their building. We would not be taking the that we might be that we only needed right there. But until we have a detailed design, it's very difficult. We can't draw that and we cannot draw the land plans to show where the accesses are going to be at this stage, because that is very much a detailed design point.

01:49:35:22 - 01:49:45:24

We are very happy and are currently working on the all to try and secure the various commitments that we can, but I don't think we could realistically split the land plans up like that at this stage. Madam.

01:49:47:24 - 01:50:00:28

Okay. Thank you. So is that discussions that are ongoing? And, um, is it possible to have an update or around deadline 6 or 7 on how that's progressing, even if this obviously is still ongoing? Yeah.

01:50:05:01 - 01:50:07:06

Yes. We will certainly endeavour to give you an update.

01:50:08:22 - 01:50:11:01

Okay. Thank you. I can see a couple of.

01:50:11:05 - 01:50:11:20

Oh, sorry.

01:50:11:29 - 01:50:32:07

Just just on this point, if, if there is going to be an alternative, um, approach to screen planting, for instance, when might we actually see that, um, on plan form? And is that going to find its way into, um, a new version of the old imp?

01:50:35:04 - 01:51:06:09

Uh, Paul McAdoo for the applicant. Um, when I say a new approach, the approach remains those belts in roughly the configuration. Now, just now, what we're talking about is points of detail supporting the access, setting the tree line and putting the access on the side that's closer to the farm. Looking at gaps where it would not undermine the screening function, looking at the access gaps. So it's not it's not a complete rethink of the approach as points of detail. And those those plans are in draft and the families have been have been consulted on some drafts. Um.

01:51:08:05 - 01:51:08:20

Yep.

01:51:08:22 - 01:51:16:03

So, um. I'm sorry. My colleague's just pointing out that the screening technical note has already been submitted. Setting the background for this. Um. I'm not.

01:51:20:29 - 01:51:58:17

Suggesting. So just just to be clear, the screening technical note shows three possible options, which are the ones that are being discussed at the moment and are potentially, um, what we will see at deadline six, in terms of where the negotiation has got to, as perhaps the family's indication indicating a preference for one scheme over another of 2 or 3, um, is that where we are potentially heading with negotiations at the moment?

01:52:11:06 - 01:52:43:26

James Eaton on behalf of the applicant. Um, yes. So we're looking to take the options that we submitted. Um, we're in discussion on those, I understand. Um, to come up with a sort of updated design for the Olympe, which we're hoping to submit deadline six. Um, alongside a sort of drawn out list of design commitments for the Olympe, um, sort of written form that should secure some of the points that we've been discussing around access sizes, um, and other and other sorts of points. So we're hoping to be able to share that in draft prior to submission.

01:52:44:09 - 01:52:46:23

Um, so that they've got a chance to review them.

01:52:51:23 - 01:52:58:27

When do you think the, um, next iteration of the olim will actually be submitted as an examination document.

01:53:00:17 - 01:53:01:11

Deadline six.

01:53:35:06 - 01:53:46:19

He said does that help you in terms of how the applicant sees things might progress in terms of ongoing discussions with yourselves? We have them.

01:53:46:21 - 01:54:08:16

Fairly for fairly intense. Um, it does, but I do feel that we've been raising the same point since the very first hearing, and it's taken us this long to get to this point, and we don't have a huge amount of time left, and it feels a little bit like it's being kicked along the road. And we're not going to get to a point where we've got any certainty on on exactly what's going to happen.

01:54:10:22 - 01:54:19:02

Especially when that planting on the north side of Ardley Road primarily relates to the North Falls substation, not the 5G substation.

01:55:13:05 - 01:55:31:00

And Mrs. Fairley raised a point about, um, roadside hedgerows in particular, potentially causing shading of the fields, leaving some of the perimeters wet. Has the applicant got any response to that comment?

01:55:38:16 - 01:55:51:16

Jo Phillips on behalf of the applicant, um, with the planting strip along there, it might well serve to regulate the moisture content in the soil, because you'll have trees and hedgerows taking up that extra bit of moisture.

01:55:53:04 - 01:55:53:26

Well It's true.

01:55:56:07 - 01:56:08:11

Tamsin. Fairly fatty. Fairly. I mean, if you went and looked at the farmland, at the moment, it's grade one farmland. There's not a lot you couldn't grow in there. So I don't think there's any argument that we need trees in order to regulate it. It's perfectly fine as it is.

01:57:04:21 - 01:57:09:12

Um, I can see we've got a couple of hands up if we go. I think Mister Amsterdam is your hand up.

01:57:12:02 - 01:57:53:11

Simon Armstead from the National Landscape Partnership. Um, it's probably a point of detail, so I'll keep it brief. Um, the the, uh, the traditional orchard planting that we saw on the map previously. I think I'd like to see the detail in the, uh, if there's going to be a revised or limp about how that orchard is going to be managed, because some orchards are, um, quite industrialised with your knitting and, um, you know, metal poles to hold up that netting so you would lose that, um, you know, perhaps change the character of the area.

01:57:53:17 - 01:57:55:06

I just wanted to make that point. Thank you.

01:58:05:23 - 01:58:10:17

Thank you, Mr. Armstead. So any points you wanted to make in response at this stage?

01:58:11:03 - 01:58:23:29

Uh, well, let me give you for the applicant, I believe we put in a submission at day five about management of orchards. And these are not food producing orchards which are managed in that style. I would it might be helpful if we refer Mr. Armstead to that submission.

01:58:27:10 - 01:58:31:04

And then I think, um, I'm quite away from the screen. Is it Miss Curtis?

01:58:33:23 - 01:59:09:09

Thank you ma'am. Bron Curtis for baby district council. Um, just to to make the point that we are grateful for the engagement with the applicant following the action point from three on the viewpoints from the national landscape. Um, we obviously won't go with the point that we raised earlier about furthering the purpose, but that we do still have concerns that are unaddressed about cumulative effects, especially in combination with the other projects and pylons that we don't seem to have seen a submission on yet, and landscape compensation, which we haven't seen, we haven't yet had looked through everything at D5 because there's quite a bit, but we will comment on that D6.

01:59:09:11 - 01:59:20:09

So again, if there's anything that I haven't yet seen that the applicant can refer us to on either of those points, I'd be grateful to be signposted. Thank you.

01:59:22:00 - 01:59:23:03

Thank you, Miss Curtis.

01:59:24:15 - 01:59:56:04

Jill Phillips, on behalf of the applicant, in terms of the Dead and Vale AoNB, where we were putting in additional viewpoints to demonstrate the cumulative effect, there will be no cumulative effect in relation to five estuaries because we have no visibility of the onshore substation from the test viewpoints that we have shown. So whilst you may see other developments and they may have an effect or a cumulative effect. There will be no effect associated with five estuaries and no cumulative effect.

02:00:00:14 - 02:00:05:04

Thank you. Um, I've got Mrs. Bailey.

02:00:08:12 - 02:00:42:29

Um. Thank you. I'm just on that point. I recall in the presentation, um, that, uh, Jo made for the applicant a couple of weeks ago that we we did agree that there could be glimpsed views in winter. They would be very, um, very shallow and insignificant. Just small glimpses of the top of the structures. And, you know, this is a bit of a technical or legal point, but I mean, at what point? Um, because it's not that you can't see them at all.

02:00:43:01 - 02:01:10:00

You can see the you there's the potential, the a possibility. Um, and so I think that is, again, an area where we have some disagreements with the applicant. We we we acknowledge it slight, and we acknowledge that the impacts of five estuaries in itself are in visual terms that are not going to be significant. But we we we are still concerned about cumulative effects.

02:01:13:20 - 02:01:17:00

Thank you. Mr. Phillips, did you have anything further to add?

02:01:18:21 - 02:01:56:20

Jill Phillips, on behalf of the applicant, in the visualizations we prepared, we show the two onshore substations, we show north poles and we show five estuaries. There's some very limited visibility of the North. The North Pole substation and the five estuaries substation is screened by landforms. So even in winter and we would not get visibility. Catherine's point is correct in the sense that we can't cover every specific viewpoint across the whole area, but those four viewpoints were picked out from that area, which is already showing limited visibility, and they kind of showed the most open views.

02:01:56:22 - 02:02:05:28

So whilst we cannot say categorically there would be no visibility and we are confident that if there is visibility it would be very, very limited. Thank you.

02:02:09:08 - 02:02:20:03

Sorry, just to add the point as well, that within the visualisations we use the Rochdale envelope. So we were covering the maximum design scenario and actual visibility might be less. Thank you.

02:02:26:00 - 02:02:32:20

Thank you. Are there any other points on uh landscape, seascape and visual? At this stage it's fairly

02:02:34:10 - 02:02:34:25

Tamsin.

02:02:34:27 - 02:03:08:00

Fairly fatty. Fairly. Um, I think it might be incorrect to say that there's no cumulative impact, Back from the dead in Vail. Because the North Falls and five estuaries rely on the ECN substation, which I know is in part of this, um, examination. But the ECN substation only needs to be in that position to pick up power from North Falls and five estuaries substations. If they weren't there, the ECN substation wouldn't need to be in that particular location.

02:03:08:04 - 02:03:23:21

And when you look at the line of pylons, it doesn't make sense. So five Estuaries and North Falls are sort of relying on the ECN substation to screen them. So they're saying you won't see that one, but it's because you'll see the ECN one, which is only needed to take power from their projects.

02:03:27:01 - 02:03:27:21

Thank you.

02:03:28:03 - 02:03:31:10

Miss Phillips. Do you have anything further or anyone from the applicant?

02:03:31:29 - 02:04:04:07

Jill Phillips on behalf of the applicant? Um, the point from Dedham Vale is still the same that we don't get visibility of the five estuaries onshore substation. And yeah, you could make some argument in the sense that the pylon line was an important part or critical for the delivery of five estuaries, but that is not what we assess. We assess the cumulative effect. And it would be considering the addition of the five estuaries onshore substation, which in that context would not give rise to a significant effect.

02:04:12:13 - 02:04:16:27

Thank you. Is there anything further from anyone in the room or online?

02:04:22:27 - 02:04:24:21

Nope. Yes. Oh. Hang on.

02:04:25:19 - 02:04:26:15

Yeah. Miss Bailey.

02:04:27:06 - 02:04:52:08

Um. Uh, Catherine Bailey, um, principal landscape consultant for Essex, Tendring and Barbara. Um, it just, um, as I have Jo on the call, I would like to request that we have another, uh, meeting, um, in the near future, just to, um. Discuss these issues further. I think that would be useful. I don't know if we've got one timetabled.

02:04:55:02 - 02:04:58:09

Jill Phillips, on behalf of the applicant. Yes, that would be good. Thank you.

02:05:05:20 - 02:05:13:06

Okay. Thank you. If there's nothing further, then that, um, brings to a close this agenda item. And I think that's probably it for the day.

02:05:27:23 - 02:05:32:16

Yeah. As we've arrived at 5:20. Uh, Mr. Bedford.

02:05:33:23 - 02:05:39:19

Sir, it's a housekeeping point. I just wanted to clarify with you, but if you could. Other housekeeping points. I didn't want to interrupt those.

02:05:40:04 - 02:05:46:03

Uh, not not generally. No. I was really coming to this evening's adjournment. So before we get there. Mr. Bedford.

02:05:46:05 - 02:06:20:18

Thank you, sir. Michael Bedford, Suffolk County Council. So in terms of the remaining items on the agenda for issue specific hearing, uh, six, um, in the agenda papers, you did itemize Suffolk County Council as a participant on agenda item 3.6, socioeconomics, residential living conditions. Um, and it's right that we obviously raised some points in our local impact report about socioeconomic matters.

02:06:20:27 - 02:07:06:02

However, when we then looked at the detailed agenda and item 3.6, uh, as spelt out, none of the specific issues that you'd raised were issues that were of concern to Suffolk County Council. And so I was simply going to inquire whether there was anything beyond the agenda items that the panel had in mind that they might want to raise under socioeconomics, that obviously we could potentially assist you with, because if not, we were going to take the strategic view that our attendance physically was unlikely to be needed tomorrow, and we would monitor it online and so on.

02:07:06:04 - 02:07:12:16

So that was my, as it were, respectful request to know whether there's anything else lurking in there.

02:07:12:25 - 02:07:42:22

I'll be leading on socioeconomic. I didn't have anything specifically identified for the council. Really what we've done with the councils more out of courtesy is invited, all of them, to the sessions where we think you might have an interest. But there's because if we don't, we we're liable to criticism. If we do, we might get it slightly wrong. Is perhaps this this topic area for you? Um, but yeah, it was more of a courtesy than you must be here under a three line whip.

02:07:43:15 - 02:07:51:00

I'm very grateful for that indication. So on that basis, we won't be attending in person tomorrow, and I think we'll simply monitor it online.

02:07:54:21 - 02:08:25:12

Is there anything else from sort of a housekeeping type perspective that anybody wants to raise before I, uh, adjourn the hearing for a start at ten tomorrow morning? Anything from the applicant? Anything from any of the local authorities in the room? No. Anything from any other party? Who is online at the moment? Not seeing anything. So the hearing issue specific hearing six is therefore adjourned and will reconvene at 10:00 tomorrow morning.

02:08:25:16 - 02:08:26:00

Thank you.