

## Hearing Transcript

<b>Project:</b>	Five Estuaries Offshore Wind Farm
<b>Hearing:</b>	Recording of Issue Specific Hearing 6 (ISH6) - Part 3
<b>Date:</b>	22 January 2025

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## **Five Estuaries\_Colchester\_ISH6\_22 Jan\_PT3**

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### **FULL TRANSCRIPT (with timecode)**

00:00:05:10 - 00:00:35:06

Well good morning everybody. It is now 10:00. So issues specific hearing six which is considering environmental matters is resuming. Um, can I check first? Can everybody in the room hear me? Yep. Getting nods. And can I check with those participating parties participating online that you can both hear and see us? If you can indicate by raising hands. Yeah, I'm seeing a thumbs up. Yep. Yep. That's great. Thank you very much.

00:00:42:14 - 00:00:47:22

Can I check the case team that both the recording of the event and the live streams of both commenced?

00:00:48:04 - 00:00:50:29

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

00:00:52:06 - 00:01:25:02

Uh. Thank you. As this is a resumption, we're not proposing to go through, um, introductions again? Uh, unless there's anybody attending, uh, this hearing that has not been to one previously for the Five Estuaries Project and is therefore somewhat unfamiliar with the process. So is there anybody. I'm guessing potentially those attending online that haven't been present at one of these hearings previously, and may need a little bit of guidance as to the procedure.

00:01:25:04 - 00:01:28:11

Is there anybody not seeing any indications?

00:01:30:19 - 00:01:31:04

Okay.

00:01:34:07 - 00:02:06:25

More for the benefit of those in the room. If the fire alarms should sound for any reason today, we will need to evacuate and find assembly point A in the car park and then await instructions to reenter the facility. Um, I also am aware we've been told that, um, I think the fire service have got some sort of event here today, which may mean that there might be a bit of activity outside, which might cause a little bit of noise, but hopefully that won't affect what we're doing in the venue room.

00:02:09:06 - 00:02:43:15

Yesterday, we covered agenda items three zero, which was a new item which related to operational timescales. Then we dealt with terrestrial traffic and transportation as agenda item three one. Agenda item three two is navigation and shipping with commercial fishing. And we also covered item three three which is landscape and visual and seascape. So this morning we will resume at agenda item three four which is offshore ecology.

00:02:43:29 - 00:03:07:02

And we are at this stage certainly intending to keep to the running order that we've got on the agenda. So that will mean that we will then go onto farming after offshore ecology. Archaeology. Sorry. Then move on to socio economic, socio economic and residential living conditions. Type matters followed by offshore ecology and then onshore ecology.

00:03:12:02 - 00:03:18:16

Thank you. So that takes us to agenda item 3.4. Did the applicant team want to introduce anyone new at this stage?

00:03:20:00 - 00:03:26:01

Paula McGuinness for the applicant. Um, the only new person is should be online. Christine. If she could introduce herself.

00:03:29:18 - 00:03:40:06

Good morning everyone. Um, I'm Kristen Magee, technical experts on offshore archaeology and cultural heritage for the applicant. Happy to be called Christine here, Maggie. Thank you.

00:03:43:26 - 00:03:47:14

Thank you. And can I just check if we've got anyone here from Historic England?

00:03:51:25 - 00:04:00:09

I think so. Okay. Um, I don't know whether the applicant team has prepared an update. Um, then if I hand over to you for that. Thank you.

00:04:01:17 - 00:04:36:27

Yes. Uh, Daniel Bates. Uh, for the applicant, I have a very short update. Um, so the assessment of impacts on offshore archaeology and cultural heritage are estimated in the environmental statement at the application, which concluded that the significance effects were minor to negligible and therefore not significant in EIA terms. Minor updates have been made to the Outline Marine Written Scheme of Investigation to address comments received from Historic England in their written representation, and to ensure fines would not be relocated within the Deepwater Routes as requested by both London Authority.

00:04:37:10 - 00:05:13:06

So the latest version was submitted as revision C, a deadline for that 4025 marine archaeological analysis and reporting of pre-construction surveys are secured as fairly standard practice in the D marine licenses, and this also ensures compliance with the written scheme of investigation and commitment to reporting along the lines of established reporting protocols. Project meetings have

been held with Historic England and on the Statement of Common Ground on the 9th of September and the 13th of December.

00:05:13:21 - 00:05:18:04

Although it should be noted that the Coastal and Maritime team did not attend those meetings.

00:05:37:07 - 00:05:38:02

Thank you very much.

00:05:39:28 - 00:06:11:03

Um, so I'll start with my questions. And, um, I just have one question about the offshore cable corridor. Um, and having regard to the outline marine written scheme of investigation, which is read for 25, um, there appear to be some areas of the export cable corridor, which would be quite narrow and potentially constrained by the archaeological exclusion zones, um, and the potential for further zones, um, particularly when taking into account north walls cabling as well.

00:06:11:15 - 00:06:44:02

Is there a risk that upon further investigation, there may be issues with the cable corridor routing from this? Um, and just to give you an example, looking at the outline written um marine written scheme of investigation, one of the plans around Ma 3013 and Ma 333002 um, on drawing number 11 .2.9. That seems quite narrow at that point. Do you envisage any issues arising following further investigation on those?

00:06:48:22 - 00:06:51:10

Alice Maynard, engineering manager for the applicant.

00:06:52:27 - 00:07:26:23

This was noted by the projects when we were evaluating and considering having a combined cable corridor with North Falls. We hence conducted some combined engineering exercises to confirm that the risk of this is low in the future. Um, so we have. Yeah, it's a risk. Um, as yeah, engineering is often it will develop over time, but the projects have satisfied themselves that doing this joint exercise, the risk is acceptable.

00:07:27:06 - 00:07:29:03

Um.

00:07:39:17 - 00:07:40:04

Thank you.

00:08:01:26 - 00:08:14:06

And a final comment. Um, say the routing exercise that was conducted was looking at avoidance because this is the primary measure. If we if that was not possible, then micro-targeting is possible.

00:08:16:07 - 00:08:17:18

And other mitigations.

00:08:29:13 - 00:08:40:26

Thank you. So if um, um, if if you did encounter an issue or something, there are things that can be put in place that would mean that you wouldn't have to come up with a new cable route or anything, sort of that extreme.

00:08:43:22 - 00:08:45:17

Alex Menard for the applicant. Correct.

00:08:47:01 - 00:08:51:22

Thank you. What form? What form might that mitigation take?

00:08:56:11 - 00:08:59:01

Can we ask you to respond on that one, please?

00:09:06:07 - 00:09:40:13

Um, Mr. McGee, on, um, technical expert on offshore archaeology and culture heritage for the applicant. Um, thank you very much for passing that on to me. So further, further investigation and relocation might be something we could look into. Should, uh, the receptor not be able to, uh, be cited or avoided? Um, so with an exclusion zone, it can take the shape of 100m, 50m, or even down to ten metres, which on these big scale maps, you won't really appreciate, um, how the cable can be rerouted.

00:09:40:15 - 00:10:12:28

And we do acknowledge that. Um. However, should we have, um. And we're not talking about receptors such as large shipwreck sites, uh, we would end up having to reroute around those. But where we have individual finds, isolated finds, such as, for example, an anchor of historical interest, um, there would be further investigated and relocated to an area where impact will not happen. The impact of the relocation would then be by records.

00:10:13:00 - 00:10:32:16

So it might be that the, um, anchor in this case would be lifted to the surface, recorded and put back under archaeological supervision. Um, all of this would be secured, um, first through the written scheme of investigation, then through method statements approved by Historic England.

00:11:07:22 - 00:11:38:22

Can I just check a point? Um, you just said that if, uh, something small, like an anchor was, um, found that it would be recorded and then potentially replaced. But my understanding of the scheme of investigation was that if there were finds, uh, then to, um, ensure that the the port authorities were content um, fines would not be replaced. Uh, have I misunderstood that point?

00:11:40:12 - 00:11:53:08

Daniel Bates for the applicant. That commitment only relates to replacing or, uh, yeah, placing fires within the deep water roots specifically. So outside of that, there would be no restriction from a shipping perspective.

00:12:03:18 - 00:12:10:21

If something arose in a deep water route, where would the find likely to be relocated to?

00:12:23:24 - 00:12:32:18

Bates with the applicant? Uh, we would assume as close as reasonably possible to the final location, uh, outside of the deep water roots.

00:13:00:00 - 00:13:12:07

Hey, thank you very much. Um, and then I had a couple of questions. Um, following the, um, statement of common ground with Historic England, which I appreciate is unsigned at this stage. Um,

00:13:13:29 - 00:13:28:15

but it appears that it's historic England's view that there's been insufficient evaluation in relation to the potential significant impacts on preserved paleo channels and deposits with high geo archaeological potential undertaken to date. Um.

00:13:30:19 - 00:13:44:22

Do you consider that enough has been done so far? Um. Or are you planning to do any further investigations and evaluations at this stage? Um, and that's, um, ho five of the statement of common ground.

00:13:48:23 - 00:14:32:23

Daniel Bates for the applicant. So Historic England are referring to some engineering investigations that were undertaken this summer, uh, where as a matter of good practice, uh, you know, we followed their advice and implemented, um, archaeological measures. However, that's not the that's not the pre-construction surveys. Um, the pre-construction surveys would be done, most likely at all turbine locations and other locations along the export cable corridor. Uh, and that's, uh, you know, as secured through the marine license and the WSI, uh, those surveys would then be subject to archaeological investigation and reporting, and that's where that would come in.

00:14:46:24 - 00:15:20:27

Thank you. That's helpful. Um, and then, um, another similar question. Um, Historic England have also sort of highlighted that they consider the nine geo archaeological cores are insufficient in relation to the size and complexity of the project. Um, I was going to ask Historic England sort of what else they'd be expecting, but they're not here. But I didn't know whether you wanted to put forward a sort of a view of, of, um, whether, um, it's going to be refined as the project goes on or at what stage there might be more geo archaeological cores.

00:15:23:13 - 00:15:47:10

Daniel Bates for the applicant. I guess I sort of refer to my previous point that these were, Um engineering surveys and undertaken to to inform the design process rather than, um, you know, the wider pre-construction service that will be undertaken that will, uh, understandably occur across the site and along the export corridor. And that's what will give the the wider assessment.

00:15:51:09 - 00:15:58:23

I think our view would be that Historic England have misunderstood the purpose of those surveys in the summer, and the fact that there will be further surveys pre-construction.

00:16:16:24 - 00:16:24:13

Thank you. Um. Are there discussions ongoing with Historic England, um, to sort of refine the statement of common ground?

00:16:24:29 - 00:16:29:15

Um, Mhm.

00:16:37:15 - 00:16:55:10

Uh, Daniel Bates, the applicant. Yes. Discussions are ongoing, uh, with Historic England. I think just noting my sort of introductory note that in the last couple of meetings that certainly from a maritime perspective, uh, the representative hasn't attended those meetings, but we continue to to work with Historic England on this.

00:16:57:12 - 00:17:07:26

Thank you. Um, that's all the questions I had at this stage then relating to offshore archaeology. Is there anything else anyone wanted to say at this point?

00:17:16:03 - 00:17:20:13

I thank you. That concludes, um, item 3.4 of the agenda then. Thank you very much.

00:17:29:19 - 00:17:33:11

Uh. Good morning. Um. I've, uh.

00:17:35:11 - 00:17:39:15

All right. I'll probably give you an opportunity. Do you have anybody to bring forward?

00:17:40:06 - 00:17:42:04

Yes. Thank you. Madam, we need to do a quick swap.

00:17:42:12 - 00:17:43:11

Okay. My.

00:18:21:10 - 00:18:23:22

Apologies, madam. I appear to be one officer short.

00:18:23:24 - 00:18:25:03

We're just looking for them.

00:18:28:12 - 00:18:42:10

I think in the meantime, um, I, I believe that, uh, the families are represented here today, uh, in the room, and I do I see that Mr. Farley is also attending today.

00:18:44:17 - 00:18:46:04

Yes. That's right, I'm here. Yeah.

00:18:47:29 - 00:18:55:28

Um, are there any other people who are in the room or online who may be participating today in this section?

00:19:26:09 - 00:19:35:07

Okay. I think the applicant team has now joined us. Would you like to go? Yeah. Would you like? Would you like to do some introductions?

00:19:41:29 - 00:19:45:17

Uh, James Eaton, unsure consent manager. On the behalf of the applicant.

00:19:47:27 - 00:19:51:17

Uh, Harry Stubbs, uh, McLaren, on behalf of the applicant on farming.

00:19:53:27 - 00:19:56:27

Yes. Colebrook ecology lead here on behalf of the applicant.

00:20:02:24 - 00:20:35:16

Okay. I think we're settled now. Um, the first section that we'll be looking at will be the subsurface infrastructure impacts on agricultural activity. And this I'm actually going to address to the farming community first. Um, the applicant is seeking a restrictive covenant requiring written consent for any activity, including agricultural operations, that will require penetration to depths below the surface greater than 0.6m.

00:20:37:00 - 00:20:49:03

The first question I have to ask is provide. Are you able to provide examples of routine agricultural operations that are likely to be affected, and the frequency of these operations annually?

00:20:54:14 - 00:20:57:00

Uh, Mr. Feld, you you have your hand up?

00:20:58:29 - 00:21:49:01

Uh, yeah. I think the, um, I don't know the depth of the drainage here, but 600 mil is quite shallow for drainage. This land is all heavily drained, and it's productive ground. It's root crop, growing land. Um, so it's some of our the most productive land in the country, most flexible. Um, and drainage is really important. So the UN all likelihood is that, um, you know, when you're doing drainage field drains, you know, if there's, if they're, if they're good systems at the moment, they've been installed in the last 20 years, then you might have the occasional burst in a drain, but you have to dig down with a, with a, with a 360 and find it and fix it.

00:21:49:25 - 00:22:04:24

Um, old drainage systems will, at some point in the next 50 years, come to an end and they'll have to retrain them. And I don't know whether you've seen any of these draining machines, but they're basically very big tractor machines with a big, um,



00:22:06:13 - 00:22:40:03

uh, um, specify I describe it, uh, sort of plow type of thing on the back, which pulls in a drain. Uh, same time. And then they tip Gravel into it and bury it back over again. And in all likelihood at 600 mils. That is going to impact on it. Now, my understanding was that this was going to be at least a minimum of a meter, if not deeper. Um, and so I would say that we're going to be massively impacted by this. I appreciate that the developer is seeking to install, uh, a new drainage system.

00:22:40:25 - 00:23:17:04

Um, post construction, uh, and hopefully a pre-construction one as well. But we've still the obligation to maintain that drainage system will be upon the landowners, and we will need to have the ability to do that. So, um, how often those those works happen is, is depending on the life and when they break. So probably not too frequently. Um, where there is likely to be agricultural operations on a yearly basis would impact it is where if you are doing some, uh, deep ripping, you might get as deep as 600 mill plowing depth is is it won't affect that.

00:23:17:06 - 00:23:47:14

Um, and I suppose where the if there is um, cables at where the crossing drains in particular, I presume they're going to be deeper than 600 mil where they cross an open ditch, because open ditches are often cleaned out sort of once every 3 to 5 years, depending on how much they're silted up. Um, so I hope that helps. I suppose the other the other thing is, what it does prevent you doing is growing any deep rooting crops.

00:23:47:27 - 00:24:14:15

Um, so I think, um, you know, not that my clients would be looking at planting this land up with trees, for example, but you wouldn't be able to do that. Um, I'm not sure about miscanthus. Harry Stubbs might be able to confirm whether you can grow miscanthus on it, but certainly sort of things like short rotation, crop and other stuff, you would be able to do that on the top of this. Not not that we'd want to because as I say, we can grow potatoes and root crops on here, so we wouldn't want to be doing that, but that helps.

00:24:16:27 - 00:24:23:03

Thank you. Um, I was wondering if the family partnerships and farming community.

00:24:24:15 - 00:24:57:01

Um, drainage, as Louis Phil says, would be a similar issue. Um, we've got drains. The shallowest ones are probably 15in, 30cm, um, some a couple meters deep. But obviously that varies along the route can be very different from one field to another. So if they need to get in to fix a drain, you know, if you notice that an area is that where ideally you want to get on there as soon as possible. Um, in order to resolve it, because it can only take a couple of weeks, a week or so of a crop being sat under water before that crop won't recover.

00:24:57:05 - 00:25:38:28

So obviously they then got to get permission from the applicant in order to deal with it, that that could result in, um, quite significant loss. Um, irrigation mains again, similar concept pipes. If they need to be fixed, they need to be fixed ASAP because otherwise they're losing a lot of water. Um, root crops, potatoes and sugar beet are quite common for this area. And when you're harvesting root crops, that's

normally in autumn when it's already quite wet. And it's not uncommon for machinery to sink in, um, in some fields up to sort of the axles, which were if you're talking 60cm, you could end up deeper than that.

00:25:41:15 - 00:25:53:20

And certain crops like rape, for instance, the roots can be a meter deep. Um, so although that's not necessarily an agricultural operation, those crops could.

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Affect it.

00:26:01:15 - 00:26:05:00

Thank you. Is there anything further? No.

00:26:15:29 - 00:26:32:21

In answering the question. You've actually answered my second part of the question, which is on rare occasions when it would inadvertently sink below. So you've already commented. Um, I'm moving now to the applicant only comments you wish to make and what you've just heard.

00:26:39:12 - 00:27:13:20

Uh, Alice Maynard for the applicant. So the 0.6m for this, this particular clause is not about restricting operations, um, and restricting the ability to for crops and to replace drainage. It's about understanding and knowing, um, you know, if, if, for example, somebody needs to go and fix the drainage in the area. We'd like to know what's happening so that we can keep a watch that If something happens to the cable in that area, then we're like, okay, yeah, this is, you know, we need to go and do this.

00:27:13:22 - 00:27:47:05

We just need to be aware of it. It's not about restricting that. Um, and to make the farmers aware of exactly where the cables are. Um, you know, we we appreciate that drainage will need to be installed, you know, maintained over time. You know, and that's in all likelihood, if this will be above the cables. You know, we have, uh, provided indicative depths for the cables, the 0.9m warning tape, the intention of 1.2m to the top of the ducks.

00:27:47:09 - 00:28:17:22

But as has been indicated here, I think Miss Reilly mentioned a 0.3m to one meter for the, like, depth of the drainage. Um, Mr. Phil mentioned 0.6m. Seems low, maybe a meter. But we need the flexibility to be able to, you know, we can't say exactly the depths now because these the depths of these drainage, you know, systems vary and it's likely. Okay, well, we'll be underneath these. We're not it's very I can't we're not going to put our cables above the drainage.

00:28:24:09 - 00:28:24:28

Thank you.

00:28:28:24 - 00:28:30:15

Yeah.

00:28:32:24 - 00:28:35:03

Uh, Mr. Feld, you wish you'd come back?

00:28:37:06 - 00:29:14:23

Uh, yeah. Can I can I just I've. I've had a lot of experience of utility infrastructure in the ground, in heavily drained areas. And, um, whilst Mr. Maynard says it's all about just the communication, I can tell you that that doesn't happen, because as soon as the cables in the ground and you want to do anything, the first instance, what you get a response is you can't do anything because that's what the, Uh, easement says. And uh, you also then get to a position where they go, well, if you want to do anything, you need to set it all out in writing, and you need to pay our fees for a third party to to review this.

00:29:15:07 - 00:29:52:00

The last one I had to do on a crossing of a gas main, for example, um, the the national operator. I won't name their name, but they they demanded £15,000 for fees up front before they even considered it. Um, so I don't think a landowner should be disadvantaged. I think there should be certainly within the, uh, orders here that that if if the landowners wish to do drainage works is and this may not I would like I'd like this recorded now that she's confirmed that all drainage systems will be placed above, um, their, their cable route.

00:29:52:12 - 00:30:32:26

Um, and I also really don't agree that she says that you can they can't guarantee it'll be at least a metre below the depth. I've got plenty of other examples elsewhere where they will guarantee at least there'll be a meter on other offshore cable routes that I'm dealing with in other parts of the country, in East Yorkshire in particular. The easements all state categorically there'll be at least a metre below the topsoil depth, so I can't see why five estuaries here. Can't agree that as well. But I think it needs to be recorded that all drainage systems will be working above the cable route so that we can access them, and it needs to be the ability for the landowners to be able to go and maintain those drains and fix drainage systems.

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Now, if we can't touch that easement strip without, you know, normally what happens is they get the operators get very upset if they see a digger going anywhere near the cables. Now, if they're saying that we can go in and fix drains, dig down and fix the drain without getting their consent, that's one thing. If they're saying, well, actually, you can't even dig a hole in the ground, all you can do is sort of normal above ground field operations without getting their consent. That consent needs to have a process where it's not going to cost landowner money, otherwise that needs to be factored into the level of compensation that they should be seeking at the beginning.

00:31:09:28 - 00:31:13:14

So I think some clarity around all that and the process would be useful.

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Thank you, Mr. Powell. Uh, I think, uh, Mr. Foley, you have something to say.

00:31:22:24 - 00:31:54:17

Tamsin, fairly for t fairly understands. Um, our deepest drains are three meters, and it's in a field that's along the cable corridor, and we've provided a map. We don't know exactly where it goes, but we've tried to help by showing a rough indication. So, yeah, although I'm saying some might be a shallowest 30. They're down to three metres and I'm not sure that you're going to be able to. Then some are going to be above and some are going to be a bit below. And you're saying it's about communication, but I think we're obliged to notify you, you know, with a certain amount of time before we do anything.

00:31:54:19 - 00:32:15:22

That's not always possible in the event of it's a machinery that gets stuck or something along those lines, and you don't always have the option to wait, because the long term effects of that can be quite significant. If it's just a case of telling somebody, oh, this is what we're doing. That's very different to being told. You need to give us X number of days notice and then receiving confirmation from them.

00:32:16:29 - 00:32:22:27

Thank you. Would the applicant like to come back again.

00:32:24:03 - 00:32:55:09

Well I'm ready for the applicant. Just to be clear, Miss Maynard was not saying that in every case, the drain will be above the table. That was not what she said. And that is not a commitment we are making. It will depend on a case by case basis. She was saying that it's likely the majority of them will be because of the depth they're currently installed at. Um, we were not saying, as Mr. Phil said, that you wouldn't need consent to go and get drainage operations. That would be entirely contradictory to the restrictive covenant we are seeking, which is to protect the cables. This is an entirely normal and standard protection for buried electrical cables.

00:32:55:11 - 00:33:16:06

We do need to know if people are going in and doing works near our assets to protect them as well as us. Um, and finally, the point about costs and compensation. I do not disagree that those conversations need to be had, but they are not in this forum. They are done through the Voluntary Land Agreement forum, and I don't think we should be getting into that in a setting.

00:33:16:08 - 00:33:38:26

Um, I don't think actually we were anticipating getting into conversation about compensations, etc.. I think Mr. Phil was just emphasizing and I'll give him an opportunity to say that, you know, there is that position where it is cost to them as well as a cost to you. Would you like to continue?

00:33:40:18 - 00:34:10:27

Yes, I think I think that's exactly the point. I mean, if, if, if we are being restricted from the use of the land and it's, it's, it's like Mr. McGeady saying that there's like, you know, what are those costs likely to be. Because drains could break all the time. Now if the developer here is five, estuaries are not going to be responsible for future drainage maintenance of those drainage systems. And let's say there's lots of breakage of soils moving.

00:34:10:29 - 00:34:43:26

You know, there's going to be lots of soil subsidence going on here with the movement of soils after the after the cables gone in. Um, and I'm, I'm really concerned now that there is a significant

obligation and cost potential liability on my clients who've got a large stretch of land over trying to maintain this infrastructure. Now, I'm not hearing from what miss McGeady said is that there wouldn't be that would be a cost free exercise in terms of, of, um, seeking consent from the developer, I don't believe.

00:34:44:04 - 00:35:15:13

And I think you have the powers to say that, that there shouldn't be any cost to the landowners for seeking consent to go and do the drainage repair works or replacement or whatever it might be. Um, I'm also really alarmed that they're saying that some of the drains the cable route will will be above the drains. I I'm, I you know, I don't like this sort of inference that it's for the protection of the landowner. The landowners don't want these cables going through, you know, move them somewhere else. We don't want them. You're putting them in place. You should leave us in a position that we weren't.

00:35:15:19 - 00:35:47:09

That we're no worse off than where we were at the moment. Now, if you're saying that actually we're worse off because your cable route, which is we can't go anywhere near, is sitting above drains, we can't fix them on really productive ground. That's a really that's a big consideration that we need to take into account account of our W5. Estuaries want us to enter into voluntary agreements, but we don't even know really what you're asking us for. Because what you're what you're suggesting here has a potential huge ongoing liability for the landowners.

00:35:47:18 - 00:36:18:00

So, you know, it's not a matter of compensation. This is all about liability and ongoing maintenance and understanding exactly what we're talking about here, because there seems to be mixed messages, um, if you have to go, if the drains have to be underneath, there needs to be a clear mechanism that we have the ability to say, right, these drains are broken. They need fixing. How do we get up out and fix them? Who's going to do them. You know, if you've got a cable above it how do we go about that? What is the additional cost of us trying to fix a drain that goes underneath the cable route?

00:36:19:23 - 00:36:51:09

Uh, thank you. Mr.. Um, I think we understand your position regarding, um, you know, access to to the infrastructure. And I think the, um, fairly group have also made that clear that they need to be able to have free access to their their infrastructure as well. Um, potentially. Um, I don't want to enter into the discussions about compensations, etc. because I'm, you know, that's for another.

00:36:51:13 - 00:37:15:26

Another forum however. Um, is there a mechanism, do you think, available, um, to ease the. Farming communities ability to do the infrastructure, you know, any attention to the infrastructure? Um, they can get some comfort that it's not going to cost them.

00:37:26:27 - 00:37:58:08

Uh, Paula McKinney for the applicant award thing that you are looking at is the wording in the DCO for the compulsory acquisition. The voluntary agreements are trying to pick up points like this where where people are raising them and we're engaging where they're raising them. We understand that there may need to be more flesh put on those bones, especially around emergencies, and we're very

happy to have those discussions in that forum. It's not really appropriate to try and do it through the compulsory acquisition wording, because it would all have to be almost individually negotiated.

00:38:00:09 - 00:38:24:08

Uh, yeah. I mean, this is it's a bit of a forced issue, this um, because we've got some overlap in that we have have to have the confidence that, you know, those people who were impacted by this are not unduly impacted. So, uh, I think Mr. Gould may have a question.

00:38:25:01 - 00:39:01:14

Well, I think the ultimate issue and we may well turn or return to this when we in the DCO hearing tomorrow is making sure that, um, the covenant, which is on page 69 of the draft order, is currently drafted, which is um ret At 5007. If he's got the right number of remembering the head that the wording in that covenant is consistent ultimately with what may be being discussed in other agreements, because it will be the covenant in the order that the judging point.

00:39:02:10 - 00:39:32:16

Um, because that's the legislative control that's been put in place or potentially is put in place. Um, certainly, from what I've heard this morning, I'm not clear that whatever might be being discussed through other means is entirely consistent with the wording within the covenant as currently drafted. I think we're going to need some comfort. It may well be that that's a matter you want to think about overnight, and we will return to it tomorrow during the DCO hearing.

00:39:34:05 - 00:39:50:29

Uh, for the applicant, I'm happy to return to tomorrow. Sorry, but I don't agree with you. I mean, putting some extra process and things into the voluntary agreements does not undermine the core principle. And it does not. If we look at the wording in schedule seven, um, you know,

00:39:52:15 - 00:40:11:12

there are there are soft rings in there already. So things like where we need consent, the consent not to be unreasonably withheld or delayed. That sort of wording is entirely consistent with what the detail is fleshing out in the agreements. I don't necessarily agree that there is any misalignment there, but I am happy to pick this up in detail tomorrow.

00:40:14:09 - 00:40:32:25

I, I think that without doubt we will be returning to this subject tomorrow. Um, maybe I'm sleeping on it and we, you know, some some thoughts will come to mind, but, uh, I don't know if Mr. Gould has any further at this point.

00:40:34:29 - 00:40:39:28

Now, I think we'll, um. I see that Mr.. Mr.. Phil, Well. You have?

00:40:40:13 - 00:41:15:15

Yeah. I was just going to say it's. I mean, miss McGeady is working on the assumption that we're all going to sign these voluntary arrangements or once if we don't sign them. So the I think, Mr. Gould, that's your point is here that the, the, uh, order needs to reflect exactly what's going on. And my, my point on all this is, is I have been through this practically you your your opening comments was let's

have some practical viewpoints on here. Um, in all due respect, probably I've been doing this job for 20 years and dealing with utility companies on cables in the ground, and I know what happens on the ground.

00:41:15:17 - 00:41:45:26

So it's all well good. Miss McGeady sort of saying it's all going to be fine, consent reasonably blah blah blah, but practically on the ground. That's not what happens. And and this is what frustrates landowners in the future will be 20 years down the line and we're going this CPO, this cable is a is painful for us to operate and to to manage our land. And so it's fine if they're saying that we have to go through this rigmarole of trying to get work, getting access to land, to do the drainage.

00:41:46:14 - 00:42:25:24

As long as we know what the process is. And I think the order should set out exactly how that process should happen, and so that you can then factor into it when it comes to the matter of compensation, which is important from the landowner's point of view, that we can factor in what the cost of that in perpetuity might be for the landowner for draining his land, to be able to manage that effectively in the future. So, I mean, I think it really is important. Happy to consider it again tomorrow, the wording of it. But from my point of view, where we might not sign the voluntary agreement because there's things in there that we don't agree to, then we need to be protected under this, under the actual order.

00:42:26:21 - 00:43:01:22

Thank you. Mr.. I think we'll probably move on because there are some other questions that are going to be coming up about about farming activities, etc.. Um, do you know, does, uh, Mr. Foley have anything to say further on this? No. Okay. All right, well, moving on. Um, and it is in some respect relating to the drainage and irrigation, um, and that the burial depth is 0.0 or 0.9 meters.

00:43:02:12 - 00:43:37:18

Um, and we've already heard that it can directly impact on the existing drainage and irrigation infrastructure. Um, the suggestion from a lot of the farming IPPs in their deadline submission for a deadline for submissions contend that a guaranteed burial depth of 1.2m, um, would be and that would be safe, would safeguard their infrastructure and make life a lot easier for them and the land users would not have to change their copying practices.

00:43:37:20 - 00:44:15:24

Consequently, now the applicant has commented at rep 5073 um, that uh, the 0.5 0.9m depth of cover is the distance of the warning tape, and the 1.2m is provided as an as an indicative distance to the top of the cable ducting, and the applicant will endeavour to reach a depth of burial of 1.2m, although in certain ground conditions, for example presence of large rocks, this may not be practical.

00:44:16:28 - 00:44:33:15

Now another question for the farmers. Um, given the experience of your agricultural operations such as cultivation, land drainage and irrigation infrastructure, how common is it that The large, large rocks are encountered.

00:44:37:14 - 00:44:45:03

Tamsin Fairlie for tea Fairlie and sons. Rag stone is something that is relatively common in the area and probably will be found on the route.

00:44:51:02 - 00:44:55:17

And in that case, Mr.. Mr.. Paul, you have a hand up.

00:44:57:20 - 00:45:07:07

Are you referring to like if we're doing our own irrigation mains or or works ourselves? Do you mean how often are we encountering it in terms of.

00:45:07:17 - 00:45:15:18

Your day to day annual agricultural operations, how often do you come across when you're laying drains, etc.?

00:45:17:11 - 00:45:56:12

Um, I mean, it all slightly depends on where you are and how ground, how disturbed the ground has been. But there's lots of lots of stuff that might be underneath. But, um, again, this is you know, it comes back to my point earlier on why they haven't done some ground investigation work to actually ascertain the depth of the soil cover and other bits and bobs, which I would have expected to develop to have done that prior to this hearing, to actually be able to inform ourselves better on on those discussions. But I see no reason why, if you if you want to my opinion, I see no reason on the on my client's land why this can't be buried to a minimum 1.2m depth.

00:45:57:12 - 00:46:19:29

I'm actually going to move on and and ask the question. Now, you've met the, um, uh, Mr. Foley mentioned that they do occasionally come across flagstone. Um, so how do you manage it? What how much of an impact does it have on your operations to, you know, is it a major issue?

00:46:21:24 - 00:46:47:18

I know Thomas fairly, fairly intense. Um, when when I'm ploughing, for example, at 12in, 30cm deep. I can hit it with a plough point, which will destroy the point and possibly break a shear bolt on the plow. So it's not deep, you know, it's fairly shallow stuff. Uh, can be deeper. Um, but if we were digging a hole or putting drainage in and we came across it, it would be an inconvenience. But we would get around it. We would be able to dig it deeper

00:46:49:07 - 00:46:50:00

to fit out.

00:46:50:13 - 00:46:51:15

Right. Thank you.

00:46:56:08 - 00:47:01:18

So I go now to the applicant who would like to respond regarding that.

00:47:12:11 - 00:47:24:26



Uh, Alice Maynard for the applicant. So it's not fair to say we haven't done any ground investigation. We have done some that is typical for this stage of, uh, development. Um.

00:47:27:10 - 00:47:59:19

What we. We obviously need the flexibility in in case we find things in the future, especially when, you know, we're digging these trenches. As Mr. Foley has pointed out, you might find something, um, we might be able to go around it. We might be able to take it out. We need that flexibility to be able to understand that. It's a very similar point for the land range. There's been a wide variety of 30cm to 3m depth been proposed, like mentioned here. But a lot of the time when you're digging these trenches, you find it's somewhere it's a different depth.

00:47:59:21 - 00:48:33:22

You know, the the records aren't, you know, aren't always that reliable. Sometimes it's not found. Um, so this is why we need these sort of flexibilities to account for all of these situations. So that's why we have the 0.9m of the warning tape and the indicative 1.2m to the top of the duct. It's not saying that's what it will be. It's saying we need the flexibility to be able to deal with all of these situations. Um, for all of the different bits of land across the cable route. Uh, and that's and this is what we will achieve wherever we can.

00:48:34:02 - 00:48:36:04

Um, but we need this sort of flexibility.

00:48:37:14 - 00:48:47:20

Thank you. Um, because I'm going on to a question now that I'm going to ask directly to, to the applicant because, um.

00:48:52:20 - 00:48:53:14

Within

00:48:55:06 - 00:49:26:01

your own document, uh, 9.5 Mineral Resources, which was submitted assessment, um, with uh app 235. Um, it provides details of the mineral profiles and overburden. So I accept that you have made some effort to to find out what sort of, um, Geology that you're going to be coming across during the during the process.

00:49:26:19 - 00:50:01:25

Uh, the sections accepting sections three and four a as illustrated in drawings six, four, six, 521 and 6522. Um, it indicates that there is the presence of the Beaumont Red Crag outlier Formation. Um, and it but it does not appear to indicate, um the proliferation of hard rock formations um likely to give rise to obstructions of other nature that would absolutely stop your stop you

00:50:03:21 - 00:50:41:02

your operations. Um, in in in trenching. Um, I mean, what sort of size of rock are you thinking that you're going to invade? I mean, I only ask because, you know, I'm I'm. I can understand you wanting to avoid having to, you know, put, um, to try and destroy it and destroy a rock or remove a very large

rock or whatever. But it doesn't appear that there's any likelihood that there's going to be obstructions that are going to cause that much of a problem for you.

00:50:49:18 - 00:51:14:04

Not for the applicant. So our understanding is that, um, we have evaluated the cable route, and we think that we think that there's no likely formations that would prevent us from installing it. The we need we maintain that. We need the flexibility. Um, in case, um, you know, so.

00:51:18:17 - 00:51:39:02

Yeah. There's a difference between. Yeah. A a rock formation at surface, for example, if there's no sufficient soils, um, and a large boulder, you know, if that's possible, things are found in the ground. Um, and yeah, we need we need the flexibility to be able to deal with those situations should they arise.

00:51:40:17 - 00:52:03:03

Uh, but to move on, I mean, the general consensus given your geo and geological maps. ET cetera, is that these are going to be quite rare events. Um, so I think I think what for the comfort for the farming communities, the a commitment on your part is that you would bury to 1.2m

00:52:04:23 - 00:52:11:14

consistently, except in places where you encounter which by the sounds of it, are quite rare.

00:52:18:16 - 00:52:49:18

Thanks, Maynard, for the applicant. I mean, we can take the wording away. Um, fundamentally with that, we've agreed the principle, but it's we also maintain that it's not just a rock. I say when we find irrigation systems in fields at different depths to have, uh, you know, a mandated, you know, a mandated depth across the route, um, is quite impractical. So it has to be subject to where possible, you know, we will aim to endeavor to achieve something, but, uh, we can take the wording away.

00:52:52:00 - 00:52:58:24

Okay. Um, I think I'll give the farming community as an opportunity to come back. Do just fairly have anything.

00:53:00:27 - 00:53:33:14

And fairly. For tea. Fairly. And sons. Um, to John behind me. He's farmed this farm his entire life. And the largest piece of flagstone he's ever found is probably about the size of a size of one of these tables. And obviously, from a farmer's point of view, it's in their interest to work a bit harder than realistically what the applicant is likely to do if they were to come across something like that. The worry is that if they've got the option to just say, oh, well, it was inconvenient for us to to go to deal with that, they'll go, oh, but we can do it to 0.9.

00:53:33:18 - 00:54:03:09

Whereas if it was the 1.2, we would have the comfort that we know it's going to be at 1.2, and they'll be forced to actually have to bother to work a bit harder than they otherwise otherwise might. Rather than taking that easy option. And I don't agree with Miss Maynard's point that, um, they don't

want to be mandated to a 1.2 because they're saying they can do it to 0.9. If they can confirm they can do it to 0.9, why can't they confirm 1.2? That doesn't make sense.

00:54:04:23 - 00:54:11:05

Thank you. Does Mr. Pearl have anything to say? No. Um, I think.

00:54:11:20 - 00:54:13:21

I think I think I just agree, I agree with him.

00:54:13:25 - 00:54:37:10

Okay. Um, I think as you said, you're going to go away and and look at the technicalities of, of this. Is it possible that I set you an action point to respond on your reasonings as to elaborate on your reasonings as to why you don't want to be committed to 1.2m

00:54:38:28 - 00:54:41:23

and shallower as an exception rather than.

00:54:44:03 - 00:55:05:10

Um. Well, my apologies, madam. I don't think. I don't think we quite understand what you're asking, because that is what we're seeing. That will go for 1.2m, unless there is a very good reason not to. We said we'd take the wording away because people are using words like mandated across the route, and it's the in all cases aspect of it that we're not comfortable with.

00:55:06:00 - 00:55:38:00

Well, okay. Um, I think I think we we will need to see something. I mean, I think you may be given an example of how you would manage, um, where, uh, you come across an obstacle that you feel that is immovable. Um, I think that that we need to, to, to understand that the 1.2m, um, I won't say mandated is achievable.

00:55:38:21 - 00:55:44:18

Um, and that it will only be an exception where you go shallower.

00:55:52:03 - 00:56:18:18

I'm a good applicant. And yes, we'll take that as an action point and we'll we'll come back on, as I understand it, an explanation of the approach and how we would propose to deal with immovable objects. And given that we we have already said repeatedly in written submissions that we are happy with the 1.2 as a sort of general principle, subject to exceptions, where we could possibly secure that in more clearly to try and assist.

00:56:19:13 - 00:56:31:28

Thank you very much. Um, I don't think there is anything from the farming community that we need to hear anymore. No. Thank you.

00:56:35:19 - 00:57:13:17

All right. Well, we'll move on now, um, to the whole roads between Berkeley Road and the site for the proposed onshore substation, which includes an additional an additional loop south of Ardley Road.

Um, for the applicant, the onshore biodiversity net gain assessment app. 149 baseline drawing 218 identifies two areas of G3, a lowland meadow abutting a substantially larger area identified as C1, C7.

00:57:13:19 - 00:57:49:03

Other cereal crops. The identified G3, a lowland meadow, is cited as an obstruction obstacle. O. O. X. Hyphen. 31. As set out in the response to EO 1.1. C in 10.2. Applicant's responses to the XQ one reference rep 2039. This was reiterated in 10.2 0.6.

00:57:49:18 - 00:57:57:29

Technical note. All roads between Bentley Road and the onshore substation are. Rep 4036.

00:58:00:08 - 00:58:18:12

Um, my question is, and it's probably your ecologist that will need to respond on this. What? Supporting evidence in the form of survey data, including species identification, has been obtained to confirm 3G3A in this location.

00:58:21:02 - 00:58:40:15

Jess Colebrook, on behalf of the applicant. Apologies, I don't have the app reference number, but the full details, including species lists, are contained within the habitat Survey report that was included as a technical appendix. There are also photographs of the area within that report.

00:58:41:24 - 00:58:43:00

Right. Um, we can.

00:58:43:02 - 00:58:43:17

Provide.

00:58:43:20 - 00:58:57:21

Perhaps you can provide the links and the identification, the, the information for that. Would that be. What type of surveys did you carry out in those to, to establish them. The just the surveys themselves as a general.

00:58:58:09 - 00:59:05:04

Uh, it was a UK habitat classification assessment that was undertaken in those fields, including condition assessment survey.

00:59:05:10 - 00:59:09:29

So it was you actually did serve a physical survey on site in.

00:59:10:01 - 00:59:16:03

Detail during the optimal time of year as well. So we were able to capture all of the species that would have been present.

00:59:16:14 - 00:59:20:28

So if you could signpost me to to that, I'd be much appreciated. Thank you.

00:59:26:14 - 01:00:02:10

Right. And you'll probably want to stay on for the next one. Um, the next question is it relates to hedgerows, including proposed reinstatement of hedgerows, um, to the applicant. Um. Onshore Biodiversity Net Gain assessment provides details on how hedgerows removal and reinstatement is quantified for the purpose of being. Does this correlate directly with those hedgerows cited in schedule 12 of the draft DCO? Again, you may need to go back and cross-reference yourselves.

01:00:02:12 - 01:00:04:25

I mean, unless you, you know, off the top of your head.

01:00:06:15 - 01:00:28:26

Thank you. Madam. So the, um, obstacle crossing register was used to inform the biodiversity net gain impacts plan. And on the impacts plan that that will match. Um, so where there are hedgerows that have been deemed and listed in the obstacle crossings registered that will match in the biodiversity net gain assessment report.

01:00:30:09 - 01:00:42:21

Yep. Um, but the the I'm referring to the hedgerows that are also referenced in the draft DCO. I mean, the problem is this is this is a bit of a crossover between.

01:00:45:07 - 01:00:49:15

So I mean you may want to take it away and and come up.

01:00:49:21 - 01:01:29:07

Let me get you for the applicant. So the hedgerows that are in the draft DCO are its DCO is the entire width of the hedgerow, where we may need the power to do some works to that hedgerow. So it includes more hedgerow than actually be affected, because it's the whole corridor width and it includes all the hedgerows that may be affected, but might not be because we need to take the power as a fallback. So the the schedule and the DCO schedule lists all of the hedgerows. It doesn't necessarily see 30m of this one, 40m of that one like other assessments would, because all it's doing is dealing with a legal power, is not dealing with the impact on that individual hedgerow.

01:01:30:05 - 01:01:30:23

Thank you.

01:02:22:06 - 01:02:55:07

Uh, there may be a question coming up later on, um, in tomorrow's DCO regarding hedgerows again, and I don't see much point in asking the question that I had listed here. So we'll move on again now. Um, again, this is this is a more general question. Um, the outline Lampe. Um, that was submitted rep 2022 uh, states at 2.6 0.27 following decommissioning of the ox.

01:02:55:18 - 01:03:30:16

It is expected the foot footprint and platform areas would be reinstated to agricultural land use, with hedgerows reinstated in locations where removal might be required to enable decommissioning. Now this appears, the statement does not appear to be supported by statements that have been made

previously in these examination, um, or within documentation that's been submitted by the applicant. I've not listed it because, um, as I said, it's a quite general question.

01:03:30:18 - 01:03:53:05

However, if the position has changed regarding post decommissioning, um, restoration, how will the restoration of grade one BMV agricultural land be achieved insofar as a proposal is to remove from sight strip soils during the construction of the Olwen SS. And again this to the applicant.

01:04:17:12 - 01:04:24:21

Well, let me give you for that. Madam, can we clarify? We we think this question may have come up in the first set of hearings. Is that correct?

01:04:26:05 - 01:04:39:24

Yeah, that's why I'm bringing it up. Because this document post dates the first questions that we asked. And as I said, it is in the Olympe that you'll be they will be restored to agriculture.

01:04:44:15 - 01:04:58:03

Um, for that and we would like to come back in writing. Madam, I don't think we necessarily agree that it would be. I think it says if it, you know, it would have to be assessed at time. And if it was, these are the things that could be done. But we would like to take that away and check it and come back to you.

01:04:58:05 - 01:05:01:12

Yeah that's fine. Yeah that's fine. If you could check please.

01:05:15:27 - 01:05:25:29

Um, well that all finished the section on farming? Unless there is anybody else who wishes to bring up a comment on what we've discussed already this morning.

01:05:30:27 - 01:05:31:19

Mr.. Phil.

01:05:33:17 - 01:05:47:06

Uh, sorry, I just had I'm not sure whether this is the right place to mention it, but I was just rereading on the one of the latest submissions about the amended soil construction on the what the documents called.

01:05:50:00 - 01:06:34:21

Code of construction practice and about the soil record keeping. Which soil? I can't stress enough how important this is as our medium for operating our businesses, and I'm slightly concerned that the recorder condition is not detailed enough. And what what is now becoming quite common practice on record of conditions is that there's a topsoil depth study done soil pH, um, magnesium pH and soil organic matter levels done because all those things are massively affected when you strip topsoil.

01:06:35:14 - 01:06:50:21

I'm not sure whether it's the right place to talk about this, but it was just when I was reading the amendments that have been made to it, I just felt that that was it talks about record of condition, but it doesn't talk about the detail of the record condition. Unless I'm missing something. Maybe. Maybe. Barry. Barry. Stuff.

01:07:03:03 - 01:07:12:06

Um, I was wondering, are you aware that there's a soil management plan? Separate to the code of conduct destruction practice, Mr. File?

01:07:15:01 - 01:07:24:27

Um, I slightly get lost with all these documents. Uh, is there one? Right, okay, I will, I'll tell you what, sir. I'll. I'll have a read through that then. And if I've got any concerns, I can put them in writing an extra app, can I?

01:07:25:08 - 01:07:27:07

Yes, that would be that would be fine.

01:07:27:09 - 01:07:28:03

Yeah. Okay. Fine.

01:07:28:24 - 01:07:29:12

Thanks. Sorry.

01:07:29:19 - 01:07:33:10

Just just a moment. I think Mr. McGeady may have something.

01:07:34:08 - 01:07:50:06

Apologies, madam. Parliament for the applicant. There will be a soil management plan separate to the Code of Construction Practice. The Code of construction practice sets out the principles and the content of that plan. But there isn't actually, that is the outline for the detailed one. There isn't a separate document to refer to at this stage.

01:07:51:23 - 01:07:52:10

Thank you.

01:07:55:10 - 01:07:57:21

Does Mr. Foley have something to say.

01:07:58:17 - 01:08:12:03

Just before we move on from Mr. Fell's point? It might be useful in his submission post hearing, if he can indicate the sorts of things he thinks should be included, potentially in a store management plan.

01:08:14:17 - 01:08:15:25

Yep. Will do. Thank you.

01:08:18:18 - 01:08:19:09

Miss Fairlie.

01:08:22:06 - 01:09:02:15

Tamzin Fairley for the family and sons. This is possibly an additional point that didn't necessarily fit into your other questions, but we just wanted to make the point that there's been a lot of concern from National Highways and Essex County Council and Suffolk County Council about the impact of the large the aisles on the large vehicles on the the road network and the structure of the roads. Um, but less consideration seems to be given to the the sections where they'll be on the whole roads and crossing the fields. And obviously, if National highways are concerned about what those large vehicles will do on a road that is designed to take traffic, I think that says quite a lot about what it will do to the soil structure.

01:09:03:19 - 01:09:16:12

Um, I think probably it's the same to you as to Mr. Foley, if, if there are concerns that specific concerns, perhaps if you could put them in writing for submission at deadline six. Yeah.

01:09:16:25 - 01:09:18:13

We have done that. But we can do it again. Yeah.

01:09:18:15 - 01:09:23:13

That's fine. Yeah. Um, does the applicant have comment?

01:09:24:02 - 01:09:38:13

Thank you madam. Um, we did put in a technical note on the whole road, which included the use for the abnormal, indivisible loads. And it may be, um, 40036 it may be of assistance to Mrs. Fairlie to read.

01:09:38:18 - 01:09:54:00

And I think, um, maybe it be helpful if those documents get reviewed and and if there are any additional questions that may arise from it, then, uh, you can focus attention on those. Thank you.

01:09:57:29 - 01:10:12:20

I think that that may well have concluded now the section on the farming. Um, I know across to my colleague, uh, Mr. Gould, who will take on the socioeconomic and residential living conditions. Thank you.

01:10:20:06 - 01:10:49:19

I presume that the applicant is going to need a bit of a changeover. I'm just. I'm just. I thought we've we've sat for an hour and ten minutes. I've got just a few questions on weight class. I'm wondering whether we cover those before we adjourn. And then we deal with noise type matters after the adjournment because we've already dealt with the commercial fishing element of socio economic agenda. The agenda item that was covered yesterday,

01:10:51:08 - 01:10:57:27



does that seem reasonable, particularly from the applicant side, in terms of how you're going to manage your resources on that side of the table?

01:11:00:02 - 01:11:05:10

Um, if it helps, I think we on the weight loss point will only be about 10 or 15 minutes.

01:11:06:06 - 01:11:14:22

Thank you sir. Yeah, we would be happy with that. But yes, we do think we will need an adjournment before lunch. So if we can break it up this week, that would be fine.

01:11:16:17 - 01:11:32:15

We adjourn around half, 11:30, which would be a normal hour and a half or so of sitting time. Um, but it's really a question. Are you happy on your side to bring somebody up to deal with the weight loss point? Um, and then we'll adjourn after that.

01:12:08:20 - 01:12:11:05

Junior model for the applicant. Yes. We're ready to go.

01:12:12:26 - 01:12:16:15

Uh, Mr. Boswell, do you need to introduce anybody or I.

01:12:16:17 - 01:12:20:11

Uh, yes. Um, yeah. On. On either side.

01:12:22:14 - 01:12:23:11

Oliver Spencer.

01:12:23:13 - 01:12:25:04

Solicitor, on behalf of the applicant.

01:12:28:29 - 01:12:33:01

Diane Maler, project lead for yesterday's. On behalf of the applicant.

01:12:45:04 - 01:13:35:21

Well, my first question is, um, perhaps something that you'll be doing writing anyway. Um, but I think it would assist the examining authority if, um, as background to this issue that has principally been raised by East Anglia to if we could have a note that explains a little bit more about how the process of the awarding of licences, um, by the um, the government actually takes place, um, presumably potential um developers when the licences are up for um, in effect bidding, you all variously have the opportunity to bid for some parts of the the sea.

01:13:36:19 - 01:14:21:20

Um, are you able to bid in a round for absolutely everything that's available, or are there some controls on which bits of the sea? If you're going to bid for one part, can you bid for another part concurrently? Because presumably what ultimately what's happening in the background is through this bidding round. It's a competitive process. Uh, the Crown Estate reviews all of the bids and then

comes to a decision as to who gets what in each of the rounds and in an individual round. Um, is one developer or consortia able to, uh, in effect, uh, gain success in getting perhaps multiple licences that cover different parts of the, the area.

01:14:21:22 - 01:14:59:24

So if there were several, um, licences up, say on the East coast, uh, north and south of the wash, just for argument's sake, can you bid, and successfully gain licenses north and south of the wash concurrently? Um, just just so that we understand the mechanics of what's going on from that perspective, and also specifically in connection with five estuaries and the point that, um, East Anglia to have raised were those projects both in the same licensing round or were they in different rounds?

01:15:03:28 - 01:15:10:17

Will I respond? Yeah, I think it's going to be helpful. So Julian Boswell for the applicant, I think it's going to be helpful

01:15:12:06 - 01:15:44:18

if building on the the response that you're inviting, that we kind of do set a more contextual position sort of in the round on our position on weight loss. But um, the, the reality of the, the, the different licensing rounds is that they. They all have been a little bit different. So the two the two relevant rounds here are. So I'll, I'll just do this briefly if that's okay. And then we'll explain it more fully in the response.

01:15:46:21 - 01:16:08:15

I am asking myself when when that should go in depending on how sort of substantial it is. So East Anglia two if you trace it back um, exists because of round three. Round three was awarded as long ago as December 2009,

01:16:10:04 - 01:16:21:14

and it was a unique round whereby very large areas were put up for a ten year exclusivity period,

01:16:23:01 - 01:16:56:15

whereby multiple projects could be brought forward within those Large areas. So what was called the East Anglia zone was one of the nine zones that were awarded as part of round three. And the idea was that the developers that were awarded that zone then had a significant amount of freedom as to how they brought forward projects within that zone over a period of exclusivity.

01:16:57:26 - 01:17:28:15

But different zones played out at different speeds, so some took much longer to come to fruition. And then there were further. Um, I'm pausing because I it's easier if we deal with this in writing, but the there was some sort of additional twist as things got past a certain point, because the zones had played out over a much longer period than was originally expected. So.

01:17:31:04 - 01:17:42:04

That is the kind of back story for East Anglia. To the back story for Five Estuaries is.

01:17:44:16 - 01:17:55:23

That there have been a series of projects in this general location. So the first one was the great Gabbard. Then there was an ability

01:17:57:14 - 01:18:20:15

to for, for um, projects in that category to be, um, extended. But there was a limit on who could do the extension, because if you were going to be right next door, it had to be with the agreement of the existing project. So that so galloper became

01:18:22:14 - 01:18:25:09

galloper was the extension to Greater Gabbard.

01:18:27:02 - 01:18:28:18

What is now playing out?

01:18:38:06 - 01:18:46:18

So once galloper had been fully built out. There was a subsequent opportunity for

01:18:48:05 - 01:18:59:02

projects to ask to be extended. And then, um, both Greater Gabbard and Galloper

01:19:00:25 - 01:19:17:29

asked to be extended. And those are the two projects that are in play at the moment. So the extension to Greater Gabbard is called North Falls, and the extension to galloper is called Five Estuaries.

01:19:21:22 - 01:19:22:07

The.

01:19:24:05 - 01:19:36:24

The formalities of that final extensions, uh, process were that. Um, just give me a moment. I can get the dates right.

01:19:53:16 - 01:20:27:19

So I'm actually reading from a Crown estate, um, somewhere on the Crown Estate website that deals with the extensions around. Or because there's been more than one opportunity to extend existing projects. So in February 2017, the Crown Estate launched the opportunity and opportunity for existing wind farms to apply for project extensions. This opportunity closed in May 2018 with eight project applications received, all of which met our specified application criteria. And then then there had to be a plan level HRA process, which was undertaken.

01:20:27:21 - 01:20:50:24

So the projects were announced in May 2018 and their locations were given. But, um, it took another year, uh, for the formalities of the plan level HRA to be completed and for these sites to be formally sort of awarded. And um galloper was one of those one of those sites.

01:20:55:09 - 01:21:14:08

So these two so as between five estuaries and East Anglia, two, each of those projects have been emerging through the processes that I have just outlined, and they've each been broadly aware of each other for a significant period of time. Certainly back to 2018.

01:21:21:18 - 01:21:28:01

So the particular question you asked about, could you have something north or south of the wash doesn't like? There isn't really a direct answer to that.

01:21:28:25 - 01:21:52:11

But it's what you have just stated is useful context, because we come at this not knowing any of that context, um, in terms of, uh, Greater Gabbard and galloper, do they fit into around I mean, were they in round three or did they proceed round three?

01:21:52:27 - 01:21:56:29

So, um, Greater Gabbard was around two project.

01:22:00:05 - 01:22:36:04

And um, galloper was there was a kind of informal process whereby they didn't really run. So I, I acted on both great Gabbard and galloper. So there was an informal process from memory, where they didn't really run a formal invitation for extensions, as I recall. I could be wrong, but essentially projects could get there was an an opportunity, a more informal opportunity to to to obtain the ability to extend the project subject to certain rules.

01:22:36:26 - 01:22:56:02

Um, and one of which was that you had it had to be with the full approval or in fact, uh, certainly the full approval of the existing project. And so informally, that was sometimes called round two and a half, that, um, there was this extensions opportunity.

01:23:18:18 - 01:23:39:24

And in terms of the um, East Anglia zone, um, the, the um, you referred to coming or originating from round three is East Anglia to, in effect, the most southerly of the wind farms likely to come through

01:23:41:13 - 01:23:53:24

uh, in that zone because presumably, um, Greater Gabbard and Gallop aren't treated as being within east in the East Anglia zone, at least in terms of the bidding rounds.

01:23:56:09 - 01:24:11:14

No, not at all. That they would be complete, completely separate. And yes, I am pretty sure I haven't got the map in front of me, but I'm pretty sure that East Anglia two is the furthest south. There was a boundary for the zone, as you can imagine.

01:24:11:18 - 01:24:18:03

You can guess what the next question is in the note. Could you perhaps include a yeah, a map that shows where the boundary is?

01:24:19:18 - 01:24:28:03

This is all contextual. Um, I'm going to come on to a few questions in a minute, but hopefully, um, they won't be too alarming from your perspective.

01:24:33:22 - 01:24:36:12

Yes. We can provide um, we can include a plan.

01:24:45:08 - 01:24:56:16

That. So certainly, um, just your oral presentation helps my understanding of what's happening in that part of the world. Um, but it's content.

01:24:58:05 - 01:25:02:08

Okay. I think then I will move on to just a few brief questions.

01:25:08:14 - 01:25:49:21

Uh, my first question. Um, you'll be aware that, um, through our procedural decision, we've asked East Anglia to to to produce a wait list, a weight loss assessment. Um, really, I'm just thinking, is the applicant assisting East Anglia to a tool in the provision of any background of information, particularly that that may not be of a commercially sensitive nature? I mean, have they made any request to you for any information, or are they doing their assessment based upon what they assume is the case, um, and their understanding of their project?

01:25:52:06 - 01:26:02:21

And as Julien Boswell for the applicant, my understanding is that they are relying on what's in the public domain. Um, there have been.

01:26:05:01 - 01:26:28:07

We we've signposted them. To What we understand would be the most relevant information that is in the public domain. But there is other information which we have declined to engage with them on, either because it doesn't exist yet, because our design hasn't reached that stage or because it's commercially confidential.

01:26:29:25 - 01:26:31:25

I mean, this is all in the context that

01:26:33:18 - 01:27:06:28

there's a whole context here, isn't there, sir, in terms of the policy position and whether awake assessment is required in the first place. And we we have a sort of series of positions in relation to that, starting with the fact that we strongly disagree with the interpretation that was put on the relevant parts of the N3 in the Alamo decision. And we are very much hoping that the Secretary of State, the new Secretary of State, will will revisit. Will we revisit that? And we're hoping that you would recommend him to do that as well.

01:27:09:16 - 01:27:29:04

Yeah, we're certainly fully aware of of the applicant's position in this matter. Um, it's just that, yeah, we are charting, no pun intended. Slightly, um, unclear waters at the moment as to precisely how the government might decide that a way forward, um, evolves.

01:27:30:06 - 01:28:07:27

I agree, but can I? I can't resist just doing one little thing, if I may, with your indulgence. I mean, it is it is surprising that we're in a situation where a document in three that has a section entitled Offshore Wind that has a subsection entitled Other Offshore Infrastructure and Activities, which then gives a series of examples. This is paragraph 2.8.44, which referred to the presence of other offshore infrastructure such as oil and gas, carbon capture, usage and storage.

01:28:08:04 - 01:28:44:01

Co-location of electrolyzers for hydrogen production, marine aggregate, dredging, telecommunications or activities in a different category, such as aviation or recreation, could ever be interpreted to include offshore wind farms. Um, and no one was interpreting it like that before. What happened on our land? More. And the national policy statements went through two major consultations where there was intense interest from multiple stakeholders, including the energy sector.

01:28:44:12 - 01:29:15:00

And no one was interpreting that wording as including offshore wind farms affecting other offshore wind farms. And if it had been interpreted in those terms, there would have been the most intense interest in the precise language that was being used and what the implications were for the offshore wind industry. None of that happened, and none of that happened for a very good reason. Namely, that we say, and as was argued by the the developer.

01:29:15:02 - 01:29:36:21

And now the more that the correct interpretation of this and the and the fair and objective interpretation of this and the subsequent relevant paragraphs is that it does not apply to offshore wind affecting new offshore wind projects affecting existing offshore wind projects. Thank you for indulging me on that.

01:29:41:17 - 01:30:10:11

As far as I'm aware, in terms of the sequencing of cases in examination and ultimately the decision process, I think we're sitting number two at the moment. It may well be that when the first case that's currently in the queue is decided, and the Secretary state may provide, um, some clarification as to how government is interpreting the point and particularly,

01:30:11:26 - 01:30:43:11

um, what Ian three does or does not cover in respect of this particular paragraph. Um, where we're having at this point, just having to try and cover all bases so that we can report. And it may well be that when we do report, we we say to the Secretary state, perhaps there are some areas that are less clear in, in the policy, um, and that that is causing some difficulty at the moment. Hence the reason why we're having to report on this matter.

01:30:54:02 - 01:31:00:04

Um, you'll no doubt be aware we initially asked in our procedural decision that

01:31:01:29 - 01:31:22:21

East Anglia to submit its weight loss assessment at deadline five. They subsequently wrote and said we can't do that. We'll do it at deadline six. And as we sit here at the moment, our understanding is something will be submitted at deadline. Six. Does the applicant intend to respond to it in any way at deadline? Seven.

01:31:31:03 - 01:31:37:12

Julien Boswell for the applicant, I think we're reserving it, reserving our position at this point.

01:31:56:24 - 01:32:31:17

Thank you. And then my final question. So I was right about about 11:30 or thereabouts. Um, my understanding of what we've seen so far from, um, East Anglia to is the effect that they think, uh, potentially may arise, seems to arise more when there are lighter winds than there are stronger winds. Is that correct? Is that the applicant's understanding of the position in terms of when weak effects may be at their greatest?

01:32:52:14 - 01:33:23:06

I mean, if it's it's my understanding, certainly of what I've read is that seems to be what they've been referring to. Um, which then suggests that the if, if, if there is an effect, it's occurring at a time when most of you or the operators aren't actually able to generate very much electricity anyway, because you're all experiencing reduced wind speeds. And therefore, if there is an effect, it's an effect at a time when there isn't much generation.

01:33:25:18 - 01:33:46:19

Julian Bosworth, the applicant. This is an incredibly technical field. Um, no one is disputing that there will be effects and there will be effects in both directions. And that's quite an important point. Um, but once you get past that headline statement, uh.

01:33:48:22 - 01:34:00:02

Wherever you probe things gets sort of Complicated quite quickly and also potentially on some subjects. You know, a matter of of debate or or dispute.

01:34:15:19 - 01:34:16:16

Okay. Well I think.

01:34:16:20 - 01:34:51:01

Would it be okay to just summarize our headline position? So I mean, our headline position, as I've just said, is that we, we we really think the interpretation of uh, N3 in um, our and more needs to be revisited. And if it is revisited and the new Secretary of state under a new government concludes that that the correct interpretation does not include offshore wind or other offshore wind farms or new offshore wind farms, then this whole issue goes back to where the entire industry thought it was.

01:34:51:07 - 01:35:11:16

For years, everybody has been proceeding on the basis that, um, wak effects were not a planning matter. They haven't been addressed in, in applications that's been generally accepted. And if if it becomes an issue, it needs to be addressed in a completely different way.

01:35:15:09 - 01:35:24:17

If we are, uh, linked to that is the fact that wak effects are not an environmental matter for EIA purposes.

01:35:27:07 - 01:35:41:25

And then stepping beyond that, if one is trying to apply and and PSC an3 the relevant parts to do with other offshore infrastructure and activities to this situation.

01:35:47:18 - 01:36:22:08

Applying wording which we say wasn't written with it in mind. The key. The key part that we've emphasized in our submissions to date is the. Is the is the advice. That this is the paragraph that says that a pragmatic approach should be followed. And we think part of that pragmatism is accepting that weight effects have not been assessed to date, and that that should continue to be the case. That central to this has always been the buffer distances that the Crown Estate set in new licensing rounds.

01:36:23:02 - 01:36:58:09

If, if, if the if the buffer distances for different rounds were problematic, you would expect there to have been a lot of lobbying in relation to that. We don't think that took place. Um, and, and it can't be right to have an entire industry playing out on one basis as it has been. And suddenly with, with, with what we see as an inappropriate interpretation of policy language that everybody thought that they understood and was proceeding on a, on a, on an agreed basis is suddenly changed and everybody's thrown into uncertainty as to confusion as to what what is going on.

01:36:59:12 - 01:37:13:15

And that that pragmatic approach is the correct interpretation. And that in turn feeds off what was generally being accepted by the industry until all the more came along.

01:37:15:06 - 01:38:01:00

Furthermore, if it's the case because each of the facts that are playing out on different examinations are somewhat different, as you will appreciate. So as to whether we're dealing with projects that are already built, projects that are, you know, in construction, projects that are heading towards construction or have a consent but don't have a contract for different. So you've got different situations, you've got different distances involved and so on. Um, in our case, we have a fairly stark example whereby East Anglia two hasn't, as far as we can see, done any wake of the kind of wake considerations that we're being asked to take into account in relation to them.

01:38:01:15 - 01:38:36:00

They have not done in relation to, to Greater Gabbard or Galloper or in consideration of us as a project coming through. And so the straightforward answer to all of this is to go back to where we were before, whereby lake effect each project designs its project to maximise its own energy yield. That's what everybody's always done, save for the special case where you were proposing a project inside a buffer distance, at which point the existing project had an absolute right of veto.

01:38:36:02 - 01:39:05:13

That was one of the Crown Estate rules, and therefore the project would only happen by full agreement, and that could deal with whatever it dealt with by way of design, weight effects,



compensation, whatever you like behind the scenes commercial agreements. As soon as you're outside of that situation, we should be continuing on the basis that the whole industry has, has, has continued on for years. And, um, and

01:39:07:01 - 01:39:16:15

we should whatever interpretation is, is applied through the pragmatic lens should get us to that point. That is our our headline position.

01:39:20:21 - 01:39:21:09

Thank you.

01:39:41:21 - 01:39:47:05

Thank you. Mr.. What was. Was that all you wanted to say in terms of wrapping up this this point?

01:39:50:19 - 01:39:51:27

Apologies, I missed that.

01:39:52:05 - 01:39:52:20

Sorry.

01:39:53:12 - 01:39:58:22

I was just seeking clarification as to whether you, in effect, concluded. You're wrapping up.

01:39:59:13 - 01:40:05:23

Um, Julian Bosworth, the applicant. I could go on at great length, but I'm I'm I'm limiting myself to that. Yes.

01:40:16:05 - 01:40:31:06

Sir. Sorry. There is one additional point. Um, as I've already indicated, when you ask the sort of wak effects question, we have effects going in both directions. And that's often the case because, yes, the

01:40:32:27 - 01:41:09:20

the headline tends to be that the prevailing direction wind direction is, is the one that is most important, but that isn't always the case, I understand. And so one of the considerations here is what is the net effect. If you're balancing this out and then what is the policy driver. Because if if the policy which it is is about maximizing overall energy production, renewable energy production for net zero and climate change purposes, then um, the net position is one of the factors that that comes into that.

01:41:13:25 - 01:41:14:25

That really is it.

01:41:23:01 - 01:42:00:05

Thank you, Mr. Boswell. Um, we've slightly now gone beyond, um, 11:30. Uh, so we are we are going to take an adjournment. Um, Mrs. Webb has just been whispering in my ear. Really? For the benefit of the farming community? Um, we aren't going to, in the socio economic section, have any

questions in respect of, um, screen planting and living conditions? Um, we had initially thought about that, but we're not going to raise questions.

01:42:00:09 - 01:42:28:15

We are going to be touching on noise, though, in terms of the substations which you may have an interest in but don't feel, uh, you have to stay, uh, for the rest of, uh, certainly the this morning, um, or up to lunchtime. Um, if you wish to do other things, then by all means do so. Don't feel as if you're compelled to remain in the hearing. Um, having said that, in terms of.

01:42:30:03 - 01:42:40:08

Are you sorry, sir, I know you're moving to adjourn. I just wanted to say that, um, we have found the reference Mrs. Weber requested, and we can provide that now, if that's helpful, rather than coming back later.

01:42:43:10 - 01:42:46:16

Sorry, I didn't quite catch. I didn't quite catch what you said.

01:42:46:18 - 01:42:59:04

The the reference we requested for the Habitat and Hedgerow survey report. North of the A120 is Document App 156, and we'd refer you to section 3.1.23.1.2.

01:42:59:11 - 01:43:00:26

Could you do the app again?

01:43:01:05 - 01:43:03:10

156156.

01:43:04:04 - 01:43:04:23

Thank you.

01:43:08:02 - 01:43:23:15

Okay. In terms of the length of the Jim, I was going to say 15 minutes, but actually we're coming up to 42. So I think if you say resumption at noon people content with that. Yep. The hearing is therefore adjourned until 12:00 or noon. Thank you.