

## Hearing Transcript

<b>Project:</b>	North Falls Offshore Wind Farm
<b>Hearing:</b>	Issue Specific Hearing 1 (ISH1) - Part F
<b>Date:</b>	H <del>A</del> April 2025

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FULL TRANSCRIPT (with timecode)

00:00:04:04 - 00:00:55:11

Morning, everyone. It's 10:00 and issue specific hearing one is now resumed as this is a continuation of yesterday's events. I don't propose to repeat my introductory remarks or take formal introductions, but for the benefit of any participants who weren't present yesterday, I would just remind you that this event is being recorded. So when you do speak and each time that you do speak, can you make sure that you speak clearly into a microphone stating your name and who you are representing? If it's the first time that you're speaking, perhaps you can introduce yourself by saying what your interest is in the case.

00:00:56:12 - 00:01:11:24

Now, I shall now hand over to my colleague, Mrs. Van Milligan, who will be dealing with the next agenda item, which is agriculture and other land uses, ground conditions and soils.

00:01:15:24 - 00:01:17:03

Thank you. Good morning.

00:01:18:21 - 00:01:33:01

So turning to item 3.5 on the agenda for issue one. Um, this is the use of best and most versatile land and the long term effects on agricultural land classification.

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The applicants have set out in an environmental statement, chapter 22, Land Use and Agriculture App 036 and Environmental Statement. Chapter four Site Selection and Assessment of Alternatives App 018.

00:01:53:06 - 00:02:36:07

That both consider the use of land classified as the best and most versatile representations that we have received from landowners, including TNR. Fairly farming partnership are 3 to 4 and fairly and sons limited. Our 3 to 6 have questioned the need to use the the the best and most versatile farmland and also the impact on the farming activities. Please can the applicant further explain the reasoning for the positioning of the proposed onshore substation on grade one agricultural land and the extent of the land proposed to be permanently acquired?

00:02:43:15 - 00:02:45:26

At the project for the applicant. Um.

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As you've mentioned, um, the applicant's approach to site selection, um, is set out in in chapter four, the environmental statement and the chapter five of the environmental statement, which is the project description, which is app 019, sets out the size and the reasons for the onshore substation. I will hand

over to Mr. Campbell, who can explain in a bit more detail why this particular site was selected, and then Mr.

00:03:17:04 - 00:03:22:25

Reed can explain the reasoning for the size of the onshore substation. Thank you.

00:03:24:23 - 00:03:55:08

Good morning. Gordon Campbell for the applicant. Um, so during the project site selection process as outlined in the chapter four Site Selection Assessment of Alternatives, um, uh, app reference 018. As mentioned, um, the best and most versatile land um within the site selection process was identified as a constraint. The project would seek to avoid where, as far as practicable, uh, following a paragraph five 1112 of M M1. Um.

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The project was also subject to a technical requirement for the substation to be located within three kilometres of the project's national grid connection point. To minimise electrical losses, um, all of the suitable land um that met the available technical criteria um to to locate a substation within that um that area um was all identified during that process as best and most versatile and, and therefore the constraint was not able to be avoided, um, due to the project's technical site selection criteria.

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Um, it's worth noting that the project design, um, during the project's um, site selection process and design refinement has been optimised to minimise the error of land required um, whilst balancing the need to minimise effects of the constraints um as outlined in chapter four Site Selection and Assessment of Alternatives. Um. The site selection process has included consideration of um, a number of design principles in order to attempt to do this. So that includes minimising land take where practicable, um, reducing um, uh, any severed land parcels on identifying um, the area that would be required for elements of infrastructure, um aligning elements of the project infrastructure to, to field boundaries, um, and seeking through that process to um for um, aspects of project infrastructure such as the cable route to avoid best and most versatile land where practicable.

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Um, also avoiding land that's allocated in local plans. Um, um, and um, uh, through that process, the project has sought as far as possible to, to minimize the use of best, most versatile land for its infrastructure.

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Thank you, Mr. Campbell.

00:05:43:05 - 00:06:13:19

Good morning. David Reid, engineering manager for the applicant. Um, so just to add on to to Mr. Campbell's point, the substation is sized based on the requirements that we've got to meet the power quality requirements to inject our power into the national grid. Within that, there are requirements for limits on harmonics and limits on what is termed reactive power. Reactive power is something that is needed. A small amount is needed by the grid to ensure grid stability, but too much causes an issue and problems and challenges for the grid.

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So we've got strict conditions on what we what we need to inject into the grid in terms of our power. The problem we've got is that higher voltages generate more reactive power. So what we're doing by locating the substation as close as we can to the national grid site, is minimising our requirements for compensation equipment within the substation, thereby minimising our land take required to minimise our impact on best and most versatile land. So that is the rationale for the size of the substation and the location of the substation is to to effectively minimize our impact.

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Thank you.

00:06:57:08 - 00:07:04:12

I ask if any of the interested parties or affected parties wish to speak at this point.

00:07:07:26 - 00:07:12:03

All right. Thomas Verdi for ten off Verdi Farms. Um.

00:07:14:23 - 00:07:53:29

I'd say it's a bit difficult to sit here and listen to the fact that you're you're you're blaming your location on putting it near the National grid site that hasn't been built and whose DCO submission hasn't even really started. The consultation finished last week for some changes. So how you're putting the cart before the horse, really, aren't you? Um, I don't understand how you can say your site selection is on grade one land because you want to put it next to the National grid site that hasn't got planning.

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I'd also like to add that we were also told from the very beginning that we were going to lose 25 acres of grade one land, and that's now gone up to 75 acres. That's all. Thank you.

00:08:09:18 - 00:08:47:10

But could I just say that we will be covering under coordination? Uh, the question of the, um, consideration of this prior to the other application that you mentioned, so that that will be coming later on. Um, but perhaps you could respond briefly to that point here. Um, also, there was a similar agenda item under 3.9. Rather than repeat things, it would be useful if anybody were holding back comments for that agenda item if you wanted to make them now.

00:08:49:09 - 00:08:49:27

Thank you.

00:08:52:00 - 00:09:18:14

Additionally, I was going to ask about size and the extent and obviously the the the extent of the land in proposed to be acquired, particularly in the light of the, um, the the Five Estuaries site as well, which sort of covers the point that Mr. Fairlie was making much better than me. Thank you.

00:09:21:13 - 00:09:55:24

David Reed for the applicant. So as part of the process we go through with National Grid, what is called the coin process, which assigns the connection point that is done far ahead of of time frames. And so that is where we have been assigned to the connection point of, um, the new ECN substation. So we are going through the process of developing our project alongside National Grid to understand it. There is, however, a difference in timeframe in terms of wind farms and in terms of grid processes due to the way that our revenue stream is.

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Wind farms are effectively.

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Bid for and acquired through a process that is known as the CFD process. The contract for difference process. So that process effectively requires an extra year of time frame, as was the process when we started this application. That requires effectively an extra year of time frame in our program compared to effectively the National Grid program, where they're funded through government funding of their balance sheet. So because of that extra time program, that is why we have to be ahead of National Grid to allow us to be effectively connected at the time required by National Grid.

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So that is just the or that that is because of the the process that the wind farms have to go through, that we are effectively ahead of where grid are at this moment in time. So that is why we are coming forward now and grid are coming forward later because of that additional timeframe that we require.

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And I project for the applicant just, um, to refer to section 4.5 of the um site selection chapter, which was chapter four, which was app Dash 018. That does set out, um, uh, the detail of the conversation and the process, the coin process that Mr. Reid mentioned. Um, since March 2019, when that was initially commenced, and how the site, um, for the connection point was identified in the process. So it the site selection process for the North Falls substation has been informed through that coin process.

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And that is what has led us to identify the proposed site. And and as we Mr. Campbell explained, it was not possible to avoid a BMV site. Another point was mentioned about, um, the size of land to be acquired and referenced to 25 acres and 75 acres. And I'm just going to pass to one of my colleagues who can perhaps clarify, um, the the size for, um, the North Falls site.

00:12:07:19 - 00:12:21:29

And then also, as was mentioned, the, the area for the, the co-location of both the five estuaries substation and the North four substation. Um, there are also wider areas of land required temporarily for construction.

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Uh, Gordon Campbell for the applicant. Um, in terms of the, um, um, um, the kind of permanent land take that's required for the project. Um, um, I provide a couple of numbers, both in terms of the Atlantic for the footprint and then the kind of additional, um, uh, land take for, uh, landscape and temporary working areas around that. Um, the permanent substation footprint for the project is 5.9

hectares. Um, and then the additional kind of permanent infrastructure, um, associated with facilitating that includes the permanent access road, which is 0.45 hectares.

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Um, and um, um, uh, within to get connect access to the substation. Um, that's the footprint for the North Calls project alone. Um, so there's an additional footprint for the substation, the three substation adjacent to that. Um, but the access road is shared between the two projects. Um, in terms specifically in terms of the kind of, um, the question about the, the wider footprint, um, that is nested within 43 hectares.

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Um, that's part of the, uh, landscaping and landscape mitigation, um, that, um, um, uh, is part of the component substation site, uh, including the, uh, the landscaping, um, the technical drainage requirements in terms of the the ones that be located within the site, um, uh, necessary stand off distances outside of the permanent infrastructure and, um, uh, environmental enhancements that form part of the landscape mitigation strategy.

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Thank you. Do you wish to come back on any of that, Mr. Furley?

00:14:11:09 - 00:14:17:03

Okay. Thank you. And Mrs. Mason. Carolyn Mason Ardley parish council.

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Um, I think if I may just go back to the cumulative effect of all of the.

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Um, proposals.

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That are coming to to into our into our parish. Um, we estimate that it's going to take about.

00:14:33:01 - 00:15:13:15

I think we will be dealing with cumulative effects later on. I think if we could just concentrate on this particular question. Um, you've I think you've heard what the applicant has said about their technical reasons for it being located within three kilometres of the East Anglia connection node. First is that do you have any criticism or disagreement with those technical, that technical information that you've had, or is your objection that it's premature? Yes.

00:15:13:17 - 00:15:17:08

Right. If you could just tell me. Caroline Mason, city council.

00:15:17:10 - 00:15:19:08

Yes. We have.

00:15:21:29 - 00:15:26:09

Are there any other parties in the room that want to comment on this? Mr..

00:15:26:28 - 00:16:28:00

Jacob Oliphant for tendering district council. So, um, thank you for that explanation. So the the issue seems to be, um, a sequential there's a sequential thing that needs to be explained here. Um, so I think on behalf of the residents of Tendring and Tendring district councils ourselves, it will be useful if the applicant can just, uh, further explain that, that going process, what exactly does it entail? And also, um, sequentially, when, when did that take place? Um, and when, you know, when was that crucial time when, uh, when that coin process exercise concluded and when the, um, when National grid, which seems to all of well, which seems to us to be the dominant player in terms of, you know, dictating to people where, where the most suitable area is in terms of the timing of all of that.

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When, when did that happen? When did the going process exercise took place. And when were you told that you need to look at this area for the first time? Thank you.

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If the applicant could respond, please.

00:16:43:03 - 00:17:26:20

Uh, Claire Blodgett, the applicant. Um, yes. Just to refer to section 4.5 of the site selection process. So it's the dates in paragraph 42. Just, um, guess you want to see the reference afterwards. Um, that in January 2021, National Grid indicated that the connection would be in a new East Anglia coastal substation and the location would be within the Tendring peninsula. So we were given an area, um, for the connection point, um, in April 2021, um, uh, an offer was um, I was provided, um, for the East Anglia coastal substation, but at that point there was no confirmed location.

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Um, and then after that point, National Grid provided increased certainty that the new substation would be located on land to the east of the village of Ardley. And you will see from, um, the position between scoping and then the pier, um, on the North Falls application. There was obviously a very wide area within the scoping report, because at that point, the information we only had that we had was within the tendering peninsula that was refined down at peer um, at to be within, um, the elderly area.

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And then in November 2022, National Grid published a scoping report for their project, which provided further details, saying that it would be located north of the existing Lawford substation in east of the village of Ardley. And then in April 2024, National Grid published its peer documentation, um, which again provided further information. So there's been a, um, throughout that period of time, the the proposed location for the national grid and connection point has been refined, and the North Falls project has refined its proposals in light of receipt of of that information.

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We mentioned in our response to written question 3.1.7, which is, um, rep 2-020. Um, that national grid. Um, but at nisso as it is now, um, has a, um, connection agreement with the North Walls project,

and therefore they're contractually obliged to provide a point of connection. Um, and therefore the applicant has complied with NPS n one, which is 4.1, 1.5, which requires us to liaise with Nisso to secure a grid connection.

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Um, how the point of connection is consented is a matter for Nisso and National Grid, and therefore we don't believe our application is premature on the basis that that NSO has a contractual obligation to provide the point of connection. Um, and and Mr. Reed explained the reasoning why, uh, consenting of the offshore wind farm project typically comes before consenting of the point of connection. That's very typical for a lot of offshore wind farm projects.

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And there are many offshore wind farm projects that require either extensions to existing substations or new substations, um, that typically follow um, the application for the offshore wind farm project being being submitted. Thank you.

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Are there any other parties in the room that wish to make a comment on this section? And is there anybody online?

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Firstly, apologies for being late. Uh, traffic. Um, no other excuse. Um.

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National grid appear to have turned right or gone easterly by 3.5km, and then back again to come and meet the, um, proposed, um, connections.

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Was that as a result of a request by the applicant, or did National Grid suddenly decide that they were going to turn easterly for three kilometres because it was going to be cheaper?

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Uh, Clare project for the applicant. I think these are questions for National Grid in respect of the Norwich to Tilbury project, as I explained. Obviously there's a contractual obligation to provide the point of connection, and the location of the point of connection has been determined by National Grid. Through the process that we set out in terms of how that point of connection connects to the new proposed Norwich Tilbury overhead line. Obviously that site selection process is a is a matter for National Grid, so we can't.

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I will be revisiting that topic later on. And uh, agenda item 3.9.

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Mr. Blythe.

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Thank you. Um, the reason for asking is because, um, National Grid told us that they'd turned towards the East because, uh, at the request of the, uh, applicant to connect. And so they're both saying, well, we didn't do it. And so that obviously no one's chosen where, where it's going to be. It seems a little bit strange to me that they're both saying, no, no, it's the others.

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As well for the applicant. As I explained, the the process is that an applicant for a generating station makes a request of National Grid or Nisso, as it is now for a point of connection. So it is it is correct to say that we have asked for a point of connection. That's the way the process works. Um, National grid then determine the location of the point of connection.

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That is the process that operates in this country for the connection of generating station.

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Is it then normal that national grid comes to the towards the applicants, whoever they are, to supply them with the connection or do they just say, there you go. Come and connect to us along this line. Because if you look at the map and the line from Norwich to Tilbury, it goes clearly down to the west of the A12. And yet when it gets to near where the connection is going to be, it suddenly goes off to the east and then back again, which I find most extraordinary considering they are supposed to do it at the cheapest possible price.

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Oh thank you. Those comments have been noted. Um, I don't think we can take that further here today.

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Mr. Farley.

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Obviously, if the applicant have any information that they can assist Mr. Blakeley, if it would be useful to to share that with him.

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Sorry. Um, Thomas Verdi for turn off early farms. Uh, it's probably worth noting that within three kilometres of the National Grid proposed site, there are areas of land in excess of 100 acres, which is what the applicant requires. That could have facilitated their substation, which is not grade one land. But I just thought it would be worth mentioning. Thank you.

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It's a fairly. Could you provide that information at um, deadline for if you could submit that in writing and perhaps identify those areas?

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I can.

00:25:06:00 - 00:25:42:00

Project the applicant. Yes. If they could provide some sites, then we can, um review. And if there was a reason why those sites were discounted, Then we can, um, we can provide it. Um, obviously, just in response to the other points about National Grid, um, the applicant and five Estuaries and National Grid are collaborating, which is one of the points, um, uh, later on on the agenda. So to the extent that the applicant receives any further information to address the points that have been raised, then we can provide that at at deadline for, but we don't have anything further to add on the on the points in today's hearing.

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Moving on. Um, the next point under this heading, uh, is in respect

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of the land that will be stripped, uh, sorry, the soils that will be stripped from the onshore substation site, uh, it's stated in the updated outline code of construction practice rep three zero 17 that surplus soils may be used for landscaping offered to landowners, or disposed of off site. Please can the applicant expand on the proposals for the soils that are stripped from the substation site, and explain why there is no outline soil management plan submitted as part of the application?

00:26:47:03 - 00:27:18:14

Gordon Campbell for the applicant. Um, in terms of um, um, the the proposals for soil management, um, I know in uh, paragraph 96 of um, uh, the outline Code of Construction practice, um, rep three zero 17 the the applicant is proposing to, um, prepare a soil management plan as part of the final code of construction practice to be submitted under DCO requirements.

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Um uh post consent. Um, the uh applicant has sought to include within the outline Code of construction practice. Um, a series of measures in terms of ensuring, um, sort of, uh, management is, uh, undertaking effectively to mitigate potential impacts as far as possible within the outline code of construction practice. Um, so rather than preparing a separate outline soil management plan, uh, those measures have been sought to be captured within the outline code construction practice itself.

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Um, but as I say, um, the applicant is committing to produce a kind of standalone soil management plan under requirement 13 of the of the DCO. Uh, that would be substantially in accordance with the measures listed under section 1.6, um, of the Outline Code of Construction practice, which includes measures in line with the best practice guidance set out in the Ministry of Agriculture, Fisheries and Foods. Guidance from Good Practice guidance on handling soils and the Defra Construction Code for construction practice for sustainable use of soils and construction sites.

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Thank you.

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The parties in the room that wish to make any comment.

00:28:41:18 - 00:28:45:00

Um, turning to Mr. Fell on my.

00:28:48:21 - 00:29:25:20

Uh, hello? Yeah. Lui fell to you on behalf of farms and enterprises. Um, the the soil is is my client's main asset. And that's the bit that generates the crops that they are large farmers. They want to grow crops and food production and the soil. I can't underestimate how important that is. I've been involved on many other CPO schemes, and I'm involved by the owners of North Falls, and the soil management has been absolutely atrocious.

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And we might hear some wonderful, uh, big words from North Falls. But in reality, the practice never actually delivers. And so I've seen a draft copy of the constructions practice soil stuff, but, um, I, um, I'm very nervous that you don't actually include this in the DCO, that they try and do this outside of the DCO, um, and that that we get a proper that all that needs to be covered, I think in a much greater detail than what they're suggesting at the moment.

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Um, and soil construction management has moved on so much over the years that that, um, we shouldn't just be referring back to old math guidance. That's very, very old. Um, we need to have proper stockpiling. We need to ensure that no topsoil is ever moved at all. So stripping is happening. It needs to be done in a in the right condition. I was on a site the other day. They were stripping topsoil when the ground was frozen. It shouldn't happen, but these practices still continue. So my concern is that we might hear all this good stuff, but I implore you to ensure that this actually does happen, that we actually ensure that there's a mechanism for the farmers to be able to and the landowners to be able to stop these guys if they're not adhering to it, because it's it's very difficult for us to do it.

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But this is our most important asset. And unless we look after it, it's lost and it's gone forever, and you can't replace it.

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Thank you.

00:31:05:28 - 00:31:38:24

Why did I just say, Mr. Fell, that, um. What we need from you. We appreciate the importance of the soil and the soil condition to the farmers, but we need you to specify exactly what changes of any you would like to see to the code of construction practice and the soil management techniques listed within that. So if you're able to provide more information and specific information at deadline for that would be appreciated.

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Yeah, that's no problem. I can I can go through that, um, and make some recommendations on what we should be looking at doing. Um, I've seen the worst and I've seen I'm not saying that all all things have been done wrong. There's been one one example of a similar project in East Yorkshire that went down really well, and the landowners were very pleased with the construction that I've seen at exactly

the same time, one in south east Scotland, where it went atrociously badly, and I had to kick them off because it was you would be embarrassed.

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And it's the same, same owner SS as North Falls. And it was absolutely diabolical management. And they should be ashamed of themselves. I think they were eventually. But we need to learn from those practices. And that includes putting in a stone hall road. In that instance, SSE did not put a stone hall road in, and that led to a lot of the damage. And and we're still seeing that damage happening now after it's been restored. And we probably will for many years. So it's really important that that sort of management also ensures that only traffic is travelling on a stone haul road, and any only traffic that's off that Stone Hall Road has been, is actually for the installation of the ducting and only done at times when the ground conditions are suitable.

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Not just when a contractor says he's going to do it. It comes back to one of my other points that I mentioned. Um, I have mentioned on the five estuaries in that what what we often find is that the developer north walls have little control because they issue design and build contract and the contractor. So the example I'm talking about is exactly that. They had no control over the contractor. And so the contractor said I'm going to do, you know, I've got the right to do this.

00:33:37:10 - 00:33:54:03

And the agricultural liaison officers had zero control over the management of the contractor. And that's a big issue in these construction practices, where they issue these design and build and pass over the rights to the developer, to the actual contractor who's doing the work.

00:33:56:04 - 00:33:59:02

But I can put that all into that deadline for rep as well.

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No, that's what. That's what we need. Thank you.

00:34:03:21 - 00:34:29:17

If I could ask the applicant to come back on those points raised, and also to expand on the point about the outline soil management plan, whilst it's noted that it's within the outline code of construction practice. Um, why? Why what is the reason why an outline cannot be produced as part of this application?

00:34:51:23 - 00:35:22:22

Project for the applicant. Um, just in relation to the first point about why it's not a standalone, um, outline or management plan at the moment. Um, our view is that all of the information, um, that's available at this stage in the process. So prior to the detailed, uh, design has already been set out in the code of construction practice. We could we could lift it out and put it in a separate document, but it would be the same content. Um, because that's what's available at this at this stage.

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Um, we therefore feel it's, um, provides sufficient safeguards, um, to ensure that the relevant mitigation measures are carried out by including those points in the Code of construction practice. And as was mentioned by Mr. Campbell, there is a a separate um specific soil um management plan requirement in the draft DCO um, and that is drafted to state that the final soil management plan must be in accordance with the measures that have been set out in the outline Code of construction practice.

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Um, I, as I mentioned yesterday, um, the way that a DCO works, which is different from a from a planning permission, um, is that failure to comply with provisions, either a requirement or provisions in a plan are automatically a criminal offence and the contractor, um, will be, um, contractually obliged to comply with the requirements in the DCO. And the undertaker would be liable for any breaches that, um, are undertaken.

00:36:27:27 - 00:37:03:12

If the contractor failed to comply with those those measures, then it would be the undertaker that would be liable for that breach. So I think there are appropriate safeguards within the DCO to ensure that the measures that are being committed to are carried out in practice. Um, as was mentioned, there is the role of an agricultural liaison officer, um, as part of the Code of construction practice to provide that point of contact to landowners and complaints, procedures, etc. set out in the. In the event that landowners had concerns that any of the measures were not being followed in the way that they expected them to be.

00:37:03:27 - 00:37:13:13

Um, just in terms of the point raised about, um, the construction of the Hall Road, um, Mr. Campbell can just provide a bit more information on that point. Thank you.

00:37:14:29 - 00:37:50:14

Gordon Campbell for the applicant. Um, just very briefly, um, so within paragraph 219 of, um, the, uh, the project description, um, uh, there is a section, um, uh, detailing the makeup of the, um, uh, the proposed haul road, um, which includes, um, um, provision for the following that following an initial topsoil strip, um, uh, the horror will be formed of, uh, protective matting and a temporary metal road or a permeable gravel aggregate, depending on the ground conditions.

00:37:50:16 - 00:38:01:10

and vehicle requirements for that particular location. Um, so just to draw the attention to where the the information that's been provided in the project description on that front.

00:38:04:28 - 00:38:10:16

I can see that Mr.. Mr.. Phil has, uh, put his hand up. Um, if you want.

00:38:10:19 - 00:38:11:04

To come back.

00:38:11:06 - 00:38:41:06

Thank you. Yeah. Um, so camera's not working. Um, I just, I, I was issued from North Falls last week, a construction practice addendum, which I think is what they're asking or trying to include in the

negotiated agreements. But what what, for example, the soil management plan here is being entirely developed by North Falls.

00:38:41:26 - 00:39:11:29

There is at no point they're going to advise us of where that soil management plan is. They're not going to Negotiate or come to us at the end of the day. My experience with these sort of. Management plans are that it's very one sided. It's done by the developer for the developer's own benefit and not in conjunction with the landowner. You know, there's nothing in here. And I appreciate you want this detail going back, which I will detail about Top Deck for getting a proper survey. Topsoil depth. The last one is all in. SSH.

00:39:12:10 - 00:39:53:18

There's half the topsoil is disappeared because they kept on moving the topsoil around all over the place. Um, there's no obligation to do pre-construction drainage in here. That, for example, this agricultural liaison officer they keep talking about is just a go between between two people, but they need to have the authority to be able to say, and I hear I hear what it's saying about it being a criminal offence. But if they are not adhering to, you know, if, if they're moving topsoil bunds, for example, when we've agreed that they shouldn't be moving topsoil bunds, at what point do you then say they did some sorry, just done that contract and made an error? Well, somebody's got to be accountable for that.

00:39:53:29 - 00:40:27:27

And the Arlo has to be there to manage that, to say, no, stop moving that up. So you shouldn't you shouldn't, you shouldn't touch it, um, etc.. So and my experience on all, all of these things is that they have very little control over the contractor. And so you might have a liaison officer as a point of contact, but it doesn't mean to say they've got any powers to be able to tell the contractor to stop the the landowner has got, you know, if the landowner has a genuine concern about the construction and practice that's going on, we need to be able to have a pause.

00:40:28:05 - 00:40:43:04

Sort the problems out and then get going. And that's what the power needs to be given. Um, under the, you know, we need to make sure that that Arlo person, if that's the person that's dealing with the landowner, is able to have that sufficient control over the contractors.

00:40:43:23 - 00:40:44:08

So.

00:40:44:10 - 00:40:44:25

Mr..

00:40:44:27 - 00:41:21:10

So I'll just interrupt you there because you have numerous criticisms and concerns are based on your experience. But I think is the discussion emphasized earlier, the way forward at this stage for you is to look at the code of construction practice that's in the documentation to input to us your concerns with that as drafted, because that will form the basis for the eventual sole management plan, which is secured by DCO requirement.

00:41:21:12 - 00:41:33:27

And that's the route to enforcement. So that's why it's really important for you to put those criticisms to us and to put forward your own suggestions so that they can be considered.

00:41:37:03 - 00:42:16:14

Absolutely. I'm just having had the experience with the five Estuaries. One, I think it's important that you understand what our criticisms are, and this is coming from somebody who has done so. I've been involved with these offshore cables for many, many years and I've seen some. I can send you photos to show you the disgraceful actions of contractors on behalf of SSE, on other schemes and every landowner involved with this. I'm sure the landowners in the room at the moment. Apologies I can't be there, but will agree with me that their most precious resource a thing that grows their wheat crop that enables them to make a living because our government won't support us on subsidies, is the soil structure.

00:42:16:16 - 00:42:34:09

And it is so, so important. And my experience on lots of other projects is that a nine times out of ten, they get it entirely wrong. And that starts with the process of the DCO, where it's not sufficiently tight enough for us to be able to manage that process. So absolutely, I'll put all that in the deadline.

00:42:34:19 - 00:42:37:09

Thank you. That that point's been made. Thank you.

00:42:41:08 - 00:42:45:13

Applicant have any comment on the points raised by Mr. Fell at this stage?

00:42:46:07 - 00:43:15:02

Clare project for the applicant. Um yes. If any additional drafting um is provided, then we're happy to consider that, um, as part of um, the next update to the Code of construction practice. Um, and just to reiterate that enforcement, um, there are extensive provisions in the Planning Act 2008, um, relating to enforcement in the event of a breach. And it's the local planning authority that has the power to enforce that.

00:43:15:04 - 00:43:15:25

Thank you.

00:43:16:07 - 00:43:19:24

Is there anybody else in the room that wanted to come back? Mr.. Mr.. Fairlie?

00:43:21:06 - 00:43:58:04

Hello. Thomas fairlie farms. Um, I think it's just important to note that with all the will in the world, you can't control the weather. And with trenches that could be open, I think up to nine months. I'd be wrong. I'd just like some clarification on that, actually. Um, if five estuaries in Norfolk don't go together at the same time. Then the trenches could be open for quite a long while. Um, but we've had some archaeological digs done, trenches on the substation site that it did rain.

00:43:58:15 - 00:44:30:03

There was a storm there open all winter. Um, we were actually trying to be persuaded by the applicant and five estuaries to have the the trenches filled in in bad conditions, and we were even told at one point that if we if we didn't do this, then we would be liable to any public liability claims. If anyone was to have an accident and fall in a trench. I mean, they were full of water. You couldn't see them, the water, because of the high water table at Norman's farm. The water was level with the ground.

00:44:31:03 - 00:44:53:09

Um, they, you know, a child could have gone on there and drowned, for example, if they were on a bike or something. And we were threatened by the applicant that if we didn't have these trenches filled in before, before we wanted them to be filled in in the right conditions, then then we would be liable to a public liability claim. That that's the attitude that we've been given so far.

00:44:56:01 - 00:45:15:06

Thank you. Um, I mean, that certainly covers part of, uh, my one of my questions for you this morning, um, which was about the proposed timings of the excavation of the soils, um, and up to the backfilling and the length of time, um,

00:45:16:22 - 00:45:29:07

that the land would be, uh, opened up and the soils exposed, um, and how the disturbance on the landowners would be reduced. Uh, and the,

00:45:30:24 - 00:45:38:28

uh, cooperation with the landowners on that point. So to maybe we could take that question along with the comments from Mr. Furley.

00:45:43:06 - 00:46:28:01

David Read for the applicant. Um, in terms of the question about trenches, I think there needs to be a distinction made between topsoil strip for things like haul roads and actual trenches, where we're putting ducts in the ground where we're extending into the subsoil. So I think where we're having so trenches for, for ducks will be effectively reinstated virtually immediately because the, the cables will be pulled through the ducts. So what will happen is that we will effectively reinstate over the top of the, the ducks, because the ducks take a long time to install and then effectively re excavate when we need to install the cables for the joint bays that we've got, depending on the length of cable, will depend on the number of joint bays that we've got along the cable route

00:46:29:22 - 00:47:01:17

in terms of topsoil strip and leaving topsoil bunds open for a long time. That depends on how the programs for the two projects align or misalign, due to potentially unforeseen or delays that are out of the control of the applicant. So that could be delays to the planning process. That could be delays in terms of our route to market, or things along those lines where there could be a bit of a delay or a stagger to the two projects within the coordination report app.

00:47:06:07 - 00:47:08:25

The Rap 1-004.



00:47:09:02 - 00:47:53:06

Rep 1004 that um, states the different construction scenarios in terms of our coordination of the cable route with five estuaries, depending on the time differences between the two projects, and those different scenarios have been developed to effectively minimize the impact on the land, so that if there's a slight offset, we are not coming along and digging up a hole road to go and reinstate it a couple of months later. So trying to minimize our project's cumulative impacts on the soil in terms of that, but in terms of the actual trenching work, because we are proposing to duct the cable, the trenches would be effectively filled in on top of the ducks to be excavated when we need to pull the cables through.

00:47:55:20 - 00:47:57:06

But that answers the question.

00:48:07:04 - 00:48:12:20

I'm just very confused. It's not quite what five estuaries have said to us, so.

00:48:14:21 - 00:48:30:06

We're getting one from one and one from another. If five estuaries come and they they dig the trench, uh, lay the ducks. We were told that the the topsoil will not be reinstated. You are saying that okay. So they will be open?

00:48:35:16 - 00:48:36:03

That is correct.

00:48:36:05 - 00:48:56:04

The topsoil will stay open for the duration. Effectively, the topsoil strip is what we're putting. So we're putting the whole road directly onto the subsoil. So the topsoil associated with the whole road cannot be reinstated until the whole road is removed. But we don't want to remove the whole road to reinstate it two months later. If there's a consensually a sequential build out of the two projects.

00:48:58:12 - 00:49:14:22

Tamsin Valley for TNR Valley Farms. The question then is, are you saying that you're going to reinstate the topsoil on top of the sub where you're trenching for your cable ducting? Is that going to be entirely reinstated as you go along? Or will that topsoil also remain open? That makes it?

00:49:33:12 - 00:49:38:09

We're just double checking if we can find the answer. We'll provide it. Now, can I be in writing?

00:49:38:11 - 00:49:48:21

Can I suggest that you come back to us in a deadline for us with an answer to that point? Um, and then obviously, if we can, uh, discuss that further at a later date as well.

00:49:51:25 - 00:49:54:16

Um, Mr.. Mr. Blythe, you wanted to make a point.

00:49:54:19 - 00:49:57:13

Yeah. James Blythe, are the parish council

00:49:59:06 - 00:50:25:05

mention or reference was made to surplus topsoil and materials leaving the site. Now, this is outside of eco. Uh, what controls will there be on lorry movements? Uh, in the area as a direct result of the the surplus topsoil and material that's going to be. I mean, it's a large area, um, taken off site.

00:50:28:17 - 00:50:30:22

Applicant would like to respond on that point.

00:50:31:16 - 00:51:02:12

Clare, project the applicant. Um, just to be clear, that was in relation to the onshore substation site in terms of the potential for, uh, topsoil removing. But that was as was mentioned, that was the third, uh, possibility. So the preference is to utilize it for the landscaping mitigation works. Um, if there is surplus after that, then it would be offered to the landowner, and only if the landowner didn't want that topsoil. Were we looking to remove it off site.

00:51:02:14 - 00:51:13:16

So we're not talking about the entirety of the order limits by any means. It's just the substation and just an element that's surplus after those two measures are put in place.

00:51:14:25 - 00:51:42:01

David Reid for the applicant, and we are effectively designing the um, platform level of the substation to try to, as best we can, maximize the cut and fill across the site to ensure that that excess soil is minimised so that the traffic movements associated or however we are taking any soil away, if we get down to that third level of mitigation is minimised because we have maximised the reuse of soil within the within the land that we've. We've got.

00:51:44:05 - 00:51:44:20

To come back in.

00:51:45:12 - 00:51:53:14

Yes, please. Um, how many hectares is the site? Did you say, um.

00:51:58:07 - 00:52:06:21

The permanent footprint of the substation is 280 by two ten metres, which roughly works out just under six hectares. Six.

00:52:08:29 - 00:52:22:26

And, um, my rule of thumb is a thousand tonnes per acre of topsoil. Um, so, uh, b to 20 20,000 tonnes.

00:52:25:22 - 00:52:44:00

As I say, not all of that will be need to be removed or anything along those lines, and we will try to. We have deliberately designed the platform level to try and minimize that, that number, so that we are

infilling the areas of low lying ground with areas from the the higher level of ground, to minimize the amount of topsoil that minimize the amount soil that needs to be removed from soil.

00:52:46:19 - 00:52:57:10

I just worry about the the term minimizing when you're talking about thousands of tons, uh, in lorries in the countryside.

00:52:58:21 - 00:53:12:26

Yeah. Perhaps I can ask the applicant just to think about that and perhaps provide a summary note and identify, um, where you can any impact that lorry movements might have.

00:53:14:22 - 00:53:30:18

Clever project for the applicant. Um, we will review the, um, uh, figures that were provided for the purposes of the transport assessment and provide any cross-references to where that information is already contained within the environmental statement in our written summary.

00:53:31:00 - 00:53:35:18

Thank you. Thank you. Um, moving to Mr. Fell, please.

00:53:37:20 - 00:54:14:06

Thank you. Mr. Reed just mentioned there that he was talking about the process of opening up the subsoil trench to put the ducks in. Um, a couple of questions. So how many metres, um, how many days are they going to leave that open, uh, before they're putting the subsoil back on again? Because although he was quite elusive, he said they're going to strip it and backfill it. Is that stripping and backfilling per day? Because obviously they come in, dig a trench, put the ducks in, normally, put some gravel over the top of the ducks and then backfill it.

00:54:14:08 - 00:54:44:24

But my experience of another SSP project is that trench is sometimes left open for months, and not just a day. So I think there should be some commitment by North Falls to say that they will strip and lay ducks and backfill. You know, it's quite straightforward. You have a team cutting and the team backfilling as you go along. So it's only open for a day or two. Um, and then I think there's a little bit of confusion about the, um,

00:54:46:19 - 00:55:21:29

uh, the, um, the Joint Joint Base. I mean, I'm assuming that the joint base for both North Falls and five estuaries are going to be in a similar position as the the cable lengths will be the same, but normally the joint base are are not normally excavated and then re excavated or you're not excavating the trench you're putting through the duct. That's the whole idea is putting the duct in. So they normally put the ducts in, build the joint bays once the joint bays are in, and then come and pull the duct cable through later later stage when they're ready to put the cabling in.

00:55:22:15 - 00:55:40:06

So I think what we just what I was a bit nervous about is I was mentioning about re excavating land for the joint base and the laying of the cable when that that isn't necessary. So, so I think could we ask

Mr. Reid for a bit more clarity. And if they can't provide that, could they provide some more clarity in the next deadline?

00:55:41:24 - 00:56:13:27

Um, before I pass it over that that covers, um, a point or a question I was, uh, planning to raise this morning, which was about the joint box boxes, um, and the location of those, uh, would they be coordinated with the five estuaries joint boxes? Um, and how would landowners be assured that the positioning of the joint boxes would cause minimal minimum of impact, um, and wouldn't affect the ongoing farming operations.

00:56:13:29 - 00:56:19:18

So. So maybe when you're answering, the points raised by Mr. Powell. You could also take on that question.

00:56:29:00 - 00:57:00:21

David Read for the applicant. So in terms of joint base and the construction process, a lot of that will depend on how far in advance of the cable pool, um, the, the joint base are creating and the ducts are installed. So because of the length of duration of some of the sections that we've got, we may have to construct some of those or install some of those ducts a year or, or slightly more in advance of when we're planning to, to install the cables within the, um, within the cable ducts themselves.

00:57:00:29 - 00:57:37:16

So that may mean that we don't want to leave the trenches open for, for that long a year. As, as as Mr. Fairlie has pointed out in terms of the agricultural, the archaeology trial, trenching, um, there were significant issues there. So we don't want to leave the trenches open for longer than we. We absolutely have to. Um, so as you say, those joint bays, we can either create them as we're putting the ducts in or effectively, we can create them as we do the cable pool. Um, and that will depend on how certain we are on the cable links that we can acquire and how certain we are in terms of the duct locations, the joint Bay locations.

00:57:37:26 - 00:58:11:07

From an engineering perspective and from an agricultural perspective, we want to try and minimize the number of joint bays, because that means that we've got, um, infrastructure in the ground that that could potentially need to be maintained. And it adds a failure point into the cable by having a joint there. So we want to try and minimize the number of joint bays that we've we've got to ensure that we are not weakening the cable by the jointing process. The number of joint bays will effectively depend on the size of cable.

00:58:11:26 - 00:58:43:22

So the size of cable is dependent on the amount of current power we're going to put through the cable. And the distance between joint bays depends on the amount of that size of cable that we can put onto a cable drum and realistically transport to the site. The size of cable may be different between five estuaries and North Falls. Potentially there could be a difference in power rating of the wind farms, and so the joint bays may be at alter at different locations for the two wind farms.

00:58:44:14 - 00:59:13:12

From the joint bay perspective. We have committed to burying the joint bays, um, so that they are not intruding on any agricultural activity that may be happening over the top of the cable. The only part that will be, um, on the surface is what is known as a link box. So it is a box that we can effectively access to try and understand the health of the cable so that we can understand the

00:59:15:00 - 00:59:52:24

how, how the cable is behaving, to understand if it's likely to cause any issues. Those link boxes can be slightly offset from the joint base, and their location will be located as sympathetically as possible to farming activities and where possible, they will be located in field boundaries and in in hedgerows to be able to minimize our our impact. So in terms of joint bay locations and number of joint bays, we can't commit at this time until we know the exact, um, make up of the cable and the exact size that we can obtain onto a drum.

00:59:53:05 - 01:00:03:15

That will be the defining character of where those joint bays are located, and they may not be the same as as five estuaries because of the different, potentially different sizes of cables.

01:00:07:09 - 01:00:08:06

Mr. Blythe.

01:00:09:19 - 01:00:40:12

It wasn't. It just occurred to me. Um, given what happened at Heathrow just recently and everyone wondering at the time whether it might have been a terrorist intervention, um, with their, um, that caused the fire. How vandal proof are these manholes going to be? They're going to be left out in the middle of the fields, um, open to the elements and any possible evil person.

01:00:46:21 - 01:01:19:09

David Reid for the applicant. So these manholes are effectively taking a an outside layer of the cable called the sheath of the cable. So the sheath is what protects the cable, um, from the outside environment. Now we know that there's an issue depending on whether we're receiving voltage into the cables, whether there's effectively a bit of a short circuit across the cable from the power conductor to the sheath. The sheath on its own does not transmit any power.

01:01:19:14 - 01:01:51:08

It effectively just means that the we can understand the health of the cable, because we can understand if the insulation that separates those two layers and the cable is degrading. So it's effectively from our side of things to be able to understand the health of the cable. So there isn't really much damage that can be done from those link boxes, because it's not part of the actual power transmission of the circuit. And so they will be typical manhole covers as we see out in the wider world.

01:01:51:24 - 01:02:06:18

Um, but their actual impact is more from our side of things to understand the health of it, understand the health of the cables, rather than to do anything in relation to the power transmission so the impacts of them being tampered with

01:02:08:06 - 01:02:12:15

is not really significant to the power transfer of the project.

01:02:15:09 - 01:02:15:28

Thank you.

01:02:16:09 - 01:02:21:22

Can I just go to Mr.. Mr.. First and then we'll come back to you, Mrs.. Furley. Mr.. Fell.

01:02:22:12 - 01:02:52:12

Um, yeah. Thanks. Uh, thanks, Mr. Reed. I think I still I'm very confused. Your your, um, your answer didn't didn't answer my question about how long the subsoil trench or the ducting you sort of mentioned up to potentially a year. But my understanding, the whole process of reason why you put the duct in is so that you can put the duct in, put the subsoil back on, that that is then buried immediately and in my immediately. I mean, you know, as soon as the duct is connected, it can be backfilled straight away.

01:02:53:02 - 01:03:25:06

Um, as opposed to you were talking about up to a year. And then secondly, my experience on other schemes is that one of your design contractors and often your designer is the cable manufacturer in the first instance. The cable manufacturer has to be involved in the design process to the depth of the cable, the conductivity, blah blah. Size of the ducting, you name it. So at that point in time, you'll know how long those cable jumps will be. You will know exactly when the where the link boxes will be able to be constructed, and at our point is about minimizing construction.

01:03:25:08 - 01:03:59:17

I wouldn't want you to pull the ducts through and then open up a link box, but then close it and then reopen it again. You're better off doing it all, putting all the infrastructure and minimizing disruption as you go through. And then all you have to do is come through and pull the cables through later on. You know, your only issue comes is if you do a bad job installing the cable ducts, which, as I've seen elsewhere, where they end up filling full of water and full of silt and then you can't pull the cables through. But that's purely down to poor construction practices, which which isn't ah, which is what we want to try and avoid out of all this.

01:03:59:19 - 01:04:20:25

So, you know, backfilling as you go along. But we wouldn't want to see these trenches. And I've seen them. And I can send you photos, if you like, of these, because the ducks just end up being acting like drains and just funneling water down these, these open subsoil structure. It's just it's just a nightmare. So it should be backfilled ASAP. And I think that was answered.

01:04:24:00 - 01:05:03:13

David Reed for the applicant. Apologies. I was talking about the joint base and depending on how long the the the cable pool will be after the joint Bay has been constructed in terms of that, that year. So the ducts will be installed in advance of the cable pool. And then it's the question is whether the joint bay will be constructed at the same time as the ducks are installed, or whether the joint bay will be created at the same time as the cables are pulled. And so that depends on how the backfilling

occurs. If it's the former, then effectively everything will be backfilled prior to the cable pool and then re excavated to minimize minimise impacts on on farming activity that may need to be carried out.

01:05:04:00 - 01:05:32:17

If it's the latter. Then there is. The cable pool should be coming in very soon after the joint bay has been created. So there is no point in, as you say, uh, covering over refilling with subsoil to be able to excavate a few days later, to be able to, to then pull the cable in. So it really depends on timing and when that timing is occurring. As to the actual construction methodology that will be proposed.

01:05:34:19 - 01:05:37:29

Is is there something that perhaps you could add in your

01:05:39:21 - 01:05:42:25

your summary and provide us with some

01:05:44:18 - 01:05:47:01

confirmations on a deadline for.

01:05:55:25 - 01:06:07:03

Mr. Reid for the applicant? Um, as per paragraph 231 of the project description app 019 um, that goes into

01:06:08:21 - 01:06:10:01

the work, uh,

01:06:11:25 - 01:06:27:26

the trenches will be backfilled and the work front would continue to move on to the next section so that I think that is what you're after. Mr.. Fell, from the backfilling as we go through the question is just in relation to the joint Bay, which is what I hope to have answered previously.

01:06:29:00 - 01:06:31:24

Mr. Powell, do you want to just respond on that point?

01:06:32:08 - 01:07:05:07

Uh, yes. Thank you. Um, so that makes sense on the sections. Happy with that? The what I would recommend is that you don't when it comes to the joint base, that you build the joint base as you get to each section and rather than backfilling and then re stripping, it's just causing more soil movement. Really. You only want to touch that soil, whether it's subsoil or topsoil, once. So if we just work on that process and then that's all about getting.

01:07:05:09 - 01:07:35:08

Your timing's right. My, you know, the majority of these schemes is there isn't that distance. There isn't that long period of time because you're in the market of building a wind farm and getting it connected to the grid as soon as possible. So you generally have your construction programme timed around when your cable is going to be delivered and your wind farm is going to be built, blah, blah,

blah. So I just wouldn't want to see land. You know, this is part of the argument with the five estuaries. We don't want to see land restored and then reopened up again.

01:07:35:26 - 01:07:50:03

So just on, you mentioned, David also that you were burying the joint babes. I presume they will be deep enough that we can run field drains over the top of them. So we're not having drainage underneath the joint bay as well.

01:07:52:15 - 01:08:27:29

Speed agreed for the applicant. So it's once the last point. First, the joint base will be buried at the same depth as the cable, um, cable ducts. So there should be nothing shallower than 0.9m. Um, in terms of the first point. The comment is noted. Um, however, again, because of the difference in programme and because of the link up with five estuaries, um, we need the flexibility in terms of being able to install ducts, um, for other projects, again to try and minimise impacts on, on landowners.

01:08:28:01 - 01:09:01:19

So that may not be. The duct size is a pretty, pretty standard for this type of infrastructure. The largest duct we can use is a 250 mil diameter plastic duct. They're the standard ducts that come from a company called MTL, who pretty much have a monopoly on the market, so that is the largest duct we will be using. Um, and so it really depends on what size of cable we can get in. and there may be differences depending on how the projects are built out and how the the coordination with five estuaries works.

01:09:05:27 - 01:09:09:10

Uh, Mrs. Fairley, did you want to come in at this point?

01:09:14:25 - 01:09:28:07

Thomson. Barely for tea. And our family farms. We'd just like to say that 0.9m isn't going to be deep enough. I think we've made this point multiple times, and I'm sure that might be another agenda item on it. But 0.9m is not deep enough to farm normally over the top of.

01:09:32:11 - 01:09:47:03

Um, this is this is certainly one of the questions. It's one of the, um, the points under item 3.5. Um, and I'm quite happy to, to take that at this stage if you want to.

01:09:48:18 - 01:09:49:10

Um, move.

01:09:53:24 - 01:09:54:09

Uh.

01:09:59:07 - 01:10:15:06

So, so this is a point that's been raised by, um, a number of, uh, interested parties. Um. So Stratton Parker Farms Limited, Mr. fell, um, as 034, um,



01:10:16:29 - 01:10:27:16

James Fairlie and Sons Farms Limited are 143 um, amongst uh, other ones. Um.

01:10:30:21 - 01:10:44:29

In the updated code of construction practice. Um, it states that cable ducts will be installed to a minimum depth of 0.9m. Um, but with a target depth of 1.2m.

01:10:47:07 - 01:11:01:29

So I think the point that Mrs. Fairlie is making is why are you limiting it to 0.9m? Um. And how can they be assured that the 1.2m will be met?

01:11:04:08 - 01:11:13:01

And what are the reasons why the cables cannot be at a greater depth than 0.9m?

01:11:15:14 - 01:11:15:29

Uh.

01:11:16:06 - 01:11:49:14

The applicant just before, um, the story comes in. Yeah. It was just to highlight that in response to the relevant representations, we did update, um, the code of construction practice to make it clear that that, um, that it was the target depth was 1.2m, um, were practicable to, to take into account those, those points, but they're still needed to be, um, a minimum depth of 0.9m, which is from the top of the protection tiles rather than from the cable itself.

01:11:49:21 - 01:12:09:16

Um, and, um, that was due to various different, um, ground conditions that might be encountered. But Mr. Reed can provide some further information as to what might require or the circumstances that might require a slightly shallower cable than that than that typical 1.2m.

01:12:11:12 - 01:12:45:20

David Reed for the applicant. So effectively, from a cable cabling perspective, we've got the the depth the cables are buried. But on top of that we've got the warning tape and the stock board and the protection tiles to ensure that we've got there's awareness that there are cables underneath so that we can understand where the cables are going. The intention of the 0.9m is not that. That is the depth that the cables are buried at. That is the the minimum depth of the highest point of all of that cabling infrastructure, be that the stock board, the warning tape, whatever, whatever that is.

01:12:45:22 - 01:13:07:10

So the cables will be buried below that, typically 1100 mil below the soil surface. But it's the minimum, the shallowest point of our infrastructure that we are installing. So there's two aspects here. One is is what is the the cable depth. And then the second one is what is the the the infrastructure that we are are installing.

01:13:08:17 - 01:13:09:10

This is fairly.

01:13:09:12 - 01:13:25:15

Thames and fairly for TNR fairly farms. But in your voluntary agreements you've committed to 1.2. So it kind of takes the MC really because what's the point in having a voluntary agreement that says 1.2, when all you're required to do under your planning is 0.9, and you can get away with the rest of it.

01:13:27:11 - 01:13:49:16

If you can't do 1.2, don't voluntary agree to do 1.2? I don't understand what the difference is between 30cm. Apart from the fact that it's probably a lot more expensive, you'd go an extra 30cm on the odd occasion that you need to move around a piece of stone or something else when it's going to come down to money and the contract is in time. But if you if you can commit to 0.9, surely you can commit to 1.2.

01:13:50:16 - 01:13:51:01

Thank you.

01:14:15:28 - 01:14:28:09

Uh, Claire project for the applicant. Um, my understanding is that it's the same position in the voluntary agreements that there is a target depth of 1.2, but, um, that's where practicable, and the minimum is 0.9, so

01:14:29:25 - 01:14:38:28

we don't we believe that the what's being sought in the voluntary agreements or the heads of terms that have been sent out mirrors commitments in the DCI?

01:14:39:06 - 01:14:50:04

Yeah, obviously, you know, we as the panel don't have any sight of those voluntary agreements. Um, so we don't have the benefit of, um, sight of those. Um,

01:14:51:28 - 01:15:13:05

but if there's, if that's something that perhaps could be clarified and perhaps a little bit more explanation as, as to position on the depth of the cables, because this is obviously a key issue for, um, various parties. Um, if I could just move to Mr. Fell because he, he had his, um, hand up first, then I'll come to Mr. Blythe.

01:15:14:19 - 01:15:49:21

Sorry, I'm struggling with my camera, but I'll keep trying. Reboot it. But, um. Uh, my. There was two points on that. Um, one is that the voluntary agreement? Um, also covers the position if they can't build it at that. So what was really frustrating is, uh, and you see this I've got some examples of gas pipelines that have where the source structure has moved them. And they they've risen to the top of the ground, and they're now sitting proud on the top of the land.

01:15:50:11 - 01:16:21:00

And so and you might find this in this instance as, as, you know, soil moves, you know, if it's. But what I'd be asking is that the plant spec to ensure that it is a minimum of one point, whatever it is, two meters below at all times, and it remains at that. So even if the soil structure shrinks or whatever else

happens, or the cable actually rises through ground pressure movements, that there's an obligation on them to ensure that it's always at that depth.

01:16:21:13 - 01:16:57:24

Um, so that if they have to come out and re excavate it and bury it deeper, then there's an obligation to do that. The second thing, which is more of a practical thing from a day to day farmers perspective, is the drainage. So if the cable is only at 0.9 or the cable The infrastructure is at 0.9, as Mr. Reid is suggesting. So are we suggesting then on top of that cable, we've got a field drain. Well, if we've got a field train on top of 90 90cm, um, we're going to hit that with subsoil as if we're going deep subsiding on this hard land.

01:16:57:26 - 01:17:38:22

That might happen. So that that just isn't deep enough. I think one one of the points we picked up with five estuaries is that the five estuaries developers announced during this discussion that actually some of the drainage field drainage systems might be buried underneath the cable. But how does that then work from a management point of view? Because if there's a fault in that drain, as a landowner, we can't get to it because there's a cable on the top of it. So I'd like to understand whether or not the drainage system is going to be developed so that we, as farmers and landowners can access and manage it without requiring the developer to do it.

01:17:38:28 - 01:17:50:24

And so I. The drainage system needs to be above the cable, and in which case the cable will need to be deep enough to enable the drains to be above that and, and then not to impact on field operations.

01:17:58:15 - 01:18:01:15

If the applicant would like to respond. On that point.

01:18:34:18 - 01:19:13:14

Project the applicant just in terms of, um, whilst my applicant team sort of looks for the relevant provisions in the documents relating to the drainage points, which obviously are, um, drainage is further on in the agenda as well. Um, just in a few matters were raised in relation to, um, uh, the safety of the cable there. And obviously we wouldn't, um, seek to be replicating in any of the management plans, any other, uh, more general statutory requirements that relate to safety measures in terms of ensuring the electrical cables of this voltage are kept in a safe condition.

01:19:13:16 - 01:19:57:11

And that also involves ensuring, obviously, there's suitable ground cover over the top of the cables. Um, it's for that reason that obviously there it is necessary to both proactively ensure the safety of the cable, but also impose restrictions on the uses of the land to ensure that that the cables do remain, um, sufficiently buried. Um, what we have said. Um, which I know is a point that's come up is that, um, we believe the depth, um, the minimum depth, as we've said, albeit that the, the, um, typical depth is intended to be, um, intended to be lower, but the minimum depth, um, is sufficient for general agricultural activities to continue.

01:19:57:17 - 01:20:39:23

And then there are provisions so that if something over and above that needs to be undertaken by, um, the landowner, um, then what we're saying is under both the voluntary agreements and under the compulsory acquisition powers, if those were to be, uh, needed to be utilised, um, then the landowner would just need to get consent for those works to ensure the safety of the cable. So there's not a, um, a complete, um, prohibition on doing all works that might be required, but there's just an additional level of consent that might be required so that so that we can ensure the protection of the cables, um, going forwards, and that an assessment can be undertaken in terms of working methodologies.

01:20:39:25 - 01:21:05:01

But from our perspective, general farming activities would be able to continue. Um, and additional measures such as new drains, new land drainage, for example, deeper works that might be need to be undertaken by the landowner would require that additional level of approval from the cable operators at the time. Um, Mr. Reid has found, um, what he was looking for in terms of, um, the additional points that were raised.

01:21:05:03 - 01:21:05:18

Thank you.

01:21:06:18 - 01:21:07:03

So

01:21:08:25 - 01:21:40:18

there's obviously an exercise that needs to be carried out in terms of detailed design, which will work through the number of different constraints that we've got on the cable route, be that soil conditions be that, uh, drainage requirements. So there's a whole exercise that needs to be done post consent to understand what the best depth to lay those those ducts is, as I say, based on a vast number of factors in terms of of both agricultural use and in terms of electrical properties of the cable.

01:21:41:18 - 01:22:12:00

One thing that is stated within chapter 22, the land use and agriculture um chapter of the environmental statement, that's app 036, is that effectively the applicant will appoint a land drainage consultant to develop pre and post drainage uh designs plans um to be able to to be carried out that is contained within table 22.3 of chapter 22.

01:22:12:15 - 01:22:28:15

So that will feed into the design that will be carried out in terms of the depth of burial of, of the duct and in terms of how that cable route will then interact with the drainage that is, is within the, within the the vicinity of the cable.

01:22:31:02 - 01:22:33:09

I can let Mr.. Mr.. I'm sorry.

01:22:33:22 - 01:22:34:07

I'll talk.

01:22:34:09 - 01:22:34:24

To Mr..

01:22:35:23 - 01:22:51:28

McLaren on behalf of the applicant. Just also to add that there's also from paragraph 130 of the outline Code of Construction Practice. Um, a surface water drainage management plan will be developed as part of the.

01:22:52:11 - 01:22:52:26

Uh.

01:22:53:05 - 01:23:07:14

Uh, construction of the Code of construction Practice. Um, and that also goes on to stipulate that a drainage consultant will be, um, appointed to, um, implement a post and construction drainage management plans.

01:23:10:20 - 01:23:11:05

Hi.

01:23:11:07 - 01:23:11:22

Thank you.

01:23:13:02 - 01:23:49:28

Um, so does that mean that, um, because we we have I'm speaking personally, we have a, a gas main that goes across our farm, uh, from, um, all the way from Bacton down to Tilbury. Um, put in back in 1963, and twice they've had to come and put it in deeper because through natural erosion, because it's on a slope, the it's got shallower. So, uh, it's good to hear that there will be an ongoing, uh, monitoring of the depth.

01:23:50:03 - 01:24:40:12

Um, I noticed that if you go to Willy Heath as an area of a field there where there's another area of land that's not being farmed at the moment because there's not enough topsoil over it. So they're not allowed to go on it to farm it. Um, and, uh, wondering what provision that would make me think what provision there is to, uh, protect, actually the farmers from what you're doing. But the other thing that has occurred to me as well is, um, one of the things the, uh, Um, gas pipeline does is it goes deeper underneath the drainage ditches that we've got because obviously the land drains go through round about the level you're talking about, which is if I was going across my land, I'd be worried about it.

01:24:40:17 - 01:24:56:11

Um, but when you get to the ditches, the land drains have to fall out into the ditch and the ditches need to be cleaned out so you can't have it going at the same height. Otherwise, you dig the cables out. So presumably there'll be provision made for that.

01:24:58:29 - 01:25:21:11

David is the applicant. Yes. Is the the answer because we can't have the cables being exposed. Because that then comes back to your point about security that you made previously, where if you've got them exposed, it becomes a security risk. So there is there will need to be some form of deepening

of the cables to ensure that they go under, under the the permanent land drains that are running effectively along field boundaries.

01:25:21:16 - 01:25:22:01

Yeah.

01:25:22:24 - 01:25:23:17

Digging ditches.

01:25:23:19 - 01:25:24:04

Yes.

01:25:25:21 - 01:25:26:25

And Misses Valley.

01:25:27:21 - 01:26:00:15

Thames Valley for ten are fairly farms, so you still haven't quite answered the question as to if you can guarantee that you're going to go at 0.9, or you can go that depth then to get underneath a ditch or a land drains or whatever else you're going to need to get under because you're required to. Why can't you just guarantee that you're going to go at 1.2 along the whole route, that it's 30cm? I'm pretty sure the reason that we're not getting an answer is because the only answer is cost. But just say that if that's the case, rather than just sort of keep Fobbing everyone off with this hole, we're only going to do it if there's an engineering problem.

01:26:00:17 - 01:26:01:24

Well, what is that problem?

01:26:35:21 - 01:26:39:12

Straight to the applicant. So.

01:26:41:14 - 01:27:26:20

Yes, there is a cost increase. I can't deny that by going deeper. But there are also other impacts as well that are associated with it. By going deeper, we're disturbing more soil. We are taking longer to construct because progress is slower, because we need to excavate that that soil. So we are effectively having to leave trenches open for longer. We are effectively having to leave the whole road in, in longer, um, to be able to, to get through the the system and install the cables. We also need to do further ground investigation to understand the exact, um, levels of difficult rock And what may be underneath the soil, to be able to understand if there are any areas where it's difficult to to bury cables to 1.2.

01:27:26:29 - 01:27:59:10

So whilst we would like to and that's why we say the typical the target burial depth is 1.2m. We can't commit to it until we've got more information to be able to, to guarantee that we can, we can get to, to the depth that that we need to to get to and ensure that we can do it in a timely manner so that we're not, um, having the same issues that we had in the archaeological trial trenches where trenches are

open over, over winter, as was stated earlier, um, to be able to effectively try and keep the soil as best as we can.

01:28:00:10 - 01:28:39:04

Could could I just ask the applicant if they could provide full details at the next deadline as to what their understanding of the words were practicable are intended to cover, and perhaps also if they could revisit the drafting of that reference in the updated code of construction practice. For example, could it be rephrased along the lines of cable ducts will be installed depth of 1.2m, except where impracticable to do so.

01:28:39:29 - 01:28:46:16

And if we could have some under better understanding as to what is meant by the exclusion that's there.

01:28:49:03 - 01:29:28:12

A clever idea for the applicant. Yes, we're definitely take away an action to see whether any further information can be provided to, um, the Code of construction practice. Um, it will be a matter, um, that we will need to liaise with five estuaries on because obviously the projects, um, are structured such that it's the option that one project, um, includes the ability to deduct for the other project. So that is a matter on which we will need to liaise with them. I'm obviously mindful of the explanations that they've given during the Five Estuaries um, examination, and the reasons why they have explained why they cannot provide a greater commitment.

01:29:28:14 - 01:29:44:11

So, um, we will take that point away and we'll liaise. It may not be a matter that we're able to get a response on the deadline for, um, so but we will explain in our deadline for submission, if that's a point that's still being, um, discussed with five estuaries for deadline five.

01:29:47:17 - 01:29:50:17

I don't know if you had a point.

01:29:50:19 - 01:30:21:24

Of value for TNR Valley Farms. I just want to say we we appreciate that there might be things you come across, but what we what we don't think is fair is one. If you can commit to a certain depth, why can't you make that 30 centimetre deeper and two you've got at the end of the day, it's not going to be you. People stood doing this and you might have one view. It's ultimately going to be the contractor who's there and the landowner, and the contract is going to come along and it shouldn't be up to them to decide. Oh, we've come across something that's going to take us an extra two hours to deal with.

01:30:21:26 - 01:30:40:01

That means we can't go a bit deeper. It's cheaper for us. We're just not going to do it. That shouldn't be the contract or the like. The applicant's choice when they decide, oh, it's a bit easier for us to go deeper and never mind the landowner, we'll just worry about them later. But that shouldn't be down to you to decide just because it's going to take a little bit longer.

01:30:47:20 - 01:30:48:27

Right. Thank you.

01:30:50:06 - 01:30:55:17

Can I return to Mr. Fel? Because he's, uh. He has been waiting patiently here.

01:30:57:26 - 01:30:59:26

Uh, thank you for the cameras working.

01:31:00:03 - 01:31:07:09

Um, Mr.. If I could ask you to keep your comments brief on this point, we've spent some time on it, and we do need to move on.

01:31:07:11 - 01:31:11:21

And I know we have, but in all due respect, this is a very important part at.

01:31:11:23 - 01:31:13:09

The moment. I appreciate it's it's.

01:31:13:11 - 01:31:49:28

It's number one. Number one, we've not had confirmation from them. They're going to put the drains above the cable. And on the five estuaries. We've had this long debate. And so some of us in this room have been through this process are just late already. And we've had confirmation five estuaries, that they will not be able to guarantee the drains will be will be above the cable depth. Okay. And that causes us major concerns and issues. And we need to highlight that. The second bit is you talk about approval. Neither seek approval for doing anything which might come up, um, what they were talking about.

01:31:50:04 - 01:32:31:02

But it needs to be approval without cost, because my understanding is that where we need to seek approvals, it will come under. It will come at a cost to the landowner to try and get those approvals for normal agricultural processes. And if you don't think drainage is normal agricultural processes, then I think we're in a in a completely different ballgame. Drainage on this land is vitally important for the growing of the cereal crops and the root crops. We need to have access to that drainage system. I know you want me to keep it brief, but I'm I'm aggrieved that at the moment we're being fobbed off by saying they're going to create a drainage plan without any confirmation that this is going to be an accessible drainage plan for us in the future.

01:32:31:04 - 01:32:39:14

Because if it isn't, that impacts on the value on the usability of this land in the future. And that is not right by this CPO.

01:32:45:28 - 01:32:48:06

Applicant. Want to make any comment on this.

01:32:49:06 - 01:32:50:16

Collaborative for the applicant?



01:32:52:03 - 01:33:32:15

As a general point, obviously, as the examining authority will be aware, we're trying to seek a balance between providing sufficient assurances in terms of the construction methodology, whilst also appreciating the detailed design for the project is not yet known, and therefore there does need to be sufficient flexibility, um, in the process in order to ensure that the project can be constructed. Um, in on programme to deliver the offshore wind farm project. That is why we can't provide at this stage in the process, uh, specific commitments in terms of where drainage ditches will be located, what the exact drainage strategy will be.

01:33:32:17 - 01:33:52:08

All we can do is set out in the management plans, a process that will be followed. Um, and that the detailed plans that will be prepared post echo consent will include that detail. We don't have that detail available to us at the moment, so we're not able to provide any greater level of commitment. Um.

01:33:54:10 - 01:34:34:28

As had been said during the Five Estuaries um examination, uh, part of uh, of this is actually a compensation matter. And to the extent that, um, The construction impedes, um, agricultural activities and and that is demonstrated then that would be a financial compensation matter. Should it should it arise. But obviously, the process that we're setting out is to have that dialogue during the detailed design process and try to put in place a drainage solution that is, um, you know, meets the balance of being technically, um, suitable for the project, but also is, um, accommodated by the landowner.

01:34:35:00 - 01:34:37:23

But to the extent it's not, then it would be a compensation matter.

01:34:41:09 - 01:34:43:17

Um, Mr. Blythe, if you've got a brief point.

01:34:44:05 - 01:35:24:09

And yes, very briefly, um, I've been involved in farming and in the sound of gravel business for the last 40 years in this Tendring district, and I've never come across any rocks anywhere in the district that you wouldn't be able to dig a trench out, get Pet possum. I think, in my personal, humble opinion. Saying that you can't go down that depth and the excuse being because you want to do it quickly is the wrong reason for putting forward the expediency of going less this less less depth down.

01:35:24:26 - 01:35:53:20

Um, I've never had a contractor say to me when we wanted to put land drains in, we'll put them in that you are depth. You are. Unless we find rocks underneath. They just tell you what, you tell them what depth you're going to go to and they do it. And unfortunately for you, uh, it's the same sort of height as you're talking about at the top of your pipe being. It needs to be deeper. Let's let's be frank about it. Thanks.

01:36:00:12 - 01:36:03:01

The applicant want to make any comment at this point.

01:36:09:09 - 01:36:34:06

For the applicant, we understand the issue and that's why we're looking at the drainage design. And as I say, we've we've got in the process of getting drainage consultants to understand what drainage is out there and to feed into the detailed design process that that will be going on later on in due course. And that's the reason we've got the surveys in advance of the detailed design to be able to feed into the detailed design process so that we can understand what we're doing and what the impacts will be.

01:36:39:08 - 01:37:05:10

Drainage is vitally important for farming. And, um, it's not just the pipes that you cut through where the pipe where your, your ducting goes through, it affects sometimes the whole field. If you cut off 2 or 3 pipes and you can't just say, well, go over it, you know, put a hump in because water doesn't flow uphill. So, um, just put it in deep enough.

01:37:07:14 - 01:37:08:14

Comment is noted.

01:37:08:17 - 01:37:09:03

Thank you.

01:37:09:17 - 01:37:12:26

Thank you. And, um. Mr. Fell. You wanted to come back?

01:37:13:09 - 01:37:49:20

Yeah. The point. The point which which miss? Miss fairly mentioned earlier on. It's a matter of cost, isn't it? To the to the applicant. Because it's perfectly possible that the drainage system. And this is where I asked the experts to carefully consider this, because your recommendation could be on the basis that the drainage system systems have to be above the cable depth. And you can insist on the applicant already make a recommendation that the applicant buries that cable deep enough so it's below the field drainage systems that are needed for normal agricultural purposes.

01:37:49:27 - 01:38:20:04

It shouldn't be a matter of compensation because this is something that actually could be put in the app. Um, could be made by the developer to do that from the outset. That's entirely within our control. I don't like this basis of. Oh, well, actually, if you can't do it, it's just a matter of compensation. No, because we're here having this open discussion to try and get around a solution. It's perfectly possible. It is a matter of cost now. A matter of cost is not something always that you need to be taking into account. Under the CPO provisions.

01:38:20:06 - 01:38:31:16

So I would ask that we carefully consider that. And the recommendation I think from the landowner landowners will be the cable will be buried deep enough. So it is below the field drainage systems.

01:38:36:23 - 01:38:38:15

Mr. Fairley, you wanted to make a point.

01:38:39:12 - 01:39:07:12

Yeah. Thomas Fairley for Tina Fairley Farms. Um, firstly, the compensation comment I really don't understand. It's not a matter of compensation. And if you want to write off a whole field, because it won't be just the cable route that's affected by this bad drainage. You will be writing off a whole field for farming operations if you want to compensate for that over going 30cm deeper, I can assure you it's going to cost you a lot more money. And I'll tell you something else

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

I can't.

01:39:13:27 - 01:39:16:15

I think at this point, if

01:39:18:05 - 01:39:22:29

I ask if the local authorities have any further points to raise at this point.

01:39:25:28 - 01:39:42:12

Um, and if not, then perhaps it may be a good moment to take a short break. Um, of 15 minutes. Um, so we will be returning, um, at, uh.

01:39:44:11 - 01:39:46:19

Apologies. I can't even count at the moment.

01:39:47:00 - 01:39:48:17

Uh, 11 1155.

01:39:48:19 - 01:39:52:16

1155 so we'll resume at 1155.