



Hearing Transcript

Project:	Sea Link
Hearing:	Issue Specific Hearing 3 (ISH3) - Day 2 - Part 3
Date:	26 March 2026

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FULL TRANSCRIPT (with timecode)

00:00:05:18 - 00:00:16:17

Okay. Good afternoon all. The time is now two PM, and we will recommence this issue specific hearing. Firstly, please may I check with the case team that the live stream and recording has recommenced?

00:00:18:02 - 00:00:28:14

Thank you. I'm now going to hand over to Mr. Rennie, who will be proposing some specific questions around the cumulative effects on public rights of way. Thank you.

00:00:30:05 - 00:00:34:07

Yes, just got a few questions about Sorry,

00:00:35:20 - 00:01:02:26

yes, there was just one point that Ms. Lida wanted to pick up from the session before, just before lunch. I could just make those points. Thank you. Just really in response to mister Regan's points about the mitigation hierarchy and specifically your points about whether we felt that since we hadn't acceded to suffix request on the right of way, we felt that we'd relinquished the need to do more. And I think Ms. Leader has got some points that I hopefully will be helpful to you.

00:01:02:28 - 00:01:12:26

Thank you. I just think it might be because I've got questions on that. Would I be able to ask the questions and then if you wanted to follow-up with with the points you want to make? Because I think that's

00:01:13:20 - 00:01:15:20

I didn't hesitate when you mentioned public Yeah.

00:01:16:14 - 00:01:17:20

You might be able to speak to

00:01:17:22 - 00:01:50:01

what I'm gonna ask. So so, yeah, it's it's just a few questions about that for the particularly for the Suffolk Public Rights Way, almost as an example of of what we're what we're trying to address here. So this is through the intracumulative assessment, but it could reply to other receptors potentially as well. So within the intracumulative assessment for Suffolk in relation to public right away, it uses the phrase no mitigation has been confirmed at this stage. So it sounded like proposed mitigation was maybe on the way during the course of examination.

00:01:50:20 - 00:02:12:25

So keeping in mind the mitigation hierarchy in terms of the public rights of way that were identified as having particularly potentially significant adverse effects, has the applicant considered all forms of mitigation that could be possible in those circumstances? And if so, would that mitigation would it fully mitigate the assessed cumulative impacts?

00:02:14:22 - 00:02:49:04

Ali, leader for the applicant. Thank you. Yes, so the mitigation hierarchy, yes, absolutely has been applied throughout the development of the project. And it is yeah. To understand that, I think we do need to review the application as a whole. But on the specific case of public right of way at the converter station, for example, the applicant has applied the mitigation hierarchy to those effects because we have avoided severance of those public rights of way, ensuring there are no closures and diversions.

00:02:49:17 - 00:03:20:26

We've reduced the impact of the diversions by making them temporary and short in length. We've reduced the impact on users by introducing gates either side so that the vehicles are waiting instead of the pedestrians waiting. And we're also considering the setback to further reduce the noise impacts on bridal way users. On additional measures, there was a point before lunch where there was a suggestion that perhaps that the one request that Suffolk had made on this hadn't been listened to.

00:03:20:28 - 00:03:58:13

And I I would emphasize that Suffolk County Council on East Suffolk have definitely pushed the applicant very hard to commit to all kinds of things across all kinds of areas. And then in this specific case, we have agreed to permissive access around the landscaping at the converter station and then an additional permissive route across the access and across the Framers Bridge. So we have absolutely applied every stage of that mitigation hierarchy, and we're delivering additional enhancements that are beyond beyond compensation and the mitigation hierarchy in this case.

00:03:58:20 - 00:04:11:18

So what you're left with at this late stage of examination are those few points that the applicant is not able to agree rather than this being their one request that we haven't been able to agree to.

00:04:12:00 - 00:04:28:00

On the point, though, about mitigation itself, is it the applicant's position that there is no possible mitigation, further mitigation that can be put forward to overcome that significant adverse effect?

00:04:32:16 - 00:04:40:01

Nigel Pilkington for the for the applicant. We hadn't budgeted the permissive path as mitigation.

00:04:40:04 - 00:04:41:29

No. For the same

00:04:42:01 - 00:05:06:12

reason I explained this morning that we don't think it necessarily remedies Suffolk County County Council feel that provision of of new, you know, access or improved access after construction is a

form of remedy, then our permit our proposals for the permitted pass could be defined as a remedy in that situation.

00:05:13:08 - 00:05:35:20

Yeah. And just to add to that, the the main contributing factor I think is as we'd explained previously is the landscape and visual impact alone, not the intra project cumulative effect. And that saw that that part of the intra project cumulative effect is something that we can't that we can't mitigate any further through the hierarchy.

00:05:36:05 - 00:06:01:08

So you've been you've looked at mitigation. You've you've basically established there's going to be significant adverse effects, whether moderate or major. You've then looked at mitigation and you've decided that there is no further mitigation that can be implemented. And then you've looked at sort of compensation. And at that point, we're looking at the permissive paths.

00:06:02:21 - 00:06:19:22

For the leader, for the applicant, that's correct. So because it's landscape and visual impacts on the users of the public right of way, yes, we haven't been able to fully remove those residual effects. We have been able to reduce them but not remove.

00:06:20:02 - 00:06:36:10

Okay. And is there is how much do you feel the permissive paths would overcome the we've still got the significant adverse impact, but to what degree do those permissive paths provide compensation for that?

00:06:36:29 - 00:07:01:16

For the applicant, they don't provide compensation, no, because it's it's as my colleague explored earlier, it's it's not directly compensating for those effects, those intra accumulative effects. It's just an additional enhancement that we have been able to offer. And we do believe that the public right of way being suggested along the b one one nine falls into that same category.

00:07:01:23 - 00:07:21:17

And but is there I understand that you're not in agreement with the Suffolk County Council about the proposed additional permanent right of way. But is there something, I think as Suffolk County Council suggested, that could be proposed from the applicant as being what they would consider as a more proportionate compensation?

00:07:23:27 - 00:07:42:24

The leader for the applicant. We believe the proportionate measures are those through the landscaping and over the access. As we've previously described, we we don't have the ability to implement the route being discussed because we don't own the land in that location, and we and we can't compulsory.

00:07:42:26 - 00:07:56:29

Aside from that, you know, sort of putting that to one side is, you know, from a blank sheet, if you like, if it was something the applicant could put forward and say, well, we don't think this is appropriate or proportionate, but this could be proportionate.

00:07:57:23 - 00:08:03:28

And the leader for the applicant, yes, we believe we've done that, so with the permissive paths that we've proposed.

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So the permissive paths are in effect compensation?

00:08:11:12 - 00:08:20:23

Nigel Pilkington for the applicant. I think as as I was saying before, I think we've got a disagreement about about the definition of compensation, and we we would say it needs to undo the effect.

00:08:22:17 - 00:08:35:04

Suffolk County Council's view is different from that. So from our perspective, we would say it's not compensation. But taking the definition of compensation that Suffolk County Council are putting forward, from their perspective, it is compensation.

00:08:35:10 - 00:08:46:21

Yes. But what I'm trying to ascertain though is have you been through the exercise in trying to establish whether there is appropriate compensation that that the applicant could put forward as a suggestion?

00:08:47:00 - 00:09:02:14

Yes. We have. And that will be reported in the response to three gen one where you've asked for us to demonstrate for any residual significant effects how we've applied the mitigation hierarchy. So we'll make sure that we explain that fully.

00:09:02:16 - 00:09:06:23

Okay. We'll look at that then. Thank you very much. I'll pass back to mister Regan. Thank you.

00:09:13:08 - 00:09:26:02

Thank you. I'd like to pick up on where we got to before lunch and go through the same matters where we were considering likely significant effects, but for Kent, if I may.

00:09:27:18 - 00:10:06:14

So, again, referring to the applicant's onshore scheme infra project cumulative effects document for Kent this time that identified likely significant cumulative effects on some residential receptors during construction and decommissioning due to the adverse noise and visual amenity effects. It also identified likely significant cumulative effects on users of the public right of way, t e thirty seven, and Saxon Shore Way due to visual amenity, socioeconomic, transport, and health and well-being effects.

00:10:08:08 - 00:10:25:05

So if I may, I'd like to pose the same follow on question as I did before lunch. Having regards to the mitigation hierarchy, is it your position that there is no no additional opportunity to directly mitigate, offset, or compensate in some other way? Thank you.

00:10:26:26 - 00:10:33:15

Thank you. So Hugh Lang for the applicant, I'm going to ask Mr Pilkington to come in on those specific impacts on public rights of way in Kent. Thank you.

00:10:35:20 - 00:11:15:09

Nigel Pilkington for the applicant. I think we're very much in the same position as we were when we're talking about bridled way four nine one ten. In terms of we have explored all of the measures that we can put in place to to undo or remedy the effect on users, the the temporary effect on those users. And we've got to the point where, you know, we we've we've followed the mitigation hierarchy as as as far as it's possible for that type of effect with the sources of effect that contribute to that interproject and cumulative effect on the public rights of way.

00:11:15:28 - 00:11:24:15

So we have explored it fully. We haven't identified anything that could that could represent compensation as per our definition of compensation.

00:11:26:29 - 00:11:36:24

Okay. Thank you for that. Can I just check, is there any any of the Kent based councils online that wish to comment on what they've just heard?

00:11:42:26 - 00:11:44:00

Yes. Dannett.

00:11:48:05 - 00:12:28:16

Good afternoon. Dannett council, Helen Johnson. So I was waiting to see if Cape County council are on here for the public rights of way. I don't think that they are, so I'd leave that back to them to comment in writing if they if they chose to. And but I think in terms of the the power and the mitigation in general, I think our position is similar to that of the Suffolk District Council. It's outlined within our ISH two additional questions submission, and we look forward to the submissions by the applicant at deadline six and the outcome of discussions arising from the relevant action point to do with that. In particular, we look forward to meeting with the applicant and having a slight of their response to action the point in relation to the landscape and visual effects and consideration for mitigation as you've highlighted earlier on this afternoon.

00:12:28:28 - 00:12:44:10

And so I think that that that's an an issue that that we have particularly in terms of the intra project teams to the effect and the fact that it looks like no further mitigation can be proposed. We obviously consider the implication and the effect to be severe. Thank you.

00:12:46:05 - 00:12:52:10

Thank you for that. Any other Kent based councils that wish to come in at this point?

00:12:54:19 - 00:13:25:07

Not seeing any other hand. We've clearly heard a lot of different positions on this topic from the applicant and various councils with regards to if the mitigation hierarchy has been followed correctly to address effects, including those which are significant. Please kindly encourage the applicant to continue discussions with the councils to seek to identify appropriate mitigations, including those which compensate or offsets to address those harms.

00:13:25:17 - 00:14:06:03

And with that in mind, please can you provide a position statement for the next deadline, deadline six, which includes reasonings from all parties as to whether those measures are or aren't deemed to be necessary and wordings which can secure those measures should the secretary of state deem those necessary? And as a final point, if I may, please, can the parties clearly identify any deemed conflicts with the ability to meet the requirements of the critical national priority test in the absence of those mitigations being applied in accordance with the mitigation hierarchy.

00:14:07:15 - 00:14:21:03

Thank you very much. And before I move on to this the next agenda item, are there any other parties either online or in the room that wish to provide any comments on the mitigation hierarchy?

00:14:28:06 - 00:14:40:06

I'm not seeing any further hands either online or in the room. So at this stage, I will hand over to mister Hunt for the next agenda item. Thank you.

00:14:41:22 - 00:14:55:15

Good afternoon, everyone. We're onto item nine, marine physical environment. I'll start with item nine point one, updates from additional sediment modeling. And sorry. I'll give a moment for Thank you. People to swap over.

00:15:54:21 - 00:15:55:22

Already. Yep.

00:15:55:24 - 00:15:57:00

Already. Thank you, sir.

00:15:57:02 - 00:16:07:24

Okay. Could the applicant provide an update on the scope of the updated sediment dispersion modeling that's proposed to be submitted at deadline six as referenced in your response to two p three?

00:16:11:03 - 00:16:17:18

Sarah Kubershake for the applicant. Yes, I'm going to pass over to Mr. Norton to give a response on that.

00:16:20:07 - 00:17:07:06

You. Paul Norton on behalf of the applicant. Yes, so we have been undertaking additional sediment dispersion modeling. This has been undertaken to address a number of issues that have been raised by

consultees in their responses. This primarily relates to sediment dispersion processes, but also general hydrodynamic conditions as well. In terms of the sediment dispersion modeling, we've included additional sediment release locations closer to the nearshore Kent and Suffolk landfalls to provide additional output for further interpretation.

00:17:08:16 - 00:17:57:24

So that work has been undertaken, and I'll summarize that shortly. Apart from that, we have also undertaken more detailed sediment dispersion modeling within Pegwell Bay itself. That was also recognized as something that perhaps wasn't represented as accurately as it could have been in our original study. So we've enhanced that. We've used a more detailed model resolving areas of Pegwell Bay. And that essentially is aiming to look at potential re erosion of trench backfill during the construction process or equally the sediment scour, the fate of material disturbed due to the presence of the cofferdam within Egwell Bay.

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And finally, the third aspect of the work we've been doing looked at the blockage effect of the copper dam itself, a

00:18:08:24 - 00:18:53:10

structure that's approximately thirty meters by five meters on the upper intertidal and the potential for that to interfere with tidal flow patterns within Pegwell Bay. So just to give you a sort of initial summary of where this has led us. I can confidently say that the additional modeling within the wider North Sea region but focused on the nearshore landfall areas has shown that the results are consistent with what was presented in the original ES chapter but slightly further offshore.

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So that's reassuring from the perspective that the corresponding zones of influence are therefore of a similar magnitude and therefore suitable for the subsequent analysis that has already been undertaken.

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At the last hearing, we did provide a view on the dispersion likely dispersion behavior within Pegwell Bay, noting the relatively weak magnitude of the tidal currents. We've now implemented a detailed model that has validated those findings and demonstrates that the elevated levels of suspended sediment are very highly focused on the area where the sediment is disturbed through whatever process that is, as I mentioned, scar or re erosion of slightly less compact material following cable installation.

00:20:01:12 - 00:20:08:12

And similarly, leading on to the hydrodynamic modeling, we did looking at the Cofferdam blockage effect.

00:20:10:02 - 00:20:44:03

Last time we stated that we didn't anticipate that leading to significant increases in current speed near the salt marsh edge. And the model again has demonstrated that that was a valid presumption. But now we've substantiated that through this modeling exercise. We've obviously got more confidence in

that finding and the subsequent assessment of impacts within the landfall areas and within Pegwell Bay.

00:20:45:26 - 00:21:10:21

The current status so the model runs are complete. The results have been post processed and are in the process of being analyzed and reported. And as promised, we will be delivering that in a technical note by deadline six, and the results will also be incorporated into a further revision, the ES chapter.

00:21:13:20 - 00:21:27:17

That's very helpful. And can you just confirm, you said it was consistent with the original ES chapter. I assume then you mean that there are no additional significant effects or changes to the assessment of significance that's been identified as part of that work?

00:21:28:09 - 00:21:52:09

That's correct. I've got a little bit of further quantification just to be absolutely sure on that. But at this stage, the visual inspection of the results suggests that we're fully consistent with slightly reduced level of impact than that presented previously for the next closest site, which is slightly further offshore.

00:21:53:15 - 00:21:54:16

Okay. Thank you.

00:21:56:02 - 00:22:16:06

Can I just check, there are a number of residual issues identified in Natural England's Marine Physical Environment Tracker relating to places like Auburn Apes, Goodwin Sands, there's consideration of erosion? Does it does this additional study address some of those effects as well, or is that a separate matter?

00:22:17:05 - 00:22:33:16

Paul Norton for the applicant. Those are separate matters. And should you wish, we can discuss those at this point in time? Or I don't know if that will come under a further agenda item.

00:22:33:18 - 00:22:41:08

I don't need to particularly pick those up. I just wondered if it did cover any of those areas, given it seems to be an area of outstanding disagreement.

00:22:46:14 - 00:22:51:20

Have you shared any of this material with statutory bodies as yet or any other parties?

00:22:52:21 - 00:23:16:22

Paul Norton for the applicant. We do have a number of meetings scheduled for the very short term, in fact, the next couple of weeks. We will certainly be discussing those with Natural England and presenting the actual visual outputs and discussing those and hopefully delay any concerns that they have had previously.

00:23:17:18 - 00:23:31:26

Okay. Thank you. That's all I wanted to cover on this item. Unless there are any other questions or comments, we'll move on to agenda item two nine point two. Sorry. Okay.

00:23:33:16 - 00:24:12:15

Agenda item nine point two is effects on the Coraline Crag and coastal processes. So I wanted to thank the applicant for providing the Coraline Crag technical notes, which has been helpful in moving the discussion on. The draft development consent order requirement sixteen secures that the trenchless exit should be a minimum of fifty meters from mean Lowell Springs at Lace Norbrough, site of special scientific interest. In contrast, the REAC provision GH14 references forty five meters east of the continual coralline crack outcrop, Should the draft DCA requirement be updated to reference the forty five meter offset as well?

00:24:16:18 - 00:24:23:03

Sarah, quick shake for the applicant. I think we'll just have to take that away, but in principle I can't see why we can't agree to that.

00:24:24:02 - 00:24:29:15

Okay. Thank you. Did the Suffolk Council want to come in on that point?

00:24:37:09 - 00:24:59:22

Mark Mark Westman Smith for East Suffolk Council. Not explicitly. No. We further to the technical work that the applicants done and the commitment to exit to the east of the Coraline Crag, we are content. But it is right that, obviously, the DCO must match with that intention, so we will have a look at that as well.

00:25:01:05 - 00:25:02:06

Okay. Thank you.

00:25:03:29 - 00:25:27:15

Schedule one, works number six, the draft development consent order, makes provision for entry and exit pits across the whole of the trenchless crossing works area. Should the location of entry and exit pits be set out as a specific works number and geographically limited in scope? And this is a question for both East Suffolk Council and Thanet District Council. I'll start with the East Suffolk Council.

00:25:36:28 - 00:25:47:19

Mark Westmeadsmith for East Suffolk Council. Can I invite Lucy Goodman, who's on the online, to address you on that topic? I hope she's

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Do we have miss Goodman?

00:26:02:17 - 00:26:03:13

If we can

00:26:03:15 - 00:26:04:09

sir, if can

00:26:04:11 - 00:26:04:26

issue a

00:26:04:28 - 00:26:05:13

bit yeah.

00:26:06:09 - 00:26:11:22

I I I we'll ask we'll get in touch with her and ask her. And if not, we'll have to come back to you in in writing that.

00:26:12:07 - 00:26:16:21

Okay. Thank you. And Helen Johnson, Thanet District Council.

00:26:21:23 - 00:26:28:05

Good afternoon. Senate district council, Helen Johnson. Just going to pass over to my colleague, Luke Glover, who'll be able to help you with that. Thank you.

00:26:35:03 - 00:26:50:27

The global senate district council. Yes. It would be very useful to have that defined exactly, and Joe referenced. I have a question to raise later on at nine point three, which is regarding this as well. Thank you.

00:26:51:28 - 00:26:55:23

Okay. Thank you. And would the applicant like to respond?

00:26:58:22 - 00:27:00:24

I'm going to ask mister Homewood to address that.

00:27:03:00 - 00:27:36:17

So Andrew Homewood for the applicant. The applicant believes that exit location is geographically constrained through the commitments referencing Riak commitment GH fourteen to be a minimum of forty five meters east of the continual Coraline Crag outcrop. The boundary of that needs to be determined by survey, and so there needs to be some flexibility in the final exit location. But we think the insofar as Suffolk, in this case, the commitment does geographically constrain us.

00:27:38:21 - 00:28:03:10

I suppose my concern is at the moment, the entire corridor in both the landfill areas is defined as an area where entry and exit pits could occur. And clearly, that's a key area of concern for a lot of interested parties. So I'm just looking for some additional certainty that there's a clarified area where that can and can't happen. I appreciate the point about the the REAC. I don't know if there's anything further you want to add.

00:28:03:20 - 00:28:36:12

Andrew, I'm for the applicant. So in so far as the sensitive environments, Cordy and Craig in this in this case and South Marsh in in Kent. The Ria commitments off offset us from a distance from those

sensitive environments, and therefore, we believe we are seaward of the sensitive system and therefore avoiding the impact that you are trying to seek through a further geographic limit on the work. So we we believe we are meeting meeting that requirement.

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K. Thank you.

00:28:45:11 - 00:29:02:05

ESOFACouncil's deadline five responses comment that the proposed depth of burial is just sufficient to address its concerns about coastal erosion. Can the applicant confirm whether the REACT could be updated with a minimum depth of burial provision in the nearshore and foreshore area to address these concerns?

00:29:07:13 - 00:29:36:27

We believe that MEP zero two does does do this. This is a REAR commitment that specifies the minimum depth of lowering. What we could do is take that away and further refine for the landfalls. At the moment, it reads at the Kent landfall, targeted for blurring of one point five will apply. We could tighten the language to read minimum and add a similar sentence for the Suffolk landfall.

00:29:42:03 - 00:29:44:10

Could you give me that reference once again?

00:29:45:01 - 00:29:49:28

The applicant m e MPE zero two. We have commitment MPE zero two.

00:30:01:20 - 00:30:07:01

And, yeah, I think additional wording in relation to Suffolk would be helpful. Thank you.

00:30:18:27 - 00:30:21:21

Would East Suffolk Council like to comment on that point?

00:30:29:24 - 00:30:39:05

Mark Westmansmith from East Suffolk Council. Thank you for picking up that point. It is the point we made in rep five one eight nine in

00:30:40:28 - 00:31:14:20

response to second written questions. And we're grateful for the indication that the applicant is gonna look further at MPE o two. At the moment, as we read it, it doesn't go so far as to secure a minimum depth of twenty five meters. And as you pointed out, my client's concerned that that is the minimum acceptable depth. So if the applicant's going to go and look at that, we welcome that, and we'll review any amendments that come forward.

00:31:17:23 - 00:31:18:20

Thank you.

00:31:21:07 - 00:31:22:20

Can I just Can

00:31:22:22 - 00:31:24:13

you just clarify that point for a moment?

00:31:26:20 - 00:31:46:26

Andrew, I'm with the applicant. So the MPE zero two deals with depth of lowering from exit to exit along the offshore scheme. Just a point of clarification on the reference to twenty five meters and the minimum referred to by the stakeholder. If we could have that clarified in the context of NPE two.

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I'm doing

00:31:55:04 - 00:31:55:19

oh, yeah.

00:31:55:21 - 00:31:56:06

So I

00:31:56:08 - 00:31:57:28

think Mark Westman sorry.

00:31:58:20 - 00:32:02:03

Sorry, mister mister Westman Smith, if you want to go ahead.

00:32:02:27 - 00:32:03:28

Thank you very much.

00:32:05:19 - 00:32:36:06

Mark Westmith, Suffolk Council. The point that was made in response to two gen seventeen was in relation to securing an outline landfall construction method statement. And it was in that context where you said there needs to be a preconstruction survey and depth of cable burial under that survey level to an absolute minimum of twenty five meters. Your question, sir, as I understood it, referred to that and the twenty five meters.

00:32:36:13 - 00:33:05:23

And the response was, well, look at m p o two, and that deals with depth of lowering and refers to it being naught point five meters. So at the moment, I'm not sure those two points align, and MPE o two is a response to your question and our response to two gen seventeen. But if there is going to be further clarification on that, we'd welcome it.

00:33:07:03 - 00:33:25:18

So just for clarity for everyone, my comment related to the twenty five meters depth of burial at the foreshore to ensure there was sufficient depth, that if there was significant erosion, there wouldn't be exposure of the cable. So that's the specific point I'm looking to see addressed as part of the updates of the React.

00:33:51:11 - 00:34:11:04

Paul Norton for the applicant. I believe the reference to twenty five meters relates to the depth of the cable through the HDD section of the Suffolk Landfall, and that's relative to the crest of the Shingle Bank. Think that's the maximum depth.

00:34:18:22 - 00:34:45:07

At the moment, as far as I can see, there is nothing that secures that depth of the HDD drill at the nearshore, foreshore environment. What I'm looking to see is whether a depth, minimum depth, can be secured as part of the application to ensure that there is no uncovering of the cable if there was to be significant erosion in the foreshore area. So it's about expressing some kind of

00:34:47:02 - 00:34:51:06

minimum depth for the the cable in that location. Does that make sense?

00:34:51:08 - 00:34:57:26

Andrew, applicant, I think the question's clear, we'll take that away and come back in writing. Okay. Thank you.

00:35:09:11 - 00:35:26:23

Just linked to that point, just wanted to very quickly touch on, in the event that the cable became exposed in Suffolk in that nearshore or foreshore area, what is the likely mitigation solution that will be applied? So we're talking about the situation where you have substantial erosion.

00:35:49:22 - 00:36:08:10

Andrew, I'm with the applicant. The HDD arc across that area means that we are at significant depth, such significant depth that we think the the chance of erosion coastal erosion and exposing the Cape will be very unlikely to not possible.

00:36:09:26 - 00:36:16:22

We are proposing to monitor the the coast in this in this area. I think that is

00:36:22:20 - 00:36:58:22

we're proposing to monitor the coast. My colleague is just getting the NPE number for that, the commitment to assess coastal erosion with with time, but we think we can answer the question in so far as the design of the HDD puts it as as at significant depth, meaning that erosion and exposure of the cable is unlikely, if not impossible, in this location. So we would to your point about the minimum depth, we will take that away and think about whether we can commit to a minimum depth that precludes exposure of the cable in the area of concern.

00:37:00:25 - 00:37:01:12

Thank you.

00:37:02:17 - 00:37:27:13

Just for the record, yes, the relevant reference there is MPE06 for the sort of ongoing monitoring of the beach as it was originally stated. But through discussions with the environment agency just this

week, the wording of that has been modified to include the subtitle sections as well going out to the HDD exit.

00:37:31:14 - 00:38:09:17

So should we expect an update to the REAC at deadline six then? Yep. Okay. Thank you. I had one final question on this agenda item, which is that given the ecological designations of both the Suffolk and Kent Landfall locations, should open cut activity during operation and maintenance be excluded from the DCO at these locations or subject to a separate approval from the relevant planning authorities and SNCBs to ensure there's no potential for unassessed adverse effects on integrity for designated sites in Kent or likely significant effects in Suffolk during operation.

00:38:41:22 - 00:38:59:29

Sarah Kubashik for the applicant. So the Suffolk, it's not not an issue. There is a nuanced point about Kent. I'm going to ask mister Homewood just to deal with it. It may be that we take that away and respond in a bit more detail. But could mister Homewood just explain and respond to the point?

00:39:02:02 - 00:39:13:20

Andrew, I'm with the applicant. So just to the point on on Suffolk. The current position from the HDD exit onwards, so we the current plan is for the proposal

00:39:15:15 - 00:39:29:08

secured through the REAC and other commitments is a trenchless crossing at the Suffolk Landfall. But from the HDD the marine HDD exit onwards, the current proposal is to lower the cable with without open open trenching.

00:39:30:29 - 00:39:37:12

And so there is no current proposal in that regard. Insofar as

00:39:37:19 - 00:40:14:20

Sorry. What I'm I'm specifically concerned about on land. Once the once the cable comes on land obviously, in the marine space, we've accepted that during operation and maintenance, you may need to re excavate the cable. But on land, you have the situation that you would be affecting a designated site, and at the moment, you've provided no assessment of that impact during operation and maintenance. I So would be making recommendations to the Secretary of State that effectively said it's fine to authorize operation and maintenance activities when the designated site without any form of assessment showed that that is the case.

00:40:15:02 - 00:40:30:29

So that's the area I'm concerned. So it's either a case of it needs an assessment, and that should be provided, or it needs to be excluded from the application from being able to happen or need some form of control mechanism to ensure that there is a suitable form of assessment around that.

00:40:33:05 - 00:40:43:00

Run for the applicant. And apologies. We I guess we ended the banner marine physical environment. So we've got the marine team here. Can can we take that away and come back to you in writing?

00:40:44:04 - 00:40:49:09

Yeah. Of course. Apologies. this It's sort of the overlap because we're going from onshore to offshore.

00:40:49:21 - 00:40:53:16

So I think we we will have a response from mister Buckley.

00:40:53:28 - 00:41:12:27

Sorry. James Buckley on behalf of the applicant. Yeah. We're not gonna we have no intention to dig down onto the HDD at any point on either end. The purpose of the spare duct is there in case of an issue, and we won't have any land rights secured to dig down. So we've excluded access from the surface within the land rights.

00:41:31:27 - 00:41:33:27

Would you be able to confirm that in writing?

00:41:34:14 - 00:41:37:22

Yes. Booked in part of applicant. Yeah. We can put that in writing. Thank you.

00:41:40:16 - 00:41:51:08

And before we move on from that point, are there any comments from the local authorities, so either East Suffolk Council or Thanet District Council, if we start with East Suffolk?

00:41:59:04 - 00:42:03:28

Mark Wesson Smith, Fair East Suffolk Council. No. We don't have any further comments on that issue.

00:42:04:05 - 00:42:07:04

Thank you. Dannett District Council?

00:42:14:22 - 00:42:21:06

Luke Glover for Thanet District Council. No further comments following that that last response. Thank you.

00:42:22:06 - 00:42:23:14

Okay. Thank you.

00:42:28:03 - 00:43:01:08

If we move on to agenda item nine point three, use of pneumatic casing. So from the responses received to date, I don't consider the use of pneumatic casing is categorically ruled out. And in the absence of an assessment of effects for this activity, I'm considering whether use of pneumatic casing should be excluded in the DML or control documents and should be removed from the outline cable specification and installation plan. ESUFFORD Council suggested that use of casing could be addressed through the discharge of a landfill construction method statement or CMS requirement.

00:43:01:23 - 00:43:13:06

Now at present, the REAC provides for a landfill construction method statement in Kent, but there doesn't seem to be an equivalent provision for Suffolk. Could the applicant include an equivalent provision?

00:43:13:23 - 00:43:20:26

Yes. Sorry, appreciate for the applicant. We can we can do that. And we aren't intending to use pneumatic casings, so that can be excluded.

00:43:23:23 - 00:43:34:20

I think it's just the wording has been somewhat ambiguous. Obviously, we started with we will use pneumatic casing to we don't think we will use pneumatic casing. So I think we need just the certainty.

00:43:34:29 - 00:43:36:13

We'll tighten it up. Thank you.

00:43:43:07 - 00:43:50:06

Sorry. Specifically on the CMS point, will there be a CMS for the Suffolk landfill?

00:43:52:06 - 00:43:54:01

Sarah, appreciate. Yes, sir. There will be.

00:43:54:11 - 00:44:07:13

Thank you. And can I just turn to ESOFA council ask whether they have whether they're satisfied with that approach, securing the commitment through a REAC commitment?

00:44:11:07 - 00:44:39:29

Mark Westmans, Smithry Suffolk Council. If that is the approach, one, to eliminate the use of pneumatic casing, and two, to provide a CMS for Suffolk that will address our concerns. I see that I think Lucy Goodman has got her hand up. LG's got her hand up. So can I just invite her to come on and just make the point that she wants to make?

00:44:42:02 - 00:44:43:10

Yeah. Miss Goodman?

00:44:45:22 - 00:45:17:03

Hello. Can you hear me? It's actually there's a Luke Glover the the fan, I think, is also LG. So I I don't have any comments on the pneumatic case Sorry. Usage. But if you want, it's okay. Once you use that, then, yeah, it needs to be within the the options to be there within the TCO, and it needs to be probably impact assessed. And, yeah, we would welcome the the construction method statement in in advance of the HDD and all activities on the on the of the landfill.

00:45:17:24 - 00:45:19:27

That's all from East Suffolk. Thank you.

00:45:20:01 - 00:45:20:28

K. Thank you.

00:45:30:07 - 00:45:36:02

Miss Goodman, if you could just put your hand down, that would be helpful. Thank you. Or unless that is Luke Glover.

00:45:38:01 - 00:45:49:10

Yes. It is Luke Glover for FANUC council. Mirroring Suffolk council's comment, so I also have other question related to this. Shall I go ahead with that now?

00:45:51:20 - 00:45:53:22

Yes, please. If you could ask a question.

00:45:54:21 - 00:46:32:20

So with regards to the use of pneumatic casing, also relevant to other coastal foreshore issues. Clarification is sought on the applicant's definition of foreshore. It's related to the use of pneumatic casing amongst the other issues, as as I've said. But the applicant refers to the intertidal zone as offshore when it could be more specifically and accurately referred to as foreshore and nearshore. And I think yourself has actually clarified that in some of your comments earlier. And the Seawood HDD drill pit has been described as offshore, which may lead to the misunderstanding that the HDD pit is located further seaweed than it is.

00:46:33:10 - 00:47:07:09

That has now been clearly defined on drawings in in the latest suite of documents that were released as being located on the foreshore. That's how it should be defined as being on the foreshore rather than offshore. Furthermore, with regards to the drilling fluids referred to in seven point three design development two point three point six, the applicant states that bentonite is recognized on the OSPAR list of substances used and discharged offshore when referring to the Seawood drill pit, which is actually located on the foreshore.

00:47:09:26 - 00:47:10:15

Thank you.

00:47:10:17 - 00:47:20:11

Thank you. Can I just clarify, is it purely related to the impact assessment terminology, or are you talking about contents of the development consent order in this context?

00:47:21:24 - 00:47:36:08

It it's to do with the impact, but it's particularly about stating that it's recognized on the OSPAR list of substances used for offshore purposes, but it hasn't been clarified for foreshore purposes.

00:47:36:25 - 00:47:37:10

Thank

00:47:37:12 - 00:47:40:20

you. So it needs to be mitigated for the foreshore rather than offshore.

00:47:42:19 - 00:47:52:14

It sounds like an issue of just some clarification of terminology. Would you be able to look at that for deadline six in terms of potentially updating and tightening some of that wording?

00:47:52:16 - 00:47:57:01

Yes. Sarah, appreciate the applicant. Yes. We can. I don't know if miss Jones wants to add anything or that deals with the point.

00:47:58:22 - 00:48:16:24

Robin Jones on behalf of the applicant. I think just for clarity around the terminology around the offshore. As you're aware, we've got three aspects to this project. You've got Kent onshore, Suffolk onshore, the offshore scheme. And I think that's possibly where this

00:48:18:15 - 00:48:39:10

terminology is correcting. It's just what to do with the offshore scheme. But, of course, we can relook at the if it is the Pegwell Bay technical note that's been referred to here, then we can have a look at that to make sure that is clarity. But in terms of our assessment, the results and the conclusions are very much in terms of impacts to the foreshore or the intertidal as required.

00:48:41:08 - 00:48:46:17

Thank you. Can I just clarify, mister Glover, then is it relating to the technical notes specifically?

00:48:48:02 - 00:48:56:15

Yeah. That's that's the the main point I picked out, although offshore has been used throughout documents when it's ambiguous.

00:48:57:12 - 00:48:58:15

Okay. Thank you.

00:49:08:29 - 00:49:42:18

Unless there are any other comments on that particular agenda item, I'd like to move on to agenda item four nine point four. So this is relating to Pegwell Bay and the River Stour channel migration. So the updated Marine Physical Environment chapter acknowledges that although unlikely there's potential for River Stour channel migration to the north and proposes a five year monitoring plan to identify any potential changes in channel position. First of all, given the decadal nature of channel changes, is the environment agency satisfied with a five year monitoring approach?

00:49:50:19 - 00:49:58:10

Hello, everyone. So my name is Louise McKay from the Environment Agency. I brought my colleague with me today, Richard Chairman, who's an expert in this field.

00:50:00:03 - 00:50:20:09

Just to give you a little bit of an update in this on this area because it relates also to e a zero three two. We've been having discussions with the applicant in the last couple of days on this, and we are content that this issue can be resolved with a requirement to ensure

00:50:21:27 - 00:50:32:24

we've identified relevant trigger points where we're gonna have a monitoring contingency plan in place as a requirement. Richard, you can expand on the details about the length of time on monitoring plans.

00:50:35:00 - 00:51:09:14

Yes. Richard Chalmers from the Environment Agency. Yes. We met two days ago with the applicant discussing monitoring a monitoring plan, the details of which I will still need to see. But the my understanding is that we'll go with a fifty meter trigger of the mouth of the star from the cable, after which the cable would then be buried deeper to allow the mouth of the channel to continue to move, which I am satisfied with.

00:51:10:11 - 00:51:41:24

My most important objective here was to avoid any form of scour protection, retaining wall, sheet steel pile wall, or dredging of the mouth of the stour in terms of large quantities of beach material and and mud flat material. So I I'm satisfied with the the current status I understood two days ago, which was monitoring. I don't know what the periodicity of that monitoring would need to be.

00:51:41:26 - 00:51:48:02

I think that still needs to be agreed, but the distance of fifty meters feels correct.

00:51:49:21 - 00:51:52:20

Does that answer the question? I think it does.

00:51:52:22 - 00:51:55:07

In part. I'd say

00:51:58:08 - 00:52:32:05

my view, having reviewed the information and looking at the long term scale of changes, was that we potentially need a life time monitoring commitment to ensure that any changes over that very long term are picked up because, obviously, it's changing on decades or or more time scales. So that was points around the lifetime of the monitoring. The next part of my question actually related to the what was the dredging proposal in the deadline five documents, but I can see that's moved on.

00:52:32:19 - 00:52:58:28

I suppose the question though remains slightly the same, which is if you have to undertake this activity within the designated sites, what form of ecological assessments, habitats regulations assessment are we going to need either at this stage or some kind of trigger for assessment at a later stage to address that if it arises? So I I don't know,

00:53:00:14 - 00:53:09:17

mister Sharman, whether you've had any conversations about the habitat regulations, implications of the approach that you've agreed?

00:53:10:14 - 00:53:14:14

A little with biodiversity colleagues, but I've been

00:53:16:07 - 00:53:54:03

worried about water framework directive and wider scale impacts. So the water framework directive status of the stour would be deteriorated by the presence of a very retaining removal or constant dredging of of the beach material at the mouth. So I haven't really thought in great detail about the salt marsh, etcetera. But from my perspective, it feels that if we if we get an appropriate strategy that that accounts for the mouth of the stair moving, all of the rest falls into place in terms of salt marsh designated habitats east north of there.

00:53:55:24 - 00:54:05:28

Thank you. I'd like to turn to the applicant now then and sort of pose a similar question around the implications for the habitats regulation assessment.

00:54:07:21 - 00:54:17:17

Well, I'll see if Mr. Holm has got anything to add, but I think it would need to be there would need to be an assessment prior to the implementation of any mitigation measures. Do you have anything to

00:54:31:28 - 00:54:33:04

Yeah. Go ahead.

00:54:34:17 - 00:55:04:18

Andrew Haimouk for the applicant. So if it's acceptable, could we outline for you our position on the commitments to building on what we've agreed with the EA, if that would be helpful on the monitoring, then turn to any separate assessment or license. So we've had very productive discussions with the EA as recently as this week Monday. The principles agreed which would inform this emerging requirement and an update to commitment

00:55:06:06 - 00:55:46:00

MPE09, I think it is, are as follows. The River Style channel will be monitored throughout the operational life of the asset. Monitoring will be undertaken annually for the first five years following installation, after which the frequency and scope of the monitoring will be reviewed in consultation with the EA. Monitoring will be undertaken using a proportionate risk based approach to identify any material change in the channel or morphology or migration over time. A trigger for consultation with environmental agency will be if monitoring demonstrates that the river tower tower channel has migrated within fifty meters of the as built cable location.

00:55:46:26 - 00:55:56:26

And following consultation, any required mitigation measures will be agreed with the EA and approved by the relevant discharge authority prior to undertaking any medial works.

00:55:59:08 - 00:56:09:17

And then to your point about whether those remedial works require a separate process or license or HRA, I will hand to my colleague, Robin Jones, to answer.

00:56:11:25 - 00:56:39:26

Robin Jones, on behalf of the applicant. Yeah. Just to follow on from what Andrew said that once the proposed remediation have been agreed with the EAN stakeholders, we would then look to implement and obtain any relevant marine license and requirements, and that would include a separate HRA if needed once we knew what the activity which was required to take place. At the moment, assessing that would be incredibly until difficult we knew exactly what

00:56:39:28 - 00:56:40:13
that

00:56:40:15 - 00:56:46:12
remediation would look like. But we would apply for the separate licenses as required.

00:56:48:12 - 00:57:21:06
If I may, sir, just one further point that the remediation options and discussions with the EA, the most likely remediation option would be simply to rebury the cable, which could be achieved within the TCO constraints. And that is, we believe, the most environmentally appropriate solution as well, which has been confirmed by the EA. But obviously, we need to consider what remediation is required at the time based on the conditions, which would be agreed as we've outlined already.

00:57:23:17 - 00:57:27:14
Would the Environment Agency like to come back on any of those points?

00:57:32:28 - 00:57:33:22
Mr. Chairman?

00:57:35:04 - 00:57:56:05
Yes. Richard Chalman representing the Environment Agency. Yes. One yearly monitoring would be sufficient. The fifty meter buffer around the cable would be sufficient for one for one yearly monitoring. And then a a review after five years, I think, would be sufficient as well.

00:57:58:13 - 00:58:01:11
I still have concern that

00:58:03:18 - 00:58:23:22
the mitigation could be suggested at a later date as scour protection or retaining wall. So I think I'd I'd like to see that somehow in writing that it's not going to be a training wall. It's not gonna be scour protection. It's not gonna be dredging. Otherwise, we'd have to object to that at the point that that proposal came through.

00:58:25:27 - 00:58:31:15
No, sir. Thank you. And, applicant, is that is it possible to give some kind of comfort in writing?

00:58:32:18 - 00:59:05:21
Yeah. Discussions with the EA so far have been to not specify the exact remedial solution or exclude any others and rather to say that we would consult the EA on the range of remedial options and agree a suitable option, which would be approved by the discharging authority, in this case, the MMO. And

so we feel that there there there is an option available to the EA through the MMO to to reject particular media options at at that time.

00:59:07:12 - 00:59:07:27

Thank you.

00:59:24:14 - 00:59:37:21

I think that's it from my perspective on marine fiscal environment questions. Before I move on to agenda item ten, are there any other points in the room that people wish to make or online?

00:59:42:25 - 00:59:51:05

Thank you. We'll move on to agenda item ten, noise and vibration then. I'll just give the applicant a moment to shift seats.

01:00:41:13 - 01:01:12:15

Right. So item ten point one on the agenda is construction noise effects and mitigation. I've received a number of representations on construction noise and the uncertainty in the assessments due to lack of design detail and lack of committee mitigation. And I'm minded to include a section sixty one related requirement in the XA's commentary on the draft development consent order, and I have a model clause from Thanet District Council's response to second written questions that I'm considering.

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

The reference there is Rep five-two zero seven. Would the applicant like to comment on the use of a requirement to secure use of the section sixty one process?

01:01:24:16 - 01:01:32:04

You. Hugh Flanagan for the applicant. I'm going to hand over firstly to Mr. Gray, a noise specialist from Atkins Realist, to address that in the first instance, please.

01:01:34:28 - 01:01:36:14

Good afternoon. David Gray for

01:01:36:16 - 01:01:56:27

the applicant. Yes. We would absolutely accept the requirement for section sixty one applications. Following the the previous hearings, the local authorities made it clear their requirements for Section sixty one, and we're happy to update the

01:01:58:13 - 01:02:18:21

outline construction noise and vibration management plan, the section relating to Section sixty one's in line with their request. That Section sixty one's are undertaken in line with their requirements and request in terms of how frequently they want them and things like that. So they would drive the section sixty one process.

01:02:27:12 - 01:02:34:14

Thank you. Would East Suffolk Council or Thanank District Council like to comment on that point?

01:02:40:02 - 01:02:41:22

If we start with East Suffolk Council.

01:02:43:18 - 01:02:56:00

Mark Westman Smith for East Suffolk Council. We certainly support the principle of a section sixty one requirement. We set out proposed

01:02:58:11 - 01:03:14:15

wording and approach in our response to two n v three, which is in rep five one eight nine, which had a bit more detail in it, particularly. Certainly, we're very keen to see the principle of that

01:03:16:01 - 01:03:23:00

find its way into the DCO. I have Mark Kemp with me. Can I just ask if you want to comment on on that?

01:03:24:06 - 01:03:56:25

Mark Kemp, East Suffolk Council, principal environmental protection officer. Yeah. I'd I'd I'd second that. We we, you know, welcome the the principle of using section sixty one without looking at at its proposition. It's a it's a little difficult to sort of, like, accept it verbatim immediately. I think it's slightly different to to what what we were suggesting in terms of where it exceeds category a thresholds and such like.

01:03:56:27 - 01:04:13:05

I think we're suggesting we would prefer for for all works rather just significant ones. But I just need to have a look at what they're proposing. It may be that that suit does our purposes as well, but at the moment, I just need a bit of time to consider that.

01:04:14:01 - 01:04:17:26

Okay. Thank you. I'd like to ask Thanet District Council to come in now.

01:04:19:17 - 01:04:50:29

Yes. Thank you. I well I welcome you considering our draft condition on on section sixty ones. I did also want to see whether the applicant would consider an amendment to the re react n v o three, and that's the section where it's requiring the contract to carry out a detailed noise and vibration study. But it's to add on as a a a sort of line that says that all updated assessment shall be submitted to and reviewed and agreed by the local planning authority prior to implementation.

01:04:51:08 - 01:05:21:21

That's the precursor to determine whether a section sixty one is really needed. So the assessments carried out by the contractor using suitably qualified acoustic consultants, if that's submitted to all the local authorities at that point, environmental health teams can assess the construction impacts. And then if they are significant, require the section sixty one, which was incorporated into the outline CN VMP. Thank you.

01:05:21:23 - 01:05:25:12

Thank you, miss Barry. Can I ask the applicant to respond on that specific point?

01:05:27:12 - 01:05:40:03

Yes. David Gray for the applicant. Yeah. We we we agree. So the intention is to word it such that it's driven by the requirements of the local authority. So for example, if

01:05:42:03 - 01:05:59:17

the Senate District Council require a sort of pre assessment by the contractor prior to Section sixty one, that's perfectly acceptable. The Section sixty one would then formalize the mitigation if deemed that it needs to go through a Section sixty one application.

01:06:01:16 - 01:06:13:12

East Suffolk District Council had taken the view of having an overarching or Section sixty one for all works. But I'm minded to have the wording such that

01:06:16:10 - 01:06:37:13

whether they want to continue receiving section sixty one is on them to determine. Just mindful that they can be quite labor intensive, so we don't necessarily want to commit them to endless section sixty one. So it it will be driven by by what the local authority want to want to see.

01:06:38:23 - 01:07:01:11

And what I'm hearing from the three parties is sort of similarity but a slight set of discrepancies in terms of approach. Would it be possible to have a tripartite meeting where you get together with the local authorities and agree a formal set of words as a requirement and put that to us.

01:07:02:29 - 01:07:42:12

Hugh Vang of the applicant. Yes, I think I can certainly say we can try to achieve that and see the sense of it. Can I just on a point of where it sits, I think our intention was that we would amend by deadline six the management plan to, I think, reflect some commentary from the local authorities about the Section sixty one approach? Obviously, you just mentioned there the alternative approach of including it in the face of the DCO requirement rather than management plan. So we'll take that away, but I think our current approach is management plan, but we'll obviously, that could be a point for discussion with the authorities, if I could just indicate our current thinking on that.

01:07:43:04 - 01:07:52:02

Okay. Thank you. I appreciate that I've just volunteered both local authorities for meetings. Can I just get confirmation that you'd be happy with that approach?

01:07:54:01 - 01:07:54:28

East Suffolk?

01:07:56:01 - 01:08:01:17

Well, vice president Smith for East Suffolk Council. Yes. Of course. We are very happy with that approach. Thank you.

01:08:02:13 - 01:08:04:08

Thank you. And miss Berry?

01:08:04:23 - 01:08:07:19

From Sandwich district council, yes. We're we're happy for that. Thank you.

01:08:08:03 - 01:08:13:14

Thank you. And I see we have a hand from mister Thornley Taylor.

01:08:16:13 - 01:08:51:27

Thank you, sir. I just need to warn about the problem with section sixty one because it is subject to the best practicable means limit on what you can achieve through the use of that notice that we're we're still relying on a broad assumption that a ten dB or more reduction in noise can be achieved. And we as far as I know, we're still being informed that construction noise levels will be subject to further detailed assessments by the contractor.

01:08:52:12 - 01:09:31:09

A ten dB reduction is a very big reduction for construction noise plant. I mean, it's a reduction of ninety percent in terms of energy, and it's not at all uncommon for there to be cases where you cannot practicably achieve that amount of reduction because we haven't currently had the detailed assessment. We haven't been through a plant list for the site looking at sound power levels of each item of plant, doing plant by plant contributions to the overall noise level, and looking at the actual engineering means, the specific engineering means for achieving the reduction we need for each item.

01:09:31:11 - 01:09:57:22

We could well end up with a case where the contractor says there is nothing practicable further that can be done to reduce the noise, and the result is still above the threshold of significant effects. And there's nothing that further that can be done. The section sixty one process has its place and is widely used, but it has that very severe limitation. And, normally, we would have more detailed information at this stage.

01:09:57:25 - 01:10:11:04

Mention, mister Taylor, you've made that point several times throughout your written submissions. I'm I'm well aware of the point. The applicant has responded to those points in writing, but would you like to very briefly respond at this point in time?

01:10:12:08 - 01:10:17:23

David Gray for the applicant. Yes, we've responded in response to question two NV4

01:10:19:10 - 01:11:01:14

on that point that it's not a blanket ten dB reduction, but rather the assessment considers worst case assumptions throughout in terms of the activities and the tasks associated with those activities and the plant associated with those tasks, considering the nearest distance to the works, including beginning to count the limits of deviation, assuming all activities at every receptor. So it's considered thirteen thirty dwellings across the Sulfuric and Kent, each one considering every activity at the nearest considering the nearest distance without mitigation.

01:11:01:29 - 01:11:04:25

So even by simply refining those assumptions

01:11:06:13 - 01:11:34:25

when the contract finally comes along and the limits of deviation reduced and they consider the specific plant they will use and the specific methodologies and the timing of works, even without mitigation, those noise level will reduce simply by refining the assumptions. And then mitigation will be on top of that. So it's a very detailed assessment has been undertaken. The outcome is just a very simple worst case one, but the underlying assessment is very detailed.

01:11:38:09 - 01:11:49:29

I think the points around the processes we've put in around the commitments for reassessment with regards to NVO one, NVO three,

01:11:52:13 - 01:11:55:09

NV06, NV08 and NV10

01:11:58:01 - 01:12:16:28

simply ensure that reassessment is undertaken, mitigation is determined by the contractor and through then the change we'll make to the section to the Align Construction Noise and Vibration Management Plan, the section sixty one process will then just formalize that for the local authorities.

01:12:18:01 - 01:12:19:05

Thank you.

01:12:21:00 - 01:12:23:07

I'd like to move on now to

01:12:25:05 - 01:12:32:08

well, before we start, would it be possible to display the marine on pathology figures at Rep five dash zero three two?

01:12:49:11 - 01:12:54:02

Could we scroll down to the next one? Is that the bottom one?

01:12:55:18 - 01:13:07:00

Know that. I just wanted to ask the applicant. The modeling suggests that vehicle noise levels may be elevated

01:13:08:15 - 01:13:23:18

throughout the hoverboard. Presumably at the point where the figure is cut off, there is an increase in noise levels for properties on Sandwich Road that are close to the hover port access.

01:13:25:25 - 01:13:39:10

And can the applicant comment on whether the construction vehicle noise assessment as it currently stands reflects the most recent information provided in respect of noise in Pegwell Bay from the construction method statement

01:13:41:01 - 01:13:53:16

construction method technical note and from these recent pieces of assessment? And whether any mitigation is likely to be required in respect to twenty four hour vehicle movements in this location?

01:13:54:20 - 01:14:03:11

Yeah. David, great for the applicant. This falls into that idea of the overlap between the onshore and terrestrial works.

01:14:05:26 - 01:14:12:21

The onshore works that I've been involved with directly consider

01:14:15:08 - 01:14:28:23

the the traffic movements to the to the Hoverport location, and and that's reflected in the construction noise some vibration management the construction noise output figures.

01:14:30:16 - 01:14:34:21

We may just have to take that point away to clarify in relation to the

01:14:36:13 - 01:15:03:02

offshore works. I'm particularly concerned about that point where, effectively, the road comes up up to me, the Sandwich Road, and you've got some residential properties on the opposite side of the road who are likely to be subject to quite high noise levels of the vehicles coming on into and out of the hover port. And potentially, if that traffic is twenty four hours, that will be could be impactful. So it's that particular point I'd like to to understand a bit more.

01:15:03:04 - 01:15:04:22

Yeah. If we could hit that other way, that would be

01:15:05:04 - 01:15:11:23

So if we have an action as a a technical note just to explain exactly what's happening at that location. Thank you.

01:15:15:11 - 01:15:17:28

Have a hand up. Mister Thorney Taylor?

01:15:23:18 - 01:15:27:21

Thank you, sir. Sorry. It's My hand has gone down, I hope.

01:15:27:28 - 01:15:33:18

Apologies. There's a slight confusion on the the screens that we're looking at. I think it's actually the Suffolk satellite.

01:15:38:15 - 01:15:42:11

Thank you, sir. Only if the councils have finished speaking, have they?

01:15:44:15 - 01:15:46:08

It's fine if you'd like to proceed.

01:15:46:10 - 01:15:48:03

Okay. Thank you. Yes. So

01:15:49:21 - 01:16:24:10

our lived experience is because the background level of noise is very quiet here, you know, air of tranquility, is that any noise does travel a large distance, especially depending on weather conditions. And the point I wanted to make is, could you ask for further rationale as to the one thousand five hundred households? How's that been calculated? Because there's certainly a lot more residential properties that would be subject to hearing noise and those walking past as well or driving past.

01:16:24:22 - 01:16:30:19

And also mention, please, of receptors who might be vulnerable due to age. Thank you.

01:16:32:07 - 01:16:32:29

Thank you.

01:16:35:06 - 01:16:47:20

I'll turn to the African very briefly. If you'd just like to touch on the point about the one thousand plus receptors. I think I know the answer to this is based on the study areas presented in the environmental statement, but if you'd like to very quickly just come back on that.

01:16:47:22 - 01:16:54:26

David, great for that. Yes, that's correct. The study area for construction noise is three hundred meters from the order limits.

01:16:57:27 - 01:17:04:11

Houses beyond that distance. So there are some where it been has assessed beyond that distance,

01:17:05:29 - 01:17:10:16

just for a bit of margin in those distances.

01:17:12:13 - 01:17:24:12

Noise levels will be lower in the worst case receptors have been assessed, and the three hundred meter distance takes us to adverse effect levels and all of them.

01:17:24:14 - 01:17:30:19

Thank you. And if you could just touch very briefly on the point that it is exceptionally low background noise level.

01:17:30:21 - 01:18:03:06

Yes, David, great for the applicant. Yes. So the it is low background and ambient noise levels in that area around Saxmandom and down through the Suffolk onshore scheme. The construction noise assessment has considered the lower threshold of the ABC method from BS five thousand two hundred twenty eight with no consideration of higher threshold even where they may apply sectors closer to road.

01:18:03:08 - 01:18:10:00

So we've assumed the worst case lower threshold, the category A threshold from BS five to twenty.

01:18:10:22 - 01:18:15:09

Thank you. And noticed I've got a hand up EA.

01:18:19:14 - 01:18:21:09

Sorry. It's saved Mr. Marshes.

01:18:22:20 - 01:18:24:03

Thank you, sir.

01:18:25:24 - 01:18:56:25

We just had a discussion on the hoverboard, so I thought I'd, if possible, ask this question now. I'll make this point now. Now following issues with specific hearing two, there are a number of action points, and action point sixty eight related specifically to noise and vibration. One of the points there was in respect of some of the noise mapping work, which assumed that the hoverboard was soft ground rather than hard ground. Got an area that's gonna be largely hard standing.

01:18:56:27 - 01:19:28:19

And I think the response from the applicant to that was that adding an area of hard ground would create an inaccuracy in some of the modeling work. And given its likely negligible influence on the overall results, it wasn't proportionate to model it in such a way. I was just wondering if I could put this through the panel given that we have experts on behalf of the applicant here, where they could perhaps speak to that point and essentially

01:19:28:21 - 01:19:33:20

Thank you. Yeah. I would like to hear a a response to that point.

01:19:38:02 - 01:19:55:01

So first, this relates slightly to the overlap in the onshore and offshore works. I've not been directly involved in those works. If it is an area of hard standing, would think that a hard ground correction be used.

01:19:55:27 - 01:20:24:05

No. The applicant has used a soft ground assumption for the hoverboard, which I found quite strange, to be honest. And I was a little surprised with the response that came back. So I think perhaps as part of your technical note responding on construction traffic, and the reason I was asking about whether it's hard or soft ground, was primarily in respect of traffic noise and its propagation to the residential properties on Sandwich Road. I would like you to pick that up as part of that technical note, please.

01:20:24:07 - 01:20:29:09

David Gray for the applicant. Yes, we'll put that to the appropriate team to respond on that.

01:20:29:11 - 01:20:30:05

Okay. Thank you.

01:20:36:25 - 01:20:46:00

I just wanted to hear from Fanning District Council whether it had any particular comments on the construction vehicle noise assessment in Pegwell Bay.

01:20:49:14 - 01:20:54:08

We are content with the methodology used. No no further comments.

01:20:56:27 - 01:21:01:02

Thank you. And I have a hand up. I think it's is that mister Stevens?

01:21:03:11 - 01:21:44:10

Yes. Yes, mister Stevens. Just picking up on the point of the at the hoverboard. I welcome the applicant having another look at that because I shared your concerns on it seemed a liturgy thing to not do the hard standing. But as an additional point, that concrete is a very good conductor of sound, and I wonder if the applicant had considered doing modeling for surface or r waves because that's particularly pertinent on the hover port site because it is known to be home to rare species of invertebrates.

01:21:44:27 - 01:21:59:07

And this this vibrational sound will travel very rapidly, and these reptiles are on the surface or just below the surface in cracks. So that would have a major a significant effect on those rare species. So thank you.

01:22:00:02 - 01:22:10:11

Thank you, Mr. Stephens. I'll put that to the African. I don't think I've seen an assessment with R waves in recent time. Could you comment? David, for

01:22:10:13 - 01:22:22:17

the African. There's a few aspects in there. Obviously, strays into ecology as well. I think it's worth a separate response on that point. Thank you.

01:22:28:25 - 01:22:46:13

I appreciate we're we're flitting around slightly, but we'll come back to Suffolk. East Suffolk Council suggested that one hours one hour start up and close down either side of core hours does not appear to have been factored into assessments or mitigation. Can the applicant explain whether this is correct?

01:22:51:19 - 01:22:52:28

David Gray for the applicant.

01:22:56:27 - 01:23:00:19

The one hour start of the shutdown periods would be

01:23:02:17 - 01:23:35:23

assessed according to the appropriate time to the ABC threshold for the time that they occur based on the works that are being undertaken during that time. There shouldn't be noisy activities during those periods, but any works undertaken will be assessed appropriately assessed to the appropriate limit for the time that they occur from the ABC method. And that would be reflected in the contractors assessment and then subsequently through

01:23:37:09 - 01:23:38:10

the section sixty one.

01:23:41:08 - 01:23:57:10

I think the specific concern, though, was in relation to the current assessments that have been submitted for construction noise by the applicant. So question is, has that one hour start up and shutdown been assessed within the current noise assessments?

01:23:58:02 - 01:24:11:02

David Gray for the applicant. Not directly, but it's related to the non daytime working. So it would fall under that aspect of the assessment.

01:24:15:00 - 01:24:27:18

But we wouldn't expect any plant to be operating during those periods. And if there were, they would be subject to the assessment and constrained accordingly.

01:24:30:15 - 01:24:33:23

Would East Suffolk Council like to come in on that point?

01:24:46:02 - 01:24:52:02

Mark Westerman Smith for at East Suffolk Council. We'll reflect on that and come to back you,

01:24:53:25 - 01:24:55:08

sir, if that's okay.

01:24:56:26 - 01:24:59:15

Please do. I assume that'll be for deadline six.

01:25:04:19 - 01:25:07:01

Yes. It will, sir. Yeah. I

01:25:09:05 - 01:25:10:14

have a hand. GB?

01:25:13:03 - 01:25:42:01

Yes. Good afternoon. Again, it's Geraldine Balkin from Saksmondon Town Council. I did note within the applicant's description for the for the shoulder hours, as we call it, that that includes plant maintenance. It would include starting up a vehicle. Now I'm very concerned about this because it will be adjacent to the the compound where these vehicles will probably be held. Could be adjacent

01:25:42:03 - 01:25:46:18

Thank you, miss Barker. Do you have a technical point on the content of the assessments?

01:25:46:20 - 01:25:50:15

Yes. Could I could I ask that this that no

01:25:52:06 - 01:25:56:18

start up and of maintenance of vehicles is undertaken at that time?

01:26:00:01 - 01:26:08:05

Thank you. I think the applicant if apologies if I'm speaking out of turn, but I think the whole point is that it really is for that sort of activity.

01:26:16:07 - 01:26:29:26

James, booking them all afternoon. Yeah. The the whole point of the period either side of the working hours is to to ensure they're ready for the working hours. So it would be take home maintenance, getting things ready, warmed up to go. So it is the point. Yeah.

01:26:33:11 - 01:26:33:26

Thank you.

01:26:36:08 - 01:26:50:08

I'd like to move on to my next question. Can the applicant explain why fifty decibel noise limits on the shoulder hours could not be applied as per requirement seven of the Bramford to Twinstone DCO as suggested by Suffolk County Council?

01:26:57:20 - 01:27:05:18

David Gray for the applicant. The proposal would be for the ABC threshold for that appropriate period to be applied.

01:27:16:03 - 01:27:20:20

Sorry. Can you remind me what the thresholds are? Forty five dB?

01:27:22:07 - 01:27:40:11

Yes. So forty five dB at night, sixty dB during daytime weekday daytime periods and sat Saturday mornings, and fifty five dB in on evenings and weekend periods. And, yeah, those Saturday afternoons and some Sundays.

01:27:41:22 - 01:27:45:00

Would Suffolk County Council like to respond?

01:27:46:25 - 01:27:59:06

No. It's fine. Suffolk County Council. We might come to back that point in writing if that's okay, sir. We're just trying to figure out in what representation we originally made that fifty decibel recommendation. We

01:27:59:23 - 01:28:03:04

I have a note that it's rep two dash zero one four.

01:28:19:06 - 01:28:39:17

So it's in Suffolk County Council. Just we will come back on the technical point in detail. In general terms, we we've fallen behind the district on technical matters of noise. We're obviously concerned about noise from a public health perspective primarily. But if there's specific matters on that threshold, we will respond in writing a deadline six.

01:28:41:05 - 01:28:49:15

Apologies. That rep number is actually not correct. I've just double checked it. I'll confirm after the after the break what that number is.

01:29:04:28 - 01:29:36:06

And my final point on this gender item, and then we'll break, is in n v in one n v thirteen, I asked about the use of white noise alarms to reduce vehicle noise in response to a number of reps raising this issue at Friston. And I note that over the last day, we've had quite a number of comments about reversing alarms, cravings of noise nuisance. The applicant responded that use of white noise reversing alarms would be considered as part of the application of best practical means alongside other potential constraints, such as site safety.

01:29:36:09 - 01:29:45:07

Can the applicant explain what safety risks are associated with white noise reversing alarm, which I understood to be relatively established practice on construction sites?

01:29:52:24 - 01:30:23:23

David, if we could take that away. I think the intention is certainly to use them where practicable. I think it's there may be situations where it's not that are unforeseen, where it may be best to use a non white noise alarm, but there's no specific situation we're thinking of in that regard. But just so does the option if it is required from a safety point of view to to to do that. It is the intention.

01:30:24:05 - 01:31:02:15

Okay. I suppose what we've got here is a is a clear message from members of the public that something is causing a noise annoyance. And it seems like a fairly simple thing to address through a change in the types of alarms that are used on the construction vehicles. So if it's not if you're not able to commit to a full use of white noise reversing alarms, then at least a sort of commitment to the majority of vehicles using or an intention to try and source vehicles that are using white noise vehicle reversing alarms just to reduce that impact.

01:31:03:16 - 01:31:09:11

Yes. You flagged the applicant. The point's understood. We reflect on that and take it away and come back with something.

01:31:09:13 - 01:31:30:11

Okay. Thank you. In that case, that brings me to the end of agenda item ten point one. The time is now three thirty one. We'll recommence at three forty five. For those of you who are watching on the livestream, please do refresh your screens. Can I come back to you after the break, Mr Mackey?

01:31:32:26 - 01:31:33:17

Yes.