

File Name: Draft Development Consent Order_Part 1-MP3.mp3
File Length: 01:41:20

FULL TRANSCRIPT (with timecode)

00:00:11:11 - 00:00:20:09

Good morning. Before I begin, can I confirm that I can be seen and heard clearly? And can I also confirm with Mr. Johansson that the live streaming of this event has commenced?

00:00:22:26 - 00:00:33:24

Moving. Mr. Macarthur, I can confirm that. I can see clearly. I can confirm that the recording has started. And I can confirm that the live stream is up and running.

00:00:34:16 - 00:01:04:21

Thank you very much. The time is now 10 a.m. and this first issue specific hearing in relation to the Hornsea Project four onshore wind farm is now open at today's issue specific hearing. We will be considering the draft development consent order. My name is Robert MacArthur. I'm in charge of the architects, and I've been appointed by the Secretary of State to be the member of a panel of inspectors to examine this application. Today, I will be going through the management of the events and introductions, and one of my colleagues will be taking notes of any actions.

00:01:05:10 - 00:01:07:14

I will now ask my colleagues to introduce themselves.

00:01:09:12 - 00:01:15:23

My name is Steven Bradley. I have a background in development and capital project management and a chartered architect.

00:01:21:13 - 00:01:29:10

Good morning. My name is Jo Downing. I'm in charge of Tamanna and I've been appointed by the Secretary of State to be the lead member of the panel. And I will be leading today's discussions.

00:01:31:07 - 00:01:36:13

Good morning. I'm Gavin Jones on the planning inspector. And I'm a charter time planner.

00:01:38:21 - 00:01:48:00

Good morning. My name is Andrew Mahon and I have a background in Ecology and Environmental Impact Assessment and I'm a chartered environmentalist and a chartered landscape architect.

00:01:50:12 - 00:02:24:24

Thank you all. Together we form the examining authority. There are three more colleagues from the Planning Inspectorate with us today. You will have all spoken to Mr. Johansson, the case manager for this project in the Joining Conference. I would also like to introduce Caroline Hopewell, Andre Reyes, as far also from the case team. In addition, there is a technician from CBC International who is attending solely for the purpose of managing the recording and livestreaming the hearing. If you have any questions regarding the application process in general, I would ask that you please email these to the case team who will be happy to help.

00:02:27:11 - 00:02:36:05

At first, they would stay with a few housekeeping matters which are specific to a virtual event, as some of you here today may not have attended one of the previous virtual hearings.

00:02:37:20 - 00:02:49:09

Firstly, can I ask that all audible notifications for electronic devices be switched off? And please remember to make sure your microphones are switched to mute unless you're speaking. This helps to reduce background noise.

00:02:50:27 - 00:02:59:02

No requests have been made for any special measures or arrangements to enable participation in this hearing. But I would just like to confirm at this stage that this is correct.

00:03:02:14 - 00:03:31:10

I'm seeing their hands raised, so I will assume that that is the case and carry on. Please note that the chat function in teams is not being used today, so please do not send any messages via chats as it's not being monitored. If it's any points in the meeting, you can't hear us or wish to speak. Can I ask that you turn your camera on if it's turned off and use the raised hand function, it seems. Please be aware that there may sometimes be a delay before we can acknowledge this, but that your patience for waiting to be heard is appreciated.

00:03:33:02 - 00:03:40:22

Mr. Johansson will have explained what to do if you lose your connection and we are able to adjourn for a short period if there are any more significant connection problems.

00:03:42:13 - 00:03:58:00

We will adjourn for a short break at a convenient points in the agenda. Ideally, no more than every 90 minutes or so. But it's for medical or other reasons. Anybody requires a break at a specific time. Could you please let the case team know and we can, if possible, adjust the programs to meet your needs.

00:04:00:03 - 00:04:13:04

For the purpose of identification and for the benefit of those who may listen to the digital recording later. I will ask that at every point at which you speak, you please give your name. And if you're representing an organization or individual whom it is that you represent.

00:04:14:26 - 00:04:20:01

Does anybody have any questions or concerns about the technology or the general management of today's events?

00:04:23:16 - 00:04:47:17

Again, I'm seeing no hands raised, so I will move on to the digital recording. There is a digital recording being made of this hearing and this will be made available on the project page of the National Infrastructure website. If you take part in the hearing, it's important that you understand that your comments will be recorded and that the digital recording will be published and retained usually for a period of five years from the Secretary of State's decision.

00:04:49:11 - 00:05:25:01

As such, the Planning Inspectorate is subject to the General Data Protection Regulation. It is very unlikely that the Examining Authority will ask you to put sensitive personal information such as email addresses and economic, financial, cultural or health related matters into the public domain. Indeed, we would actively encourage you not to do that. However, if for some reason you feel that it is necessary for you to refer to sensitive personal information, we would encourage you to speak to our case team in the first instance. We would then explore with you whether the information could be provided in a written format, which could then be appropriately redacted before being published.

00:05:26:15 - 00:05:40:28

Please bear in mind that the only official record of the proceedings is the digital recording that will be placed on the project page of the website. Tweets, blogs and similar communications arising out of this meeting will not be accepted as evidence in the examination of this application.

00:05:43:06 - 00:05:46:16

Moving on now to the purpose of holding this issue specific hearing.

00:05:48:04 - 00:06:21:11

Today's hearing is being held at the request of the examining authority who wish to explore a number of matters orally in respect of the draft development consent order. I would like to take this opportunity to remind you that the examination is a predominantly written process. The Examining Authority have already asked a number of questions on the draft development consent order in our written questions, which can be found on our examination library reference TD Dash 006.

Furthermore, as you will have seen from the examination timetable, there are further rounds of questions and opportunities for hearings proposed.

00:06:23:08 - 00:06:50:18

The purpose of this examination is for the examining authorities to examine the information submitted by the applicants and also by interested parties. All the questions on affected persons. As a result, I would like to reassure you that we are familiar with the documents that you've sent in. So when answering a question, you do not need to repeat at length something that has already been submitted. If you want to refer to information already submitted, we would be very grateful if you could please use the appropriate examination library reference.

00:06:52:07 - 00:07:05:04

Furthermore, could I please ask that the first time you use an abbreviation or an acronym that you get the full title, there will be people here today or listening to the digital recording. You may not be as familiar with the application or the documents as you are.

00:07:06:27 - 00:07:21:24

Last week said that the majority of the discussions will be undertaken by those parties that have requested to speak. This is a public examination and therefore, if there is a point that you want to make, please feel free to raise your hand switch on your comment at the relevant time that you wish to contribute.

00:07:24:00 - 00:08:05:29

Today's hearing will be a structured discussion, which Ms. Dowling will lead based on the agenda that has already been published. The purpose of this discussion is for us to ask questions and to seek clarification on matters related to the draft development consent order with the aim of ensuring that we have all the information that we need to make our report to the Secretary of State. The questions that we're going to ask today will be focused on those areas where we need further information or where we think the issues would benefit from examination orally. I therefore like to take this opportunity to reassure you that whilst we may not be asking a specific question or covering a specific particular topic that you were expecting, it is not necessarily the case that we believe that this matter has been fully addressed.

00:08:06:22 - 00:08:15:06

It merely indicates that we consider that we have the information that we need on this topic, all that we are proposing to examine it at a later hearing or through further written questions.

00:08:17:03 - 00:08:27:22

Finally, I'd like to remind everyone that this is not an inquiry. And therefore, unless the examining authority have specifically requested or agreed, there will be no formal presentation of cases or cross-examination.

00:08:29:10 - 00:08:34:08

As such, any questions that you may have for all the parties need to be asked through the examining authority.

00:08:35:24 - 00:08:49:15

Before I turn to the agenda, I should state for the avoidance of any doubts that we will be using the latest version of the draft development consent order as submitted by the applicants at that point, to which examination might be reference ref 2-061.

00:08:51:29 - 00:09:01:07

Rule 14. Two of the examination procedure rules requires that at the start of a hearing, the examining authority shall identify matters to be considered at the hearing.

00:09:02:25 - 00:09:30:08

The agenda for these hearings was placed on the respective websites on the 23rd of March 2020 to. Following submissions, a deadline to the examining authority took the opportunity to reorder the agenda so that the proposed protective provisions that would manage the interface between the applicants and those an insurance partnership law represented by BP, has, for reasons that will be explained later removed, be moved to the end of the agenda. The updated agenda was published on the 7th of April 2022.

00:09:32:15 - 00:09:57:08

We consider the main items for discussion today are articles and schedules of the draft development consent order requirements and conditions. Protective Provisions. Documents to be certified. Securing of habitats, regulations, assessment or HRA compensation measures that have been advanced on a without prejudice basis and consents, licences and other agreements including any transboundary matters.

00:09:59:23 - 00:10:09:19

Please note that today's agenda is for guidance only. We may add other issues for consideration. As we progress, we will seek to allocate sufficient time to each issue to allow for proper consideration.

00:10:11:07 - 00:10:18:15

Should the consideration of the issues take longer than anticipated, it may be necessary to prioritize matters and defer others to further written questions.

00:10:20:15 - 00:10:38:28

As I've mentioned, because this is a virtual event, we will adjourn for short for short breaks at convenient points. You can stay logged in teams throughout the break, but please ensure that you switch off your cameras and microphones if you do lose connection. Use the same links that you use to log on this morning and the case team will endeavour to reconnect you as soon as possible.

00:10:41:01 - 00:11:12:07

Finally, it's important that we get the right answers to the questions that Ms.. Dowling is going to ask. At this stage, it's worth reiterating that this is a predominantly written process. Therefore, if you cannot answer the questions that are being asked or require time to get the information requested, then rather than giving a restrictive or potentially incorrect answer, please indicate that you need to respond in writing. We can then defer the response either to an action point to be submitted at

deadline three, which is the 21st of April 2022. What if either under written questions or they said hearing?

00:11:14:10 - 00:11:23:01

So before we move on to deal with the items detailed in the agenda excuse me, are there any questions at this stage about the procedural side of today's hearing?

00:11:26:11 - 00:11:57:10

Again, I'm seeing no hands raised. So I will move on to the introduction of the participants today. The case team have provided me with a list of those interested and other parties who have expressed a wish to be heard today. Those persons or people representing the following organizations or states who are the applicants? East Riding of Yorkshire Council BP Exploration Operating Company Ltd. The Maritime and Coastguard Agency, Neo Energy, S.A.

00:11:57:12 - 00:11:59:14

Ltd and Trinity House.

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

I've also been advised by the case team that the following organisations will not be attending today's hearing. The marine management organisation, the Environment Agency and the Royal Society for the Protection of Birds.

00:12:14:10 - 00:12:32:03

The Marine management organization have advised us that in the interests of efficient team resource management, they will not be attending today. However, they have reviewed the agenda and yesterday submitted comments in writing on the agenda items that they considered relevant to them. These can be found in the examination library at reference

00:12:33:18 - 00:13:07:29

031. The Marine management organization have also advised that they are happy to address any further points in writing as part of any further written questions from the examining authority. As the examining authority has a limited time in which to examine the application. The intention is that there still will be consideration today of a number of points of interest to the marine management organisation at the relevant points in the agenda and that in the interest of efficiency. The Marine Management Organized organization will be invited to provide a response as in action points at headline three rather than defer the matter to further written questions.

00:13:10:02 - 00:13:24:03

The Environment Agency also in lieu of attending today submitted a statement yesterday with examination library reference AS Dash 030 providing an update with regards to discussions of protective provisions on the proposed crossing of Watson Bay.

00:13:26:17 - 00:13:37:25

Having reviewed these submissions, the examining authority took the view that they were primarily a repetition of representations made at the line two. I was therefore satisfied that they could be accepted into the examination at this stage.

00:13:39:24 - 00:13:53:10

It's also our understanding that natural England will not be attending this hearing. If that is incorrect and we do have a representative from Natural England in attendance, please do take the opportunity to confirm your attendance after the other attendees who I will come to in a moment's.

00:13:55:09 - 00:14:00:04

Kind of check at this stage that I haven't inadvertently missed anyone off this list of participants.

00:14:03:16 - 00:14:38:14

Again, I'm seeing no hands. So I was going to ask those of you who are participating in today's hearing to introduce yourselves to the examining authority and the people who are watching the livestream of this event. When I state your organization's name, please unmute your microphone, and if you have your camera turned off, switch it on. But introduce yourself stating your name, how you'd like to be referred to. For example, Dr.. Mrs.. Ms., Mr.. Etc.. And if you're representing someone who it is that you represent. So we will begin with first to the applicants and your representatives, please.

00:14:40:24 - 00:15:13:13

Good morning to each of you on the panel. My name is Gareth Phillips. I'm a partner and solicitor at the law firm Pinsent Masons. Happy to be referred to as Mr. Phillips and I represent and I'm the lead advocate for Orsted. There are a number of individuals in the room with me here at Orsted, those who may be likely to speak and ask to introduce themselves after me. And the only other point to note, like you did at the Planning Inspectorate, is that we have an I.T. team here that are helping support the functionality of the hearing.

00:15:13:26 - 00:15:14:11

Thank you.

00:15:21:21 - 00:15:27:23

Good morning. My name is Claire Broderick. I'm a senior associate at Pinsent Masons, representing the applicant.

00:15:33:15 - 00:15:43:26

Good morning. My name is Jamie Baldwin. I'm happy to be referred to as Mr. Baldwin. And I'm the development project director for Hornsea project for.

00:15:52:16 - 00:16:01:09

Good morning. I'm a Hannah of Rotor, happy to be referred to as Mr. Rooter, and I am the application lead at Orsted Hornsea Project four.

00:16:05:12 - 00:16:16:03

Good morning, Dr. Julian Carlin. I'm concerned. Project Manager for AusAID on behalf of the applicant. Referred to as Dr. Carlin

00:16:22:26 - 00:16:26:02

Gareth Blitzer, the applicant. That completes our team introduction. Thank you.

00:16:28:08 - 00:16:33:00

Thank you, Mr. Phillips. I'll now come on to East Riding of Yorkshire Council place.

00:16:38:06 - 00:16:44:06

Good morning. I'm Jennifer Downs on behalf of East Riding of Yorkshire Council as local planning authority and its Ms Downs

00:16:53:17 - 00:17:00:19

Morning. My name is Andrew Forsey, happy to refer to as Mr.. I represent a20 New York City Council a highway authority.

00:17:07:13 - 00:17:11:28

Thank you. Moving on to BP exploration operating company claims.

00:17:21:29 - 00:17:51:03

My camera seems to have gone. Sorry, apologies. I'm Catherine Howard from Herbert Smith Freehills, representing BP. I'm a partner at with Freehills. I'll try and sort my camera out shortly. Not sure what's gone wrong there. Apologies. Happy to be referred to as Miss Howard. And I'm here in the room with two colleagues from BP who may wish to introduce themselves. Ben. Ben Keck. Max Harrison from BP's technical team.

00:17:56:00 - 00:18:04:01

Thanks, Catherine. Good morning. My name is Ben Kek. I represent BP and I am the deputy project director for the Northern Insurance Partnership Project.

00:18:07:28 - 00:18:16:24

Good morning. I'm Max Harrison. I'm a commercial development VP representing the Northern Insurance Partnership Project. I'm happy to be referred to as Mr. Harrison. Thank you.

00:18:23:25 - 00:18:30:08

Thank you. That is everybody from BP. I will then move on to maritime and coastguard agents and things.

00:18:33:06 - 00:18:40:06

Good morning, Mr. Mickelson. My name is Nick Salter on the offshore renewables lead at the Maritime and Coastguard Agency, happy to be referred to as Mr. Salter

00:18:51:15 - 00:19:00:01

Thank you, Mr. Salter. That is everybody from the Maritime and Coastguard Agency. Then move on to Neo Energy. S.A. Ltd, please.

00:19:02:13 - 00:19:14:04

Morning. Mr. MacArthur my name is Katheryn Nolin. I'm an associate solicitor at CMC. I'm happy to be referred to as Ms. Nolin and I am appearing on behalf of Neo Energy Ltd this morning.

00:19:18:28 - 00:19:22:14

Thank you very much. And then coming on to Trinity House, please.

00:19:26:19 - 00:19:57:03

Good morning. My name is Tom McNamara. I'm a senior associate at the law firm BdB Pittman's. I'm here representing Trinity House and happy to be referred to as Mr. McNamara. And also take the opportunity to introduce Captain Trevor Harris, who is navigation manager at Trinity House. And we anticipate that Captain Harris will need to. And addressed the examining authority today.

00:19:57:05 - 00:20:00:07

But he's here just in case and he technical matters arise.

00:20:02:16 - 00:20:08:26

Yeah. Good morning, sir. I'm Captain Trevor Harris, Tony House navigation manager, as Mr. MacNamara introduced me. Thank you.

00:20:13:28 - 00:20:14:28

Thank you very much.

00:20:18:03 - 00:20:27:11

If there is anybody else that would like to introduce themselves at this point who wishes to speak. Now's your opportunity to be more involved.

00:20:30:04 - 00:20:39:27

Very well. We will move on. Before we do, can I just confirm? He wants one more time that we have heard from everybody who wishes to participate.

00:20:42:29 - 00:21:03:27

Gareth to the applicant, you'll notice that Mike Branston is also attending the school. He would actually join in the discussions on agenda item eight to look at the entity with them endurance and Hornsea four. And he's part of the Orsted team. Mike, if you'd like to show yourself on the camera so you can complete the introduction.

00:21:05:03 - 00:21:11:08

Yes. Good morning. Mike Branston, I'm principal geophysicist at Schlumberger and I'm representing today.

00:21:14:12 - 00:21:15:11

Thank you, Mr. President.

00:21:17:29 - 00:21:27:22

So having having got through that matter, I will now pass you over to Miss Dowling, and she will lead us through items two, three, four and five of today's agenda.

00:21:30:07 - 00:22:05:14

Thank you very much. I think my colleagues will now disappear in a puff of smoke, but they will be listening in and may well feel if they have questions, that they want to raise the relevant points at today's meeting. Before I start, I'd like to just cover one general issue and then I'm going to raise the issue with regards to the agenda that Mr. McGrath has touched upon today, with regards to how we've re re renumbered it. So the first general issue I want to raise is in relation to deadlines and attendance at meetings and the funding as well.

00:22:05:16 - 00:22:36:18

She does understand that all organisations are under pressure and that for a lot of people resources are very stretched. However, this is leading to some organisations being quite selective about which events they want to attend or to roll responses forward to later deadlines when we've asked for responses at a specific deadline and in fact this morning is an example of that. We have several organisations who have substantive objections to the way that the development consent order is currently drafted are not in attendance.

00:22:37:08 - 00:23:09:15

However, what I would like to just say is to put the examining authority's position. We only have six months to examine the proposals and matters that are not able to be examined thoroughly or that remain outstanding. At the close of the examination could potentially affect the report that we make to the Secretary of State and could ultimately result in any delay of the issue of any decision. So I just therefore would like to take this opportunity going forward to ask that the examining authority would be very, very grateful, if you could, to try and stick to the deadlines that we have set and to attend the relevant meetings.

00:23:10:10 - 00:23:18:27

I then like to come onto the item with regards to the re numbering on the reordering of the agenda, as Mr. McArthur outlined.

00:23:20:19 - 00:23:53:29

BP in their deadline to response paragraph 1.6 RIP 2062 have suggested that discussion of the protective provision with regards to the overlap zone should potentially be deferred until after issue specific hearing. Three In order that the drafting of the provisions could then be examined and examined on a more fully informed basis. Furthermore, the applicant, via an email to the case team, advised that following discussions with the lawyers acting for BP, they support the request to postpone discussions on the protective provisions until after issue specific hearing.

00:23:54:01 - 00:24:27:13

Three Examining Authority did review this request, and as I've just alluded to, we have very limited time in which to examine these proposals. And so what we considered was that it wasn't appropriate to defer consideration of these matters until a later date, but there was a benefit from discussing the reasoning behind why the protective provisions were needed. So as Mr. McCarthy mentioned, we've taken the opportunity to review the agenda for both this hearing and issue specific hearing.

00:24:27:15 - 00:25:14:03

Three, And we felt that there was more time available in this meeting rather than issue specific hearing three, which is just going to be in the afternoon of next week, sorry, the week after Easter. And as a consequence we've re-ordered the agenda and move consideration of the proposed protected provisions for the benefit of BP to the end of the agenda in order to allow time for the matter, including the background as to why the provisions would be needed to be examined. I can therefore confirm that this matter will not be considered at the specific hearing which is due to deal with offshore environmental matters and is timetabled for the afternoon of 26th of April, noting the response received the case team from both parties about the potential for needing to defer cert responses to writing.

00:25:14:09 - 00:25:25:02

And I'm happy to do that in order to be able to do that in order to enable today's discussions. So can I just confirm that all parties in relation to that matter on the agenda are satisfied with these arrangements.

00:25:27:06 - 00:26:02:12

At the meeting? Guarantee to the applicant? Yes, we understand the position taken by the examining authority. I think I can speak for both parties that actually the issue was making technical experts available at short notice to participate in this hearing. But I think that probably can be dealt with as you've suggested in writing. If we don't have the technical support on either side, then we'll just have to defer that to writing. I was just going to ask, we do have another colleague that would like to join in this discussion and perhaps to spare the BP team from sitting through everything else.

00:26:02:14 - 00:26:13:09

I wondered if we could suggest that item eight on the agenda be scheduled for a specific time or not before a particular time so that people can join efficiently.

00:26:14:15 - 00:26:19:14

Okay. Thank you. Before I come back to you on that. Let me just ask if BP wants to respond.

00:26:26:23 - 00:26:46:27

Thank you. Yes. Yes, we would. We are quite happy to discuss that item on the agenda today. This afternoon, we haven't got a full technical team here due to certain absences, people being scheduled to come on the 26th and set. But we are very happy to do all our best and to respond in writing where necessary.

00:26:47:25 - 00:26:48:12

Thank you.

00:26:50:26 - 00:27:21:28

With regards to timing, um, and the way that it's looking at this this morning when we worked through the agenda yesterday, we felt that it was probably the main the majority of the discussions on the draft about a consent order would take up to lunchtime and potentially therefore we would. That's a good point to break. And then we would resume after lunch. With regards to item eight, which is obviously the discussion of the protective provisions for the BP and the applicant.

00:27:22:07 - 00:27:52:12

So that's a such a rough time scope, time scale. However, if we a miracle happens, we managed to have galloped through the majority of the agenda this morning. Then obviously what we'd like to try and do is make this an efficient use of time as possible. So there is a slim potential that we may just start on the items before lunch. But what I'm happy to do is we'll start and if there's anything that would be for somebody who would join after lunch, we'll can defer those items for discussion until after lunch should that happen.

00:27:52:19 - 00:28:08:29

But looking at the agenda this morning is quite detailed with regards to the drafting of the DCO. So it is likely that the discussion with regard to the protective provision for BP will be after the lunch break, if that's okay with everybody. Thank you.

00:28:10:18 - 00:28:28:23

I'm just going to say it's the Applicant. What we could perhaps do then is if if we take a short if we gallop through things quickly, we could take a short adjournment just to gather people together, because those who aren't online now can easily be contacted to be made available. So that's a solution, too. Thank you.

00:28:29:08 - 00:29:03:20

Okay. Well, Mr. Phillips, I'm very much in your hands on galloping through it so that I can. I just also remind people that when they first speak, if they could just remember to introduce themselves and the organisation that they're representing for the benefit of the recording. I'm just not going to go on and just provide a brief context for this morning's discussions. The issues that need to be examined as part of an application of development consent often need to be considered in multiple different ways. And the drafting of the development consent order is an example of a hearing where issues overlap.

00:29:03:22 - 00:29:38:18

For example, mitigation or controls proposed through the development consent order may or may not address concerns raised in relation to such matters as biodiversity design, flooding or construction management matters. However, the main discussion on such matters, with the exception of the overlap area which I've already referred to, will take place in these two specific hearings on environmental matters, which is scheduled for after Easter. What we're actually focusing on today is not what mitigation may be required, but if it is required, how this is being secured and what the developer consent order as drafted deliver it.

00:29:39:12 - 00:30:19:11

I therefore ask you to bear this in mind when answering the questions as it may be more appropriate that points you may wish to make on the question as you were expecting, or the question is you expecting to be asked should be made at issue specific hearings after Easter where they can be considered in more detail. So before we start, can I just confirm that everyone has access to the latest version of the draft development consent order, which is rep to oh 61. I was not proposing to share the document on screen as when we have tested this. The font size and density of text mean it is incredibly difficult to read, but I'd just like to make sure that people have access to it because we may need to refer to it in detail.

00:30:20:14 - 00:30:31:11

If people do not have access to the document, I can share it, but for the reasons I've just outlined, it would be easier if we can all just work off a hard copy or a copy on your screen. Is that all right with everybody?

00:30:33:11 - 00:30:44:17

Then to take the silences. Yes. So I'm going to move on to item two on the agenda, which is articles and schedules of the draft eco excluding Schedule one, nine and 15.

00:30:47:15 - 00:31:18:27

I'm also just going to see this discussion in that normally in a DCI examination, we just deal with those areas that we think need to be already examined. But having gone through the development consent order, there are a couple of more minor points that I've picked up that I think would be worthwhile highlighting in this morning's discussions, simply so that they can be actioned quicker than the next round of questions from ourselves. So there are some minor points, but I just think it's a judicious use of time.

00:31:19:13 - 00:31:52:12

So as per the agenda, if I can start by asking the applicant to provide us with a brief walkthrough of each of the parts of the draft development consent order to provide us with an understanding of power sort and the context for today's discussion, given we haven't any members of the public attending today. If you want, this can be a fairly light touch, high level discussion. Mr. Phillips but if you want to submit a more full script that you're proposing to deliver, you can do that at deadline three when the if you want to do so. So if I can hand over to Mr.

00:31:52:14 - 00:31:57:28

Phillips just to give us that introduction to the development consent order as has been submitted.

00:31:59:14 - 00:32:33:05

Good morning Gareth. It to the applicant. Don't propose to do a detailed run through of the DCI as you've invited. It seems to me from the submissions to the Planning Inspectorate so far all parties have got to grips with the order and been able to make comments on it. So I'll give a quick overview of the of the parts. Essentially, part one is the citation and interpretation. That's the glossary effectively for the rest of the document where defined terms will be found, not all define terms are capitalized.

00:32:33:14 - 00:33:11:03

And so where when reading the order throughout of this consistent reference to something, it would probably be found in the interpretation section. Moving on to part two, these are the principal powers sought by the order. This is an order effectively granting development consent for the Hornsea four offshore wind farm. We anticipate that the project will be have a generating capacity of about 2.6 gigawatts and the power sought in this order are in order to both construct it, maintain it and decommission in due course at the end of the life of the project.

00:33:11:14 - 00:33:51:20

So those powers are principally found in Article three and four. Article five is a is about benefit, the benefits of the order, and who takes that. In this case, the benefit resides with the applicant, the orsted entity that's mentioned. And the purpose of Article five is to enable essentially the powers granted in this DCO to be transferred in whole or part to two others that may be interested in the development. The principle transfer here in mind is through what we call the offtake regime, where the generator in this case Orsted, is required by law to divest itself of the transmission assets.

00:33:52:00 - 00:34:26:13

Those transmission assets typically are everything from the offshore substations to the foreshore and to the onshore substations, and that principally dictates the design of the DCO. It's why you find it in later sections two deemed marine licences, one relating to the generation assets and the other relating to the transmission assets. The idea being that when this project is constructed and the transmission assets are in separate ownership, the oft the owner of the transmission assets will have the benefit of their own marine licence.

00:34:26:24 - 00:35:05:24

This has been the standard structure of DCA for the best part of ten years now and is well understood by those involved in the offshore industry. We then move on to article six and seven, which deal with application and modification of certain legislation which enables the DCO to carry the powers it does without without falling foul of other legislation. And there's a defence to the statutory nuisance in terms of noise generated during construction. Part three deals with all the works that may be required to the public highway and streets around the site.

00:35:05:26 - 00:35:45:24

The idea being that there may be the need to stop up as in closed, divert, relay or carry out works within the highway that typically you might look to the Highways Act for statutory powers to do that. But the idea here is that those powers are brought within the DCO, supplemental powers of those that sort of relate to some of the water impacts on on the site and works to protect buildings, etc. all very standard powers which enable those carrying out the DCO to actually undertake works to other aspects of land and property that don't actually fall within the development that sort.

00:35:45:26 - 00:36:24:02

But. But as sort of. Hillary to carrying out the works. We then move forward into part five, which is quite an important section. This is where this particular application includes a request or an application for compulsory acquisition powers. These articles all provide the power to compulsory acquired land and rights over land time limits for doing so. What happens where there is an interference with a private right and the overriding of that, and then effectively creating an opportunity for compensation in relation to those affected or displaced from land.

00:36:24:13 - 00:36:56:17

We also have temporary use powers. This is all about proportionality, using essentially making the power short, fit the need without taking land from people. So essentially the temporary use powers allow you to go onto land initially. 28 is about construction, 29 is about maintenance, but it means you can go onto land, carry out the project without actually taking a land interest from the owner or interested party in the land. The statutory undertakers and recovery.

00:36:56:19 - 00:37:28:27

Of course, these relate to some of the schedules and govern how the project or the undertaker for this particular project will interface with statutory undertakers and their apparatus. We then go into part six, which essentially grants consent for the operation of the generating station, and then it makes introduction to the deemed marine licences I mentioned earlier, essentially giving power to those licences that you will find in later schedules. Part seven is a slip up part to to to an extent.

00:37:29:06 - 00:38:06:29

It's where you find things like the ability to work around tree three subject to tree preservation order, you've got application of landlord and tenant aspects. 38 Article 38 Cross refers to a schedule where you find the certification of plans and documents. These are essentially the key documents that support the DCO. They will be certified by the Secretary of State in the event that the order is granted, and they will be the basis on which the future approvals under requirements and marine licence conditions, they provide the basis for that.

00:38:07:01 - 00:38:43:06

So in the onshore, in the event, you know, a discharge requirement application is made to the local planning authority, they will be able to consider the DCO with the certified documents and that provides the basis for considering future approvals. We then have certain provisions, say for Trinity House, we have provisions that relate to the Crown Rights which are all very standard protective provisions. We'll come on to discuss those later in the agenda, but you'll find those for particular parties such as BP in later schedules and Article 44 gives effect to those schedules.

00:38:43:20 - 00:39:15:28

45 is about funding and in particular, security for compulsory acquisition powers. Then we move forward into some of the boilerplate issues about service of notifications. And then we have the last couple of articles to deal with modification of Section one or six agreements that affect some of the land comprised in the order limits and some compensation provisions that I touched on earlier. That concludes my high level description of the powers. Please let me know if I can assist further.

00:39:18:10 - 00:39:39:06

Thank you very much. And can I just raise first of all, before I do that, we've had a further person join us. If I could just ask Mr. Mundy, who has just been accepted into the meeting, if you just sits on his camera and his microphone and introduce himself and who he represents to the rest of us, that would be great.

00:39:41:05 - 00:39:54:22

Good morning, everybody. Thank you very much. My name is David Mundy. I'm a partner and parliamentary agent with BTB Pittman's, and I act alongside my colleague Tom MacNamara, fraternity house.

00:39:55:09 - 00:39:57:29

Thank you very much. Okay. And.

00:39:59:16 - 00:40:37:01

Next question I just wanted to ask, which was the general question. Mr. Phillips is since deadline to the Secretary of State has granted consent for the East Anglia one North and the East Anglia two offshore wind farms. In your response to question DCO 1.1, you advised that the draft DCO had been updated to reflect the recent consents for Norfolk, Vanguard and Norfolk borrowers, and that you propose to review the drafting of the decisions on the East Anglia's. Can I just ask, has this been done and are there any significant changes to drafting as a result? And finally, when would the updated DCH reflect these changes be submitted?

00:40:38:14 - 00:40:56:27

Thank you to the applicant. Yes, that review has been undertaken. No, there were no material changes required. And yes, we will be submitting another iteration or an updated iteration of the DCO deadline three that will take in the minor amendments that we've notice from those two latest orders.

00:40:58:20 - 00:41:10:21

Probably helps the rest of this morning as well that we have been notified of a number of amendments from various organizations. And the idea is those will all be taken in and presented at deadline three as well.

00:41:11:11 - 00:41:51:09

Okay. And I think that, as I mentioned, I've got a couple of minor points that I've picked up from my reading of the deadline to DCA. So if those can be all amalgamated together in the next iteration of the DCA, that would be grateful. And as you'll see, we've asked obviously quite a significant number of questions in our first written questions, which are PD 006 in relation to the draft of a consent order. And I thank you for the responses that we've received those. And as a result, you'll be great. Been

relieved to know that I have limited questions on this. So if I can just start with Article two on this contains a definition for authorized development and authorized project.

00:41:52:12 - 00:42:12:10

The authorized development is defined as an associated development and the authorized project is defined as authorized development and ancillary were ancillary works. Can you just explain further? I have looked at it in the explanatory memorandum, but I'd just like to explore it orally. Why are two definitions needed and what is the difference between the two?

00:42:19:15 - 00:42:39:17

Counsel to the applicant. The only distinction made here is that the authorized project includes the ancillary works. So it's a broader definition of the authorized development, which has some impact on on the drafting later on. Standard for for previous DC OWS. But that is the only difference between the two.

00:42:41:00 - 00:42:41:16

Okay.

00:42:44:22 - 00:42:47:19

Just anyone else want to comment on those two definitions?

00:42:53:24 - 00:43:28:24

No. Okay. Then I'll make onto the next question. And the DCO now includes a definition, an article two for which link, which is defined as a link between any combination of permanent offshore installation assets. Permanent offshore installation assets is not defined. I note in Article two and whilst it's clear from other documentation that this is meant to be a link between, for example, the accommodation platform, an offshore substation and other such assets, it could equally be interpreted as meaning a link to a wind turbine.

00:43:29:12 - 00:43:30:09

I just want to ask.

00:43:32:13 - 00:43:53:03

Why does this definition need refined or does permanent offshore installation assets need to be defined within the article? So maybe if I can come back to the applicant at the end, but ask if any parties, particularly people like Trinity House, have any comments with regards to that, because it's obviously more structures at sea.

00:44:08:20 - 00:44:14:24

Tom Adamson on behalf of Trinity House. No, we don't have any comments in relation to that.

00:44:15:15 - 00:44:16:06

Okay. Thank you.

00:44:19:24 - 00:44:26:27

So if I can come back to Mr. Phillips, do you think that permanent offshore installation asset needs to be defined?

00:44:28:14 - 00:44:39:13

I think that would aid clarification. I think we can either define permanent offshore installations or make it more specific which installations we're talking about. So we'll deal with that for you at the L3. Thank you.

00:44:40:15 - 00:44:41:00

Okay.

00:44:44:16 - 00:44:56:27

If we can then move on to commitments register. Just wondering. This is one of my minor points. Just wondering if that should have under article 38 added at the end as with other ones.

00:45:00:25 - 00:45:13:24

So if you look at environmental statement further down it says means document certified as environmental statement by this actually state the purpose of this order under article 38. Whereas currently it doesn't include that the commitments register.

00:45:14:27 - 00:45:18:25

Carried through to the applicant. We agree again, we'll take that any day or three. Thank you.

00:45:20:06 - 00:45:51:28

And again, a minor point. If I can just come to marine management organisation who save my throat when I'm just going to refer to you from now on. In this memo, I note the definition as used in the marine licence is different to the one that's used in article two in the marine licence. MMO is defined as the body created under the 2009 Act, which is responsible for the monitoring and enforcement of this licence.

00:45:52:10 - 00:45:58:06

For consistency, does this definition need to be amended in either the DCO or DML so that they are the same?

00:46:00:23 - 00:46:06:08

Because obviously at the moment in Article two, it is simply the address made management organisation that is listed.

00:46:30:17 - 00:46:31:09

Mr. Phillips.

00:46:32:05 - 00:46:45:14

Thank you. The applicant. I think we can blend the two definitions to make them the same. So we'll probably introduce the language from the marine licence into the earlier definition and keep it with the address as well. We'll do that.

00:46:45:17 - 00:46:46:02

Okay.

00:46:46:18 - 00:46:47:03

Thank you.

00:46:47:13 - 00:46:55:12

And if I can just ask my colleagues, you've taken the action point. If you can mark that as an action point for the MMO, just to get their thoughts on that.

00:46:57:06 - 00:47:14:19

If I can then move on to nuts. Nuts in the article two is not defined. Does it need to be included given it is referred to in requirement 28? Although I note at requirement 20 83a definition for nuts is provided.

00:47:16:18 - 00:47:18:15

I just wondered why that was the case.

00:47:50:09 - 00:48:07:18

Gareth was the applicant. I think the reason being that I think the requirement to date is the only place that Nats has referred to. So it's been it's been defined there. But I think there's no other logic to why it doesn't appear earlier in the DCO. So it's been defined where it's referred to in the order.

00:48:08:14 - 00:48:35:17

But I think as long as it's defined that that's possibly okay. So it's that. Could you maybe as an action point, just review the DCI and just double check that that is the only reference to it because if it isn't, then it probably needs to come out, go to article two. I would I realise asking you to do that on the hoof this morning might be a bit difficult, but if you could just sort of have a quick look and then decide whether or not to keep it in requirement 28 or to take it out of the climate. Takes input into article two.

00:48:36:06 - 00:48:37:14

Agreed. We'll do that. Thank you.

00:48:38:10 - 00:48:52:27

Okay. If we can then go into one of the more meaty discussions that I want to have on your site. Preparation works and the list in article two is quite extensive, but I note that it currently excludes demolition works. Can I just ask why?

00:49:06:09 - 00:49:16:12

It's the Applicant. We haven't identified any any structures that require demolition as part of this development. That's why it's been excluded.

00:49:17:17 - 00:49:51:18

Becky. And then just going through the list that is there, you've refined the. Ten about you've refined the operation of environmental surveys to only intrusive environmental surveys. Does this need to be defined? I know that with all the recent decisions on the East Anglia's, intrusive was defined to mean a activity that requires or is facilitated by breaking the surface of the ground or seabed, but does not include the installation of fence or signage posts.

00:49:53:22 - 00:50:00:28

Can you maybe explain why you have felt the need to divide out environmental or general environmental surveys and intrusive environmental surveys?

00:50:09:22 - 00:50:20:01

Again to the applicant. I think that's one of the amendments we sought. We classed as minor arising out of those East Anglia decision. So we will revise this definition accordingly.

00:50:20:26 - 00:50:34:06

Okay. So on that basis, I'm assuming that you're still proposing to keep it defined as intrusive environmental surveys. I'm just wondering why you felt that other environmental surveys shouldn't be covered by onshore site preparation works.

00:50:37:21 - 00:50:47:13

I think the point being that where you carry out environmental surveys that are non-intrusive, they don't actually constitute development. So you wouldn't need a power in order to do them.

00:50:48:01 - 00:50:59:00

Okay. I notice that the list also excludes ecological mitigation, footpath creation, erection, event, welfare facilities, etc.. I was just wondering why that was.

00:51:22:09 - 00:51:46:09

Gareth the Applicant. Forgive me. I'm just taking some instructions, I think because the definition here, what we're trying to capture is a works that enable us to get onto the site to then carry out later ones. And those matters that you have seen as being excluded are those that we would see being sort of second stage of getting on to site and moving forward and should be controlled by the powers in the order.

00:51:48:19 - 00:52:14:01

Okay. Can I just ask at this point if East Riding of Yorkshire Council want to comment because obviously this relates to what can be carried out with all with regards to commencing the development. So obviously from you if developed consent was forthcoming, East Riding would be the council that would be in charge of discharging requirements, etc.. So I just want your opinion on this definition.

00:52:15:21 - 00:52:20:26

Do you think it's extensive enough or do you think it needs to include the elements that you that I referred to?

00:52:23:06 - 00:52:30:02

Jennifer Jones restructuring of European Council. I think we would want to consider this and get back to you in writing on that.

00:52:30:16 - 00:52:37:04

I think if we can put that down as an action points and if you could come back to us. DEADLINE three with recourse to that, that was great.

00:52:38:00 - 00:52:48:06

Gareth DAVIES, the applicant. We will carry out a review of this definition and liaise with with the council and hopefully we can have an agreed definition for it for the next deadline.

00:52:48:25 - 00:53:47:21

Thank you. And if I can then come on to section 1 to 6 agreements which are defined in Article two. It refers to three agreements. I'm just wondering if we need to have copies of these or if you can sign if they have already been submitted into the examination signpost where we can find them. Article 48 seeks to ensure that the undertaker would not be bound by any of these obligations. But I'm a bit concerned that if we don't know what these Section 26 agreements are seeking to do supply or even where they are in terms of the developments being proposed as the Cape Route is being affected, is it substantial a substation? The how can we agree whether or not they should or shouldn't be supplied? I mean, I know from your response to question DCO 122 that it's possibly to do with underground cables proposed in these areas, but I think we need a bit more information.

00:53:49:26 - 00:54:19:26

Claire Patrick for the applicant and the copies of the Section 26 agreements that have been listed and aren't currently submitted into examination, but we can do so. They were identified as part of the title review process for the onshore cable route. They do relate to the onshore underground cables and they relate to existing development. For example, there is an existing onshore wind farm in close proximity to the onshore cable route.

00:54:19:28 - 00:54:58:09

The extent of that Section one Essex agreement extends to a wider area of land that does overlap with our order limits. However, the obligations in that Section one six agreement are entirely related to the onshore wind farm and wouldn't be have any relevance to Hornsea Project four. However, the drafting of these agreements, as we set out in our response to Question 1.2, doesn't include any exceptions for statutory undertakers or utilities, and therefore would be automatically binding on the undertaker.

00:54:58:11 - 00:55:18:29

So we're seeking to just ensure that the undertaker isn't automatically bound by agreements, that it that it's not relevant to its development and that it doesn't have the powers to comply with. But we can provide copies of those documents into examination at deadline three. Should you wish to review them and see their extent?

00:55:19:13 - 00:55:52:26

I think it would be helpful because if something is being sought to supply, we should at least understand what is being sought to be the supply. So if you could submit those, that would be very useful. If I can then come onto Article five, which Mr. Phillips obviously touched on in his introduction, and this is where it's going to be a bit of a one sided discussion, because obviously it's the MMO that has objected in particular to the the drafting of the current drafting of Article five.

00:55:54:14 - 00:56:27:07

So in that deadline to response to the examination at the examining authority's first written question, which is DCO 1.6, which is the reference to the Exam Libraries report to over 77. The memo requesting that all references to the memo and the deemed marine licence should be removed from Article four, as in their opinion, it's not needed, as there is already a mechanism for transferring the marine licence under the Marine and Coastal Areas Act 2009.

00:56:28:03 - 00:56:35:26

Therefore, that deemed marine licence is not what part of the order normally, but as drafted it would be. Can I ask the applicant to respond?

00:56:38:25 - 00:56:40:03

Garrison is the applicant.

00:56:41:28 - 00:57:16:04

The benefit of these transfer of benefit provisions have been in place in orders for quite some time now. They were first developed around 2013, 2014, when we were looking at around two extension projects and they've been accepted by the Secretary of State on on every DCO since. This is a point that the MMO quite consistently have raised over the best part of ten years, and it's a point that the Secretary of State has accepted is required in the transfer provisions.

00:57:16:16 - 00:57:31:23

So we have kept out drafting the same as other orders, including those most recently granted. And as far as we're concerned, this is this is the power that's needed and it functions. And the secretary of state has endorsed that in a number of orders. Thank you.

00:57:33:05 - 00:57:52:27

And so can I just confirm I was going to my follow up question because obviously you referred in your response to Hornsey to A.C. three, but you say you've checked the more recently made order for Norfolk, Vanguard and Borealis on East Anglia, one of these active two. And that's the same articles being used in both of those, is that correct?

00:57:55:04 - 00:57:59:14

Yes. The short answer is we've looked at those most recent orders and this is the same.

00:58:01:14 - 00:58:20:10

Okay. Unfortunately, the criminal organization aren't here to explore this further, because obviously this is one of the key concerns that was not only that they'd like to respond, but in the speech that they made yesterday. So if that's an action point, can I ask my colleague who is

00:58:22:08 - 00:58:34:08

taking note of the action points if we can ask the MMO to respond, to listen to the recording of this and respond to the applicant's comments with regards to Article five.

00:58:36:21 - 00:58:37:12

Mr. Bradley.

00:58:38:26 - 00:58:48:25

Ms. DHONI, Just for the record, you introduced this item as being referring to Article four, in fact Article five. So yes, action taken.

00:58:49:09 - 00:58:49:24

Thank you.

00:58:52:15 - 00:59:20:00

Article eight. Um, if I can ask East Riding of Yorkshire Council in your deadline to respond to question DCI 1.10 Rep 207t you state that you have no objection to the expanded list. However, I might just ask what you mean by this, because the list currently hasn't been expanded and to reflect the suggestion that was made in DCO 1.10.

00:59:25:25 - 00:59:40:09

The Australian Council should have said that we had no particular comment to make about the additional wording. However, we may look at this again in light of our state's response and provide further comment to deadline three.

00:59:40:21 - 01:00:10:22

Okay. So just to clarify, this is this is street works and articulate includes a article while it is a list of works and a suggested extended list was put forward in DCA wanted which the applicant didn't feel was well has amended minorly the list. That's their version of the DCO that was submitted at deadline two but doesn't include the full list. I just wanted to check from a Highways Authority point of view if if or not, if you were satisfied with the.

01:00:12:28 - 01:00:22:15

List us now included in the DCO, or if you still wish to see some of the works that were listed in DCA 1.10. So if you can take that with an action point that out, be great.

01:00:24:01 - 01:01:06:03

For the applicant. If I could just assist you in in the so in question, DCI 1.10 there was a list of works set out there. What the applicant did was review that list and only added in the DL to submission of the DCO. The bits we thought were necessary and those are. So when you look at the deal to DCI, you'll see that there's some track changes. Yes. So yeah. So to assist the council, all all we have done is updated article eight with those to track changes in a and see no further from from those included in the question so that might help.

01:01:06:12 - 01:01:06:27

Thank you.

01:01:08:12 - 01:01:08:27

Thank you.

01:01:11:05 - 01:01:15:07

And. I'm then going to move on to Article ten.

01:01:19:09 - 01:01:44:29

East Riding of Yorkshire Council in your deadline to respond to DCI 1.12, which is rep to most 70, have suggested a 56 day timescale would be more appropriate. Does the applicant wish to comment? The reason that was given by East Riding of Yorkshire Council was that in view of the extent of the scheme covered by the DCO and to be consistent with wider planning timescales, I thought the longer timescale was more appropriate.

01:01:50:00 - 01:01:52:06

So this is Article ten seven.

01:01:54:04 - 01:01:57:06

Which currently as drafted would be 28 days.

01:01:59:07 - 01:02:05:19

Counsel to the applicant at this point has been conceded by the applicant, and we're willing to change it to reflect counsel's request.

01:02:07:00 - 01:02:15:10

Okay. I don't know if we have somebody here from the Highways Authority or Ms.. Downs whether or not either of you want to comment on that.

01:02:22:24 - 01:02:26:20

Demonstration of Yorkshire Council and thank you to the Applicant

01:02:27:22 - 01:02:28:07

Okay.

01:02:29:27 - 01:02:44:03

Well, you'll be glad to know that that's everything I wanted to raise with regards to articles. If there's no other matters that any party wants to raise at this point with regards to the drafting of the articles I'm going to move on to.

01:02:46:17 - 01:02:55:10

Item three on the agenda, which is schedules one, 11 and 12, which is effectively requirements of the DCO and cost conditions of the marine licences.

01:02:57:03 - 01:03:01:08

So just double check. There's nothing further on articles that anyone else wants to raise this point in time.

01:03:04:01 - 01:03:38:05

Now. So I'm going to move on to Schedules one, 11 and 12. So I just want to reiterate that the discussion today is on wording rather than the consent content, rather. So I'm not really proposing to talk about flooding and the issues surrounding it. Instead, I'm focusing on the requirement as drafted or the constitution as drafted and whether it's secured in mitigation or manage the works in the necessary ways. Again, there's a lot of detailed agreements changes as a result of each key one. But if I can start off looking at schedule one, part one and this is again.

01:03:40:02 - 01:03:46:05

Going to be a bit difficult because the memo on actually here, this was a point that they raised.

01:03:47:27 - 01:04:19:28

I wanted to know if they were satisfied with the response provided by the applicant at its Q one DCI 1.24, which was a response to their request for clarity regarding how the management and enforcement of these, which has worked some as nine C, a9c activities would happen if they were both under the local planning authority and the memo's regulator's remit. The response that was received from the applicant was to seek to discharge each relevant requirement the local planning authority and the marine licence condition with the O related to the work numbers at the appropriate time.

01:04:20:25 - 01:04:52:11

But as we haven't got anyone here from the marine management organisation, if that could be an action point for them to respond, I would be grateful. So I'm going to move on to schedule one part one work. Number two. I'm just wondering if for the purposes of position and enforceability, should the wording in the event that the mode of transmission is HIV DC be included after the title as it has been done for work? Number three, in terms of H fee AC.

01:04:52:23 - 01:04:55:01

Mr. Phillips, can I have your thoughts on this case?

01:04:56:22 - 01:05:01:18

Thank you. If you wouldn't mind to take a couple of minutes to check and taking stock and I'll come back.

01:05:02:07 - 01:05:02:22

Thank you.

01:05:44:17 - 01:06:09:03

Gareth Evans for the Applicant. Thank you for that. For the pause in work number two. It's only the description at Little C that actually has the either or scenario. But a point for us to take away is actually whether this is required in both of those scenarios. So for HP, DC and AC. So if we may, will will make any necessary amendments in the deadline three DCO. Thank you.

01:06:09:05 - 01:06:10:21

Yes. If you could look at that, be great.

01:06:13:02 - 01:06:19:12

Okay. If we can look at the paragraph after schedule one, part one work. Number ten.

01:06:21:19 - 01:06:23:11

Just getting in front of me myself.

01:06:26:03 - 01:06:42:00

Which would allow further associated development comprising such other works as may be necessary or expedient, and then goes on to provide a list of the applicant. Can I ask, is this a closed or open list?

01:06:49:24 - 01:06:52:21

But Gareth, the applicant just taking instructions. Thank you.

01:07:08:19 - 01:07:13:15

McGarity to the applicant. Thank you for the time. This is effectively an open list

01:07:15:00 - 01:07:41:20

in the definitions at the start of the year. We do we do refer to how the word included should be defined and it's not to be taken as exhaustive, but to the extent it's open, it is of course controlled by what has been assessed in the environmental statement. So these are example works that may need to be undertaken, but there may be others that are required. But obviously we can only do them if they fall within the scope of the assessment undertaken.

01:07:43:14 - 01:07:54:04

Thank you. If I can just ask East Riding of Yorkshire Council their thoughts on this because again, in terms of precision and enforceability, should this list be an open or closed list?

01:07:57:27 - 01:08:11:08

Jennifer Jones finished writing of you up for council. And we couldn't disagree with what the applicant has said there, that it would all fall within the scope of the environmental statement. Saying that it could be an open list.

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

Okay.

01:08:14:07 - 01:08:21:23

Think he does. Anyone else want to comment on whether or not that should be an open or closed list?

01:08:28:00 - 01:09:06:23

And I think you all move on to the next one. So I'm going to look at requirement two and equally condition one of Schedule 11 and 12 in response to a question and ar1 point nine Rep. Two oh 38 You've advised that the reason you use L.A. as opposed to hate charity is that it's standard across your portfolio portfolio. Although having looked at number of orders for offshore wind farms, including those north at various Norfolk Vanguard, I note that both you those use HPT and given Admiralty charts note aircraft to HHC.

01:09:06:25 - 01:09:11:29

Can you explain further for your reason for your preference for using LRT over 80?

01:09:14:12 - 01:09:16:09

Gareth to start with the applicant. And then if.

01:09:17:22 - 01:09:19:06

Just taking instructions. Thank you.

01:09:20:11 - 01:09:24:01

Okay. And while Mr. Phillips is taking instructions, if I can ask

01:09:25:23 - 01:09:36:27

the NCAA and Trinity House to have a think of see if they want to comment after the applicant as regards to whether LHC or a date should be used.

01:09:47:02 - 01:09:59:07

And just again for Mr. Phillips, come back just for the benefit of everyone who's listening. Elliott means lowest astronomical tide and 80 means hoist at astronomical tide.

01:10:19:00 - 01:11:00:08

A guarantee to the applicant. Thanks for the time. Essentially, L8 is what Orsted have used in their projects. It has been seen in more recent decades. I think it really turns on how each developer approaches their construction planning. Essentially, if we were to convert all of this to HIIT, all of that, all of the numbers would need to need to change. We'd have to put in introduce different dimensions. So I think if we could keep with lowest astronomical tide, that is a concept that's understood and I don't think it then matters, which is actually used because the dimensions relate to a light.

01:11:00:15 - 01:11:03:28

If we move to 80, the dimensions have to change to to suit that.

01:11:04:13 - 01:11:12:07

I suppose what I'm trying to understand, Mr. Phillips, is what's the benefit of using an 80 over 80 rather than it's just something that you've always used.

01:11:15:02 - 01:11:19:19

There's no benefit either way. I think it's just standard operating procedure of different companies.

01:11:20:15 - 01:11:29:11

Okay. And if I could ask MCI or Trinity House whether they have any views as to regards to the preference for use of 80 or 80.

01:11:33:26 - 01:11:46:06

Seltzer for the match. I'm just going to say, I think you referenced a draft earlier. And and if it's in that context and it is the correct date and to use.

01:11:50:28 - 01:11:52:00

Thank you. Thank you.

01:11:54:15 - 01:11:57:02

And does Trinity House have anything to say on this

01:11:59:07 - 01:11:59:22

one?

01:12:00:07 - 01:12:04:13

Trinity talking about Trinity House and not personally

01:12:06:05 - 01:12:14:19

without putting Captain Harris on the spot that he's got some things he's he specifically say on this point. It's one that we'd have to come back to you on that.

01:12:16:00 - 01:12:23:22

Okay. Well, let's see if Captain Harris's anything to add. And if not, I'm more than happy for you to take this away and come back to give us the written response. DEADLINE three Captain Harris.

01:12:25:08 - 01:12:52:02

Went around the house offering respect to the charity as well. We will be stating the heights of AIDS to navigation at a later date. And so we use hindsight, similar to what Mr. Salter just said, that the CIA is wrong on the draft side of it as well. But apart from that, there isn't really a lot of problems if people can interpolate the two.

01:12:53:12 - 01:12:53:27

Thank you.

01:12:56:11 - 01:13:04:20

If I can just ask Mr. Phillips if there's anything he wants to add. Having heard the response from the Maritime and Coastguard Association and Trinity House.

01:13:05:24 - 01:13:25:00

Gas, it's got nothing to hide, nothing to add. As long as the dimensions are given to a particular height, as in 80 or 80, the right appropriate height can be or measurements in question can be discerned. So if these were all changed to HRT, then we'd have to change the dimensions to respond to it. Thank you.

01:13:25:12 - 01:13:38:29

From the sounds of things, at some point in the future anyway, they're all going to have to be converted in terms of admiralty charge and for 20 houses use anyway. So it's just a question of when those those numbers will be converted from the sound of things.

01:13:40:01 - 01:13:46:17

Yeah, I think this is one we'll take away. Thank you. And if appropriate, we'll update for the next. Thank you.

01:13:46:29 - 01:14:23:00

Thank you. And if I can just then move on to it's a general one that covers the number of requirements. So requirement six is the one that I've highlighted, but it also covers eight, 11, 12, 13, 15, 16, etc. They all use the phrase been submitted to and approved in writing. However, requirement 29 requires that where the approval agreement or confirmation is set state the relevant planning authority or another person is required under requirement that approval agreement or confirmation must be given in writing.

01:14:23:18 - 01:14:46:05

When such requirement is normally included within a DCO, then the phrase and proof in writing does not normally need to be included in the drafting for the individual requirements for precision. I would therefore suggest that either the wording is retained in requirement 29 needs to be deleted as it would not be required or the wording be deleted and requirement 29 be retained. Can you just let me know your thoughts on this?

01:14:46:07 - 01:14:54:12

Mr. Phillips Gareth the applicant My thoughts are I agree with you. So we'll make one other change video here. Thank you.

01:14:55:00 - 01:15:13:29

Can I just highlight if you proposed to retain individual wording, then can you just want to check for consistency for each of the requirements is some for example, requirement 14 don't currently include and approved in writing. So it's not consistent across the board. But if I can then move on to requirement seven.

01:15:17:06 - 01:15:25:16

The requirement sets out the detailed offshore design parameters. In particular, it sets out. Sorry.

01:15:27:01 - 01:16:05:12

Requirement two sets out detailed offshore design parameters. In particular, it sets out maximum dimensions. However, Requirement seven, which deals with detail design of the onshore elements as currently worded, does not do the same. It simply requires details to be in accordance with the outline

design plans. Having reviewed the recent decisions for East Anglia one North and East Anglia two requirement 12 of that development consent order is entitled detailed design parameters onshore and does the same for the onshore elements of that scheme as Requirement two does for the offshore elements of this scheme.

01:16:06:06 - 01:16:25:29

So I'm just asking the question that for the purposes of precision and enforceability, should this requirement be amended to include those details and if it should? Should these be cited for both the HB, AC and HB DC scenarios where they differ? And if not, why not? So, Mr. Phillips, I realize that you might want to take a bit of time, time to think about that question.

01:16:27:11 - 01:17:02:19

Currently, the applicant was able to take some advice while we were talking. I think the benefit here is that by having the outline design plan, it provides greater scope for making amendments to the design or scale of structures, provided they are within or not materially changed from what's been assessed in the yes. If you need otherwise, if it's all set out in a requirement seven, the only way you'd be able to make change is if you then made, say, a non-material change application to the DCO.

01:17:02:21 - 01:17:27:07

So this affords the developer a bit more flexibility and opportunity to work with the local authority in question to make changes that are considered non-material and don't affect the outcome of the EIA as reported in. So it's merely about flexibility and being able to adapt to construction and make changes without having to unnecessarily change the terms of the order.

01:17:28:21 - 01:17:38:00

If I can be obtuse, if you can do that for the offshore element, why can't you do it for the onshore element? Because obviously the offshore element is quite distinctly tied down by requirement to.

01:17:39:08 - 01:18:26:17

Yes. Thank you for that. I think the honest answer to that is that there tends to be a bit more flexibility onshore and offshore. Offshore to measure the measurements that are stipulated, apply to a number of aspects. For example, ecology, also navigation, things like that. So there are more there is more concern or more need to fix the dimensions that are referred to, whereas onshore you don't have as many interested parties or affected parties and therefore it tends to be a greater degree of flexibility is possible when you think about the types of installations we're talking about, we're talking about substations, underground, cables onshore, whereas we're talking about the turbines offshore that that, you know, the size of them in scale might have a greater impact.

01:18:27:15 - 01:18:47:09

Okay. Well, just picking up on your stated need for flexibility, if, for example, we were going to agree that that should be the way forward, my concern is that as currently drafted, there is nothing in Climate Seven that ties it back to what's been assessed in the environmental statement as currently drafted.

01:19:00:05 - 01:19:11:09

No, but it is tied to the outline design plan, which captures essentially the Rochdale envelope that's in the environmental statement. And the I'm planning to search for document.

01:19:11:29 - 01:19:43:20

Given the test requirements is the same as the test for conditions for planning conditions. How is this therefore precise or enforceable? I mean, maybe east riding of Yorkshire Council, who would be the organisation who would need to discharge this requirement? Might want to come in at this point, but I would have thought for purposes of precision and enforceability. Either it needs to be more detailed

requirement to or it needs to at least be tied back to the environmental statement. Maybe before we respond, Mr.

01:19:43:22 - 01:19:46:12

Phillips, maybe we should get Mr. Jones thoughts on this.

01:19:53:00 - 01:19:55:08

Jennifer Jones for the local planning authority.

01:19:58:02 - 01:20:11:16

We were comfortable that the outline design document was sufficiently clear that we would be able to discharge our requirement. And we do acknowledge the applicant's need for flexibility in this.

01:20:16:11 - 01:20:52:15

Thank you for that kind of it's for the applicant. Just just to confirm all of the parameters that are set out in the outline design plan are taken from the environmental statement. So in terms of precision and enforcement, if we were to propose a design to East Riding of Yorkshire, their starting point would be to look at that. They've accepted that the parameters from the yes are in the outline design plan. So they would look to the outline design plan and see if what we have submitted is appropriate. If they see that there is a difference, then they would they would come back to us and say, this seems to be different from the outline design plan.

01:20:52:22 - 01:21:23:20

Please set out your justification. We would have to show that what we are proposing is not materially different to what's in the plan and has no material environmental impacts beyond those assess that essentially would be an audit. In terms of enforceability, that outline design plan, it's a certified document, the same as the environmental statement and it draws upon takes all of its parameters from the EIA. So from a legal perspective, I'm satisfied that that's that's precise and enforceable. I'm in your hands.

01:21:23:22 - 01:21:24:07

Thank you.

01:21:25:22 - 01:22:02:02

Thank you. I think we all need to take that. We're may we may well follow that up with some written questions. Okay. If I can then move on to requirements eight and 16 and a number of conditions in the Marine licence. This is a minor point. They refer to consultation with the Historic Buildings and Monuments Commission of England rather than the usual reference to historic England, with historic England then being defined within Article two as meaning the historic Building and Monuments Commission for England, as has been done in a recent article.

01:22:02:24 - 01:22:33:01

It is slightly more user friendly because obviously historic. England is the organisation that most people recognise, has the jurisdiction with regards to listed buildings, archaeology, etc., etc.. I'm just wondering again if it would be an improvement to the DCO if we sought to replace historic buildings and monuments commissioned for England with historic England, and we can define that in Article two. Mr. Phillips thoughts and also the thoughts of East Riding Yorkshire Council.

01:22:33:03 - 01:22:33:18

On that.

01:22:34:18 - 01:22:40:11

Character to the applicant. Yes, we can accept that amendment in to Dale three. I think it would be a more concise.

01:22:44:01 - 01:22:45:16

And potentially creating a future.

01:22:48:22 - 01:23:20:02

Okay. Thank you. If I can then move on to requirement nine. This is a question for East Riding of Yorkshire Council and for any of the other organisations here. It would normally be the statutory nature conservation bodies, but we don't actually have anyone from those representations here, so maybe we need to roll this over into an action point for them to respond to it. DEADLINE three. DEADLINE three. I'm just wanting to know, is the five year maintenance period for maintenance of landscaping, either for the whole scheme or individual elements sufficient.

01:23:21:05 - 01:23:23:06

Miss Downes, what are your thoughts on that?

01:23:24:21 - 01:23:39:11

And Dennis returns for East Riding of Yorkshire Council. I think we would prefer to see this as a longer timescale. Ideally the lifetime of the development, but we would look to confirm that deadline three.

01:23:40:25 - 01:24:13:05

Okay. And if you could also, when you were reviewing that, obviously in on the basis of acting as reasonably as possible, I note that, for example, the recent two consent order for East Anglia has actually carved out a number of works that need longer maintenance. So it may be that when you review it, you feel that actually a five year maintenance period for certain elements of the scheme would be appropriate for maybe more sensitive areas, say, around the substation that a longer period would be required. So again, if you could look at that when you're reviewing that maintenance period, that would be great.

01:24:16:25 - 01:24:20:28

Does anyone else want to comment on that maintenance period before I go back to Mr. Phillips?

01:24:28:03 - 01:24:31:17

Mr. Phillips, do you want to respond on that class or.

01:24:32:09 - 01:25:04:18

I'm just going to take this question. Yes. As currently drafted, Article 90 does make reference to, unless otherwise stated in the improved landscape management plan. And the applicant's position is that for those elements of the project, such as the onshore substation, the intention is for the landscape management plan to set out a longer timeframe than the five years. So the five years would apply to any replacement hedging, for example, that's installed along the onshore cable route.

01:25:05:00 - 01:25:21:02

But the landscaping around the substation will be in place for the lifetime of the substation and we will add wording to clarify that in an update to the outline landscape management plan and submit that at deadline three. So it's clear.

01:25:21:28 - 01:25:22:26

Okay. Thank you.

01:25:25:27 - 01:25:30:09

Okay. Requirements 11 to.

01:25:33:06 - 01:26:03:06

This is a question for East Riding of Yorkshire Council and this is a question possibly for Mr. Foresight in his role as representing the Highways Authority at the moment. The list in 11 two sets out what an access plan must include, and I'm just wondering if that list should be extended to include lighting, signage and relevant safety measures just for the benefit of Mr.

01:26:03:08 - 01:26:29:03

Fawcett if he hasn't got it in front of him at the moment. It's currently says the access plan must include details of the siting design layout, visibility, space access management measures, a maintenance programme relevant to the access it relates. And this is to do with construction of any new permanent or temporary means of access to the highway. So if I can first of all ask East Riding of Yorkshire Council, I've jumped to the assumption that Mr. Fawcett, maybe Mr. Jones he can respond on this, but if you could just

01:26:31:09 - 01:26:35:15

advise me whether or not you feel that this should be extended. Mr..

01:26:35:17 - 01:26:52:19

Forcing the Highway Authority for East Riding of Yorkshire Council. Yes, I agree. It should be extended. Normally we would. We would expect to see all signage related to advanced warning for new access points as part of the section. So seven submission. Okay. Thinking.

01:26:54:05 - 01:26:55:20

Does Mr. Phillips want to respond.

01:26:58:25 - 01:27:08:05

To the applicant? I don't see any issue in principle to that, but I'll take it away, take instructions and we'll address it in the Dail. Three. Thank you.

01:27:09:06 - 01:27:16:06

Okay. We can then have a look at the requirements for to.

01:27:18:05 - 01:27:19:02

I just double check?

01:27:24:15 - 01:27:26:23

Yes. Climate 13 two.

01:27:28:08 - 01:28:00:29

As currently drafted, it says no stage in the collection works may commence operation until written details of the surface and if any foul water drainage systems including means a police operation control for that stage of the connection works have after consultation with the relevant surgeon, drainage authorities and the Environment Agency being submitted to and approved in writing by the lead local flood authority. I'm just wondering why operation has been used there. Surely the details should be submitted prior to the works being done as if they're not approved.

01:28:01:01 - 01:28:03:10

And you have the issue of unauthorised development.

01:28:04:28 - 01:28:05:25

Mr. Phillips.

01:28:28:16 - 01:28:31:17

Sorry for the silence. We're just taking instructions and considering this.

01:28:33:25 - 01:28:42:03

It just seems that you're getting the details approved once the stuff's in the ground rather than before you've actually put the stuff on the ground.

01:28:50:02 - 01:29:30:28

Clap or trick for the applicant. And Requirement 13 one deals with the details that need to be submitted prior to commencement of construction. And those would be the appropriate means for dealing with surface and water drainage that are required during those construction works and in relation to the building of the onshore substation. In relation to requirement 13 two, that has been added in the event that there may be a different sort of flood management regime required for operation, that's different to that that needed to be in place during construction.

01:29:31:13 - 01:29:41:10

So there is the ability for an ongoing operational surface water management plan to be put in place once the facility has actually been constructed.

01:29:43:08 - 01:29:54:29

Could you maybe provide a more detailed written response? I can take that. We can have a look at it in the context of the requirements. I'm still not quite understanding. The way that I read it

01:29:56:15 - 01:30:10:01

is that, you know, you are effectively getting consent for something that's already been built. And if that consent isn't forthcoming, you then potentially have the problem of an unauthorised development such as trying to prevent that from happening.

01:30:12:29 - 01:30:17:24

Which yes, will provide a more detailed response to deadline three and will try to provide an example.

01:30:18:15 - 01:30:19:00

Okay.

01:30:19:15 - 01:30:20:22

Where the two might apply.

01:30:25:10 - 01:30:42:20

I'm just also wondering just why our own requirements 13 whether 13 three should be amended again precision that the surface and far water drainage system must be constructed, operated and maintained in accordance with approved title details because it is constructed and maintained.

01:30:46:24 - 01:30:50:02

Claire Patrick, the applicant. Yes, we agree. The operator can be added.

01:30:51:00 - 01:31:05:03

Okay. If I can move on to requirement 15 to be. I'm just wondering what to include should be inserted at the beginning of that sentence.

01:31:19:21 - 01:31:20:26

The applicant. Yes, agreed.

01:31:22:02 - 01:31:36:21

Okay. Can we move on to requirement 16? I'd just like the applicant to explain what the difference between 62 and 63 is as the way that I read it. That's almost.

01:31:40:15 - 01:31:43:04

The same thing that's being asked for there.

01:31:55:11 - 01:31:57:20

This may be one that you might want to take away and come back to.

01:32:01:29 - 01:32:08:09

I think we'll guarantee the applicant will get back to you with a written response on that or amendment deadline three. Thank you.

01:32:08:27 - 01:32:39:00

Okay. If I can then move to requirement 17, which is the outline code of construction practice. And the outline kind of construction practice that's been submitted into the examination includes appendices with several outline plans, but it also refers to a number of plans to be submitted for which there is no outline. For example, communication plan, construction writing plan, should a draft of these be provided? And if not, how can the examining authority be confident that they will contain what they need to to mitigate any potential harm?

01:32:42:13 - 01:32:43:08

Mr. Phillips.

01:33:00:19 - 01:33:05:24

The applicant. Another one for us to take away, please. And either amend or provide confirmation at deadline three, please.

01:33:06:11 - 01:33:18:19

Okay. Can I just ask Jennifer Downes from East Riding of Yorkshire Council whether she has any comments on that? So it's effectively we've obviously got outline plans. It's those plans that are indicated to be coming in later.

01:33:22:03 - 01:33:26:17

I think we would prefer to provide a comment on this at deadline three. Thank you.

01:33:29:27 - 01:33:48:25

If I can just then move on to requirement 18 network rail have requested potential amendments to this but proposed to discuss this. I propose to discuss this in a section on protected provisions, as it's also indicated that this might be resolved through the wording of the protected provision. And actually for me to do that. Mr. Phillips.

01:33:51:19 - 01:33:52:16

Yes, that's fine. Thank you.

01:33:56:28 - 01:33:57:24

There was no moment.

01:34:01:14 - 01:34:22:25

If I can then move on this requirement. 21 as worded work, number seven cannot commence operation until the noise management plan has been approved. However, it's a bit like the search plans

we were just talking about. Wouldn't a noise management measures need to be in place before work? Number seven starts operation and does the wording need to be changed to reflect this?

01:34:57:28 - 01:35:37:01

A clever trick for the applicant and requirement 71i am requires the applicant to submit the measures to control noise as part of the pre commencement of construction. Set of requirements. So the noise mitigation measures will be put in place as part of the discharge of that requirement. Requirement 21 predominantly relates to how the noise will be monitored during operation based on the noise mitigation measures that have been included.

01:35:37:26 - 01:35:47:14

And so that's more of the ongoing operational monitoring of the noise. So that was why there were two separate provisions relating to noise mitigation measures.

01:35:48:08 - 01:35:54:14

Okay. Can I just ask East Riding of Yorkshire Council whether they have any thoughts on the wording of this requirement?

01:35:56:08 - 01:36:07:05

Jennifer Jones East Riding of Yorkshire Council. Yes, we had read 21 as an operational condition rather than to do with the construction phase, and we were satisfied with that.

01:36:08:12 - 01:36:08:27

Okay.

01:36:10:15 - 01:36:13:14

If I can then move on to the requirement 24.

01:36:15:11 - 01:36:27:23

Given the response from the Environment Agency at the deadline to which is Rep oh 73, should the wording of 24 one be amended to include in consultation with the Environment Agency?

01:36:35:24 - 01:37:01:25

Gareth Phillips for the applicant. Our position here is that it would be for the role of the planning authority in this case East Riding of Yorkshire Council, to determine in accordance with their statutory duties who they may wish to consult with. So from the applicant's perspective, we're not being prescriptive over this. It's a matter for the planning authority to decide who they want to consult with when they're reviewing that plan.

01:37:03:06 - 01:37:32:04

Okay. But the Environment Agency have raised quite specific concerns with regards to decommissioning and how it may affect flood defences. So they are somebody who really wants to be consulted on any decommissioning. So do you not think I mean, it doesn't exclude the local authority from consulting with other people, but do you think again, for the purposes of precision, it should be included? Because what we are relying on is somebody in 30 years time remembering that the Environment Agency were concerned about this.

01:37:33:16 - 01:38:01:05

Gareth suits the applicant. We can we can certainly accept that. I don't think it's necessary because the EEA are one of the prescribed bodies for consultation, that is that the planning authority has to consult with within their duties. So, you know, you can take it to the extreme of adding in the entire list of parties that are it that are required to be consulted into this paragraph. But for the sake of appeasing the Environment Agency, yes, they could be that they could be included.

01:38:01:28 - 01:38:15:21

So if you can just review that and again, come back to your deadlines based how you want to take it forward. It's. I'm going to just come on to the last thing in terms of requirement, which is part 4 to 1,

01:38:17:15 - 01:38:19:15

where the.

01:38:21:12 - 01:38:28:28

He's writing New York's accounts or I'm just want to double check. Are you happy with the eight weeks it's given to discharge requirements?

01:38:30:23 - 01:38:38:16

And are you happy that that date runs from the day after the application has been received and or should it be when it's validated?

01:38:40:07 - 01:38:43:11

This is full to a.

01:38:44:26 - 01:38:50:10

Jennifer Jones finished writing of Yorkshire Council. Yes, we would prefer to see validated.

01:38:51:07 - 01:38:54:09

You prefer that to be updated to population? What about the eight week period?

01:38:55:16 - 01:38:57:23

We think the eight week period is reasonable.

01:38:59:01 - 01:39:15:27

He does. Mr. Phillips want to come back in just before Mr. Phillips comes back on that point about validated or received. I'm just also it's a minor point to be should this be paragraph three and not paragraph 34. I see it has been amended in this one so that it's really a version signal that it's been picked up.

01:39:18:03 - 01:39:20:21

So just on the point of validation, Mr. Phillips.

01:39:37:09 - 01:40:13:24

Congratulations to the applicant. I think the issue with just referring to validation is I think we then have to define what that is and what the timescale for validation is. But but that's one we can take away and work with. Essentially what we're trying to mirror here is what the position would be when discharging a condition under the Town and Country Planning Act, hence reference to the eight weeks. If it's from validation, then if validation took 1 to 3 weeks whatever to occur, then it effectively takes that beyond the eight weeks and we don't know what it is.

01:40:14:01 - 01:40:24:18

So I think if we were to refer to validation, we need to give a time period for validating it. But that I think is something we can discuss offline with the council and come to an agreement over.

01:40:25:03 - 01:40:43:03

I was going to say maybe this is something you need to take away and discuss with east riding of Yorkshire Council and from my experience working with local planning authorities, most of them

have a set of requirements for validate, you know, timescales for validating applications. So it should be fairly easy to convert that if it's necessary to and validate into the into the DCO.

01:40:44:00 - 01:40:44:15

Thank you.

01:40:45:16 - 01:40:53:13

I'm just going to pass back to Mr. McArthur because I think it's now 1140 and we'd be going to sometimes it may be appropriate, but yet.

01:40:54:28 - 01:41:06:15

Thank you, Miss darling. Yes. I propose that we do have a short break. Come break. A chance to fill up your tea pots, etc., and we will return at 1155.

01:41:10:28 - 01:41:11:10

Thank you.