

File Name: Draft Development Consent Order_Part 3-MP3.mp3
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FULL TRANSCRIPT (with timecode)

00:00:04:02 - 00:00:12:27

Good afternoon and welcome back to this issue specific hearing on the draft development consent order for the Hornsea Project four Offshore Wind Farm.

00:00:14:13 - 00:00:35:09

Before I hand you back over to my colleague, Ms.. Darling. A couple of items that just like to bring to your attention. First of all, the action points from our open floor hearing, which was held yesterday evening. That is the 11th of April 2020 to have not been published. And these can be signed under examination. Library Reference ID zero ten.

00:00:36:28 - 00:01:09:09

Now, as I mentioned in my introduction this morning, the main item remaining on today's agenda will deal with the protective provisions that would manage the interface between the applicants and Morgan Insurance Partnership represented by BP. While all parties are welcome to remain with us for the duration of this issue specific hearing, we do understand that those of you without a direct interest in this topic, the topic about to be discussed or who have nothing further to add under the any other business agenda item may feel that the time will be better spent elsewhere. If that is the case. Please accept our thanks for your participation in this hearing today.

00:01:10:09 - 00:01:13:02

And with that, I'll hand you back to Mr. Allen.

00:01:14:28 - 00:01:35:10

Thank you very much, Mr. MacArthur. Yes. Just to reiterate, if you don't feel the need to listen to this discussion on protective provisions with regards to the interface between the Northern Insurance Partnership and the applicant over the endurance aquifer, then please feel free to leave.

00:01:37:00 - 00:01:45:29

First of all, I would like to say thank you very much to both the applicant and to BP for enabling us to take this item on the agenda.

00:01:47:15 - 00:02:20:15

Having listened to the representations that you've made this morning and that you submitted after we made the changes, and if you I'd just like to reiterate a point that Mr. MacArthur made earlier this morning, that if there are any issues that you're uncertain of the answer of or feel, it would be better to go away and get a more informed response, then please do feel free to roll that over to an action point to be responded to in writing by deadline three. Because, as I am aware that a number of the people that you would have liked have been at this hearing and potentially not here.

00:02:20:24 - 00:02:52:12

So I'm more than happy for you to do that if you feel the need to do so equally. This afternoon's discussions may not cover all of the aspects that you think it may be doing, because some of the more technical issues I may well want to roll out for myself to a written question so that I can get a more detailed answer. So having provided that context, I'm just proposing now that we have a discussion about the proposed protective provision for the protection of the oil and gas licensee, which is part schedule nine of the draft consent order.

00:02:53:06 - 00:03:14:18

The department consent order, as currently drafted, includes the preferred wording of the applicant and that can be found at RET two O 61. In addition to which we have before us that was submitted at RIP two O 62, which is Annex three, the preferred wording suggested by BP on behalf of the Northern Insurance Partnership.

00:03:16:05 - 00:03:52:06

I'm sure you're all aware that protective provisions do take very different approaches as to what should or should not be allowed in what an area that I'm going to call as the overlap zone. But before I examine the wording of the proposed protective provisions, it be useful for some questions to provide context for the need for the protect provision. And then I'd like the applicant and BP to walk me through their protective policies, their respective protective provisions. So that's a bit of a mouthful. So in terms of context, I just want to clarify, first of all, the area that we are referring to when we talk about the overlap zone.

00:03:54:03 - 00:04:24:06

The issue, I think relates to a 120, 110 square metres, a seabed that is located in the northern part of the order limits for the array area where the proposed proposed development would overlap with the insurance aquifer. It's referred to, as I said, by a number of names, but for the purposes today I'm going to call it the overlap area. But I just wanted to clarify, it is 110 square meters because there are certain references within some of the documents have been submitted to 130 square meters.

00:04:24:08 - 00:04:34:06

And I think that this might mean the exclusion area and the notification area as referred to by people by BP. But I would just like to clarify that.

00:04:35:18 - 00:04:46:29

By Gareth Phillips for the for the applicant square kilometers that we're referring to, not square meters. And yes, 110 is, is our understanding it's 110 square kilometers.

00:04:47:24 - 00:04:54:00

And does that include or exclude the notification area? Because I know that the protected provision for.

00:04:57:04 - 00:05:01:12

That suggested by BP includes obviously the exclusion area and the notification area.

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Currently, the applicant excludes from our perspective. So the notification area is it extends the 110 kilometers.

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Yet we can confirm that. Yes.

00:05:14:04 - 00:05:14:19

And so.

00:05:14:24 - 00:05:17:01

130 with the notification area.

00:05:17:20 - 00:05:55:05

That that explains the sort of difference between the various different references within the documents. Thank you. I just wanted to clarify that. So I'm going to go right back to basics. And I just

want to establish some baseline facts with regards to this area. The primary issue appears to be that the licences were granted for competing interests for the same part of the seabed. And whilst the application document contained references to various states for the interface agreement, I can't find any specific references with regards to documents about the timeline for the granting of the original licences I who was granted a licence and when.

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So I'm going to ask the applicant first if they can walk me through this timeline or point where in the documentation it can be found.

00:06:08:21 - 00:06:11:07

Set the start the applicant.

00:06:14:22 - 00:06:36:05

Guaranteed it's for the applicant. The background here from the applicant's perspective is that there was a development agreement, first of all, for the Hornsea zone, and I'll come back to you on a date for that. And then subsequent to that. There was an agreement for lease granted by the Crown Estate for this particular area, for Hornsey for.

00:06:38:24 - 00:06:52:06

So again, just for the if we take it right back to real basics, the horses owners, the wider area, the included hornsea ones, two and three. Is that right? And then the points deeper and then there's a separate licence for Hornsey for.

00:06:54:00 - 00:06:54:15

No.

00:06:54:17 - 00:06:56:02

I thought. What you saying? No.

00:06:56:26 - 00:07:12:29

There's no license. So the license applies to BP. They have a license for us. There is essentially there wasn't a development agreement for the Hornsea zone for Hornsea four. There is a separate agreement for lease.

00:07:14:04 - 00:07:16:02

Okay. And when was that lease signed?

00:07:19:00 - 00:07:20:06

You said you were against him.

00:07:20:16 - 00:07:21:17

Just taking instructions.

00:07:22:03 - 00:07:25:08

So that said, you've entered into the end of 2009.

00:07:25:29 - 00:07:26:14

Okay.

00:07:26:19 - 00:07:35:27

And then it was and then it went down and it was abolished and single vehicles were counted. Each of the hundred projects. I'm just checking. What data?

00:07:37:18 - 00:07:40:11

So that when the developing agreement was.

00:07:42:07 - 00:08:10:04

December 2009 was the zone development agreement. And then later on and we're going to give you the date. Now, what happened was that the zone development agreement effectively was supplied, revoked, and the crown estate entered into separate agreements for lease with each of the areas within that zone. And the date of the agreement for lease for Hornsea Project four was.

00:08:12:03 - 00:08:13:13

March 2006.

00:08:13:15 - 00:08:16:00

Date March 2016.

00:08:17:15 - 00:08:20:17

Okay. And if I can ask

00:08:22:12 - 00:08:29:13

Mr. Howard on behalf of BP to walk me through how the licences work for their part of the seabed to.

00:08:33:28 - 00:09:06:18

Yeah. I'll do my best and I'll be corrected by my BP colleagues if I say if I'm incorrect here. So the agreement to lease was granted in 2013 and the licence, the store licence was granted in November 2012. It was transferred to BP being the operator on behalf of the NEP Partners in 2020, and there are further consents as a store permit to be obtained as well, which BP will be applying for later this year.

00:09:09:00 - 00:09:09:18

Okay.

00:09:13:19 - 00:09:47:14

Okay. So having established sort of the timelines for the various obtaining of the land for, of seabed, for want of a better word, and I just want to establish what would be proposed for the overlap area on an unfettered basis. So for example, if there wasn't a competing interest for the same park. So the following discussion is on a without prejudice basis, and I'd just like to start with the applicant first, sir. Mr. Phillips The application is for up to 180 wind turbines.

00:09:47:29 - 00:10:14:02

Can you just confirm on an I know that you've there is obviously you've had discussions in negotiations with BP on behalf of Northern Partnership over the last two years and there has been a reduction to the number of turbines as a result of those discussions. But I just want to know on a unfettered basis how many wind turbines would be located within this area, because there seem to be differing figures within the documents that I've received.

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If you do not know the answer, then as I said right at the beginning of this discussion, I'm more than happy for you to respond to that in writing.

00:10:27:19 - 00:10:38:25

No, that's okay. Gareth is the applicant. So on an indicative basis we estimate somewhere between 30 to 45 turbines in the overlap zone.

00:10:40:05 - 00:10:45:20

I know that that's what's proposed by as a result of the discussions that you've had with.

00:10:47:19 - 00:11:12:23

BP. On behalf of any paper, there seemed to be an indication that there would have been there was really going to be 80 wind turbines and that was then reduced to 45 to allow for the widest spacing. And that's in paragraph 5.12 of 1.57. So can I just confirm I'm just trying to establish the baseline here. So is that correct or is it always been only 45 turbines in this part of the array area that are proposed?

00:11:19:28 - 00:11:24:19

Gareth relates that with me. I'm just taking instructions on that. We're checking the ranks that was put in. Thanks.

00:12:13:02 - 00:12:22:19

Gareth. Sorry, could you just confirm the reference you just gave for that? The reference to 80 turbines. It was a paragraph.

00:12:23:19 - 00:12:25:25

REP one oh 57.

00:12:28:06 - 00:12:29:23

Paragraph 5.12.

00:12:32:02 - 00:12:32:17

Thank you.

00:12:37:16 - 00:12:57:09

I don't that happens because this is in my notes have the actual document but there is a problem with a couple of the documents submitted on this in that there are several annexes to them which restart the paragraph numbering. So if you can't find it with the first paragraph 5.2, I'll just check later, paragraph 5.12 and the same documents.

00:13:08:20 - 00:13:28:27

Gareth, who's the applicant? We're actually struggling to find that reference from the electronic documents that we're looking at to see where it came from. So we'll have to come back on that one. But but the instructions I'm being given in the room that we haven't reduced from 80 to the estimate of 30 to 45, 30 to 45 is is our position.

00:13:29:29 - 00:13:50:03

Okay. What I will do on your behalf is as an action point on that, I will recheck that reference number. Thank you. Put it into the action point for you to then come back to us as the as what the actual situation is. And can I just confirm what the distance apart would be in this part of the array?

00:14:20:03 - 00:14:34:15

And it's the applicant. Sorry about the delay. Excellent. So in this part of the array, it would be exactly the same as the rest. And so the minimum spacing is 870 metres.

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Okay. Well, the DCI says 810 would be the minimum distancing.

00:14:50:01 - 00:14:51:08

Yes, I think that's correct.

00:14:51:26 - 00:15:01:12

Okay. Thank you. And can I just in terms of layoffs in an unfettered situation, what would the lay out be to avoid wake effect?

00:15:03:08 - 00:15:26:11

As it seems to be that under from looking at the documentation that's been submitted regarding a compromise agreement in this area, you've proposed that the turbines would be in a more symmetrical spacing in order to allow potential for the monitoring suggested by BP. But I'm just wanting to know what iteration would be in an unfettered situation with regards to layout.

00:15:49:24 - 00:16:08:28

Again, it's the Applicant that that isn't defined at the moment that would come through the optimization process, through detailed design. So, you know, when when further studies are done and the design is put together, we would have an understanding of what the effect would be and then we would adjust the layout and the number of turbines accordingly.

00:16:09:15 - 00:16:27:23

Okay. And can I just confirm if there would be a difference in space? Obviously, you haven't determined what type of wind turbine you are proposing to use, but there is discussion about potentially using either a 14 or 15 megawatt wind turbine. Would there be a difference in the spacing for those wind turbines?

00:16:33:24 - 00:16:37:08

Again, I realize this is a technical point, and you may want to come back to me in writing.

00:16:47:12 - 00:16:50:27

Garrison. It's the applicant. And I think we'll come back to you on that one, please. Thank you. Okay.

00:16:50:29 - 00:17:00:11

And you may want to come back on the next point. I'm just wondering at this stage whether there's any advancement is to know yet whether you're going to be using 14 or 15 megawatt wind turbines.

00:17:01:20 - 00:17:03:01

No, that hasn't moved forward yet.

00:17:03:21 - 00:17:11:20

And do you know if there's any further advancement in terms of output, for example, that we should be aware of, such as 60 megawatt turbines as a potential.

00:17:13:10 - 00:17:15:08

No, there's no further confirmation on that.

00:17:16:00 - 00:17:29:18

Okay. Come the next point I'm trying to make, which, again, given you it's been difficult for you to come back on 14 or 15, is just I'm trying to understand what this means in terms of production from an unfettered perspective.

00:17:31:05 - 00:18:06:25

Paragraph 5.12 of Rep 1.57 says that 45 turbines in this area would have a capacity of between 630 or 675 megawatts, depending obviously on whether or not they are 14 or 15 megawatt turbines. And the indications seem to be and this is why I was trying to understand the difference between the 18 the 45

wind turbines that were proposed, that if you reduce from the 80 to the 45, that would be a loss in turbine capacity of between.

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But it would take to reduce the overall output output to approximately 1.8 to 2 to two gigawatts

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and obviously reducing the number of turbines down to 135.

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So can you just confirm if that's correct? Because I think it was put forward by BP.

00:18:49:01 - 00:18:58:15

Countries. The Applicant, as far as we're concerned, that there's never been a proposal for 80 turbines in that in that area. Okay. Such a large reduction.

00:18:59:05 - 00:18:59:20

Okay.

00:19:00:10 - 00:19:00:25

Okay.

00:19:11:01 - 00:19:14:23

Okay, because quite a lot of the submissions seems to be about this reduction.

00:19:17:16 - 00:19:32:18

245 turbines in this area and the reduction turbines as a whole. And the fact that from the point of view put forward from the applicant perspective that this makes the scheme viable. Because the next question I was going to ask was related to

00:19:34:12 - 00:20:02:09

obviously if you take 45 turbines off 135 wind turbines, this would reduce obviously what is consented. But I'm just trying to put that in the context of other wind farms because it still would appear to be quite a large windfarm without the overlap area included. Do you have any comparative tables with regards to other wind, wind farms in terms of the number of turbines proposed?

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Counsel to the applicant, we could provide that. But just to be clear, it's not the Applicant position that with the reduction the project would be unviable. The Applicant position is that if would it would adversely affect the competitiveness of the project in the CFD auctions.

00:20:24:25 - 00:20:31:11

Okay. And that's down to the obviously the amount of electricity you could generate as a result is of the number of turbines.

00:20:31:17 - 00:20:32:02

Correct.

00:20:33:00 - 00:20:33:15

Okay.

00:20:35:04 - 00:20:45:07

So the argument is, is that if you can't build the 45 turbines in the overlap area, if from your perspective, the project becomes uncompetitive.

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Gareth is the applicant there too? The answer is yes. There are two two factors. This is essentially if the objective is to produce as much power as possible and hit 2.6 gigawatts, then yes, if you reduce the power output, you're respectively spreading your carrying cost across a smaller project. And so that's why it becomes more less competitive. The second dynamic to it is whether you go AC or DC transmission capacity, because effectively to make DC transmission viable, you essentially have to go up in increments of one point to 1.3 gigawatts.

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So you would either have DC at a project that's 1.2 gigawatts or you would have a project that is at 2.4. In between, it becomes

00:21:57:17 - 00:22:34:07

unviable to use the DC transmission technology and you have to then use AC, which of course includes more infrastructure along the way across the project. So if we were if we were being pushed, if the if the Secretary of State wanted us to go towards the DC technology for transmission and therefore reduce the amount of development that's required for that FERC for for AC, then we would find ourselves in the position that the project that is somewhere between 1.2 and 2.4 wouldn't be viable on using that transmission.

00:22:36:01 - 00:23:10:22

Okay. Mr. Phillips, I'd have to advise you in all of the information, and I have to say, most of the information has been submitted by BP on this matter. I have not read anything with regards to the arguments in relation to AC DC transmission, so you therefore may want to submit that information in or you may be proposing to separate that information into the examination in response to the BP submission at deadline, to which obviously I realize the deadline for that written response hasn't yet passed. So and I was only aware of it from a perspective of the amount of energy at the concern.

00:23:10:28 - 00:23:44:22

And in relation to this overlap zone being in relation to the actual quantum of energy being generated rather than how it was being generated or rather how it was being transmitted. So I do realize, you know, this is a fairly early on conversation and obviously deadline to we had another submission from BP, but we didn't have anything further from the applicants on this matter. So it may be that you're proposing to respond to that in writing, but can I strongly suggest that you do if you want in an argument to be considered that you do take it forward in the next submission that you make on that matter?

00:23:46:09 - 00:24:14:06

Yes, this is indeed a product of a premature hearing, essentially that there were further and substantive submissions by BP. A deadline to our proposal was to review those and provide further submissions deadline three or indeed have further discussions with BP before doing so. So, yes, we haven't developed our case in response to the further submissions by BP deadline two, but we can do so. Thank you.

00:24:14:25 - 00:24:28:01

That's no problem. And in doing so, can you also just explain a bit further with possibly in that submission why it is that DC can only operate at 1.2 or 2.4 and not in those blocks in between?

00:24:28:19 - 00:24:29:23

Yes, we'll do that. Thank you.

00:24:30:03 - 00:25:00:16

Okay. And just picking up on the point about the prematurity of discussion, as I've explained right at the beginning of this session, you know, we only we have only six months in which to examine matters. So whilst it might be slightly premature in terms of the responses, at least we're having those discussions and hopefully those responses and analysis, the questions that we're raising can be turned around quite quickly. We can get that information into the examination so we can examine the matter fully, which is why I brought this up the schedule in terms of determination and consideration.

00:25:01:10 - 00:25:42:23

So I just want to go on to the next point is, given the order limits as proposed reflect the Rochdale type and the description of developments is is up to nicely wind turbines technically there's no minimum so you could do less than 180 and they could be located anyway anywhere within the array area in Rep one over 57. And BP's response, which is page 24, they provide you two figures, figure ten and figures 11, which show possible layouts for the array, including and excluding the overlap area.

00:25:43:10 - 00:25:52:23

BP Consider that this effectively demonstrates that it would be possible to have 280 wind turbines in the area that remains once you remove the

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overlap area.

00:25:57:09 - 00:26:02:03

This is actually a question for BP. Before I go back to the applicant for their comment on these

00:26:03:29 - 00:26:07:09

figures, BP, could you just confirm

00:26:08:28 - 00:26:31:22

what distance apart the wind turbines would need to be to achieve the layout that you've shown on Figure 11? I'm sure. I'm sorry. It's a very small scale, so it's very difficult for me to tell from the documentation that's been submitted and would that comply with the minimum spacing set out in the decree currently drafted? So I don't know if Mr. Howard wants to respond to that or if something else within the team does.

00:26:32:09 - 00:26:36:09

Sorry, I will just speak to my colleagues. Left BP one moment. Madam, thank you.

00:26:39:19 - 00:27:16:02

Gareth Fritz the applicant. Perhaps I can I can use the slight pause. Just to be clear at this stage, yes. In terms of consenting within the order limits, the turbine can be the number of turbines can be reduced, as you've suggested, and they can be essentially how they will be located in the array area will will develop through design and requirement discharge. However, one has to bear in mind that one can't assume that everywhere all of the seabed within the array area is is suitable for the development.

00:27:16:16 - 00:27:51:01

So whilst it's perfectly feasible to draw an oblong on a page and dot windfarms around it to show that you can get 180 turbines in a smaller area. Of course, the reality is that one has to do geophysical investigations. One has to look into the matter further and understand the seabed conditions and then develop out, you know, the micro siting of the turbines. So I don't think it's a very it's a safe assumption that 180 turbines can be squashed into a smaller area, that that just isn't the case.

00:27:51:03 - 00:28:16:22

One has to defer the design, but one also then has to bear in mind weight loss, that if you condense 180 turbines into a smaller area, you then have the weight loss issues because of the the greater proximity or the shorter distance between all of the turbines. So it's easy to draw in a diagram the same number of turbines in a particular area, but the reality of designing the project and microsites in the turbines is very different.

00:28:17:12 - 00:28:31:09

Thank you. Thank you. Mr. Phillips, you have effectively answered the next questions, saying that that was a useful use of time, but I was going to allow you to do that in response. And I actually had raised in my question a number of the points with particular with regards to micro sourcing

00:28:32:24 - 00:29:04:04

in that question. So I think that you probably answered that. But if I can go back to Ms.. Howard with regards to BP's response, with regards to. What I was trying to do, just to clarify what I was trying to find out was obviously they submitted a figure showing that 180 wind turbines could be located in the array area, including nothing within the overlap area. But what I was just trying to find out, because the scale of the drawing is so small what the distance between those turbines was.

00:29:04:27 - 00:29:18:10

Yes, we were. I think if we were mindful of the 810 meter minimum distancing. So that was the assumption for that layout, the minimum of that, I think some of them might be slightly bigger, more more widely spaced than that.

00:29:19:03 - 00:29:26:21

Okay. Thank you very much. So I think just I'm just going to check the next question, cause I think you answered all of the points that I'd raised.

00:29:35:17 - 00:29:37:17

So you covered it out of that output.

00:29:42:09 - 00:30:16:26

So just on a micro sighting. Um. Obviously BP at paragraph 13.2 have highlighted that what's been applied for is the maximum and that the actual build out could be less. As has been the case in Hornsea one and Hornsea two. And what I'm just trying to get an idea of, because I think that comes down to sort of micro siting and the fact that turbines can't be located. But I'm just trying to understand if that's a significant number of turbines that doesn't get built out or just a few because of those issues with micro reciting.

00:30:18:14 - 00:30:19:12

Mr. Phillips.

00:30:40:12 - 00:31:19:06

Currently the applicant for this project because of the turbine capacity being limited to those turbines that are on the market at the moment. So we're using worst case scenario of having to use a 14 megawatt turbine. In terms of how it's going to be microsites, it is my previous answer really that until further investigations are done, we won't know how many turbines, you know, can actually be deployed. But I think the point here is a broader one in that obviously if the area available to us is reduced, then it will have a downwards impact on the number of turbines.

00:31:19:15 - 00:31:48:11

Yeah, I think I think my question was slightly different. I probably maybe didn't phrase it quite as succinctly as it could have. What I'm just trying to do is to try and get an understanding of this. BP have highlighted the previous wind farms. They haven't built out to the maximum number of turbines. And what I'm just trying to understand, as a general rule of thumb, is that a significant number. Is it like 80 or 90 turbines that are not built out or was it eight or nine turbines are not being built out? I mean, what is the difference between those two figures?

00:31:49:17 - 00:32:23:00

Guess. I don't know unless we look at each of the projects. But it would I don't think you'd see a general rule of thumb anyway, because each project will turn on that, you know, the geophysical characteristics of the seabed, it'll turn on whatever ornithological constraints were put in place in terms of the number of turbines at the end. A whole host what was commercially viable in terms of turbine selection. So I don't think there will be a rule of thumb across all those projects. Each one will have reacted to the supply chain and the constraints of the consent at the particular time of construction.

00:32:23:21 - 00:32:57:02

Okay. Because I'm just trying to understand, I mean, obviously, they've indicated that as with the your scheme, you know, X number of a maximum of up to X number of turbines was consented, but in reality, Y was built out. I'm just trying to understand what that different says and whether there's a pattern to it, but we'll leave it there. I don't think we can progress that discussion any further here. And if I can just then pick up on the timescales for development, obviously there's various broad timescales provided for and you may not be able to answer this question because obviously it's more detailed, but of things being built out.

00:32:57:04 - 00:33:05:21

But have you got any idea at what point in a timescale for development this area would be constructed if consent was forthcoming?

00:33:16:24 - 00:33:20:24

So would it be in the first phase? Second phase? Just trying to understand.

00:33:26:29 - 00:33:39:18

Gareth Phillips For the applicant, it's not a phased development at the moment, it's a single phase project set up that way and construction in this area would be approximately quarter one, 2028.

00:33:40:04 - 00:34:00:05

Quarter one, 2028. Thank you very much. So I'm just going to turn to BP on behalf of the Northern Insurance Partnership. And I just want to confirm with Mr. Howard that there's currently no application in Aden for the aquifer. Um.

00:34:01:25 - 00:34:16:12

And if you can just clarify, I think paragraph 3.2 Rep two oh 62 indicates the application would be submitted to bias in September 22 to 22 and the Oil and Gas Authority in November 2022, is that correct?

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Yes, ma'am, that's correct.

00:34:20:24 - 00:34:30:24

And can I just clarify at this stage what the applications are and why two different consents is required is one for the pipeline and one for the storage, or how does that actually work?

00:34:32:18 - 00:34:46:00

It's just it's just one it's one consent, one permit or consent. As I understand it, there's an EIA to be carried out, an environmental statement consultation process, which happens before the actual store permit is granted.

00:34:46:23 - 00:34:52:05

So is the oil and gas authority permitting people and vice the. Yes.

00:34:53:15 - 00:34:54:18

The. Yes, that's correct.

00:34:56:16 - 00:35:23:18

You mention in your submission that a decision would be expected on a similar timescale to a development consent order. So on the basis that, you know, you're submitted an application in September 2020 to November 2022, a decision on these would be due around May June 2023. Could you just walk me through the decision process and also explain directly to examples of other consents that have been delivered through this process? Or is this a first of its kind?

00:35:25:24 - 00:35:30:16

I think I'll pass over to my colleague, Mr. Cech, to answer that, if I may. Thank you.

00:35:32:25 - 00:36:05:16

Just a minute. Good afternoon, Adam. So you are absolutely right in saying that this is the first of a kind process. There's never been a storage permit for CO2 granted in the UK in the previous six competitions. It was very close. Several entities, including the National Grid on the Pacific Rose Project, got to the place where it was fully drafted, but it did not go through the full process. The steps we envisage, which includes carrying out the environmental impact assessment of which the approval is operate.

00:36:06:06 - 00:36:15:14

They are a primary stakeholder into the no doubt. And as to who will be the final permitting authority for the storage permit.

00:36:16:24 - 00:36:28:20

Okay. Thank you. And. Given. Obviously it is, it's first of its kind. What kind of certainty can be placed on the indicative timescales being achieved in terms of consenting?

00:36:30:00 - 00:37:03:00

So the to have published and has been in existence for a number of years, a set of guidelines on the expected durations. And what what they have made very clear to us is that this is a process that is not a one off. So we have been in concert as part of our license terms. There is a pathway towards storage permit, which involves at least a quarterly engagement on a series of deep dive topics. And that they would they would let us know following submission that it our anticipated final investment date.

00:37:03:11 - 00:37:10:00

There will be no comments, no further comments status before they deliberate and make their decisions.

00:37:11:02 - 00:37:30:00

And you have to pardon my ignorance about this processing application process, but is that any part of that application process similar to this? And that there is a public format where people, members of the public can comment or other organisations comment. I mean, what consultation is carried out with regards to that consenting scheme?

00:37:30:27 - 00:37:38:00

I believe the storage permit process itself is not a public scheme. It is based upon the oil and gas

00:37:39:27 - 00:37:56:01

and carbon storage regulations. The EIA does have a public component to it whereby it's very similar to an environmental statement consultation. We would expect a period of about 12 months for open consultation.

00:37:57:06 - 00:38:04:07

So if I can just. Pick you up on that. You say 12 months in consultation, but you've given an indicative.

00:38:05:26 - 00:38:25:28

Timeline of a decision being similar to a DCO, which would be in nine months consenting process. That's obviously a six months examination, three months reporting. So would that May, June 2023. Indicative deadline for a decision actually need to be shifted.

00:38:27:06 - 00:39:00:05

Not to our understanding. So the EIA process is also built because of the oil and gas petroleum regulator, four and five minute decommissioning. It's also built on the same process. They've they've indicated that that 12 months is actually the the longest extent versus a typical time period, which would be a lot shorter if it was a hydrocarbon development. And the way it's been explained to us is that the EIA comes in very, very shortly before that storage permit and also the comments decision point.

00:39:00:14 - 00:39:01:27

So we happens in parallel.

00:39:03:02 - 00:39:37:03

Thank you. Thank you. And in paragraph 5.3.1 of Rep 262, you indicate that you are proposing to commence injection by 2026 if consent is granted in 2023, which would be a 33 year period for consent to construct. Given this is a first of kind project and would involve the construction of two quite lengthy subsea pipelines, what confidence can the examining authority have in these timescales? For example, can you point me to other similar projects that have achieved these timescales?

00:39:38:20 - 00:40:18:24

Yes, I mean them. So as part of as part of BP, on behalf of the NDP partners working through this project, at each stage of development, we benchmark the duration of our projects and fall for natural gas offshore pipelines. Given that we are going to specialists contractors within planned weather windows, there's been numerous examples where a planning period from 52 construction would take typically be two and a half years. And that's been very broadly benchmarked according to the vessels being deployed for this type of shallow water environment and also given the extensive supply chain that's been built up in the UK.

00:40:19:24 - 00:40:34:06

Okay. Thank you. And does the actress want to comment on anything I've heard in terms of the consenting process? Was that their understanding of how the proposes to roll forward for the aquifer? Mr. Phillips You want to add.

00:40:34:17 - 00:41:05:04

That to the applicant? I think this is part of the problem in that in trying to compare the two consenting processes, the reality is that they're not similar at all. The consenting of the storage is very

much similar to how oil and gas has gone on in the past, which is the complete opposite to the transparency you see in the regime. So the actual consenting piece is done behind closed doors with the OGA. Now that North Sea Transition Authority.

00:41:05:14 - 00:41:36:00

There is a potential aspect for consultation on the EIA itself. But in terms of this forum, this sort of opportunity for speaking directly to the decision maker or rather those who will be advising the decision maker, we won't have that opportunity in terms of the timescales, you know. As Mr. Kapoor said, it's broad brush timescales drawn from other projects, presumably in other jurisdictions because this is the first sees us in the UK.

00:41:36:24 - 00:42:11:17

And so those timescales may have been influenced or likely to have been influenced by the consenting processes that are in those other jurisdictions. So we can't really comment beyond that because it would be hypothetical, but it seems to us looking at the dates that have been provided by BP that they are very soon and perhaps are the best that could be achieved if all consenting processes and everything else falls in line. But that's that's just our view on assessment and talking to our technical advisers.

00:42:12:00 - 00:42:15:02

But in terms of processes, the two consent processes are not similar.

00:42:15:24 - 00:42:16:12

Thank you.

00:42:18:14 - 00:42:43:00

Okay. This is supposed to be a question for Mr. Cech. Given the prevalence of oil and gas fields in this territory of the North Sea, can you confirm if there are any other structures such as oil and gas platforms that are located within the endurance aquifer area that would need to be monitored? And if there are given the issues raised in relation to holes in the data caused by this application, how would monitoring adapt it in those locations?

00:42:46:07 - 00:43:22:20

Yes. Thank you. We identified that the Gareth field in the north east quadrant is one such platform that is close to us. However, its location is sufficiently far away that we can adjust the sale patterns to ensure that we can still acquire a complete picture of the reservoir. In addition, there is an option as well with a fixed structure for us to have a look, a local data point in order to supplement the images that we gather from a vessel stream as I speak.

00:43:23:21 - 00:43:47:06

May I also offer a point that Mr. Phillips had raised about the guidelines and the time, the timelines? We just like to point out that this is published on the Nzta's website on carbon licensing guidance from duration of licensing through to permitting. So we are simply following what has been publicly published.

00:43:48:12 - 00:44:03:01

So, you know, you might not be able to answer this. You may need to come back to me in writing, you know, if that information has been submitted into the examination in support of the obviously to reinforce the timelines that you've referred to in the documentation you've already submitted.

00:44:03:14 - 00:44:05:15

But we have not submitted it, but we would be happy to.

00:44:05:27 - 00:44:31:24

Could you submit that at deadline three? Because obviously the more information we have, the more informed a response we can make. And can I just confirm possibly with you, Mr. Kent, possibly one of your colleagues, that the issue of co-location comes down to monitoring and the ability to access wells and build additional wells. This seems to be what is said in paragraph 7.3.3 of one a57.

00:44:34:00 - 00:44:35:12

Or is that correct?

00:44:35:24 - 00:44:36:14

That is correct.

00:44:37:04 - 00:44:54:06

Can I also just pick up one point? You refer to the fact that over the life of the CO2 operations, there are expectations of some uplift, albeit limited to the reservoir cap, and this could affect the foundation of turbines.

00:44:57:02 - 00:44:58:23

Is that correct?

00:45:00:27 - 00:45:07:05

So I'm assuming you're essentially saying there could be some heave to that clay cap on the top of the aquifer?

00:45:07:22 - 00:45:35:08

Yes, we've we have done extensive geo mechanical modelling. And what we would wish to point out is across the cap structure is approximately 25 kilometres by nine kilometres. So whilst there could be a bit of heave, I think these the modelling extremely complex. It is over a very wide area. So the actual displacement we would expect is a very low centimetre range as well.

00:45:36:00 - 00:45:50:11

Okay. But I think you have indicated it could potentially affect the foundation of turbines. And what I just wanted to maybe ask of the applicant is have they factored that into their foundation design for the turbines that would be located within the overlap area.

00:45:53:06 - 00:45:55:12

Mr. Phillips would you know, the answer to that.

00:45:56:22 - 00:46:02:02

Character is the applicant was just taking instructions and that hasn't been factored in because we don't have that evidence.

00:46:03:13 - 00:46:30:20

Okay. Is it something, I suppose, in a much broader brush? I think the indication was that another reason as to why turbines shouldn't potentially be located in the overlapped zone was that there was this potential for heave over the top of the aquifer cap. But what I suppose I'm trying to ask is could that issue be addressed by the use of a different foundation design, and if so, which ones? That may be something that you want to take away and come back to me on.

00:46:32:14 - 00:46:44:18

Thank you. Mike Brunson's on the line and sorry to jump on him. Mike, is this something you could provide an answer to in this hearing or is it something we should take away is invited to comment on?

00:46:46:20 - 00:46:51:08

I brownstone also had cut. I think this is something we could take away and come back to.

00:46:51:29 - 00:46:55:05

Okay. Can I give you say just Mr. Brownstones?

00:46:56:25 - 00:47:05:15

Benefit. The particular paragraph is paragraph 7.2.3 REP 157 and that's the BP submission as part of that

00:47:07:27 - 00:47:08:17

document.

00:47:10:26 - 00:47:37:04

And if I can get back to the applicants, you have made a number of references about the importance of monitoring to the application for the carbon capture and storage, and referred to the fact that you can't mix and match technologies for monitoring as the regulator won't accept it. This is set out in paragraph 5.3.3 of Rap two oh 62. Can I just ask, who is this regulator and what regulations they are enforcing?

00:47:44:16 - 00:47:47:20

So is that. Is that for us, madam? I think you said it was the applicant, but, you.

00:47:47:22 - 00:47:48:16

Know, I'm sorry if it's for.

00:47:48:18 - 00:47:53:09

BP. BP to answer that. Yes, sorry. Just one moment.

00:48:38:08 - 00:48:42:06

Again. Can I remind you that if you don't feel you can answer it now, you can always do it in writing.

00:48:43:03 - 00:48:52:16

Sorry. Sorry. We just, for the moment lost the reference. We think it's the carbon storage regulations 2010 and it would be the DOJ and the.

00:48:52:18 - 00:48:53:07

CARBONS.

00:48:53:14 - 00:48:58:08

To say. Regulations 2010.

00:48:58:24 - 00:49:00:17

And who would be the regulator?

00:49:01:07 - 00:49:05:21

The North Sea Transition Authority, formerly known as the OGA.

00:49:11:11 - 00:49:13:22

Okay. And.

00:49:16:04 - 00:49:17:26

Just as a follow up to that,

00:49:19:19 - 00:49:40:27

in paragraph 5.4 of two over 62, you state that short offset to technology exists but that it is not approved by the regulator. Can I just check? Is that the same regulator? And if this monitoring technology is not approved, what technology is approved by that regulator? This might be something you need to submit.

00:49:42:07 - 00:49:44:27

I think we can take it now. I think Mr. Cech can take that.

00:49:45:16 - 00:49:46:01

Okay.

00:49:47:23 - 00:50:20:02

So under the under the regulations and as it's been described to us by the National Sea Transition Authority, it is up to the operator to put together a monitoring plan that includes what's proven and credible to demonstrate the safety and effectiveness of the monitoring technology in question. What we are. So in terms of p cable and shot and peak cable, what we are comparing it against is what is proven today.

00:50:20:21 - 00:50:42:21

That has been proven to work in the northern North Sea specifically with the the Equinor projects over a course of over 20 years. So that is the obvious starting point. And to date there has not been any use of peak cable or shorter cable technology for this specific application. And as such, our starting point would be a conventional streamer.

00:50:43:12 - 00:50:58:06

But if I can actually take you back to what it says, so when you say it's not approved by the regulator, that's not actually correct because the regulator hasn't actually approved or not approved anything. This is something that you are choosing to do. It's not confirmed by the regulations. Is that correct?

00:50:59:21 - 00:51:07:27

Yes. To clarify. We will be asked by the regulator to make a case, and the regulator wouldn't consider the totality of it as part of the story.

00:51:07:29 - 00:51:18:04

But but you have quite clearly said in paragraph 5.4 of RIP to A62 that it is not approved by the regulator. So is that statement correct or incorrect?

00:51:19:25 - 00:51:21:03

Sorry. Can you give me a second?

00:51:21:19 - 00:51:22:09

Yes, I think.

00:51:22:11 - 00:51:43:09

Could I could I just jump in? I think what what we I'm I haven't found that reference, but what we perhaps meant was that it has not to date been approved by the regulator for QC. Nowhere in the world. I don't think that any regulator and certainly not this regulator, approved this kind of hybrid technology with the ocean bottom nodes for monitoring an aquifer.

00:51:44:03 - 00:51:48:05

Yes, but what I'm also then my follow up to that well, what is approved by that regulator?

00:51:48:26 - 00:52:26:01

So I think what Mr. Keck was trying to explain is that they the regulator, the way it works is that we have to put forward a case for the type of monitoring which we would expect, along with all sorts of other things. In order to get the store permit, we have to put forward what but that what is required is the best available technology. That is a requirement of the regulations and of the licensing regime. And I think what all of our reps and what we're trying to get across is that we see no way in which the regulator would accept an unproven technology to monitor to monitor this.

00:52:26:03 - 00:52:38:06

What they will expect is the best available technology, which is accepted both in the Orrick report and certainly in BP's report, as well as being the four D seismic vessel towed streamers.

00:52:38:23 - 00:53:13:18

But my concern is that by the use that raised, not approved by the regulator, you're trying to give it some kind of weight that it potentially doesn't have because. Well, actually, what you're saying is nothing is or isn't approved by the regulator because the regulator doesn't actually exist at this point in time. And therefore, actually, some of those statements that you've made that this is the only way for what I'm trying to understand. What I'm trying to establish is a baseline of what is or isn't proved, because there's obviously BP have put a very strong case for that. The only way forward is to do the monitoring in the way that they've suggested rather than the alternatives that have been suggested by the applicant.

00:53:13:25 - 00:53:32:00

And I'm all I'm trying to establish is from a regulatory point of view, because obviously that's quite what you've stated in your documents, is that the regulator says you can only do this. But it seems to be clear that what's coming out in this discussion is that the regulator isn't saying that because the regulator doesn't actually exist at this point in time. Is that.

00:53:32:02 - 00:53:38:12

Correct? I think the okay exists at this time. Sorry. I think I don't know the OJ access as a regulator.

00:53:38:26 - 00:53:46:09

But the regulator hasn't actually provided any guidance or regulations with regards to what monitoring is or isn't acceptable.

00:53:47:16 - 00:54:12:17

I think they haven't got a list of what specific monitoring. That's not the way they do things. They expect you to always proven the onus is on the applicant, that you're always using the best available technology. So it'll be up to us at the point in time when we apply to prove that we're provide, we are offering up the best available technology. So if we're not, then the risk is on us that they certainly wouldn't approve it and that's where we are.

00:54:13:00 - 00:54:44:19

Okay, I understand that. But obviously the way that you've worded what's come forwards me as reading it is that you put the emphasis is that this is what the regulator says we have to do. So that's what we're doing. But that's not actually the case. What you're actually saying is you have to make a case to them and I'm paraphrasing here, you have to make a case to the regulator saying this is what we want to do. This is why we want to do it. This is the evidence that demonstrates why that should go forward. And they then take that on board or not. It's not as simple as they've got a list and they say ocean of notes are fine. You know, towing, it's fine.

00:54:44:21 - 00:54:48:27

Short tail, short turn is fine. There's none of that there yet. Is that what was. Yes.

00:54:49:04 - 00:55:22:28

Yes, that's correct. And apologies if any of our statements were misleading. It's actually an approach that's very common in all sorts of health and safety and environmental regimes. The onus is always on the applicant to prove that using the best available technique or the best available technology. So I think all that we are trying to say is that we know that 40 streamers are deemed to be best available technology currently. So we cannot currently see a world in which they would accept anything other than that. But you're correct, there's no list of you must do this, you must do that, not the way the regime works.

00:55:23:07 - 00:55:41:12

Okay. That's what I was just trying to understand, because obviously the emphasis, if the regulator says this is what's the approved technology, that obviously may make me look at something in a slightly different light. So I'm just trying to understand the basis of that. So if I can just ask the Applicants if they want to respond in anything that they've just heard discussed.

00:55:44:15 - 00:55:45:25

You're muted. We can't hear you.

00:55:46:23 - 00:56:20:08

Gareth Phillips, the applicant. Yes. I would like to ask Mike Branston to offer some opinion on the use of ocean based nodes and the use of these short, shorter towed streamers. The position we've just heard is that they're not not used, not not the best available technology anywhere in the world. And so that's why BP are using them. But my understanding is that isn't correct. And actually ocean based nodes are used quite regularly.

00:56:20:10 - 00:56:33:20

And so to short based short towed streamers and sometimes used in parallel use together for good reasons. But I wonder if if Mike would mind coming on screen.

00:56:33:22 - 00:56:52:12

And I can just. Sorry, can I just stop you there? I wasn't actually proposing to do a deep dive into the various different technologies. I think quite a lot of information has been submitted and that is quite highly technical information and it does take me a bit of time to process and understand that. So I think it would probably be potentially better if

00:56:54:12 - 00:56:56:11

I'm sorry I can't make Mike and I.

00:56:56:13 - 00:56:58:01

Mr. Branston.

00:56:58:11 - 00:57:40:12

BRANSTON If Mr. Branson wants to provide a written response outlining the points that you've just made, because I think that that actual discussion about the technological benefits or dis benefits of a particular process are probably best it's outweighs through the written format rather than through the verbal format. What I was just trying to establish at this point in time was what was the regulatory approved technology, because it seemed to be from the inference from the submissions that BP was it was this seismic type 40 seismic towing that they were suggesting, and that the other technologies that you've obviously referred to in your submissions wasn't a prove technology.

00:57:40:14 - 00:57:52:02

And what I think we've established is this there's no list of what is or isn't approved. It's a case of the applicant for those processes making a case to the regulator that this is the best way forward.

00:57:52:19 - 00:58:22:16

That guarantees the applicant. Yes, we're certainly able to come back in writing. The point I was trying to make is that we just heard submissions in the hearing that actually, no, there isn't an approved technique by the regulator. And then we heard submissions that, you know, it's only the long towed streams that can be used. And the point I wanted to make, which was brief, is that that's simply not true. Ocean Bass Notes argues globally. And so to the short towed streamers, I think that's.

00:58:22:18 - 00:58:54:02

Quite a bit I mean that's quite clear from the information submitted, I think. Well, and I'm sorry, Ms. Howard sort of straight into that. I mean, I think all they were trying to advise was that, you know, that's why they were making the case for the 40 seismic towing as opposed to ocean bottom nodes or whatever. That didn't actually go into the merits of the dis merits of why one technology does or doesn't work. And you've obviously both submitted quite a lot of detailed technical information on that already, and I'm more than happy to take more evidence on that in the written format,

00:58:55:22 - 00:59:03:14

following up the points that we're making in the in in this hearing. But I didn't think it was necessary to potentially go into those technologies right now.

00:59:05:00 - 00:59:05:21

Miss Howard.

00:59:05:26 - 00:59:35:18

Yeah. Thank you. It would be it would be actually quite helpful. Could you. Would you be able to provide us with the reference, the statement that you read out that you found misleading, just so that we can correct that in writing, the one where it appeared we were saying there were a list of approved, not approved technologies. I was I was just slightly wondering whether there was a computer possibly with the the try model, the the financial regulator, which hasn't yet been set up in which we don't know whether it'll absorb the costs of ocean bottom notes are that not best practice technology.

00:59:35:27 - 01:00:13:19

So if I think this is I mean and I can just go back to a basic point and I appreciate all of the information that you have submitted, both of you have submitted. But the problem that we have, and as is proving in the discussions that we're having, is that when a variety of different reports that are pulled together as one report, you have several paragraph five point falls in one document. So going forward, if somebody can have a look at how that's done and maybe have, you know, consequential paragraph numbering or a different numbering, if it's in an annex, then it will just help us finding our way around the documents.

01:00:14:00 - 01:00:34:09

So this could be paragraph 5.3.3 of prep to oh six, but it could be first part of the document. It could be one of the annexes. So if you can just use that paragraph number as a tracker, but if it doesn't come up, when you first look in the first page of the document, it may be in one of the annexes. And then the follow up paragraph is paragraph 5.4.

01:00:35:24 - 01:00:42:14

And that's where you state that short offset to technology exists, but that it is not approved by the regulator.

01:00:44:22 - 01:00:46:29

Okay. Thank you.

01:00:48:29 - 01:00:54:09

Mr. Phillips, I don't want to frustrate you any further, but there's anything further you want to raise on this point.

01:00:56:15 - 01:00:57:18

No, thank you.

01:00:58:08 - 01:01:01:28

Okay. Thank you. So again, my last question for

01:01:03:17 - 01:01:35:12

my last question, a question back for BP is one of the arguments that you put forward in paragraph 8.4 of BP summary of that position for one over 57, which is page 17, is that whilst in your opinion it's currently wouldn't be possible to co-locate the two projects? This may only be in the short to medium term as once the aquifers fall and all the monitoring complete, then there wouldn't be anything preventing wind turbines being located in this area. Can I just confirm, first of all, that that statement is correct?

01:01:38:25 - 01:01:40:03

Yes, that's correct.

01:01:40:22 - 01:02:07:04

Okay. And then if I could just, um, just trying to understand the time scale. So pulling information from the information that you've submitted, it seems to indicate that for surveys would be required. There's a survey, the first survey would be four years after injection is commenced. And then at 12 years and 18 years and then three years after injection is ceased, which would be, as I add it up, approximately 21 years.

01:02:09:13 - 01:02:45:03

However, paragraph 8.4 of the same document states that under the storage of CO2 termination of licences regulations 2011, the transfer regulations, liability, including monitoring and dealing with leakage, remains with the transportation company until it can be prove that CO2 has remained contained and secure for a minimum of 20 years after closure. So what I'm just unclear about is do you therefore still need to monitor in this time? And if so, when would the seabed then would the seabed then only become available approximately 40 plus years after the project first commenced?

01:02:46:15 - 01:02:49:07

Yes. I think that's broadly correct. Yes.

01:02:49:22 - 01:02:52:04

So that it's 40 years or 21 years.

01:02:53:01 - 01:02:56:10

For 40 years, we'd have to do the minimum. A 20th not to shrink.

01:02:57:04 - 01:03:05:11

Okay. Thank you. Can I just ask the applicant context? What is the lifetime of what's the proposed lifetime of Hornsey for?

01:03:07:03 - 01:03:07:24

Mr. Phillips.

01:03:14:01 - 01:03:28:23

Gareth was the applicant. They assumed for the purposes of assessment, a timeline, a time life of a lifetime, rather of 35 years has been used. But the consent isn't limited to that. That's just the.

01:03:28:25 - 01:03:29:20

That's indicative.

01:03:29:27 - 01:03:30:27

Yeah, I.

01:03:35:27 - 01:03:40:01

Finally. This isn't it sort of struck me. Why?

01:03:41:29 - 01:04:30:29

BP in that technical technical report 157. Make a number of statements including that in June, sea bed can store approximately 12 times the equivalent of CO2 reduction per kilometre squared provided by offshore wind using the planned hornsea four wind array configuration and at paragraph 5.0 that the seabed areal extent of the endurance reservoir is estimated to be capable of storing the equivalent to 3.81 million tonnes of CO2, which is squared, versus reducing the equivalent emissions of 0.26 million tonnes of CO2 per kilometre squared in the national electricity grid for Hornsea four based on a 30 year design life for both, which equates to 12 times difference in carbon abatement between the two projects.

01:04:31:21 - 01:04:42:23

I note the Hornsea four haven't commented on these statements. DEADLINE two Can I just ask, are you intending to provide a written response or is this something briefly that you would want to say now? Mr. PHILLIPS

01:04:44:08 - 01:04:53:19

So this is where BP have tried to compare what would be delivered by the aquifer with what would be delivered by Hornsea four.

01:04:54:27 - 01:05:22:17

Gareth It's the applicant. No, we won't attempt to address that now. We can address it if we need to. But I think the point of the reason our submissions have been framed from the perspective that the UK can have the benefit of both projects. So we're not grappling with one or the other because we're satisfied that both can exist. But if we take we take the comments at face value, we could do some maths and look into it, but no further comment today.

01:05:23:16 - 01:05:24:21

Okay, thank you.

01:05:27:14 - 01:06:10:08

Okay. So I think that was exploring the context for why the protect provisions proposed both by the applicant in the draft DCO and by BP in their submissions are would be required in this area. And obviously the indication is, is that from BP's perspective, they feel that nothing can be built in the overlap area and a concern for have indicated that a smaller number of wind turbines spaced further apart could be located in the overlap area that was still unable monitoring to occur.

01:06:10:20 - 01:06:22:06

Well, obviously I've heard the information for that and there is the technical information behind these various different techniques monitoring. What I'd now just like to do is to actually look at the protected provisions themselves.

01:06:25:00 - 01:06:36:09

It's not just ask. It's a matter of clarification from the applicant. If we look, first of all, at the protective provision that is included in the development consent order.

01:06:40:14 - 01:06:50:13

And I'm may just be be very, very confused, but I just wanted to try and understand it at the moment. Paragraph two.

01:06:52:00 - 01:07:18:14

Says in the event that the license is terminated and no longer has effect or B, the insurance consents are not obtained by the date specified in paragraph FE 45. The obligation on the Undertaker in this part, this schedule shall no longer have effect. What I can't work out is when I look at paragraph five.

01:07:20:04 - 01:07:49:17

It doesn't seem to have a date specified for when the Jones Indiana Jones consents need to be obtained by. What it actually talks about is that within three months of coming into force of this order, the undertaking must commence preparation of coexistence and proximity agreements. So. Is the date effectively the coming into force of the order, or is something missing from that drafting?

01:07:51:29 - 01:07:55:18

No, the date would be three months from the coming into the force of the order.

01:07:58:00 - 01:08:05:02

The date for the for the purposes of to the would be three months from the coming into force of the order.

01:08:06:03 - 01:08:30:19

So just on that point, if we roll through and everything goes according to plan for everyone, including yourself and including BP, you know, our examination closes on August the 22nd. We would need to submit our report to the Secretary of state by the 22nd of November. That would mean that the secretary state would need to make a decision on

01:08:32:11 - 01:08:56:27

the order on the 22nd of February 2023. If we then take three months on from that, that would be the 22nd of May 2023, which isn't in law in accordance with the timelines suggested by p p for them getting their consent, which is May June 2023.

01:08:58:24 - 01:09:18:04

So I'm just not quite sure how that be working because even if everything goes to plan and all of the consents and everything rolls out in line with the way that everyone's advocating, that three months of coming into force of the order would still be B before a decision was made on endurance aquifer.

01:09:18:19 - 01:09:50:09

I guarantee the appearance. You're absolutely right. Because essentially the timescales we now talking about and the math that you've just put together supersede when these provisions were put in place. So if I can take context, these protective provisions, when we were putting the application together, we were we as a team were of the view that we should be offering protective provisions to BP in the insurance partnership for the CC US because we could see there was an overlap.

01:09:50:23 - 01:10:20:25

But at that particular point in time, I don't think BP had taken legal advice predated the involvement of Ms. Howitt and her colleagues. And so we put together these protective provisions essentially as an offer, a starting point of negotiations with BP. By the time it came to finalizing the application, we hadn't had any comments on these. So essentially we wanted to go in with the application to demonstrate to the examining authority that we were willing to offer protective provisions. And here was the starting point.

01:10:21:04 - 01:10:29:23

So we do we do acknowledge that the discussion through the submissions, the one deal to the timescales had moved on to a degree.

01:10:30:13 - 01:10:46:07

Okay. And so will the protective provision as drafted within the defendant consent order, which is obviously your preferred protected provision. Will that be being updated to reflect the fact that that time needs to be modified?

01:10:48:08 - 01:11:25:23

DAVIES Yes, we could we could do that. What we were hoping to do and when this process was started is that we'd actually come to some agreement over what the protective provisions might look like. And indeed, as the discussion moves on, I think we may end up in a position where we're actually and I'm not going to go into this to work the ocean based nodes and the short streamers actually provide a way of moving forward. And so, in actual fact, these timescales become less relevant because we could agree on a methodology that would enable coexistence.

01:11:26:03 - 01:11:38:00

So I'm reluctant to update our protective provisions until we actually see some further discussion and perhaps submissions on the alternatives to the the 40 long streamers.

01:11:39:02 - 01:12:21:17

Well, I'm. Glad you feel so positive that discussions will go on, because if I'd just like to draw your attention to the response that BP put in at deadline to in paragraph 2.2, is that they quite clearly state that they don't think that a solution is possible and therefore, actually it's not going to move on. And just on that basis, as you know, the situation for the examining authorities is that we have to put forward as part of any recommendation report to the Secretary of state a draft DCO, which they could use should they want to approve the scheme.

01:12:22:19 - 01:12:56:19

And so therefore it's quite important that any protective provisions within the DCO reflects something that actually could happen and is is reasonable. So I take your point that you're hoping that things might will change over time, but I think on a without prejudice basis that this possibly does need to be amended to reflect the fact that on the timescales that are available to the examining authority, you effectively would be saying that the insurance consents couldn't happen because they were reflective.

01:12:56:21 - 01:13:04:09

Say that the obligation under this part of the protect provision would fall away before the insurance aquifer had the opportunity to gain consent.

01:13:05:07 - 01:13:39:28

I agree with what you're saying. My point was not that we're never going to update these protected provisions. My point was I'm not sure it's sufficient to do so now, but I'm in your hands. And in terms of my hope and aspirations for discussions, it's more I believe my expectation is that as this examination rolls on and one considers the positions being put forward, I think that the position being

taken by BP is untenable. And when we explore the alternative technologies and their use globally for these projects, I think there may be a change, maybe a coming together of opinions.

01:13:40:00 - 01:13:45:28

But I totally accept your point that we will need to, at least on without prejudice basis, update our piece.

01:13:46:18 - 01:13:55:06

Okay. Thank you very much. And I think it's quite clear as to what your positions both are. I think you've both quite adequately put those in the submissions that we've received to date.

01:13:57:20 - 01:14:01:22

Just one more thing with regards to the particular provision as drafted.

01:14:06:22 - 01:14:07:27

Those who manage.

01:14:16:00 - 01:14:17:23

I think it might be a drafting.

01:14:20:06 - 01:14:28:27

Error on paragraph eight. So this is just a minor point. What we here is, I think that point a.

01:14:30:19 - 01:14:53:22

It says any mention of the licensee's works comma and I think it says having be minimized to avoid adverse effects on the programming siting design construction of operation of the undertaker's works needs to possibly go up. If you could just check that for me, that'd be great. And then the last thing I'd like to just clarify with you is obviously in terms of the interface agreement.

01:14:55:18 - 01:14:56:28

Can I just confirm?

01:14:59:15 - 01:15:05:21

That you are not proposing to to supply the interface agreement by paragraph 13.

01:15:09:28 - 01:15:17:25

Mr. Phillips seems to have quite the contrary. The purpose of 13 is to say that the interface agreement continues to ensure.

01:15:18:26 - 01:15:20:28

Okay. Mrs. Howard, I know you've got your hand up.

01:15:24:13 - 01:15:27:20

Yes. I just thought it was an important point of clarification

01:15:29:09 - 01:16:02:19

with respect to Mr. Phillips characterization of the where we are on commercial discussions. I think it's quite important to state very clearly that whilst there are positive commercial discussions ongoing, no part of those discussions, as I understand it, relates to BP conceding that it's possible to develop in the area. That is not part of our thinking at all and won't be that two years worth of discussions. We've got to where we've got to on that stage is not part of those discussions.

01:16:02:21 - 01:16:17:29

So I just wanted to make that clear to the examining authority how important it will be for you and the Secretary of State to grapple with our version of the protective provisions because. We are not expecting to change our position on the need for the exclusion area.

01:16:18:07 - 01:16:22:18

And I think that's quite clear, as I've mentioned from the representation that you submitted to that deadline, too.

01:16:23:03 - 01:16:26:03

That's fine. I just wanted to check that. Nothing. Mr. Phillips, it's that changed.

01:16:26:05 - 01:16:46:20

Thank you. I realize now the time is 3:00. We do have some. I want to talk to BP about their proposed protected provision, but I'm suggesting that it may be opportune just to have a short comfort break, because we have been going since 145. Would people like a short comfort break or shall I continue?

01:16:48:12 - 01:16:55:10

I guarantee it's entirely in your hands if you if you'd like to do that or miss how it would happen either way.

01:16:57:23 - 01:17:00:07

Mr. Harvey for a break. Yes, very happy to have a break.

01:17:00:18 - 01:17:19:23

Okay. Well, I suggest we just have a very quick ten minute break, but say the time is 1502, if we can come back at 1512. So until then, the hearing is adjourned. And if I can ask you to switch your cameras and your microphones off during that break, that be great. Thank you.