

File Name: ISH 7 - 18 July 2022 (Part 1) - Transcript

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FULL TRANSCRIPT (with timecode)

00:00:08:18 - 00:00:15:20

Good morning. Before I begin, can I confirm that I can be seen and heard clearly, Mr. Johanson. This hope will.

00:00:17:09 - 00:00:18:22

Good morning, Mr. Bradley. I can.

00:00:18:24 - 00:00:20:18

Confirm. I can see and hear you perfectly.

00:00:20:20 - 00:00:25:29

Thank you very much. Can I also confirm that the live streaming of the events has commenced?

00:00:26:27 - 00:00:29:09

I can confirm that the live streaming has started.

00:00:29:21 - 00:01:04:21

Very good. Time is now 930 and this seventh issue specific hearing in relation to the Hornsea project for Offshore Wind Farm is now open at today's issue. Specific hearing will be considering the draft development consent order. My name is Steven Bradley. I'm an examining inspector with a background in architecture and project development. I'll be going through the formalities of the events and the introductions, and my colleague, Mr. Gavin Jones, will be taking notes of any actions to result from the hearing. I'll now ask my colleagues to introduce themselves in alphabetical order.

00:01:06:10 - 00:01:18:15

Thank you very much, Mr. Bradley. My name is Joe Dowling. I'm a chartered town planner, and I have been appointed by the Secretary of State to be the lead member of the examining authority. And I'll be leading the discussions at today's events.

00:01:20:13 - 00:01:24:26

But morning on Gavin Jones. I'm a planning inspector and a chartered town planner.

00:01:26:26 - 00:02:00:27

And good morning. My name is McArthur and I'm a chartered architect. Thank you. And together with Mr. Andrew Man, who's listening to this hearing but not taking part today. We formed the examining authority appointed by the secretary of state. There are also three colleagues from the Planning Inspectorate with us today. You'll have spoken in the arrangements conference with Ms.. Caroline Hopewell, the case officer, for that project. She's assisted today by Jake Stephens and Drey Reyes who are also from the case team. In addition, there is a technician who's attending solely for the purposes of managing the recording and livestreaming of the hearing.

00:02:01:14 - 00:02:08:11

If you've got any questions regarding the application process in general, I ask that you please email us to the case team who will be happy to help.

00:02:10:13 - 00:02:35:15

Firstly, I'd like to deal with some housekeeping matters specific to a virtual in case any of you here are not familiar. I know that most of you are very familiar, but it's a process that we need to go through. Firstly, to reduce background noise, can I ask that all audible notifications for your electronic devices be switched off? And please remember to make sure your microphones are muted unless you're speaking.

00:02:37:19 - 00:02:49:12

No requests have been made, as far as I'm aware, for any special measures or arrangements to enable participation in this hearing. But I'd just like to confirm that this is correct. Are there any people who would.

00:02:51:03 - 00:03:16:23

No. Please don't send any messages via the chat function for this team's conference as it's not being monitored. And if at any point in the meeting you can't hear us or wish to speak, and I ask that you turn your camera on if it's turned off and use the raised hand function in teams, please be aware that there may sometimes be a delay before we can acknowledge this, but that your patience, while waiting to be heard, is appreciated.

00:03:18:29 - 00:03:53:25

Miss Hopewell will have explained what to do if you lose your connection and we're able to adjourn for a short period, if there are any more significant connection problems will adjourn for a short break at convenient points in the agenda. When we adjourn, you can remain logged into teams, but please ensure that you switch off your cameras and mute your microphones. If you do lose connection, use the same link that you used to log on this morning and the case team will endeavour to reconnect you as soon as possible because of the exceptional heat will aim to make breaks more frequent than usual and ideally no more than every 90 minutes.

00:03:54:06 - 00:04:06:02

Please free to take off jackets and ties to say, more comfortable. And if anybody requires a break at a specific time, please let the case team know and we can, if possible, adjust the programme to meet your needs

00:04:07:17 - 00:04:37:25

for the purposes of identification and for the benefits of the digital recording. I ask that each time you speak, you please give your name and if you are representing an organisation or indeed representing an individual whom it is that you represent. Does anybody have any questions or concerns about the technology or the general management of today's event? And I see no questions now on the digital recording which is being made as hearing this will be made available publicly on the project page of the National Infrastructure website.

00:04:38:07 - 00:05:10:12

In taking part in the hearing, it's important that you understand that your comments will be recorded and the digital recording will be published and retained, usually for a period of five years running from the date of the Secretary of State's decision. As such, the Planning Inspectorate is subject to the general data protection regulations, so sensitive personal information should not be disclosed during the hearing. Please bear in mind that the only official record of the proceedings is the digital recording that would be placed on the front page of the website.

00:05:12:17 - 00:05:47:10

I'd like to take this opportunity to remind you the examination is predominantly written process. The examining authority have already asked a number of questions on the draft development consent order and written questions and the examination library references. For those questions are PD 006 and PD zero 12. I'd like to reassure you that we're familiar with the documents that you sent in. So when answering a question you don't need to repeat at length something that's already been submitted, if

you want to refer to information already submitted, we'd be very grateful if you could please use the appropriate examination library reference.

00:05:48:27 - 00:06:25:09

This is a public examination. And if there's a point that you want to make, please feel free to raise your hand and switch on your camera and wait to be invited for speaking. Finally, I'd like to remind everyone this is not an inquiry. Therefore, unless the examining authority has specifically requested, it will be no formal presentation of cases or cross-examination. As such, any questions that you may have for other parties need to be asked through the examining authority. Rule 14 brackets. Two of the examination procedure rules requires that at the start of the hearing, the examining authority shall identify matters to be considered at the hearing.

00:06:26:00 - 00:06:56:16

The agenda for this hearing was placed on the inspectorate website on the 11th of July 22. When I sit for discussion today, articles and schedules, the draft development consent order requirements and conditions, protective provisions, documents to be satisfied and securing of habitats. Regulation Assessment, HRA compensation measures that have been advanced on a without prejudice basis. Please note that today's agenda is for guidance only. We may add other issues for consideration as we progress.

00:06:57:00 - 00:07:28:23

Finally, it's important that we get the right answer to the question, as Dowling is going to ask. At this stage, it's worth reiterating this is a predominantly written process. Therefore, if you can't answer the questions that are being asked or require time to get the information requested, then rather than giving a restricted answer, please indicate you need to respond in writing. We can then defer the response either to an action point to be submitted at deadline six, which is the 27th of July 2022, or to a further round of written questions or a later hearing less likely.

00:07:29:21 - 00:07:38:15

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

00:07:41:12 - 00:07:43:15

Now I don't see any hands raised.

00:07:45:11 - 00:08:15:22

The case team have provided a list of those interested parties who've expressed a wish to be heard today. The persons people representing the following organization. Most of the applicants. BP Exploration. British Petroleum. East Riding of Yorkshire Council and possibly Trinity House. Can I check that? There is no one else who's wishing to be heard today with a late indication that Harper Energy will be attending today merely as an observer. If that's not correct, please, would you speak up?

00:08:17:12 - 00:08:50:21

No. That seems to be fine. In our agenda we advise that we certainly welcome the participation of representatives from a number of organisations. However, I've been advised by the case team, the following organizations have notified that they will not be attending today's hearing. Firstly, Dogger Bank, Offshore Wind Farm Project one and Project two. Environment Agency, the Marine Management Organisation, Maritime and Coastguard Agency, Natural England, Orinoco UK Ltd and the Royal Society for the Protection of Birds.

00:08:52:09 - 00:09:20:29

I'm not going to ask those of you who wish to speak to today's hearing to introduce yourselves to the examining authority and the people who are watching the live stream of the event. When I state your organization's name, please unmute your microphone. And if you have, have you and turn your camera on and introduce yourself stating your name, who you represent, and your role, and optionally how you would like to be referred to. First for the applicants posted.

00:09:23:00 - 00:09:36:11

Good morning. My name is Gareth Phillips. I'm a solicitor and partner at Pinsent Masons. And I here. I'm here on behalf of the applicant. Two of my colleagues will also be speaking and I'll ask them to introduce themselves next. Thank you.

00:09:41:19 - 00:09:46:23

Hi. My name's Amy Sterling, my senior associate at Pinsent Masons here on behalf of the applicant.

00:09:50:03 - 00:09:50:23

Good morning.

00:09:52:19 - 00:09:58:06

My name is Claire Patrick. I'm also a senior associate at Pinsent Masons. Appearing on behalf of the applicant.

00:09:59:25 - 00:10:00:10

Thank you.

00:10:06:07 - 00:10:09:11

And next, is there anybody wishing to speak for the applicant

00:10:11:01 - 00:10:13:03

other than from Pinsent Masons?

00:10:15:00 - 00:10:19:01

Nope. Next, stand for East Riding of Yorkshire Council.

00:10:24:23 - 00:10:31:08

Hello. My name is Matthew and the representative for Mr. Hancock account. So I'm a principal planning officer.

00:10:33:17 - 00:10:35:23

And if that means nothing, that's absolutely fine.

00:10:36:11 - 00:10:36:26

Okay.

00:10:38:12 - 00:10:39:06

Next for BP.

00:10:46:21 - 00:11:11:18

Good morning sir. My name's Andrew Tate I.t QC, instructor by Herbert Smith Freehills for BP Exploration Operating Company Ltd. I'm accompanied by Mr. Ben Keck, who's the deputy project director or an MP who I can call on if that's helpful when necessary. And we will be sticking to item five of Schedule nine.

00:11:14:00 - 00:11:16:27

Thank you. Next, Trinity House.

00:11:23:25 - 00:11:43:24

Good morning, sir. My name is Russell Dunham on the in-house legal advisor for Trinity House. Primarily interested in schedules 11 and 12 of the draft eco today. Thank you. Thank you. Now, British Petroleum.

00:11:51:05 - 00:12:01:10

Yes. Hello. I'm relief. I'm head of development for British Petroleum. I'm a chartered chemical engineer and I'm project manager for the Climate Change Development.

00:12:09:03 - 00:12:16:16

Now, somebody came on camera very briefly, I think possibly from the applicant. Did I move on too fast?

00:12:21:07 - 00:12:24:00

Now. Okay. So.

00:12:30:05 - 00:12:51:01

No. Gareth it to the applicant. There is one other member, Sir Randall, who you keep saying little cameo appearances from. She. She may be assisting us with later items on the agenda. Thank you, Mr. Phillips. Now, before we move on. Can I confirm that we've heard from everyone who wishes to participate or speak in this hearing.

00:12:53:25 - 00:13:00:27

I see no other hands raised. I'm now going to pass over to Miss Dowling for item two of the agenda. And thank you.

00:13:03:29 - 00:13:24:17

Thank you very much, Mr. Bradley. And can I just go back to your introductions? Misstates. Who's representing BP? You were just very marginally slightly muffled. So let me come to you. Can we just check the sound is working because you were quite muffled when you were coming through to me earlier.

00:13:25:08 - 00:13:29:01

I'm sorry. I'm making the microphone closer to me.

00:13:30:08 - 00:14:11:19

Okay. I can hear you. It's just slightly muffled, but we've got a bit of time before we get to you on the agenda. So I just wanted to raise that just so it could be maybe sorted out behind the scenes. Okay. So moving on, the purpose of this morning's discussion, I'm proposing to use the latest version of the draft amendment consent order, which for now I'm going to refer to is the DCO, which was submitted at Rep five, a002 that was submitted by the applicant at deadline five. Can I just confirm that everyone has access to this, as I was not proposing to share the document on screen as when we've tested this previously, the font size and density of the text mean it's incredibly difficult to read.

00:14:11:21 - 00:14:18:28

So can I just confirm that everyone has access to that version of the DCO? You can just by DEP by putting a thumbs up.

00:14:24:21 - 00:14:28:06

Okay. Mr. Dunham from Trinity House.

00:14:31:23 - 00:14:32:08

Okay.

00:14:32:22 - 00:14:35:18

My apologies. Back to what? I was just indicating that I had access. Thank you.

00:14:35:21 - 00:15:09:04

Brilliant. Thank you very much. And as I've alluded to at previous hearings, the issues that arise out of applications for development consent often need to be considered in multiple different ways. And the drafting of the development consent order is an example of the cross-cutting issues. So, for example, mitigation and controls proposed through the development consent order may or may not address concerns raised in relation to matters such as biodiversity design, flooding or construction management matters. However, the purpose of this morning's hearing is to consider how the DCO is actually drafted.

00:15:09:17 - 00:15:25:22

In other words, we're not considering what mitigation may be required or its merits, but simply if mitigation is considered to be necessary, can the examining authority be satisfied this secured by the draft development consent order and what the DCO as drafted ensure it would be delivered?

00:15:27:10 - 00:15:38:20

I therefore ask you to bear this in mind, as it may be more appropriate that the points you want to raise or a question that you expect me to ask would be made at a later specific hearing later on in this week.

00:15:40:09 - 00:16:03:12

Finally, as you may be aware, regardless of our recommendation to the Secretary of State, the examining authority will need to include a recommended DCO as part of its report. I would like, therefore, to take this opportunity to reassure those attending today that any discussion is on a without prejudice basis and that the examining authority has yet to reach a conclusion on what its recommendation will be.

00:16:05:01 - 00:16:36:14

Before we deal with the remaining items on the agenda, just need to correct an error on item four on the agenda, which should have referred to schedule one Part three requirements, not schedule two, which is ST subject to ST work. So if you're expecting a riveting conversation about street works, I'm afraid you're going to be disappointed. I apologise for any inconvenience that might have been caused by this area, but I hope that by the fact it specifically refers to requirements in the item heading, everyone is clear about what is due to be discussed in that section.

00:16:38:09 - 00:17:14:11

Lastly, as Mr. Bradley mentioned, several organizations who we had requested to attend today have unfortunately declined our invitation. Have they attended today? The Examining Authority had several questions and points of clarification that we wish to ask. However, as we still need answers to these questions, my intention is that these will become action points for those organizations to provide a written response to deadline six, which is Wednesday, the 27th of July. I've adjusted the script today to reflect this approach. So I'm going to start off with item two on the agenda, which is an update on the DCO.

00:17:15:11 - 00:17:32:27

I'm going to start by asking the Applicant to help provide the context for this morning's discussions by providing a brief overview of the key changes to the draft development consent order that have been

made since the last distri specific hearing on the draft development consent order, which was held in April. So I'm assuming, Mr. Phillips, you'll be doing this so if I can pass over to you.

00:17:38:09 - 00:18:10:03

Good morning, Mr. Lane. No, you've got Ms.. Starling from Pinsent Masons. I've got a list prepared. So if you bear with me, I will run through them at a high level. There have been various minor amendments made to the DCO and DMS at the request of interested parties, largely for consistency and clarification. For example, correction of typographical errors and amendments to footnotes and terms of something of more substance. We added provision following the last meeting to allow the reader to convert measurements from 80 to 8080.

00:18:11:19 - 00:18:34:21

Recently, there has been a reduction in the number of gravity based foundations for turbines from 110 to 80. There have been extensions of time periods for doing concern for the highways authorities. There's been additional wording added to temporary use parishes in respect of the Jet Fuel Canal. There's been provision for a landscape management and maintenance plan added to requirement name.

00:18:36:09 - 00:18:48:09

There have been clarifications added to various requirements as a result of stakeholder feedback, which I won't go through each individually, but if there's any particular points, obviously we can touch on them. And the next agenda item.

00:18:49:24 - 00:19:29:10

Agreed. Drafting from Mojave to mitigate mitigation has been added. Agreed. Acting for naturally done mitigation has been added. And having amendments to network rail protective provisions and amendments to the insurance protect provisions that have been protect provisions added for Neil Energy, Franco and British Petroleum. And there have been a number of amendments to the new licences to reflect feedback from the MMO and other stakeholders, including provision for an airline operation and maintenance plan, vessel traffic monitoring, further mitigation and monitoring for marine mammals following the fire or failing events in certain circumstances.

00:19:30:11 - 00:20:04:26

That report should be submitted to various stakeholders following completion of construction. Confirmation added that no more than 5% of cables in this message bank will be subject to cable protection. There's been an update to the document to be certified and schedule 15. And then finally, schedule 16 has been updated to allow for payment to the Marine Recovery Fund and the provision of compensation measures or as an adaptive management and also to make provision for payment of £500,000 to the Marine Recovery Fund, which I know is a separate agenda items I proposed we can discuss in more detail then.

00:20:07:23 - 00:20:22:07

Thank you very much for that. And I think if nothing else, it indicates that, you know, the DCO is a very much alive document throughout an examination and that it's an iterative process that it will keep being amended and changed right up until the end. So.

00:20:24:03 - 00:20:56:05

If we can then move on to agenda item three, which is articles and schedules of the draft of a consent order. Excluding Schedule one, Part three, nine, 11, 12, 15 and 16. So I'm going to start with Part one. Article two The Definition of Bridge Link Lack clarity with regards to air draft in representing 507 for an answer to a second round of examination questions and or 2.4.

00:20:56:18 - 00:21:35:25

The applicant has confirmed that following consultation with the Maritime and Coastguard Agency on the 7th of June 2022, the applicant has verbally agreed that a 20 metre minimum air draft is acceptable. However, this air draw seems to be only a reference to in the layout principles and an interpretation of the draft. DCO only implies aircraft referring only to 20 to 25 metres above sea level without reference to which sea level should the draft DCO. Article two interpretation of bridge link be clarified accordingly to specify the minimum 22 aircraft above 80.

00:21:37:21 - 00:21:40:03

So that's a question for the applicant.

00:21:42:13 - 00:22:14:01

Amy Stirling On behalf of the applicant, I don't actually think an amendment is required because that clarification is provided in the LIET Principles which are certified document and the design plan which has to be prepared in accordance with ILIO principles, will mean that that ensures that that minimum requirement is sufficiently secured. That design plan has to be approved by the MMO in consultation with the MTA, MTA and the UK Hydrographic Office to it. Our position is that that is sufficiently secured already.

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

Okay.

00:22:19:06 - 00:22:35:26

I would have asked DMCA or the memo if they were actually here today, whether or not they were satisfied with that as approached. But if I can roll that over to an action point, that would be we'll have to get their response that way. Trinity House, who is here today, do they have any comments on that?

00:22:39:04 - 00:22:48:13

Thank you, Madam President. On maternity house? No, not specifically. I do believe that is a matter primarily for the NCA, as you've just indicated.

00:22:49:03 - 00:23:01:24

Thank you. Okay. Thank you. And. In the draft interpretation, it refers to overhead clearance personnel. Can I just ask the applicant what does this mean and does it need amendment?

00:23:06:15 - 00:23:09:28

In selling on behalf of the ask. And if you just give me a second, though, to take that.

00:23:54:09 - 00:23:57:20

If it's something you need to come back to me in writing, I'm happy to take that as an action points.

00:23:58:07 - 00:24:17:19

Immediately on behalf of Jack. And I understand it's an enclosed gangway in which personnel can travel through rather than overhanging personnel. So I agree that that could perhaps use some clarification. So we'll we'll take that away and it the next deadline, if that's okay.

00:24:18:01 - 00:24:49:21

That's absolutely fine. Okay. If I can then move on to schedule one. Part one, the draft development consent order only has work. Number six on was located in East Riding of Yorkshire. However, work number five covers the intertidal zone landward of mean low water and the competent authority for this area is actually east riding of Yorkshire Council as well as the MMO should schedule one part one be amended accordingly. First question for the applicant and then I'll go back to East Riding of Yorkshire Council for their response.

00:25:02:03 - 00:25:21:25

Me staying on behalf of the applicant. Yes, the works in the intertidal lady. I should be covered by both regulatory authority. So we will review the drafting and move the heading appropriately and also the the references to the numbers under each respective parties jurisdiction.

00:25:23:09 - 00:25:26:12

Thank you. And can I just ask Mr. Salmon if he's happy with that?

00:25:28:22 - 00:25:31:01

Thank you. Yes, that's absolutely fine. I agree. I'm happy with the.

00:25:36:07 - 00:25:38:01

So you cut out slightly there, Mr. Sandeman.

00:25:38:29 - 00:25:41:29

Sorry, it just took off. Yeah, it's fine. I'm happy with.

00:25:42:22 - 00:26:08:25

Thank you. Okay. We can then move on to schedule one part one two, which also includes schedule 12, part one and Article five. This is a question for the applicant. There seems to have been a number of changes in additions to the offshore coordinates. Coming up can explain why these changes have occurred and how the examining authority can be confident that the coordinates listed are correct or could be checked.

00:26:23:11 - 00:26:58:02

He's standing on behalf of the Advocate. Many changes were made following the last DCO Asia-Pacific meeting where we had them. Perhaps so it was the offshore environment issue specific. Last set of hearings we discussed where the mean high water mineral water springs were delineated on the works plans and it turned out there is a bit of a gap. So we updated the work plans following those hearings, which resulted in an update to these coordinates so that the coordinates from in high water springs were appropriate delineated in the issue of the mineral water springs, as I believe they have been previously.

00:27:00:02 - 00:27:08:05

Okay. Can I just ask Trinity House, given they're actually here today, whether they are happy with that? Because there as I say, there are some changes to the coordinates.

00:27:12:17 - 00:27:22:29

Thank you, madam. Russell Dunham, maternity house. Yes, I believe so. I would like to check with colleagues, perhaps offline, if I may.

00:27:23:18 - 00:27:24:06

But I think.

00:27:24:18 - 00:27:25:15

Having an issue with that.

00:27:26:09 - 00:27:31:10

I'm happy to make that connection point that you come back to us and just confirm that you are satisfied with those changes.

00:27:32:09 - 00:27:32:28

Thank you, Renee.

00:27:33:18 - 00:27:39:07

And if we can also make that an action point for the MMO as well, who are actually here today?

00:27:41:14 - 00:28:01:28

If I could then just pick up on the last part of the question to us, which was obviously, how can we be confident that the coordinates listed are correct or could be checked? Are you proposing to provide any kind of verification to confirm that those coordinates are the correct coordinates before the end of the examination?

00:28:05:16 - 00:28:06:27

That's a question for the applicant.

00:28:09:11 - 00:28:11:21

Generous to the applicant. Just taking instructions.

00:28:51:18 - 00:29:00:18

I'm happy for you to come back either towards the end of the agenda if you want to have a think about it, or conversely as an action point, if what Mr. Phillips.

00:29:01:16 - 00:29:35:25

Amy said know on behalf of the applicant. Yeah, I think it's a bit more of a detailed response than I'm able to give accurately, verbally and relation to how the Ordnance Survey and different contours of the beach are then translated into coordinates. But we're confident that the coordinates in the DC will match those in the works plans. But I think there might be benefit in explaining in the summary of hearing how the coordinates on the works plans were identified. As I understand it is. As I said, there's various different data sources which I'm hopeful can be cross-checked, but I'll be able to provide a more detailed and accurate answer in writing.

00:29:36:14 - 00:30:01:25

That sounds a perfect solution, so I'm happy for you to take it forward in that way. Thank you. So I've got no other questions with regards to agenda item three. I just want to check before we move on to agenda item four, which is requirements and conditions. If there's anything else anyone wants to raise with regards to articles and schedules that the draft DCO, excluding those ones that are obviously itemized on the agenda.

00:30:05:14 - 00:30:38:12

So I can see no hands up. So I'm presuming that we don't need to have those discussions. So I'm going to move on to agenda item four, which is schedule one, part three, and Schedules 11 and 12, which are requirements and conditions of the DCO, draft, DCO and the deemed marine licences natural England at deadline five a rep 5a0 31 submitted a review of the developed consent order and the marine licenses to which the applicant has provided a written response, which is ISO 36 as natural.

00:30:38:14 - 00:31:11:10

England are not in attendance today. I cannot seek response on whether comments made by the applicants satisfactorily address the concerns that they raised in their representation. I don't therefore in the main purpose to examine these concerns or the unless there is a further clarification on need from the applicant. However, I want to make it clear that this does not necessarily mean that I agree with the response received from the applicant. I would ask as an action point that natural England review of documents submitted by the applicant and provide a written response on any outstanding matters of concern at deadline six.

00:31:13:07 - 00:31:35:25

So I'm just going to start off with the energy balancing infrastructure. It's not clear to the examining authority how the applicant intends to secure the proposed risk reduction mitigation measures, which are set out in your risk assessment for the proposed energy balancing infrastructure work. Number seven B Could the applicant explain?

00:31:40:04 - 00:31:50:18

And I suppose what I'm getting at here is does it need to be secured by a requirement or could requirement seven, which is detailed design approval onshore be reworded to include it?

00:32:05:20 - 00:32:10:29

Clear project for the applicant. And yes, we believe it's the points raised.

00:32:11:01 - 00:32:14:01

Were already dealt with in relation to the approval of the design.

00:32:14:26 - 00:32:24:11

Of the energy balancing infrastructure under requirement seven in combination with then the safety management provisions under.

00:32:25:07 - 00:32:26:18

Requirement 26.

00:32:35:03 - 00:32:36:06

Okay. Thank you.

00:32:38:03 - 00:32:45:02

Does anyone else want to raise anything with regards to energy balancing infrastructure and the securing of risk reduction and mitigation measures?

00:32:49:19 - 00:32:54:26

No. Okay, then if I can then schedule one. Part three, requirement three.

00:32:58:02 - 00:33:08:16

I'm just questioning whether this should be amended to include the minimum address dimension for the bridge links between platforms that we've referred to earlier. So I suppose this is a question for.

00:33:11:00 - 00:33:16:16

The Applicant and Trinity House and the MMO and MCI if they were here.

00:33:18:23 - 00:33:49:14

Amy. Amy Stirling on behalf of the applicant. And again, no, we don't believe it's necessary because the legal principles I secured via the design plan and the marine licenses and but get welcome feedback from the AMC. And the next thing is to whether they're satisfied with that. We believe that they are. They didn't want to speak for them. And if not, we can certainly look at making that more express and and the requirements and the license conditions.

00:33:50:09 - 00:33:59:22

Okay. So if that can be an action point for the MCE and the MMO Trinity House who are here today, do you have any comments on that?

00:34:02:27 - 00:34:11:10

Thank you, Madam President. On the courtesy house. No, I believe that the NMO in the NCA would be the correct body to direct question two. Thank you.

00:34:12:00 - 00:34:42:20

That's fine. Thank you. So I'm now going to move on to schedules 11 and 12, which are the Dinard Marine licenses. And obviously, there's a lot of duplication between them, too. So when I refer to one, I possibly both mean both, but I'm sure you understand that. So schedule 11 and 12, part one Item one definitions. We're back to the the bridge link. Should the bridge definition be added to both schedules as of Article two, as the bridge link applies to both works number one and works number two, the question for the applicant.

00:34:43:22 - 00:34:48:26

In extending on behalf of the asking. Yes, you're correct. We'll look at those definitions at the next deadline.

00:34:49:17 - 00:34:50:02

Thank you.

00:34:50:08 - 00:34:51:07

Copied across from.

00:34:52:08 - 00:35:07:16

Column. And just as a follow up to that should condition in part to reach their schedules 11 and 12 be added or amended under design parameters to control the aircraft dimensions of the bridge links. That's something you might want to go out and think about and not necessarily respond to now.

00:35:08:12 - 00:35:09:18

Yes, we will. Thank you.

00:35:10:14 - 00:35:10:29

Okay.

00:35:16:10 - 00:35:34:29

I can then look at schedules 11 and 12, part two, Condition four. This is really an action point for the MMO who aren't here today is I was if they had been here to ask me if they wish to comment on the concern raised by Natural England, which is Rep 5a0 31 regarding Condition four

00:35:36:19 - 00:35:52:06

which regarding the granting of a licence for cable protection deployment across the lifetime of the development, the applicant has responded that they proposed to limit cable repair deployment licence to 15 years and they advised that this is now reflected in the development consent order.

00:35:54:07 - 00:35:58:15

I guess question of the act, can you point me to where it is?

00:36:01:02 - 00:36:01:22

Secured.

00:36:03:26 - 00:36:07:24

And obviously it's an action point for the memo to respond as to whether they're happy with that.

00:36:08:26 - 00:36:16:00

Yes, Amy Sterling, on behalf of the applicant, it is condition 26 of Schedule

00:36:18:07 - 00:36:24:25

26 of Schedule 11 and 27 of Schedule 12 entitled Deployment of Cable Protection.

00:36:26:03 - 00:36:28:12

And Condition 27 of.

00:36:28:28 - 00:36:30:12

Of Schedule 1212.

00:36:30:20 - 00:36:38:10

Okay. So having said they were all in sync, obviously not wish for the first hurdle. Okay.

00:36:40:02 - 00:37:12:09

So that's an action point for the MMO. If we can then move on to Schedules 1112 Part two Condition Force six, the operation and Maintenance Plan to be submitted to the MMO. Prior to any maintenance works taking place, the MMO advised a timeframe for submission to be six months prior to the planned works commencing and the applicant has maintained that four months is appropriate. And it's a question for the applicant here. What precedent is there in other relevant made orders for this four month approval period as opposed to six months that's being requested by the MMO.

00:37:14:07 - 00:37:42:25

Mr. Link on behalf of the event. Four months is well precedented and as far as I'm aware, although there would be some offshore wind disposals other than the East Anglian projects where six months was considered, certainly on Hornsea three offshore wind farm, Norfolk Vanguard offshore wind farm, and not a previous offshore wind farm this used for months was accepted. And what I would have to check is whether they also have an outline, operations and maintenance plan. I am not sure on that, so I couldn't really comment. We'd have to check.

00:37:43:26 - 00:38:18:14

If you could. That would be great because obviously the more information we have, the more informed a decision we can make. And obviously we've got two opposing views and two opposing suggestions. So anything that helps provide an explanation as to why you've gone for a particular one over what the MMO suggesting would be helpful. So that would be great. So if you could take that away as an action point, I'd appreciate it if we can then move on to schedule 12. Part two, Condition 13, one Sea and hake. Again, Natural England has expressed concerns about how excavations for exit pits would be reinstated.

00:38:18:16 - 00:38:34:15

Post-construction in which plan or plans would details of reinstatement of the seabed profile a material used for backfill be provided for post consent agreement? And then the follow up to this is should the wording be added to the draft DCO to secure this?

00:38:37:19 - 00:38:40:20

You missed anything on behalf of the applicant. I'm just seeking instructions.

00:38:41:12 - 00:38:41:27

Thank you.

00:39:14:09 - 00:39:34:25

You may say everything on behalf of the applicant. I understand that that is detail that would be specified within the cable specification installation plan, which is secured by condition 13 one eight. However, I do appreciate that it is not actually listed as a subparagraph in paragraph eight. So we're happy to look into appropriate acting to secure that for the next that.

00:39:34:27 - 00:39:37:26

I would that be great? Thank you.

00:39:40:21 - 00:40:19:04

I'm going to turn now to the memo's representations on the draft deemed marine licences. Obviously, they're not actually here to be able to put their viewpoint, but I'd like to seek the applicant's comments and then as an action point, the MMO. Well, I'd like the MMO to listen to what the discussion is and then come back to us if they have any outstanding concerns. So the MMO makes the point in its DEADLINE five representation that that the marine licences would need to stand alone from the development consent order and that several definitions in the development consent order part one would need to be repeated in schedules 11 and 12 for this to happen.

00:40:19:14 - 00:40:21:26

Has the applicant any comment at.

00:40:25:15 - 00:40:46:04

And in is telling on behalf of the applicant. I believe we've copied across definitions from the DCO where appropriate. Obviously we've discussed which link which relies at the next deadline. So in general terms, I believe we're covered by three. Any more specific points? We're happy to address those.

00:40:47:16 - 00:40:59:18

Okay. So I think that's really for the memo to come back and to highlight which of those definitions they think are currently missing and should be included within the schedules. 11 and 12 Definitions.

00:41:01:21 - 00:41:21:13

The next question is the memo reiterated at deadline five that if unexploded ordnance clearance remains out of the DCO application, that surveying would be conducted prior to a marine licence application. Would the applicant just like to explain its position on this?

00:41:28:08 - 00:41:54:12

Emmy Sterling on behalf of Geffken, I believe we are aligned with the MMO on this point and that we are not seeking consent within the DC or the Dominion license to and deal with unexploded ordnance. And that separate marine licence application would be made with the necessary supporting evidence at that time. I think perhaps the confusion has been in the more recent East Anglia because there was consent was sought for also clearance. But that's not the case here.

00:41:55:05 - 00:42:10:12

Yes. And I think that whilst the MMO said that they were potentially happy to have it out with the DCO and through a marine licence, I think what they were wanting to ensure was that survey work was carried out prior to the application. So I think they were just seeking confirmation that that would happen.

00:42:11:18 - 00:42:16:22

In deciding on behalf of the applicant. Yes, there would be inappropriate, appropriate. Sophie, prior to making the licence application.

00:42:17:04 - 00:42:48:14

I think the MMO has raised a significant number of points at deadline five and 5127 with regards to the drafting of schedules 11 and 12, we note a detailed response from the applicant at deadline five day examining authority notes. Some of the memos representations are persistent and repeated and change is resisted by the applicant. If the MMO had been here, I would have asked them if they would

like to take the opportunity to pursue at this hearing any of the points as answered by the applicant, a deadline five day.

00:42:49:00 - 00:42:53:02

However, as then not, this will now have to be an action point.

00:42:54:28 - 00:43:28:19

The essay considers that the following points by exception warrant further discussion so the examining authority can make an informed judgment on the merits of the arguments. If I can look at part two. Condition five one. The memo notes that the phrase under its control should be treated as it restricts the provision of only those vessels under the direct control of the undertaker. The applicant maintains that this phrase applies to vessels under the control of the undertakers, agents and contractors. What is the mechanism for control exercised on such vessels?

00:43:32:08 - 00:43:33:02

I'd like to respond.

00:43:39:10 - 00:43:49:06

And you're selling on behalf of the applicant when contracting with agents and contractors. Those agents and contractors are contractually bound to comply with a Dominion license by the applicant.

00:43:50:25 - 00:43:53:01

So you feel that they're covered by virtue of that?

00:43:53:21 - 00:43:54:10

Yes, we do.

00:43:55:27 - 00:44:03:10

Okay. So if I could ask as an action point that the medicines that response and see if that addresses their concern.

00:44:05:18 - 00:44:12:26

Could I just ask Trinity House, given this is about vessel movements, whether they are satisfied with that wording. Given. They are actually here today.

00:44:14:08 - 00:44:23:15

Thank you. Russell Dunham. Trinity House? Yes. From Trinity has this perspective. That word does not cause us any concerns. Thank you.

00:44:24:16 - 00:44:56:04

Thank you. If I can then move on to part two, condition 31j. The memo strongly maintains deadline five that the condition needed to be reworded in relation to designated sites for harbour porpoise. The applicant has disagreed, citing long established precedent, including recently made orders. As an action point, I'd like to ask the MMO. It would like to comment further on its position regarding those made orders. And I'd also like the MMO to comment on Natural England's deadline.

00:44:56:06 - 00:45:03:09

Find a response which is Rep five a31 regarding the timeframes for submission.

00:45:05:12 - 00:45:09:21

Which was no sooner than nine months and no later than six months prior to the work.

00:45:12:21 - 00:45:21:18

Natural England are considering that this should be within the DCO. At the moment it's only in the outline. Southern North Sea Sack Integrity Plan.

00:45:24:21 - 00:45:56:04

Also, whilst we're talking about the southern North Sea Sack Integrity Plan, the Examining Authority note that the MMO and the applicant still do not agree about whether a condition to secure that plan, which is apt for six, would be required. A note from the most recent decision on the East Anglia is that it does use such a condition. In light of that fact, in light of the fact that the examining authority will have to produce recommend a DCO, does the applicant have anything further they wish to add on this matter?

00:45:59:03 - 00:46:18:05

You selling on behalf of the applicant? Can I just clarify, please, which document you're referring to, where we have said that I am able and the applicant do not agree. I'm just conscious. There is, as you've noted, a condition 13 one which does secure this outline. So then I see the site integrity plan.

00:46:18:26 - 00:46:32:18

It was the memo submission at deadline five, which unfortunately I haven't made note of in my script as to the let me just say, if I want an exam library, which document it was, but it was their submission at deadline five.

00:46:34:24 - 00:47:07:22

Amy Southern on behalf of the applicant. I think that's okay for now. I mean, just to confirm that our position is that the site integrity plan should be secured and secured via U.S. 31 J. I think it's more the form of drafting we disagree with and the amendment was most recent suggested drafting and the East Anglia DCI was and our suggested drafting is consistent with the other offshore wind deals that preceded East Anglia, and we've made various submissions as to why that's the case.

00:47:08:24 - 00:47:28:03

think the reason why I was smiling was that the whole of the essay has just told me it's Rep 5107 so that's the actual document reference number and the case team when the price had been quickest on that. Right. Okay. Thank you very much. And if we can take and action point for the memo to comment on that. So again, they're not actually here today.

00:47:29:20 - 00:48:02:28

So if I can then move on to schedules one part two conditions 17 to 19 natural England in five oh 31 have raised a concern that no monitoring conditions include the requirement to follow the marine mammal monitoring plan and they would wish to see it secured in the deemed marine licences. The applicant has advised that conditions 17, three, 18, four and 19 three is schedules 11 and 12 secure the marine minimal mammal monitoring plan. But Natural England have requested the opinion of the MMO on this.

00:48:03:00 - 00:48:13:02

Obviously they're not here. I'm going to have to roll that over to an action point. But anything that the applicant would wish to make on this point. And just as I've raised it.

00:48:15:06 - 00:48:35:12

You mean selling on behalf of Applicant? No, other than to. No. I think naturally I made that request perhaps before they seen a response which directed them to the appropriate part of the the monitoring plan which deals with marine mammals. So I would hope that we provided sufficient clarity on that. But I will leave it for natural England amendment to confirm.

00:48:36:07 - 00:49:08:29

And as I caveated the whole of this morning's conversation, we have that obviously we're aware that you have responded, but as they're not here, we can't check that they're actually happy with those responses. But that is an action point for them, so hopefully they'll pick that up. I'm also looking for an update from the member regarding management plans that would be required before the commencement of any marine activities in response to excu to Eastpointe 2.45127. The Marine Management Organisation advised that they were in the process of considering the plans provided by the applicant during the examination.

00:49:09:18 - 00:49:18:12

Obviously I can't ask them for an update as to how that review has gone, but if we can have it as an action point, if they can provide us with that update, that would be helpful.

00:49:20:19 - 00:49:54:20

I then just like to cover a general point raised by Natural England, suggested to both the applicant and the memo that there may be merit in including landfall activities with this within a separate schedule of the DCO deemed marine licences as they normally commence ahead of other offshore transmission works. And this can result in developer seeking partial discharge of conditions and associated documents to enable these works to progress. Natural England therefore asked whether the inclusion of these works in a separate schedule would give greater clarity to all parties and allow more efficient discharge of conditions.

00:49:54:22 - 00:50:19:01

Post Consent. We've had a response from the applicant on this at ISO 36, and if the Marine Management Organisation had been here today, I would have asked them to comment. I just want to put that as an action point, but also give the applicant any an opportunity if they want to, to expand upon the response that they provided at ISO 36. As to the reasoning behind this.

00:50:20:12 - 00:50:51:17

You mean selling on behalf of the applicant? No. We believe that the structure of the DCO and the DMS is consistent with previous orders, which the Afghan company says it has also been able to implement. We're not we have this structure suggested by natural England being included in any other offshore wind farm DCO. We apply for discharge and stages and that's been sufficient and sufficiently precise and enforceable on previous projects. So nothing further to add?

00:50:52:15 - 00:51:23:21

No, I just don't have provided the opportunity because obviously you are here. But obviously it was really a point for the and then come back on because it was a point raised by Natural England and posed to both of you. So that really comes to the end of the questions I have with regards to requirements and conditions for the draft amendment, consent order and the deemed marine licences. But before I move on to the next item of the agenda. Is there anything else anyone wants to raise with regards to the drafting of either requirements or conditions? So I just want to have a quick check.

00:51:23:23 - 00:51:27:22

So, Mr. Dunham from Trinity House, is there anything you would like to raise with regards to this?

00:51:29:29 - 00:51:30:18

Thank you, Madam

00:51:32:04 - 00:51:39:19

President. On maternity house now turn courtesy house is quite satisfied of the way Mr. FICO as it relates to the key sections.

00:51:40:13 - 00:51:42:01

Okay, thank you. And

00:51:43:19 - 00:51:57:03

East Riding of Yorkshire Council has anything you want to raise with regards to requirements. Conditions, because obviously you would be the discharging authority for the recall requirements and some of the conditions. So is there anything you want to raise with regards to those? Mr.. Some of them.

00:51:58:29 - 00:52:00:20

No, there's nothing that we need to raise. Thank you.

00:52:01:22 - 00:52:13:08

Thank you. The time is now 1022. The next item on the agenda is schedule nine of the draft environment consent order, which is protected provisions.

00:52:15:25 - 00:52:34:22

I hope I'm just wanting to seek opinions as to whether we take a short break now or maybe take a short break before we get to the quite detailed discussions we're going to have to have on carbon storage license, which is part eight of the protected provisions, and we deal with the other ones first. Does anyone have any strong opinions?

00:52:35:21 - 00:52:41:13

Gareth Phillips of the Applicant. A break would be appreciated now, if that's okay.

00:52:42:16 - 00:53:07:15

Absolutely. One more thing. As I personally said, yes, we will have a break then. So the time is 10:22 a.m.. I would suggest possibly just a ten minute break. Yes. Or do you need longer a ten minute break? Okay. So if we can come back at 1033 to Mr. Batty to formally adjourn and to put this spanner up.

00:53:09:00 - 00:53:19:12

Yes. Thank you very much. So, Paul, if we could have the banner up and if people could turn their cameras and microphones off and will revert at 1033. Thank you.