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FULL TRANSCRIPT (with timecode)

00:00:04:18 - 00:00:15:19

Okay. Good morning, everybody. BARDA, can I just confirm? Everybody could hear me clearly. Okay, thank you. Can also confirm with Mr. Stephens that the livestream of this event has commenced.

00:00:18:18 - 00:00:59:07

Thank you for those people watching the livestream. Can I just advise you that should we at any point adjourn proceedings this morning? We'll have to stop the livestream in order to give us clear recording files. And as a result, at the point at which we recommence the meeting and restart the live stream, you'll need to refresh your browser pages to view the restart to screen. I'll remind you again this again should we need to adjourn. Okay, so it's now 10:00 and time for this hearing to begin. I would like to welcome you all to this issue specific hearing H1 on the draft development consent order in relation to the application made by our Lemoore Offshore Wind Farm Ltd, who we refer to as the applicant for an order granting development consent for the OWL a more offshore wind farm project.

00:00:59:12 - 00:01:31:24

The project proposed proposed sorry is described as an offshore wind farm to generate in excess of 500 megawatts. The project will be comprised of, but not limited to, up to 50 offshore wind turbine generators, other offshore infrastructure, including substation platforms, metre logical mast and buoys, and into lake by subsea cable to the existing quantum all offshore wind farm up to two offshore export cable circuits to bring the power generated to shore landfall and onshore electrical connection to cabling at a new onshore substation to allow transmission of electricity to the national grid.

00:01:33:00 - 00:01:53:19

Thank you all for attending this meeting. My name is John Hockley. I'm a charter town planner and a planning inspector employed by the Planning Inspectorate and have been appointed by the Secretary of State for Levelling up Housing and Communities to be the lead member of the panel to examine this application. I'll now just ask the panel members who have also been appointed by the same secretary state to examine this application to introduce themselves.

00:01:54:29 - 00:01:57:12

Good morning. My name's having seen it.

00:01:57:14 - 00:02:00:12

I'm also chartered town planner and planning inspector.

00:02:02:18 - 00:02:14:20

But if you get. Good morning. My name is Jason Rowlands. I'm a chartered civil engineer and also a chartered environmentalist. And I'm a planning inspector

00:02:16:17 - 00:02:26:25

or DA. Good morning. My name's Alex Hutson. I'm a charter member of the Royal Town Planning Institute and the charter member, the Landscape Institute. And I'm also a professional member of the Vertical Association.

00:02:29:07 - 00:02:37:09

But Adam, good morning. My name is Richard Morgan. I'm a chartered civil engineer and a planning inspector. I'll now hand back to Mr. Blake.

00:02:38:04 - 00:03:05:26

Thank you. Together, we constitute the examining authority for this application, and we will be reporting to the Secretary of State for Business, Energy and Industrial Strategy with a recommendation as to whether to develop a consent order should be made. Can I just begin by asking if there's anyone here today who did not attend yesterday's plenary meeting, even in person or virtually or watched a livestream of the event? A just need to check if there are new attendees. It depends how long or short my housekeeping matters are.

00:03:08:20 - 00:03:09:05

Okay.

00:03:09:21 - 00:03:15:06

Hold on. John Mackenzie from Pro Flats Wind Ltd. I wasn't there yesterday.

00:03:15:08 - 00:03:49:23

Just thank you. I can see your hand on that. Thank you very much. There's a couple of other hands. Okay, that's fine. Thank you. So the case manager for this project is Jake Stevens, and he has been supported here today by having Jones Martin Element. Sarah Norris will join later and Paige Hanlon is providing support remotely. As I mentioned, Mr. Stevens is a case manager and is potentially the person who you are most likely to come into contact with during the course of the examination. If you have any questions or queries about the examination process or the technology we are using for blended or virtual events, he should be your first point of contact.

00:03:50:28 - 00:04:29:06

The casting contact details can be found at the top of any letter you receive from us or on the project page of the Natalie Infrastructure website. Please don't hesitate to contact a member of the team if you need help at today's event or to technology. This is a blended event comprising an in-person meeting as well as being held on the Microsoft teams platform. It's being both live streamed and recorded for those people observing or participating for teams in order to minimize background noise. Can you please make sure that you are stay muted unless you are speaking? If you are participating virtually and you wish to speak at a relevant point in the proceedings, please use of Microsoft teams hand up function be verified.

00:04:29:08 - 00:04:34:20

There might be a slight delay before we say it and please wait to be invited to speak or ask to speak at the appropriate time.

00:04:36:11 - 00:04:54:00

Alternatively, please turn on your camera so that we can see that you wish to speak. Can I also remind people that the chat function on Microsoft teams will not work? So please don't try to use that to ask any questions or post comments. If you don't manage to ask your question or raise your point at a relevant point in time, there'll be an opportunity at the end of the meeting for you to raise this

00:04:55:21 - 00:05:30:17

because the digital recordings that we make our retained and published, they form a public record that can contain your personal information and to which the General Data Protection Regulation applies to planning inspectorate's practices to retain and publish recordings for a period of five years from the Secretary of State's decision. Consequently, if you participate in today's meeting, it's important that you understand that you will be livestreamed, recorded and the digital digital sorry recordings will be published. If you don't want your emails to be recorded, you can switch off your camera will only ask for information to be placed on the public record that is important and relevant to the planning decision.

00:05:31:04 - 00:05:49:01

Therefore, to avoid the need to edit the recordings, what we would ask is that if you try your best not to add information to the public record that you wish to be kept private or confidential. If you feel that personal information is necessary, please provide this in a written document that we can redact before publication. Does anyone have any questions with regard to this matter?

00:05:53:07 - 00:06:17:00

I'm not seeing any hands in the room. Well, actually, some hanky will move up. So just a few delivery matters for those intending attending in person, different place that all the devices and phone notifications to sign in place. Again, there are no planned fire alarm tests or drills today. So in the event of a fire alarm, leave for the rear doors and battery to staff and congregate opposite on the other side of road on the problem.

00:06:18:21 - 00:06:44:15

And the toilets are located that way as well, the way we came in. We'll take a short break around 1130 and lunch around one. We'll also take a mid-afternoon break if we're still sitting at that time. An audio recording of today's meeting will be available on our more website section of the National Infrastructure Pages of the Planning Inspectorate website as soon as practicable after this hearing. With this in mind, please ensure that you speak clearly. You can share a microphone.

00:06:46:12 - 00:06:58:11

If any individual or group wishes to use social media, report, film or record your today's meeting or any subsequent hearing that they're free to do so. But please do so responsibly and for proper consideration for other parties.

00:07:00:21 - 00:07:32:01

I'd also like to briefly address language. We to make this meeting an examination as inclusive as possible. We have translation facilities available at this meeting and they will also be available for subsequent hearings. You'll have seen all documents issued by ourselves are being published in both Welsh and English, and this will continue throughout the examination. Mr. Rowlands is a native Welsh speaker. Mr. Stephens. The case manager can also speak Welsh again. As I mentioned yesterday, the rest of us on the panel will endeavour to pronounce places and names correctly. But I would like to apologize in advance for any mistakes we make.

00:07:32:03 - 00:07:36:05

And again, like I say, you say, please feel free to point out any of our mistakes.

00:07:37:20 - 00:07:40:03

We welcome contributions in both English and Welsh today.

00:07:41:20 - 00:08:12:29

This meeting will follow the agendas published on the Available Project page of the website on the 30th September 2022. I have a copy of that agenda to hand and you'll see that we're currently on it.

And what you can also find the agenda available on the website in the examination library at Reference ID zero ten. The agenda at gender is for guidance only, and we may add of a considerations or issues as we progress. We will conclude the hearing as soon as all relevant contributions should be made and all questions asked and responded to.

00:08:13:18 - 00:08:29:08

But if the discussions can't be concluded, then it might be necessary for us to prioritize matters that differ over matters to further written questions. Likewise, if you cannot answer the questions being asked or require time to get the information requested, then you can always indicate you'd like to respond in writing.

00:08:33:13 - 00:08:55:21

In a similar vein, some of the questions that we may ask today might also appear on our first written questions, which are due to be published next week. If you have answered the questions, hearing and will submit in your written summary of your oral submissions, this hearing, which are required by deadline one in the examination timetable 24th of October 2022. Then feel free to refer to this answer to the relevant written question.

00:08:57:09 - 00:09:08:22

Throughout this hearing, we'll be referring to several key documents which you may wish to have easy access to. These are the latest version of the draft development consent order. That's the DCO. So I'll refer to as the DCO from now.

00:09:10:07 - 00:09:25:09

So that the latest version of the draft DCO submitted by the applicant, including a track change version Z, have the examination library references of as 14 as 15, the latest version of the explanatory memorandum, which is App zero 19.

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

If there is a nature in this meeting using the latest version of the land plans and the work plans, which are referenced as five and seven.

00:09:38:06 - 00:10:05:05

Let me briefly explain the purpose of this hearing into the draft DCI. The draft DCI is an important document. It is a draft piece of legislation, which is the Secretary of State decides to grant development consent forms a legal basis for the delivery of the proposed development. It sets and secures a standard to which development must be constructed and secures the environmental performance of the development, ensuring that it does not exceed what is described as a Rochdale envelope assessed in the environmental statement.

00:10:07:08 - 00:10:40:22

This hearing is being held on a without prejudice basis. So in essence, even if your position is it development, control or development, sorry, developer consent should not be granted and therefore that the Secretary of State should not make the draft DCO. You can make representations in this hearing on the drafting of the DCO without conceding your wider position that they should not be made. So those of you who participated today can make comments about how the DCO is drafted, for example, relating to requirements which are equivalent to a condition in a planning permission. But you can do this even if your position is that the desire shouldn't be granted in the first place.

00:10:42:02 - 00:11:11:13

It's important for the examining authority because we are under a duty to provide the Secretary of State with best drafted DCO that we can, even if we end up recommending that Secretary State should not make the DCO. This is because we do not decide these applications. We make recommendations

to the Secretary of State and they make the decision. So even if our report was recommend that development consent should not be granted, we would still append a draft DCO ensuring that Secretary of State can decide to make one if she or he wishes. Thank you.

00:11:14:20 - 00:11:24:20

I've been provided a case team with a list of those who have expressed a wish to be heard today. They are people representing the following organisations Conwy County Borough Council, Natural Resources Wales.

00:11:26:17 - 00:11:44:18

I had trust and I don't believe that here. Okay. And SB energy networks. So I'm now going to also for you who are participating in today's meeting to introduce yourselves. I want to state your organization and could you introduce yourself stating your name and who you represent. So can I start with the applicant, please, and any of their advisors?

00:11:45:22 - 00:12:19:21

Thank you, sir. My name? Parada. My name is Lester. I'm a partner at Purchase Salmon Solicitors and I am representing the applicant more Offshore Wind Farm Ltd. today. I will introduce everybody, as I did yesterday, because it's probably a bit easier to my right, left even. I have Paul Mcgeady, who is a director at Virgin Salmon, and she will be speaking to item two on the agenda today in terms of talking through the articles and schedules in the DCO.

00:12:20:13 - 00:12:54:14

To my right, I have a Dr. Paul Carter who is the CONSENTS manager for our Lismore Offshore Wind Farm. To his right we have Ryan McManus, who is a senior consultant from Gobi Consultants. To his right, Antonia Peacock, who is a consultant from Gobi Consultants. And she will be running the sharing of the DCO today for those in the room and attending remotely. And finally at the end, we have my Lord James, who is a solicitor at 37.

00:12:55:24 - 00:12:56:11

Thank you very much.

00:12:57:27 - 00:13:05:16

So if you could move on to the organisations who have also expressed a wish to speak place, if we could start with the Commonwealth County Borough Council place.

00:13:09:04 - 00:13:09:26

Good morning.

00:13:11:11 - 00:13:17:06

I'm Katie Thomas, Principal Planning Officer and my colleague is Hugh Williams, Principal Environmental Health Officer.

00:13:19:03 - 00:13:20:00

Bonnie, thank you very much.

00:13:23:01 - 00:13:25:02

And Natural Resources Wales, please.

00:13:26:28 - 00:13:56:02

But it would. Very good morning to you. We don't always consider branding. Do we? I'm John Lewis of King's Council. Am I going to strongly consider your committee here to represent Natural Resources Wales? I'm joined by a team of colleagues. I needn't perhaps introduce them all at this

stage, but I let my colleague to my right to introduce himself. I Pete Marson. Licensing teams are lead specialist officer and dealing with yellow and marine licence.

00:13:58:01 - 00:14:04:03

Thank you very much. And I've just been informed. So apologies to two routines that you are. Is that you joined us virtually today

00:14:06:04 - 00:14:09:04

so that Representative Roston, if you could introduce yourself please.

00:14:15:06 - 00:14:17:25

Oh, good morning. Jonathan Bell from Boston.

00:14:19:12 - 00:14:32:21

We represent a number of landowners and interested parties affected by the scheme. And we are not intended to make any representations at the moment whatsoever. We'll raise 100 replies later on.

00:14:35:09 - 00:14:36:09

Thank you very much, Mr. Malcolm.

00:14:40:04 - 00:14:42:16

And SB Energy Network's place.

00:14:43:22 - 00:14:52:01

Good morning, Rosa. Thank you, sir. I'm Steven Edwards, senior planner, ACP Energy Networks. It's

00:14:53:18 - 00:15:13:08

the name is responsible for S.P. Mann, which is the licence holder of the electricity distribution network serving this area as well as wider areas in North Wales and Cheshire and the Northwest. I'm senior planner in the planning section on the London Planning Section. Thank you.

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

Thank you, Mr. Edmondson. Yeah.

00:15:17:14 - 00:15:23:09

We also have a hand up. I see on the virtual screens. Michelle, could you introduce yourself, please?

00:15:25:03 - 00:15:54:02

I had to show up at MP. She counsel. Yeah. As I say, I advise yesterday we'd like to reserve our detailed position on the draft ECI until a deadline. One Written Representations submission. However, we might want to make some representations today on part three streets and also schedule two requirements as we go along. I'm also joined by my colleague Adrian Walls. He's also Nicole. Who is they? Rights of way network manager who he's interested in the part three street works powers.

00:15:56:01 - 00:15:58:00

Thank you. I'm upset that that's understood. Okay.

00:16:01:12 - 00:16:06:22

Okay. And I have one more hand showing up virtually, but I can't tell you that is. But

00:16:09:00 - 00:16:10:21

if you could introduce yourself. Mr. GREGG.

00:16:11:17 - 00:16:48:23

Mr. Manager, I am appearing here today on behalf of two clients, firstly, North North Oil Windfarm Ltd and secondly Real Science Offshore Wind Farm Ltd. In relation to the latter, I'm also accompanied by John Mackenzie virtually is a director of Real Plus. We will have points to make and we should Section nine three, Schedule nine with its provisions, may also potentially have some points to make about requirements, but I suppose at best.

00:16:48:25 - 00:16:50:25

And so the discussion develops.

00:16:52:09 - 00:16:53:11

Of course. Thank you, Mr. Grech.

00:17:00:04 - 00:17:02:18

I'm just checking to see there's no more hands online.

00:17:05:09 - 00:17:08:13

So what else? You just before we move on, who wishes to speak today?

00:17:10:04 - 00:17:14:20

Obviously system preclude you from speaking later if you want to respond to comments made by other parties.

00:17:16:13 - 00:17:18:18

Okay. Not saying we will hand so we'll move on. Thank you.

00:17:23:29 - 00:17:27:04

There any other comments that your wishes to make under item on the agenda?

00:17:31:08 - 00:17:39:29

Okay. Thank you. I'd also just like to add as well, when speaking today, please bear in mind that we read all submissions made so far and therefore you don't need to read out previous submissions.

00:17:41:22 - 00:17:58:00

However, if you want to refer to something you've submitted before, we'd be grateful if you could give us the appropriate examination lobby reference so we can all follow. Thank you. That concludes this item on the agenda for move onto item two now articles and schedules, including requirements of the draft DCO.

00:18:00:13 - 00:18:27:09

So as indicated on the agenda, I think I'd like to start this item by that the first three bullet point of the agenda item. So if I could ask the applicant please to provide a brief overview of each part of to the draft ECI. And if you could also highly highlight any changes in that which have been made since the original submission version. And if you could also within your overview, explain how the draft DCI executes mitigation and the broad areas that such mitigation covers that would be appreciated. Thank you.

00:18:30:12 - 00:18:40:27

Parliament, for the outlook and thank you, sir. As you've asked for us to be brief, I was not planning to dwell on the articles which appeared on later agenda items in this overview, but please do let me know if you want to return to you.

00:18:41:09 - 00:18:42:01

That's great. Thank you.

00:18:43:01 - 00:19:09:10

So the draft issue all follows. President orders primarily offshore wind farm orders and the now defunct model provisions drafting, etc.. An explanatory memorandum part two sets out the principal powers of the order, importantly, the development consent, which the applicant is seeking to construct and operate the offshore wind farms. That consent would be subject to the controls later on in the GC or and importantly the requirements and protective provisions in the schedules.

00:19:11:04 - 00:19:23:06

In this part, the order also seeks to supply a number of other statutory provisions in accordance with the Planning Act 2008, and the ethos of that to reduce the number of other consents needed alongside ATC or consent.

00:19:24:23 - 00:19:59:15

Part three of the DCO sets out a number of and street works powers. These are primarily needed by the project for the creation of new junctions and importantly from visibility splays for junctions. These would allow the undertaker sorry applicant interfere with and execute works and an under streets to temporarily stop public rights of way where these cross the order limits and where a diversion would be provided within the order limits. They also allow the provision of temporary accesses for construction and the creation of new permanent means of access.

00:20:01:03 - 00:20:07:27

Part three needs to be read along with schedules three, four and five, which list the streets and the public rates of where these powers to be applied.

00:20:09:23 - 00:20:40:19

Part four of the DCO is supplemental powers. This includes the making of connections into watercourses and drains, which we know will be required. It also includes authority to survey and investigate land which is necessary to inform the final detailed design of the works. Article 17 provides a process for the removal of human remains found. This is purely precautionary. We have no reason to think we would find human remains. But that process matters. What would be imposed in a licence from the Ministry of Justice, where one required

00:20:42:27 - 00:20:56:09

Part five concerns powers of acquisition and temporary possession. The project is seeking a number of powers of compulsory acquisition, primarily of rights, although there is some freehold acquisition sought or the substation site.

00:21:00:23 - 00:21:39:18

Sorry. We have included all of your talent. Although we are engaged in negotiations with all landowners and we are seeking to progress those. They have all been included in the DCI as a fallback position to ensure the project is deliverable. The use of these powers is subject to time of seven years from the date of the order. For that, both precedent, timing, and it limits the interference with the owners interests because it gives them a clear end date when compulsory acquisition powers would no longer be exercisable. The section also makes a number of amendments to existing compulsory acquisition legislation, primarily to allow the acquisition of rights, not just land,

00:21:41:10 - 00:21:47:17

and to change a number of references to the DC or rather than a separate compulsory purchase order under other legislation.

00:21:49:02 - 00:21:54:27

Although temporary possession does not, technically compulsory acquisition that is included in this section is similar in effect.

00:21:56:26 - 00:22:03:10

We are seeking powers of temporary possession of land for construction and maintenance. And this follows President orders again.

00:22:06:14 - 00:22:24:28

Part seven of the Act as miscellaneous provisions. This importantly applies the protective provisions Schedule nine, which we will discuss later. It also sets a number of technical points, including the list of documents to be certified, how service would be affected and the arbitration would apply to disputes under the order.

00:22:27:07 - 00:22:39:15

That's the end of the article. So we move on to the schedule. Schedule one sets out the authorised works for which we are seeking consent and includes tables of the key parameters of the maximum approvals works.

00:22:41:03 - 00:22:51:10

Schedule two sets out the requirements which would control the construction and use of the development and a process for approving details under them. As that process is not specified in the Planning Act,

00:22:53:19 - 00:23:06:05

schedules three, four and five relate to Street Works Schedule six land list. The land which only temporary possession may be taken off where we could not compulsorily acquire a permanent right or permanent antique

00:23:07:24 - 00:23:12:00

schedule. Seven list loans but only rights are not freehold may be acquired.

00:23:13:27 - 00:23:27:27

This is included firstly to give the examining authority visibility and to give you the information you need to determine that we are seeking minimal interference with people's rights and to give landowners clarity on what we are seeking over land.

00:23:30:17 - 00:23:41:09

We are seeking as part of that to enforce restrictive covenants for the protection of the electrical cables, as well as the equivalent of an easement to keep and maintain those cables and land.

00:23:43:06 - 00:23:53:07

We are also seeking rights for planting and habitat works as these will require monitoring and maintenance beyond the one year period we could over which we could use temporary possession.

00:23:55:06 - 00:24:00:17

Schedule eight makes a number of amendments to the compulsory acquisition legislation has discussed in the articles

00:24:02:09 - 00:24:22:11

schedule nine. So a number of protected provisions for the various interested parties, statutory undertakers and rights holders. I wasn't planning to spend any time in the parts of the house. I think

we're going to at least our schedule ten lists. The hedge hall was full of what we are seeking consent to interfere, most likely to cut down and replace as appropriate.

00:24:30:28 - 00:24:52:21

So it was Schedule 11, which is my appeals processes. So Schedule 11 is the process for the approval matter, specified requirements, sorry, it was originally scheduled to and it was moved. That is the process. I prefer to end it erroneously, if that's my mistake and schedule 12 is arbitration will should we need to go to arbitration. That sets a clear process for all parties.

00:24:55:11 - 00:25:02:00

Thank you for that. Was there anything you wish to highlight any changes since the original submission version?

00:25:03:14 - 00:25:11:12

Yes. Thank you, Sir Paul McCartney for the applicant. The majority of change is made between submission and sponsor Section 51 advice, where

00:25:13:12 - 00:25:38:00

they were formatting and corrections rather than substantive changes to the powers of sort. There was a number of consistency, particularly in the way that the names of schedules and acts were referred to. There were some updating of street names in part three where we hadn't we hadn't quite picked them up correctly or they needed to be corrected. We don't think any changes that were made that would fundamentally change the powers being sought.

00:25:39:04 - 00:25:40:06

Thank you. So useful.

00:25:42:11 - 00:25:46:06

Yeah, that's very useful. Thank you. So this indicates that the agenda,

00:25:47:21 - 00:25:59:12

the examining party now going to ask a range of questions on some of the articles, schedules and requirements. And just to reiterate that some of these questions may also appear in our first written questions, which will be due out next week.

00:26:01:03 - 00:26:27:18

And I should just say here, accompanied by a list of questions to ask the applicant if anyone else wants to come in with some comments or questions relating to that specific topic that we're talking about, talking about, obviously, please let me know at the appropriate time. And I will, of course, ask everybody else in the room for any comments or questions before we move on agenda items. Okay. So if we could begin with Article two, please, and the definition of comments within the draft DCO.

00:26:30:15 - 00:26:31:00

I

00:26:32:08 - 00:26:44:00

should say that. Obviously I know in your explanatory memorandum this is based on hornsea free, I believe. Please, could you clarify for us what would be included in the phrase onshore site preparation works?

00:26:45:17 - 00:26:47:11

Thank you, sir. Get it for the applicant.

00:26:49:03 - 00:27:23:01

Yes, sir. So in the is onshore project description, which is AP 062, section 1.7.1. So so the works that would be included that that these are fairly typical works they include and preparatory works and testing infrastructure, utilities and services, detailed pre-commencement service removal or height reduction of trees, hedgerows on ground vegetation and preparation and installation of temporary access roads and working areas.

00:27:23:17 - 00:27:33:09

And noting this on the agenda, we had a discussion and this advance and we would be very happy to revisit that definition and expand it in the next iteration of the DC. That would be helpful.

00:27:35:04 - 00:27:39:15

Okay. Thank you. I think that I think that probably would be helpful if possible.

00:27:42:24 - 00:28:07:25

I think they do have a kind of the question led to me was the kind of onshore site preparation works that you've mentioned there. If they're excluded from the term commence, could it have any implications for, say, protected species or archaeology, for instance, if those could have occurred prior to the works to satisfy all discharge requirements 12 and 14.

00:28:09:22 - 00:28:18:14

Of Parliament for the applicant on their college site? What archaeological surveys and particularly trial trenching would be one of the works that we wanted to do to inform detailed design.

00:28:21:27 - 00:28:22:12

So

00:28:24:21 - 00:28:46:28

we've essentially some of those surveys would need to be done in order to get the detail needed to discharge the requirements on a protected species. We would still need protected species licences of any of our works. We're going to interfere with them and that the mitigation that would be necessary for that would push that into being the requirement being too high, which we would not intend to do. Protected species works and as pre-commencement links.

00:28:49:07 - 00:28:50:08

Thank you. That's useful.

00:28:57:29 - 00:29:15:07

That the the the definition the moment as it describes commence a moment later step section 155 of the planning to have night the definition of a material operation which states that a material operation means any operation except an operation of a proscribed description.

00:29:17:07 - 00:29:20:08

Could you say to me what an operation of a proscribed description is?

00:29:36:09 - 00:29:41:03

Permit me to that. I'm very sorry, sir. Off the top of my head, I can't remember. Can I possibly come back to you?

00:29:41:09 - 00:29:50:15

Of course you can apologize for springing that one. I realise it was quite, quite in debt, but it might assist you. But my, my question was essentially because

00:29:52:08 - 00:30:12:25

when you look at and I think and I might have got this wrong, it's entirely possible. But when you look at the description via section 1.5 of the planet, the list of prescribed descriptions appears that it might be different in England to Wales or in Wales to England. So it was just a question really of if there are any implications of that.

00:30:15:14 - 00:30:28:18

So it's perfectly fine, I think, because as I said, I've kind of dropped that one on you. So if you want to reserve that for a written, you know, written submissions afterwards, that's that's perfectly fine by me.

00:30:29:02 - 00:30:32:20

Thank you, sir. If we could put that in there, some of the submissions, I'd be very helpful.

00:30:32:22 - 00:30:38:14

Okay. Thank you. So if we we put that down as an action point for a deadline, wouldn't that be excellent? Thank you. Of course.

00:30:40:15 - 00:30:47:22

I closely follow up the archaeology bit science on the surveys and trial trenching needs to be done

00:30:49:08 - 00:31:12:16

obviously before you can satisfy the requirements that could that be of the works which might affect archaeology, such as services before those trial trenches are completed. So I think that was the point of whether any works that could commence might impact on that before those surveys are completed.

00:31:14:17 - 00:31:44:22

For the applicant. So if Pre-commencement archaeological survey, if it weren't to the extent of intrusive, which is likely to affect archaeology, would still need to come under the WSI works to for example, divert existing services are going to be undertaken in proximity of those existing services where the ground has already been disturbed and we are not anticipating large diversions of services into greenfield sites that we have no particular knowledge of.

00:31:52:26 - 00:31:56:29

Sorry. So not envisaging, but might there be a situation where that might happen?

00:32:32:25 - 00:32:33:26

Parliament is for the applicant

00:32:35:13 - 00:32:48:22

has a politics rather short discussion on that point. I think we were not envisaging that was if we did have to go into new ground effectively. We think that outline WSI, which has been submitted to the process, would apply to control that work.

00:32:57:20 - 00:32:58:08

Okay. Thank you.

00:33:03:06 - 00:33:22:15

Can I just follow up briefly on the article to commence? Just try to fully understand pre-commencement works and preliminary works. So the definition of what Pre-commencement works does not mean then that article two doesn't apply.

00:33:25:07 - 00:33:28:08

I think Pre-commencement Works is mentioned and

00:33:30:01 - 00:33:50:24

possibly in the outline landscape and ecology management plan up 35. But yeah, just greater clarity on if you're saying Article two commences the spring commencement works. What's the implication? We can if you want to provide a written summary.

00:34:00:20 - 00:34:09:27

From if the applicant if we could, we'd like to check the consistency of terms. We think that might be where those questions arising and see if any amendments being made to make was more consistent.

00:34:10:26 - 00:34:11:27

Thank you. Okay.

00:34:13:29 - 00:34:20:20

Okay. Thank you for that. I also say to Michelle from Denbighshire, you have your hand up if you'd like to speak, please. Thank you.

00:34:22:17 - 00:34:52:00

Hi. Yeah, just two points on on the onshore site. Preparation works, really. I mean, as a host authority, we're obviously going to be responsible for enforcement. And it's not uncommon for us to start getting a flurry of complaints and have a hedgerow is removed or there's tons of machinery on site. So for an enforcement perspective, it would be hugely advantageous to have a pretty clear definition of what onshore preparation works are in the in the article just for to avoid any ambiguity or make do receive complaints.

00:34:53:21 - 00:34:56:05

Thank you. Want to come back on a.

00:34:58:15 - 00:35:08:05

Look at Paul McCartney with that look and we note the comment and we are going to look at that instead of dealing on any case, we will discuss it with the council.

00:35:08:21 - 00:35:09:17

Of course. Thank you for that.

00:35:12:20 - 00:35:16:12

Okay. So what else have any comments on Article two before we move on, please?

00:35:21:14 - 00:35:22:22

Yeah. To you.

00:35:25:01 - 00:35:46:14

Okay. Thank you very much. If you can move on now to Article seven highlighted in the agenda there. So Article seven seeks to modify the legislative procedure relating to the Water Resources Act, 1991, the Land Drainage Act, 1991, sorry, Environmental Permitting Regulations 2016, and the Neighbourhood Planning Act 2017.

00:35:48:01 - 00:36:02:00

Obviously as well, I've read your explanatory memorandum, but I just wanted clarification mainly because it does seem slightly wider ranging and other more recent. This year, for example, East Anglia one, North and East Anglia two Discos, both of which

00:36:03:21 - 00:36:10:20

modified just the Neighbourhood Planning Act and Hedgerow regulations. So I was just looking for some further clarification on that one possibly.

00:36:14:16 - 00:37:02:06

But Parliament could do for the applicant the test application of the water provisions excluding the flood risk activity permits. What I'll come back to in a second is to follow the results of the DCI regime as much of a one stop shop as possible, rather than having to get separate consents for those. I couldn't comment on why East Anglia didn't seek to supply those. There is plenty precedent of them being supplied the just application of the flood risk activity. Permitting has been discussed within our W and as far as I'm aware, it's agreed in principle, subject to the inclusion of a further requirement for construction method statements to be approved by r w, the wording of which is still currently being negotiated that were due to be added to a later draft of the deal.

00:37:04:08 - 00:37:07:02

Did you want me to address the Neighbourhood Planning Act as well or are you happy on that?

00:37:08:23 - 00:37:13:29

Sorry, that's just part of the neighbourhood planning. Thank you. And I would like to comment on that. Thank you.

00:37:14:25 - 00:37:35:16

Yes. Just to confirm and that there have been discussions in relation to that, we wouldn't ourselves characterize that yet as agreement in principle. That's still something that we are reflecting upon. But we will update the position when it comes to the first set of representations that will be sent as part of this process.

00:37:36:11 - 00:37:37:03

Thank you, Mr. Lewis.

00:37:39:10 - 00:37:41:12

So anyway, what else can we comment on? Article seven?

00:37:43:21 - 00:37:53:22

Okay. Thank you. I'd just like to raise now, which is this isn't on the agenda, so I apologize for that. But Article 40, which concerns certification of plans,

00:37:55:08 - 00:38:06:15

obviously I mentioned earlier, it's not on the agenda. So if you prefer to reserve your answers for written submissions, that's fine. But if possible, I'd just like to hear the rationale for the list of documents as it is really, you know, how did you come to that list?

00:38:17:14 - 00:38:19:03

Let me make you if the applicant

00:38:20:24 - 00:38:51:06

primarily that list is comprises the documents that in one way or the other control the developments of the land plans for the compulsory acquisition, the works plans the extent of the works because so on the items E to M are generally referred to in the requirements and therefore their outlines or their high level plans to be followed and the requirements and therefore consult appropriate to be certified. So there is an official copy of record of those when we come to prepare the detailed plans for the Council to start.

00:38:52:24 - 00:38:59:15

And would it be the intention to add to that list as we progress for the examination? Yes, of course, as the documents required to be certified.

00:39:02:16 - 00:39:04:01

So I did.

00:39:05:26 - 00:39:06:11

That.

00:39:06:20 - 00:39:10:26

Because I because that's what say. So, for example, in 40 days,

00:39:12:14 - 00:39:21:12

the environmental statement document number six, how does that deal with any updates to documents? So is six sufficient to describe the whole of the yes.

00:39:23:19 - 00:39:24:28

Public good for the applicant?

00:39:26:19 - 00:39:54:09

We are expecting to have to update this as we go through it, especially with documents, a revised and yes environmental statement that forms a huge number of documents, all of which we have given application not inconsistent with six. We are expecting by the end of examination to have to give those more references to the most up to date versions of each part of it. And if it takes anything, authority would consider it useful to have a fuller less than that item. We can certainly prepare one, but it will need to be updated.

00:39:57:07 - 00:40:01:10

And you intend to update it as we go along all at the end of the process?

00:40:03:07 - 00:40:12:18

But if you do that can ideally late in the examination because otherwise it would create lots of versions which were actually current by the end of the examination.

00:40:13:21 - 00:40:22:14

Okay. Thank you. Hope you still have a bit before the end as well, because then we can check. Check because there may be some inconsistency. Thank you.

00:40:27:02 - 00:40:30:26

Okay. Thank you. Anyone else have any comments on Article 40?

00:40:33:16 - 00:40:55:27

Thank you. Can I just check with you? There's a 40th. You appear to have the outline code of construction practice. My understanding is that really focusing on wonderful works. So the question is, what would be similar for, say, the Marine works as a management?

00:41:04:21 - 00:41:22:21

Without looking at the marine control documents are not currently proposed to be certified under the seal. We have addressed how they are in the line up in the principles. Could I suggest that is actually coming up later on in the agenda and the 2 million controls and if possible could be defer that point to that discussion.

00:41:23:01 - 00:41:28:11

Can I just maybe highlight that in the Article 40

00:41:30:23 - 00:41:39:20

J is that you actually got the Marine Reserve scheme. So it appears to have something to do with the Marine Corps.

00:41:42:03 - 00:41:45:14

It's the fact that. Yes, thank you, sir. We will we will revisit that list.

00:41:45:24 - 00:41:47:27

Okay. Thank you.

00:41:49:06 - 00:41:53:17

Okay. Thank you very much. Anyone else have any comments on Article 40? We move on.

00:41:56:20 - 00:41:59:01

And from Michigan of Denbighshire.

00:42:01:23 - 00:42:31:26

Hi. Sorry, just. Just a quick query. Really, I'm just. Is that going to be in terms of the obligation to hold a copy of the certified plans? Will that lie with Pence or will that be with the planning authority? Because I'm mindful with with all the development in our county, that there's no longer any copy of the documentation on on the Pens website for those projects. And as far as I'm aware, that's not a duty for us to hold a copy of this is on the planning register, which we do because we want to ensure that they show up on land registry searches.

00:42:31:28 - 00:42:38:09

But yeah, I just want to know if, if there's going to be an expectation or duty on us to also hold a copy of the certified plans.

00:42:41:22 - 00:42:45:24

Thank you, Michelle. I'm looking to the article. Thank you.

00:42:47:13 - 00:43:00:20

Paul, for that look. And I think I can help, sir. The plans one certified by the Secretary of State are officially held by the applicant. But we would, of course, provide copies to the Council and request of the resolution. There is no duty upon the council to hold them.

00:43:01:25 - 00:43:03:00

Thank you very much. Very useful.

00:43:03:18 - 00:43:11:17

Just just told those notes at the end of the day, says that they're held and they can be inspected free of charge at the office.

00:43:15:06 - 00:43:17:12

Thank you. Does that answer your question, Michel?

00:43:18:09 - 00:43:19:25

Yeah. Yeah, that's fine. Thank you.

00:43:19:27 - 00:43:21:06

Okay. Thank you. Thank you for that.

00:43:25:01 - 00:43:28:05

I'm sorry. If we could move on to Article 43.

00:43:28:07 - 00:43:30:12

Please, could you kind of.

00:43:31:13 - 00:43:34:03

Simply kind of talk me through Article 40 free, please?

00:43:36:06 - 00:44:09:03

Thank you, sir. Upon it for the applicant. The purpose of Article 43 is to provide a route to appeal for decisions under the DCO. The Planning Act doesn't specify such a process for subsequent approvals, including discharge of requirements. This article fills the gap. It follows the precedent and the recent Hornsea three order because without such an article, the project would have not even occurred. Decision is not issued rather than refused to seek any right of appeal. This is a general power that covers all the matters under the DCO.

00:44:09:16 - 00:44:28:04

There is a further stage in that process set out in approval discharge requirements and a schedule which has a more detailed timings and process for one under requirements which Rock Ltd, the Country Planning Act appeal to Secretary of State for discharge of confining conditions.

00:44:31:18 - 00:44:33:09

Do you require any more of the fine?

00:44:33:16 - 00:44:35:17

No, that's fine. Thank you. That's useful. It was

00:44:37:29 - 00:44:57:22

when in a course of looking in your duty, I would take to look at a few more recent data on Hornsea was wasn't that long ago but probably 2020th December 2020. Some more recent ones, Norfolk Borealis and East Anglia is an ever slightly different. It is achieving the same aim, but it might be worth you having a look at those in terms of precedent.

00:45:05:08 - 00:45:14:10

Okay. Thank you. Before we move on to the schedules, does anyone have any comments or queries to raise on the articles of the draft yet?

00:45:18:09 - 00:45:23:23

I've not seen any hands seen here on the screen. So thank you for that. See if we can move on to the schedules

00:45:26:13 - 00:45:34:18

and reduce the scope of Schedule one, part two ancillary works. And my question on this, just related to the scope of the ancillary work stated

00:45:36:03 - 00:45:50:05

said McQueary really was about the first one pie. And if you could explain the remit of those ancillary works that the intrusive ground investigations include in the making of boreholes and trial Penn's

00:45:52:00 - 00:45:52:15

Place.

00:46:06:09 - 00:46:27:06

Parliament gave the applicant at the grant investigation works would not normally be development, so they have been put into ancillary works rather than the authorised works on that basis. I can't really assist you on the spot on the scope of those because I don't have that information to hand. If you could if you could, let me know what you need, we have to come back to your writing on that.

00:46:28:13 - 00:46:47:09

I think it was it was primarily because, again, in previous debates that I've seen, a lot of them have similar ancillary works. But that one I haven't noticed before. I think she's busy in day, but no, I so it was more a query if this is new. And if so, why? If you like.

00:46:52:23 - 00:47:00:14

Parliament if the applicant. We do think there is precedent for this sort, but we're happy to look into that and again, put it into some the submissions. If that would be useful.

00:47:01:12 - 00:47:05:14

Be very useful. Thank you. So if we come out of that balance in action, I can.

00:47:12:22 - 00:47:32:24

Okay. Thank you. So if we could move on now to schedule two and so we move on to requirements now, requirement two, table three and requirement seven, table four. So these tables show the parameters of the proposed often onshore works respectively, and both requirements state that the respective works must not exceed the parameters in the tables.

00:47:34:13 - 00:48:09:05

However, as the tables are based on the worst case scenarios as assessed in the environmental statement, they could be read as potentially allowing more than is proposed. For instance, table three, one reading of it could seem to allow 50 turbines of a height of 332 meters, as opposed to a smaller number of days. Height turbines or 50 of a smaller height. And equally, table four in requirement seven would seem to allow a substation potentially of the footprint of an air insulator, one with the height of a gas edge like two substation.

00:48:10:01 - 00:48:11:18

So I'd just like your views on that, please.

00:48:23:00 - 00:48:24:04

Paul McGinley for the applicant.

00:48:26:27 - 00:48:52:28

We understand the point you're making, and that wasn't the intention. The intention was to provide one set of maximum parameters of one place that would be easy to refer to. We think the solution to the potential issue you are raising would be to rather than express these, not to express them in words that can express that can not those nuances either senores and so on. And again, we would suggest that we take that we represent how it's laid out.

00:48:55:01 - 00:48:55:29

Thank you, Mr. Haslam.

00:48:56:18 - 00:49:11:20

They are just following up on that. Is is the proposal either or or would there be anything in between? So could you get 40 turbines at 290 metres, say, or is the either

00:49:13:05 - 00:49:31:13

the maximum design scenario or maximum design, sorry. B and if that's the case, then could you have, could you have say two tables for each scenario or one table for scenarios with two tables in each requirements that relates to the on the substation, on the turbines.

00:49:41:26 - 00:50:23:26

So at least on behalf of the applicant, in respect of the onshore works, it is a it is an either or. So if if an air substation is is progressed, then it's the parameters that are in respect of an air substation. If it is a insulated substation, if it's gas or gas insulated, then there are different parameters. And that is an either or so it's one or the other. And in respect of the the array and the parameters for the array, the MDA, the maximum design scenario, a and maximum design scenario be up to set parameters.

00:50:23:28 - 00:50:33:24

But it could be anything in between those. Or it could even be anything that is less than that. So the turbines could be could be

00:50:36:00 - 00:51:07:00

smaller than a maximum design scenario. B although that isn't anticipated the maximum designs in our scenario. That's right. What were provided in order to be able to assess those to those to worst case is the worst case of the smallest number of largest turbines and the largest number of smaller turbines. And they were they were designed scenarios that were we'll work through with the various CONSULTEES and LW and the local authorities.

00:51:07:02 - 00:51:11:13

And in order to set those for the purposes of the environmental statement,

00:51:13:12 - 00:51:15:27

for the purposes of what can be constructed,

00:51:17:12 - 00:51:54:29

I would completely take the points that have been made. And as Mr. McKenzie said, it was never the intention that that there was there wasn't clarity around the exact parameters of those. I think at taking the point around what those mean in the context of the array, I think we do need to look at those again and to make sure that it's clear that as to how those parameters would operate in in reality for the purposes of the DCO, that there couldn't be a situation where you had the maximum number of largest turbines built up because that isn't something that was assessed.

00:51:59:01 - 00:52:14:11

And there are also, for example, parameters around the maximum swept area of the blades, which then talk to both of those scenarios. So I think I think we do take the point. We'll take that one away and look at how we can be providing that greater clarity there.

00:52:14:25 - 00:52:26:12

So for the onshore substation, you could potentially have two tables, but with a maximum perhaps of MGC. Yeah. Or the promise of I'm just saying of amnesty, but how would

00:52:28:11 - 00:52:57:26

I think how it would work? How would you. And because some of them haven't been assessed. So for example, 49 turbines out 310 meters. How how would we know that didn't wasn't different to both having decided I'm just saying in terms of the environmental effects, if if there's a range of options in between those two maximum type scenarios.

00:52:58:18 - 00:53:42:26

So the the maximum design scenarios have been based on a worst case assessment. So and I think it is explained in the environmental statement that what were that to be few, a few with fewer turbines or they were to be of a lower height, then that wouldn't give rise to greater likely significant effects. And I hope I'm right. But there should be something in the in the draft DCO that explains that whatever parameters it is that are finally built out under the scheme have to fall within the assessment that's been carried out for the purposes of the environmental statement, so they can't give rise to any further likely significant effect.

00:53:44:15 - 00:53:47:11

Whereabouts does it say that? And is that in the DCO? It well.

00:53:57:06 - 00:54:36:29

So I've just been informed by Ms. Mcgeady that it is something that I've certainly used in other discos. I understand that the Secretary of State has been removing those from the final versions of discos on some projects. So we again will check that back to make sure that if it is something that the Secretary of State is happy to to continue to happen in discos, I think it's useful is a useful reassurance that that actually the max that the scope of the environmental statement will remain to sit over the final the final design or the final project that's put forward.

00:54:38:14 - 00:54:43:25

Okay. Thank you. So you can you can say what we're going to talk about with you for the next year. Thank you.

00:54:44:17 - 00:54:45:03

Thank you, sir.

00:54:47:10 - 00:54:47:29

Thank you for that.

00:54:50:15 - 00:54:53:11

And anybody else wish to raise any points on this question?

00:54:56:02 - 00:55:02:04

Okay. Thank you. And if we could move on then to requirement for and this wasn't a question that I had specifically, but it was a

00:55:03:28 - 00:55:09:20

county raised. It's an issue yesterday. So if there's anything you wanted to raise on requirement for now, please do.

00:55:16:16 - 00:55:18:16

Thank you, sir. It was just.

00:55:19:25 - 00:55:21:15

Sorry if I could just get you to introduce yourself.

00:55:21:17 - 00:55:25:03

Sorry. My name is Williams, Principal Mental Health Officer with Comic Con. Thank you.

00:55:27:17 - 00:56:04:20

We've had a discussion with the applicants and they're going to be providing us with the results of the monitoring that. I just want to say that even to taking it to locations in order for us to satisfy ourselves

that the 50 decibels that they've come to a conclusion does make sense, for want of a better word. I think it was very good meeting this morning with them and we'll carry on having that discussion with them in order to satisfy ourselves and to protect the local residents of noise from the piling works.

00:56:06:04 - 00:56:10:23

Okay. Thank you. There's nothing more you want. Just an update, if you like, on your meetings.

00:56:12:22 - 00:56:13:13

Sorry. Didn't hear that.

00:56:13:29 - 00:56:19:07

Sorry. Sorry. There's nothing more you wanted to add at the moment. It was just kind of an update of your discussions with the applicant.

00:56:20:08 - 00:56:23:15

Nothing at the moment. Just updates and conversations with the applicant.

00:56:23:21 - 00:56:28:00

Thank you. That's useful. Then we'll come back and.

00:56:28:17 - 00:56:29:02

No

00:56:30:18 - 00:56:35:22

problem that we don't have anything to hide. It was a fair characterization of her discussion with counsel.

00:56:35:26 - 00:56:36:13

Lovely. Thank you.

00:56:38:01 - 00:56:43:00

Okay, so the next point I wanted to raise on the requirements is the

00:56:44:29 - 00:57:10:16

put that potential requirements for quite potentially requirements excuse me, regarding skills and employment and aviation safety. So the I suppose the question's fairly self-explanatory, but on skills and employment, I'm sure you've seen the representation from the Isle of Anglesey County Council and such a requirement is proposed by the Council. There would see draft precedence in other May DCMS. So I just appreciate your views on that. Please.

00:57:11:28 - 00:57:35:24

Paul McKinney For the applicant, the applicant has been seeking approval internally. No. Has that to progress and outline skills and employment plan which would be secured by the requirement. We are starting to put that together to stay with the intention of taking it to the councils for discussion before putting an end to this process so that we can get their views and progress that early in the examination. And I will bring it into the process for your consideration.

00:57:36:02 - 00:57:40:18

Lovely. Thank you. That's a beautiful Isle of Anglesey, they said. And if you want to come back on that.

00:57:41:23 - 00:57:53:12

Thank you. I'm had a pilot Anglesey County Council. Thank you for that confirmation. We welcome the intention to prepare an outline plan and we would wish those discussions to commence as soon as possible. Thank you. Thank you.

00:57:53:29 - 00:57:54:14

Thank you.

00:57:55:26 - 00:57:57:24

Okay. And for aviation safety,

00:57:59:18 - 00:58:25:07

we note the negotiations currently ongoing between yourselves and NATS, National Air Traffic Services Ltd on a solution to mitigate effects on the St Anne's and the Great Dunmow fell primary surveillance surveillance right offs. My question was really that sometimes those negotiations could go on longer than you might think, and that's certainly had experience of that. So would a requirement be necessary to ensure that's carried out? It might be a bit belt and braces, but.

00:58:27:05 - 00:58:44:09

Parliament did it for the applicant. Those discussions are progressing at the moment and are progressing quite well. The discussions include proposed requirement wording, which we would seek to have included in any material. Once we have reached agreement with Nats, we will put forward that wording for your consideration.

00:58:45:27 - 00:58:46:27

Thank you for that. That's useful.

00:58:50:05 - 00:58:54:12

Okay. Thank you. If we could move on then to operational time limits and decommissioning.

00:58:56:05 - 00:59:06:01

So the environmental statement notes at the time of the project, in operational terms is 25 years or around 25 years. It is secured in the draft eco at all place.

00:59:08:09 - 00:59:39:03

For the applicant. We would not necessarily agree it's a time limit. It's an indicator of operational life for the purposes of assessment. I would refer you to the Offshore Project Description chapter, the Environmental Statement Document, AP 047, which at paragraph 26 lists the key permanent offshore components. The indicative operational lifespan is there to give us a time horizon for considering decommissioning it. We are not proposing its limit and nothing in the decision would secure that as a limit.

00:59:41:07 - 00:59:50:05

Basically the question from that and I understand that completely was does that cause any implications for your assessment of based on a 25 year lifetime? Is that correct

00:59:52:01 - 00:59:52:16

for that?

00:59:52:27 - 01:00:10:29

No, sir. We have double checked. We have been back through the years, and none of our conclusions are based on it being a 20 year lifespan. The references and for example, seascape, landscape and visual impact to the fact of them being reimbursable, but not necessarily at 25 years. They're still reversible after that when the turbines come down.

01:00:14:29 - 01:00:24:03

So I think it also says temporary and reversible. But so you're saying what's the definition of temporary in that case, if he could, if there's no time limits on it?

01:00:38:29 - 01:00:50:12

Punk is the applicant. It's Tempe because it will be decommissioned. That is secured by the Energy Act. There's a statutory requirement to do it and quite what year that would be done in is not yet known.

01:00:56:26 - 01:00:58:14

But which parts? What could you just.

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

Tell me that the name of the weather where it states that which upped the energy act.

01:01:13:09 - 01:01:21:16

I'm a good applicant. Yes, sir. I was referred to Requirement 28, Section 105 open brackets to close brackets of the 2004 Energy Act.

01:01:27:08 - 01:01:36:22

But sorry, there's no definition of temporary. Like there's like a time limit when it has to be decommissioned, like a permit.

01:01:36:29 - 01:01:38:11

But not that we don't wait, officer.

01:01:48:28 - 01:01:49:18

Okay. Thank you.

01:01:51:04 - 01:02:15:22

In terms of a decommissioning requirement, 20 states that no offshore works can commence until a decommissioning scheme has been submitted for approval by the Secretary of State and Requirement 21 consents similar for onshore works and the local planning authority for both of these requirements. Is there a need to provide further details and more to be included in the written decommissioning programme? Timetables. Building Material Removal. Absalom.

01:02:22:21 - 01:02:40:21

Oh, my God. If that if we take on your first cause, I think that's the easy answer. That has to include a can order construction practice, which would cover in principle all the matters that would be in the construction quarter. COOPER Stop practice. But in line with the environmental and legislative requirements at the time on offshore,

01:02:42:13 - 01:02:56:29

the decommissioning program has to be in accordance with the requirements of the Secretary of State. We are not 100% in control of what that submission looks like. I would have to take away what the details of those are currently looking like and come back to a better.

01:03:03:16 - 01:03:10:13

An apology, sir, if I could come back and I'm told there is base guidance on this as well that we can refer you to who would be helpful?

01:03:11:01 - 01:03:27:10

Useful. Thank you. My question again, especially for the onshore decommissioning you mentioned, areas are actually more recent. DCI is it do seem to have a wider scope this whatever or what but more details as to what would be the decommissioning or decommissioning plan would entail.

01:03:32:02 - 01:03:36:21

Does onshore decommissioning include decommissioning at landfall as well?

01:03:57:13 - 01:04:30:02

So all is done on behalf of the applicant. At this stage we have considered to an extent what decommissioning at the landfill would be. The anticipation at and I think you'll be aware that when something's been in the ground for that number of years, you have to think about the level of disturbance that would occur from removing all elements. I think we have considered removing the cables as part of decommissioning. So if the cables are ducted at the landfill, then it would be pulling the cables through.

01:04:30:10 - 01:05:10:21

But it may well be leaving those cables in situ if it's considered that there would be less environmental effect from leaving them in situ than removing them at that stage. But those are the sorts of details that would be considered in that decommissioning plan at that later stage. I think there is an important consideration as to how the offshore and the onshore decommissioning effectively overlap. And that might be your next question in terms of what would sit within the onshore decommissioning plan, given that onshore jurisdiction goes as far as mainland water, but we have the overlap in the intertidal area with marine licensing going up to mean high water.

01:05:10:23 - 01:05:45:13

So I think again, that's something that would be considered in that final plan. As to which is it as to the extent of that overlap between the Marine licence decommissioning and the the decommissioning under the DCO? There is a further layer to add to this, of course, that not only do we have the requirements for the generating station under the Energy Act and the the onshore decommissioning elements security requirements, there's also interaction with the Marine licence as well.

01:05:46:07 - 01:06:20:14

And you would have picked up from the Marine licence principles document that there will be a decommissioning plan put in as part of that. So it will be very important that those and certainly the the decommissioning plan secured under the DCO and the Marine licence decommissioning plan that those talk to each other and that they deal with that intertidal area in respect of the Energy Act decommissioning plan. That's slightly less outside our control because it's very much dictated by the Secretary of state in terms of what goes into that.

01:06:20:27 - 01:06:21:12

Yes.

01:06:21:24 - 01:06:53:19

Okay. Thank you. That's that's very useful, as you said. Well, we'll see. We'll come back. We'll come on to are enlightened to the kind of the interlink which is between the two lecturer on I guess my end you've kind of answered it have a part of my question was you know the landfall obviously landfall in 25 or 30 years time and coastal creeping erosion of things things might be different now which you alluded to there and it was really whether it was worth a separate requirement relating to landfall decommissioning at an offshore and onshore landfall.

01:06:54:12 - 01:07:25:11

Thank you, sir. Liz. Done for the applicant. That's not something that's been raised by anyone to date. It certainly hasn't been raised so far in our discussions with and I don't believe that that would need to be considered separately from decommissioning elsewhere. And I'm not aware that there have been any real concerns raised around coastal erosion on this project. Appreciate that. On East Anglia recently there was similar but a different environment that will certainly review and confirm that position.

01:07:25:21 - 01:07:32:00

And I can anticipate, I think, a question on this in terms of first questions where we'd be able to clarify the position.

01:07:32:21 - 01:07:39:11

Thank you. That's useful. Thank you. And I'll WS And if you want to come back on there or any other comments around decommissioning.

01:07:40:12 - 01:07:55:20

I think at this stage we are Louis Casey for Natural Resources Wales, nothing further at this stage. And so we note that the observations that you've just made and the applicant's response to them and insofar as that might lead to further discussion that we're clearly open to that.

01:07:56:26 - 01:07:57:14

Thank you very much.

01:08:00:06 - 01:08:42:13

Sorry, sir. I listened on behalf of the applicant. And it's also worth noting in respect of the beach area where the landfall is, that that is the area where Denbighshire County Council are looking at that new sea defences. The current position is to hold the line in terms of what's there, but those sea defences are coming forward and that will clearly create a different that is designed to entirely kind of deal with this situation. So I think it's we'll obviously discuss with them how those two things will work together and then the extent to which those sea defences will then remove the need for anything further because of because the coastal erosion issues will be dealt with through that process.

01:08:44:00 - 01:08:50:24

Thank you. That's useful. I see a hand up for about Mr. Grech for daily pipe, a place that.

01:08:51:04 - 01:09:28:21

Yes, I was just a point just in relation to the to offshore decommissioning, it just occurred. To me that and if there's going to be a requirement in relation to offshore decommissioning, it might be appropriate to consider whether there should be consultation with other offshore wind farm operators in relation to the decommissioning proposals. Obviously in reality, I suspect that the current iterations of my clients wind farms me maybe we should speak before before this one, but I suppose there may be other other offshore wind farms into place.

01:09:28:23 - 01:09:31:24

So so I just raise that point. Other nations.

01:09:33:01 - 01:09:36:05

Thank you, Mr. Grech. And if it was Carmichael, no.

01:09:36:27 - 01:09:37:12

Thank you.

01:09:37:14 - 01:10:11:07

Certainly is done on behalf of the applicant and that would be a matter that would be dealt with through the Marine licence, because any decommissioning plan separate to the Energy Act decommissioning would be managed through the marine licence process. We do have in the Marine Licence Principles Document and as I say, reference to what the outline decommissioning plan would look like. That's something we can pick up with within our Marine licensing team in terms of whether that that would be a relevant consideration and who they would consult with as part of that as a matter of course.

01:10:12:15 - 01:10:13:09

Thank you. Mr.

01:10:15:20 - 01:10:16:28

Blake, you had a question.

01:10:22:10 - 01:10:25:05

I was going to ask about Article 27, which is temporary possession.

01:10:29:08 - 01:10:37:14

So just to clarify, schedule six refers to land which only temporary possession may be taken.

01:10:39:25 - 01:10:43:08

And then in Article 20 78a.

01:10:45:00 - 01:11:08:08

That says that. So I escalate towards the lake. So the intake may not compulsory acquire the land referred to, but it does not preclude the undertake from acquiring new rights over many parts of the land. So the question is, in terms of land only for temporary possession, does this then allow you to acquire rights over that land also and.

01:11:10:08 - 01:11:19:22

This is a threat to them and to me. And there are good interested parties. The affected persons know about that power.

01:11:23:16 - 01:12:02:18

Parliament could do for the applicant. The intention of the section referring to is that this process could be used one after the other to take a temporary position to go on and start your works for land. You are going to then later acquire in principle temporary position for it to be taken on, all lined with the order limits. The purpose of this schedule is to identify the land in which only temporary possession would be taken and more rights could then not be acquired. So the land is in the temporary possession schedule. No rights could not be acquired. Other land, particularly the cable corridor, could be temporarily possessed and then rights could be acquired with the intention that the rights acquired are narrower than the temporary possession would have to be.

01:12:05:25 - 01:12:22:09

Apologies. Article six. So Schedule six refers to land only for temporary possession, not for land for rights as well. But Article 27 refers to Schedule six, but then says that it does not preclude you from acquiring the rights on that land as well.

01:12:24:04 - 01:12:24:19

So.

01:12:29:00 - 01:12:35:12

So does that allow land for temporary possession? Only this that allows you to acquire rights for it also.

01:12:42:04 - 01:12:44:19

Public. I see. Yes, I see your point. And

01:12:47:09 - 01:12:54:16

I know that with the intention of schedule success to identify land on which permanent res could not be acquired, I will revisit the drafting of this because it's clearly not clear enough.

01:12:55:27 - 01:12:58:08

Okay. You can see that I can. Okay. Thank you.

01:13:03:06 - 01:13:09:24

Okay. Thank you for that. That's all the questions that we had on agenda item two. So before.

01:13:09:26 - 01:13:10:11

We move.

01:13:10:29 - 01:13:15:15

Sorry, I was just going to ask if anybody else has any other questions I'd be I'd to do on.

01:13:16:16 - 01:13:22:05

Thank you. Steven Edwards, Chesapeake Energy Networks. Thank you for allowing me to come in.

01:13:23:22 - 01:13:42:06

I think it's something that will be sort of coming back to when we get to the end of the schedules, because we're here for the protection provisions. But in comment on the protection provisions, we refer to a message statement and I see reference in requirement ten to the CEO c p

01:13:44:04 - 01:14:17:08

which includes reference your nature construction method statement. Now some of the comments we will be making through the provisions of quite detailed, I think and I've submitted a comment as we said yesterday, we are engaging with the applicant. And one comment that I've made today is that so is given to utilities a management plan. So we say in what follows in requirements and a series of management plans.

01:14:19:15 - 01:14:37:10

No, I'm pretty sure banging the drum on behalf of other utilities. But if I have to do that to secure what we we're looking for, so be it. But I do see it being quite sensible to include the utilities management plan, where in all of the sort of various controls and

01:14:38:26 - 01:14:44:16

practices that need to be followed could be included, including SB energy networks.

01:14:45:21 - 01:14:48:01

Thank you, Mr. Edwards. Yep, complete.

01:14:48:26 - 01:14:52:14

Thank you, sir. Liz Dunn, on behalf of the applicant. Thank you, Mr. Edwards.

01:14:54:20 - 01:15:29:11

I have to say, it's not a suggestion that we think would be particularly helpful in these circumstances. And the reasons for that are that under the protective provisions and appreciate that there's different drafting for different protected provisions. Those provisions where there are works taking place in proximity to statutory undertaking equipment, require the details of that work in proximity, whatever the distances which is agreed with with the relevant undertaker, that there is a sort of a plan, some details to be approved.

01:15:29:16 - 01:16:00:08

So there is an approval mechanism which is done on a specific utility by utility basis. So we would suggest that's the appropriate place for that to be done through the protective provisions. I think I'm taking Mr. Edwards suggestion. I think the the issue would be as well, that that management plan would have to be signed off by the local authority rather than the statutory undertakers, because through the requirements, they are the discharging body. And I'm not sure that would be very helpful.

01:16:00:19 - 01:16:33:06

Not, I think, providing greater work for the county council on effectively something that is a matter which is primarily well solely of concern to the utilities themselves and is been duplicated through the protective provisions. So we completely accept and understand and agree with the need for that sign off of works in proximity so that the details of that can be done. But I'm not I don't think that having that overarching within ACP, I think would benefit parties here.

01:16:35:00 - 01:16:38:05

Thank you. Mr.. Mr.. Edwards, did you want to come back briefly?

01:16:38:16 - 01:16:39:11

Thank you, sir.

01:16:40:27 - 01:17:11:17

From experience, in two ways I can think of, certainly from other shows, it's something that has been included where reference has been made to utility provisions in a construction environmental management plan or ACP. It's a broad reference and it signpost the provisions or regulations and controls that already exist, and they're out there as a place of bringing them together.

01:17:12:12 - 01:17:54:17

The importance of doing that, which again from experience is going to be any sort of construction happens. And when these schemes are underway is that you find contractors will very readily refer, fortunately and usefully to construction method statements than they would to a draft DCO into protective provision. So I think it's quite important to see in a sort of black and white document that is familiar to contractors, a reference to where they ought to be looking to see what requirements there are of them to work to the sort of expectations of the utilities.

01:17:55:12 - 01:17:55:27

Thank you.

01:17:55:29 - 01:17:59:15

Thank you, Mr. Edwards. Did you want to come back again? Mr..

01:18:00:22 - 01:18:38:13

Thank you, sir. It's done on behalf of the. I'm disappointed to hear that on other projects, the contractors that have been appointed haven't referred to the protective provisions or that those haven't been secured. Clearly a very important part of the DCO and certainly on the projects I've worked on, there has been a lot of work done in terms of translating those protective provisions and actually what needs to be done and making them, you know, ensuring that contractors are bound by those. And

there will be a method statement agreed for each of the statutory tenders, as I said, in terms of taking works in proximity.

01:18:38:23 - 01:19:09:10

Whether that's done through the as I say, doing it through through a requirement seems to be an unnecessary additional level of of sign off where actually the people that are concerned are the undertaking the contractor that is carrying out the work and the undertaker in question. And actually certainly our view is that the close to that relationship is without the local authority being involved, the better. We help it to put our response in writing.

01:19:09:12 - 01:19:23:09

But certainly, sir, our position is that that's exactly what the protected provisions are there to secure is an agreement between the undertaker and the utility in question as to how things will be done and how things will be signed off.

01:19:24:02 - 01:19:39:07

Thank you. Thank you. I think if I see a position so clear that that's useful. Thank you. So before we finish this agenda item, is there anyone else who wants to raise any queries or comments about the articles and schedules, including the requirements of the draft DCO?

01:19:42:10 - 01:19:45:16

Kind of see. You know what I said? Michelle from Denbighshire place.

01:19:49:06 - 01:20:11:27

Hi. Anthony Sherford, Hampshire. Yeah, we've got comments to make on requirements, but it's nothing really fundamental, so I think we'll reserve that for our best representations. But yeah, but my colleague, the council is the local highway authority does want to race in concert with the street works powers in part three. My colleague Adrian Wills is also on the call, so it might be best to fight further ahead to kind of outline what those concerns are.

01:20:12:26 - 01:20:13:11

Thank you.

01:20:14:06 - 01:20:15:08

Thanks, Adrian.

01:20:29:00 - 01:20:32:09

I'm still hear because I think I've been muted centrally.

01:20:32:29 - 01:20:35:11

Yes, I can hear you. Could you introduce yourself, please?

01:20:35:21 - 01:20:39:20

Okay. My name's Adrian. Wolves on the right to remind you for Damage County Council.

01:20:41:16 - 01:20:47:22

I'm actually going to talk in terms of the street works element of the rights away powers.

01:20:49:14 - 01:21:24:09

It's more recently since it's an episode with a very early scheme. We have asked the DCO to have the highway temporary traffic order powers retained by the local authority. The reasoning behind this is particularly in this part of the county where a lot of this activity is going on, is the rights way in network18, particularly if it isn't particularly strong. There's not many rights of way. Much of the land

used to be marshland and so it never really developed the full rights of a network. And we want to try and get the network back into full use as quickly as possible.

01:21:24:11 - 01:22:04:12

We've had problems in the past with developers, with all alternative disputes to do with restoration, with landowners, where the kind of footpath becomes a kind of hostage to fortune and remains closed far too long. And so we've been able to, with a number of land, both wind farms and a number of power lines coming in from the sea. In the last few years we've been able to furnish the necessary ten tropical. It is on time when the when the applicant requires them extending them when necessary, but also ensuring the footpath is returned to the public as quickly as is possible.

01:22:05:07 - 01:22:21:18

The right to a network or so is dynamic, so it does change. We can have applications for diversion orders in the middle of one of these schemes. And so that's, you know, we need we need to have more control over this process than leaving it in the hands of the of the applicant through the DCO.

01:22:26:00 - 01:22:27:14

Okay. Thank you, Mr. Bolton.

01:22:29:00 - 01:22:30:09

Good luck to committee so.

01:22:31:12 - 01:23:02:02

That I'll get you for the applicant and principal. Sir, we consider it appropriate to include these in the DCO. It's in the ethos of the DCO, and those programmes are provided for by the Planning Act. The intention is to, where possible, divert within our order limits. So the interaction with other developments would be limited by that in practice as well. And the requirements as part of the court construction practice would require the submission of a public access management plan to be approved by local authority for the development stage at the time.

01:23:02:14 - 01:23:14:14

So that would be that sign off stage closer to the actual carrying out as well. I think the fundamental point is we would seek to retain these powers within the DCO so that they could be exercised timeously for the coming of the development.

01:23:17:02 - 01:23:19:22

Thank you. Mr. Walsh, did you have any further comment?

01:23:21:24 - 01:23:28:21

No, my my my view remains the same about this. And obviously we can deal with it through our written representation.

01:23:29:27 - 01:23:40:26

Thank you. Okay. Thank you. Just a final check then before we move on. I don't have any further comments or queries on articles and schedules on the draft issue.

01:23:43:17 - 01:23:57:24

Okay. Thank you very much. Given the time, I think it's probably best that we make a break now before we move on to Schedule nine, protect your position. So it's 1124, so if we adjourn to 1140. Thank you very much.

01:23:58:21 - 01:23:58:26

Sir.

