



Hearing Transcript

Project:	Morecambe Offshore Windfarm Generation Assets
Hearing:	Issue Specific Hearing 1 (ISH1) – Part 1
Date:	24 October 2024

Please note: This document is intended to assist Interested Parties.

It is not a verbatim text of what was said at the above hearing. The content was produced using artificial intelligence voice to text software. It may, therefore, include errors and should be assumed to be unedited.

The video recording published on the Planning Inspectorate project page is the primary record of the hearing.

FULL TRANSCRIPT (with timecode)

00:00:05:23 - 00:00:24:06

Uh, good morning everybody. It's now 10:00, and it's time for this hearing to begin. I'd like to welcome you all to this issue of civic hearing on scope and description of the proposed development interrelationships with other projects, and the draft of a consent order in relation to the more offshore wind assets project. I just confirm everybody can hear me properly

00:00:25:24 - 00:00:41:23

and confirm with the case team that the live streaming and recording the event has also commenced. Yes. Thank you. My name is Robert Jackson. I've been appointed by the Secretary of State to be the lead member of the panel to examine this application. I'm going to ask my other panel. Panel members to introduce themselves.

00:00:43:17 - 00:00:49:25

Uh. Good morning. My name is Mark Willis, and I've been appointed by the Secretary of State to be a member of the panel to examine this application.

00:00:51:18 - 00:01:23:01

Good morning everyone. My name is Guy Rigby, and I've also been appointed by the Secretary of State to be a member of the panel examining this application. Thank you. Together, we constitute the examining authority for this application. We are accompanied by three members of Case team staff from the Planning Inspectorate Tracy Williams, our case manager, Jessica Wetherby, our case officer. And Daniel Hurley is a student placement officer. Please approach them if you have any questions. I'll now deal with a few housekeeping matters for those attending in person.

00:01:23:11 - 00:02:01:23

Can everyone please set all devices, including phones and watches, to silent? Um, the toilets are on the ground floor and we are not expecting any fire test today, so if the alarm sounds, then we must treat it as the real thing and vacate the room. We do this by going through the doors on the ER, over on that, on the left hand side, as I am looking at, on the right hand side, you are uh down some stairs and that will be met by a fire marshal. Uh, this meeting will follow the agenda published by the National Planning, published on the National Infrastructure Planning website on the 23rd of September 24 Examination Library Reference PD 007.

00:02:02:08 - 00:02:10:07

It would be useful if you had a copy of this in front of you. Um, if you are able to display it on the screen at this point, that would be useful.

00:02:19:10 - 00:02:22:15

Thank you. Um, just scroll down a bit.

00:02:24:19 - 00:03:02:24

Yeah, we got nothing. Um, the agenda is that it's for guidance only, and we may add other considerations or issues as we progress. We will conclude the hearing as soon as all relevant contributions have been made and all questions asked and responded to. We have allowed all day.

That is, until 5 p.m. this afternoon for the hearing. Don't worry, we will stop for breaks and lunch. If the discussions can't be concluded, then it might be like necessary for us to prioritize matter, for other matters, for written questions. Likewise, if you cannot answer the questions that are being asked or require time to get the information requested, then you can please indicate that you will need to respond in writing.

00:03:03:08 - 00:03:23:00

However, we can only really want to move things along today, so this should only be the case if you really can't answer the question here and now. If you need some time to prepare a response, we'll be looking to agree a timetable for this. And generally that will be deadline one, which is Tuesday the 26th of November, that

00:03:24:25 - 00:04:02:29

we will recall having an action list, a recording, an action list, which we will go through at the end of the year of the hearing today, assuming the timing works. Um, just to make sure everybody knows what actions we are looking to achieve. Today's hearing is being undertaken in a blended way, meaning some of you are present here with us and the hearing venue and some are joining virtually using Microsoft Teams. We will make sure that however you decide to attend today, you will be given a fair opportunity to participate. Um, a recording of today's hearing will be made available on the Morcombe Offshore Wind Assets section of the National Infrastructure Planning website as soon as practicable after the hearing has finished.

00:04:03:23 - 00:04:23:12

A transcript will also be made available to use as AI technology. Uh, with this in mind and with bearing in mind the comments I said yesterday, please ensure that you speak clearly into a microphone stating your name and who are representing each time you speak. Um, the microphones. The microphones have an on off switch button on them.

00:04:24:28 - 00:04:55:14

If you're not a, uh, a link to the planning Inspectorate's privacy notice was provided in the notification for this hearing. We assume that everyone today has familiarized themselves with this document, which establishes how the personal data of our customers is handled in accordance with the principles set out in data protection laws. Please speak to Tracey Williams if you have any questions about this. Um, I think we probably now lose the agenda for the for the moment, um, off the screen. And I will hand over to Mr. Rigby to go through the attendance of those here today.

00:04:56:23 - 00:05:09:13

Good morning everyone. I'm now going to ask those of you who are participating in today's meeting to introduce yourselves. I'll start with those present in the room and then pass on to those who are online.

00:05:09:16 - 00:05:42:06

And when I state your organization's name, could you please introduce yourselves clearly stating your name and who you represent and which agenda item you're intending to speak on? And if you're not representing an organization, please confirm your name, summarize your interest in the application, and confirm the agenda item which you wish to speak on. And also, if you could state the title which

you wish to be addressed. Mr.. Mrs.. Mr.. Etc.. So if we could start with the applicant and any of their advisors, please.

00:05:43:27 - 00:06:03:11

Good morning. My name is Mr. Robin Hutchison. I am lead legal counsel for the applicant. And I intend today to speak to most likely all the agenda items, and I'll perhaps pass down the line to the applicants bench to introduce themselves. Thank you.

00:06:04:00 - 00:06:12:00

Good morning. My name is Katherine Nolan and Olin. I go by myths and I am supporting legal for the applicant.

00:06:13:28 - 00:06:19:07

Good morning. I'm Oliver Gardner. I'm the consent manager for the applicant. And I go by Mr..

00:06:22:27 - 00:06:35:15

Good morning. My name is Sarah Reed, the principal marine consultant and EIA and HRA lead for the applicant and are happy to be addressed as misread and supported next to me by Alex Scullion. Thank you.

00:06:38:28 - 00:06:39:21

Is that all of you.

00:06:39:23 - 00:06:47:02

The people you intend to have speaking? Thank you very much indeed. So other people here for the applicants are here as observers, is that correct?

00:06:47:10 - 00:06:50:05

Robin Hutchison for the applicant. Yes. That's correct.

00:06:50:22 - 00:07:05:22

Thanks very much. So if we can move on to the organizations and individuals have given notice that our intention to speak, I have firstly for BAE systems please.

00:07:07:14 - 00:07:13:07

Good morning. My name is Graham Triola of DLP planning. Uh, representing BA systems.

00:07:13:22 - 00:07:18:08

Our interest today will be in item four and item five on the agenda.

00:07:25:24 - 00:07:27:18

Thank you. And.

00:07:29:22 - 00:07:39:10

Good morning everyone. My name is Mr. Paul Pendleton Brown. I'm representing BA Systems marine Limited and I'm sitting Graham on items four and five, 4 or 5.

00:07:39:12 - 00:07:45:26

Thank you very much. And going online for Spirit's energy please.

00:07:49:09 - 00:08:22:13

Good morning. My name is Mr. James Gibson. I'm a partner at Eversheds Sutherland law firm, and we act for Spirit Energy, which is the trading then used by Spirit Energy Limited Limited and its subsidiaries, including Spirit Energy Production UK limited. Um, it might be helpful for me to see at the outset that discussions are ongoing between spirit and the applicant on various matters, and discussions are planned for later this month on some, um, technical issues.

00:08:22:20 - 00:09:05:07

Um, I'm happy to provide a fuller update if that would be helpful, um, to the examining authority at the appropriate time during this today's discussion. Um, I think given these discussions are ongoing, um, and there is an exchange of technical information which is happening at the moment and which will inform discussions later this month. Um, I'm not anticipating that we will be providing many substantive comments on the draft DCU, um, today. Um, that said, um, there may obviously be a requirement for us to, um, engage on any of the agenda items to the extent that they, um, are relevant to, to Spirit's interests.

00:09:05:15 - 00:09:06:00

Um.

00:09:06:12 - 00:09:12:17

Thank you. Thank you very much. And, uh, Mr. Ennis, are you there, sir?

00:09:14:06 - 00:09:46:20

Yes. Good morning sir. My name is Mr. Collins, and I'm a partner in the law firm of Shepherd and Wedderburn. And I represent, um, six clients who are owners of operational offshore wind farms in the East Irish Sea. Uh, that is Barrow Offshore Wind Limited, Orsted Bourbon UK limited, Bourbon Extension limited. Walney UK offshore wind farms limited. Walney Extension Limited and Morecambe Wind Limited.

00:09:47:04 - 00:10:24:03

And for the convenience, um, it's perhaps, um, probably describe these various entities as the Orsted IPPs rather than mentioning them every time. Um, I have to speak. And insofar as there are any issues that arise in relation to any of the specific windfarms, I'll obviously identify that. Um, I'm instructed today, May, Mister Nazar is the lead commercial manager at Orsted. And in relation to the the agenda, uh, we would be restricted to um, rating some matters and outline in relation to item four on the agenda.

00:10:25:12 - 00:10:25:29

Thank you.

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

Thank you.

00:10:27:20 - 00:10:31:10

Is anyone else in the room who wishes to speak today?

00:10:33:11 - 00:10:49:26

I'm not seeing any hands, sir. Thank you. In which case, if I could move on to any other virtual attendees. If you're with us on Microsoft Teams today. Could you raise a virtual hand anyone who wishes to speak online?

00:10:51:25 - 00:11:11:05

So just allow for a bit of digital delay. I'm not seeing any hands. So take it as nobody else. Thank you very much. So that concludes the first item on the agenda. And I'll now pass on to Mr. Willis who will deal with agenda item two. Thank you.

00:11:12:29 - 00:11:15:12

Thank you, Mr. Rigby. So I'm moving on to the.

00:11:15:14 - 00:11:45:28

Second item of the agenda. Um, let me briefly explain the purpose of this issue. Specific hearing. Uh, as you will have seen from the agenda, this hearing today, we want to look in broad terms at certain aspects of the proposed development, its interrelationship with other projects, and the draft development consent order itself. Um, we're going to begin by considering the scope and description of the proposed development and its interrelationship with other projects, and we've put that as two items on the agenda. That's items three and four. Uh, Mr.

00:11:46:00 - 00:12:16:24

Jackson will lead on those two items. Secondly, we want to discuss the draft development consent order itself or the draft DCO, as it will be referred to. And again, we've put that as two items on the agenda. Um, item five will cover the overall structure and item six. Sorry. And that will be led by Mr. Rigby. Item six will go into more detail, and we'll start asking questions around specific elements of that order and inviting comments from parties. Uh, present today. And Mr. Jackson will be leading on that particular item.

00:12:18:01 - 00:12:48:03

Um, because the draft DCO is an important document, I think it would be sensible to say a few words about it. Um, firstly, it's not our intention to discuss all matters related to the draft development consent order today. Um, some matters will be pursued through rounds of written questions or at future hearings. Uh, therefore, if we don't ask a specific question or raise something in the draft eco that you were expecting, it's not necessarily that we view this matter as satisfactorily addressed at this stage.

00:12:48:08 - 00:13:24:20

We may, for example, wish to make comments on other aspects of the DCO at a later date or follow up on matters discussed today or which are raised in submissions later at future written questions or a

future hearings. Secondly, and we did briefly touch on this yesterday. However, there are parties joining us today that perhaps weren't here, um, yesterday. So it's worth repeating, um, that this hearing is being held on or without prejudice basis. This means that even even if it is your position that development consent should not be granted for the proposed development, and that Secretary of State should therefore not make the order.

00:13:25:00 - 00:13:57:06

Then you are still invited and encouraged to make representations, both in this hearing in writing and future hearings regarding the drafting of the DCO. You can do this without conceding your wider position that the DCO should not be made. This is important because, as the examining authority, we are under a duty to provide the Secretary of State with a recommended DCO. Even if we end up recommending to the Secretary of State that in our view, the order should not be made. This is because we do not decide these applications.

00:13:57:12 - 00:14:01:23

Instead, we make a recommendation to the Secretary of State who makes the final decision.

00:14:03:17 - 00:14:23:00

So in preparing for this hearing today, we think there are likely to be some crossovers between our discussions. The first two items on the agenda and those in the second two. It's not our intention to repeat matters. However, if your applicant could keep notes of any changes that perhaps flow from the first, um, hopefully we can avoid a repetition if necessary.

00:14:24:21 - 00:14:40:24

Similarly, we're also hoping that the applicants have been able to respond quickly to the points that we're in. Annex F, one of the rule six letter of the 23rd of September. And so again, we hope that we might be able to get through those points fairly quickly. Um, when we get to them under agenda item six.

00:14:43:03 - 00:15:15:29

And again, finally, um, please remember that in your responses to questions, uh, that we've already read the documentation submitted. So you don't need to repeat long sections of information already presented. Rather, it'd be more helpful if you could give us a library reference number so we can look it up again. Also, please remember that we have read the application documents, but as you appreciate, there is a lot of information. Um, so we we might ask a question where the answer is already in the documentation, but we've forgotten where it is. Um, so again, we'd ask that you signpost us to that, um, so we can find that later.

00:15:16:24 - 00:15:21:04

Does anybody have any questions about the purpose of today's hearing before we move on?

00:15:22:27 - 00:15:31:27

I've seen anybody in the room. No hands online. Okay, in that case, we'll move forward and I'll pass on to Mr. Jackson for the next item.

00:15:32:25 - 00:15:59:26

Thank you, Mr. Willis. I will now move on to item three, the scope and description of the proposed development. We were hoping the applicant can give us a very brief overview of it. Um, and while we appreciate the transmission's application, as its application is a separate matter. I think it would be useful also in this to give us information as to where you see if we want a better term, the intersection between this proposed scheme and the transmission assets scheme. Thank you.

00:16:01:06 - 00:16:39:10

Robin Hutchison for the applicant. Um, absolutely. So the the development consent order application is for the Markham Offshore Wind farm assets generation assets, which comprise the wind turbine generators, the interior cables, the interconnector cables and either 1 or 2 substations. So as you say, the application does not seek consent for the remainder of the transmission infrastructure. In other words, the cables to shore and the onshore infrastructure, which is the subject of a separate DCO application submitted on Monday of this week.

00:16:40:01 - 00:17:24:25

Um, before covering the your question on the intersection, I thought it might be helpful at the outset just to explain why this approach has been taken. Um, in short, it's designed to facilitate the coordination of the transmission assets between two projects the applicant's project, the Morecambe Offshore Wind Farm and the Morgan Offshore Wind Farm. Such coordination has been recently strongly supported by the new National Policy Statements, and was also directed by the holistic network design, which identified or supported with the identification of the grid connection point for these two projects.

00:17:28:25 - 00:18:04:22

Moving on to, uh, your question on the the intersection between the two projects. And it's perhaps helpful to think about it in terms of, um, Electricity Act licensing. So in terms of electricity licensing, the generation assets, um, will be one class of infrastructure subject to one license, and the transmission assets will be a separate class of infrastructure subject to a separate license. And the intersection or interface point is likely to be somewhere within the offshore substation itself.

00:18:05:13 - 00:18:40:12

The division of this will be conducted at a later process. Um, but essentially the offshore platform could sensibly be either within the transmission infrastructure or within the generation infrastructure because the eventual division will be somewhere in the middle. But it makes it practical sense to include it with the generation because it's an above sea piece of infrastructure, more similar in nature to wind turbine generators than it is to subsea cables and onshore infrastructure, which is the subject of the transmission application.

00:18:41:05 - 00:18:56:03

In other words, if it was included in transmission, you would need to assess a single piece of above sea infrastructure along with the cabling and the converter stations onshore, which practically would be much more challenging than including it with the generation assets.

00:18:58:08 - 00:19:09:26

Thank you. Thank you. We'll come back to a bit about that later. Um, can I also you could tell us what its position would be if the transmission assets application were to fail for some reason.

00:19:18:26 - 00:19:21:08

Robin Hutchison for the applicant. Um,

00:19:23:06 - 00:19:59:16

the applicant starting point is that there is no obvious reason why it should fail. And clearly the two applications or the pieces of infrastructure are commercially co-dependent in that the project financing, the financing for an infrastructure project of this scale and offshore wind farms, the capital funding runs into the billions of pounds would quite simply not be released without there being certainty that there was a route to market for the electricity being generated.

00:19:59:18 - 00:20:18:29

In other words, the commercial and a position of the projects would dictate that you would need both the generating asset and the transmission to be fully consented and ready to go before there would be any progress substantively with either part.

00:20:22:03 - 00:20:53:13

So, if I may ask your concern on this project, it is simply that there is a means to connect somewhere and that will happen somehow, irrespective of the transmission assets application. Indeed, as a detail, whether that falls for some reason, the rationale presumably is there is some means of connecting to the network, and there is the demand for the electricity that you will generate.

00:20:56:14 - 00:21:40:05

Robin Hutchison for the applicant. Um, yes. There is clearly a need as set out in the application documents for low carbon electricity, for offshore wind, um, to be delivered. I would put it slightly more strongly than, um, there will be a connection of, of, of sorts to the, um, to the grid because I think the, the, the examining authority can be satisfied that, um, there is no obvious impediment to the delivery of the grid connection because there is a well developed, um, transmission DCO application.

00:21:41:03 - 00:22:02:16

Um, it's been through the peer process and has been submitted. So I think there is, uh, the threshold for the examining authority to be satisfied that there isn't an impediment in terms of transmission is clearly met by the progress that's already been made in relation to the specific transmission application that has now been submitted.

00:22:03:03 - 00:22:03:19

Thank you.

00:22:17:17 - 00:22:49:06

Getting myself into the right place on the draft DCO. Okay. Um, obviously in, uh, requirement one, you have set out a seven year commencement period for the proposed development. Um, most amount of consent orders are set with a five year consent implementation stage. Um, we also note that you have set out that the construction period in the environmental statement and various supporting documents will be in the period 20, 22, 27 to 2029.

00:22:49:20 - 00:23:09:07

Um, and we're just really wondering how if you've assessed it in 27 to 29, how that could be reconciled with requirement one, which could mean if, let's say, can we start where we where we are and everything. Um, you could be looking up to 20, 32 within seven years.

00:23:37:15 - 00:23:38:09

Yes. No problem.

00:23:44:18 - 00:23:56:07

Robin Hutchison for the applicant. I was just conferring with our colleague on the on the specific assessment question. I mean, in terms of the seven year period.

00:23:58:16 - 00:24:31:25

The reason that we consider that's justified is that, um, while there is a clear delivery pathway for a for the project, um, as is common with all offshore wind farms, there are certain milestones that must be passed post consent to allow for the delivery of the project. Um, the principal one is the contract for difference auction, in which the government enters into a contract with the developer to, um, facilitate the pricing of the electricity that will be provided.

00:24:32:09 - 00:25:06:20

Um, and there's no reason to believe or suggest that the project won't be successful. But again, um, we have to be prudent as a developer in the eventuality that it's not. Um, so for that reason, uh, we think it's reasonable and justified to build in perhaps a slightly longer period than normal to cater for the, um, unlikely eventuality that there is a delay, an unforeseen delay, um, and ensure ultimately the project can still be realised, even even if there is a delay.

00:25:07:25 - 00:25:37:16

Um, I mean, I should emphasize that it is very much the project's intention. Um, and that's a realistic intention. In order to have the project operational by 2030. Um, so the, the, uh, seven year time limit is very much a fallback scenario. The project planning is well advanced with construction programs that indicate a deliverable, uh, um, operational date this side or this decade.

00:25:41:18 - 00:25:42:12

So, yeah.

00:25:42:24 - 00:26:06:00

Please do. So just just to sort of recap in a way, just get it right in my head. It's to do with the any uncertainty regarding the allocation round mechanism, which you really don't have any control over. And what you're saying is you want to allow for the possibility that there might be a delay politically in the R 7 or 8 or whatever round you end up bidding for.

00:26:07:07 - 00:26:22:15

Robin Hutchison for the applicant. Exactly right. You know, the intention and plan is for the earlier rounds and we're hoping for the best, but also planning for the worst in our, um, fallback longer period. Exactly right. Yeah.

00:26:22:17 - 00:26:23:02

Thank you.

00:26:25:00 - 00:26:30:25

And the second point and the second point relating to the, um, assessment period.

00:26:33:02 - 00:27:14:12

Uh, Robin Hutchison for the applicant, and I'll invite my colleague Sarah to step in. If the technical description that I give is not quite right. But but my understanding is that the or the applicant's position is that the, uh, environmental impact assessment, the EIA has assessed the construction effects of the generating station. Um, the the reason for a longer period isn't really related to the length of time it will take to construct, but more the length of time it will take to get started on the construction, so the actual period of construction will be the same.

00:27:14:14 - 00:27:27:25

The question mark and the reason for the seven year is when that start date is. So the actual construction effects will be the same regardless. It's just a question of when temporally those effects actually occur.

00:27:28:13 - 00:28:00:29

Thank you. Um, I was just wondering whether it might be possible for you, given we obviously all very conscious of the critical national priority for energy generation, um, set out in the MPs whether you could set out a Gantt chart showing probably the best case scenario so that we could therefore see how long it should. You know, we know when we know when the can the the acceleration started. We therefore know when you should get a decision if everything worked beautifully.

00:28:01:14 - 00:28:35:09

Um, and a best case essentially a best case scenario and also perhaps a second one where things didn't quite go to plan. For example, where the unexploded ordnance detailed assessment meant that you had to delay for a bit. It's just so that we can then just see, whilst we understand the reason why you want A77 year, we might want to say if whether we want to say whether we feel that's justified or not. Let the applicant. Um, yeah, that's perfectly fine. We can prepare a Gantt chart with those scenarios as requested by deadline one.

00:28:35:20 - 00:28:39:00

Yes, that should be fine. Yeah. So we'll put that down as an action for that.

00:28:40:24 - 00:28:48:21

Um, do any other interested parties here have any comments on the. I want to make any comments on the commencement period?

00:28:52:11 - 00:29:33:02

Not seeing I think it's to keep going. Right. Um, the next one I want to have a chat about in general, uh, is relates to the, um, time limit of the, of the of the consent, um, we've seen in the environmental statement that the project is supposedly having an operational life of 35 years. Um, and the Crown leases for 60 years. Um, no time limit is identified in the development consent order. And the definition of maintain appears to allow for the replacement of component parts of the authorized

project, although it's not clear whether or not that actually includes the wind turbine generators themselves.

00:29:34:04 - 00:29:49:20

Um, although a separate consent would be needed for repowering. What prevents replacement of the wind turbine generators and therefore extending the life of the project beyond the 35 years which has been assessed?

00:30:33:14 - 00:30:36:26

Robin Hutchison for the applicant. Um,

00:30:38:15 - 00:31:22:18

I think in terms of this question, a helpful starting point is the, um, the Crown Estates own. Um, I am for round four, which I appreciate is not an application document, but we would intend to submit a deadline one. Um, and only for the reference that the 60 year lease term is enough for, and I quote two full project cycles. Um, and I think that demonstrates that it's a, it's a widely held view that, um, a sort of 60 year term or a 30 year lifespan for an offshore wind farm is one life cycle.

00:31:23:25 - 00:31:24:10

Um.

00:31:26:23 - 00:31:55:20

The applicant is not, as the examining authority noted, applying for consent to re-power. And having conferred with my engineering colleagues, um, I've had an assurance that, um, a repowering operation would include foundations. So it's not, uh, just the wind turbine generators. So the, um, the trigger's broom scenario of the turbine continuing for ages, if you excuse the analogy. Um.

00:31:56:13 - 00:31:57:06

Understood.

00:31:58:28 - 00:32:39:28

Um, isn't, our incredible concern here, because a repowering operation would be the, um, re-establishment of the site, including the foundations in Hall and the replacement of foundations is expressly excluded from the definition of maintain. And so we consider that the DCO adequately ensures that repowering would be a separate licensable or consented activity, and therefore the applicant's position. Is that the clear practical reality here is that the lifespan of the project is practically limited to sort of 30 years, maybe a bit longer.

00:32:40:00 - 00:32:59:01

The 35 year assessment in the year is an appropriate worst case scenario, and I guess the concern of including any sort of time limit in the DCO expressly is just. If it's unnecessary, then it's not appropriate and could lead to unforeseen consequences.

00:33:00:23 - 00:33:20:29

So part of the rationale for repowering, including the foundations, presumably for getting this right, is that if you are going to put larger turbines, then you'd have to relocate the nacelle and just change

pretty much everything to be able to get the correct clearances anyway. So it's really everything from the ground up, isn't it? From the seabed up.

00:33:21:16 - 00:33:22:21

Olive garden for the applicant.

00:33:23:01 - 00:33:24:06

Yeah, exactly. But also.

00:33:24:08 - 00:33:25:03

The.

00:33:25:06 - 00:33:47:07

Foundations would only be designed for the current turbines and their lifetime would be the expected 30 years. So it's not just that you'd be putting a turbine on, but the whole foundation itself would need to be replaced because it's it's you're not going to put in a turbine that can last 60 years if you only need it for 30. The cost associated with that and the engineering associated would be such that you would design the foundation for what you need.

00:33:47:20 - 00:33:52:25

Yes. And presumably a larger turbine would have larger loads and something else. So yeah. Yeah. Thank you.

00:33:54:23 - 00:33:55:19

I'm just checking one.

00:33:55:21 - 00:34:00:18

Of the different, one of the different the definition of maintain is to make sure. What about.

00:34:09:25 - 00:34:44:07

The question that flows from that though is whilst maintain does not include the removal or replacement of foundations, what is there to say that effectively you replace to like for like so that at the end of the 30 year first cycle, as you described it, there's not there's to stop you to say, well, actually we're just going again for another, another 30 years or everything essentially above seabed. What have we done with that. And as I say, it's not that the, the, the foundations would not they're not designed to last longer than 35 years.

00:34:44:09 - 00:35:08:12

So they, they need to be replaced. So the stresses and the loads that we've been placed on them over that 30 year life cycle would be that you wouldn't be able to keep them in place for another 30 years. Have you got any evidence to support that? Because we were all aware of plenty of project, plenty of structures in the world generally, that were designed for relatively short periods of time up to say, 20, 30 years, but are still going on nicely thereafter. If we can take that one away.

00:35:09:00 - 00:35:09:21

Thank you. Yeah.

00:35:12:13 - 00:35:51:01

Um, the next one I want to do is a question over the number of, uh, wind turbine generators to be determined, uh, and percent. And it could be either 30 larger or 35 smaller. Fine. Um, but would it definitely be one way to size or the other, or could you have a combination of the two? And has that been an assessment? Has that been assessed as one or the other because of the way that thing's been set up. So you could have mix and match and if it's only one or the other, could you just confirm how that's secured? So it's to make it clear that you're either building the third, the third, the larger ones or the smaller ones.

00:36:20:12 - 00:36:23:17

Robin Hutchison for the applicant. Um,

00:36:25:03 - 00:37:01:10

I'm just taking my time here to think about the best way to explain what is, at least for me, a non mathematician. Um, a slightly complicated subject to to initially access. And then once I got it, um, it all makes perfect sense. Um, so the, the maximum design parameters are secured in requirement two of the draft DCO. And in terms of the constraints on the the scale of the project, how many, how big the key constraints are, the maximum number of turbines,

00:37:02:25 - 00:37:32:28

the maximum rotor diameter. And the critical one is the total rotor swept area. And so at the maximum rotor diameter set out in requirement two of 280m, you can fit up to 30 turbines within the total rotor swept area cap. So that's the maximum number πr^2 that you can fit within that cap.

00:37:33:17 - 00:38:03:24

Um, at the maximum number of turbines. So rather than rotor diameter you look at the maximum number of turbines 35. This would allow for a rotor diameter of up to 260m within the total rotor swept area cap. So it's the total water swept here. There's a sort of cap on development and that sets the outer parameters of the of the worst case scenario, the um, 30 larger turbines or the 35 smaller turbines.

00:38:04:07 - 00:38:36:23

And so it is very much a parameter as approach. But in order to, in accordance with good practice, set what the worst case is, um, the parameters are established by 30 larger or 35 smaller, but it could fall somewhere in between or a smaller number of turbines, so long as those maximum parameters are not breached. And the comfort that the examining authority has is that the worst case within those parameters has been assessed for each and every topic in the EIA.

00:38:38:26 - 00:39:09:17

I'm not going to try and like you do a mathematical, do a simultaneous equation, but it is theoretically possible that you could have a smaller number of what Certain it won't be for other reasons, but because the math doesn't work. But you could have say 15 at two eight. And I got it probably 1313 and 280 and round about 1718 at the small at 260. The maths would still allow you to get to the swept area.

00:39:09:19 - 00:39:18:25

So you could have a, you could have more than one sized turbine on on site with within those three constraints, because sometimes the equation would allow that.

00:39:21:12 - 00:39:54:06

Robin Hutchison for the applicant. Yes. The uh, to answer that in two parts. Um, you could have a smaller number of turbines. Absolutely. Although none of them could have a larger rotor diameter than 280. Yeah. No. Absolute. So if you had 13 turbines at 280, I'd appreciate two parts. So I'll come to where I think your real concern is, um, but you could have 13 turbines at 280 rotor. But the point is that that would be within the worst case assessed of 30. Yeah. In terms of differentiated sizes on site.

00:39:54:09 - 00:40:21:01

Um, theoretically that could that would not be constrained by the maximum rotor swept area. Um, it's not the applicant's intention to put in a range of turbines. I'm not aware that that is something that is commonly, um, contemplated in commercial offshore wind development. So I'm not aware that it's a concern that would proportionately need to be controlled. And could you.

00:40:21:03 - 00:40:40:15

Have a think about whether that should be controlled and put into a requirement to essentially in, into to say I think it is either one or the other, you know, rather than a mix and want a better way, a better way to describe it, mix and match. Obviously it wouldn't be quite that, but it's a choice of choice of two. But it's all a mix of the two.

00:40:41:22 - 00:40:50:24

Rob Hutchison for the applicant. I think we'd be comfortable. I think we'd be comfortable with our requirement. That said, the turbines will be the same.

00:40:51:07 - 00:40:57:04

Yeah, that that that would be sufficient. It's. Yeah, they're all the same. It doesn't matter the big or the small. It's just that they're all the same.

00:40:57:07 - 00:41:06:27

Yeah. It's not one of the other because it is of course a cap. You know, the eventual rotor diameter might be two, six, seven depending on the final specification delivered, so long as it fits within that cap. Yes. No.

00:41:07:05 - 00:41:17:03

And that will go into the next version of the developed descent order, which is D two, GSD two for the developers, unless you want to submit one earlier. Um.

00:41:19:01 - 00:41:19:18

There's nobody else.

00:41:19:20 - 00:41:51:25

Wants to speak at that. Um, one of the things that isn't clear to us is about the sighting of wind turbines close to or on the edge of the application site. Um, it wasn't a clear to us. There's a minimum

distance from a the centerline of, uh, of a of a turbine from the edge of the site. Um, it's for a number of reasons, to exempt, for example, to ensure that the blades do not oversell the application site. There are no direct effects on the Liverpool Bay S.p.A.

00:41:51:29 - 00:42:04:06

Or and that other marine users aren't being required to divert further around the, uh, site because of that. Right on the edge, as it were. Can you help us in that regard?

00:42:13:06 - 00:42:46:10

At Robin Hutchison for the applicant. Um, I saw there was an agenda item on micro siting, and I did make some notes for myself. I can't immediately locate them, but I think I can answer the question quite quickly, which is that there is no intention that the any part of the development could overlap the red line boundary, or any of the buffer zones set out within the, the, the DCO. The uh lines on the plan are absolute blades can't cross them and the DCO doesn't allow for that or authorise that.

00:42:46:12 - 00:43:25:02

Part of the problem, of course, though, is lines even on a on a drawing of this side. In reality two mil line is many hundreds of meters wide. Um, I appreciate and you. And the reality is that even with these, I think six digit six, uh, decimal points on the on the not due to latitude point that is still actually in the order of 20 or 30m from, from in a circle in reality. So there is actually quite a bit of flexibility built into that, which I'm concerned that you might be going just by mistake and, you know, building tolerance.

00:43:25:04 - 00:43:38:05

We all know about ending going outside where you should outside the application site just purely through mistake, almost just for how whether there needs to be pulled in just that little bit. So to ensure that doesn't occur.

00:44:04:27 - 00:44:19:17

Rob. Robin Hutchison for the applicant is sorry. Can I ask a clarification to the question? Is the concern in relation to the the outer site boundary or in relation to the buffer zones that have been established, or is it both?

00:44:19:19 - 00:44:54:16

Generally it's both. It's just to make sure that we that the application site doesn't. The actual built development doesn't encroach outside, uh, into beyond the site simply because of the accuracy of the dimensions the you're able to give, um, uh, and also to ensure that, you know, perhaps an additional requirement in one of the provisions that all turbines will be X meters from the edge of the site, which just means that they've got to be within the site.

00:45:13:15 - 00:45:44:29

And Robin Hutchinson for the applicant. Um, I'm just conferring with my technical colleagues, and I'm advised that in terms of the, uh, separation distances between the turbines that come from marine guidance, note minimum distances, there is some tolerance built in there already. So we're not on the limit of distance. There is, I think, between 30 and 50m, depending on whether it's a northerly or southerly aspect or sort of northerly or east westerly aspect already built in.

00:45:45:06 - 00:45:56:18

So that would provide assurance that that there is some flex not to overlap the boundary, um, and still maintain the minimum distances as required by NGN.

00:46:00:18 - 00:46:40:03

Yeah. I think I think the crux of the question really is around, um, the extent to which there could be any implications outside the red line boundary, if you like, beyond the boundary limits. So for example, um, the implications for safety zones that might then extend 500m from the edge of the boundary into the land or sea around it. So it's trying to understand where the, uh, turbines might be sited to ensure that there's no impacts outside the Red line boundary entirely. Does it need to therefore effectively have a buffer internal to to the, um, to the footprint that it does.

00:46:40:05 - 00:46:43:08

So Robin Hutchison for the for the applicant, um,

00:46:44:26 - 00:47:17:15

it entirely makes sense. The question about safety zones, um, and the applicant's position, as would be normal is that that would be the subject of a separate application if required. And also that what's important, I think, to, to to bear in mind. And frankly, I didn't have a full understanding of this until it's been spelled out to me, is that, um, the safety zones are required for quite a short period of time. It's required during the actual construction of the turbines on a turbine by turbine rolling basis.

00:47:17:17 - 00:47:50:25

So the 500 meter safety zone is, is is required during construction for a few weeks. It's quite different in nature, character and sort of imposition on the rest of the seafaring public. It's quite different in character to, um, uh, you know, a buffer zone or a redline boundaries. It's a very temporary thing. So I think the safety zones can be, um, yeah. Uh, it can be, I think, um, treated differently to our red line boundary or a buffer zone.

00:47:51:19 - 00:48:15:21

Okay. Thank you. So I guess the question just, um, just to clarify then, so about the issue of, oh, so potential, um, if we've got a writer of 140, uh, radius, effectively, um, would we be looking at having turbines setback at least 140 from the edge of that boundary, the Olive garden of the applicant?

00:48:15:29 - 00:48:18:14

Yeah. So when it gets to the detailed design, you.

00:48:18:16 - 00:48:19:29

Know, the accuracy that would be put in.

00:48:20:01 - 00:48:28:15

There would be to the degree of centimeters. So that would factor in the buffers and any boundaries and would, would include that um radius.

00:48:28:17 - 00:48:29:12

So yeah.

00:48:29:27 - 00:48:43:14

We don't need to include it because that would be factored in as part of the design, which would take account of any buffers and the red line boundary. So the final location as it's set would be within that, ensuring that no part of the turbine is overlapping with the buffer or the red line boundary.

00:48:43:21 - 00:48:55:17

And can I just check on that then is so that will come in through the detailed design. Is that defined anywhere as a parameter within the DCI as it stands, or to be dealt with as a detailed design issue?

00:48:57:10 - 00:49:27:10

Yeah. Robin Hutchison for the applicant. Yeah. I mean, I guess there's there's there's two points there. The starting point is that nothing outside the red line is authorized. So you wouldn't be authorized to build a turbine with a tip that swings across a buffer zone or the red line boundary. So that's very much, you know, the key engineering principle in the detailed design will be to ensure that we do what we're allowed to do, and we fit within the space that we have been allotted. So that's principle one.

00:49:27:12 - 00:50:10:15

Um, and I guess the check and balance on that or the safety net on that, is that the detailed design does need to be approved and that is secured by deemed um, marine license requirement nine. Um, that requires the detailed design to be approved prior to the commencement of construction. Um, in consultation with the usual suite of consultees um SNC, Trinity House, MCA and that approvals from the MMO. So the the actual detailed turbine layout that will include the center point of each turbine and the um, uh, rotor diameter and design will all be subject to, to final approval.

00:50:11:03 - 00:50:26:20

And in terms of the, uh, accuracy with which those turbines and locations are identified, I'm assuming that accuracy will be the same level of accuracy that the, uh, coordinates for the site boundary are established at the same level of resolution of detail.

00:50:29:04 - 00:50:41:28

Just to follow on from that, if I may, it would also be right. And I think it's also your intention that your working space will be within the red line boundary as well for actual construction operations.

00:50:54:19 - 00:51:20:14

At Robin Hutchison, for the applicant, everything that requires development consent and the DCO. And that's part of the end. CIP is within the red line boundary. Um, naturally, a project like this will have, um, a need to get to the site. So vessels transiting from port to the site will, of course, be outside the red line boundary until they get into it. You know, I tell you a common sense, but just for, for completeness, um.

00:51:20:21 - 00:51:21:21

And.

00:51:21:28 - 00:51:57:15

During the construction of an individual turbine, There may be instances where the safety zone, um, could extend outside the red line boundary. Of course, as I mentioned, that's subject to a separate consent application. Separate procedure. Um, and that would authorize. Um, well, I suppose that would authorize an exclusion of other marine traffic within that 500m. But it might be that a vessel sits within that safety zone outside the Red line boundary for the period of construction, only as authorized and anticipated by that safety zone.

00:51:57:29 - 00:52:01:24

Um, consent, which is which was a subject of a separate process.

00:52:02:05 - 00:52:02:21

Thank you.

00:52:06:05 - 00:52:39:27

Thank you for that. I'd like to move on to sort of, as you alluded to before, which is the spacing and micro siting. Um, we've read in various locations that the array will be set in two horizontal lines of orientation. Um, but there could be some small scale adjustments from necessary to micro micro-targeting. Um, what I'm trying to ascertain is firstly, where the two, uh, lines of orientation are secured and how adjustments would be done that's referenced in both paragraph 2.9.2. 8.79 of NPS and three and now also in the pins.

00:52:39:29 - 00:53:10:21

Good designed vice note was published yesterday. Um, and and how far at and how far off the lines of orientation would microcystin be allowed? And how's that been assessed and secure? For example, if, for example, if the conclusion through the process of Microsoft and the only solution was for a better expression outside the limits of variation which you permitted, how would that be dealt with? Um, it we're sort of assuming that's part of the up to but uh, you miss one.

00:53:10:23 - 00:53:20:02

So for example, um, so there's two parts of the question, how is the two lines of orientation secured? And secondly, what happens if you get the limits of.

00:53:22:09 - 00:53:25:08

Of that because of citing.

00:53:34:14 - 00:54:05:00

Robin Hutchison for the applicant. Um, first part of the question. The two lines of orientation. Um, this particular draft DCO, I guess takes a a belt and braces approach there. Um, so the the, the origin of the two lines of orientation is, uh, marine guidance note 654. And it's primarily a safety issue to allow safe passage through the wind farm.

00:54:05:19 - 00:54:15:19

Um, and it's specifically secured in the draft DCO in condition nine one, a Roman numeral two.

00:54:19:06 - 00:54:46:26

And that part of the DML condition requires that the detailed design plan, which is submitted to the MMO for approval, which we've just discussed, um, shall provide for two lines of orientation and otherwise be in accordance with the recommendations for layout contained in MXN 654. So it's secured there, but as a sweeper,

00:54:48:23 - 00:54:49:08

um.

00:54:52:04 - 00:55:22:05

And temporary licence condition 12 from the draft DCO also provides that the, um no development commence until the MMO is confirmed in consultation with the MCA that the undertaker that would be the applicant has taken into account and insofar as applicable, to the project and all the recommendations in MGM M654.

00:55:22:10 - 00:55:44:28

So there's more to MGM 654 than just lines of orientation. But clearly those are important, um, uh, requirements. And so they are singled out and included also in the the requirements for the design plan to ensure there's no doubt that that is what the, uh, final layout to be presented to the MMO for approval must adhere to.

00:55:47:05 - 00:55:56:21

So in other words, there is a limit to microsites outside the outside of line of orientation. In other words, you. It meant too far. It would have to be admitted.

00:55:57:22 - 00:56:28:22

Yeah. Robin Hutchison for the applicant, the concept of sorry, I didn't answer your second part of your question, and the concept of microsites is perhaps a little bit of a red herring in this context. Um, we come across the concept of microsites for a number of developments, including onshore wind turbines, where the application specifies exactly where the turbine would be, and then says the turbine must go in this location, subject to a micro siting allowance of X.

00:56:29:00 - 00:57:03:19

The difference we have here is that, as is common for all offshore wind farms, the precise locations of the turbines aren't identified in the application. Instead, an envelope approach is taken and the exact location of those turbines is set out in the design plan. That's subject to a later approval. So the DCO itself doesn't need to include any concept of micro siting, because the as we've established already, the buffer zones and lines are absolute.

00:57:03:21 - 00:57:24:21

There's no micro siting ability to encroach over by a few meters. That's a hard limit. And the design plan will set out the precise locations to be approved by the MMO at a later date, so there isn't a role for micro siting in the in the DCO. Drafting at least at the applicant can identify.

00:57:27:21 - 00:57:39:06

Thank you. Uh, bom bom bom. All right. The next one, which should have seen flagged up in the, uh, agenda, was the question of Crown land. Um.

00:57:41:29 - 00:58:12:25

You know, obviously, you also noted the reference to the end of the judgment to our parks versus sector. And Secretary, state for the Home Department, 2024 iwi. 1253 admin, colloquially known as the baby stock on case. For those not familiar with the case, this dealt with the planning status of the Baby Stockholm barge, which is, I believe, still moored in Portland Harbour, and whether it would be subject to planning control under the Town and Country Planning Act 1990, as amended in the High Court. This led to a discussion of the definition of the word land in that act.

00:58:13:08 - 00:58:47:09

We note in the Planning Act 2008, which is obviously a different act. Under section 235, land is defined as including buildings and monuments, and land covered with water in relation to part seven must be read in accordance with section 159 and quote. Part seven deals with orders granting developed consent or and one section 159 firms that land within part nine includes any interest or rights over land. Um, obviously the application was submitted prior to the Bibi Stockholm case being determined.

00:58:47:11 - 00:59:01:16

So we're fully we're very aware of that. Um, and obviously it stands that you've submitted a Crown land plan, but no book of reference. And we're wondering whether you could still consider that to be the correct approach.

00:59:04:00 - 00:59:26:27

Robin Hutchison for the applicant. Um, I'll say at the outset of this, uh, A agenda item that I think it is likely to be prudent to follow up with a short note, because it is quite a technical question. It also extends into property and land law, and as a simple planning lawyer, these concepts are not something that I'm.

00:59:29:03 - 01:00:10:27

Working with on a daily basis. And so it may be that we engage our land team to fully respond on this, this question. Uh, but I can give you a position today which which I hope is clear and helpful. So as the examining authority observes, we've not included a book of reference. We have included a land plan. And I think we stand by that approach, although perhaps are more confident that the land plan, the Crown land plan and land plan as well is in fact, uh, perhaps for the avoidance of doubt rather than actually need it.

01:00:10:29 - 01:00:33:04

And we think that the the Bebe Stockholm case, as we're colloquially calling it, in fact helps with that. Um, so as it's been observed, the planning act, uh, doesn't include a complete definition of land. It includes, uh, and land includes this and that.

01:00:36:19 - 01:01:11:05

The Stockholm case, again, in its analysis of land, uh, doesn't include a complete definition of land. Uh, and instead, it's clear that you need to look at the, the underlying act and context in which it's defined. Um, the Stockholm case focused on the Town and Country Planning Act 1990. Different act

from the Planning Act 2008, although there are, of course, overlaps and similarities. The context of land for the purposes of Stockholm focused on the planning regime.

01:01:11:07 - 01:01:45:07

How far down does the planning regime go? Do you need planning permission once you get beyond the low water mark? And the definition of land in the Planning Act is relevant for those purposes. But in the current context. Book of reference Crown land land plans. It's particularly related to property. This is about compulsory acquisition. That's why we have Book of Reference. It's about the limits on compulsory acquisition of Crown land. That's why there are particular powers and or particular requirements to identify Crown land.

01:01:46:06 - 01:02:36:03

Now the the Stockholm case was looking at a slightly different area of sea. So it was looking at the division between the low water mark and the territorial sea. And the territorial sea, of course, runs up to 12 nautical miles. And is the area beyond the lower water mark. And also, quote unquote, land for the purposes of the Town and Country Planning Act. And, um, the courts concluded, no, it wasn't the bit where I don't want to, um, get drawn into the detail is on exactly the nature of the distinction between the type of land which is held down to the low watermark, and the type of land beyond the low water march, 12 nautical miles.

01:02:36:05 - 01:03:10:24

It relates essentially to whether that land can be inherited or not. With beyond the land between low water market, 12 nautical miles can't be inherited in the usual way, and above that can be. Hence the distinction in the uh, in the Stockholm case made that land applies down to low watermark. I actually think that that is perhaps an interesting but moot point for current circumstances and the situation we're in here is a bit easier because the entire project is located beyond 12 nautical miles.

01:03:11:06 - 01:03:41:25

So we are not. The project is not located within the territorial sea, so it's not the type of land that was considered in the Bebe Stockholm case, and in that case, considered still not to apply, still not to be subject to the town and country planning regime. It's a step further beyond that. It's beyond the 12 nautical miles and land beyond 12 nautical miles, as is sort of a fairly trite point, is not capable of ownership. I should say I shouldn't have said land beyond 12 nautical miles.

01:03:41:27 - 01:04:23:03

I should have said sea seabed beyond 12 nautical miles is not capable of ownership. So it's not land in the property sense that can be owned passed on. There are certain rights established through international convention, but it's not a property. Heritable property. Right. That can be a Treated in the normal way could be subject to powers of compulsory acquisition. So the applicant's position is that sort of quite straightforwardly, it's not land for the purposes of, well, specifically regulation seven of the Infrastructure Planning Applications, Prescribed Forms and Procedure Regulations 2009

01:04:24:19 - 01:04:57:18

and it not being land for that regulation, means that a book of reference under that regulation isn't needed. I think what flows through from that is that a Crown land plan and a land plan probably also are not needed, although useful documents to submit and interested parties, I think, would generally

expect to see something called land plan. So for the sake of consistency it was considered helpful to do so.

01:05:00:21 - 01:05:10:17

So effectively, the submission of the Crown land plan is simply to give an indication of the area where you have an agreement for lease for this project.

01:05:13:25 - 01:05:19:24

You have that anyway in the application location plan. So why is it superfluous and therefore take it away?

01:05:21:04 - 01:06:08:01

Robin Hutcheon for the applicant to answer the first question, and I wish I could say it was that helpful. And the Crown Land plan is simply coloured pink in its entirety to indicate that there are crown rates beyond 12 nautical miles. So I think the suggestion that it's superfluous is probably right. Um, one might imagine that as an applicant, the preferences to be slightly on the side of caution. And as you say, this, uh, application did predate Stockholm, or some of these concepts have been usefully unpacked and aired, uh, in a way that I think, you know, we already knew to be true, but not in a nicely articulated judgment where you can point to them.

01:06:08:03 - 01:06:15:29

So erring on the side of caution on these matters. And that was the applicant's preference, at least in the production of production plans.

01:06:19:00 - 01:06:31:23

Yeah. Thank you. Thank you for that. And that's that's understood. Um, you did say you were going to submit a note expanding on, you know, reiterating what you said. Um, kind of just check your time frame for submission for that. Is that feasible for deadline one or.

01:06:34:00 - 01:06:44:15

Robin Hutchison for the applicant. Um, I mean, our preference would be deadline two if possible. Although if the applicant prefer the examining authority would like it a deadline one.

01:06:55:21 - 01:07:25:28

If you can manage day one, so much the better, simply because it then allows everybody else to comment and we make it go. Go get in sync with that. We could live with D too, because it would then come with the next version of the DCO, which lets in some logic to Kelly. If your conclusion is to withdraw the Crown, Crown and land, Crown land and land plans, then please just just tell us, tell us that you know, in the appropriate letter. And obviously they'd get struck out of schedule.

01:07:26:02 - 01:07:37:03

Whichever, whichever. Whichever one it is. Um, but that's a different issue because obviously it's your position at the end will take, take, take it is and then we obviously report that to the Secretary of state. And they can go from there as well.

01:07:38:09 - 01:08:16:08

Yeah. Robin Hutchison for the applicant that, that that's fine. Um, I would just observe that in preparing the application, we did notice there is a there's a slight differentiation in language between the requirements for the book of reference, which are all tied specifically to land, and the definition of crown, land plan and land plan. So there is a chink of blue light or blue water between between the two. Hence our differentiated position to not producing a book of reference, but deciding on balance to include the Crown, land plan and land plan.

01:08:16:10 - 01:08:27:26

So it may be that our position is that we don't necessarily think they're needed. But if the Secretary of State decides they are, they are part of the application materials.

01:08:28:25 - 01:08:35:22

And you'll explain that chink in, uh, um, uh, in the note, please.

01:08:41:08 - 01:09:22:27

The last section before we have thinking was about time we had a brakes to deal with on this section, which at the end of my last item in item three, um, unless anybody's got anything else they want to address to unexploded ordnance. Ordnance. Um. Obviously we had a bit of a discussion about this yesterday and whether it should be covered by the separate marine licence under the MMO. Um, the real issue, the issue where we're slightly concerned it'll come up again later today is schedule for of the EIA regulations, where it says the EIA should set out a quote, a description of the physical characteristics of the whole development and unquote, with with my particular emphasis on the word hole.

01:09:23:22 - 01:09:32:09

How will we and the Secretary of State to know that the effects of the whole development will have been assessed, if we don't know that this hasn't been dealt with?

01:09:37:10 - 01:09:40:02

Robin Hutchison for the applicant. Um.

01:09:42:05 - 01:10:20:15

The applicant's position is that the reference in the EIA regulations to development is the development applied for, not some broader concept, although broader, a related infrastructure would be captured in cumulative effect assessment. We covered yesterday that the UX or clearance operations aren't part of the DCO application will be subject to a separate marine licence application and subject to whatever requirements assessment procedure has been deemed appropriate for that particular application.

01:10:20:22 - 01:10:45:29

I summarized, you have to do why the examining authority can be satisfied that there's no impediment to the grant of that, and it's quite normal. But the actual um, uh, process in terms of the assessment would be subject to that separate application that that's our position in principle. But actually in the specific case of Us.so and I'll pass over to my colleague, I think it has been assessed anyway.

01:10:48:12 - 01:11:09:24

Sorry for the applicant and yes, and through discussions in their evidence plan process in pre-application within the application with further topics where it's relevant and there's a pathway of effects, we have provided an assessment. So for example, in the Marine Mammals chapter we have provided an assessment for information for UXO clearance.

01:11:13:20 - 01:11:35:04

The only gloss on the first part of the question, of course, is the Tewkesbury case, which went to avoid the problem of salami slicing of projects, and that you do need to be careful about just saying, oh, it's appropriate to apply for whilst you have applied to put an EIA, and it obviously has to cover the whole development and need to be ensured that it doesn't. The Tewkesbury you don't run for Tewkesbury.

01:11:37:07 - 01:11:37:22

Oh,

01:11:39:13 - 01:12:07:29

and Robin Hutchison for the applicant. And yes, of course we were cognizant of salami slicing and not salami slicing. And I think it's clear that the reasons for the consent strategy for this particular application are not designed to try and, um, uh, remove elements of their application from assessment or, you know, this isn't tactical, it's simply the appropriate consent strategy for the project as the information becomes available.

01:12:11:26 - 01:12:40:04

Does anybody else have anything else they want to address on this one? Nothing in the room and no hands going up, in which case I think it would make sense, particularly for those who've been online now for our three quarters, uh, we had a 15 minutes or so break just so that we can, um, do that. And I looking at the clock, it seems obvious that we adjourn now until half past, so we adjourn till then.