



Hearing Transcript

Project:	Dogger Bank South Offshore Wind Farms
Hearing:	Preliminary Meeting (PM) – Session 1
Date:	22 October 2024

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SUMMARY KEYWORDS

Dogger Bank, offshore wind farms, development consent, planning inspectorate, panel members, environmental impact, procedural decisions, local impact reports, change requests, compensation proposals, land rights, site notices, artificial intelligence, examination timetable, public record

Speaker 1

Good morning. Can I just confirm that everyone can see and hear me clearly? If not, can I ask that you raise a hand in teams? I'm not seeing any hands. I'm assuming everyone can. Can I also just confirm with Mr. Raywood that the live streaming of this event has commenced. Thank you. So time is now 10 o'clock, and I'd like to welcome you all to this preliminary meeting which precedes the examination for the Dogger bank South offshore wind farms. The application for development consent has been submitted by RWE renewables UK, Dogger bank South West limited and RWE renewables, UK, Dogger bank South East limited for two offshore wind farms, dog bank south west and dog bank South East have up to a total of 200 wind turbines associated offshore and offshore infrastructure, including offshore and onshore high voltage electricity cables, onshore and offshore electricity substations, connections to the national grid and ancillary temporary works. My name is Jo Dowling. I'm a chartered town planner, and I'm employed by the planning inspectorate, and have been appointed by the Secretary of State to be the lead member of the panel to examine this application. I'm now going to ask my fellow panel members to introduce themselves.

Speaker 2

Good morning. I'm Andrew Marn. I have a background in ecology and environmental impact assessment, and I'm a chartered environmentalist and a chartered landscape architect.

Speaker 3

Hello. My name is Helena o brunski. I'm a chartered town planner and planning inspector.

Speaker 4

Good morning. My name is Laura Shawnee. I am also a charter town planner and planning inspector.

Speaker 5

Good morning. My name is Matt Tandy. I'm a chartered water environmental manager and a civil engineer.

Speaker 1

I can confirm that all members of the examining authority have made a formal declaration of interests, and that there are no known conflicts of interest. With regard to us examining this application, together, we constitute the examining authority, or exa for this application. You will have already spoken to and heard from Mr. Burney, who is the case officer for this project, together with the case manager, Mr. Raywood, they are the case team. If you have any questions or queries, they should be the your first point of contact. Their contact details can be found at the top of any letter you have received from us or

on the project page of the national infrastructure website. In addition, I'd like to advise you that there are technicians from production 78 with us today who are attending solely for the purpose of managing the recording and live streaming of the event. Before I consider the items on the agenda of this meeting, I now need to deal with some additional housekeeping matters to those raised by Mr. Burney in the arrangements conference. As far as I'm aware, no requests have been made for any special measures or arrangements to enable participation in this preliminary preliminary meeting. Can I just check that this is correct? Can see no hands being raised, so I'm assuming that we are fine to proceed, as I've already mentioned, this event is being live streamed, and it is also being recorded, as was explained in my letter of the 24th of September, 2024 because the digital recordings that we make are retained and published, they form a public record that consent can contain your personal information and to which the General Data Protection Regulation applies. The planning as practice. Practice is to retain and publish recordings for a period of five years from the Secretary of State's decision on the development consent order. Consequently, if you participate in today's preliminary meeting, it is important that you understand that you will be recorded, and you therefore consent to the retention and publication of a digital recording. The examining authority will only ever ask for information to be placed on the public record that is important and relevant to the planning decision. It will only be in the rarest of circumstances that you might be asked to provide personal information of the type that most of us would prefer to keep private or confidential, therefore, to avoid the need to edit the digital recordings, what we would ask is, if you that you try your best not add information to the public record that you would wish to keep private or that is confidential. Does anyone have any questions with regards to this matter? Again, I can see no hands raised. I'm going to proceed to the next item. Can I repeat the requests made in the arrangements conference, that to minimize background noise, you make sure your phone is switched off or turned silent, and that you stay muted with your camera turned off, unless you are speaking as this is a virtual meeting. It has been structured in such a way that questions or points that you may wish to raise can be done so at the relevant point in the proceedings. When we get to those points, I would ask that if you want to speak, you switch on your camera and either use the raise a hand function on Ms teams, or ask to. Speak at the appropriate time. Can I also remind people that the chat function in teams will not work, so please do not try to use this to ask any questions or post any comments. If you do not manage to ask your question or raise your point at the relevant point in time, there will be an opportunity at the end of the meeting for you to raise this Under Item six on the agenda, any other matters. Finally, in this morning's meeting, we will need to refer to deadlines within the draft timetable prior to discussing these under item five on the agenda. I wanted to therefore emphasize that the dates we refer to are draft and in discussions on the earlier agenda. Items, you do not need to raise any concerns about the deadlines as they will be considered at the relevant point in the agenda. So before I pass on to my colleague, can I just ask, are there any comments or questions regarding any of the points that I have just made? Again, I can see no hands raised. So I'm now going to hand over to my colleague, Mr. Tandy, who will deal with the remainder of this agenda item?

Speaker 5

Thank you. This meeting will follow the revised agenda issued on the 15th of October, 2024 which is on the national infrastructure website, where it can be found in the examination library at reference. EV, two, hyphen, 001, it will be useful for you to have the revised agenda to hand, and you will see we are on item one of that agenda. For clarity. This supersedes the original agenda issued in Annex A of the letter dated the 24th of September, 2024 which we will refer to as the rule six letter. From now on, the

rule six letter is also available on the National Infrastructure website, where it can be found in the examination library, reference, PD, hyphen, 002, the preliminary meeting is scheduled to finish by 1pm and we are sure of concluding all matters by then. However, should the preliminary meeting need the full allotted time, we may need to take a mid morning break. If this happens, you'll need to switch off your video and your microphone for the duration of that break. For those watching the live stream, you will need to refresh your web browser page to view the restarted stream. This is a working meeting. In running it, we intend to moderate efficiency with also with fairness and I mean, to allow you all to have your say, provided your point is relevant, and to allow you to inform us of all we need to know at this stage, however, we will endeavor to make sure that your and our contributions are to the point and allow everyone who wishes to speak an opportunity to do so. I hope you will support us in this endeavor. Notes and recordings are being made of this meeting, and these will be placed on the project page of the national infrastructure website, which will be available to view the locations listed in ixg of the rule six letter as soon as practicable after the close of the preliminary meeting. With this in mind, it will be enormously useful for us each time you speak, you could state your name, and if you are representing someone who it is you represent. Please also bear in mind that the only official records of today's proceedings are the notes and the digital recording, tweets, blogs and other communications arising out of this meeting will not be accepted as evidence in the examination of this application. I've been provided with a list of those interested parties who have expressed or wish to be heard. Today, I'm now going to ask those people to introduce themselves. I'll start with the applicant, and then ask the local authorities, those representing groups and then individuals, when I state your name, please unmute yourself and switch your video on. Introduce yourself by stating your name, who it is you represent and how you would like to be referred to. For example, Mr. Mrs. Ms, etc. I'm going to start with the applicant. If the lead for the applicant, Mr. Julian, then boss wall to introduce himself first, and then the rest of his team, that will be useful. Good

Speaker 6

morning, sir. My name is Mr. Julian Boswell. I'm a solicitor and partner with Burgess salmon LLP, and we represent the applicants. My expectation is that I will probably be doing all of the talking this morning. On my left is Mr. McAllister, who I'll ask to introduce himself, certainly.

Speaker 7

Mr. Colin McAllister, I'm the Development Project Manager on the Docker bank so the projects

Speaker 6

and my colleague, Jen Ashwell on my right. Jen

Speaker 3

Ashwell, I'm a director at Burges salmon, or the applause.

Speaker 6

There are various other people that you can see behind me who are members of the applicant team, but we're not expecting any of those people to speak, and therefore I'm not proposing to introduce them.

Speaker 5

Okay, thank you. If I now turn to local authorities of East Yorkshire riding, East Riding of Yorkshire

Speaker 8

Council, sorry, Craig Valley, seeing if it's Riding of Yorkshire county planning authority. If I can just be addressed as Mr. Farley, please

Speaker 5

Is there anyone else with you today at all?

Speaker 8

Excuse myself today.

Speaker 5

Thank you, Mr. Vali,

Speaker 5

and I have a John Tony cliff, who I believe may be here, no leave. He hasn't entered the meeting is, can I just confirm that I've now heard from everyone who wishes to participate in today's event. If you could raise your hand if I haven't come to you already, no seeing anyone else. Thank you. Before I move on to our remarks about the examination process, having reviewed the responses to our recent rule 17 letters, PD 003 and PD 004, regarding the proposed submission of revised and updated information, we consider these may have implications for the draft examination timetable. The responses to the rule 17 letters are due to be considered at the end of the meeting under any other matters. As a result, we propose to reorder the agenda, to take Item six before item five. Can I just confirm whether anyone has any issue with this?

Speaker 5

No, thank you. In addition, the examining authority. Need to add a further matter to item six, which is a brief statement and request to use the and the request on the use of artificial intelligence or AI in evidence. We'll come to that in item six. Okay. Moving now on to agenda item two, which is the examining authority's remark about the examination process in Annex B of our rule six. Letter the exam, the examining authority set out in detail the purpose of the preliminary meeting and how it intends to undertake the examination for expediency. I'm assuming that everyone has read this, therefore I do not propose spend time reading it out now, I will, however, highlight that we are only here to focus in the on the way in which we tend to examine the application. We will only be discussing the procedural aspects of the examination today. We will not be taking any evidence at this meeting, and we will not, we will not be discussing either the merits or any concerns that you have regarding this application. The concerns or merits will only be considered once the examination of the application begins, which is following the close of the preliminary meeting. Hopefully, at the end of this meeting, you will be assured that there will be sufficient opportunities throughout the examination for you all to express your views. It is important to us that you are clear in your understanding of the examination process. If there's anything you're unsure about, then you please do ask, and your first point of contact should be the case team. I'd like to take this opportunity to advise those of you who may be unfamiliar

with the development consent process that the examination is a predominantly written process, and as a result, the examined authority will expect the majority of information and evidence to be provided in this format. In the event that you do not feel that you have been given the opportunity to make your representations, please do provide them in written format following any meeting or hearing. So on the basis of the information I have set out, I will now ask if anyone has concerns about the way in which the examining authority tends to examine this application that aren't included under any other items of this agenda. And I'm seeing no hands raised on that. I'm now going to hand over to Mrs. Shawnee, who will deal with the next item on the agenda.

Speaker 4

Thank you. Okay, turning now to Item three, which is the initial assess. Of principal issues, it would be useful to have Annex C of our rule six letter in front of you for this item, please. Please note the list of the initial assessment of principal issues is also often referred to by the acronym IAP. The principal issues, as shown in Annex C, have been compiled alphabetically and are not in order of importance. The subject matters listed have been arrived at by taking into account the application documents, the comments in the relevant representations, other submissions we have received, and consideration of any other important and relevant matters. The list provides our initial frameworks of issues for the examination going forward. The purpose is to identify broad subject matters to guide us in forming a provisional view as to how the application is to be examined. Further issues may arise as a result of subsequent submissions during our examination, and the examining authority may also add or remove issues at later stages in the process, as they deem necessary. The purpose of the agenda item is to hear any comments that parties may have about the IRP by inviting you to speak. Please remember that we are not looking for submissions on concerns or the merits of the scheme as these will be considered once the examination starts for now, we are only considering comments on the broad principal issues that we have identified at this stage, we have not received any written submissions on the IRP and no party has registered to speak on this item either. Can I just check if there's anybody online who wishes to speak on the item before I move to the next item on the agenda that's does look like it. Okay? No, thank you. Then I will now hand over to Mr. Bremsky, who will talk about the examination authority. Examining authority's procedural decisions.

Speaker 3

Thank you. I would now ask that you turn to annex f of the rule six letter, where you will note that the examining authority has made a number of procedural decisions. Annex F explains in detail the reasons for these procedural decisions. I have assumed that you've all read the annex and so I'm not going to go through them in detail. However, I will comment on some of these decisions before inviting questions or comments. In Annex F, we set out a number of parties where it would assist the examining authority if statements of common ground were prepared between them and the applicants. The parties include, for example, relevant local authorities consultees and affected statutory undertakers. The range of topics that we would expect to see included in these statements is also set out in the table in Annex f of the rule six letter, I note that in the applicant's letter with reference PDA 11, submitted in response to the examining authority's rule six letter, the applicants confirm that they intend to prepare statements of common ground with the interested parties listed in the rule six letter, for deadline one, as requested, with the exception of Natural England, who the applicant states do not have the resource capacity to engage in the statement of common ground process, Natural England confirmed, in their

response to the rule six letter with reference PDA 38 that they will primarily be focusing on the preparation of principal areas of disagreement summary statements and a risk and issues log, Natural England states that they have requested that the applicants develop and maintain a draft statement of common ground based on natural England's risk and issues log and the principal areas of disagreement summary statements, Natural England intend to agree the final statement of common ground at deadline seven, can the applicants confirm that they intend to carry out these actions as Natural England have requested, and ensure that the final statement of common ground is provided between them and Natural England at deadline seven.

Speaker 6

Julian Boswell, for the applicant, I can confirm that that's the applicant's intention. Yes,

Speaker 3

thank you. The examining authority can confirm that this approach is acceptable. Then the applicant letter with reference PDA 11. They also confirmed that in addition to the statement of common grounds requested by the examining authority, they would also be preparing them with Humber archeology partnership and Lincolnshire Wildlife Trust. The examining authority welcomes these additional statements. Does anyone have any comments that they wish to make on the statements of common ground? No, I can't see any hands the examining authority proposed the date for the submission of local impact reports and written representations at deadline one, which would be the eighth of November. We have had a response from East Riding of Yorkshire Council under PDA 37 which requests an extension of a week for submission of its local impact report. Report. The reason for the request is that its planning committee is only due to meet the day before deadline one, and a week's extension would allow for any potential changes to be made to the report that might arise as a result of that meeting. Before its submission, the examining authority notes its request. However, given given the limited time available to the examination. The examining authority is keen to see this report as soon as possible. As a result, we suggest that a solution would be the submission of a draft version of the local impact report at deadline one, and if required, the submission of an updated version reflecting any changes by the made by the planning committee at deadline two. I would like to ask whether this would be acceptable to the council. Please. Acceptable to the

council. Please, Second.

Speaker 3

Thank you. Could I request that if an updated version does need to be submitted, that you provide a clean and track change version of the report.

Again, valid capital. Yes, we

Speark 3

can do that. Many thanks. Does anyone have any comments that they want to make on the submission of local impact reports or written representations? I Okay, I can't see any hands on queue within annex

F, the examining authority requested further information and sought clarification on a number of points from the applicants. The examining authority, thanks the applicants for providing the information that the pre examination deadline is requested, which has been published on the website under references PDA one to PDA 36 the examining authority, however, note that the updated tree preservation order and hedgerow plan with reference PDA nine contains some errors. Pages 29 and 30 show H, 0105, in the wrong color, which no longer records with the key, and the same with H, 0152, on pages, 36 and 37 Please, can I ask the applicant to provide an updated version of the plans to be submitted by deadline? One with these errors corrected? You?

Duncan Boswell, yeah, yes, we can do that.

Speaker 3

Thank you. That's noted as an action point. The agricultural survey report, preliminary agricultural impact assessment and outline agricultural Method Statement, which is split into two documents with references PDA 34 and PDA 35 has various appendices. Appendix four is the tree constraints plan, and appendix five is the preliminary tree impact plans. Please. Can the plans in these appendices be reordered to align with the order of other plans already submitted to ensure consistency between the documents, so that they start at landfall and finish at the Burke Hill wood state substation site. Can these be can these documents be submitted at deadline one? I

Speaker 6

Julian Boswell for the applicant. I don't specifically have the relevant people in the room with me, but my assumption is that that is a straightforward request and that we can do it.

Speaker 3

Thank you again, I'll note that as an action point, does anyone have any comments that they want to make on the information submitted by the applicants in response to the examining authority's request for further information? Can't see any hands. Thank you. Additional submissions were accepted at the discretion of the examining authority, from the coal authority, Ministry of Defense, the doggerland Foundation, Ian wylski, which had been published on the website with references as one, as two, as four and as five, we also accepted as three from the applicant as an additional submission, which was their response to the inspectorate section 51 advice, if Anyone has any comments to make on any of the additional submissions, please. Can they do so by deadline? One which is the eighth of November. Whilst we've accepted these and published these documents prior to the examination commencing, we would advise these parties that any documents submitted between deadlines would not normally be published until the next deadline. Does anyone have any comments to make on the additional submissions which have been accepted? Okay, thank you. Finally, does anyone have any comments to make on any of the matters which have been raised here in this agenda item, or regarding any of the examining authority's procedural decisions? Set out in Annex f of the rule six letter. I can't see any hands. Thank you. Thank you. And as set out by Mr. Tandy at the start of the meeting, I will now hand over to Joe Dowling and Andrew Marn for item six, who will discuss any of the matters as set out in the updated agenda.

Speaker 2

Thank you very much. So I'm going to start with consideration of agenda, Item six, 6.1, can I draw your attention to annex G to our rule six letter this sets out in more detail how you can see the documents that have been submitted as well as those issued by the examining authority, for anybody who is unable to retrieve the electronic documents from home, it includes a list of locations from where you can access them free of charge. The Annex also mentions the importance of the examination library. This is available from Project Web page and is updated each time new documents are submitted. Please note that each document in the library is allocated a unique reference that will be fixed for the duration of the examination to ensure consistency and precision, we ask that you quote the unique reference number from the examination library when referring to any examination documents in any future submissions that you make Next, moving on to Agenda Item 6.2, and this relates to those of you who wish to make a submission but may be unfamiliar with the guidance, I recommend you look at annex H to our rule six letter. This provides details of how to make a written submission into the examination via the have your say section of the project web page. Please follow this process whenever you make a submission. If you experience any difficulties, please contact the case team using the details at the top of our rule six, letter that was sent to you, and now moving on to Agenda Item 6.3, we would like to deal with the examining authority's concerns about the maturity of some fundamental elements of the application documentation and the applicant's proposed schedule for progressing these once this preliminary meeting is closed, we are all bound by the six month maximum examination period, so we have sought reassurance that the necessary information and assessment can be provided during that period, whilst allowing fair time for all parties to assimilate it and to have an adequate opportunity to examine it. We are conscious, for example, of the Secretary of State's clear indication in recent decision letters for other offshore wind farm ECU applications that HRA derogation and compensation matters should reach a conclusion during the examination. As such, we issued a rule 17 letter on the Thursday the 10th of October asking the applicants to clarify the situation and to confirm their proposed schedule in relation to their proposed change request and their submission of updated offshore or lithology information and assessment in relation to both the environmental impact assessment and the habitats regulations assessment, we received the applicant's response to the request on Monday the 14th of October. Our letter and the applicant's response are available in the examination library as PD three and as six respectively. We then went on to issue a further rule 17 request to Natural England and the RSPB on the 15th of October 2024, which is PD four in the examination library. And this was to seek their views on the applicant's further information given they had indicated that they would not be attending today, we received responses for consideration at this preliminary meeting from both Natural England is in the examination library as as eight and the rspbs as as seven. So we have some questions of clarification and confirmation for the applicants on these matters, but it is open to other parties to raise representations once we have completed that discussion, but only in so far as a submission relates to the examination process and future procedure, and not the merits of the proposed development or its effects. So Mr. Boswell, if we can go to matter one, which is the change request, we'd like to thank the applicants for their further information about the proposed change request. But could I please have confirmation of your schedule for its completion, your consultation and the submission into the examination? You.

Speaker 6

So Julian Boswell, the applicant, we provided that in our response to the rule 17 letter, and just finding that so on the ultimate page of our letter on 14th of October, relation to the change which we formally submitted a notice of intention to seek a change, we said, which is still the case that we intend to consult on the proposed change from the seventh of November until the ninth of December, that would then lead on to after consideration of consultation responses to formal submission of the change request on 13th of December, and that would then be for the examining authority to decide whether to accept and then for it to go into the process thereafter.

Speaker 2

Thank you, Mr. Boswell, so our understanding therefore is that you're still on course for those consultation dates.

Yes,

Speaker 2

thank you. Can I just check with you in terms of what we've seen about the proposed change request, our understanding is that this could potentially affect the assessments for the Dogger bank, special area of conservation marine mammals and the southern North Sea, special area of conservation and also fish, marine and benthic ecology. Do you have the expertise with you today to confirm that assumption that we're making?

Speaker 6

Well, we've, I think we've addressed that in the change notification of intention to seek the change eight of October. So yes, on page six of that letter, we mention the different relevant environmental topics, which I think include all of the ones that you have just referenced, which will be considered as part of the change request documentation.

Speaker 2

Thank you. So can we confirm the change is unlikely to have any material consequences for offshore ornithology?

Speaker 6

Well, we've said that any change to offshore or mythology we expect to be beneficial. At the bottom of Page Six, reduction in potential secondary effects for ornithological receptors as a result of reduced impact to aquatic sectors, so

Speaker 2

that would be through the indirect impacts which have been identified.

Yes, I suppose I'm hesitating. Sorry, forgive me. Go on.

Speaker 2

Okay, thank you for that information. Obviously, we're trying to think through the implications for the six month examination period of receiving this change request while we're able. So if we're still expecting its submission on the 13th of December, that stage, as you've already mentioned, we need to consider that request, and if we accept it, to amend the timetable to accommodate it, accommodate responses, we might then expect responses by draft deadline for Your responses to those responses at draft deadline, five, and I think that gives us enough time, if necessary, at that stage to issue would to issue a rule 17, request to address any differences between the parties and to look at final positions by around about the 27th of March, which I think should give us, on that time scale, should give us all of your final, everybody's final position by draft deadline six, which is just prior to the close of the examination. I think on that basis, we'll move forward, unless you have any difference to that potential timescale. So.

Speaker 6

Julian Boswell for the applicant, I think where that's something line with our expectations as to how it would probably play out.

Speaker 2

Thank you. We've also noted in your response to our rule 17 request, There was reference to a possible second change request that would reduce the order limits around the proposed onshore converter station site. The intention and dates were clearly uncertain at that stage. Do you have any updates or more certainty on that potential change request?

Speaker 6

Not Julian Boswell for the applicant, not at this stage. We felt that given the question that you had put in your rule 17 letter, that we it was appropriate to indicate that this was under preparation. But it, as you will see, it's a simple it's simply a paragraph indicating that it's under preparation, and we're reluctant to say much more on that, on the basis that it is, it is under preparation, and then we haven't reached the formal stage of making a notice of intention to seek the change.

Speaker 2

Thank you, and we were grateful for that indication. Suppose would you envisage submitting any further change requests during the course of the examination,

Speaker 6

there are not any other change requests in preparation. Thank you. I'm not expecting that to emerge. Thank you.

Speaker 2

We've had comments, particularly from Natural England, in response to the notification of change requests which we have taken on board. And those are clearly available to anybody who wishes to read them in natural England's response. Does anybody wish to comment on the examination process in relation to those change requests? I'm not seeing any requests, so in that case, I shall move on. And

can we move on to matter two on this agenda item, and that relates to offshore or lithology and the HRA compensation proposals?

Speaker 6

So if I possible, just before we move on from matter one, would it be possible for me to just make a couple of observations about about the changes? Yes, certainly muzzle to the applicant. I guess I just wanted to stress that I obviously can speak most freely about the offshore requests, that these are requests that have emerged from ongoing interaction and consideration of the issues emerging design and supply chain considerations, and importantly, the evolution of the holistic network design, status of of the application, and so these are all positive changes that will be and we know are welcome to stakeholders that are simplifying the application and reducing impacts, particularly inside the sac, and we certainly consider them to be relatively straightforward changes that can be easily sort of the implications of which can be straightforwardly understood and digested and will assist the examination. In that respect, we've also put them forward in we think exactly the way that the guidance asks us to, and so we have been mindful of that throughout. It's one of the features of the offshore wind sector, as as you may know that in different respects, there are various sort of dynamics in play, some of which are within the control of the applicant, but some of which are Not like the holistic network design status that I referred to, and so in relation to changes, the applicant, on the one hand, wants to minimize changes, but on the other hand where they are available and improve the situation or respond to significant developments, then the applicants approach in common, we certainly think, with other offshore wind schemes and more widely in the NCIP process, are we. It's appropriate to bring forward changes on a selected basis, and that is the that is the approach that we are following, both offshore and onshore.

Speaker 2

Yeah, thank you. Suppose all that is understood, and I hope your optimism that the changes can be easily understood is well founded. Is there anything else you wish to add before we move on? To matter too?

Let's move on.

Speaker 2

I think Ms Dowling wishes to add a word.

Speaker 1

Thank you, Mr. Mona, I just wanted to reiterate we what Mr. Boswell's just mentioned is that we acknowledge and accept that often application development is an iterative process, and change does have to happen. Sometimes during the examination, all I would ask is that when you are looking at submitting a change request, you do so in a timely manner, because obviously we only have six months with an examination in which to consider any changes, and particularly if, when we're looking at the potential change request to onshore elements, if the compulsory acquisition regulations are invoked, then obviously we have predetermined amounts of time in which to deal with it. So can you please, and I'm sure you will try and do any change requests in a timely manner. Thank you. Applause.

Speaker 6

Julian, yes, sorry, Jeff, completely acknowledges that.

Speaker 2

Thank you. Is there anything else on matter one before we do move on to matter two? No, sir, thank you. Can we then move on to matter two, which is the offshore ornithology and HR compensation proposals. And as I was saying, we would very much like to thank the applicants for the very useful response to our rule 17 request for a detailed timetable for the submission of additional information. Again, if I could just check the examining authority's understanding in relation to the offshore ornithology and HRA compensation information and assessment is as follows, so a draft deadline one we believe we are expecting what is effectively a compensation progress report version of the kitty way compensation plan, but this will not include the final identified site or design details at this stage. Is that correct?

Speaker 6

Julian Boswell, for the applicant? Yes, that is correct. Again. This is an evolving situation, as is common with other applications in relation to this matter and the kitty wake process has been playing out, firstly through the strategic process overseen by the Crown estates compensatory authority during the sea bed licensing round, and now at a Well, I guess it's both the project level and a strategic level. I would like to make the observation that the applicant could not have attempted to be more proactive in relation to Kitty wake, because not only did they consent, but they also built an onshore nesting structure at Gateshead in the expectation that that could form part of the compensatory measures package for kitty wake. That is a highly unusual thing for an offshore wind developer to have done, as you will be aware from the documentation, the way that has played out is that and the applicants have reluctantly accepted this, that Natural England has taken the position that for Dogger bank south, there needs to be offshore structures, and that an onshore structure should not be either any or a material part of the compensatory measures. And so the applicants have accepted that, but have consistently put down markers, both through the strategic process and the project level process on that point, and they are taking forward the offshore nesting structure position, as we have set out in the in The application. And so we are dealing with essentially an issue of location, of the principle of what is being proposed is, is accepted. It's a case of where exactly it is. It's also in the context of all of the risk under the developed consent order being placed rightly on the. Applicant in terms of the deliverability of those structures, so in terms of how this is going to play out during the examination and the updates that are expected, we think that we are broadly on the same timeline as was envisaged when we submitted and when the application was accepted. And it's important to recognize just how much money that we're talking about, 10s of millions of pounds, that are being spent here in terms of where these structures are going and the process that goes into that. So that is a process that has to be, has to be got right, both for the for the project, at the project level and at the strategic level. So I guess I'm just managing your expectations that these things have to be done in an iterative way. They then, in the course of that, have to satisfy Natural England and other and other stakeholders, and we certainly do think that there is enough on this and the other subjects that have to come to for for a meaningful and appropriate examination To be thank you for allowing me to say that.

Speaker 2

Thank you. That's as well understood, and we do recognize it's a moving problem, a dynamic situation with these things. In terms of the onshore artificial nesting site you referred to, that's something we would like to have to look at, but we will leave that to the examination. We understand that some of that has been as it were, so let to another scheme, but that's for examination. But can you also confirm our understanding that the area of search, which was contained within the original application documents, all of those areas have now been excluded, and then we're starting with a new area of search.

This is for the offshore obviously.

Speaker 6

Julian Boswell for the applicant, my understanding is that that that it's not as simple as that. We haven't we are still on track to a down selection of two sites

Speaker 2

are those within the original area of search in the application documentation. I

Speaker 6

so I wasn't expecting this level of questioning on this topic.

Speaker 2

I'm very happy to take that as a written submission.

Speaker 6

Well, hold on, I'm

Speaker 2

it's if it's helped, it's a it's a reference from your response to the relevant representations, which says that the kitty wake, strategic compensation plan, etc, it was concluded that constraints present within the shortlisted area of search left few viable options for the projects, and that there may have been further opportunities within the wider search area that were not identified in the plan level work, and trying to get behind what that actually means.

Speaker 6

I'm going to ask Mr. McAllister to address this.

Speaker 7

Thank you. Paul McAlister, development project manager for the Panther kids. So we essentially, we started the area of searches again. So we took those areas of search that were provided in the crowd estates, security compensation plan, we included them as part of our area research, but we also expanded it to a wider area using the using the parameters that were used by NIRS for the crown of state work that identified a number of further sites, and all of those sites, including the original ones from the crown of state strategic compensation plan, plus the new sites, were put into an assessment,

essentially. And we have come down to five sites that includes two of the original sites that were in security and compensation plan estate and the additional sites and the other weren't in that so we are now reviewing that work. We're doing further work in terms of ground conditions assessments, and that will come out with a short listed preference. You later this year or early next year?

Speaker 2

Okay, thank you. That's helpful. Mr. Boswell, Ms Lancaster had a hand up. I don't know whether you wish to bring her in the stage or not. I.

Speaker 6

If she feels that she needs to say something more than what Mr. McAllister has just said, I'm assuming, probably not.

Speaker 2

Okay, let's move on. Then the hand's gone down. So that was kitty wakes. I think we have everything we need on that, unless there's anything else you wish to add in terms of Kitty wake compensation plan.

Speaker 6

Well, only the observation Julian bossel for the applicant, that, because of the the offshore wind sector continues to be in a complicated situation where things are playing out, both at a project level, collaborative level, and this and a strategic level, including the fact that heatwave compensation has been formally included in the so called library of measures as part of the intended marine Recovery Fund. All of this is taking place in the context of enormous program pressure, both in relation to targets and in relation to commercial pressure from ground state leasing option payments, which are in the public domain and which are considerable. So any developer is balancing these considerations, and we are, as I say, confident that we are continuing to conduct this in a portion of way with the different pressures that we are, that we are under, and the alternative would be, what to make us wait until everything is tied up, fully designed and so on. That would involve substantial delay. So as with other projects, we are charting a course with different competing pressures. Sorry if I'm repeating myself, but just think the realities of how difficult this is need to be understood.

Speaker 2

Thank you. Ms Boswell, I think we are aware of what you say and we appreciate what you say, but we've also, on the other hand, we'll come back to it. We have instructions from the Secretary of State in terms of dealing with such matters to a reasonable extent during the course of the examination, which is where we're trying to find the information. At the moment, if we can move on to orcs, in that case, our expectation of draft deadline. One is that we're going to receive an update to the delivery program for the orc compensation. Again, my understanding is that the site or sites will not be finalized, but that the long list which we have received previously will have been converted into a short list. We also understand that survey work at the candidate sites will be going ongoing in 2025 will this work that's ongoing influence the site refinement process before a site or sites are chosen and secured? Do

Speaker 6

Julian Boswell, for the applicant, you've used the word influence, I think the answer to that must be yes, it would have an influence, and they're clearly being done for a reason. Thank you.

Speaker 2

So that's the situation with the walks, unless you wish to add anything else to that. So that's deadline one.

Speaker 6

Well, I guess it's Julian Bond with the applicant. Again, just to emphasize that we're we're dealing with an established method, established issue of compensation. Of compensation here. There's no novelty to the nature of the compensatory measures that are being proposed. All of the risk, again, is on the applicant in terms of delivery. And yes, there is an iterative process, and you have just summarized where we are at the moment, I may just make one other observation, if I may, because there's a sort of degree of irony to this, namely that because we are in this evolution from a project led approach to a strategic led approach. One of the features of that is that some of the third parties that the applicants are dealing with, and I imagine that other developers are having similar experiences, is that when a while ago, I. And there was sort of an acceptance that the applicant had to deliver on a project level. There is now an increasing, or a notable degree of reluctance on the part of some third parties who were saying, well, we shouldn't really be dealing with you at project level. We should be dealing with you know, we want to be doing this on a strategic level. But when you are the applicant that is trying to get an application through, where in reality, the only tool available, the only certain tool available to you to secure that is the is delivering project led measures. We are we are pressing on in that in that situation, so that there's just another, I guess, complication to mention in the context of the way this is playing out has been since, since theory.

Speaker 2

Thank you, suppose. Well, yeah, that's useful information as well. Helps us with our understanding your position, but nevertheless, your application at the moment is reliant on project led compensation rather than strategic compensation for kitty wigs and dogs. And I assume that has to remain the situation.

Speaker 6

Yes, it does. But we would, we would say that we are, for example, in a very comparable situation to ornsi for in terms of the stage that it was at submission and at the start of the examination.

Speaker 2

Yeah, I think we'll come back to that one, if I may. Okay. The final thing I wish to consider here is a so well, the documentation we can expect at draft deadline two, our understanding is that you intend to submit updates to the environmental impact assessment and habitats regulations assessment or anthology reports, and it sounds like you intend to respond to most, if not all, natural England's concerns and some of the rspbs. This implies, I think, potentially, material changes to assessment outputs with possible implications for mitigation and the nature or quantum of compensation. This could therefore knock on to the HRA compensation reports submitted at draft deadline. One, which will

therefore need to be updated and resubmitted at draft deadline. Two, which I think you have outlined in your information to us. Is that correct?

Speaker 6

I think that is correct, but I think it's very important to understand what's the drivers here, because the subtext of the question is that somehow we are at fault, and that isn't the case. All that's going on here is the normal back and forth as between ourselves and Natural England and RSPB, who, as we say in one of our submissions, their positions are often not aligned. It's often the case that there are outstanding points as between us and Natural England, or sorry us. When I say us, I mean offshore wind developers and Natural England. And even more so with with the RSPB, there has been new guidance that came out that wasn't came out on a timeline that couldn't be taken into account for the application. All the reason that we're presenting it as an update to the relevant es chapters is simply because that is the most convenient way to do it. I think the only area where we think there might be an impact on Thompson relates to walks. And so I guess what the point that I want to emphasize, and I've got a detailed note in front of me, from, from, from the relevant consultants, royal house, scone. The point we, I want to emphasize, is that we are this is all that is going on. Here is a business as usual engagement with Natural England and the RS and the RSPB and and an update reflecting new methodology. And so we do not consider that anything that is going on here should be materially problematic to the examination or is in any way a departure from business as usual for offshore wind farm damnations. So thank

Speaker 2

you. In their absence, I will mention that we note from natural England's relevant representation that they had a concern that the towards the end of the pre application period, there was a lack of consultation and. And they felt that some parts of the applicant's application had moved on without pre application consultation with them, but if we need to come back, we come back to that in examination. So those are the three bullet points I wanted to gain an understanding of. And thank you for your confirmation of those. Mr. Boswell, as you know, we subsequently issued the further rule 17 request to Natural England and their and to the RSP, but for their reactions, as they were not going to be with us today. So just to mark, we'd like to thank them both for their timely responses, which were as eight and as seven in the examination library. And I can assume, can I, Mr. Boswell, that the applicant has seen those submissions?

Speaker 6

Julian Boswell, with the applicant, yes, we've seen the submissions. Thank you.

Speaker 2

If I can just sort of give my own thoughts or the examining authority's thoughts and as to where we are at the beginning of this, we think we're looking at the following consequences. We think we're looking at material responses from Natural England and the RSPB at draft deadline three at the earliest, though we do note they had already expressed concern about making the draft deadline three as currently timetabled, and as for its deferral, even before this additional updated information was considered, and their principal concern, one of their principal concerns, there will be dealing with responses to the first written questions, as well as the submission of this updated information, I think the examining authority

is therefore realistically expecting to have to have to wait until around draft deadline four, which is the third of February, to see the full positions of the applicants, Natural England, the RSPB, and any other parties in related in relation to the updated offshore ornithology matters at that stage. Of course, some of the matters may still be as an interim stage and possibly substantial matters will remain to be discussed and hopefully agreed, but that will take time and further deadlines. The examining authority notes that draft deadline four to which I just referred would be 15 weeks into the 26 week examination on the draft timetable, which would be more than halfway through.

I think I'll

Speaker 2

come back to the point you made as well there. Mr. Bosworth from May, I mentioned it earlier, but by way of an important context, the examining authority is keenly aware of earlier sector state directions in offshore wind farm decision matters that matters such as these, including a realistic and secured compensation package, should be pinned down during the examination and should not be deferred until the decision stage.

Speaker 6

I said, Give me specific references for that? Because I'm not sure I agree with that. Yeah.

Speaker 2

Can I just mention also you mentioned Hornsey four as a parallel to this, after the close of the horns before examination, the Secretary of State needed to undertake eight rounds of additional consultation after the close of the examination, the majority of which related to the compensation proposals. My reference. And if you want an example of a letter, decision letter where the Secretary of State has made these comments, will be the Norfolk Boris decision later decision letter of the 10th of December 2022 if you need a quote from that, or we wish to go off and find that for yourself, I'm happy to do either way, but I shall read you one sentence where the Secretary of State notes that the development consent process for nationally significant infrastructure projects is not designed for consultation on complex issues such as HRA to take place after the conclusion of the examination. And there are several other paragraphs which you may wish to refer to. Do

Speaker 6

you be possible to get the thing is that things keep moving on at each stage. So Norfolk, Boris, I don't think, have put in any compensatory measures proposals, or had, in fact, conceded derogation at the point of the application. And so I think the whole world has moved on since then, such that we have put in substantial information in relation to compensatory measures proposals, and we've been accepted into termination on that base. This. So I think there's a world of difference between an application like north of Boris and and doggo bank South applications or application. I think that the world that existed before was that no developer wanted to concede derogation, and there was effectively a taboo around derogation that existed for over 10 years. That taboo was initially broken at a workshop held in January 2020, under the auspices of the Crown Estate, because it was recognized that sooner or later, we were going to cross the line into derogation. And at that I was one of the organizers, and I spoke at that

event. And one of the things that was talked about was the concept of without prejudice, derogation case. And then we moved we didn't know when at that stage we were going to cross the line. And turned out that no one was prepared to admit the possibility, the serious possibility, of making, of submitting on the basis of the compensatory measures, derogation situation. And then we got the horns three decision and Norfolk Vanguard and Norfolk Boris were being were in play at the same time, and at that point, the Secretary of State had to put down the marker, which is what you're referring to, which in some ways was reasonable, in some ways was arguably unfair. That's a debating point, but the point being that the Secretary of State said that you, you, you have to submit with substantial information if, in I'm just picking this phrase up top my head, but if there is a realistic possibility that you might lose the argument, and then that has been updated in the national policy statements, where, in practice, if Natural England is giving you a strong indication that you're that they think that you're in derogation territory, then you've got to submit a without prejudice proposition. So the industry has listened very hard to that, and, and, but that doesn't mean to say that there aren't major challenges attached to what exactly you can put forward different projects have been in different situations. And of course, if you're in a without prejudice situation, you don't know you hope that you're going to win the argument. And that is tended to mean that people have put forward somewhat less developed things for or without, project, without prejudice, scenario. So I don't accept that the Secretary of State, I don't believe that Secretary of State has said that everything has got to be nailed down and secured. Because that would, that would have substantial delay. That would, that would involve substantial delay and put 2030 at risk. What I think the Secretary of State has said is that there are that substantial proposals have to be, have to be put forward, and in practice, that's what's happened on the Sheringham and Dudgeon so I did the equinor Sheringham and Dudgeon extensions application. We were accepted into the process where it was fully spelled out in a road map document, document, a document, sorry, how far the the proposals have got to, but how much they were going to be maturing during the process and and it was ultimately accepted on that basis by the Secretary of State, and they weren't fully nailed down at the point of of the decision. So I do think there is a significant difference between us as to how what level of maturity is needed for examination. We would strongly say that we have a fully examinable proposition here in terms of fundamental nature of of the different proposals. We haven't talked about the SAC dimension that, of course, is a special case, because we can't, we can't deliver that, as we know, only depra can deliver an extension or a new designation, but we would want to say that we have been incredibly proactive on that score. We were the people that put forward the technical arguments in the context of the strategic debate, the strategic group that existed before the final plan level derogation was approved that demonstrated that extension to the Dogger bank SEC was possible, as you know, sir, because it's in front of the applicator. The examination we included, we proactively did survey work on the relevant part of of the wider. Dogger bank feature to support that. So RWE has been as proactive as it proportionately could be across the different suite of of compensation measures. And as I've already said, All of this is balanced, and has been from day one, from the Hornsey three decision onwards, by the fact that the ultimate risk here is on the developer, because if these measures are not brought to full maturity and signed up and delivered, then there are controls within the DCO and the de marine licenses that mean that you can't operate the the wind farm. So the ultimate public interest in ensuring that appropriate compensatory measures are developed and delivered is is there? So developers like RW on dog bank South could not be more incentivized to deliver this.

Speaker 2

I You, Mr. Boswell, it's very useful to understand your position, and we have taken that on board. One of your team has a hand up. Do you wish to bring them in?

Uh, yes, please, father. Mr. Pizzola, uh,

Speaker 9

thank you, Pallavi, for the applicants. Uh, just to highlight a couple of points from that, Mr. Boswell raised the there's critical difference here in the situation that we're in, in terms of we aren't, in most cases, talking about in without prejudice compensation here, we're obviously accepting the kitty wake situation and the only outstanding points on that will be the quantum, which we don't believe are affected by any of the updates in the which will be presented at deadline two, and the site selection piece that we've talked about with regard to the Aux, again, we are we've got a site selection question here that we're investigating With ongoing survey work, and there's a question of quantum. And critically, with the question of quantum, we have the two points that are the updated Natural England advice, which was really released in March, which we could not take account of, and have not been able to take account of until deadline two, when we provide the updates in the in the numbers. And also with regard to razor bill, which is currently without prejudice, that, of course, is is tied up with the in combination point for which there is also outdoorsing, North falls and five estuaries, which are all currently in examination at The same time, which will contribute to that picture. So therefore, again, as Mr. Boswell has highlighted, this is an emerging and evolving process here, and in terms of the razor bill, that we can't be reasonably expected to have a final position on that, whilst there are other moving pieces from other projects being undertaken. Finally, with regard to dog bank, of course, there will be minor updates to the quantum of the compensation required, but the compensation there has been, as Mr. Boswell says, We've led in the development of the accepted compensation measure, and that will be taken forward by Defra. That's all I had to say, just to add to Mr. Boswell's evidence. Thank you.

Speaker 2

Thank you. Mr. Solo. Do you have anything to add to Mr. Boswell?

Speaker 6

Julie Boswell's the applicant? Only to say that Mr. Busola, as you may have gathered, is the HRA lead, who is in the front line of developing the territory measures.

Yeah, thank you.

Speaker 2

So can I? Can I assume at the end of all that, Mr. Possible, your intention is to keep to the schedule you've informed us about already in terms of the presentation of this information

to the applicant. Yes,

Speaker 2

thank you. We've also obviously had a specific representation from Natural England, and to a lesser extent, a less specific representation from the RSPB on the matter, and we've taken we will take that into account, as they're not here today, but we'll take their written submissions into account. You made a direct comparison. I think Mr. Boswell with Hornsey for in terms of the position at application at the start of examination, probably no be better than I understand the difficulties that were faced at Hornsey four in terms of completing the examination in relation to the habitats regulations assessment, but we shouldn't draw too close a comparison because of a differences in the situation in that case than we had in this case in terms of baseline information, at least so. Nevertheless, I did refer to the fact that Hornsey for Secretary of State, had a great deal of work to do following the close of the examination, so we're going to take all that away. Have a think about what you've said to us. But in the meantime, going to hang out hand over to Miss Dowling to deal with the next few matters on the agenda.

Speaker 1

Thank you very much. Mr. Mon so I'm going to deal with matter three, which is land rights acquisition negotiations to progress voluntary agreements. Dclg guidance related to procedures for compulsory acquisition of land makes it clear that the applicant should be able to demonstrate to the satisfaction of the Secretary of State that all reasonable alternatives to compulsory acquisition have been explored in reviewing the schedule of progress for voluntary land interest agreements, which can be found in the examination library at reference a PP zero 32 it would appear that there are currently no voluntary agreements in place. Can I just check with Mr. Boswell whether this is still the case?

Speaker 6

Julian Boswell, for the applicants, we have a 78% sign up of heads of terms, as reflected in the latest land rights tracker,

Speaker 1

but you don't actually have any voluntary agreements in place,

Speaker 2

if you mean binding options, no, okay,

just moving on to the information contained within the tracker and within your earlier schedule, It would appear from reviewing the document that whilst initial contact for some landowners occurred in November 2023 there were also a number of landowners where initial contact only seems to have occurred in early 2024 Can I just ask the applicant, if that is a Fair interpretation of the application documentation?

Dialog with applicant throughout

Speaker 6

Julian Boswell, for the applicant, we've had, we think we've had an ongoing dialog with all relevant land interests throughout and certainly, I would be surprised to hear that there was any land interest that was only contacted for the first time in early 2024 Well, I

Speaker 1

can tell you explicitly from the information that you have submitted that you only contacted the Environment Agency on the ninth of April, the Crown Estate on the eighth of April, Network Rail on the second of April, yo on the 15th of January, Eldridge on the first of March and Holtby on the 10th of May. The reason that I'm raising this in the Pm is given the lack of voluntary land agreements and the fact that compulsory acquisition should only be relied upon once all other reasonable alternatives to acquiring the land have been exhausted. I'd just like to ask the applicant if they consider whether they think there will be sufficient time within the examination IU within the next six months to ensure that they have complied with the legislation and guidance, and in particular, what action and measures they are proposing to do to achieve this.

Speaker 6

Julian Boswell, for

Speaker 6

the applicant, yes, I mean, we, as I've just indicated, we have, as is explained in the statement of reasons, we have a land interest group which takes which involves a substantial percentage of the land interests involved. That method has helped to secure 78% sign up with heads of terms, which is extremely high, in my experience, I think generally, on ncips for at the heads of terms stage we are we're working up a proposal to incentivize the signature of options, which will play out during the remainder of examination, and we have had meaningful engagement with all of the different land interests, and we will continue to do that. I think the general picture on this application is a positive picture, and that is significantly better than many other DCOs, certainly at this at this stage, it's inherent in the process. We have a strong preference for breaching voluntary agreements with land in land owners land interests, because it provides a relationship, and it's more straightforward to deal with it in that context. And we, we think we are well placed broadly in relation in relation to that. So. And we have a team that both an in house team at RWE and external team at Dalton McLaren that are engaged in this full time.

Speaker 1

So what specific reassurance? Can you give me that you know that you're doing over and above what you normally do to ensure that these voluntary land agreements would be achieved within the six month period?

Well, as you know,

Speaker 1

if you if you need to go away and come back in writing, I'm happy for you to do that. But stage, we're obviously looking at what potential implications for the draft examination timetable might be. And so I just want to get a bit better understanding, given that compulsory acquisition should really be the last stop in that whole process to achieving it, seeing as you have no land agreements currently in place. Well,

Speaker 6

sorry. Julian Boswell, for the applicant, when we saw this item on this list, we were scratching our heads as to why it was there, because we felt that we were in a strong position in relation to this matter. It is getting people to actually sign binding options by the end of the examination. Is there's a highly variable experience on that, on linear projects and so I No, no developer can say at the start of the examination or the point of submission, frankly, how many binding options they will get signed. Because in the end, there are different dynamics, both commercial dynamics and wider dynamics that play out, that that affect that such that we will continue to make the serious attempts that we have to progress the different discussions that that that we are, that we having, I've mentioned just Now the incentivization, but we, we are, we are completely content, and will find further submissions as as appropriate that we have conducted this in an appropriate level, referencing the different stages that we've been at, the different evolution of of the project. And as I say, when this appeared on the list, we were wondering, what, what, what the issue was. You've obviously indicated. You've obviously got about a sense of where you're coming from, madam, from what you've what you've just said. And we will, we will reflect on that, and we can write to you in terms of what steps we are continuing to take and to give a fuller response, if that's persistence. Thank

Speaker 1

you. And this is obviously something that can be explored through compulsory acquisition hearing. But obviously I just wanted to understand this in terms of the context for the implications for the draft timetable this morning in terms of the preliminary meeting. So I'm just going to ask if anyone else wishes to comment on the implications the examination process in relation to this matter. I can't see any hands up, so I'm going to move to the next item on this agenda, Item which is matter for which was the advertising of the application for development consent, including site notices, the examining authority note from the consultation report, which is reference Appo 34 that the applicant carried out extensive pre application consultant, consultation in accordance with the requirements of section 4246 4748 and Planning Act 2008 and the XA also note that both East riding Yorkshire Council and whole city council have advised that they were satisfied that the applicant has complied with the relevant sections of the planning at that Planning Act 2008 in their duty to consult the appropriate local authorities, and their reference for both those documents is AOC oh three and AOC oh two. So Furthermore, the examining authority note that we have received a section 56 certification of compliance, which is od 07 confirming that all category one, two and three land interests have been notified of the submission of the application. For the sake of completeness, the reason that this item is on the agenda is I'd just like the applicant to provide a brief summary the practical measures that they have undertaken post acceptance, to notify the local community that the application has been submitted and that there was now an opportunity for representations to be made to the planning Inspectorate regarding the proposed development. And in particular, I'd like you to provide details of

how the application was advertised, including details on where so night site notices or if so night site notices were displayed. Thank you. Applause.

Speaker 6

Julian Boswell for the applicant, we asked in advance whether we could be told what this agenda item was about. We were told that wasn't possible. So I'm. I've understood the question for asking two things, how after acceptance, the local community had what steps we took to draw the local community's attention to the fact that it had been accepted and included within that what site notices were put up is that the question

Speaker 1

that's correct, and if you are actually struggling to provide a detailed response at this point in time, I'm happy to agree a timetable for you to submit that information in writing, if necessary, as I realize that you've only just been provided with the information as to why it was, but in the interests of fairness, we can't provide detailed briefings before a preliminary meeting to individual members as to what the content of the agenda is, because that's unfair for all other parties.

Speaker 6

Julian Boswell, for the applicant, is this a legal compliance question, or is it a going beyond legal compliance question?

Speaker 1

It's a legal compliance question. I mean, at the end of the day, the reason I've we've raised this as a concern is that when we undertook our unaccompanied site inspection, we could see no evidence of any site notices having been posted, and that, combined with a fairly low level of relevant representations we've received, we just want to make a clear audit trail that the correct consultation has been done, so that we can be confident, confident that we can move on to examination with all of that in place. So when you actually look at the relevant representations that we've received. We've only received six from what I would call non statutory parties, as in an organization or a group, and two of those are category three people. So there are actually only four people who've raised an interest or raised a concern with regards to the proposal. So I'm just wanting to it was a combination of the lack of site notices, and also the lack of responses that we receive. So I just think it's our duty to ensure that we are happy, that we when we go into examination, that we have that we're confident that the application has been displayed and advertised to the point that anyone who may have an interest has that ability to participate in the examination. I

Speaker 6

Adam, would it assist if we had a five minute break for me to see if I can get you a definitive answer to that, to give it to you now, or if there's going to be a break that we do it over the break. I I

Speaker 1

think it would probably we also need to go away and think about some things that you've said. So I think if we could, you could do that. But what I'll do is I'll just move on to the final item on this item the agenda, which is use of artificial intelligence. And then that's dealt with. And we won't need to come

back that to that. And so what we'll come back to is the response. So let's we will take an adjournment for you to go away and come back with a response on that. But let me just deal with the final item on this agenda, Item, which is the use of artificial intelligence or AI in evidence. And then I think we'll have an adjourn for both sides. So because I think we need to go away and have a think about the information that you provided with regards to the or offshore ornithology implications and the implications for the examination timetable. So if you're happy with that, I'll move on on that basis.

Speaker 6

Evening. Boswell, for the applicant, yes,

Speaker 1

thank you. So as Mr. Tandy mentioned at the start of the meeting, I'd like to take the opportunity to raise the matter of the use of AI in the production of evidence. As you may be aware, AI is technology that enables computer or other machine to exhibit a level of intelligence normally associated with humans. Recent advances mean that AI can now be used to create new content in the form of text, images, videos, audio, computer code and other types of data. It can also be used to alter or enhance existing content. In such cases, AI works by drawing on existing information used, usually from a large database or from the internet, to provide response to users prompts or requests. The examining authority understands that AI can be used to support the work of applicants and interested parties, and that this can be done by this can be done positively when it's transparently used in recognition of the potential use of AI, the planning Inspectorate has recently issued guidance and advice in relation to the use of AI. This can be found on the advice pages of the national infrastructure website. Due to the evolving capability and application of AI, this guidance will be kept under review. If you use AI to create or alter any part of your documents, information or data, which you then submit as evidence to the examination of this application, you should tell us that you've done so when you provide the material to us, you should also tell us what systems or tools you've used the. Source of the information that the AI system has based, has based its content on, and what information or material the AI has been used to create or alter, as the planning inspectorates guidance was published after this application was accepted for examination, the examining authority is requesting that if AI has been used in the production of any documents that have been submitted to date that the relevant interested party provides us with the details that I have just outlined. If I has not been used in the production of any documentation, then for completeness, I ask that you submit a statement to this effect, the examining authority requests submission of this information at deadline one, which is the eighth of November 2024, for any future submissions, and if AI is using the production and submission, then please ensure that it is accompanied by statement providing the information I outlined earlier. So can I just ask if there's anything anybody would like to raise in relation to this particular matter?

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Can't see any hands up. So, as I mentioned, in light of the comments made by the applicant in relation to the submission of additional information into the examination and the change requests, and in regards to the request from the applicant, with regards to taking some time to be able to come back on the information regarding consultation, I now propose that we take a short adjournment to allow the examining authority to consider how the information we've received might affect the next item we're due to discuss, which is item five on the draft examination timetable, and also to give the applicant time to

provide us a response on The item. With regards to consultation, Mr. Boswell, I think you've said you need about five or 10 minutes. I think the examining authority may need slightly longer. I'm just going to have a word with my Colleagues and just double check that that's the case. You

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apologies I forgot to put my microphone on. So I think that examining authority needs about 20 minutes to consider the earlier items. So that gives you a little bit longer Mr. Boswell to find an answer for me with regards to the item and consultation. So the time is now 1132 so I propose that we come back at 1152 in order that the examining authority can review item five. So for those of you who are participating the meeting can ask that you switch off your cameras and mute any open microphones during this period. If you do lose connection during this period, then you can use the original link provided for this morning's meeting and the case time. Case team will let you back into the virtual room. For those people watching the live stream, you will need to refresh your web browser page to review the started, restarted stream. So I'm now going to adjourn the preliminary meeting for the proposed dog bank South offshore wind farms until 1153 Thank you. Applause.