



Hearing Transcript

Project:	Dogger Bank South Offshore Wind Farms
Hearing:	Preliminary Meeting (PM) – Session 2
Date:	22 October 2024

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SUMMARY KEYWORDS

consultation compliance, site notices, land interests, relevant reps, examination timetable, updated information, adjournment decision, written response, examination timetable, rule 17 date, preliminary meeting, technology issues, acquisition hearing, issue-specific hearing, revised timetable

Unknown Speaker
Thank you very much,

Speaker 1

everyone. The time is now 1157 and this preliminary meeting for the proposed Dogger bank South offshore wind farm is reopened, if I can go to Mr. Boswell, who was going to come back to me on the item regarding consultation.

Speaker 2

Julian. Julian, I'd like to come back to you on two points. That's the first one. So the we are confident that we are fully compliant with the section 56 obligations. The period the section 56 period for relevant rep submissions ran from the 26th of July to the sixth of September. Our site notices were erected in 39 locations, about 20 of which were driven by unknown interests. And we deliberately had them at spaces that were less than the required, gaps that were less than the required five kilometers. And they were erected on 23rd of July. So a few days before the period started on the 26th of July, they were taken down ninth of September, few days after and sixth of September. And on the website, it indicates that your site visit was later in September, 23 sorry, 24/25 26th so those site notices had been taken down two weeks before then, because the relevant rep period had ended and in compliance with the requirements. And so in addition to that, as you will, as you know, there were eight deposit points which had limited written material, but including the section 56 notice highlighting the acceptance and of course, all of the relevant land interests would have been notified As part of Section 56 we acknowledge that there are relatively few, as you've indicated, relevant reps submitted from members of the public. We would say, however, that there had been relatively low levels of interest and engagement with this project throughout the consultation process, re application stage, and it wasn't our reaction when we saw that. We were not surprised by that. The other dynamic is that, and this will lead me on to my second point, which I'll be brief, is that we have had a very positive story overall, with land interests who might otherwise have put in relevant reps, both with the land hat on and a sort of community hat on, or local resident type hat on. And we think that that is the low level of reps that have come in on that footing is strongly consistent with that and coming on to my so I guess the conclusion is that we are confident that we are fully, fully compliant. And if, if, if we're right about when you did your

site visits, you wouldn't have seen the notices because they had been they had already taken down that stage, coming on to the second point, just to come back on the brief exchange we had around sort of first contact with land interests. I think the table you were referencing is dealing in turbulent when enter terms were first formally sent to different land interests. And I am confident that for an unrestricted end kind of discussion in the break we have had significant engagement with with all material land interests well before formal heads of terms were sent, not least in the context of the land interest group negotiating the standard form of those heads of terms. The only exceptions might be in the case of tenants, where one would always engage substantively with the landlord before then consulting with, engaging with with the tenants. So picture that somebody might picked up from our earlier exchange is a long way from from the accurate picture. We are happy to make some further submissions on that the right time to sort of give you comfort on that score. That's what that's all I wanted to say on those two points. Mel, i.

Speaker 1

Thank you very much, Mr. Boswell, that does reassure me. And I think you must be the first applicant I've ever come across that actually goes around and takes down site notices. So that would explain the lack of site notices that we saw. So I think I can feel reassured on the point with regards to consultation. And as I say, I just wanted to close that audit trail, because obviously we have a duty to try and ensure that everyone who wants to participate in the examination has the opportunity to do so, and I thank you for your update with regards to the landowner consultations. So the examining authority in our adjournment obviously had a conversation with regards to information that you provided in relation to the submissions of new and updated information. And we recognize very much that it is a very, very dynamic situation, and acknowledge that that can make life very difficult for applicants. And we also acknowledge that you're making a significant contribution to strategic situation, but that you're not actually relying on that in relation to this actual application. So whilst we do think that's very positive move, we obviously have to look at it in the terms of the application that's before us, and whether we have the information that we need to examine the application. So as I say, as a result of information that you've provided in relation to the submission of new and updated information and the response that we've received from Natural England and the RSPB The EXA, do not consider that we sorry that if we were to proceed to examine the application following the conclusion of today's Meeting, that we would have sufficient time within the examination to consider and examine this evidence fully. As a result, the examining authority have made the very difficult decision to adjourn this preliminary meeting until such time as we are happy with the information and assessments necessary to facilitate an efficient and effective examination have been provided, and that all relevant parties have had a fair opportunity to consider any updates and how they might need to respond to them. The XA therefore want to invite the applicant and others to submit a written response to today's proceedings with opinions about when sufficient information on the outstanding matters will be available such that we can reopen the preliminary meeting agree the examination timetable and commence the examination. Any responses would we think need to be made in writing to us by the 29th of October, 2024 the applicant's response could usefully include any update to the submissions of the relevant information that they provided in their pre examination response and at today's meeting, following the submission of this information, the examining authority will review and amend the draft timetable. We will then publish this information alongside a new date for the conclusion of the PM, as with the original rule six publication, there will be a pre examination deadline for the submission of written comments on the received draft

timetable, and we will aim to do this as soon as possible after we've received any responses on the 29th of October, 2024. In addition, the examining authority will further review the application documents and may choose to issue a rule 17 date letter detailing any other documents that need to be expanded, updated or amended, to ensure that when we do proceed into examination, the application documentation is as full and as up to date as possible as I'd like to take a considered responses on this matter. I'm not proposing to open this matter for a large or lengthy discussion at this time. However, in the interests of fairness, I am going to offer the applicant the opportunity for a brief response now. So Mr. Boswell, what would you like to say?

Speaker 2

Julian Boswell, well, I am shocked by your decision, madam, and that decision will reverberate around the entire offshore wind sector and beyond.

Speaker 2

What we have done is to submit an application with well advanced proposals under the different headings. We have been accepted into this process. We have an expectation that having been accepted that unless there is something pretty extraordinary that emerges or happens, that the process would proceed. There are that you made a decision as the examining authority, which has become recent practice, but only very recent practice to ask for relevant representations to be submitted in advance examination, we have responded to those relevant representations in good faith and in the normal way whereby we're providing updates to. Um As requested, and other responses. We have no control over when relevant guidance is issued by regulatory bodies. Kind of came out in March 2024 and we are responding to that by in the way that we've indicated, and so I am sitting here now completely confused as to why you're making this decision, and wanting very clearly to understand which aspects of the information that the updated information that we are proposing to submit has been problematic enough to make such a dramatic decision as I am struggling to think of a comparable case in An examination, and I think you're making a mistake. Thank

Speaker 1

you very much, Mr. Boswell, for your response. It's not as a hidden that we have taken lightly, and as can be seen from the clear audit trail of information prior to this meeting, it's something that we've sought to get as much information in advance to reassure us that we would have the information that we need within the examination time frames and be able to consider it within the examination time period. It is our decision and as under Section 89 of the Planning Act 2008 it is our decision as to how the application is to be examined. And at this stage, we don't feel that we have all of the information that we need to be able to progress into examination. What I propose to do, as I've mentioned, is to write a letter following this meeting, uh, explaining that a little bit further and enabling you then to provide you with with the information that we need in order to progress further. It may be just a minor delay, but depending on the information that we need, it may be a long delay. So the ball is very much in your court in terms of responding to that. So as I say, I think that we all need time to go, go away and digest that decision. So I'm proposing, unless anyone else who's not part of the application application team wants to comment on this decision, I'm proposing to go ahead and adjourn this meeting. Does anyone else want to say anything? I'm just going to look around the room no further. Hands up. So

what I'm proposing that we do? So I do have to apologize, I'm having problems with technology this morning.

Unknown Speaker
I just need to

Speaker 1
have to have to read this off another screen because I can't actually access it. So,

Speaker1
apologies, technology is failing us, so as a consequence of the examining authority not being able to complete the preliminary meeting today, I have to advise that this afternoon's compulsory acquisition hearing and tomorrow's issue specific hearing and outperformed postponed. The new dates for these will form part of the revised draft examination timetable which will be published before this preliminary meeting is resumed. The time is now 11 minutes past 12, and this preliminary meeting for the Dogger bank South offshore wind farm is now adjourned. Thank you. Applause.