



Hearing Transcript

Project:	Dogger Bank South Offshore Wind Farms
Hearing:	Issue Specific Hearing 1 (ISH1) – Session 1
Date:	15 January 2025

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SUMMARY KEYWORDS

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00:05

Good morning. The time is now 10am and I would like to welcome you to this first issue, specific hearing in relation to the application made by RWE renewables UK, Dogger bank South West limited and RWE renewables UK, Dogger bank South East limited for the proposed Dogger bank South offshore wind farms. Before I proceed any further, can I just check that everybody can see and hear me? If not, please. Can you raise your hand in teams? Thank you. I cannot see any hands so I'll proceed. Can I also confirm with Mrs. Hopewell that the live stream of the recording of this event has commenced? Thank you. Please. Could all participants ensure they are muted unless invited to speak, and please silence all electronic devices. My name is Claire bilo, and I am an examining inspector, a chartered scientist and a chartered Water and Environmental Manager. I'm employed by the planning inspectorate, and have been appointed by the Secretary of State to be a member of the panel of inspectors to examine this application. In this introduction, I will be going through the management of today's events and introductions, and one of my colleagues will be taking notes of any actions. I would now like to ask my colleagues to introduce themselves.

01:27

Thank you. My name is Jo Downing. I'm an examining inspector and a chartered town planner, and I've been appointed by the Secretary of State to be the lead member of the panel who will examine this application. I will be leading today's hearing on the development consent

01:43

order. Hello. My name is Helena abranski. I'm an examining inspector and a chartered town planner. I'll be leading the discussions on Agenda Item three, protected provisions. As I am joining the meeting virtually, I'll be switching off my camera. We're not directly involved in the discussions.

02:02

Good morning. My name is Laura Shawnee. I'm an examining inspector and charter town planner.

02:09

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

02:19

Thank you. I can confirm that all members of the examining authority have made a formal declaration of interest, that there are no known conflicts of interest with regard to us examining this application. Together, we form the examining authority or exa for this application. There are other colleagues from the planning Inspectorate with us today. You will have all spoken to Mrs. Hopewell, who is our case manager in the joining conference. And I would also like to mention Mr. Burney, who is the case officer for this project. Together, they are the case team. In addition, there are technicians from production 78 who are attending solely for the purpose of managing the recording and live streaming of the hearing. If you have any questions regarding the application process in general, could I ask that you please speak to the case team who will be happy to help. This meeting is being held on the Microsoft Teams platform and is being live streamed. Participants should not use the chat function and as it is not being monitored. Today, should you wish to make a comment, please switch your camera on and use the Microsoft Teams hand up function and please wait to be invited to speak. If you participate in the meeting, it is important that you understand you will be recorded and live streamed, and that the digital recording will be published. If you do not want your image to be recorded, you can switch off your camera. The planning inspectorates practice is to retain recordings for five years from the Secretary of State's decision on the development consent order to avoid the need to edit the digital recordings, we would ask that you try your best not to add information to the public record that you wish to be kept private and confidential. If you feel that personal information is necessary, please provide this in a written document that we can redact before publication. No requests have been made for any special measures or arrangements to enable participation in this hearing. But I would just like to confirm that this is correct. I cannot see any hands up if at any point in the meeting you can't hear us or wish to speak, can I ask that you turn your camera on, if it's turned off, and use the raised hand function in teams? There may be sometimes, there may be a delay before we can acknowledge this. Mrs. Hopewell, will have explained what to do if you lose your connection and we are able to adjourn for a short period. If there are any more significant connection problems, we will adjourn for a short break at a convenient point, usually no more than every hour and a half or so, if for medical or other reasons. Anyone requires a break at a specific time? Could you please let the case team know, and we can hopefully adjust the program to meet your needs for the purpose of identification and for the benefit of those who may listen to the digital recording later, could I ask that at every point in which you speak, please give your name, and if you are representing an organization or individual. Who it is that you represent. Does anybody have any questions or concerns about the technology or the general management of today's event? Cannot see any hands up. So I will proceed. Rule 14, two of the examination procedure rules requires that at the start of the hearing, the examining authority shall identify matters to be considered at the hearing. These are listed in the agenda for today's meeting, which was placed on the inspectorates website on the 17th of December, 2024 and can be found in the examination library at EV 4002, for expediency. I do not intend to repeat them now. Please note that today's agenda is for guidance only. We may add other issues for consideration as we progress.

Finally, it is important that we get the right answers to the questions that Ms Dowling and Mr. Bromski are going to ask at this stage. It is worth reiterating that this is a predominantly written process, therefore, if you cannot answer the questions that are being asked or require time to get the information requested, then rather than giving a restricted or potentially incorrect answer, please indicate that you need to respond in writing. We can then defer the response either to an action point to be submitted at deadline one, the date of which will be confirmed in our rule eight, letter, or to a written hearing, written question or later hearing. So before we move on to deal with the items detailed in the agenda, are there any questions at this stage about the procedural side of today's hearing?

07:02

No. Doing no okay.

07:06

The case team have provided me with a list of those interested and other parties who have expressed a wish to be heard today. Those persons are people representing the following organizations, the applicant and their representatives, the East Riding of Yorkshire Council and Beverly and North Holderness internal drainage board. Before I ask people to introduce themselves, can I check that I haven't inadvertently missed anyone off this list of participants? Cannot see any hands up. I'm going to now ask those of you who are participating in today's hearing to introduce yourselves to the examining authority and the people who are watching the live stream of this event. When I say your organization's name, please switch on your camera and microphone and introduce yourself, including how you would like to be referred to. For example, dr, Mrs. Ms, mister, etc. And if you are representing someone, who it is that you represent, can we start with the applicants? Please,

08:12

Good morning, madam. My name is Jen Ashwell. I'm a director at Burges salmon and appointed by the applicants. I've got various people at the table with me who might also speak. So if we start to my right and we'll run down the table,

08:27

yep, I'm Rosemary tingle

08:28

offshore, consensus manager for the applicant. Daniel bruso, offshore, consents manager for the applicants. Julian boss will partner with Burgess salmon for the applicant.

08:42

Jane Lancaster, HRA, manager for the applicant,

08:46

Mayor James solicitor at Burger salmon for the applicant.

08:55

Thank you. Could representatives from East Riding of Yorkshire Council now introduce themselves. Please.

09:08

Good morning. It's Graham Farley, representing East Yorkshire of Council, sorry, East Riding of Yorkshire Council. I'm a principal planning officer with the council, and I will be representing, or speaking as a representative of the local planning authority.

09:25

Thank you. And finally, could those from Beverly and North Holderness, internal drainage board introduce themselves? Please.

09:35

Good morning, everybody. My name is Bill Simons. I am the clerk to the Beverly and North holders internal drainage board. I'm also a chartered civil engineer. Please call me Bill Simons,

09:52

thank you. Is there anyone else who is expecting to participate in this hearing who has not introduced themselves? Duncan, thank you. I am now going to pass over to Ms Dowling, who will deal with the next item on the agenda.

10:13

Thank you. For the purpose of this morning's discussions, I'm proposing to use the version of the draft development consent order or DCO as 120 that was submitted by the applicant on the seventh of December 2024. Firstly, I'd like to thank the applicant for undertaking the majority of the amendments to the draft development consent order that was suggested in the EXA supplemental agenda for the issue specific hearing that should have been held in October 2024 but there was canceled due to the adjournment to the permanent preliminary meeting. Can I just confirm that everyone has access to the draft DCO? As I was not proposing to share the document on screen, as when we've tested this, the font size and density of text mean it's incredibly difficult to read because anyone can't access the DCO. Can they just raise their hand? Okay, and then I'm going to continue the issues that need to be examined as part of an application for development consent often need to be considered in multiple different ways, and the drafting of the development consent order is an example of a hearing where issues overlap. For example, mitigation or controls proposed through the DCO may or may not address concerns raised in relation to such matters as biodiversity, design, flooding or construction management matters. However, the main discussion on such matters will take place this afternoon and tomorrow at the issue specific hearing two on the scope of the proposed development, including construction activities. What we're focusing on this morning is not what mitigation may be required, but if it is required, how it would be secured, and would the DCO as drafted, deliver it? I therefore ask you to bear this in mind, as it may be more appropriate that the points that you wish to raise or the question you're expecting me to ask would be made at the issue specific hearing later today or tomorrow, the marine management organization provided a substantial number of comments on the drafting of the DCO in their relevant report, number 30, which the applicants responded to in PDA 013, as we are expecting comments from the MMO on the applicant's response to their comments at deadline, one I was not

proposing today to ask any questions in regard to the issues raised by them, unless there is a specific clarification or question that the examining authority wished to ask. Finally, as you will be aware, regardless of our recommendation, the Secretary of State to the Secretary of State, the examining authority will need to include a recommended DCO as part of its report. I'd therefore like to take this opportunity to reassure those attending today that any discussion we have is on a without prejudice basis, and that the XA has yet to reach conclusion on what its recommendation will be. So before I begin the questions, does anyone have any questions back points I just raised note, and I'm going to move on to Item three articles and schedules of the draft DCO, excluding schedules one, 210, 1112, 1314, and 18, as per the agenda. If I can just start by asking the applicant to provide us with a brief walk through of each of the parts of the draft development consent order to provide us with an understanding of the power sort and provide the context for today's discussion. I am aware that the agenda currently splits this between this Item and Item four, but given the attendance today, I consider it probably more efficient use of examination time if we cover the draft DCO as a whole. Now, at the start of the hearing, can I just check with the applicants that they would have be happy to do this?

13:51

Jenna, what's the applicants? Yes, that's fine.

13:55

Furthermore, given we have no members of the public attending today, if you want to, this can be fairly light touch, high level. And if you want to, you can submit the full script that you were proposing to deliver at deadline one to do, to deliver at deadline one, you're more more than welcome to do that. But if I can hand over to you, if you can give us that brief walk through, that would be great. Thank you.

14:18

And as well, for the applicants, thank you. I'll try and keep it brief, although, as you can imagine, with a 260 page document, it might go on for longer than we all want. So the order would authorize the construction operation and decommissioning of two offshore wind generating stations, Dogger bank south east and Dogger bank south west, together with the associated grid connection. There are therefore two undertakers in the DCO, RWE renewables, UK dog banks South East limited and RWE renewables, UK dog bank South West limited, a single application allows for consistency across the projects on the approach to these assessments, consultation and examination, separate demarine License. Are provided for in the order to allow each project to retain rights to their own particular assets. Should ownership of each project change, the order is largely based on the model provisions set out in schedule one to the infrastructure planning provisions England and Wales order 2009 as well as relevant precedents. The form of the order has had regard to recent comparable precedent orders including Sheringham and Duncan extension, Hornsey four, Norfolk, Boreas, Norfolk, Vanguard east, Anglia one, North East. Anglia two and Hornsey three. Part One of the order includes the relevant citation and Commencement as well as the interpretation article, including a list of defined terms. Part Two includes the principal powers needed to construct, operate and maintain the authorized development it also includes provisions which govern the transfer of the benefit of the order authorizes the DIS application and modification of certain legislative provisions in accordance with the Planning Act 2008 ambition to reduce the number of other consents needed alongside a DCO, or where these would conflict with the object of the DCO and contains provisions relating to statutory nuisance. Part

Three allows the undertakers to carry out certain street works which would otherwise require authorization under the new roads and street Works Act 1991. It also allows for the temporary closure, restriction, alternate alteration or diversion of streets, the temporary stopping up or permanent diversion of public rights of way and the creation of works accesses. This part of the DCO also authorizes the temporary use of private roads within the order limits. Part three must be read alongside schedules 3, 4, 5, and six, which include details of the relevant streets, public rights of way and accesses. Part four includes supplemental powers for the undertakers to discharge water into existing water courses, drains and public sewers. It also allows for protective work to buildings to be carried out. It includes powers to survey and investigate land and deals with removal of any human remains. Five authorizes the compulsory acquisition of land and rights, as well as the creation of new rights and restrictive covenants over land within the order limits, as well as temporary possession of land for construction and maintenance. This part also makes a number of amendments to compulsory acquisition legislation to allow it to function for the DCO, and allows the undertakers to extinguish the rights of statutory undertakers and remove and reposition that granted subject to unit protective provisions. Part six of the DCO authorizes the undertakers to operate and use the authorized projects, although makes clear that other consents may be required, such as under the Electricity Act. Article 35 grants the five de marine licenses included at schedules 10 to 14 of the DCO, each project has one de marine license for the generation assets and one for the transmission assets. And the fifth marine license relates to cabling, interlinking the two projects. Part Seven includes miscellaneous and general articles, including in relation to landlord and tenant law, operational land works affecting trees and hedgerows, certain saving provisions for Trinity house and crime rights. This part also deals with certification of plans and abatement of works. It includes provisions relating to funding. Applies to protected provisions deals with service of notices and arbitration provisions relating to the requirements HRA compensation, inconsistent planning permissions and no double recovery are also included in this part. Sorry, I'm just turning on in my notes to schedule one so that we're following the same order as the order itself. Part One of schedule one specifies the authorized development and associated development, which is described in detail in the project description, Chapter of the ES by reference to numbered works and the onshore and offshore works plans, in recognition of the fact that the DBS East project and the DBS West project are owned by separate companies. And in order to provide sufficient flexibility to the way in which the two projects can be constructed, the order provides for the authorized projects to be delivered in any one of the following ways. First, the construction of the DBS East project only where the DBS West project does not proceed to construction. Secondly, the construction of the DBS West project only where the DBS East project does not proceed to construction. Thirdly, sequential, construction of the DBS East project, then the DBS West project, where construction on either project could commence first, but with overlapping construction. And this is the scenario where the first project would install cable trucks for the second project, or vice versa. And fourthly, the concurrent construction of the two projects, the numbered works have been separated out between. The two nsips, which broadly follows the approach by the DCOs, including Steppend, Teesside, Amb Creakbeck and Hornsey, two that have authorized more than one offshore generating station, NCIP within the same order. Work numbers one a to 34 A are the works for which PBS East only has development consent and compulsory acquisition powers. Work numbers 1b, 230, 4b are the works for which DBS West only has development consent, compulsory acquisition powers. Part One of schedule one also authorizes further associated development in connection with the offshore and intertidal works and the onshore works. The order also authorizes ancillary works within the order limits which are set out in part two of

schedule one. These are works that do not constitute development, but are required to facilitate the construction of the authorized development. Going back to schedule two, this includes the requirements which control the construction and use of the development a process for approving details under the requirements is also set out in part two of this schedule. Schedules 3, 4, 5, and six include details of the relevant streets, public rights of way and accesses that are subject to the powers contained in part three of the order. Schedule seven lists the plots of land within which the undertaker may only acquire rights and cannot acquire ownership. Schedule eight modifies existing compensation legislation, including the Land Compensation Act 1973 and the 1965 act to provide for the acquisition of rights and imposition of restrictive covenants, as well as acquisition of ownership of the land. Schedule nine lists the plots of land which the undertaker may only, may only take temporary possession of and cannot acquire rights or ownership with sand. Schedules 10 to 14 include the five demerine licenses. There are two licenses for each project, a generation license and a transmission license and a shared transmission license for the cabling interlinking the G projects, the de marine licenses are subject to a number of conditions which are set out within each of the schedules. Schedule 15 sets out a number of protective provisions for various bodies to ensure that the powers set in the order are exercised appropriately. Schedule 16 provides an arbitration process to be followed where the arbitration article needs to be relied upon. Schedule 17 sets out those hedgerows and important hedgerows to be removed for the purposes of carrying out the authorized development. Schedule 18 supports compensation measures pursuant to the habitat regulations. Should the Secretary of State conclude that such measures are necessary? The schedule is separated into three parts, covering compensation measures to address potential impacts to the Dogger bank and the kerry wake feature of the Flamborough and Fauci Coast SPA and the Gila mock feature of the same SPA. Part Three also includes, without prejudice, measures for raise bill. Schedule 19 sets out the various application plans of documents to be certified by the Secretary of State as true copies of those documents following the making of the order.

23:13

Thank you very much. That was very helpful. Could you, as an action point, submit a copy of that script? If you wouldn't mind? Yes, that's fine, madam. Okay, lovely. So I'm going to move on. I've got various questions regarding the articles, so I'd like to start with Article Two, which is interpretation. Article Two contains a definition for authorized development and authorized project. The authorized development is defined as development is defined as development and associated development, and the authorized project is defined as authorized development and ancillary works. Can I just ask? Why are two definitions needed, and what is the difference between the two?

23:59

Then, as well for the applicants, the authorized project definition is used to include everything within part one of schedule one, and also everything within I'm just trying to part two, which is the ancillary works. And the reason for having the two separate terms is that authorized development, sorry, the authorized project, may not trigger some of the requirements and conditions in the same way that the commencement of the authorized development were to say that's the reason for distinguishing between the two. Thank

24:46

you very much. That's a very helpful clarification, whilst not mentioned on the agenda this morning, I'm just going to very briefly touch on Article Six, because Beverly and North Holderness internal drainage board are attending today. So. And I noticed in their submission, which is as 123, they raised a query regarding the disapplication of section section 20 3b of the land drainage act. And the query was whether actually it should be for the whole of Section 23 I don't know if the applicant can provide a response now, or whether they're proposing to respond in writing to that at deadline one, when they respond to the written response submitted by the internal drainage board.

25:27

And as well, for the applicants, we're happy to respond in writing at deadline one, but I can also answer now the reference to Section 20 3b, the B is actually a footnote. It's a reference to a footnote. So it's not a reference to Section 20 3b of the planned drainage act. It's a reference to Section 23 and then the B links to a footnote within the DCA. So I can, I can understand the confusion. But just to clarify that point,

25:59

thank you. I don't know if Mr. Simmons, who's representing the draining board, wants to come in at this point. On that point, does that help? Can you just confirm, if that helps clarify the matter

26:11

for you? Yeah, yes, it certainly does. I mean, there's a draft response being prepared to that that's in hand by the applicant that will come through, but certainly that does clarify that issue.

26:25

Thank you very much. Mr. Simmons, I'm now going to move to Article 71 which is the defense to proceeding in respect of statutory nuisance as drafted. You're seeking to exempt the undertaker from prosecution for a number of nuisances defined in the Environmental Protection Act 1990 and the particular ones that you want carved out are D, which relates to dust, Steam, smell or other effluvia arising on an industrial trade or business premises and being prejudicial to health, or nuisance FB, which is artificial light emitted from premises so as to be prejudicial to health or nuisance. G, which is noise emitted from the premises as to be prejudicial to health or a nuisance, and GA, which is noise that is prejudicial to health or a nuisance and is emitted from or caused by vehicle, machinery or equipment in the street. Could you just provide me with some further detail as to why you are seeking to exempt D, F, B and GA. Again, I realize this is quite a detailed question. You may want to come back to me in

27:30

writing and as well for the applicants, if it's okay with you, madam, we will come back on that point in writing, just because I don't have the relevant provisions in front of me at the moment, but we have made donated them.

27:41

That's no problem. If we can note that as an action point, I'd be grateful. I'd then like to move on to article 10 six, which is temporary closure of streets. I'm aware that in a number of recent orders, the

Secretary of State has added the wording as if it were a dispute to the drafting. Does the applicant want to comment on this, and should the drafting be amended to include it?

28:09

Don't ask the applicants. Are you able to explain where in the wording that that? Yes, yeah. So

28:15

it would be any person who suffers loss by the suspension of any private, right of way under this article, is entitled to compensation to be determined, and this is where it's inserted in the case if dispute, as if it were in a dispute. Sorry, it's a mouthful. Under Part One of the 1961 act determination of questions of disputed compensation. As I say, it's just something we've picked up from recent development consent orders that have been made. We'd

28:46

be happy to add that in. I don't think it makes any material difference to No,

28:52

it's fine again, obviously, what we would like to do is, if we are recommending to the Secretary of State to make the order that there's little amendments that need to be done by the Secretary of State. So I was just picking it up, as I say, because it's something that we've picked up from other recent orders. So if that can be an action point that the DCO can be amended to include that wording, I'd be grateful. The next article I want to touch on, am I going to clump them together? Because it's the same issue. So whilst they're quite different, articles, it's in relation to the same issue. So it's articles 11, which is closure and diversions of public rights of way. Article 13, which is access to works, and article 16, discharge of water. And this is really a question for East Riding of Yorkshire Council and possibly the internal drainage board, and would have also been aimed at the Environment Agency and the lead local flood authority if they had been here today, as drafted, all of these articles include sub paragraph that would confirm confer deemed consent in relation to the discharge of details if the discharging authority fails to notify the under. Take over decision within 20 days, 28 days of the submission of an application, just because I'm aware of it from other hearings and other examinations, I just want to check with the council and the drainage board, if is 28 days, a sufficient amount of time for you to determine and discharge a condition or requirement, and if not, what would be so if I can maybe go to Mr. Varley first for East Riding of Yorkshire Council,

30:32

it's Graham Valley for East Riding of Yorkshire Council, I may if I can come back with a written response to that. Initial thoughts are that 28 days would not be sufficient for those matters, but it's something I would like to take further advice on and come back with a written response. If I can, if I can, please,

30:53

that's no problem. Mr. Varley, if we can note that as a an action point, and then also I can offer Mr. Simmons same if he wants to respond on whether 28 days is sufficient amount of time to deal with a discharge of requirement or discharge of condition request.

31:08

Yeah, it's Bill Simons, anything that relates to our consenting we aim to be able to achieve it in about 28 days or less.

31:21

Thank you. That's no problem. If it helps. Mr. Varley, I note that from the development consent order for Hornsey four, East Riding of Yorkshire Council, in that instance, asked for 50 to 56 days as a sufficient amount of time to discharge the requirement, if I can also make it as an action point for the Environment Agency and the lead local flood authority, who are obviously not here today, as I'd be interested to hear their comments as to whether or not they think 28 days is a sufficient amount of time for them to deal with matters. I'm just going to give the applicants an opportunity to respond on that point. If there's anything else they want to raise,

32:02

then as well for the applicants, we haven't been aware that any interested parties had raised this as an issue previously, and 20 days is precedented in other DCOs, but very happy to take any comments on board from any of those interested parties. So I

32:19

think what we probably need to do with this issue is wait for the written responses and then obviously review it in terms of whether or not the development consent order needs to be amended, or whether you want to provide a written response verifying why you need the 28 days. Thank you. So I'm now going to move on to Article 19, which is a remove, removal of human remains, whilst I note the response that provided by the applicant in ASO 39 which was our supplemental agenda where we raised the point about whether or not this article needed to be included, I'd just like to ask the applicant to possibly reconsider the need to include this article in light of a number of recent orders where, in an effort to streamline the drafting of development consent orders, the Secretary of State has removed similar articles. Or could they provide me with further detailed explanation as to why, in this case, such an article is necessary, given that it could possibly be dealt with by amending, expanding the written scheme of investigation for archeological remains, which is required under requirement 18 onshore ecology. So if I can just pass back to the applicant to maybe briefly respond on this

33:26

and as well, for the applicants we have, as you are and have mentioned already put in a response to this point, this article is included on a precautionary basis. The applicant isn't aware of any burial grounds within the onshore order limits, but it would in line with the spirit of the Planning Act 2008 just streamline the process. Should human remains be discovered, it would mean that an additional consent would not need to be separately sought from the Secretary of State. But the applicants are very aware that the Secretary of State appears to have taken a dislike to this particular article and has been removing it from recent DCOs.

34:11

So if you want to retain it within the DCO, I'm probably going to need a little bit more evidence as to why in this case, it's needed. And I know a note that you mentioned, it's on a precautionary basis, but I think, as I mentioned in the supplemental agenda, obviously Hornsey four, which is in a similar location, didn't see the need to have such an article in there. So anything that you can give me if you're wanting it to be retained in the DCO would be helpful to enable me to report back to the Secretary of State as to why in this instance, such an article is required. So again, I really, if you can provide something in writing at deadline one, that would be helpful. Thank you.

34:50

That's fine. Thank you, madam.

34:55

So I'm going to move on to Article 50, which is inconsistent Planning Commission. And in light of the hillside judgment, I'm aware of the inclusion of a number of similar articles on other made and draft development consent orders. But given that the landfall and cable route go through mainly agricultural land, can I just ask the applicants why such an article is they consider such an article as necessary for this application

35:18

and as well for the applicants. And the reason that it's considered necessary is because the applicants are aware that there's potential for overlap with certain other onshore developments. These include Dogger Bank A and B, the proposed Burke Hillwood National Grid substation horns for Dogger bank D, the North Humber to highman National Grid upgrade and Pear Tree Hill solar farm. So that's the reason for including this article is because we are aware that there may be an overlap with other planning commissions.

35:52

Thank you very much for providing that clarification. That's very helpful. So I'm just going to conclude on this section on the articles by asking those presents whether there are any other articles that should be included in the draft DCO that are currently not included, this is mainly, I suppose, directed towards east Riding of Yorkshire Council. Again, Mr. Varley, I recognize this may be something that you want to take away and come back on in

36:25

writing. Yes, again, if I can come back in writing, please. So

36:28

if you can note that as an action point for Mr. Varley, but also if I can make that an action point for those that are not attending that, but who will be watching the livestream. You are aware, obviously, that there are a number of organizations who said they're not intending to attend these hearings, but we'll be looking at these live streams. So again, as an action point, if there are any articles that people consider missing from the draft development consent order, if they could let us know at deadline one, I'd be most grateful. So before I move on to requirements and conditions, I just want to ask if there's anything else that anyone wants to raise in relation to articles. Can't see any hands raised, so I'm going to move on to

Item four of the agenda, which is schedules one, 210, 1112, 13 and 14, which are requirements and conditions? Going to deal first with schedule one works, then two, which is requirements, and then 10 to 14, which are conditions. I've got some good news and some bad news. So since publishing the agenda, I've reviewed and refined matters that have been examined. Recognized that the responses being sought would maybe need to come from an interest party who's not attending today or recognize that the matter would be best asked and answered in writing. So I'm therefore proposing not to ask questions in relation to a number of requirements or conditions that were listed in the agenda. And these are requirements 32 and 34 conditions five, 910, 14 and 15. But I just want to check first of all, if there's anything the applicants wanted to raise orally in relation to these conditions or requirements.

38:12

Oh, imagine. Would you mind just repeating those? Yes,

38:14

I'm proposing not to ask questions orally today, although obviously I may ask them subsequently in writing on requirements, 3234 and conditions, five, 910, 14 and 15. And it's just, I obviously wanted to, obviously they were scheduled to be discussed. I just, I would therefore want to give you the opportunity, if there is anything you want to raise in relation to them orally. Now,

38:55

Jen, I talk to the applicants. No, I don't think so, madam.

39:00

Thank you. So that was the good news. So conversely, the bad news. Having reviewed the questions that have risen out of preparing for issue specific hearing too, we've decided that a number of them are potentially better asked here. And so we do have some questions in relation to requirements and requirements that are not specifically listed in the agenda currently. So I'm proposing to ask some questions in relation to requirements 919, and 22 obviously you wouldn't have been able to prepare for those. But again, I just want to check with the applicants. First of all, that that's okay, that we do include some discussion on those

39:35

and as well for the applicants, yes, we'll do our best to help you with those, madam. Thank

39:39

you. I do recognize that obviously, because you haven't had the opportunity to prep, you may need to just defer to a written response. So that concludes my preamble in relation to these schedules. So I'm going to deal firstly with schedule one, and this is a question for the applicant, as currently drafted, the proposed output is not. Included within the works description for either works number one A and 1b It's a. It just simply refers to up to 200 wind turbine generators. I'd just like to know why the outputs not included, and if it continues as drafted, how is the minimum output secured? And how can the Secretary of State be satisfied that the proposed development would deliver the output indicated in the application.

40:31

Julian Boswell, for the applicant, as you may know, madam, it used to be the practice that outputs were included in offshore wind DCOs, and there's been a very firm move way from that in in all orders. I can't remember which was the first not to do it. And I think the core reason for doing that in the context of DCO drafting was that the there were, there were too many examples of applicants needing to come back and amend that and have to go through the non material amendment change process, which was laborious and had uncertain timing attached to it. And so there became the practice that we, that we now have, of not putting in a a capacity or maximum capacity. I think, I guess that begs the question, which is, what the sort of second part of your question is? Well, how big is this scheme, or any scheme, and the See, there has to be a judgment made that we and other projects have made in terms of way that we've estimated benefits most schemes are. I mean, in practice, as you know, under the planning regime, you're not obliged to build out the full extent to what you have consent for. There is a strong commercial incentive generally, to build out the maximum, which is why developers have gone to the trouble of consenting what they've consented. There is a maximum under the agreement for lease with the crown, for what it's worth. But that can also that could change. So I think that in terms of, I'll come we'll come back in writing on the specifics of how we've addressed the capacity in terms of the estimate of benefits, but in terms of understanding why projects sort of no longer have it on the face of the DCO, We're very keen to maintain this as it's been, been principally driven, I think, by an administrative pragmatism. Most projects are built out in full. There are some examples of projects being built out to less than the maximum capacity that is theoretically available.

43:22

Thank you for that. If you could, in that response, provide me with some of those examples that you've alluded to, because obviously I've also gone and had a look at some orders for DCOs. And I note that, for example, on both Hornsea four, which obviously is a little bit more dated now, and but also the sharingham and Dudgeon DCO, the output is included in the description of works. So if you could just give me some of those examples where it's no longer included, that would be helpful, again, in understanding and making the case for the DCO as drafted. Yes, okay, just a very minor point, but given we are discussing part one, schedule one at the moment, actually, the preamble to where the works are listed refers to the development being to the east of the East rider of your East Riding of Yorkshire Council coast. Given the coastline is approximately 85 kilometers long, this isn't actually very specific, and I just wonder if we can potentially improve the drafting of that. I note that, for example, in Hornsey four, it's more tightly defined by saying that the proposed development was 69 kilometers due east of flambra head at its closest point. So I realized that obviously it's very much dependent on how that is on shore. But if you could review that for me and just see if there's some way we can just tighten up that wording, I'd be grateful. So could you take that away as an action point, please, and

44:48

as well for the applicants, yes, that's fine, madam.

44:52

The next point I'd like to raise is I'd just like some clarification. Maybe me I do admit I do get confused. Occasionally, but it's to do with works numbers 25 A and work number 26 A, the drafting of which look absolutely identical. They're both for the construction of electrical converter station for the DBS East

project. I'm wondering if one of and then if I look at works number 2020, if I look in the works numbers for the B application, I note that there's no work number 20 5b Could you just possibly explain what's going on? Because it would look, under one scheme that you can build two converter stations, and under another scheme you can't build any convert stations,

45:48

and as well for the applicant, sorry, I'm just trying to find the relevant part my Name,

45:58

it's page 47 of the DCO that we're using. And as I say, work number 25 a start construction of electrical converter station infrastructure for the DBS East project, including. And then goes on to list the works. And then work number 26 A says construction of electrical converter station infrastructure for the DBS East project, including. And then it includes identical wording. And then if I go to the same place in the B works, I notice that there's no work number 20 5b it jumps from work number 20 4b to work number 20 6b

46:32

Thank you, madam. So the reason for this is linked to requirement eight. Say that it's to ensure that only the Eastern converter station is built if only the DBS East project is taken forward. So requirement eight prevents the DBS East onshore works from commencing until notification has been submitted to the relevant planning authority as to whether DBS West intends to commence development of the DBS West project. If the notification gives notice that DBS West does not intend to commence development, then DBS East is authorized only to build the Eastern converter station, which is work number 26 A, and must not build the Western converter station, which is work number 25 A, as the Western onshore converter station will not be built if the DBS West project is built in isolation. There is no work number 20 5b that's the reason why the two work numbers are identical. It's because they are the same, essentially the same work, but in a different location within that onshore substation footprint. Does that answer the question, madam, I

47:43

I think it does. As I say, I was just, I was seeking an explanation, because I'm a little confused so. But there is, then, therefore, technically, no electrical converter station for DBS West, because there is no named converter station in the works. Would that be correct? Because they're both down for the DBS East project.

48:08

Jen, out of the applicants work number 20 6b is the electrical converter station for the DBS West project.

48:16

Okay, as I say, Thank you for the clarification. As I say, it was a little confusing to me. Just to understand what's going on there. I'd like to move on to works number 29 A, which refers to permanent landscaping for screening of converter stations, comprising enhancement and management of Asian ancient woodland and local wildlife site, and works to facilitate these landscaping works, including a

construction of temporary haul roads and be temporary construction working areas and lay down areas. I just want to check as currently drafting, would this technically allow for construction of haul road and temporary construction area, areas in areas of ancient woodland? I

49:16

Nashville for the applicants, it's not the intention for any temporary haul roads or construction working areas to be located within the ancient woodland, but we're happy to take that away and and review that wording to see if we can tighten that up, to make that clearer. I

49:33

think that would be helpful. It definitely reassure us that the ancient woodland isn't going to get potentially affected by construction works and then just on that point, and you probably again, will want to take it away. Could you just clarify what you mean by enhancement of ancient woodland in regards to works number 29 a and again, that may be something that might have to come back to it this afternoon's issue specific hearing too, where you have the landscaping experts. So again, just bear that in mind when you're thinking. How you want to respond as

50:02

well for the applicants, I think tomorrow, with the onshore topics, might be the most appropriate place to discuss that. If that's okay with you, madam,

50:16

yes, that's fine. Thank you. So we'll roll that over to being picked up at issue specific hearing to just, I'm having a slight technical problem. I just had a message saying My battery is running low, but I did think I was plugged in. If I lose Screen power, I'll let you know. I'll soldier on. With regards to further associated development, I would just like to raise a query with regard to i, which is work for the benefit or protection of land affected by the proposed development, this seems very wide, and I just want to know why is this necessary, and what controls there are in place to restrict this In any way,

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apologies matter in which further associated development is at the onshore

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it's sorry, apologies. My eye

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says works toward to the course of or otherwise interfere with non

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navigable maybe, maybe it's L. Then have a look at L

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works for the benefit or protection of land affected by the authorized project that

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hang on a second.

51:34

Yeah, yes, it's our works for the benefit or protection of the land affected by the authorized development. That's quite a wide description, really

51:44

for the applicant, yes, and I think it's purposely wide, just to capture anything that's not already specifically listed within that and is, I believe, precedented. We can give you some examples of other DCA where that wording has been accepted by the Secretary of State. If that would assist you,

52:03

that would be helpful. Because, as I say, it's just, I understand that obviously the way you intend to use it and the way you might use it might be two very different things. It's just a concern that obviously, currently, as drafted, it is quite wide, and so potentially, there could be quite a lot of things done under that which may or may not be acceptable. So it's just, again, just again, just having that reassurance would be great. So if you can provide a written response and just provide a bit more detail and some examples of precedent, that would be helpful. So is there anything else anyone wants to raise in relation to schedule two part one, which is the works, because if not, I'll move on to requirements. So moving on to requirements. The first requirement I'd like to discuss is requirement one, which is time limits. At the moment, you're requesting seven years. And I just want to know, have a little bit more detail as to why you've chosen seven years, given the critical national need and the fact that in recent orders, the Secretary of State has been reducing the time limits. Could you just provide, as I say, some further detail as to why in this instance, seven years is an appropriate time frame, then I

53:16

should ask for the applicant. Yes, certainly. So this follows the approach that has been taken in other recent offshore wind farms, including feet out AMB, one to three, one to four and Sheringham. And judging it's considered appropriate, because we have two separate generating stations, two separate projects within one DCA, and given the combined nature and scale of the two projects and the need to secure separate contract difference for those projects, which I'm sure you'll be aware, madam, is a process that is, you know, it's out of the applicant's control to a certain extent in terms of when those CFDs would be awarded. There's also obviously separate financing that each project has to go through. They are complex and complicated projects, and I think the Secretary of State has acknowledged that seven years is an appropriate length of time within their decisions on other similar projects,

54:14

yes, but I'm talking about in light of recent decisions where they've obviously applicants requested seven and it's been pulled back to five, and it goes back to the obviously, MPs en one and critical national need argument with regards to delivering this infrastructure, and the fact that it needs to be delivered quickly, and therefore should be delivered within the five year time frame, rather than seven year time frame. So I understand what you're saying about that this is complicated in its two offshore

wind farms, but it's only an implementation. So even if you started construction of one, then the consent just last with a planning permission would then be open for you to build out two. Is there any reason why five years would not be reasonable? In this instance, don't ask

54:58

for the applicants about. I just wondered if you're able to just say that we can take them away, give the examples of the recent consents where it has been reduced from seven to five.

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I can provide that in the action points, if that's helpful, rather than take the time

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there. We're just conscious that the most recent offshore wind farm to be granted was sharing them in Dutch, where seven years was permitted by the Secretary of State as being sufficient,

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a Welly Moore has been consented hosts showing him in Dudgeon. As far as I'm far as I'm aware, may be wrong. They may or they may have been at a very similar time, but I thought a Welly Moore came out after sharing them and Duncan

55:44

madam, we acted on both of those projects, and sharing them is the most recent decision. Well,

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thank you for that clarification. The benefit of your experience. If I can just move on, then to requirement eight, which is phases of the authorized development. Can I just clarify because it's currently as drafted, it obviously only refers to dog bank south east. Is it the case? If only one offshore wind farm were to be built out, it would be the East one. You don't want to have the option of possibly having the ability to build out the West one by itself and

56:31

ashwa for the applicants, I don't think that's the intention of the drafting of requirement eight. The requirement provides that each project must provide its own phasing plan prior to commencement, and then I've already explained the situation with respect to the onshore substation, I

57:03

Okay, thank you for that clarification. If I can then move on to,

57:20

can then move on to requirement nine, which is detailed design parameters. I know it's not in the agenda for today, but happening for this meetings. I just have a query again. It's just in terms of drafting. There's nothing technically wrong with the requirement, but requirement nine, I just wondered why six and seven were included in this and they weren't a separate requirement in their own right. It was

57:56

just a suggestion in terms of improving drafting and making it more we always look at these things in the perspective of the person trying to discharge them at the other end of the process. And I just wonder if it would be easier if that was carved out as a separate requirement,

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and as well for the applicants, we could potentially do that the access road to the onshore substation, sort of felt to us like it neatly fitted in with the other description of the layout and everything of the substation, which is why we have originally included it within that particular requirement.

58:33

As I say, there's nothing wrong with the drafting. It's fine, and obviously it delivers what you're wanting it to deliver. It's just, as I say, when we look at development consent orders, what we often look at them from is, you know, in if consent is granted in two, three years time, somebody in East Riding of Yorkshire Council trying to discharge these requirements and enabling them to navigate their way around the document in the easiest way possible. And sometimes it can be quite difficult to pick up on what we think is going to happen now and make sure that that's delivered in sort of three years time when none of the people in this room today are dealing with a project anymore. So as I say, it was just, I don't have a problem with it. It's just whether or not you want to potentially consider it as a separate requirement. But if you could just take away that away and have a think about it and let us know what you want to do. As I say, there's nothing wrong with the drafting in itself and

59:20

Ashraf the actions. Yes, we'll take that away, Magda, and consider whether it would be helpful to separate that out.

59:29

Thank you. So with regards to requirement 11, implement implementation of landscaping. This, I recognize may be a question which might be best dealt with at issue specific hearing too, but I just want to raise it here as it does affect drafting, and it's regarding the concerns around sensitivities, around screening of the converter station, and note that in Hornsey four, there were similar concerns with that requirement that required the submission of a separate landscaping maintenance plan. For those works and that the landscaping around the substation was maintained until the works were decommissioned. This is not proposed here, and I'm just wondering why

1:00:14

done out well for the applicants. So the outline landscape management plan, which is as 096 does include reference to the longer term management of the substation zone planting. And the applicants would be happy to update the DCA drafting to make it clear that this particular planting would be maintained for a longer period.

1:00:37

I think that would be incredibly helpful. And again, it goes back to sort of enabling people post decision to navigate their way around the document to know what's meant to be happening. I've unfortunately, my computer has died. Now, I was going to ask Ms premsky If there's anything she wanted to come in on this matter and or whether it's just something that's going to be picked up at issue specific hearing to tomorrow.

1:01:04

Yeah, I just wondered if the applicants, when they say, longer term, what? What can they be more definitive, would they be able to commit to either decommissioning or up until that point at which it's removed?

1:01:21

Jen ash, well, for the Appian, we're happy to consider the precise wording, but the commitment would essentially be for the planting to be maintained up until the point that the substation is decommissioned. I think that

1:01:33

that it's important to be able to clarify that, because longer term is quite ambiguous in terms of its precision

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as well. Natural therapy. Yes, that's fine. We'll look at the precise working but understood the point. Okay.

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Thank you very much. That's all I had. Thank you.

1:01:52

Thank you. I'm now going to move on to requirement 19, which is the code of construction practice, and it's potentially a matter rising from the onshore water and white environment matter that's going to be discussed under item 11 at issue specific hearing two, we just noted that following the removal of temporary culverts or temporary bridges and their abutments, the bed and banks would be reinstated to their former condition. The principal contractors were required to take photographs of the river banks and beds pre and post construction to ensure appropriate reinstatement and the outline, and this is dealt with in the outline code of construction practice, which is ASO 94 Appendix D, paragraph 39 I'm just wondering, and this is possibly a question for the internal drainage board, given that they're actually here and possibly East Riding of Yorkshire Council in their role as the lead local flood authority, is, should that reinstatement, those reinstatement works, be approved by a regulatory body? So I don't know if Mr. Simmons or Mr. Varley want to add anything on this, or if they want to take it away and possibly come back in writing. Mr. Simmons,

1:03:02

yeah, Bill Simon's, Beverly, north, oldest internal drainage board consent normally would be sought and given on on remediation. It is a topic of concern, and I think it probably is an idea to have further correspondence on if that that's appropriate.

1:03:24

So you would like some kind of posts when, when they come to do these works, you would like some kind of involvement in making sure that what's being proposed is acceptable through the discharge requirement. Yeah,

1:03:35

yes, certainly that would be useful. But obviously we can look at this further in the protected provisions that we're working on as well.

1:03:46

Again, this may be something worthwhile raising. We can come back to when we come to Item three on this agenda, which protected provisions? If I can come to Mr. Varley now, is there anything that you'd like to raise with regards to discharging these requirements?

1:03:59

Grand Valley East Road in council. Again, it's one which I would need to go back and take advice on. I believe that there may be or we would need to find out if the other regulatory bodies, other than the holding us drainage board, that may need to be involved in this as well. So I'd like to take a further address and come back. If I can, I know

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the environment agency may well be interested in this. If I could just come to the applicants, maybe you can confirm if this would be secured by requirement 19 as currently drafted, or whether requirement 19 would need to be amended to address this as

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well to the applicants. I don't think we would necessarily amend requirement 19, madam, it may be that the outline code of construction practice is updated to make this clear, or we could potentially amend requirement 25 which deals with very. Restoration of land use during construction to make it clear that where the restoration of that land relates to a water course that the relevant planning authority would need to consult with the relevant regulatory body, whether that's the IDB or the Environment Agency or Well,

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I think this is possibly one that I can leave with you to take away and have a look at how, given the concern that we've raised, how that could be addressed to make sure that that's secured. And obviously you may want to do that at deadline too, once we've had the response back from East Riding of Yorkshire Council and the internal drainage board, so that you can obviously respond to any of their comments that they want to make in in terms of your response, if I can just double check, I think Mr.

Tandy may want to come in on this matter, because he's dealing with these matters in issue specific hearing too. I

1:06:02

think the point and again, this may come back to the discussions on protected provisions from particularly from the perspective of the internal drainage board, that it's possibly more than just consult because these are actually their assets. It's whether or not they they're the people who actually clear the discharge. But again, if you could just take that away in the context of the whole of this discussion, I think it's not something we're going to resolve today, but having a highlighted it, if we wait for the responses at deadline one from Mr. Barley and Mr. Simons, and then if you can come back at deadline two in light of what the concerns that we've raised, and maybe in light of the context of the discussions we have around protective provisions later on this morning. Would that be? Okay?

1:06:43

That's fine, and it may be madam that is already covered off to an extent within the visions. Okay, thank you.

1:06:51

As currently draft, I'm going to now move on to requirement 20, which is construction hours for onshore works as currently drafted. The requirement would allow working from 7am to 7pm on any day, except Sunday and bank and public holidays. In the east Riding of Yorkshire Council's local impact report, they've advised that this may not be appropriate in all locations, having highlighted that, you know, there are whilst there are several sections of their authority that are predominantly rural. There are also areas where there are residential elements, where the cable route would be coming through, and they've suggested that working hours could be agreed for each phase as currently drafted. Obviously, the requirement doesn't do this. Could this either be done by construction hours being included in the code of construction practice, which we just touched on requirement 19 and deleting or amending this requirement. So if I could just ask the local the applicants for their views on this,

1:07:52

and as well for the applicants, we believe it's appropriate to keep DCA requirement 20 with the proposed construction hours, which are broadly in line with industry practice for projects of this scale in nature. For example, the dog Bank A and B had the same construction working hours. The Code of construction practice, which will be approved by the relevant planning authority, which is the east riding field Council under DCA requirement 19, contains details of best practice measures which will limit noise and vibration levels during construction so far as is reasonably practicable, to minimize disturbance to sensitive receptors. This also includes the measure in paragraph 246, of the outline code of construction practice that if stipulated by the council in advance of construction, a section 61 consent under the control of Pollution Act 1974 may be obtained by the principal contractors for certain activities. It's proposed that the project will work with the council to identify locations within the onshore development area where there are concerns about in tax to noise sensitive receptors, and it's appropriate for the projects to obtain a section 61 consent, and the projects will then obtain those section 61 consent from the council priority works taking place. It's proposed that this power to request a section 61 consent should give the council sufficient comfort that they retain a level of control over the

working hours in particularly sensitive locations without the need for an overarching change to requirement 20.

1:09:27

So in short, you're not prepared to comply with a request from East Riding of Yorkshire council to have some input and potentially different phases of working hours for different phases of the construction.

1:09:39

Well, for the applicants, it is very much a topic that's a matter of discussion between the applicants and the council. And we have we're trying to set up a meeting at the moment that we commencing 20 of January to discuss all of the issues that have been raised in the local impact report, and that includes this one, to try and understand whether the council is comfortable. Up with using the section 61 process to control construction working at those particularly sensitive locations.

1:10:08

Okay, so this, potentially, this conversation, is a little premature until you've actually had those conversations and taken it forward and reviewed that in light of those comments. So at this stage, I'll just leave that matter open, and it's maybe something that we'll need to come back to in later hearings or in written questions once you've had those discussions, and come back and advise as to whether or not you're wanting to change it to comply with those suggestions made by the council, or whether the council come back and advise us that they're actually now satisfied with what you're proposing in light of those discussions, I just wanted to deal with some detailed drafting, as currently drafted requirement 22 states that outside the hours in one construction work may be undertaken for its sense, essential activities, including, but not limited to my concerns about the drafting. With this is in particular about how enforceable and precise it is. So how are essential activities defined? And in fact, who defines them, and the use of, but not limited to means it's an open list, so other things could be added. So how is this controlled? It could be. My concern is that Potentially, it could be very difficult for East Riding of Yorkshire council to enforce against it as currently drafted,

1:11:30

and as well for the applicants. So the essential activities that the applicants are currently anticipating are those that are listed within the requirement. The reason why we've included that, but not limited to wording, is in case there is anything else that comes up in the future which we currently haven't anticipated, but we know that under requirement 23 any of those works must be approved by the relevant planning authority In writing in advance and must be carried out within the agreed time in any event, so that the relevant planning authority do retain that level of control or those works, save in the case of emergency. Thank you

1:12:21

for that clarification. I just want to come to Mr. Varley of East Riding of Yorkshire councils to see if he is anything he wants to add with regards to this requirement, which is construction hours, requirement 20.

1:12:35

It's Graham valley of East Riding of Yorkshire Council. No, it was a concern that it is fairly flexible in terms of interpretation as to what that might include, provided we have that control through the additional condition and the the noise management condition, then then we happy to take it up onto those other controls.

1:12:56

So taking that outside of this examination, maybe that's something you can explore when you have the meeting with the applicants later on this month and then get those clarifications and comfort that you're seeking. Yes, we can do okay. Thank you. I'd like to move on to requirement 22 which is the artificial lighting scheme. Although requirement 22 of the draft development consent order requires the provision of an artificial lighting scheme, it doesn't seem as currently drafted to limit or control any maximum parameters regarding lighting required for the converter station. I just like the applicant's opinion on this. I

1:13:44

and I realize that this is one of the ones I sprung upon you, so it may be something you need to take away.

1:13:51

Yeah, I think that's probably one that we might need to take away.

1:13:55

Thank you. If you could that'd be grateful. So I'll then move on to requirement 30, which is port traffic. And the reason I brought this up is I'm slightly bemused. I'd just like a little bit more information as to why this is needed. I've looked at a variety of other development consent orders, including the one for Hornsea four, which is in the same location and would potentially have this use the same port, and obviously it doesn't have a similar requirement. I'm just wondering why it is that this requirement has been included within the draft development consent order. For example, is it at the request of the local highways authority? Or, again, any background you could give me would be I'd be gratefully received.

1:14:43

And as well for the applicants. So as you may be aware, madam, no decision has been made regarding a preferred base support for the offshore construction and operation of the project and to ensure that any. Potential effects associated with the project's offshore construction and operational phases are assessed and mitigated. This requirement has been included to produce the construction and operational port traffic management plan once the final location of the preferred base port is known, volume seven, Appendix 24 one of the traffic and transport chapter, which is, apologies, I don't have the examination library reference, but I can certainly get that for you, outlines that this approach has been agreed with the relevant highway authorities, and the approach to scoping out of the onshore effects of the traffic and transport associated with port operations has also been recently accepted by the banning Inspectorate on other recently consented ncips, including Norfolk Vanguard east and via two and three and Hornsey three and four. So that's sort of an overview of why that's required, but that approach has been agreed with with the local highway authority. So

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just to correct you that wasn't included on Hornsey four, you referenced it to a requirement, a similar requirement being on horns for there wasn't such a requirement on Hornsey four, and that's the reason that I'm raising it. Because obviously, you know requirements need to make the meet the same test for conditions that set out in the NPPF, and it needs to be necessary. And my concern here is, is this requirement actually necessary, given the information that we've received? I mean, you've touched upon the fact that it's been requested by the local highways authorities, but we haven't actually got any evidence that that has actually been requested, and it's such an unusual requirement that I've not seen before that I'm just seeking a little bit more background to that. So maybe if you could supply that information that'd be grateful that you received.

1:16:50

Jen Ashville for the applicants, I'm just going to ask Lauren Thompson from the applicants team to respond on this, if that's okay. Madam machine, this one, yeah. Lauren

1:17:03

Thompson, I'm consents manager for the applicant. So the background to this requirement was at the scoping stage, the planning inspector did ask us to scope in construction and operation of port traffic into the traffic and transport assessment, which, as for the reasons that Jen has outlined, we weren't able to do because there's still ambiguity over the port. So in order to deal with that matter, it was agreed that we would do the port traffic management plan condition, and that was then subsequently agreed with East Riding of Yorkshire and whole city council as an acceptable way forward. So it was if that was the background to why we've got the commitment to doing a port traffic management

1:17:50

plan as well for the applicant. Sorry, madam. Just to add to that, I would also point out that within the wording of the requirement, there is a provision that the port construction traffic management plan may not be required where the relevant Highway Authority has confirmed that it's not required. So it's not an absolute requirement, but because that has been agreed as the the approach to take with all interested parties, then that has been included within the draft, Eco, okay.

1:18:21

Thank you. I was aware that there was that clause in there. I suppose the other thing that we also need to explore is, as you say, the end port hasn't actually been decided. So technically, you could use the ports as say, Felix, stow, Dover, whatever, and they've not had any input into this requirement. So again, I'm just a little bit concerned about its inclusion within the draft DCO and the necessity of including it. But if you can potentially provide some of that background information as to how it's come about and why it's in in the DCO, that would be helpful.

1:18:58

And as well for the yes, we're happy to see that matter.

1:19:01

And then just, it was just a drafting question. And again, this morning, you've talked about it. You've talked in as drafted in the DC at the moment, it refers to a port construction traffic management plan. I'm just wondering if it should be the port traffic management plan, because I think that's how your colleague referred

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to it for the applicant. We're happy to consider that Adam, and if it's deemed appropriate, then we can remove the word construction from again, there

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was, I mean, as I say, it's just, it is semantics, but it's probably just worth checking about seeing and checking out seeing as we are reviewing that requirement at the moment. So I've got nothing further to ask with regards to the port traffic requirements. I'm going to then move on to requirement 31 On, which is the Ministry of Defense radar mitigation. The mod have obviously objected to the proposal, which we received at as 002 and have concerns about, amongst other things, about the effect of the proposed development on the operation and capability of a air defense radar systems. Obviously, this requirement is put in place to address this, but I'm just asking for an update as to where you are in resolving these concerns and whether this requirement is likely to need amending, redrafting as a result.

1:20:33

Julian Boswell or the applicant, I've got a little piece, which I'm going to read out, which kind of starts at the beginning, if that's okay. So climate 31 provides for Mitigation Scheme to prevent or remove any unacceptable effects arising from the final proof layout the authorized projects on the project, singular action of the air defense radar at remote radar head Saxon world and MMP air surveillance and control operations where a mitigate where a Mitigation Scheme is required, giving a skip that bit, that's what says due to potential overlapping radar line and cycling the air defense radar at Saxon world, the applicant expected to receive the objections submitted by the nod. Typically, the applicants would seek to work towards an agreed requirement, with the nod restricting generational turbine movement until sufficient mitigation has been agreed and installed, as has been done on previous projects. However, the UK Government has brought forward a new policy on funding of air defense radar. This is quite a significant change in relation to this issue, the Clean Power 2030 Action Plan released in December 2024 details the Ministry of Defense Program that's N, j, O, R, D, collaboration with des NES the crown of state, crown of state, Scotland, the devolved developments and the offshore wind industry council COVID program, yards objectives are to identify, procure and implement a mitigation to resolve military radar issues. The action plan discloses that, and I'm reading a quote the full cost of the long term radar mitigation solutions identified by program yours will be funded by an alternative route delivered by government, and the funding requirement is therefore removed from offshore wind farm vouchers. So this chain of events occurred within recent months. So it began a bit before that, in terms of the new government made a sort of decision to adopt this new approach. This chain of events has incurred within recent months, also notably after the mod submission of their their objection, and it's expected that program renewal will will deliver the government's solution. So developers like dBs, we're not the only one that's affected, and the mod will be looking at what type of requirement may be needed, if any. So we've we've included there are slightly different variations, madam of this requirement, we have

included a particular variation the applicants are engaging with the mod to discuss this with a view to seeking a withdrawal of the objection, and this will include consideration of removing or amending the current draft requirement. And then, importantly, it's understood that more detailed guidance in relation to this topic is going to be provided, but we don't have a date for this at present, industry is working actively with business and the Ministry of Defense to bring this forward.

1:24:09

Thank you. I realize it was a very live issue, and that's and that's why I asked for the update, because I realized that you may things may have changed since you submitted. I believe that we've got military radar on the issue, specific hearing to agenda, so this may be picked up again there, but for the purposes of the DCO, that's helpful to note. And if you wouldn't mind, if you could submit a copy of the paragraphs you just read out. That would be helpful, because again, it helps in terms of our reporting.

1:24:39

Yes, we will.

1:24:42

Thank you. I'd just now like to discuss requirements that are not currently included in the development consent order, but are potentially required. And it's just, I just want to raise it and get people. Thoughts on the matter, but as currently proposed, there's no actual physical grid collection. The proposed development allows for a cable route from the converter station to the proposed location of a new substation that national grid are intending to develop, to develop at Burke Hill wood. Furthermore, obviously, draft development consent order as drafted, seeks to acquire land to enable this connection. I do recognize that under obviously the Electricity Act, that if requested, National Grid are required to provide a grid connection. But as currently proposed and in front of me, there is no grid connection, I'm just wondering, I'd like to get the thoughts of the applicant as whether or not there needs to be a requirement, or alternatively, an article that means that the proposed development should not be allowed to commence until the local planning authority have received confirmation of the grid connection from national grid or the permission has been granted for the grid connection. And can I just ask if there are any other similar examples where there isn't a big connection and how that's been dealt with, I realize that may need to be taken away, because it could be quite complicated, but if you could give me an initial response, I'd be grateful.

1:26:11

Julian Boswell for the applicant. Yes, I think I'm sure that we're not going to that. We would much prefer that wasn't the case, but we will, we will respond in writing that you're raising. Yeah,

1:26:28

if we could take that way as an action point, I'd be grateful. I just wonder if either the applicant or East Riding of Yorkshire Council can provide me with an update, actually, in fact, with regards to where the application is for the new grid connection at Burke Hill wood, as I understand it from the information submitted with the application, that's going to be the subject of a Town and Country Planning Act, act application.

1:26:59

It's growing sorry. Graham Farley is writing a theoretical Council at the current it is going to be with a Town and Country planning, planning at planning application. As things stand, we don't have a planning application submitted to date, but if it would help, I can provide a further update on whether any expected timescales are in place or not, that would be

1:27:23

very helpful, because it'll provide the context for what's happening on that element of the scheme. Thank you. I don't know if the applicants want to add anything at this point.

1:27:39

Duncan Boswell to the applicant, if we are obviously in very active dialog with national grid in relation to to this, and related what, to the whole topic of the substation connection, if there's something that we think that we can put in so we don't want to say something as say, Oh, we understand X, yeah, so, so unless that's okay, so if there's something that we can say in our written summary, then, then we will, and presumably that'd be very terms of, in terms of when you introduce this topic, presumably the exact sort of form of words that you use will be in the app, In and the action point, just so that we you know exactly what we're responding to. Yes, that's fine. I'm

1:28:27

happy to agree that, okay, um, I realize we've been going for about an hour and a half, and normally I would suggest we have a break, but I've only got a very few comments on conditions, so I'd suggest that if everyone's happy, we just deal with the two conditions I want to talk about, and then pause for a brief comfort break before we go on to Item five on regarding protection provisions. Would that be acceptable with everyone? Okay? So just before I move on to conditions, I just want to check if there's anything anyone else wants to raise. Wants to raise regarding requirements. Can't see any hands up. So I'm going to move on to conditions. There are five proposed marine licenses contained in schedules, 10 to 14 of the draft GCo. And whilst many of the conditions appear in all of the DMLs, they may have different numbers or include references to different works to avoid any confusion, rather than refer to each of the conditions for each of the DMLs when I talk about them, unless I otherwise need to, I will just be referring to the drafting as included in schedule 10. Is the applicant happy with this approach?

1:29:39

General for the applicants, Yes, madam,

1:29:41

okay. So I just want to touch on condition seven, which is maintenance of the authorized scheme. Condition seven to be would allow for major wind turbine component and offshore accommodation replacement. I just want to focus on the first element of what this allows, which. The major wind turbine component replacement. I've got a concern that as technology improves, it would be possible to replace the blades with possibly bigger blades or different design blades. And whilst I realized that paragraph eight of the DML requires that amendments must give rise to any materially new or material mustn't give rise to any materially new or materially different environmental effects to those assessed in the environment statement. Would such a change be defined as an amendment? And if it wouldn't,

does there need to be a change to the drafting to require that any changes to major wind turbine components shouldn't give rise to any materially new or materially different environmental effects from those assessed?

1:30:47

As well for the applicants, as you'll be aware, madam, the maintenance of the authorized scheme will essentially be controlled by the by the operations and maintenance plan, which needs to be approved by the MMO. Within that plan it there's a there's a more detailed list of the major wind turbine component parts that the applicant anticipates might require replacement during the night time of the of the development. So sort of major wind turbine component is slightly a capsule to include all that, all of those we we can specify them all within this condition, if that would bring more certainty.

1:31:33

No. So I suppose what I'm as I say, the concern is, is that maintenance and of those or replacement of those blades, for example, could be seen that there's an opportunity to upgrade the wind turbine with blades that are larger or different design, which may have different impacts or effects, and because it's not an amendment at the moment, paragraph Eight only deals with amendments to schemes required to be in accordance with the ES. There's nothing necessarily that I'm just concerned it's potentially a potential loophole that would enable a wind turbine in the future to be materially different to that which we're considering today, and may have materially different effects. So it's whether or not, maybe, for example, that the document you referred to could be amended so that there's some very specific parameters about what the size of the blades, or the type of blades, in terms of major, major turbine, major wind turbine components, and rather than on the in the requirement on the face of the DCO, or whether there needs to be something on the face of the DCO that controls that. So can you see what the concern is? I don't know how you want to address that. Yeah,

1:32:49

Nashville, for the applicants, madam, we believe this is already conditioned within condition one of the Dean marine licenses, which includes maximum parameters for the wind turbine generators.

1:33:05

So again, going back to the point that I made earlier about looking forward into the future in five or six years time, when none of the people in this room aren't dealing with it anymore, I want to make sure that somebody just doesn't look at that condition and go, Okay, well, we can replace the blaze that it's there is something. There's a clear linkage back for anyone within it. So maybe it's including the wording along with the parameters as set out in condition one wasn't it, and that it would capture it that way.

1:33:43

And Madam, we're happy to include a cross reference to condition one within condition seven, if you think that would assist, as

1:33:50

I say, but if you can take away the concern and how, again, potentially, because you're having to think on this on the hoof, so to speak, if you can just have a think about what the concern is and how that's potentially could be addressed, because I'm sure that's not what the applicants intend to do. But as I say, it's just we need to make sure that that is actually the case, and because it's not an amendment, it's obviously not captured by the sub paragraph at the start of the of the marine license. So yeah, if you could look at that and then come back to us as with a possible solution that would be appropriate. I just very quickly want to then touch on condition eight, which is extension of time periods as drafted, any time periods given in the demo right deemed marine license to either the undertaker or the marine management organization may be extended with the agreement of the other party. The explanatory memorandum doesn't provide any explanation for why this is a necessary. It just really repeats a condition, which is paragraph 9.74 of as 107 I'd just like an explanation for the need for this condition and why. Time periods, which time periods it is referring to? I'm assuming it's those potentially, that are required for discharging the conditions,

1:35:09

I'm sure for the applicants. Yes, madam, you're correct that it's, it's referring to essentially any time periods given in the new marine license to in relation to the submission of documents and approval of those of those documents, the intention is that this provision could be relied upon in the event that either the four or six months, depending on the condition, wasn't a sufficiently long period of time for the MMO to approve the submitted details or plans. And the intention of this condition really is to be helpful to the MMO in order to provide additional time for them to make determinations in certain agreed circumstances, because we know that the the MMO has raised issues around timing of discharge of conditions, and the applicants are intending to discuss this condition and timings generally with the MMO at their next meeting, which is currently scheduled for the 23rd of January. So we hope to be able to come back with you with an update after that discussion has taken place in terms of timings, more generally. Thank you for

1:36:09

that. As I said, I didn't necessarily have any problem with the drafting. I was just trying to understand it a bit more. And thank you for providing that clarity. So that comes to the end of the questions I had in relation to conditions, I just want to give the other parties here today the opportunity to raise anything in relation to conditions on the dream room license. So if anyone wants to raise anything with regards to conditions, can they let me know? Can't see any hands raised, so I'm going to pass back to Mrs. Bello to adjourn for a comfort break.

1:36:41

Thank you. So we suggest this would be an appropriate point to take a short comfort break. The time is now 1136 and I would suggest we take a break for 10 minutes and come back at 1146 Is that sufficient time with everyone? Yes. Okay, so whilst we are adjourned, can I ask that all participants turn off their cameras and mute their microphones. Those people watching the live stream will need to refresh their browser. This meeting is now adjourned and will be resumed at 1136 1146 you.