

TRANSCRIPT_OUTERDOWNSING_PM_SESSION1_10102024

00:04

Good morning.

00:07

It's now 10am and it's time for this meeting to begin. I'd like to welcome you all to this preliminary meeting for the acidizing offshore wind farm project. Can I just confirm that everybody can hear me clearly? Not exactly sure how you'd tell me if you couldn't hear me, but nonetheless, can I also confirm with Mrs. Haraway that the live streaming and recording of this event has commenced? Thank you. My name is Rod McArthur. I am an examining inspector and a chartered architect. I've been appointed by the Secretary of State to be the lead member of the panel to examine this application, and I'm now going to ask the other panel members to introduce themselves.

00:50

Good morning. My name is Mark James. I'm an examining inspector and charter some planner, and I believe in the discussion under Agenda Item four, good

00:58

morning everyone. I'm Gavin Jones. I too, I'm an examining inspector and a chartered time planner, and I'll be leading the later discussion on agenda item five.

01:11

Good morning, everyone. My name is Gaura Joshi. I'm likewise an examining inspector and a human geographer. I will be leading the later discussion on agenda item two, thank you.

01:24

Good morning everyone. My name is Claire meganson. I'm an examining inspector and a chartered town planner, and I'll be leading the discussion later on Agenda Item three,

01:36

thank you. Together, we constitute the examining authority for this application. I'll now deal with a few housekeeping matters for those attending here with us in person today. Can everybody in the room with us this morning? Please set all devices and phones to silence. WCS, including accessible facilities, are located immediately outside this meeting room after you exit any of the sets of double doors to your left into either the adjoining room or the corridor, turn to your right and follow the signage. Fire exits are also accessed by the same corridor outside the double doors, signage will direct you to your nearest exit in the event of a fire. Tea and coffee will be available in caves lounge directly through the double doors towards the rear of the room. The fire assembly point is the red car park, and the fire alarm

testing in this building is on Friday afternoon. Therefore, if you hear the fire alarm this morning, you should assume that it's the real thing and make your way safely and quickly to the assembly points. I aim to keep these proceedings focused and as efficient as possible. To assist this, we issued Annex B to our letter, which invited you to this meeting, which from now on we will refer to as the rule six. Letter that annex sets out an introduction to the preliminary meeting process. We trust that you've all read this in advance, as I'll only really be providing a summary of that now, you'll find information about this application on the planning inspectorates national infrastructure planning website, and we would strongly encourage you to familiarize yourself with this website, because the examining authority will be using it to communicate with you and to provide access to documents throughout the examination. Today's meetings being undertaken in a hybrid way, meaning some of you are present with us here in the hearing venue, and some of you are joining us virtually via Microsoft Teams. We will make sure that irrespective of how you've decided to attend today, you'll be given a fair opportunity to participate. A recording of today's meeting will be made available on the outerdising offshore wind section of the national infrastructure planning websites as soon as practicable after the meeting has finished. With this in mind, please ensure that you speak clearly into the microphone that you're using, stating your name and who you're representing each time before you speak. For those of you who may be unfamiliar with the microphone process, you need to turn it on before you speak, and please turn it off when you finish speaking, the red light indicates the microphone is on. If you're not at a table with a microphone, we can provide a roving microphone, so please wait for one of those, those to be brought to you before you speak. A link to the planning inspectorates. Previously, notice was provided in our rule six letter, and we assume that everybody here has today has familiarized themselves with this document, which establishes how the personal data of our customers is handled in accordance with the principles set out in data protection laws. Please speak to Mrs. Haraway if you have any questions about this. This meeting will follow an agenda, an updated version of our agenda was published on the outer housing offshore wind section of the planning inspectorates national infrastructure. Your website on the second of October, it would be helpful if you had a copy in front of you, but we will also now ask the applicant to display the agenda on screen, please.

05:15

Thank you. Let me briefly explain the purpose of this meeting. The purpose today, this morning, is to focus on the way in which this application is proposed to be examined. On that basis, we will only be inviting discussion about the procedural aspects of this examination. Purpose of this meeting is not to discuss either the merits of or any concerns that you may have regarding this application. These merits or concerns can only be considered once the examination of the application begins, which happens following the close of this preliminary meeting. Thank you. The applicant can stop sharing. So I'll move on now to introductions. I'll ask those of you who are participating in today's meeting to introduce yourselves when I state your organization's name, could you introduce yourself, stating your name and who you represent and which agenda item you wish to speak on, if you're not representing an organization, please confirm your name, summarize your interest in the application and confirm the agenda item upon which you wish to speak. Please. Could you also state how you would wish to be addressed? I Mr. Mrs. Ms, miss, miss, etc. Can we start with the applicant and its advisors? Please?

06:34

Good morning, sir. My name is Scott McCallum. I'm a partner at Shepherd weatherburn solicitors, and I appear today for the applicant GTR, for limited trading as outer dowsing, offshore wind. I'm joined sir on my immediate left by Mr. Chris Jenner, who is the development manager for outer dowsing, and on my right by Emma Reed. MS, Emma Reed, who is a director at Shepparton Wedderburn. I should also add, sir, that Sophie Brown, applicants, stakeholder and consents manager, is connected to the screen and so can share any documents required for this morning's session. Thank you.

07:15

Thank you, Mr. McCallum. Can I now move on to Lincolnshire county council.

07:23

Morning, sir.

07:24

My name is Miss Stephanie Hall at h a double L Council, instructed by Lincolnshire county council.

07:33

Well, then my name is Neil McBride, head of planet Lincolnshire county council. I

07:40

think we should add that we intend to contribute to items three and four and potentially five.

07:49

Thank you. Ms hull, is there anybody else present in person today who may wish to speak during this meeting? I'm seeing no hands raised, so I'll take that as a negative and move on, then to virtual attendees. So if you are with us on Microsoft Teams and wish to speak during this meeting today, please, could you raise a virtual hand and I'll I will invite you to introduce yourself. Applause.

08:24

Uh, Mr. Westmoreland Smith, please Good morning.

08:29

So my name is Mark Westmoreland Smith. I'm King's Council, and I'm acting for TH Clements and Sons limited who, as you all know. So an interested party, we submitted a relevant representation. It's our 067, the company is a leading producer of high end brassica vegetables and farms about 750 acres, which will be affected by the proposed onshore cable route. So that's the company's principal interest, and today, sir, I propose just to contribute to Item three and possibly item four, but the two are interrelated.

09:17

Thank you, Mr. Westmoreland Smith, and is there anybody else online who wishes to speak today? I'm seeing no further hands. So with that, I will move on. Thank you all for your introductions. If anybody else does decide that they wish to speak during the course of this morning's proceedings, for example, to make comments in response to representations made by other parties you may do so, please raise

your hand, either physically or using the function within Microsoft, Microsoft Teams, if you wish to speak before moving on. Then Are there any other comments that anybody wishes to make under agenda item one? I. If not that concludes this item of the agenda. Thank you. We can now move on to item two of the agenda, which is the examining authority's remarks about the examination process.

10:16

Thank you. If we can now turn to item two on the agenda, which is the examining authorities, remarks about the examination process. In order to streamline the running of this event, in Annex p of our rule six, letter, we provided an introduction to the preliminary meeting and the examination process, explaining how it will be conducted and how you can participate. For expediency. I am assuming that everyone has read this, and therefore I do not propose to spend time reading it out now. Now there are a couple of general matters that I want to draw your attention at this stage. Firstly, I would like to highlight that the examination process is principally a written one, supplemented when necessary, by various types of hearings, the main body of evidence informing judgments and recommendations will come through the written representations. Responses to written representations, local impact reports submitted by local authorities, statements of common ground and answers to our written questions. There is also scope for three different types of hearing that are likely to be held during the examination. The first type of hearing is an open floor hearing. Any interested party may request an open floor hearing, thus all interested parties will have the opportunity to make oral representations to us about the application you already have seen that we are holding an open floor hearing after the close of this preliminary meeting this afternoon, in order to allow the interested parties who have registered to speak their views on the proposed development. The second type of hearing is an issue specific hearing. It is for us as the examining authority to decide whether to hold it and what topics they should cover, hearings will be held if we decide it is necessary to ensure adequate examination of an issue or to provide an interested party with a fair chance to put its case. Parties should not assume that the issue specific hearing will be held on a particular topic, and should ensure that their full submission is provided in writing for any hearings. The expectation is that we will ask the questions and that an agenda will be published about a week in advance. The question may be broad or specific. If, exceptionally we consider that cross examination may be necessary, the relevant parties would be notified in advance. The draft timetable includes time allocated for the issue specific hearings in the week commencing second, December, the week commencing 10, February 2025, and the week commencing 17, March 2025, the subject matter of hearing will depend on the submissions made at deadline one and two, including local impact report and written representations. Our initial thinking at this stage is that the general topics to be covered by issue specific hearing might include need and alternatives, the scope of the development, the environmental matters and the draft development consent order. We will provide final notification of the dates and the specific subject matter of any issue specific hearing at least 21 days in advance of them taking place. The third form of hearing relates to the compulsory acquisition of land and rights. The draft development consent order provides for compulsory acquisition. Anyone whose land or rights may be affected by compulsory acquisition has a right to be heard. We have included time for a compulsory acquisition hearing, or hearings if the examining authority decide that further examination is required in the examination timetable and a deadline for request to be heard, we will conduct this meeting and the first open floor hearing as blended events, meaning some participants will attend in person at the physical venue, while the some participants will join via Microsoft Teams. Our standard approach will be to hold blended hearings, but

in exceptional circumstances, we may need to switch to entire virtual hearings from Tuesday third, December to Friday six, December 2024, dates are reserved for a compulsory acquisition hearing, issue specific hearing, and a further open floor hearing if required due to lack of available venues in the area at this time. Time of the year. Hearings during this week will be held virtually, using Microsoft teams. Moving on to the deadlines, we will come on talk about the examination timetable shortly, but I would like to highlight the importance of ensuring that the information is submitted in accordance with the set deadlines. The timetable can only be delivered if all parties meet the deadlines and provide submissions that are comprehensive as possible. Late submissions restrict the ability of other parties involved to respond to the information, which can lead to unfairness in the process. It is therefore important for all to note that if you do submit something late, there is always the possibility that it may be accepted or may not be accepted into the examination. The other point I would like to mention is about the resolution of disagreements, where there is a disagreement between the parties on matters, we ask that all side engage in a positive and timely manner to seek resolution where this is possible, as soon as possible. This includes resolving principal areas of disagreement, progressing statements of common ground as proactively as possible and demonstrating progress with land negotiations and protective provisions where relevant. The final point that I would like to make here is just to highlight the importance of the planning inspectorates, national infrastructure planning website to this examination on the outer dowsing offshore wind page, you will find information about this application, including the examination library, which contains all of the information documents, application documents, written submissions and procedural documents related to this project. Each time a deadline passes, the documents that have been submitted will be added to the examination library so that they are available for everyone to see. We would strongly encourage you to familiarize yourself with this website, because the examining authority will be using it to communicate with you and to provide access to documents throughout this examination it is important that you are clear in your understanding of the process. Therefore, if there is anything you are unclear about or on which you need clarity, then this is your opportunity to ask. So on the basis of this information set out in Annex B, are there any questions about the way in which we propose to examine the application? If you have any specific points to make regarding the draft timetable, can I ask that these are raised later in the agenda under item four? Are there any questions on the generalities of the examination process? I think at this stage I can see no one has asked to speak specifically on this item of the agenda. So I will now ask if anyone in the room has any comments on this agenda item. Please raise your hand. I see no hand in the room. If not, is there anyone virtually wishing to speak to this agenda item? If not, that concludes our remarks about the examination process. We will now move on to the item three of the agenda, which is our initial assessment of principal issues. I will now hand over to my colleague, Claire maginson to lead this item.

18:44

Thank you. Thank you. Turning to Item three, which is the initial assessment of principal issues, it will be useful to have Annex C of our rule six letter in front of you for this item, please. Annex C includes a list of 16 principal issues, which we will also share on the screen if we can please.

19:09

Thank you. This list is broadly based on the matters set out in the national policy statement for energy, renewable energy and for electricity networks, infrastructure, the principal issues have been compiled, compiled alphabetically and are not in order of importance. The subject matters listed have been

arrived at by taking into account the application documents, the comments and the relevant representations and other submissions that we have received. It's not necessarily a comprehensive or exclusive list of each relevant matter. Rather, it is a broad list within which specific matters are likely to be covered. What we are seeking to establish in this meeting is if there are any additional issues which any party would like to raise, which might or should affect the structure of the examination, we are only considering comments on the broad principal issue. Issues identified at this stage, we're not looking to get into the detail of these issues. So for example, taking the subject of noise, we won't be looking at details of any impact experienced during this meeting. We'd be glad to hear these types of comments at the open floor hearing session that is being held this afternoon or at the later issue specific hearings. It's not our intention to make any procedural decisions on this agenda item today, but we will listen and consider your comments after the meeting. We can stop sharing now, if it's okay, so I'll now invite submissions, and then we'll give the applicant a chance to speak at the end of this agenda item, I've noted who's requested to speak on this agenda item in response to the rule six and during today's introductions. And I have on my list both Lincolnshire county council and Mr. Westmoreland Smith Casey, who's online. Can I just confirm if anyone else would wish to speak on this item today. Okay, I can't see any hands in the room or online, so if I can turn first to Lincolnshire county council, please, if you'd like to introduce yourself and make your submission,

21:14

good morning. Mum Stephanie Hall for Lincolnshire county council, and it's a relatively small point, from our point of view, just to put the XA on notice that in relation to item 15, traffic, transport and public rights of way, from our point of view, traffic and particularly cumulative impact, will be our key issue. And it's really we're probably not asking for an amendment to that to include cumulative impacts, but just so the XA is aware that that in terms of traffic representations, that is where we will be focused, and we just in terms of how this issue kind of bleeds into item four, when the XA is considering what issue specific hearings might be required, just ask that you bear that in mind. I note that when the list was given earlier, written down need alternatives, environmental impact, and the draft DCO as a traffic and transport didn't, didn't make it to that list. So just ask the XA to bear that in mind. That's obviously not all of the the submissions will be likely to make, in terms of the substance, but just in terms of how that might affect the timetabling, I think that's probably a bit of information that might be of assistance to you. Ma'am.

22:20

Thank you for that. Yes, and I think in that list, environmental matters tends to cover the broad range of the various topics that can come up. But yes, we'll take that information on board. Thank you for that. Okay, so now if I can turn online to Mr. Westmoreland Smith, I understand your comments relate to the impact on agriculture, and that it should be a principal issue in its own right. Before you make your submission, I can confirm that we have noted the volume of relevant representations in relation to the impact on agriculture, and we will be considering this issue throughout the examination. If you would like to introduce yourself now, stating your name and organization and then make a submission, please. Thank

23:07

you, Mark Westman and Smith Casey for TH Clements, and thank you very much for that indication. As I explained in the appearances, TH Clements is an agricultural business that will be impacted by the onshore cable route, and therefore principal areas of concern. First, alternatives. Second, extent of land take third impact on agriculture and fourth potential socio economic impacts. Now it's clear that you intend to deal with alternatives specifically at an issue specific hearing and alternatives and extensive lands take can also be dealt with in the context of compulsory acquisition hearings, so we're comfortable that's being addressed. Impact on agriculture. Grateful for the indication you've given already isn't an express point in the list of principal issues. I understand there is nine, land use and that can involve impact or could it cover impact on agriculture, but we just want to highlight that it is a key issue from the business's perspective, and that includes impact on best and most versatile land. From the installation of the onshore cable route impacts on ongoing ability to farm as potential conflict between the cable and normal agricultural activities and also crop contamination. As part of our written rep, we will be submitting expert evidence on air quality, and in particular, dust dispersal. And dust can have an impact, an adverse impact, on agricultural crops, particularly brassica, as you can imagine, a white cornflower is not going to be accepted by a supermarket customer where it's covered in dirt. So those issues are key from this business's perspective, and I imagine a number of other agricultural businesses down the line will be affected in similar ways. And so we would like to see that reflected expressly in the principal issues, if possible, I won't say more on that. The fourth issue was socio economic impacts. And whilst the examining authority will rightly not be interested in matters of compensation, the examining authority does need to be cognizant of the impacts on the business as an economic interest, and this scheme has the potential to have an existential impact on this business, which we'll explain in submissions that won't be compensated for because of the more informal arrangements whereby agricultural businesses operate, they are not necessarily protected by the compensation code. And to the extent that that's correct, you need to be aware of the potential adverse economic impacts on a business that's got an 80 million pound turnover so it's a sizable business. Now it is possible that the compensation code allows for disturbed business compensation where there is no interest in land, but not for agricultural land. But there is a provision, albeit a discretionary provision, that allows an acquiring authority to compensate agricultural businesses, and if the applicant can step forward and say yes, they will use that discretionary provision that may well affect the extent to which we need to pursue the socioeconomic point. But I just wanted to raise that as a separate issue for you to consider. That's all I wanted to say on item three. But much as MS Hall said, the points bleed slightly into item four, and all would be saying in item four is we would like to see an issue specific hearing that covers agricultural impact, so I might not need to come back and say about having taken that opportunity. So thank you.

27:59

Thank you for that. Thank you. The examination, the examining authority, has noted other representations made in response to the rule six letter, which are published on the national infrastructure website, and believes that the principal issues cover all the points made. I have no further points or questions on this agenda item. If there's anything else that anybody would like to contribute to our discussion on the principal issues before we move on to the next item. Is anyone in the room or online wish to speak? If you could just introduce yourself, please let me know who you represent. Yeah.

28:42

Neil Wilson, farm manager for woodlands farm based near curtain. We're affected by the outer Dowsing and several other cables. I think it should be pointed out that this cable travels through singularly the most productive, highly fertile soils within the UK those soils grow very high quality, brassicas, potatoes, cereals, whatever it may be, everything that we produce, we farm organically. Everything we produce is of the highest quality, and our customers expect the highest quality products. We supply Marks and Spencers, we apply supply Waitrose, and they expect very, very high quality products to get that very high quality produce the soils that we grow the crops in need to be in absolutely Tip Top order. The structure needs to be perfect. The fertility needs to be perfect. The catastrophic disturbance that results from this cable.

29:53

Mr. Wilson, I'm sorry to interrupt you, I think we're straying into a lot of detail. Ill in your representations, and the examination hasn't actually opened yet, until the close of this meeting. Have you registered to speak this afternoon at the open floor hearing? Well, I think what I would recommend you do is hold your detailed arguments until this afternoon and then they can be properly heard in that manner. In terms of this item, it's, it's whether or not you have any other matters that you wish to be included in the list that we which, which, it sounds like you're talking about agriculture, impact on agriculture, in a similar vein to Mr. Westmoreland Smith, but if you have any detail, I would hate that to be lost. And I think the most relevant forum for that is this afternoon at the open floor, hearing, okay, okay, thank you. Is there anyone else in the room or online who would like to make a submission today on this agenda item? No, I can't see any hands. Thank you very much everyone for your contributions to that. That concludes our remark. Does the applicant now wish to respond?

31:13

Thank you, Madam Scott McCallum, for the applicant, No, madam, the applicant is content that the broad issues set out by the examining authority cover all of the matters that have been raised in the room today and all of the matters that we consider to be relevant and proper for examination during this process. So we've got nothing further to add of substance, madam.

31:32

Thank you. Thank you. That concludes our remarks about the initial assessment of principal issues. I'll now hand over to my colleague Mark James, who will lead on Item four of the agenda, which is the draft examination timetable.

31:47

Thank you for this agenda item. It'll be useful to have Annex D to our real six letter in front of you. Can I ask the applicant to share this on screen? Please?

32:02

Thank you. This annex sets out the draft deadlines for written submissions and dates for hearings. It also includes the dates for the examining authority to issue documents, such as our written questions. Please note that the precise deadline for submissions on each date is 11:59pm although we will bring in mind. We'd not encourage late evening working in the interest of time. I don't intend to go through the timetable in its entirety, so we'll highlight some key points as follows, we've already issued procedural

decisions requesting clarification and fear of information on a range of matters. These will be discussed separately later on in the agenda, we've also decided to hold an open floor hearing at an early stage to allow parties who wish to do so to assess their views on the developments at an early stage. We will therefore hold an open floor hearing Saturday, at 2:30pm as the name suggests, the hearing is open to any interested party to attend is not about a particular topic or issue.

33:10

As soon as possible. Following the close of this meeting, we will publish our rule eight letter, which will finalize the examination timetable, having regard to feedback from interested parties. Moving on to deadline, one, which is time saved before Thursday the 24th of October. This deadline includes a number of submissions for us, including written representations local impact reports from local authorities and draft statements of common ground from parties identified in Annex F to our rule six letter amongst building matters, requests by affected persons to heard a compulsory acquisition hearing should also be made by this deadline. Deadline one is also the opportunity for interested parties to suggest locations for an accompanied site inspection, as well as to request to attend one please ensure that suggested locations are supported by an explanation of why an inspection of that location is required, as well as details as to whether the locations are seen from public lands or whether they require private access. Please also be mindful that we have already conducted some unaccompanied site inspections on the 22nd and 23rd of May this year, at locations along the corridor routes for the cable our notes of the site inspections provide further details of the locations and are available to be on the examination website using Document references, EV 1001, and EV 1002 we'd like to stress that it is important that interested parties provide comprehensive submissions at deadline one the timetable has been designed to front lead the process as far as possible, and submissions at this deadline will be important consideration for us in drafting our first written questions that we publish on Wednesday the sixth. November deadline two is then programmed for Wednesday, 27 November for the receipt of responses to our first written questions, along with other submissions, as detailed in Annex D of the rule six letter, as you'll see from the timetable, it includes a further four deadlines when we will require further submissions of information. However, I do not intend to go through them all now, that said, if you intend to be involved in the examination, please do ensure that you are familiar with them. Whilst the examination is primarily a written process, the draft timetable also makes provision for hearings, Tuesday the third December through to Friday the sixth December is reserved for a compulsory requisition issue specific and a further open floor hearing if required. Looking further ahead into 2025 dates reserved for a company site inspections on Wednesday the eighth of January and Thursday the ninth of January, moving on again further, if required, we'll publish further written questions on Monday the 13th of January and Friday the 14th of March. 2025, dates are reserved for a further two potential rounds of hearings during the weeks commencing the 10th of February on the 17th of March, if deemed necessary. Deadline six on Friday, the fourth of April, is the last scheduled deadline, and the point at which the examining authority expects a number of final documents to be submitted, including closing statements from interested parties and the applicant. Finally, we are under a duty to finish the examination within six months of the opening, and say by Thursday the 10th of April 2025, once the examination closes, no further submissions can be accepted by the examining authority that summarizes at the draft timetable. Now turning to feedback on the timetable to date, we've received a number of helpful submissions from parties that I'll briefly summarize. We note from the covering letter of the applicant's procedural deadline submission, and that's reference PD, 1001, that it

considers it appropriate to be given the final opportunity to submit its closing statements following those submitted by interested parties that line six to allow it a final right of reply. We are currently minded to maintain the same deadline for all parties, being mindful that there's almost a week between deadline six and the close of the examination, and that time may be needed to address issues that may arise closer to that point in time. Furthermore, we're also conscious of the potential risk of new information being introduced after interested parties have submitted their closing statements. Would the applicant like to comment further on that point? Please?

37:58

Thank you, sir. Scott and Callum for the applicant, Sir, we're quite content with that. I think our concern is that new information is introduced at that final deadline by interested parties, or information or points are expressed in a different way that the applicant would want the right to reply to and the examining authority would want of the applicants view on in order to properly report to the Secretary of State, but we're quite content, sir. I appreciate that closing statements should not be introducing new points, and if they don't, we'll be happy to rest at that. If new points are raised, those are, as you say, if we have the opportunity during that week, before the close of examination, to then respond to them if needs be then, then we're very happy with that

38:42

noted. Thank you.

38:47

So just Just on that point, I think we can all agree that closing statements should be closing statements, and that that is something which should be recognized by all parties to the examination. It would be unusual and frankly unwelcome for anybody to submit new information with their closing statements. The examining authority has the discretion to accept further submissions, and I think that would be one occasion where that discretion would be well placed. I

39:23

i Thank you. Do we have any other interested parties who would like to comment on this particular point? I will be coming on to other matters raised in relation to the timetable. Don't see any hands, so I shall move on. Natural England is not in attendance today, but it has also requested some changes to the timetable. It says request that deadline one is pushed back by a week, sort of 31st of October. This is due to time that it may take it to review information submitted by the applicants on the 19th September, as well as other deadlines that it has. Relation to other offshore wind farm projects. In addition, naturally, was also asked for deadline five to move back by two days to 13 March 2025, again, due to some conflicting deadlines with another offshore wind farm project. Would the applicant like to comment on any of those points raised. Thank

40:21

you, sir, Scott and Callum for the applicant. So no, from the applicant's perspective, if the examining authority are minded to accept those revised dates, then, then we wouldn't object to it. It obviously the deadline, one deadline being pushed back, does reduce the amount of time is available to parties to comment a little bit, but still, in our view, enough time within the program, and also the pushing back a

couple of days obviously reduces the time before the next set of hearings, but again, not substantially, sir, so we wouldn't object if you are minded to allow those changes.

40:59

Thank you. That's helpful. Would any other interested parties like to comment on this particular point in relation to natural England's requests?

41:09

Thank you so Stephanie Hollinger to county council. So just just to say, the point I was going to make, more generally, was about the handling of this examination in tandem with tilbridge. And what those instructors in me had done is compare side by side the deadlines and how they might fit together. And whilst things were tight, we were quite happy that there was no kind of exact overlap. And what we obviously haven't had time to do is see how that looks if those deadlines were to move in line with natural England's request. So my broader point was that managing for Lincolnshire county council, managing this plus other NCIP projects in Lincolnshire, is challenging anyway, managing this in tandem with tilbridge is a particular pinch point. And so just we would need some time just to work out whether any of those deadlines presented particular clashes for us.

42:04

Thank you. So just to confirm then you are comfortable with the science table as currently drafted.

42:08

Yes, it's tight, but doable is what we would say.

42:12

Thank you.

42:22

Are there any other interested parts in this particular point? No, okay. I also note from request to speak at this meeting that Mr. Westmoreland Smith would like to raise, as he did previously, the potential need for a issue specific hearing regarding agriculture. Miss Westmoreland Smith, is there anything further you'd like to say on this point? Mark

42:46

Weston and Smith for TH Clements, no. So I think you have our point. You just articulated it. Now our concerns relate to agricultural impact, and we would like the opportunity to be heard at an issue specific hearing, and I don't need to say anything more.

43:07

Thank you. As my colleague Mrs. Meganson, highlighted, we are fully aware of your concerns, and we'll take that on board. Thank you. Thank you. Okay, before we close this particular item. Are there any further points anybody wishes to raise regarding the timetable that we have before us?

43:33

So thank you. Stephanie Hall, Lincolnshire county council. So just to emphasize the broader point, which is that Lincolnshire County Council, as you may be aware, has a lot of nationally significant infrastructure projects in its region. The county council in particular, is covering, I think at the last preliminary meeting, the number was over 20. I can't imagine that's gone down. So we are handling a lot. The team is very small. And so whilst we certainly want to meet our deadlines, or just putting waving a flag now that they there may be instances where we ask for the X A's indulgence, we haven't identified any particular deadlines that we think we cannot meet in this timetable. But just to put you on notice and the x A on notice that it is incredibly challenging for Lincoln County Council to respond, and we want to take full part in the examination, so we will attempt to So also, I've just managed to get up my timetable where linkage County Council put the deadline side by side between now to dorsing and tilbridge, and we've now managed to have a quick Look at those in terms of deadline one, I think that was natural England's first request. Moving that back to, was it the 31st of October? I don't think that would present a particular challenge for us. It brings it closer to the tilbridge deadline one, but it not significantly so. And if deadline five, the deadline five deadlines are quite far apart. Anyway. And for tilbridge and out of dowsing. So if the deadline five deadline were moved further into March, that wouldn't present an issue for us. In fact, actually would make it slightly easier. So we don't have any objection, I think, to natural England's request.

45:13

Thank you. That's some useful feedback. I

45:19

would just like to add that as the XA. We're aware of all the ncips in Lincolnshire, but there are also ends that aren't in Lincolnshire. But our first similar type of project is out of days. And so, for example, there's five estuaries where the examination has already started. So so we've got, we've got ones that are geographically close, and we've ones they're thematically close as well. So so it is. It's quite complex at the moment with so many things going on. So there is a possibility that it as well as trying to accede to the requests of Lincolnshire, for example, we also have to take into account Natural England, the MMO and those that are dealing with, say, the the offshore wind farm issues as well.

46:06

Thank you. If there are no further comments, I shall move on. Then we'll take all of that feedback on board when drafting our roulette letter with a with a final timetable that will publish as soon as possible as has already been alluded to, there are several competing factors when drafting a timetable, and it is difficult to please everybody. But we'll try and accommodate comments where we can okay if there are no further issues on this particular gender item, I shall move over to Gavin Jones about Agenda Item number five, regarding procedural decisions.

46:39

Thank you very much. If you've got it in front of you, then please bring up annex F of our rule six letter where you will note that the examining authority has made a number of procedural decisions on the following matters, which I shall now briefly summarize. On the 16th of april 2024, advice was issued to the applicant under Section 51 of the Planning Act 2008 this has the examination Library Reference of PD 004, if you wish to track it that way. On the third of july 2024, the examining authority issued a

request for further information to the applicant under Rule 17 of the infrastructure planning exam procedure rules, 2010 this has the exam Library Reference of PD 005, on the 31st of July, 2024, the XA issued a number of procedural decisions to both the applicant and Some interested parties. This has the exam Library Reference of PD 006 and on the 15th of August, the examining authority issued a number of procedural decisions to the applicant. And this has the exam Library Reference of PD 007 so all of those are PD 004 to PD 007, and annex F provides further details behind these requests, and therefore I don't propose to repeat that. Now, in addition, the examining authority has accepted a number of documents from the applicants. These include ones which were submitted in response to our section 51 advice issued by the planning Inspectorate on the 26th of October, 2022 and that's a PD, 003, these documents can be found in the exam library Under references, ASI, 001, to ASI, 109, any responses to these submissions should be submitted at deadline, one, which is the 24th of October. But in the interim period, does anyone have any procedural questions regarding the acceptance of any of these particular submissions before I move on to the more recent ones? Now I'm seeing a shaking of heads, yeah, I would just say as well that I think it was the 26th of October, 2024 not 2022 I should have said for PD 003, in terms of since the rule six letter was submitted, there have been further additional submissions that the XA has accepted into the application on the 11th of september 2024 the XA responded to the applicant's change notification regarding modifications to land plots adjacent to mean low water springs and mean high water springs. The exam library reference for this is PD, 008, the and then in its most recent submission, or most recent but one submission, on the 19th of september 2024 the applicant proposed some changes to the proposed development. The applicant submitted a number of documents to reflect these proposed changes. And. Also to respond to some of the comments made in relevant representations that had been received. These documents have all now been published and quite a large suite of them, and they have the exam library references, PD, 1001, to PD, 1102, and in brief, the proposed changes relate to submitted on the 19th of September relate to the introduction of an offshore restricted build area. Summarize, summarizes the orbit a revision to the offshore export cable corridor. Changes to reflect minor amendments to small reductions of to areas of land required, and amendments to the right sort for these and to account for recently identified public rights of way and an additional pipeline crossing on the 30th of september 2024 the examining authority responded to the applicant's 19th of September submissions, and that response letter from the examining authority as the exam Library Reference of PD, 010, in summary, the XH procedural decision has requested that the applicant provides all of the information that relates to any changes that It wishes to make, and this should be collated and summarized within a change notification. Change notification should align closely to the planning inspectorates guidance for applicants on changes to an application after it has been accepted for examination. This was formally the snappier title of advice note 16, the applicant has responded to this and we've received a letter from the applicant on the eighth of october 2024 and the XA is currently considering the applicant's response on this matter. Furthermore, at the procedural deadline on the 19th of september 2024 the examining authority also received correspondence from a number of interested parties. This correspondence can be found in the exam library at references, PD, 1103, to PD, 1117, so it follows straight after the applicant's September the 19th submissions. So quite a few dates to bear in mind. But does anyone have any comments or questions on anything I've said so far? No, okay, in which case I think that finishes with our summary of Agenda Item five, and I shall now turn to Mr. MacArthur, who is going to lead us through agenda item six.

52:49

Thank you. I would just say at this point we are checking the date of the section 51 advice, we're pretty confident it wasn't 26th of October. 2022 But the internet is letting us down, so we'll confirm if we get that actual date for you, 16th of April, 2024 Thank you. So I've going to come on to Agenda Item number six, any other matters? There are a few issues which the examining authority would like to cover under any other matters. And then I will ask whether there are any any points that anybody else wishes to raise coming on first, then to the management of change to application documents. Planning Inspectorate acknowledges that it will not always be possible for applicants to submit information at the start of the application process that will remain completely unchanged throughout the entirety of the examination process, and it is for such eventualities that an established process for managing changes to applications that have been accepted for examination exists. The examining authority notes that during the pre examination period, the applicant has twice submitted information, which has included potential changes to the application documents. But that this has done has been done without strictly following the process outlined in the planning inspectorates advice pages, whilst the examining authority acknowledges that the information contained in these pages does not carry the same weight as other procedural rules and regulations which are associated with the Planning Act 2008 it hopes that all parties understand that the advice pages exists, not just the advice pages for change management, but all the advice pages exist for good reason, and that the advice that they offer should be followed. The examining authority does not take the view that the applicant has assisted the pre examination stage, nor would it assist the examination of the proposed developments if the applicant were to continue to seek to make changes to its application documents in the manner that it. Has so far. The process of effecting change to an NSIP application typically involves substantial matters, and these must be properly assessed, often by a number of parties. That certainly appears to be the case with this application, the examining authority would always wish to be made aware of such potential changes via the formal change notification at the earliest possible opportunity planning inspectorates advice page is clear that only an applicant can make changes to their application after considering the time remaining in the examination process and the potential impact on interested parties and others who may be affected. It's equally clear that it is for the examining authority to decide whether any proposed changes can be accepted and examined, the applicant should not seek to position itself as the determining authority when deciding whether a change to its application documents should be the subject of a formal change process. In addition to deciding whether proposed changes can be accepted and examined, the examining authority must also consider whether, following the proposed changes, the project will be substantially the same as the project which was initially applied for. And Further to this, the examining authority must consider whether the proposed changes would result in a materially different project to the original application. And must also consider whether the proposed changes can be examined within the legally restricted timeframe of the examination. Whether sufficient time remains will depend on the complexity of the issues arising from the proposed change. For example, the extent to which the change would generate new or different, likely significant environmental effects. The applicant will have noted that, as a consequence of the changes proposed by it in its procedural deadline submission on the 19th of September that Natural England has requested the deadline one is pushed back by a week to the 31st of October. This is partly so that it could that Natural England could have the opportunity to properly review the information submitted by the by the applicant and the examining authority. Does note that there are other factors that have influenced this request to amend the draft examination type table, and would stress that this request remains under consideration at this

stage, but I raise this as an example of how the pre examination stage has been complicated by the change management process adopted. It's clear from the response received by from Natural England that they have concerns about the capacity to respond to issues arising as a result of the applicant's proposed changes within limited time frames. And the examining authority expects the applicants to work with all interested parties in order to minimize the impact on their human resources as far as reasonably possible. That in essence, is the examining authority's view on this matter, I will invite the applicant to respond, but I'm not interested in entering into debate on this matter that is the applicant the examining authority's view. So I really would ask you to just confirm that the examining authority's view is position is clear.

58:02

Thank you, sir. Scott and Callum for the applicant, yes, sir, position is clear. Just to say it was obviously not the applicant's intention to complicate matters at this stage, and the applicant was not intending, not to bypass, in any way the change notification process, as I say, the applicant's position. Some of these changes were that they weren't actually changes as such to the project. They were simply reducing the flexibility that the applicant would otherwise have had post consent and trying to narrow matters. Now, but the applicant takes the point very clearly and will very much err on the side of caution moving forward for any further amendments, we will make sure that we fully follow the change notification process.

58:46

Thank you. Ms McCallum, that's helpful. I'll move on, in that case, to a suggestion from Lincolnshire county council in its relevant rep examination Library Reference, rr, 004 requesting an interrelationship report which would be updated at each deadline. And can I ask Lincolnshire county council if they could expand a little on how such a report might be structured and managed throughout the course of the examination, and what the county council believes the benefit of such a document would be in the examination please.

59:25

Stephanie Hall, Lincolnshire county council. So we've had some good practice on this from other nsips, which are coming forward and have come forward in Lincoln's area, particularly in relation to the cluster of solar farms that came forward around Gainsborough, so gate Burton, westburton, cotton and there will be tilbridge. They submitted and updated regularly at this an interrelationship report which assisted the XA with assessing cumulative effect and showed that the promoters were working together. To try and minimize effects. And it became a document that was, I would hope, quite useful to the XA in terms of demonstrating how those projects could be brought forward, potentially together whilst minimizing impact. It wasn't a document that could be formally incorporated into anything, so it has no formal status, but it certainly gave Lincolnshire county councils a degree of comfort that the promoters were seeking to work together to minimize cumulative effects. So for example, I highlighted earlier that a key concern of Lincolnshire county council is the transport impact, the cumulative effects of constructing all of these projects within a relatively short timeframe. Quite a lot of these projects have overlapping, or the potential for significant overlapping of construction traffic impacts on the highway network, and one way that that could potentially be managed is by collaboration between applicants, to say, to have regard to each other's construction program and set out for the XA, you know, how they actually

envisage implementing the project and when, because that can alleviate some concerns, if actually the implementation program that there isn't a significant degree of overlap, or it's possible to reroute some construction traffic in a particular way that can alleviate some concerns, or at least highlight where there may or may not be pinch points. So we see that as a very useful document. In terms of the structure, there is good practice from from the end sips in the solar end sips around Gainsborough and so that that's all publicly available. Obviously, cotton has been decided. Gate Burton's been decided. Gate Burton has been decided, so that there's good practice available on the national infrastructure, consenting website. So we don't see it as a particularly onerous ask on to the on the applicant, but we do see it as a potentially very useful document, both for us in terms of limiting, potentially, hopefully, the scope of objections that we might wish to make. And so for you, in terms of seeking to assess the cumulative impacts of projects where, you know, there are quite a lot, so there might be, there might be coming forward, and just having all of that in one place can be particularly, we say, very useful, hopefully to you know

1:02:22

what? Brian, Council, can I just add, sir, that this initiative came from the planning Inspectorate to help the each examining authority with those projects that Ms Hall has just identified and conscious that the other projects that we're hoping that we'll be included in this aren't yet at sort of application stage, but there are other projects which are emerging through non such a consultation. So there is information around these projects already that can be used, we hope, in terms of, you know, given the, I guess, the basis for this report, and giving it some sort of credibility.

1:03:04

Thank you both. So I will. I will come then to the applicant to to ask whether it shares Lincoln County Council's view of the value of such reports and whether it's something it would consider undertaking. Thank

1:03:22

you, sir Scott and Callum for the applicant. And sir, the applicant is certainly very willing to discuss this further with the county council and to try and work out which projects might fall within that Ambit. My initial concern is just how early stage some of the other projects are coming forward in the area are and how real than any information that's out there might be in terms of program or routes. So I would want to avoid a situation, sir, where we're having to guess or carry out assessments for other projects to work out, to fill in gaps, if you like, sir, on their information, because that maybe may turn out to be totally false. So I wouldn't want to present information into the examination which is coming from any other source other than other developers. And so, as I say, happy to consider it, sir. But I do worry just how early stage some of the other projects coming forward actually are

1:04:20

that's noted. Thank you. Is there anything you can add to help with that particular issue?

1:04:25

Stephanie Hall, Lincoln County Council, I welcome the indication that the applicant's willing to take this offline and discuss that with us, certainly. So it's not our intention to ask the applicant to undertake

traffic in sport impact assessments for other projects. You can only assess the information that's available. We're not asking you to create information. It's more about a collaborative approach from projects that are at a sufficiently advanced stage. And actually, if the result is that there aren't any then, then there'll be no need for that report. But if there is some useful information out there, and there are so there is some work that we can do to show the cumulative. Exit of these projects and work some some joint working. We think that would be helpful and but ultimately, so grateful for the applicants, indication that we can take this forward together

1:05:09

potentially. Thank you. And just to clarify that we are in the context of this particular notional document report, we're talking about interrelationships with other nsips, strictly other nsips.

1:05:26

Yes, definitely holding a yes.

1:05:29

Thank you. And just finally, back to you, Mr. McComb, if there's anything else you'd like to add, thanks, sir

1:05:35

Scott McCallum, for the applicant to know nothing further at this point. Thank you.

1:05:38

Thank you. I will move on then to a hot topic, the use of artificial intelligence or AI in evidence. Examining authority understands that AI can be used to support the work of applicants and interested parties, and that this can be done positively when it's transparently used. The planning Inspectorate has recently issued guidance and relates in relation to the use of AI, and due to the evolving capability and application of AI, this guidance will be kept under review. AI is technology that enables a computer or other machine to exhibit a level of intelligence in inverted commas normally associated with humans. Recent advances mean that AI can now be used to create new content in the form of text, images, videos, audio, computer code and other types of data. It can also be used to alter or enhance existing content. In such cases, AI works by drawing on existing information used, usually from a large database or from the internet, to provide a response to a user's prompts or requests. If you use AI to create or alter any part of your documents, information or data, when you then which you then submit as evidence to the examination of this application, you should tell us that you've done this when you provide the material to us. You should also tell us what systems or tools you've used the source of the information that the AI system is based has based its content on, and what information or material the AI has been used to create or alter, as the planning inspectorates guidance was published since, since the application, since this application was accepted for examination, we asked parties to provide us with this information as it may relate to any submissions made to date at deadline, one on the 24th of October, and for any submissions subsequent to that date to be suitably endorsed at the time of submission, the examining authority will provide further detail related to this request alongside its relate letter, which will be issued as soon as soon as practically possible following the close of this preliminary meeting. Is there anything that anybody would like to raise in relation to this particular matter? I see no

hands, and I will move on then to ask for any submissions related to any other matters which any parties wish to raise relating to the examination process at this stage,

1:08:21

Mr. Westmoreland Smith, I see your hand up.

1:08:24

Thank you, sir. Mark Westman Smith, for GH Clements, apologies. It's a point I should have mentioned Under Item four, having requested an issue specific hearing on agricultural impacts. I just wanted to draw your attention to the fact that we have some availability issues with our soil experts. They're not available on the third and fourth of December, but they are on the fifth and sixth. I just ask you to take a note of that for your consideration. Thank you.

1:08:58

Those dates are noted. Thank you, Mr. Westmoreland Smith, so now, if there are no other relevant matters under any other business, we will move on to close this preliminary meeting. So thank you all for contributing so fully and usefully to this meeting. And thank you to those joining us remotely as well. We, as an examining authority, look forward to working with you all in the examination of this application. We will reflect on what's been said today. Our relate letter, which will include confirmation of the examination timetable, will be published during the course of the next seven days. Both a written notes and a recording of the proceedings today will be made available as soon as practical on the outerdising offshore wind page of the planning inspectorates national infrastructure website for any administrative questions that you may have. I'm sure that Mrs. Haraway and the team will be able to help you, but I would ask. The interest of fairness and impartiality that you do not speak directly with me or any other member of the examining authority. I would also take this opportunity to remind you that an open floor hearing will follow the close of this meeting at 2:30pm in this same location. And with that, I will thank you all and close this preliminary meeting. Thank you. Applause.