



## Hearing Transcript

<b>Project:</b>	EN010130 - Outer Dowsing Offshore Wind Project
<b>Hearing:</b>	Issue Specific Hearing 1 (ISH1) – Part 3
<b>Date:</b>	4 December 2024

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

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

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

# TRANSCRIPT\_OUTERDOWNSING\_ISH1\_SESSION3\_04122024

Wed, Dec 04, 2024 1:06PM • 13:28

00:06

Thank you. We'll resume now with

00:09

Agenda Item 3.3, which is actions arising from this issue specific hearing. And I have 12 in front of me on some of those 12 I've bundled a few together

00:23

if it basically covers the same issue. So I'll start with the first one, which is for the applicant at deadline three to submit the fuller script for Agenda Item 3.2, point one, that provides an overview of the draft development consent order,

00:40

the second action plan action point I have is for the applicant to provide a note explaining the terms authorized development and authorized projects, and also to provide a signpost to those articles that contain the phrase, any other works or pertain to any other works. So that is the for the applicant at deadline three. The third action point I have is

01:07

to comment on the need for authorized development to be used rather than authorized project in relation to the commencement of onshore preparation works. And that's for the applicant at deadline three.

01:20

The fourth Action Point is to consider the need to distinguish between intrusive and non intrusive environmental surveys and respond in writing on that matter, and also to provide greater clarity on what would potentially constitute a non intrusive survey and comment on the exclusion of works relating to welfare facilities. That's for the applicant. At deadline three,

01:46

action point five, I have to assess whether the onshore and offshore archeological written schemes of investigation adequately cover the potential encountering of human remains both onshore and offshore. And whether the processes are set out in the WS eyes are consistent with those in article. The wording of Article 19, that's for the applicant at deadline three,

02:14

I then have action point six, which is to comment on who is best placed to be the relevant planning authority, stroke discharging authority in relations to requirements 10 and 11, which deal with the provision implementation and maintenance of landscape. And this is also to be looked at in the context of the definitions contained in Article Two. And this action point is for South Holland District Council, East Lindsay District Council and Boston District Council, which I've collectively referred to as the district councils. And that is for deadline three. And then action point seven is to provide an update on discussions regarding the responsibility for dealing with three the aforementioned requirements 10 and 11, and that is for Lincolnshire County Council and the three district councils. And that is deadline three.

03:11

Action point eight is to provide commentary on the progress towards completing protective provisions. And that is interested parties, those interested parties that are subject to protective provisions, and I have that down for deadline three, and then further to that, action point nine, if protective provisions are not agreed by deadline three, then interested parties subject to protective provisions to submit their preferred word in for those protective provisions. And that's deadline for

03:48

action. Point 10, I have provide commentary on any concerns or admissions regarding the documents to be certified in schedule 21, of the draft DCO, and I have that down for any relevant interested parties who obviously have concerns about the documents. That is deadline three,

04:09

action point 11, I have

04:13

for comments to be provided on the securing of compensation measures within the draft development consent order, and that is for Natural England at deadline three. And then the last of my action points. Action Point 12, I have consider amendments to the wording of the restricted covenants in column 12 of Section seven in relation to the depth of working issue, and provide an update on progress on discussions on this matter, and I have that for the applicant and TH Clements, both at deadline three. So those are the 12 action points I have. I will revert to the applicant first to see if they have any

04:54

others.

04:57

Thank you, sir, Scott McCallum, for the applicant and no sir.

05:00

That accords with our list of action points. One point of clarification, sir, I wasn't too sure if you said that protected provisions, if not agreed, were to be submitted at deadline three. I think we had suggested that preferred wording could be submitted at deadline four. So it's just to check. Check that point

05:22

the courts yes for fraction point nine, which isn't one for the applicant, it's one for interested parties. I had if the protection, protection provisions hadn't been agreed between yourselves on whatever interested party, then those other parties to submit their preferred wording by deadline for

05:43

ideal sir, that's what we have as well. Thank you very much. Thank you.

05:48

Okay if I see a hand up from Mr. Westmoreland Smith,

05:54

thank you, sir. Just one potential further point, we raised the issue of consultation in some form with landowners under requirement 18 code of construction practice and 31 soil management plan. And the applicant kindly undertook to give consideration to that, and I just wondered whether that ought to be formally recorded as well.

06:21

Certainly, certainly, Mr. Westman and Smith, we can do so that's considered the consultation mechanism, basically.

06:29

So I'll take note of that, and I'll, we'll, um, we'll put, put that in and have that as our final action point. Action Point 13

06:42

is, deadline three reasonable for that. Mr. Westmoreland Smith,

06:48

and from our perspective, yes, but it's probably something for for the applicant to respond to, because it's for them to come back.

06:56

Okay, in which case I'll turn to the applicant.

06:59

Thanks, sir. Scott mccannon, for the applicant, sir, yes, it's certainly the applicant intention to submit the updated copies of the outline plan. So that's the outline soil management plan and outline code of construction practice at deadline three. So from the applicant's perspective, sir, yes, that's their their proposal as to how to address that issue will be will be updated by that deadline. Okay, thank you, Mr. McCallum,

07:24

okay, I'm not seeing any other hands with anybody else having any comments to make on the action points, in which case also I shall hand over to Mr. James to deal with any other matters arising.

07:38

Thank you, Mr. Jones. So Agenda Item 3.4 Can I just confirm if any parties have any other matters to raise under this agenda item?

07:50

Ms Westmont Smith,

07:56

apologies if I ought to phrase this earlier, when we were dealing with the articles, but this particular article didn't come up. This is one short point that I'd like to raise in relation to Article 28

08:10

which deals with temporary possession. And that's obviously an important article from a landing perspective, and important indeed to the applicant, they proposed, as we heard yesterday, to install the cable under temporary possession powers, which we don't have any trouble with at all. But there is a point about the scope of Article 28

08:38

yesterday in the compulsory acquisition hearing.

08:43

We heard with regards to

08:46

work number 17, and discussions around flexibility, the reliance that the applicant placed us upon wording in articles 20 and 22 the primary compulsory acquisition articles in so far as those provisions limit the exercise of the compulsory acquisition powers to be so much of the order land as is required for the authorized project or to facilitate it or is incidental to it.

09:17

And the short point is that article 28 temporary possession powers is drafted in broader scope, and we think that the same limitation on the exercise of the powers should apply. So you've got article 28 one, a, i, which limits the purposes of temporary possession for certain plots listed in schedule nine. And as Mr. Flanagan explained, they're sort of temporary works, enabling the cable is installation, but outside of the corridor, essentially, but under 28 one, a two, in relation to any other order land. It's a general one.

10:00

Wider power and with temporary session, you know that it's a powerful provision that allows, for example, the removal

10:10

of buildings. So the short point is, can the applicant give consideration to the same limitation? Now, in some areas, there might not be any practical significance to this point, because if it's the 80 meter corridor, and they need 80 meters, then there might be any practical significance. But in for example, the area of work 17 there might be practical implications if they're using temporary possession powers there. But the point of the principle is important because it goes to limitation of interference with proprietary

10:45

rights. And just lastly, in so far as it might be said by the applicant that 28 three does provide a limit, because it says The Undertaker is only allowed to remain in possession

10:59

for as long as reasonably necessary. Well, that applies to remaining rather than going on to the land. So there's a distinction there. And if it is meant to be a limit, let's just make it better, clearer and upfront in the primary provision of 28

11:17

one. So I just wanted to raise that point about the scope of Article 28 and again, that's something really to leave with the applicant to consider, but I didn't want to include it in written reps without mentioning it orally at least.

11:34

Thank you, sir.

11:37

Thank you, Mr. Westmoreland Smith, does the applicant have any initial comments to make on that particular point? Please?

11:45

Thank you, sir. Scott McCallum, for the applicants, sir. Now I think it may be better for us to take take the drafting point away, so perhaps another action point for the applicant to give some consideration to that, to that word doing, to see if there's any any any tweaks that that would be appropriate. I suppose only general point is that the nature of the race being sought under that article are are different and and are temporary. But we will take, take the drafting point away and come back on, on writing by deadline three on that point, if that's if that's acceptable.

12:17

Thank you. We'll make it out to that on the action point list.

12:22

Oh. First, are there any further matters that anybody wishes to raise before we move on to the next item?

12:30

Okay, I can see no hands, so moving on to agenda. Item. Four, next steps. If you've spoken today, please provide a written version of your submissions by deadline three, which is Friday the 13th of December, along with any action points as just discussed, the recording of this hearing, we published on our website as soon as possible after the close of the hearing.

12:53

Can I remind everyone that issue specific hearing number two on offshore environmental matters will commence at 230 this afternoon, with registration from 2pm

13:03

and issue specific hearing three will begin tomorrow morning at 10am

13:07

finally, just to thank everyone for your participation today and which will aid our recommendations to the secretary of state, the time is now 1243,

13:18

And issue specific hearing number one is now closed. I.