



## Trawsgrifiad Gwrandawriad

<b>Prosiect:</b>	Fferm Wynt Alltraeth Mona
<b>Grandawriad:</b>	Gwrandawriad Mater Penodol 1 (ISH1) – Rhan 2
<b>Dyddiad:</b>	16 Gorffennaf 2024

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## Hearing Transcript

<b>Project:</b>	Mona Offshore Wind Farm
<b>Hearing:</b>	Issue Specific Hearing 1 (ISH1) – Part 2
<b>Date:</b>	16 July 2024

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## **Mona\_ISH1\_16 July\_PT2**

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### FULL TRANSCRIPT (with timecode)

00:00:04:24 - 00:00:35:21

Okay. It's now 350. Welcome back everyone. Um, we're going to start this session, um, with commencement provisions. Uh, as it stands, requirement one of the the draft decree would allow seven years in which to commence the proposed development. And the explanatory memorandum sets out that this follows an approach taken in the Dogger Bank t side A and B Offshore wind Farm and Hornsea Three and Hornsea Four and is considered appropriate for this development.

00:00:36:13 - 00:01:07:19

There have been two recent made development consent orders, where the applicant had initially requested seven years in which to commence, but were only granted five years by the Secretary of State, and the reason given for that was that, um, the applicant, that five years was sufficient and that the applicant could still apply for an extension if required. And these were in the Alamo, um, development consent order and the Drax Carbon Capture and Storage project.

00:01:08:02 - 00:01:18:04

Given those recent decisions and the Secretary of State's decision in those in those cases, can you explain why you would need seven years?

00:01:19:29 - 00:01:50:18

Thank you. Liz Dunn, on behalf of the applicant, um, we have explained in the explanatory memorandum, which is document A01 three and paragraph 1.4.163, 1.4.1.65 as to why that seven year period is requested. Um, these are large projects. Um, they take time to, uh, to, um, uh, move into construction. Um, they may well be the need to secure a contract for difference award.

00:01:50:20 - 00:02:30:22

Uh, there's no guarantee as to the timing of when those might be and when that award might be secured. Um, and there's also, um, some very long leading times at the moment for, uh, equipment and those various elements. Um, and I think we've also mentioned in the explanatory memorandum that that seven year period, um, would also allow for a greater opportunity to capitalise on um, assuming both projects are granted consent, the ability to to work with the Morgan generation, the Morgan Offshore Wind project, which is being promoted by the same partnership, um, uh, of BP and uh, Energy Bar and Rittenberg.

00:02:31:17 - 00:03:12:00

Um, just coming back to the points around the ability to extend the time period. Um, uh, it's a it's a relatively new, um, argument from the secretary of state that ability to extend from 5 to 7 years. Um, I haven't seen it done before. Um, and, um, I'm sure the panel will be aware that the ability to make a change to a development consent order is a, uh, is something that has no specified time limits, um, and can take a very long time to secure and often.

00:03:12:02 - 00:03:49:21

And at the moment is often longer than actually seeking the original development consent order. So with all due respect to the Secretary of State's decisions on our limo and, uh, trucks, I think they're not

it's not a convincing justification. I don't think, from the Secretary of state, uh, that, um, you can just apply for an extension. Um, I do not think that is the way that, uh, we should be looking at major infrastructure and energy consents. Um, in terms of that time frame. Um, I do not think seven years is an unrealistic timeframe and it has been granted, um, on other projects.

00:03:49:25 - 00:04:06:21

Um, ultimately, there will be a matter for yourselves and for the Secretary of state. Um, we think it's justified. We think it's been justified on other projects. Um, and, uh, as I've said, I'm not convinced by that's true of states arguments about the ability to extend.

00:04:06:23 - 00:04:39:05

Okay. Thank you. Um, so if it if it was, um, seven years in the planning statement, for example, one of the benefits put forward in in favor is that this, uh, development would, would meet the urgent need. Does urgent need correspond with seven years in which to commence? And how much weight should we give to that contribution to urgent need? If we were to agree with you that seven year commencement was appropriate.

00:04:39:09 - 00:05:20:04

Based on on behalf of the applicant, I think there are different things. So I think having the ability to commence up to seven years doesn't mean that that will be the target of, um, the project in terms of being able to, uh, get into construction there. I think it's clear through all of the application documentation that it's the undertakers. Um, the the applicant's intention to commence construction as soon as it can. However, there are a number of, um, uh, external influences on that and constraints on that whereby, um, sometimes it just isn't possible.

00:05:20:06 - 00:05:46:11

So yes, I accept that if, if, um, commencement wasn't to take place until seven years, then you know that that's not great for those 20, 30, 20, 30 targets. But the intention is that, um, that will happen as soon as it can. It is just having the ability, if that doesn't happen, that you don't have to apply to the Secretary of State for an extension of time, which in itself is an inherently uncertain process.

00:05:46:21 - 00:06:07:16

And in your experience, the issues that you put forward. Does it does it delay things by a considerable time? So going to seven years instead of five years, if the issues that you've said might crop up, might delay it, for example, in your experience, would that require a seven year comment period? Is it is it does it cause that many issues that it would have to be pushed that much further down the line?

00:06:09:07 - 00:06:21:28

I think at the moment your your proposal is to start is to commence in 2026, isn't it? And the issues that you sort of put forward to us as a reason as to why you might need seven years to commence?

00:06:22:23 - 00:07:01:23

I focus on behalf of the applicant. Certainly. Um, there have been projects that have, um, Failed at certain milestones, such as being granted a contract for difference or, and have had to, um, go through a process of redesigning the project, re-engineering it, going back to the market where there could be different supply chain issues than they were the first time round. There could be delays that were unexpected and unforeseen. Um, but that's that's history. And I think we need to look forward. And obviously we don't understand what the particular pressures in detail could be when the time comes to actually place contracts for this, for this project.

00:07:01:25 - 00:07:29:08

And we need the flexibility to be able to react to what the market is doing, then, um, you know, offshore wind is, um, a market that moves forward quite quickly. There's technological changes, the

supply chain changes. It's it's across the news, isn't it? You know, about if you're reading an industry, magazines and so forth, that there are an awful lot of pressures from different suppliers and different elements of the offshore wind supply chain. So it's looking forward and not knowing how that's going to work, which is which is what we need to look towards.

00:07:30:20 - 00:07:42:01

Just in terms of, uh, you mentioned Morgan. Um, do you have any, uh, rough ideas of their proposed commencement in terms of timescales?

00:07:44:12 - 00:08:01:15

Please stand on behalf of the applicant. That application has the generation element of that application has just been accepted for examination. Um, and that's due to start soon. I don't know, off the top of my head where they are, but that will be in. There will be something in the application documents around that.

00:08:01:17 - 00:08:18:22

Yeah, I think I think you've obviously given us a much fuller explanation here today than than what is currently in the explanatory memorandum. I think what would be really helpful is if you could, um, perhaps beef that apart up slightly just to, uh, cover what you've told us today as well.

00:08:26:12 - 00:08:47:03

And just finally on on the seven year in terms of um assessments and surveys conducted to inform the environmental statement, was the seven year commencement taken into consideration within the environmental statement? Because I don't think at any point we've seen that that's acknowledged in in any of the chapters at the moment.

00:08:50:18 - 00:09:26:15

It's done on behalf of the applicant. Um, it's not something I'm aware that you would normally consider for the purposes of the environmental statement. So the environmental statement will consider, obviously, other surveys and data to establish the baseline, um, in respect of those areas where there are particular sensitivities, for example, European protected species and others, there will be pre pre commencement surveys that are undertaken to update any surveys that were undertaken. So if there have been changes to the baseline and that could be three years.

00:09:26:17 - 00:09:40:15

It could be a year, it could be five years. It could be more um that those surveys and they are secured through the DCO. They are part of standard practice in terms of understanding exactly what what it is that will then be constructed.

00:09:40:17 - 00:10:05:06

Sorry, I probably didn't phrase that right then. That's what I meant. It would be quite some time, but, um, from the initial surveys, wouldn't it, if you if it was seven years, by the time you commenced, it would be quite a considerable amount of time. Some of those surveys would earn in advance of you submitting the application. So you'd be looking at quite a considerable length of time between the initial surveys and, um, commencing development. That was my question. Does it affect any of the outcomes? Should anyone be concerned about that?

00:10:09:11 - 00:10:09:26

Just.

00:10:23:02 - 00:10:23:25

Follows the same.

00:10:25:16 - 00:10:31:28

List. On behalf of the applicant, I think I'd just restate the point made earlier, which is that those.

00:10:33:18 - 00:11:00:12

There isn't. There isn't necessarily a material difference between 5 and 7 years in terms of the of the validity, the need to update surveys. As a result, there isn't a sort of cut off point at five years whereby you'd say, actually, we don't need to do any additional surveys. That's why they're built into the pre-construction program to make sure that when you do commence, you're doing it on the basis of, um, of more up to date survey information.

00:11:01:29 - 00:11:04:11

Thank you. Did you have a.

00:11:04:15 - 00:11:28:08

Just to follow up on the point you said about, um, trying to, um, well, have the potential to coordinate with Morgan Generation assets in the future, and that being potential justification for the seven years. I was just wondering if you could elaborate a bit on what that might, is that in terms of, for example, economies of scale in purchasing kit or in terms of scheduling construction, could you just explain a bit more about where those benefits would be.

00:11:28:22 - 00:11:58:26

Placed on, on behalf of the applicant? They are two quite separate projects. Um, and um, the Moana project connects obviously inter border within um and the Morecambe Generation Project is proposed to connect into Penwortham. Um, it would be around, um, supply chain matters. So, so turbine procurement, cable procurement, uh, construction contracts, those sorts of things where there's a sort of economies of scale, um, ability that, um, that would be beneficial.

00:12:03:21 - 00:12:27:28

Thank you. Um, if we could, uh, just, uh, turn to sort of requirement one, two. And this is seeking to extend the commencement period by an additional year should proceedings begin to challenge the validity of the order. So given what we have just discussed, this would potentially allow an eight year commencement period if those proceedings were made upon my understanding that correctly.

00:12:32:01 - 00:13:11:06

Placed on on behalf of the applicant. Yes. That's correct. Shall I? Shall I go on to explain why we've added it in and perhaps why it hasn't been? So, um, this this, um, it's a sort of automatic extension of the, um, time period within which to commence by an additional year if, um, if an application is made to challenge a judicial review, application is made to challenge the consent. Um, this is already, um, something that is um, included, uh, or was included within applications made under section 36 of the Electricity Act that had a deemed planning permission.

00:13:11:08 - 00:13:52:29

There's an automatic provision that if that consent was challenged, then you got an extra year in which to implement the consent. For some reason, that's never been reflected in DCO projects until very recently. Um, and there is precedent um, now from the Yorkshire and Humber CSS cross Country pipeline has included this this provision within it. Um, I think the point that I'm surprised it's never been picked up before, to be honest, and it hasn't that kind of translation across hasn't been made as it was there for the purposes of section 36, which is how this project would have been consented before the before the Planning Act regime.

00:13:53:13 - 00:14:27:05

Um, the other point that is worth picking up is that actually the compulsory acquisition provisions, and I know we're not talking about compulsory acquisition today, but under article 27 two, um, which

is very sort of recognised and acknowledged drafting there is within that embedded that one year extension for challenge. So it's always, always been there. It's been accepted on a number of um DCS and built in to that, um, drafting of article 27 two that there is that year extension.

00:14:27:07 - 00:14:34:09

It's just never been picked up within the commencement provisions. Um, in in the requirements.

00:14:39:14 - 00:15:01:22

Apologies. I'm just wondering if it is sufficiently clear in the way it's drafted at the moment. Um, so if I just give a few examples, what is meant we we might know you might know what is meant by proceedings. Um, I understand that you're saying it's an application for judicial review, but should that perhaps be defined in the DCO somewhere.

00:15:03:08 - 00:15:28:18

Less than half the applicant, we will look at it. The drafting was actually taken from the relevant wording in the Town and Country Planning Act that provides for that. So it was we we sort of directly drew it across and in um, if, if we need to provide, we'll have a look at providing some further clarity. Yeah. Um, in terms of, in terms of what's there. Um, yes. Well, we'll have a look at that.

00:15:28:20 - 00:15:35:01

And my other question would be, um, would you need a full year if those proceedings were withdrawn or a decision was made earlier?

00:15:36:14 - 00:16:08:07

It's done on behalf of the applicant. I, I think I think with this, you can start to plan for too many eventualities. In a sense, the the provision in the tcpa says if there is a challenge, you get an extra year. To be honest, if you had a challenge, it could go on for five years. So. So it's a bit of a swings and roundabouts in that it might take a lot longer than that to resolve, or it might be shorter. And the tcpa came up with a year as being as a reasonable sort of provision to extend.

00:16:08:09 - 00:16:16:03

I think you could try and provide too much drafting around this to provide clarity, and actually it would then become quite unwieldy.

00:16:16:10 - 00:16:50:16

Yeah, I understand that. I think my final point on this would be this this is new, this novel. So we have to think about how this works. Um, in a DCO itself. Um, how would anybody who just picked up that DCO know that those proceedings had begun? So how would they know on the face of the DCO if those proceedings had begun? Because in the event that that happens normally, the only people that would know about those proceedings would be the claimant and the secretary of state. So the local authority, for example, might might not know anybody who just picks that DCO up on the face of it wouldn't necessarily know.

00:16:50:18 - 00:17:02:21

I'm just wondering if there should be some sort of notification within that so that the local authority, for example, would at least know that those proceedings had had begun because it doesn't work that they're necessarily told.

00:17:03:00 - 00:17:33:19

But I think it would then be the onus would be on the applicant if that challenge had happened, to notify the local planning authority. So if you were seeking to discharge requirements outside of the seven year period you'd need to provide, the local authority could reasonably say you're out of time

and you would say no, there was a challenge here. It is his evidence of that challenge to be able to, um, confirm that you're you're within that time frame.

00:17:33:21 - 00:17:34:07

It's sort of.

00:17:34:09 - 00:17:49:23

Reacting to something in the event that it happens, rather than being informative in the first place. Really, I think it would be better to be informative rather than reactive in that situation. I think that if someone was to pick up this DCO, they ought to know when the commencement period ends.

00:17:50:09 - 00:17:53:03

And we will, we can take that away and look at it. Thank you.

00:18:00:20 - 00:18:07:03

I'm just. If we could turn to Elvis staples. Sorry. We'll come to you now.

00:18:10:28 - 00:18:14:22

Thank you. Uh, Louise Staples for the NFU.

00:18:17:10 - 00:18:19:25

Oh, I don't seem to be able to turn my camera on. Sorry.

00:18:20:20 - 00:18:21:12

That's okay. We can.

00:18:21:19 - 00:18:22:10

Do it. There we go.

00:18:22:12 - 00:18:23:23

Oh, no. I can see you now as well.

00:18:24:21 - 00:18:56:22

Uh, I just two things I would just wanted to raise was, um, was in your question about surveys, and my understanding is that, yeah, surveys do have to be renewed over a certain length of time. So if they've got eight years, I can a surveys. Normally the data from their surveys only stands for a certain time and then they have to redo them. So um, from a landowners point of view, I think it would be interesting to know whether it means they would have to do surveys more frequently than they would even under five years or seven years.

00:18:57:25 - 00:19:05:01

Um, secondly, can it just be confirmed again? Sorry, where does it state at the moment about the extension for the one year?

00:19:05:26 - 00:19:14:09

Um, if you look at, um, requirement one, it's in is in two of requirement one.

00:19:15:03 - 00:19:17:04

Two of requirement one. Thank you. That's fine.

00:19:19:14 - 00:19:23:12

Can I ask Mr. Dunn to come back on Miss Staples? Um. Other things.



00:19:29:05 - 00:19:39:18

That he's done on behalf. Can I just refer to what I said previously? I think there will be a need to update surveys. Whether that's different over 5 or 7 years will depend on the nature of the.

00:19:39:20 - 00:19:57:16

I think Miss Staples was asking if it went to eight years, for example, would there be any need to do further surveys within those periods? And would you be going to onto land to to conduct surveys in the intervening period? Would there be additional surveys? I think that's what she's asking. If the if it if it was an eight year commencement as opposed to a five year.

00:19:57:18 - 00:20:05:12

Commencement, it will depend on the circumstances of what you're surveying and how up to date the survey is, um, and when you're going to start commencement.

00:20:12:13 - 00:20:14:25

Miss staples, does that answer your questions?

00:20:18:11 - 00:20:28:23

Uh. Thank you. Staples for the NFU. I think it means that they could have to undertake more surveys over that length of time. Would be my understanding. Thank you.

00:20:32:04 - 00:20:36:01

Mr. mayor. If you want to make a final point on that before we move on.

00:20:38:10 - 00:20:38:25

Now.

00:20:43:04 - 00:20:49:15

So if we could just tend to, um, the definition of commencement in the draft, please.

00:20:53:00 - 00:21:12:15

Um, if we go to a, um, which states in relation to work seaward of m l w the first carrying out of any licence marine activities authorised by the deemed marine licence. Should that also refer to the standalone marine licence, or is there a reason that it only refers to the deemed marine licence?

00:21:19:00 - 00:21:22:05

Is done on behalf of the applicant. Um.

00:21:24:17 - 00:21:40:15

I think that I haven't thought of this. Um, I think that because the the the d marine license only covers generation matters, it can only refer to that that that there isn't.

00:21:42:00 - 00:21:57:29

I think we might need to take that one away. That's fine. Um, I'm not sure this DCO can talk about commencement in another license that's separate from this one, because it doesn't trigger it. But I will take it away and have a look at it.

00:22:02:28 - 00:22:08:14

Any that the works are, cut. They are works within a DCO, aren't they? So I appreciate your point, but it's.

00:22:08:29 - 00:22:10:10

I think that's why I need to think.

00:22:10:16 - 00:22:11:06

We scratched our.

00:22:11:08 - 00:22:36:01

Heads. Appreciate that. The DCO authorises all elements of it, but in reality nothing can be done within the transmission, the the works that are covered by the transmission marine license, unless they're done under that marine license because they are licensable activities. I think this might be quite circular, but we will have a look at it.

00:22:36:19 - 00:22:41:27

Unless there's anything that's not a licensable activity, but is a is does fall within the definition of the authorized project, I suppose.

00:22:45:09 - 00:23:22:13

Okay. Just further to, um, the definition of commencement, if we look at, um, the recently published guidance content of a Development Consent Order for Nationally Significant Infrastructure Projects, which was published in April of this year. Um, it states that the definition of definition of commencement does not provide for any preliminary works, which are so extensive that they would be likely to have significant environmental effects themselves, and would normally need consideration and approval by the discharging authority prior to such work. Starting. Examples of matters that are not acceptable include major earthworks, clearance of trees and ground clearance.

00:23:22:18 - 00:23:46:00

Works for protected species or archaeological remains. Now, if we have a look at the preliminary works which are excluded as part of this commencement, it does include some of those matters. Could you provide a bit more detail on that? I'll give an example. Demolition. What? What do you need to demolish? What? What are we talking about in terms of demolition?

00:23:46:18 - 00:24:20:01

Let's stand on behalf of the applicant. Perhaps I can just explain the approach, um, to, um, commencement. Um, and the definitions that have been provided. Um, and particularly in respect, in the context of the, of the updated guidance, accepting that that wasn't in place when this application was accepted for examination. Um, so just referring back to the definition of commencement. Um, it does, uh, talk about the first carrying out of material operation, except for what are defined as onshore site preparation works.

00:24:20:13 - 00:25:01:27

Uh, and onshore site preparation works are defined within the development consent order as matters that you've been listing site clearance, demolition, early planting of landscaping, archaeological investigations, etc. etc. um, we note the, the the wording in the, in the um, new guidance. And what it does say is that, um, these things are not acceptable preliminary works unless appropriate controls are secured in another manner. So the applicant's approach to this um, was is to seek within the outline control documents that are provided, um, as part of the application.

00:25:02:05 - 00:25:41:16

Um, that onshore site preparation works where they are to be carried out in advance of commencement will be undertaken in accordance with the details set out in those outline plans. So that's the that's the approach the applicant has sought to take. Um, so that those controls are specified, they are secured. Um, I think we appreciate that the development that the requirements and the

development consent order probably need to refer to works being undertaken in accordance with those outline plans, which it doesn't do at the moment.

00:25:41:18 - 00:26:14:27

So that's something we will pick up. But the intention is that within each of the relevant outline documents, there is a section on how pre commencement activities will be undertaken and that they will be undertaken in accordance with those. So there are suitable controls in place. Um, a good example is uh, for example has been done across a lot of things where you have an outline scheme of archaeological investigation or written scheme of investigation, where you need to get on and do that before you can discharge the requirements.

00:26:14:29 - 00:26:54:08

So what those outline written schemes of investigation do is they prescribe how those surveys will be undertaken to ensure that you're not affecting an archaeological resource. That is what the applicant is seeking to do and just extend extend it broader in terms of those activities. So it isn't that there won't be controls in place. They they are matters that will be in the outline plans. And we haven't had much input from others in terms of of comments on those outline plans. But this is the opportunity to, for local authorities and others to make to provide input to those to ensure that they are comfortable with.

00:26:54:10 - 00:26:56:08

With the approaches that have been taken there.

00:26:57:02 - 00:27:04:11

So just so I understand that you're looking to go away, update the control documents to include the they do or they do already.

00:27:04:13 - 00:27:41:03

Um, most of them do. Again, we've done a bit of an audit. Okay. And, and there are some areas where it's perhaps not quite as clear as it might be. So those will be, um, those documents would be updated throughout examination as, as we go anyway. So they will be updated to make abundantly clear where those some of them, most of them are already do. There are a couple where it's not entirely clear. So those will be updated to have a very clear section on on onshore site preparation works so that it's clear as to these will how these will be carried out, and then the relevant requirements will add a.

00:27:41:05 - 00:27:48:25

We'll add a piece in the requirement which just says onshore site preparation works must be carried out in accordance with whichever the outcome.

00:27:48:29 - 00:28:01:05

I think my concern about that is at the moment those documents do not have to be submitted in full. You cannot commence until that. But obviously these works can be done before you commence the tightening up. The wording of the requirements would, would certainly.

00:28:01:07 - 00:28:17:04

I think that I think that most put there is a very full set of outlined documents has been submitted, um, with this application in respect of those details. And as I say, um, we welcome comments and input on them.

00:28:18:27 - 00:28:24:01

That's certainly something that we would encourage the, the council to to take a look at and work with the applicant. Um. um.

00:28:30:26 - 00:28:59:16

Okay. Uh, that is that is all I had on that part of the agenda. Does anyone have anything else to raise before we move on to stages? No. Okay. Um, requirement for of the draft DCO requires a submission of the details of the staging of the onshore works as either a single stage or two or more stages. Just so we have a better understanding of that, could you explain what the rationale is for that requirement?

00:29:03:13 - 00:29:42:22

Phil Williamson, on behalf of the applicant. Um, so essentially at this stage in our project, um, we're unsure how we might stage the stage, the project, um, given the time periods between the different styles of different onshore works, the different contractors that might undertake those works, the discrete nature of the work, ultimately the detailed design of the of the project. Um, I suppose what we do know is that there are two local authorities, and so there is a potential and obvious potential that we might have two stages for local authorities, but we we're reserving the possibility to stage at the stage in a single stage.

00:29:43:07 - 00:29:47:28

Um, so yeah, ultimately we, uh,

00:29:49:15 - 00:30:02:17

basically we're looking at that production of that. Detailed, detailed design information before we come to produce a staging document for those two local authorities. And that is viewed as a standard way to discharge a project and quite a, well, precedented approach.

00:30:03:01 - 00:30:23:20

I think our concern when you read it, when you read two or more stages, how many could that be? Could that be 20 stages? Could it be 30 stages? At the minute there's two or more, which could be any, any number which would obviously make um discharging requirements and then keeping track for enforcement purposes very difficult for the local planning authorities. If that were to be the case.

00:30:24:19 - 00:31:02:09

That Philip Williams, on behalf of the of the applicant, I think our engagement with the local authorities and that communication of of how we will stage the project is key to, to defining that. It's certainly in our interest to keep that quite tight. Um, because obviously if we want to discharge the project, we don't want to confuse matters ourselves. We need to keep things on, on the, on the in line with the detailed design and discharging things in our from our perspective as quickly as we can once we get into that phase. Um, and I think that that leans into the, the requirement itself and communicating that staging plan once we know what it would be.

00:31:02:28 - 00:31:31:16

I think you wouldn't end up with, you know, 20 codes of construction practice or 20 lamps, for example. That's, that's that's our concern. The way it's worded at the minute. And then you read that through to the requirement for submitting the limp. It's in stages, isn't it? So I think our concern at the moment, the way it's written is there will be any number of stages. And then that means any number of, of of plans submitted as well. So do you have any idea at the minute what the maximum number might be

00:31:33:12 - 00:31:35:20

because it's very open ended isn't it. Two or more.

00:31:35:22 - 00:32:06:19

Yeah. A flurry Williamson on behalf of the applicant. Um, I think sort of I wouldn't want to be put on the spot and just give you an answer like this. I think you can look at previous projects and see how they might have have done that. Um, and there is, there are there's obviously infrastructure elements such as the landfall cable route and the substation, which lends to staging and then obviously the

division of the of the local authorities. But it's very much going to depend on, as I said, the detailed design of the projects. Um, I think I take your point that it could be any number.

00:32:07:01 - 00:32:27:00

Um, and I think the only reason it might increase is, is because of complexity. But again, that's that means that it's probably important that we get those controls into those various control documents so that those that complex nature is understood and managed appropriately. But it's in the interests of the project to to keep that as, as tight as possible.

00:32:27:10 - 00:32:58:29

Uh, Liz Dunn, on behalf of the applicant, I just add that in respect of the approval of stages, requirement 42 says that the details of the stages have to be submitted and approved by the relevant planning authority. So clearly, if either Conway or Denbighshire are unhappy, they won't approve the staging that we have suggested. So if it if it is not sensible from their perspective in terms of it being too onerous, then they would not approve, um, that staging plan and we'd have to come up with something that was more sensible.

00:32:59:01 - 00:33:17:14

And that obviously has to be submitted prior to the following requirements that then come in forms of stages. That's correct. Um, just thinking on on other examinations, we have seen sort of indicative structures of staging plans before. Um, is there any possibility we could have something like that submitted into this examination?

00:33:19:06 - 00:33:24:09

Hillary Williamson, on behalf of the applicant. Yes, we could produce something like that.

00:33:26:25 - 00:33:27:22

Could we ask.

00:33:27:24 - 00:33:29:23

That? That's submitted by deadline one.

00:33:31:29 - 00:33:32:18

Yes.

00:33:36:13 - 00:33:37:14

I miss staples.

00:33:38:21 - 00:34:04:16

Thank you. Louis Staples for the NFU. Uh, it was just to say that I think the as NFU acting for landowners and members affected, um, that we would want to see that that staging was highlighted in the DCO and not just left to the local authorities, especially if the staging could affect construction time, uh, and the impact on landowners. I Thank you.

00:34:06:05 - 00:34:12:22

Thank you, Miss Staples. It's done. Would you like to tack on anything there? No.

00:34:17:06 - 00:34:23:15

Okay, in that case, I will move on. Unless anyone has any other points to to raise.

00:34:27:29 - 00:35:11:16

Uh, just in the interests of time, I'm not going to go into as much detail as we had planned on the next, um, item of the agenda, because I am conscious that we need to get to the DML section of, of this

agenda item, um, just on the applicant's mitigation and monitoring schedule, which is app 196. Um, it's actually a really helpful document for us as an examining authority. And I think for the other people who look at it. But we just wondering if it could go, um, a little bit further, um, for example, where you state that something is secured in the DCO, if you could state specifically where it's secured in the DCO, by which requirement or where you know exactly where, it's just almost like a route map, almost for people.

00:35:12:00 - 00:35:34:02

Those done on behalf of the applicant. Yes. I think this document might have been think it was about trying to align completion of this document with the development consent order and others where numbering was changing. So now that the development consent order and the marine license are sort of fixed in terms of numbering so far, then yes, we're happy to to update it with those details.

00:35:34:04 - 00:35:37:19

And just wondering, could this be a certified document in the draft DCO.

00:35:39:21 - 00:36:12:01

Based on behalf of the document, the applicant. The document. Um, I'll we might take that one away. In terms of whether it what it is not typically documents that are certified are those that are referenced in the development consent order. And that's why they need to be certified because they are secured through the order. Um, I do not think the monitoring schedule is secured through the order. Um, and therefore, I think there is a question as to. To what purpose it serves. Um, but we'll take it away and consider that.

00:36:12:03 - 00:36:12:18

Okay.

00:36:12:20 - 00:36:13:05

Thank you.

00:36:21:18 - 00:36:58:05

Uh, I think we'll just we'll just quickly finish. Then we'll move on from that agenda and we'll, um, we'll deal with some of those matters and written questions that we had planned, uh, to ask today. Unless any of my colleagues have something that they particularly want to ask in that section now. Okay. In which case I'll just move on to the final section of this part, uh, which is really just for us to get an update on the status of the National grid planning application to, to Denbighshire. Um, and also the National Grid section 37 application for the realignment of the overhead lines.

00:37:01:23 - 00:37:34:06

Paul Carter on on behalf of the applicant. Um, so we do engage with National Grid frequently. Um, both. Um, as a connecti, um, discussing our connection agreement and also, um, in a developer's or um, connected forum that National grid run for all connecting parties into border within substation. Um, I can only tell you, uh, what we've been told through those forums, which is that a planning application for the Town and Country Planning Act application for the extension is imminent.

00:37:34:24 - 00:37:59:18

Um, there's no one from National Grid, uh, with us today. I don't think, um, we would say that we have been expecting that application to have been made for some time. Um, so we do hope it comes forward soon. Um, but obviously our application has taken things as far as it can in respect of a cumulative impact assessment based on the information that's available, um, in the public domain at the moment.

00:37:59:29 - 00:38:18:12

I think all we would ask is that you keep us, um, updated, which is not something that would be brought to our attention unless unless you let us know. Um, and also, as soon as you do have that information, if there is a need to update any, uh, cumulative assessment, then we would ask that that you do that as soon as that information is available to you.

00:38:18:19 - 00:38:29:22

Could I just just, um, check in terms of the update you're looking for? Obviously, if a planning application is made, we can provide that. But in terms of updating you as to whether it's not and speculating on when it will be, are you asking us to do that?

00:38:29:29 - 00:38:39:02

Just as let us know one thing once it's been submitted? Yes, please. And the National Grid section 37 application for the you know, so.

00:38:39:09 - 00:38:48:28

Again, our understanding is that those will follow after the Town and Country Planning Act for the extension. But again they haven't been made yet. And and we don't know that the date when they will be.

00:38:53:27 - 00:38:57:02

Mr. Thomas, I'm presuming you don't have any further information.

00:38:59:08 - 00:39:04:04

No, I'm afraid I can't give an updates on on those matters. Okay.

00:39:07:09 - 00:39:15:01

For the avoidance of doubt, both of those projects required in order to connect the Moana project with the overhead line realignment and the substation extension.

00:39:15:25 - 00:39:26:24

Paul Carter, on behalf of the applicant. Um, yes, certainly. We were connecting into the extension. So it's required. And as far as I'm aware, National Grid need to realign the overhead lines in order to facilitate the extension. So so yes.

00:39:28:10 - 00:40:05:06

I think I think what would be really helpful for us is examining authority. So I appreciate you might not have that information yet is perhaps it is coming that if we we could have a composite plan which shows everything where you don't have that information at the moment. But if once I'm including, um, I will add more as well in that I will add more this the proposed development and the national grid. It would be very helpful if we had a composite plan that showed them all on one plan. But I appreciate at the moment you don't have that information, but once that information comes in, it would be useful to us to have something like that before us.

00:40:08:24 - 00:40:15:12

Once that information is available from National Grid applications, we can certainly look at how we can overlay and present that. Yeah. Thank you.

00:40:21:12 - 00:40:29:14

Okay. Um, does anybody have anything else they wish to raise on item three before we move on to item four.

00:40:31:26 - 00:40:33:17

Because I'll hand over to Mrs. Powis.

00:40:35:05 - 00:41:06:11

Thank you. Okay, so we're going to look now at item four, which is about the approach to marine licensing. I know we have Mr. Morrison. I hope we still have Mr. Morrison from our marine licensing team. And, um, we also have Miss Cressy from the Welsh Government. So um, I will invite both of you into to join the conversation. But do also raise your hand if you'd like to come in on any of those. The points that we talked about, um, this afternoon session is going to look at matters of principle in relation to marine licensing.

00:41:06:13 - 00:41:35:23

So more detailed queries on specific marine licence conditions will be picked up, uh, either in hearings happening later this week or in writing. But we just want to understand we've already started to touch on the issues about the overlapping marine licenses and the approach being taken in this case. Um, it would be quite helpful if the applicant could just bring up, um, app 013, which is the, um, just the plan that shows the overlapping marine license.

00:41:38:05 - 00:41:39:01

Areas.

00:41:52:26 - 00:41:53:18

Thank you.

00:41:55:25 - 00:42:28:01

So the approach being taken to marine licensing in this case is novel. Um, and the draft development consent order includes a deemed marine license covering the license for all activities for the generation assets, uh, which, as we've already discussed, is the wind turbine array and other infrastructure. And then, um, that's the red hatched area on the plan. And then separate marine license applications being made to Natural Resources Wales marine licensing team for the transmission assets, principally the export cable that brings the power to the shore. And that's the area covered in the dark gray on the plan.

00:42:28:03 - 00:42:34:19

And we can obviously see a large area of overlap, um, a geographical overlap.

00:42:36:08 - 00:42:55:12

You can take down that plan now. Thank you. So the latest information before us is that an application for the transmission assets marine license was made, I think, on the 29th of April this year, and it was undergoing validation checks. I just wanted to start by seeing if there was any update on the status of that application, whether that's a question for the applicant. Thank you. Yeah.

00:42:55:14 - 00:43:10:24

Paul Carter, on behalf of the applicant. So that application has been duly made. Um, and we anticipate that the public consultation for that will commence on Monday the 29th of this month. So, um, and then next week, uh.

00:43:12:01 - 00:43:12:16

To two.

00:43:12:18 - 00:43:13:03

Weeks.

00:43:14:14 - 00:43:16:09

Sorry. It might be the 22nd. baby.



00:43:18:15 - 00:43:25:02

So, has it been validated now? It sounds like it has. You've got Carson Morrison, maybe the best person to answer that question.

00:43:25:06 - 00:43:26:09

I might have got my Mondays wrong.

00:43:26:16 - 00:43:28:00

Thank you, Mr. Morrison.

00:43:29:07 - 00:43:49:26

All right, Pete Morrison, marine licensing. Yeah, I can help out Mr. Carter there. Um, yeah. As I said, it's been duly made and validated. Um, on the 31st of May. um, we're going to commence consultation. As Mr. Carter referred to as the 22nd of, um, this month, we anticipate that commencing.

00:43:51:03 - 00:43:54:11

How long does that intend to. What would the deadline be for that?

00:43:54:13 - 00:43:58:13

Uh, it's a 28 day consultation is what's intended.

00:43:58:28 - 00:43:59:13

Okay.

00:43:59:27 - 00:44:36:23

And then, um, we're just trying to make sure we're absolutely clear about how these two consenting processes will work alongside one another. So we've noted that NRW doesn't expect to be in a position to issue a marine license for the transmission assets until the Secretary of State makes a decision on the DCO application. And as I understand it, that's principally because NRC will rely on the Secretary of State's consideration of the EIA under regulation ten of the Marine and Marine Works EIA regs. Is that still the case so that we won't expect a decision on on that uh transmission assets marine license during the course of this examination?

00:44:37:05 - 00:44:58:16

Yeah, that's still the case. So we'd be looking to rely on the, um, Secretary of State's decision in terms of deferral of EIA. Um, so our decision can be reached ahead of that point. Will be undertaking the consultation with required requesting further information and progress in the application as far as possible during that time.

00:45:00:27 - 00:45:09:03

And so at the moment, is it the status of a does it is it a draft application? Is it sorry a draft licence that does a marine licence exist or is that another way that.

00:45:10:18 - 00:45:42:12

It's done on behalf of the applicant? Um, no, there isn't a draft marine licence and that's the purpose of the marine license principles document that the application at the applicant has provided. It's not a statutory document. It's not a required document. Um, but what the applicant has sought to do is to try and explain how the deemed marine license and the standalone marine license will hopefully work together based on recent precedent.

00:45:42:21 - 00:46:22:27

Um, and where, um, the examining authority, um, should be able to be reassured that certain conditions will appear on the transmission marine license. Um, I it's a very important point that that this doesn't take away the decision making of and in respect of that marine license, um, and and does not um presuppose anything in terms of what's there or what the licence will contain. But it, it does hopefully guide and, and um has certainly from the applicant's perspective has been a really useful way of making sure there aren't any gaps between the two licences as they fit together.

00:46:22:29 - 00:46:25:09

So that that's the purpose of that document.

00:46:25:11 - 00:46:50:10

Thank you. That's helpful to understand. And so, um, Mr. Morrison ultimately will do you expect that the transmission assets marine licence will look like a normal marine licence that you would issue? Or will it look like the deemed marine licence that we can see before us? Because I'm aware of comments you've made about the way that these the differences between marine licences made in English and Welsh waters, for example.

00:46:51:07 - 00:47:29:15

Um, yeah. I'm sorry. Pete Morrison on behalf of marine licensing. Um, we'd envisage at this stage that a marine licence determined by ourselves would look like a deep marine licence that we'd normally issue in Wales. Um, in terms of formatting and structure. Um, the principle document, um, is useful to, to aid in trying to ensure consistency between documents in terms of plans. But but in terms of, um, formatting and structures, I think we'd be expecting it to take the same structure as our existing processes.

00:47:30:26 - 00:47:41:09

Okay. And so the two marine licences eventually will be different in their structure and their presentation because of the approach that the applicant has taken to the deemed marine licence.

00:47:41:11 - 00:48:12:03

It's done on behalf of the applicant. Yes, they will inevitably, because the marine licence is part of the statutory instrument that forms the DCO and therefore it needs to follow those drafting conventions. Um, as I say, but we've sought to align as far as possible what we understand a transmission marine licence would look like, um, to ensure that there is consistency because there are some differences in approach in terms of the way some of the, uh, conditions on the marine licenses will be described.

00:48:12:15 - 00:48:48:10

Um, and, and the focus of them so that, as I say, that's the purpose of the marine license principles document is almost to translate from one to the other so that for the examining authorities perspective and for everybody else, you can see where there does need to be consistency that whilst the condition might be called something or worded in one way within the marine licence, it's actually doing the same thing and the transmission marine licence is just slightly different. So so what we've worked quite a lot on is trying to align, um, document referencing, align periods for things to happen, align notices and all those things.

00:48:48:12 - 00:48:54:11

So it's absolutely clear that there aren't any gaps there. They might just be expressed in a slightly different way.

00:48:54:19 - 00:49:09:00

Okay. Thank you. Um, and so in terms of the evidence that we are going to have by the time this examination closes, the best case scenario, it sounds like it's going to be a marine licence principles document that can be has been agreed by.

00:49:11:23 - 00:49:36:25

At least done on behalf of the applicant. Mr. Morrison will confirm. I'm not sure NSW will agree the marine licence principles document. Um, they may say that they're comfortable with it or they haven't got any concerns, but, um, Mr. Morrison will confirm, but I don't expect. I don't expect they will say we agree with this document because of.

00:49:37:03 - 00:49:44:22

Well, Mr. Morrison, maybe you better explain. Where do you hope to be at the end of the examination in terms of giving us the comfort that we need on this?

00:49:45:23 - 00:50:19:13

I think in terms of the team room licence will be we'll be providing a representation on on the structure and conditions, um, in the deemed free license in terms of the transmission asset and the standalone marine license. Um, it's just awareness. It's a separate process, and that we need to make sure we don't prejudice the determination in, um. Yeah. Confirming conditions which haven't yet been fully drafted or, um, a decision which hasn't yet been completed.

00:50:19:15 - 00:50:48:12

So. So there can be some assurances, probably given that, uh, conditions which are proposed, uh, have been used in previous consents in in Wales, so so could be reasonably expected to to take place. Um but but I, I don't think we'd go as far as confirming that. Yeah. This is agreed and these conditions will be in the licence because it'd be premature to do it before our determination.

00:50:50:24 - 00:51:02:16

It's a tricky one, isn't it, Because it is a bit circular in that, um, we need to know certain things. But you appreciate need to, um, protect your, uh, ability to make a partial decision.

00:51:03:00 - 00:51:38:27

Um, I'll just list down on behalf of the applicant, I would just. The panel is probably aware that that this process did work on the original project. Um, and the marine licence principles document was a. Was a useful document there, and I think the panel got themselves comfortable in terms of where their jurisdiction was, wherein our jurisdiction was. Um, and um, it, it appreciated. It's not ideal having those separate, um, those separate decisions. But it's certainly from the applicant's perspective, it's about trying to make it work as far as possible.

00:51:39:03 - 00:51:53:29

Um, um, and trying to. We've sought to and work very closely with Mr. Morrison and the marine licensing team to try and align those processes as far as possible, so that the examination has as much information as it can have in respect of that.

00:51:54:15 - 00:52:26:13

Thank you. Um, I know that Mr. Rollins already mentioned it this morning, but we do. Um, the version two that isn't track changed against version one isn't particularly helpful, so it would be very helpful to either if you're if you're working on it and it's a new version is going to be coming in at deadline one or deadline two, then that's fine. But if it's not, then I would ask that you resubmit the pre examination version, because at the moment it's quite difficult for us to do a compare and contrast on what's changed and to some extent add some commentary to go alongside that.

00:52:26:15 - 00:52:35:25

For example, why have you removed the more marine licence there was at the final appendix? So at the moment we're just guessing that the things that are in there or not in there.

00:52:36:01 - 00:52:42:29

Based on half the applicant, we will we will look at that. And if there's a need to provide further explanation as to why we've done things or not done it.

00:52:43:09 - 00:52:43:28

Thank you.

00:52:46:07 - 00:52:46:24

Um.

00:52:50:01 - 00:52:50:21

Okay.

00:52:53:03 - 00:53:11:11

I just wanted to quickly come to, um, the mechanism for dealing with the physical overlap in licenses. So if the applicant could just could you just bring up app 014, which is the, um, the indicative cross section showing the overlap of assets between the two marine licenses.

00:53:15:01 - 00:53:56:27

So this is a schematic just trying to explain this, this situation in terms of which parts of work number one would overlap. There we are. That's quite and that's a helpful document. Um, so what we can see is that, um, essentially the offshore substation platforms and interconnector cables are things, items of work, number one, that that will fall within both and could be built under both. Um, could I just ask? We understand the reasons why you have to do that. Um, but could you just, um, talk us through the approach you've taken in terms of why that is the area of overlap? Um, in terms of why you do certain works, those certain works in particular need to be covered by both marine licenses.

00:53:56:29 - 00:54:00:09

Is it down to the offshore regime basically.

00:54:01:03 - 00:54:36:22

Lays down on behalf of the applicant? Um, the reason that the, uh, area for the generation marine license, the de marine license, and the transmission marine license, which is the standalone marine license, need to overlap, um, is for the reasons I said, um, earlier. So the first one is that, um, the applicant does not know where they export cables, um, which are the transmission part of what will be authorized under the transmission marine license are going to start. Um, and it would be unreasonable to make any assumption about where that's going to be at this point.

00:54:37:11 - 00:55:36:29

The second point is that the offshore substation platforms, which are effectively where um, so the the wind turbines are connected together and then connecting to the offshore substation platforms. Um, and then there are export cables running from each of the offshore substation platforms, which take the electricity to shore. We don't know where those offshore of offshore substation platforms are going to be located. Um, we also don't know at this stage whether they will be deemed to be generation assets, which means they sit and they remain with the generating entity or whether they will be deemed transmission assets, which means when the transmission is transferred to the offshore transmission operator, which is required to happen under law, um, whether they will transfer um, or whether indeed part of them will transfer to the offshore transmission operator.

00:55:37:01 - 00:56:11:26

Hence the reason for including them in both licenses. What the applicant sought to do, though, is to include sufficient controls within the documents such that, um, only for offshore substation platforms can be constructed across the whole um, uh, project. So that's one of the key key parameters. Um, and

um, that is secured through the development consent order. So the development consent order effectively sits over the top with the marine licenses separately for each.

00:56:11:28 - 00:56:44:06

And then within the um deemed marine licence. Um, there is a um it confirms that, um, there cannot be more than four across the whole project. Um and within condition 18 of the Dean marine license, the applicant is required to submit a plan to the, uh, to NSW confirming effectively what it's constructing. And that will say whether they're going within the generation marine licence or not.

00:56:44:08 - 00:57:08:19

And then we're anticipating that within the transmission marine licence, there will also be a similar condition which says if they're being constructed under the transmission marine license, NSW will be made aware of that. So therefore you've got those two controls sitting within the Dean marine license, as well as the overarching control in the development consent order, which is that you can't construct more than four across the whole project.

00:57:09:27 - 00:57:23:05

Thank you. When you said you don't know if there if the substation platforms would be deemed generation or transmission assets. Why don't you know that? Is that a matter of negotiation with and off tow, or what's the reason for uncertainty on that?

00:57:28:17 - 00:57:36:21

I forecast on behalf of the applicant, we could perhaps provide a more full answer afterwards. But, but yes, it is about what the regime looks like at the time.

00:57:36:23 - 00:58:04:08

And okay, so potential changes to the off two regime. Okay. You can take down the diagram now. Thank you very much. Okay. Yep. Um and I know the point about how do we limit it to for offshore platforms as being raised by NSW. And you've given an explanation um, in writing as well, Mr. Morrison, are you content now with that point that there are adequate, adequate controls to prevent building of more than four offshore substation platforms.

00:58:05:06 - 00:58:48:14

Peter Morrison natural resource as well as marine licensing. Um, yeah, we've reviewed, um, the response and um, yeah, I think it is possible to control it in a different way to, to the way we suggested and the use of design plan, I guess. Um, yeah. We'll be checking the principal document, which refers to, I think, layout plans and the equivalents at Design plan. Um, earlier noting there was some comment that the design plan wouldn't be necessary for transmission assets. Um, so but but yeah, in principle, I think it can be captured through a plan within the transmission licence and, uh, generation licence and that can be discussed and agreed with the applicant.

00:58:49:15 - 00:59:02:21

And I think the project, the definition of the project within the DCO does, does limit it so that the parameters are there quite clearly, on the face of the DCO, about no more than four platforms. Um, just on the point about, um.

00:59:04:27 - 00:59:35:15

If you have so insofar as you have the offshore platforms and the interconnector cables included in both, um, the marine licence and the separate marine licence, does the drafting need to establish when the provisions in each marine licence will bite, so that there's no confusion as to which marine license the undertaker is operating under when they're undertaking their work? I'm thinking about a situation where you have you'll have eventually enough to it responsible for presumably the transmission marine license and the whoever's constructing the generation assets.

00:59:35:17 - 00:59:55:09

If so, there's two separate undertakers working out there. So does this need to be some kind of, um. I don't know what it is, a notification or some some way of confirming who is undertaking those works under which marine license, so that if something goes wrong, we know who's liable or the authorities know who's liable.

01:00:03:17 - 01:00:44:18

Please don't. On behalf of the applicant, I think it's important to be clear that the auto transfer won't take place pre-construction. So the auto transfer will take place after the assets have been constructed. Whilst the auto regime allows. Either. This is a gem. This is a generator build project. So, um, it will be the, the, those elements will have been constructed and then there will be effectively a notification there'll be a the and we might talk about this separately, but in terms of the transmission marine licence would then need to be transferred to the off tape.

01:00:44:20 - 01:00:46:28

Yeah fine. Okay.

01:00:47:00 - 01:00:47:15

Yes.

01:00:48:09 - 01:00:48:24

Um

01:00:50:17 - 01:00:57:28

I think that covers the, the points. I was, um, interested in there. Um, anything else for Mr. Morrison on that point?

01:00:59:18 - 01:01:17:04

I know I lo this we're in novel ground in in that we've got a one marine licence that's not really in our process. Obviously we're in in English waters, we're very used to overlapping marine licences that are both deemed for separating the transmission and generating assets out. So that's not novel ground. But Mr. Morris did anything else on this.

01:01:17:27 - 01:01:19:21

But no, nothing else in that matter.

01:01:20:15 - 01:01:22:03

Okay. Um,

01:01:23:23 - 01:01:54:03

the approach while you're on our screen, Mr. Morrison, the approach to um, licensee decommissioning activities has also been raised by, and I think, been clarified by the applicant in their response to your relevant reps, um, specifically that decommissioning activities are not covered by any of the marine licenses currently being considered, so they would be subject to a separate marine license at a later date. Have I understood that position correctly yet? Mr.. Giving me a nod. So, Mr. Morrison, um, do you do you want to make any further submissions on that point?

01:01:54:21 - 01:02:16:13

I think we're satisfied with that, that point of clarity. I think from the original submissions, there was, um, some elements of confusion in some of the documents which referred to to decommissioning activities taking place. Um, yeah. So we welcome the clarity on the applicant on that matter and confirmation they'll seek separate consents at the appropriate time.

01:02:17:03 - 01:02:49:20

Thank you. Anything else on decommissioning from the applicant? Nope. Um, okay, then I'm going to move on to look at a few drafting matters. I am keeping an eye on the time, so we won't go. I think I'll try to prioritize. Um, Mr. Morrison, I just, um, you've made some submissions, and we've already touched on this this afternoon about, um, being unhappy that the Dean marine license has been based on, um, already deemed marine licenses in English waters. So MMO marine licenses rather than the, um, standard approach.

01:02:49:22 - 01:02:53:25

Would you like to elaborate on that? Why is that as important from your perspective?

01:02:54:06 - 01:02:54:21

Um.

01:02:54:24 - 01:03:34:00

Yeah. Peter Morrison and has a blooming license in it. It was a matter of comment in, in that we're not objecting to, to the use of the structure and formatting used in the MMO licenses, and we can understand why the applicant has taken that perspective. Um, our comment in that regard was, um, because it's taken a different structure and drafted in a different way to, to the way we're used to that takes a, um, a great, uh, time for us to review, to make sure we're happy with the provisions and understand and provisions in it.

01:03:34:18 - 01:03:51:09

Um, and yeah, there wasn't a huge amount of engagement on on the drafting ahead of, um, submissions. So there's more comments being dealt with at this stage in the matter of draft. And I'd say.

01:03:51:26 - 01:04:23:23

Okay, thank you. Anything else from the applicant on that point? Okay. That's understood. Thank you. Um, I'm assuming that if, um, Miss Cressy from the Welsh Government wishes to come in kind of from the enforcement perspective, do do raise her hand, but otherwise we'll keep on going. You're okay. Thank you. I can see your head shake. Okay, we're going to move on, then quickly onto the transfer of licence. Um, so this relates to article 710 of the draft DCO, which dis applies sections 72, two and eight of the Marine and Coastal Access Act.

01:04:24:08 - 01:04:35:00

Uh, and I know that you've raised questions about this provision, and we've had comments from the applicant about this. Is Mr. Morrison, is this still a matter of live disagreement between yourselves and the applicant?

01:04:36:07 - 01:04:44:15

I think it's a matter where, um, we'll review it. Currently reviewing the response provided by the applicant, and we'll have to get back in writing on.

01:04:45:16 - 01:05:15:15

Okay. Thank you. I think you've had quite a clear response in terms of the lawfulness point. Um, it's certainly something that is permitted under the Planning Act 2008. Um, and it hasn't been challenged in terms of the approach taken on other on other marine licences, but obviously on those questions of need and the practical application and consistency points, then, yeah, we'll let you, um, take those points away and maybe respond to us in writing when you've reached, uh, further negotiation.

01:05:15:29 - 01:05:33:19

On behalf of the applicant. The only thing I'd add is that Mr. Morrison has helpfully highlighted that some of the drafting in that article has been updated in most recent echoes, particularly the Sheringham and Dudgeon extension projects. So we are looking at that and and we'll review that okay.

01:05:36:05 - 01:05:36:28

Thank you.

01:05:39:03 - 01:06:13:14

We'll keep that, as I'm sure if you're working on a statement of common ground, this is the rich ground for that as well. Um, timescales for subsequent approval. So this is about condition 19 of the, uh, the draft marine licence, which sets out a four month timescale, um, for the determination of plans and schemes pursuant to condition 18 of the marine licence. Um, perhaps, Mr. Morrison, we've heard that you don't consider it, I think, necessary to specify a timescale. Um, also, we've heard that it's not an approach that's consistent with your normal practice.

01:06:13:20 - 01:06:28:20

So we've now got a four month time frame there also for the, um, conditions 20 and 21. So it's a sort of standard four month period for a determination of all of those conditions. Um, Mr. Morrison, could you explain your position in a little more detail, please?

01:06:32:13 - 01:07:07:27

I think in this regard, it'll probably be done further in writing, but. But, uh, I established practice doesn't have such a constraint in terms of determination on on our ourselves. Um, not to say that we'd look to prolong determination longer than is necessary, but we wouldn't be looking to put a constraint on ourselves selves in terms of, um, requiring to come to a decision in a set period and needing to request an extension for that period from the applicant.

01:07:08:06 - 01:07:15:15

Um, so that would be not in line with our established practices in our existing marine licenses.

01:07:16:24 - 01:07:36:25

And how how in terms of your current practice, I think as I understand it, there's various tiers of types of applications that take various amounts of time. Would you are you able to give an indication of how long is this one of those areas where you just wouldn't give a specified times out timescale, because you're just not able to commit to how long something will take to determine?

01:07:37:03 - 01:08:08:00

Yeah, I think that's it. I think due to the complex nature of the applications and the nature of the documents, there's a lot of different, um, factors which can influence a determination period. Um, there's consultation with relevant consultees, um, considering the responses received. And lots of that might depend on the level of engagement they've had and approvals they've managed to Agreements they've made with with the relevant stakeholders ahead of submission to us.

01:08:09:21 - 01:08:17:11

Okay. It's done. Um, perhaps you could just give us, um, the headlines of why you feel it's necessary to have this list.

01:08:17:13 - 01:08:49:28

Done on behalf of the applicant, and we recognise that this isn't standard for Natural Resources Wales. Um, however, we feel it's important that it is included within the marine licence. Um, for a number of reasons. The first one is that, um, this is a nationally significant infrastructure project and um, being able to, um, discharge um, subsequent consents within a timely manner is a very important part of



that. Um, there are provisions in the development consent order in relation to local authority approvals and timings of those.

01:08:50:08 - 01:09:22:27

Um, and we think it would also be appropriate for those to be in place in respect of Natural Resources Wales. Um, there is also the provision that allows that period to be extended between the parties. So it isn't a, um, it isn't a fixed period in that sense, in that if there is a particularly complex, um, discharge that is needed or if there is, um, you know, if there is significant consultation separately that needs to take place that, you know, that would that would be a reason to extend the timeframe.

01:09:22:29 - 01:09:38:09

But but the applicant feels it's very important that there is an expectation that those, um, conditions are discharged within that four month period. It's not it's not considered to be unreasonable or particularly, um, short in that context.

01:09:41:05 - 01:09:46:20

Mr. Morrison, would you like to come back, or should we, um, leave you to continue that discussion between yourselves?

01:09:47:16 - 01:09:54:10

Yeah, I think there's nothing further to add. Today. We'll look to provide a response in in our written wrap as well.

01:09:56:05 - 01:09:57:14

Thank you very much.

01:09:59:01 - 01:10:31:04

Um, unless there's anything else, I'll move on. Um, to briefly look at the approach to designating a disposal site. Um, I don't think it's one we need to go into in great detail today, but I can see that W has queried the process for designating a disposal site. Um, the applicant set out a general, set out a sort of general practice for DMs in English waters, which is for the licensing authority to engage with its scientific advisers, Cfas, and then to present its position, having regard to that advice to the DCO examination. That's the way it normally works in English waters.

01:10:31:06 - 01:10:48:12

That is consistent with with our experience too. Um, I suppose I'm, I'm just wondering whether you have any update on this, Mr. Morrison, or whether you feel this is something that you need to continue discussing with the applicant. Um, and then come back to us once we're more into the examination.

01:10:49:12 - 01:11:22:23

Uh, yeah. It might be something which needs some further consideration. Um, from discussion with the applicant, the sediment samples have now been submitted in the forms, um, as we requested. And, um. Yeah, we were made aware that it's the same sediment sampling which has been carried out for the transmission asset, um, the standalone marine licence. So we will be looking to consult on the sediment samples ourselves as part of our consultation on the standalone marine licence to check whether they've been carried out.

01:11:22:28 - 01:11:44:28

Um, the sampling plan was sufficient, whether the sediments are suitable for disposal at sea in line with our spar guidelines. So, um, we'll get that advice in terms of our consultation on the standalone marine licence, and we'll be content to share that response once received.

01:11:46:24 - 01:11:56:03

That's very helpful. Thank you. Mr. Dunn, would you like to come back on anything on disposal sites? Nothing additional. That's fine. Thank you. Um,

01:11:57:19 - 01:12:32:13

okay then. We have seen that in the most late in the latest iteration of the draft consent order. We've seen amendments to the DML to address a number of the more detailed points that has been set out in the relevant representation from an RW. Um, there are still some areas of disagreement which we can see. Um, but we can we welcome the amendments that have been made to try and take account of the advice where that's possible, and we encourage you to continue to work together. Um, given the time, I'm going to suggest that you continue discussions and get as far as you can in agreeing those things.

01:12:32:15 - 01:13:04:29

And then by the time the next DCO comes in, which is deadline two, we'll see where things stand. Um, I think I would say, um, to w to Mr. Morrison if by deadline three um, you have a better idea of, uh, DML drafting matters that are not yet agreed? It would be very useful for us to have a record of those, whether that can be, um, included in the statement of common ground or indeed, if we wanted to put in just a list and perhaps a red, amber green kind of rating would be really helpful.

01:13:05:01 - 01:13:27:23

So things that are not agreed but don't doesn't you're not going to die in a ditch over it. But things that are not agreed that are really important fundamental to you, then it's really helpful for us at that point to sort of gauge, um, what are the big outstanding issues. So I will put that down as an action, please. Um, for an hour, a deadline three. So hopefully you'll be much further down the line by them. Does that sound okay, Mr. Morrison?

01:13:30:15 - 01:13:32:20

Uh, yeah, that should be fine.

01:13:33:12 - 01:13:44:22

Thank you. Um, I think that's all of the points of detail I wanted to cover. Mr. Rollins, did you want to come in at one point at the end that I'll pass over to Mr. Rowland? Thank you.

01:13:46:06 - 01:14:18:29

Thank you, uh, Mr. Powers. So, um. Yeah, the offshore order limits and grid coordinates plan, which is up dash 007, delineates, uh, pictorially. Uh, the coordinates listed in table one in schedule one in the DCO. I was wondering if you could also provide something similar, uh, for table three, uh, which is in schedule 14 of the draft marine license.

01:14:32:22 - 01:14:43:21

Liz Dunn, on behalf of the applicant, we'll take that one away and, um, and, and, um, establish whether that's something, um, we can do easily. Okay. Thank you.

01:14:45:04 - 01:14:48:04

That's all. So, uh, I'll hand it back now to Mrs. Powers.

01:14:48:17 - 01:15:01:09

Thank you. Um, that concludes the matters that we wanted to cover under item four. But before I just pass back to Mrs. Jones, I just checked. There's no, uh, no final matters that anybody would wish to raise on marine licensing today.

01:15:03:04 - 01:15:05:13

Okay, then we'll pass over. Thank you.

01:15:07:19 - 01:15:41:10

Thank you, Mrs. Powis. Um, just turning to item five, which we've put on the agenda today. And this is just a uh, really so that we can be well prepared in case this happens. As you are aware, there is limited scope to make changes during the examination, and any changes must be capable of being dealt with within the examination timetable, which are already, um, very tight. It's really just to seek confirmation from, from you at this stage of whether you intend to seek to make any changes as a result of any of the submissions that we have received to date.

01:15:41:20 - 01:15:50:03

That is done on behalf of the applicant. We're not currently envisaging any changes on the basis of submissions that have been made to date to here.

01:15:50:05 - 01:15:50:27

Thank you.

01:15:52:23 - 01:16:01:16

Um, in that case, I will hand over to Mr. Corsi, who will, um, take us through the actions from today.

01:16:04:04 - 01:16:12:01

I do have 17 of them, so it's quite a long list. Do you want to go through them or would it be whatever you think most helpful?

01:16:12:05 - 01:16:13:18

We've probably got time for you. Yeah.

01:16:13:20 - 01:16:14:09

That's fine.

01:16:19:06 - 01:16:34:29

Unless otherwise specified, the actions are for the applicant and thereby deadline to whatever that transpires to be, um, after the roulette letter. So the first one, just bear with me,

01:16:36:29 - 01:17:12:12

is to revisit the explanatory memorandum as a whole and ensure the scope and purpose of every requirement is fully explained. The justification should be proportionate to the novel or control foresee of the of the um requirement and precedents from other DC oes is not a sufficient justification on its own. So then the second point again involves review of the explanatory memorandum to explain the effect of the addition of the swept area of the possible project.

01:17:12:14 - 01:17:45:19

Description. The third is to review whether all the principles set out in table seven of the yes, that's app 050 are properly secured in the Draft Development Consent Order or Draft Marine License Number for applicant to look closely at. Definition of further associated development. It's currently at pages 49 and 50 of the draft DCO.

01:17:46:00 - 01:18:20:03

To tighten up the drafting and ensure proper definition and limitation of works. Remove duplication between further associated development and ancillary works. Update references to materially, new or materially different effects of the DCO and any other instances of limiting works by the environmental Statement worst case, including part two of schedule one, and that's ancillary works.

01:18:22:06 - 01:18:40:14

Fifth, again, review the explanatory memorandum in Respect of requirement 23 by providing an explanation of its practical effect, and explain the necessity and justification for including the provision, in this case.

01:18:42:11 - 01:19:02:22

Six review schedule 12 of the draft DCO regarding the matter of fees for discharge of requirements seven. Again, review the explanatory memorandum in respect of requirement one time limits and expand on the rationale for it.

01:19:04:13 - 01:19:40:02

It consider whether amended drafting to the draft DCO is needed in respect of requirement one, specifically in respect of definitions and whether the applicant should inform parties of when requirement one, two bytes or text takes effect. Nine review schedule 14 of the draft DCO in respect of the definition of commencement of licensed marine activities and its relationship with the outlined documents identified in part one, one thereof

01:19:42:01 - 01:20:14:03

ten. Submit examples of indicative structure of a stage plan, and I do have deadline one against that. 11 review mitigation and monitoring schedule. That's app 196 by specifying how measures would be secured by the draft DCO, and to consider whether the schedule could be a certified document therein. Um, Mrs.

01:20:14:05 - 01:20:21:23

Jones, there wasn't a deadline specified for that would deadline to be appropriate. Okay. Thank you.

01:20:23:20 - 01:20:54:06

Uh, if 12th, if a planning application is submitted to Denbighshire County Council for bottle wooden substation extension works, the applicants to update the examining authority and provide a composite plan showing a wealthy Moor and the proposed national grid extension, and that obviously would be if it's available before the end of the examination. 13 resubmit version two of the Marine License Principles document.

01:20:54:09 - 01:21:26:11

That's PDA 005 showing tract changes against version one. And I do have deadline one against that for any future versions of the marine license principles documents. Sorry, this is point 14. The applicant is to mark up changes from the previous version, and if the rationale for any changes isn't obvious, explain the rationale for them. And that also would be on an ongoing basis.

01:21:27:18 - 01:21:55:09

The 15th point, the applicant to explain why it's taken an approach that entails overlapping marine licenses, i.e. why do certain works such as the offshore substation platforms, need to be covered by both marine licenses? Suppose I didn't have a deadline against that. What would you consider helpful? Deadline one. Okay. Thank you. The penultimate.

01:21:55:11 - 01:22:01:27

One. On behalf of the applicant, I'm not sorry. I'm not entirely sure what it was we'd agreed to do with that one.

01:22:03:02 - 01:22:10:11

I think we've received it orally today. I don't I'm not sure there's anything apart from a post hearing submission. You know, I think we'll.

01:22:10:13 - 01:22:19:22

Give a summary of of what what we've explained and why it is. But I don't think there's a document or anything else like that. So it was just going to be in the submissions. Yeah. Okay.

01:22:19:26 - 01:23:05:28

We'll have a I'll have a look at the rewording of that given given your exchange. Thank you. The penultimate point Number 16, to list any DML drafting matters that haven't. Sorry. This one is for um National Resources Wales marine licensing team. So a list of any DML drafting matters not yet agreed by um Natural Resources Wales might use a red amber green traffic light if possible, so that the examining authority knows the extent of agreement on which areas of disagreement that it is considered to be most important, and that was attributed to deadline three.

01:23:06:15 - 01:23:33:27

And finally, back to the applicant to consider providing a pictorial shape of table three that's in schedule 14 of the draft marine license to delineate the coordinates where the licensed marine activities set out in paragraph two must be located within. Uh, again, uh, Mr. Rowlands, I didn't have a deadline against that.

01:23:34:29 - 01:23:37:19

I think the line two would be

01:23:39:09 - 01:23:39:28

reasonable.

01:23:42:00 - 01:23:53:01

Okay, that concludes the action points that I have. Unless any of the um Xa have anything that they feel I didn't encapsulate.

01:23:53:07 - 01:24:05:16

No, thank you very much, Mr. Cole. I think what I would just sort of caveat that is once we've gone back through our notes, if there is anything else, we'll add that and obviously we'll put that on our, um, action list, which we will publish as soon as we can after today for you.

01:24:08:23 - 01:24:19:04

Okay. Then. Um, that takes us into item seven, which is any other business. Um, we do not have anything else that we wish to raise. Does anybody else have anything they would like to raise?

01:24:22:27 - 01:24:46:18

In which case I can move to the close. Um, I would just like to say thank you for all your contributions this afternoon. They have been really helpful to us as an expert in helping to set the scene, especially for the rest of the hearings this week. I feel, um, the time is now, uh, 5:15 and issue specific hearing. One for the moon offshore wind farm project is now closed. Thank you. Doc.