



Trawsgrifiad Gwrandawriad

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Hearing Transcript

Project:	Mona Offshore Wind Farm
Hearing:	Issue Specific Hearing 2 (ISH2) – Part 8
Date:	18 July 2024

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FULL TRANSCRIPT (with timecode)

00:00:04:27 - 00:00:45:14

Good afternoon. Uh. Welcome back. This hearing is resumed. Um, we're going to move on to item 11 shortly. Um, but before we do, just a question that arose from some of the discussion that we had under the last item. And, um, it was in relation to community liaison, and I just wanted to pick it up while we while we while I was thinking of it really, um, and that relates to questions we had from Mr. Hussey and Councillor Barlow about how do we know when things are happening for this project around the local area? Um, and we can see that there's a communications plan in requirement nine of the draft development consent order.

00:00:45:22 - 00:01:21:04

And also submitted has been an outline communications plan and some helpful material in that outline communications plan. I'll give you the I think it was app two on six, which talks about, um, putting a certain roles in place, like a community liaison officer and an agricultural liaison officer, um, to talk to local residents and landowners, um, when some of the works, uh, would be taking place. But I wanted to highlight a couple of issues in terms of securing that, because I'm not quite sure that the drafting of the DCO does what it intends to do at the moment.

00:01:21:06 - 00:01:43:22

Um, because in requirement nine, we can see under nine to f the communications plan there is um is secured. Um, but the communications plan needs to be in accordance with the outline CSP outline code of Construction practice, whereas actually I think it needs to be in accordance with the outline communications plan, which is in itself a freestanding document.

00:01:49:15 - 00:01:59:24

And there's some reference in some parts of the documentation that it was an appendix of the COC. But the way it's actually been submitted, it's a freestanding document. Perhaps you could just place it on on behalf.

00:01:59:26 - 00:02:38:03

Of the applicant. Um, we sought to in order to try and simplify the drafting of this requirement and not make it incredibly complicated and reflect the fact that these documents will all be embedded within the scope, we had sought to define a code of construction practice as, um, uh, the, um, this is on page eight of the draft, um, development consent order. Um, it's It's defined as the outline code of construction practice, including the annexes listed in table five of schedule 15 of the order.

00:02:38:05 - 00:02:43:15

So this is on page eight of the draft development consent order. And um,

00:02:45:07 - 00:03:05:03

and on page 177 of the Draft Development Consent order, uh, the outline code of construction practice Practice.. All those um documents that are listed in requirement nine two are actually listed as appendices. So it's defined by reference to that schedule. Okay.

00:03:05:05 - 00:03:18:27

That makes sense. That's fine. Then just one final point that you might want to just reflect on is about whether it applies to only post commencement works, or also to on site preparation works.

00:03:21:29 - 00:03:29:15

Is done on behalf of the applicant. It should apply to onshore site preparation work, so we'll just make sure that's clear through the review of those documents.

00:03:29:18 - 00:03:41:25

Thank you. I mean, it's clear from the drafting of the outline communications plan that that's how it's intended to work. It's just whether that, um, is correct in terms of when requirement nine takes effect because it's on commencement.

00:03:42:12 - 00:03:58:23

Yes, we'll look at that. But the intention is that that things that are done in the as onshore site preparation works, those relevant parts of those documents as embedded within the code of construction practice would apply. We'll just make sure that's clear. Thank you.

00:04:01:07 - 00:04:04:13

In that case, I'm going to hand over to Mr. Hobbins now for item 11.

00:04:05:02 - 00:04:39:01

Thank you, Mrs. Powers. Um, for this section, which is about land use and recreation. I have received a response from the applicant at the procedural deadline concerning relevant reps, which were made about land use and recreation. So this response has dealt with my initial questions so far, which I had planned. And so I'll therefore explore issues further into first written questions and further on. However, I am fully aware that interested parties here today have requested to speak on this item and so I therefore invite them to speak today. And I've had an indication from the following people who would like to speak to that.

00:04:39:07 - 00:04:48:10

Miss Staples, Mr. Bibby and Mr. Hussey. Is there anybody else here today, today who may wish to speak on this item?

00:04:51:18 - 00:04:52:12

Okay. Thank you.

00:05:00:25 - 00:05:06:22

Okay. Um, in that case, um, I'd now like to invite, uh, Miss Staples, uh, to speak, please.

00:05:15:03 - 00:05:26:29

Uh, sorry. Louis Staples for the NFU. Uh. I'm sorry. I just really wanted to listen to what was going to be raised by the applicant, actually, and then respond if that was necessary, but obviously we're not going to do it that way round.

00:05:27:21 - 00:05:28:21

Okay. It's fine. Thank you.

00:05:29:00 - 00:05:29:15

Thank you.

00:05:38:05 - 00:05:42:16

Did you read the applicants? Oh, sorry. Miss staples, are you still there? I'm still here.

00:05:44:28 - 00:05:49:22

Sorry. I just wanted to come back and ask if you'd read to the applicant's submission. That the procedural deadline.

00:05:51:10 - 00:05:52:24

Uh, no, I haven't. Sorry.

00:05:56:27 - 00:06:14:17

Just just wondering if it's possible. Could the applicant perhaps give a, uh, a summary of what what you did stayed at the, uh, procedural deadline on on this matter, and that might help in aiding the people who were interested in hearing it, if they haven't had a chance to read that yet. Do you know what your.

00:06:19:29 - 00:06:24:28

Response to relevant rep's sorry, it was your response to some of the relevant reps on the matter.

00:06:26:01 - 00:06:59:17

It's done on behalf of the applicant. Um, uh. Could you just give us a minute? I mean, we we responded to relevant reps. There isn't a specific response on land use and recreation. I don't think in terms of questions. We just responded to points that people made in their relevant representations, and actually noting that the nephew's response wasn't submitted as a relevant rep. And we haven't had the opportunity to respond to that. Um, because we were asked not to put in a response, um, before this hearing. So we haven't had the opportunity to respond to the NFU.

00:06:59:28 - 00:07:08:21

Um, and other other representations were a pretty high level, I think, in terms of both the reps that were made and our responses to them. Um.

00:07:09:00 - 00:07:23:01

Do you have anything that you can, um, orally today in response to an and if and a few points and presuming with staples that the point that you've made is that is that what you would like the applicant to respond to?

00:07:23:12 - 00:07:39:17

Yeah. Sorry, I just thought I could see that there was agricultural land use on the agenda. So I thought you were, because I thought you as examiners would be asking something. So I knew I wanted to be able to listen to what was going to be raised and raise any further issues, if there were any. But.

00:07:50:21 - 00:08:18:19

Liz Dunn on behalf of the applicant. Given we were asked not to respond in writing. I'd rather we didn't respond or relate. There was just one correction. Um, for Miss Staples, um, you suggest that the application is an application by BP. It's not a BP application. The applicant is Mona Offshore Wind Limited, which is a joint venture between BP and energy Baden-Württemberg. So just to note in future representations, it's not a BP application.

00:08:19:18 - 00:08:20:26

Okay. Thank you very much.

00:08:23:28 - 00:08:35:16

Okay. In that case, I think what's happened here is the applicant has responded at the procedural deadlines and with staples. What I would recommend is that you have a you can have a look at the applicants responses to relevant reps.

00:08:36:23 - 00:08:37:08

Sorry.

00:08:38:02 - 00:08:44:12

No. So we haven't because because of the timing of the NFU submission it wasn't relevant. So we haven't had an applicant response. But I think.

00:08:44:14 - 00:08:59:28

Some of the questions that we were going to ask today have been answered in the applicants. Okay. Um, response to relevant reps. Um, so it might be, um, uh, worthwhile you having a look at the applicants response to relevant reps that came in at the procedural deadline?

00:09:02:10 - 00:09:07:09

Okay. That's fine, thank you. I'll try and find some of those. Thank you, thank you.

00:09:13:12 - 00:09:19:27

Okay. Thank you, Miss Staples. Um, and now, could I invite Mr. Bibby, please, if you'd like to speak.

00:09:26:22 - 00:09:37:10

Thank you very much. I was merely sort of, um, observing really at this stage, and I have no particular comments to put forward at this juncture, but I may come in later on, if I may.

00:09:39:00 - 00:09:39:24

Okay. Thank you.

00:09:46:26 - 00:09:50:20

And then, uh, Mr. Hussey, is there anything you'd like to add? Okay. Thank you.

00:10:10:06 - 00:10:14:08

Okay. Thank you. Um, in that case, though. Now, hand over to.

00:10:16:20 - 00:10:19:15

Excuse me please. Um. Councillor Barlow. Thank you.

00:10:20:05 - 00:11:13:24

Martin Barlow, uh, Kevin Madeira community council. My point is a fairly general one, really, but I feel it needs to be made in the context of, uh, uh, discussions of agriculture, etc., and that is that Camarillo is a very small community. The population 359, 180 households now relatively high proportion of that, those people and those households are actually farming families and farming households, so that any, um, discussions around agriculture necessarily have a quite important, um, knock on effect, if you like, on the the identity of the community, because it identifies so strongly with the farming families and the farming activities that form its sort of central focus.

00:11:13:26 - 00:11:30:23

So my point really is just to impress upon the inspectors that that is the case. So we're not just talking about technical farming issues if you like, but that has an important, uh, impact on community identity, etc.. Okay.

00:11:31:27 - 00:11:34:11

Thank you. I'm with the applicant I'd like to respond to, please.

00:11:36:12 - 00:11:40:11

Thank you, Mr. Barlow, for making that submission. We haven't got any comments on it.

00:11:41:28 - 00:11:43:25

Thank you. Are there any other comments?

00:11:45:26 - 00:11:56:06

No. In that case, um, I will now hand over to Mrs. Jones, who will now deal with item 12 on the agenda, which is the review of issues, DCO implications and actions arising. Thank you.

00:11:57:20 - 00:12:31:07

Thank you, Mr. Hopkins. Um, I think we're not going to read through the action points from today because they're very lengthy. Uh, we are aiming to get them published by tomorrow for you, so we'll hopefully have them, them up for you to, to have a look at. Um, in terms of, uh, draft DCU implications, we kept this on the agenda in case there was anything that we wanted to tie up. But I think what we've done is we've sort of dealt with those implications as we've gone through the

agenda. So there's nothing more, uh, for us to add in that case, is there anything else anybody wishes to add to this agenda item.

00:12:31:18 - 00:13:03:07

List on on behalf of the applicant? Um, I'm aware that there are quite a number of things that will have come out over the last few days in terms of, um, updates. Um, and I think we have confidently said a lot of the time, yes, we can produce that for deadline one. Um, we're sort of starting to review our list of what needs to be done. And, um, uh, it's just probably to sound a that we might not be able to deliver all of that by deadline. One, given it's only a couple of weeks away.

00:13:03:19 - 00:13:34:13

Um, so, um, we will seek to do as much as we can. Um, by that time, it's obviously important that it's all correct. And, and, um, and that it, it, it does move things on with all the other discussions that are going on. So I guess it's just to put down a little bit of a marker to say we will do what we can to produce material for deadline. What if we can't do it for deadline one, and we will do it as soon as possible? Um, after that, and we will notify the examining authority if, if actually we haven't been able to deliver by that date.

00:13:34:15 - 00:13:35:00

Yeah.

00:13:35:06 - 00:13:54:06

Obviously we would ask that you could do your best what you've said you will. Um, I think something that we said, the cover letter is really helpful, just signposting things to us where you haven't done something, explaining why you haven't done it and when we can expect it to get it, that type of thing. Um, with any submissions, a cover letter is extremely helpful in that sense to signpost.

00:13:57:28 - 00:13:58:17

I'm going to go to that.

00:13:59:10 - 00:14:00:01

Councillor Barlow.

00:14:00:27 - 00:14:34:11

Thank you. Um, Martin Barlow community council, is it possible to refer back to, uh, item, uh, agenda item three of yesterday? Construction business. Something which came up overnight. Yes. Um, in the context of the discussion on core working hours, mobilization hours, etc.. Um, I happened to have a conversation with a resident who was affected by the existing substations that were built some years ago close to her house.

00:14:34:13 - 00:15:06:04

And, um, she referred to the fact that on a rather exceptional number of occasions, um, working outside the core, working hours and even outside the mobilization hours was noted, and that each time the, um, contractor, uh, invoked the notion of an emergency situation to, um, to justify those hours. Um, to an extent, really, which was hardly credible.

00:15:06:06 - 00:15:20:12

And, uh, I would just wonder whether there's some mechanism or whatever to ensure that that abuse of the notion of emergency is, is not, uh, possible in this case?

00:15:22:07 - 00:15:23:16

Yeah. I'd like to respond.

00:15:23:20 - 00:16:00:27

Lasdun, on behalf of the applicant. Um, there is within, um, requirement 14 of the draft development consent order. Um, does refer to, um, uh, those activities, as we discussed, that that could need to be, um, uh, uh, activities that take place outside, um, the hours, um, the core working hours we, um, discussed about, um, there are two sort of provisions. One is if those type of works need to take place, then, um, those have to be agreed by giving 48 hours notice to the local planning authority.

00:16:00:29 - 00:16:39:01

So they won't be taking place without residents. And clearly that's where the communications plan is going to be very important in terms of making sure that information is provided to, um, to the local authority and then disseminated. Um, the draft development Consent order does refer to or does seek to define what an emergency is. Um, which again, is important because one person's emergency might not be another person's emergency. Um, and that does say a situation where if the relevant action is not taken, there will be adverse health, safety, security or environmental consequences, uh, as a result of that.

00:16:39:03 - 00:17:01:20

And that's a definition that's been used in other development consent orders to seek to really provide some parameters around that. The other thing that's important to note is that actually if there is emergency working, then again notification needs to be given to the planning authority about that. So they will be informed. And I would expect that would be something that would also be managed through the communications plan.

00:17:03:21 - 00:17:23:17

Um, Martin Martin bowler, Kevin Murdoch community council. Um, would there be a means of monitoring that to make sure that, you know, any invocation of emergency working isn't abused as it was, as it seems to have been in the example I was given last night, yesterday. That would be the local authority, I imagine.

00:17:24:15 - 00:17:25:03

Yes.

00:17:25:15 - 00:17:37:21

The local authority would be the enforcing body for any of the requirements that are in the majority of requirements that are in in the DCO. Does the applicant have anything they would like to come back on in that matter?

00:17:41:22 - 00:17:43:21

Sorry, I didn't hear what you said.

00:17:44:12 - 00:17:53:14

Um, Councillor Barlow was just asking if there was any way of monitoring that, to check that it would not be abused, but I was explaining that the local authority would be the enforcing.

00:17:53:16 - 00:18:23:08

The local authority will be the enforcing authority there. I can't speak for the guarantee, more um, consent or um, or the national grid consent, but neither of them were were consented under this process. And therefore, um, I would hope that the requirements that are in this development consent order are potentially more stringent than those that were in place for those projects. I can't say that definitively, but I think there has been a real effort to try and tie those things down as far as possible.

00:18:24:25 - 00:18:29:04

I think the applicant means I will have more rather than go into more in this case.

00:18:31:22 - 00:18:37:19

Focused on behalf of the applicant, know the Quinta or substation adjacent to the national grid? One more has not been constructed yet.

00:18:39:18 - 00:18:44:22

My apologies. I thought you were referring to Allen Morris. Um, dco.

00:18:49:10 - 00:18:55:07

Okay. Thank you. Is there anything else under item 12 before I move to item 13?

00:19:01:26 - 00:19:39:13

Okay. That takes us to item, uh, 13. Uh, any other business? Um, we do just have a couple of points. Uh, we wish to make, um, with regards to the progress tracker. And we have listened to what you said about the number of documents that we've asked to come in at deadline one. This is something that we are going to move to deadline one, but there is a reason for it. It's having listened to your points regarding, um, replication of work, duplication of work rather and um, cross referring deadline one um, would then bring that in line with the statements of commonality that would make more sense for us.

00:19:39:15 - 00:19:58:15

We're asking you to, um, resubmit the progress tracker with more detail. But we did say it was acceptable to cross refer to anything that was within, uh, the statement of commonality or statement of common ground, so it would make more sense for that to come in. Deadline one that that would then enable you to avoid duplication and to cross refer to it.

00:20:02:10 - 00:20:06:05

Is done on behalf of the applicant. We'll do the best we can with that.

00:20:07:05 - 00:20:43:02

Thank you. Um, and then just in terms of application documents, uh, that application document updates, um, a number of times over the last few days, you've committed to updating or correcting or

clarifying matters. Um, uh, applications, most notably the environmental statement. We just want to be clear about the way in which these documents should be updated. What we want to avoid is a very long paper trail or anything that's unclear, Um, throughout the process, I think errata lists are absolutely fine during the examination.

00:20:43:14 - 00:20:54:24

Um, but before the end of the examination, we would be expecting you to submit composite, updated versions of any application documents that have been submitted.

00:21:00:01 - 00:21:04:21

And the list of documents, of course, in the DCO would then have to be updated as well.

00:21:05:22 - 00:21:07:14

It's done on behalf of the applicant. Um.

00:21:09:29 - 00:21:50:29

I can appreciate the desire for those to be composite documents, but the, um. I'm not sure it is. Um, can we suggest we look and see where we are in terms of those errata and those changes that have been made? I think I sought to set out on, um, whether it was the preliminary meeting or the first hearing, that there will be matters where a simple errata sheet, where reference had been made to one paragraph and it was the wrong paragraph, actually, that is easy to read together rather than providing a whole updated chapter, potentially we would need to be providing that chapter with a track change version of that track.

00:21:51:01 - 00:22:26:29

That chapter showing where those changes had been made so they could be followed through, and the volume of documentation that is needed as a result of that is significant for the project. What what what has been done on other projects that I've worked on, where that's been needed is that errata sheet has been used because therefore you read the chapter with the errata sheet, it's it's part of it. It's effectively an integral part of the chapter. And it can be read like that. We recognize that there will be or there may be circumstances in which actually, rather than having a very long errata sheet, the chapters need to be updated.

00:22:27:01 - 00:22:44:23

But it is a significant amount of work. And um, to be honest, I'm not sure it is justified in all circumstances. We will keep it under review. Um, um, and perhaps we can see where we go in terms of where those changes are.

00:22:45:05 - 00:23:20:19

What I would say from from our experience, it's extremely unhelpful for not just us as the examining authority for anybody else who is wanting to have a look at those documents, to have a very long paper trail of how to work out what is actually the most updated version of those documents They should be able to look at what's certified in the draft DCO, and that would be the document that the council should not have to do. For example, if they're coming to look at something to enforce, have to trawl through an examination library to work out all of what all of the updates to that document submitted throughout.

00:23:20:21 - 00:23:54:22

And that that's exactly what we'd be seeking to do. So it isn't we wouldn't be seeking to update the document as we go through the examination, because I don't think that's helpful to anybody. It would be at the end of the examination ensuring that the environmental statement chapter either has an errata sheet that is part of it, that forms part of that chapter and is therefore certified with it. So when you open chapter 3.7, it has an errata sheet at the front which says for paragraph in paragraph 3.2.1, rather than 12, it should say ten.

00:23:54:24 - 00:24:22:12

So you're not up. We're not having to issue an updated chapter, but it's very clear with that. Chapter two effectively that errata sheet is read alongside the chapter. It's all in one place. Um, I and that would be something we did at the end of the examination. I really would want to avoid issuing updates as we go through because that's significant. That's that's where we get into Paper Trail. And I don't think that's actually works for anybody.

00:24:22:14 - 00:24:37:09

That's that. I think it's just that we need to make sure at the end of the examination, it's very clear to people they can just pick up the document that is certified in the DCO and that, that, that that document can be read as it is without having to look anywhere else in the examination. Like we work out what's.

00:24:37:11 - 00:24:45:10

What, and we recognize that. And that's what we're seeking to achieve as well, with the minimum of documents that we have to then get through the examination process.

00:24:46:22 - 00:25:01:28

And so, um, that model of using, um, a chapter based errata sheet, which seems like a logical compromise. Um, but that would that be deadline seven? Do we need to, um, or is it deadline six when the bulk of things come in, just so that we're clear as to when to expect it?

00:25:02:00 - 00:25:15:24

Uh, Liz, done. On behalf of the applicant, I haven't got the timetable in front of me. It would be right. It would be almost the latest. Well, it would probably be the final deadline. So it would be seven. Um, in terms of being able to take into account everything that was that was picked up during the examination.

00:25:15:26 - 00:25:19:17

We might put something in the timetable just as a nod to that. Thank you.

00:25:23:17 - 00:25:54:03

Thank you for that. Um, just one more thing. Um, miss Face and Mr. Neil, we know you've been sitting there at the back all this week. Um, we do have an open floor hearing here tomorrow, which is a completely different format of a hearing. It's not it's not the same as this. The open floor hearing isn't topic based. Um, and it's not for us to, um, interrogate or ask questions is for people to come and and put their points to us as an examining authority.

00:25:54:25 - 00:26:07:08

But we would just like to invite you to that if you'd like to come and speak tomorrow. Yeah. Okay. And so should we put you down as speakers for that? Yes. Both of you. Oh.

00:26:10:23 - 00:26:11:29

Lovely. Okay.

00:26:21:00 - 00:26:25:27

Is there anything else anybody would like to raise? Other. Under any other business?

00:26:34:22 - 00:26:58:14

Okay. Um, in that case, I'm just going to take this opportunity to move towards close. Thank you everyone. Thank you everybody for all your contributions, uh, this week. Uh, also, thank you to Miss Chappell for displaying the documents for us. Uh, at the time is now 1541 and issue specific hearing two for the Moana offshore wind farm project is now closed. Thank you to all.