



## Trawsgrifiad Gwrandawriad

<b>Prosiect:</b>	Fferm Wynt Alltraeth Mona
<b>Grandawriad:</b>	Gwrandawriad Mater Penodol 5 (ISH5) – Rhan 2
<b>Dyddiad:</b>	24 Hydref 2024

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## Hearing Transcript

<b>Project:</b>	Mona Offshore Wind Farm
<b>Hearing:</b>	Issue Specific Hearing 5 (ISH5) – Part 2
<b>Date:</b>	24 October 2024

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### FULL TRANSCRIPT (with timecode)

00:00:07:13 - 00:00:20:23

Okay. The time is now 1110. Uh, time for this hearing to resume. Welcome back everybody. Um, we are about to start item four of the agenda, which is scheduled to on schedule 12.

00:00:22:11 - 00:00:48:09

Um, and these are the requirements and also the procedure to discharge those, uh, requirements. I'm going to suggest that we deal with this agenda item by going through each of the requirements in order. Um, and the applicant can explain any changes made and, and why if necessary. And then we can raise any issues that we have with that particular requirements. And then we can, uh, ask questions of any other parties and they can come in after that.

00:00:50:11 - 00:01:11:10

Uh, if we start with requirement one, which is the time limit, um, we've discussed the seven year commencement period at issue specific hearing one, and I don't intend to recover any of those points that we've already that we've already raised? Um, so just before I move on to requirement one, paragraph two, does anybody have any further comment they wish to raise on the seven year commencement period?

00:01:13:02 - 00:01:13:17

I'm.

00:01:15:26 - 00:01:52:05

Not seeing any hands raised. Uh, in which case I'll move to requirement one, paragraph two. Uh, again, we did discuss this, uh, in some detail at issue specific hearing one, but I'm not quite sure we've had a full response to those questions or any updates in the expansion memorandum. Memorandum on the justification for this element. So how it would operate in practice. And I think that's partly, uh, our fault for not making our action point entirely clear on that matter. Um, and I think one of the questions that we might have asked and maybe we could just revisit again is, um, what is meant by proceedings and whether that should actually be defined in the DCO?

00:01:55:03 - 00:02:22:07

Uh, lays down on behalf of the applicant. Um. Thank you. Madam. Um. Uh, we had certainly intended to update that in the update to the explanatory memorandum. Um, I've just seen that it hasn't actually been picked up, so we will take that away and look at the drafting of that article. And I think

the points that you requested some clarity on were sort of how it would operate in practice. That's right. And those sorts of points. Yes.

00:02:22:09 - 00:02:25:05

So they were my next questions. So I'll not go there again. Yeah.

00:02:25:07 - 00:02:37:00

Yeah. So so um, perhaps not updating the expansion memorandum at this stage. Perhaps if we do it as a, as a hearing action point to provide some more information around that. Um, and then we'll take it from there.

00:02:37:02 - 00:02:58:18

Yeah. So I think, I think the point that we raised and we just want a little bit more information on is how everybody would be made aware, you know, on the face of the, the DCO, if they picked that up, how would anybody know that that extra year had been added? For example, if, um, High Court challenge had been made, um, how would the councils know, for example, because they're not party to that kind of information when that happens.

00:03:01:11 - 00:03:06:11

It's done on behalf of the applicant. Yes, those points are understood and we will, um, we'll come back on those.

00:03:06:13 - 00:03:06:28

Thank you.

00:03:11:06 - 00:03:23:24

Okay. I haven't got anything I wish to raise on requirement two. Does anybody else have anything they wish to raise, or does the applicant have any updates for us on any changes made to requirement two? Olivia Henninger, on behalf.

00:03:23:26 - 00:03:41:27

Of the applicant, just to flag that the applicant, in response to examining authority questions, has agreed to make a couple of tweaks to the parameters. I believe that was to mirror the changes which were made to the table four in schedule 14. Um, so just to confirm that those will be done.

00:03:43:21 - 00:03:46:16

And will that be in the the next iteration of the.

00:03:46:29 - 00:03:48:27

Yes deadline for fall?

00:03:50:21 - 00:03:51:09

Thank you.

00:03:53:24 - 00:03:57:20

Uh, I'm going to hand over to Mrs. Powis for requirement three.

00:03:59:16 - 00:04:00:29

Thank you. Um.

00:04:01:17 - 00:04:40:24

So requirement three deals with aviation safety, and it's, um, relatively standard provision. Um, we can see that at deadline three. The Mod has confirmed it's generally content with the wording, but they have also requested, um, that there's some requirement detailing the submission, approval and implementation of an aviation lighting scheme to be applied during the construction phase. And I suppose my question to the applicant is, do you consider that the current drafting of the first part of um, requirement three one covers the construction phase as well as the operational phase?

00:04:42:21 - 00:05:19:29

Uh, lays down on behalf of the applicant, um, we are aware of the submissions that have been made. Um, we're we're sort of slightly trying to understand what the what the What the, um, concern is that sits sort of behind those. We're aware that, um, in the Grampian extension order, there is a slightly revised, um, article in respect of this. Um, sorry, not it's not an article the requirement, um, in respect of this, uh, that's been, uh, included, uh, in that draft development consent order that obviously hasn't been made yet, that order.

00:05:20:08 - 00:05:28:12

Um, but we are reviewing that drafting against the drafting here to see if that will address, um, the points that have been made.

00:05:30:17 - 00:05:31:14

Thank you. And we're.

00:05:31:22 - 00:05:40:03

Apologies. Sorry. We're also seeking clarity from Dio on exactly what it is. They are, um, they're concerned about and want to have covered off.

00:05:41:02 - 00:06:02:18

Excellent. Thank you very much. And on part two of requirement three, um, again, we've now got confirmation that the Defence Infrastructure Organisation is content with that provision. I don't think we have an equivalent agreement from the Civil Aviation Authority. So I'm just wondering whether you have or and in which case could you submit it in evidence or. Um.

00:06:05:03 - 00:06:27:21

Uh, Lasdun, on behalf of the applicant, um, to be honest, it's not something that we would normally ask them for. Um, it's as, as, as we've sort of highlighted previously, it's a, it's a, it's a very standard article. This now in terms of the approach, um, so our position has been that unless the CAA has raised concerns about it, we are assuming they're happy with it.

00:06:28:22 - 00:06:58:29

Thank you. We may or may not. Um, add that is a written question just to try and cover that off with them. Um, and then um, finally, um, requirement three three obviously we've dealt a little with this in um, issue specific hearing three when we were talking about seascape effects. Um, I just I know we've asked written questions as well. I just wanted to check whether, um, the term lowest permissible lighting intensity level needs defining somewhere on the face of the DCO.

00:07:02:11 - 00:07:05:28

In terms of width, by reference to the relevant part of the ES.

00:07:09:03 - 00:07:36:24

Uh, Liz Dunn, on behalf of the applicant, um, we'll take that one away, I think. I think the reference to lowest permissible lighting intensity level is to do with er, navigation order, um, uh, 2016 as opposed to anything within the. So it's a technical matter rather than um, something that's driven by um, by the, the assessment that's been undertaken. But if it needs further, further clarity there, then we can, we can add that in. Yeah.

00:07:36:26 - 00:07:45:16

It might be useful given the sensitivity on the seascape discussions. It might be useful just to have that defined. So by reference to the air navigation order if necessary.

00:07:46:00 - 00:07:46:15

Yes.

00:07:46:23 - 00:07:47:18

Thank you.

00:07:49:29 - 00:07:51:00

Pass back to Miss Jones.

00:07:51:25 - 00:08:20:11

Thank you. Um, just moving on to, uh, requirement for, um, stages. Um, Mr. Brown, if I could just bring you in at this stage. Um, the council raised in its local impact report where the sufficient detail had been included within this requirements and whether the stages would include a programme of works timescales, timescales and whether the spatial extent would be included. For example, is there anything you wish to expand on that?

00:08:21:24 - 00:08:40:29

Um, David Brown, on behalf of Denbighshire councils. Not really. We've discussed this point with the applicant further since our submissions. Um, it is detail we'd like to see in the in the stage requirements submission. Understand the applicant is happy to commit to providing that detail but doesn't want it on the face of the requirement. Um, and we're fairly comfortable with that if we can include it in the statement common ground, for example.

00:08:42:18 - 00:08:46:05

And is that, is that, uh, understood by the applicant as well?

00:08:47:03 - 00:08:49:23

Let's start. On behalf of the applicant. Yes. That's understood.

00:08:49:28 - 00:08:51:18

Okay. That's great. Thank you.

00:08:54:14 - 00:08:58:24

Okay. Moving on to, um, requirement five.

00:09:00:22 - 00:09:08:10

Um, sorry. This is picky. And it's the planner in me. Um, there's no retention clause, uh, for this.

00:09:09:27 - 00:09:33:09

Olivia Henninger, on behalf of the applicant. The applicant is intending to undertake a review of all of the requirements to ensure that they follow a structure that is uniform, being clear, that outlines will be submitted in accordance with the, uh, final in accordance with the outline and and will be carried out in accordance with the final thought is not clear, but I think you know what I mean.

00:09:33:11 - 00:09:53:07

I mean, I know you mean. Yeah, there are a few others where I've just picked that up. Yeah. As I say, it's the planner in me. If you could just do a review, look for where we need any maintenance clauses, for example, or any retention clauses for example. Just sort of maintained thereafter or retained thereafter anything like that that needs to sort of secure that in perpetuity for the life of the development, for example.

00:09:53:21 - 00:09:55:08

That's understood. We'll take that away. Thank you.

00:09:55:10 - 00:09:56:07

Okay. Thank you.

00:10:03:11 - 00:10:36:02

Okay. Just moving on to, uh, requirements six. Um, now, six, six, four states are trenches. Trenches. Techniques must be used where identified in the onshore crossing schedule. Unless otherwise agreed by, um, the local planning authority. Now, tail pieces such as that aren't normally considered good practice. Um, I'm just just to the applicant. Really? If they could justify why it should be used here or what circumstances you would see that being used.

00:10:40:07 - 00:10:43:10

All right. And by tailpiece I mean the unless otherwise agreed.

00:10:58:06 - 00:11:06:01

Live, your Highness. On behalf of the applicant. Yes. We'll have a look at that drafting and take it away and provide any explanation as to why, if that is retained.

00:11:07:02 - 00:11:27:08

I think my concern is that, and obviously, I think it was quite obvious from the accompanied site inspection where we were being told some trenches techniques were being used. And I think, uh, landowners, for example, um, have a right to assume that if they're being told those crossings are going to be trenches, that they they will be trenches, whereas this tailpiece almost allows for that to be departed from.

00:11:28:23 - 00:12:02:26

At least done on behalf of the applicant. I think, I think, um, we'll obviously take that away. It's it was also, um, in the context of, uh, other, um, trenches installation techniques being agreed and therefore how that would relate to the onshore crossing schedule, and that there may be others that are are signed up to. But I think I'll have to go back to the onshore crossing schedule. But um, there are there is certainly some optionality in areas as to where there's as to whether, um, trenched or trenching is going to be used in those circumstances.

00:12:02:28 - 00:12:16:27

And I think the applicant needs, needs to ensure that that flexibility is retained. Um, where, where optionality has been has been put forward. So we will review that, um, and, and take the point around tail pieces.

00:12:16:29 - 00:12:24:11

Yeah. That's understood. Maybe just a tweak in the wording might um, be a bit more clear on, on on those circumstances then.

00:12:29:24 - 00:13:03:21

Okay. Moving on to requirement seven, uh, which is the provision of, uh, landscaping. Excuse me. Um, now in, uh, Mr. Brown, in the council's local impact report, it was stated that the requirement wasn't sufficiently detailed and you did provide a form of, um, wording, a more detailed wording. Now, the applicant did respond to this at deadline two. Um, is there anything like you wish to add to that?

00:13:05:08 - 00:13:29:26

Every pound on behalf of, uh, councils, I think again, we've discussed this point that we can further since our submissions, madam. And I think we'd still make the point that we feel that the ongoing management of landscaping is missing from the requirement specifically. Um, I know that's an ongoing conversation and was picked up in the hearings last week as well with our landscape specialist. Um, I believe the applicant is taking that away and considering that further. So we'll consider anything that comes back in on that point.

00:13:30:15 - 00:13:39:10

Thank you. Um, yeah. I don't I don't intend to repeat any of the discussions that we had last week, but does the applicant have anything they wish to add before I move on.

00:13:40:01 - 00:14:16:07

Uh, Lasdun, on behalf of the applicant, um, know appreciate the conversations that are ongoing. Um, I think the the applicant's position is that, um, as as we've made clear, the the implementation and maintenance, uh, that's set out under, uh, requirement eight is appropriate here. And, and the, the, the justification for having the maintenance within the, uh, outline landscape and environmental management plan, rather than on the face of the DCO, is because of the flexibility that's needed in respect of final species that are put in, and then what is appropriate there.

00:14:16:09 - 00:14:46:12

And the applicant's position is that to prescribe a maintenance period and have that set on the face of the DCO is not justified in these circumstances when actually there will need to be further flexibility and input from, uh, bodies like Natural Resources Wales and the councils. Indeed, in terms of determining the landscape species, um, and then the appropriate mitigations, the sorry, the appropriate mitigation. Um, and management uh periods for those particular species.

00:14:46:17 - 00:14:49:21

But there is further discussion ongoing with the councils on that.

00:14:49:24 - 00:15:06:20

Yeah. Understood. And I think we had it was quite a helpful point wasn't it. Made uh, last week by, by the council and understanding their position. And I know it's an action point from, from that hearing for you to look at the wording that's in the outline landscape and ecology management plan. So we'll not we'll not go into that any further here I don't think.



00:15:09:01 - 00:15:19:06

Okay. Then. Um, in that case we'll move on to uh requirement eight. And again, that has been discussed already to some extent. Um,

00:15:20:27 - 00:15:28:22

if I could just for clarity, uh, just just to check my understanding, is requirement eight solely related to requirements seven?

00:15:39:09 - 00:15:42:18

Liz Dunn on behalf of the applicant. Yes. That's correct, that's correct.

00:15:42:20 - 00:15:53:28

So in which case the five year replacement planting parts of that requirement only only applies to the planting on the substation site and doesn't apply to any other planting in the rest of the order limits.

00:16:12:18 - 00:16:36:09

At least done on behalf of the applicant. Um, this is something that's been raised and discussed with the councils, and, um, it's going to be a matter I think, that we will we will update the outline landscape and environmental management plan, uh, in respect of to be clear, around the, uh, replacement, um, the replacement period for any, uh, Landscaping outside of the substation area.

00:16:36:11 - 00:16:45:18

Yeah. I'm just wondering obviously, because we've got I think with regards to landscaping, we've got requirement seven, we've got requirement eight and then we've got requirement 12. Now, uh, we've discussed landscaping,

00:16:47:11 - 00:16:47:26

so.

00:16:49:29 - 00:16:52:02

Um, just um.

00:16:54:15 - 00:17:28:20

We've discussed the five year replacement planting on a lot of occasions. I'm not going to go there. But as you've stated, it is quite a common requirement. But that does normally that doesn't normally apply to, uh, planting throughout the order limits, not just a specific part of it. Whereas I think the way what we've got on the face of this DCO at the moment is just a five year replacement planting requirement on the substation site. Only at the moment. Um, I'm just wondering whether something needs to be added to requirement 12, which I think relates to landscaping on the the rest of the in the rest of the order limits outside of the substation site.

00:17:29:02 - 00:18:08:21

At least done on behalf of the applicant. Um, yes, I think we'll we'll Will take this away and have a look at it. Um, obviously, things that are outside of the, um, outside of the substation site are not landscaping in that sense. It may be replacement vegetation. Um, whether that falls within the definition of landscaping or not, but it's it's effectively that would be an ecological mitigation placement. So I think we just need to be clear as to which elements are which, uh, in terms of where, that, where that um, where that maintenance around effectively replacement planting, um, how that is then secured and over what period.

00:18:09:00 - 00:18:16:24

So yeah, I would want to ensure that any sort of replacement trees or hedgerows, um, were also subject to that five year replacement planting.

00:18:20:06 - 00:18:29:12

Uh, just before we move on again, sorry, very picky point. I'm just wondering whether, um, eight two should say that that should be agreed in writing.

00:18:31:09 - 00:18:35:21

Livia Leininger on behalf of the applicant. Yes, we can add that in. Thank you.

00:18:43:22 - 00:18:48:13

Do the councils have anything further they wish to raise on requirements? 7 or 8?

00:18:51:01 - 00:19:00:22

David Brown, on behalf of the councils. Thank you. No, not at this stage. I think we'll we'll await the further information from the applicant on the lamp and the updates that they're planning to make and review it at that point. Thank you. Okay.

00:19:00:24 - 00:19:01:14

Thank you.

00:19:03:16 - 00:19:08:06

In which case we'll move to requirement nine, which is the code of construction practice.

00:19:10:15 - 00:19:32:09

Um, again we discussed that at issue specific hearing three don't intend to repeat the points that were raised here. No, the applicant was going to go away and have a look at the the wording in, in the requirements so that it was more explicit that the final plans had to be in accordance with the outline plans. And I think we did ask for that a deadline for but the app can have any update for us at this stage.

00:19:33:16 - 00:19:40:20

Olivia Henninger, on behalf of the applicant, yes, we have already looked at this and have got some drafting that we can add at deadline for.

00:19:40:25 - 00:19:42:10

Okay. That's good to know. Thank you.

00:19:46:09 - 00:20:29:25

Um, I've just got one matter of clarification, and that's, uh, with respect to the outline landfall construction method statement, which is included within requirement nine. Um, now, obviously this requirement only applies to, uh, construction impacts landward of I don't know whether to call it mean high water. I mean, I saw water, but you know what I mean. Um, the trenches technique, um, the trenches technique will have entry exit pits seaward of, uh, mean low water just to check how how those the, how that will be secured is that is that will that be part of the licensed activities in the standalone marine license.

00:20:29:27 - 00:20:31:05

Any of those works?

00:20:33:14 - 00:21:09:17

Live on behalf of the applicant. So the landfill construction method statement applies between mean low water springs and mean high water springs. It is approved by the local planning authority, uh, because it covers, uh, part of the onshore area, but that is in consultation with an RW in respect of those elements which are within and or WS remit. Uh, it does also form part of the works which would be licensed under the standalone transmission marine license.

00:21:09:22 - 00:21:20:03

Okay. So those elements that are seaward of mean low water. They would they would be controlled by the marine license. Yes. Standalone marine license. Yeah. Okay. Thank you. That's understood.

00:21:24:19 - 00:21:34:13

Okay. I don't have anything further I wish to raise. this. The council have anything they wish to raise on requirement Nine's your responsible for discharging the majority of the outline plans.

00:21:37:04 - 00:21:55:00

On behalf of the councils. Nothing to raise in particular. Again we've discussed this requirement with the applicant. Um, it links back to requirement for to a certain extent in terms of the detail we'd like to see as part of that requirement and understanding when the information to be submitted is coming forward. And that links to a resource really in terms of being able to deal with these submissions as they come in.

00:21:55:21 - 00:21:56:13

Thank you.

00:21:58:25 - 00:22:17:28

Okay. Moving on then, to requirement ten which deals with highway accesses. Uh, well, my question here was whether this should include, um, the site accesses as well, which we've already um, discussed that. So I don't have any further points. Does the council have anything further they wish to add to requirement ten?

00:22:20:03 - 00:22:21:08

Further at this stage. Thanks, man.

00:22:21:24 - 00:22:25:12

Okay. Does the applicant have anything further they wish to add.

00:22:25:24 - 00:22:27:13

No, nothing further at this stage.

00:22:27:23 - 00:22:29:01

Okay. Thank you.

00:22:34:10 - 00:22:41:28

I don't have anything on, uh, requirements 11. Is there anything the applicant has to update on? Requirements 11? No.

00:22:42:17 - 00:22:43:18

No, nothing on that.

00:22:43:29 - 00:22:59:07

Thank you. Um, in which case, uh, again, we'll move to requirement 12. Does the council have anything that they wish to raise on requirement 12, which is the landscape and ecology management plans over and above what you've already said in your local impact report?

00:23:00:15 - 00:23:04:21

Thank you Brian, on behalf of the council. And no nothing further to raise the next one. I will wait for those submissions.

00:23:06:15 - 00:23:11:13

That's another one where I just had a note for a retention clause as well, just to flag.

00:23:15:05 - 00:23:16:10

Thank you. That's noted.

00:23:17:03 - 00:23:48:07

I don't have anything I wish to raise on requirement 13. Uh, which takes us to, um, requirement 14, which are, uh, the construction hours. Um, again, we've covered this in quite a lot of detail at previous hearings, and I'm not intending on repeating any of those points. I think as an examining authority, we're aware of everybody's submissions on this matter, and it's a matter for us to adjudicate. Um, I do see we have a raised hand. Um.

00:23:51:11 - 00:23:54:23

Oh, Mr. Hussey, Mr. Hussey, would you like to come in?

00:23:58:21 - 00:24:51:08

Hi. Yes. Uh. Thank you. Chair. Um, I do have a query point for clarification, if I may, relating to mobilisation hours. Um, I note that mobilisation hours, up to one hour pre and post core construction hours, which would mean disruption from 6 a.m. to 8 p.m. daily, are included within the applicant's code of construction practice, but not within the draft DCO. So two points for clarification, if I may. Since the applicant is seeking mobilisation hours in addition to the core construction hours, then should or will it be included within the DCO? And the second point is that I've looked at Alamo, Sheringham and Dudgeon do Austin Alternative Energy, which I believe was referenced as president's reconstruction hours during specifically building three.

00:24:51:12 - 00:25:23:24

And some of those were also mentioned again this morning. But looking at their relevant DCO and code of construction practices, none actually specify or reference the addition of mobilisation hours. I stand to be corrected, but I've also contacted hourly more, and they've indicated to me that they do not have mobilisation hours in addition to core construction hours. So my question, and I guess it's to both the applicant and the examiners, I guess, is to whether the use of additional mobilization hours is normal for this type of development.

00:25:23:26 - 00:25:24:11

Thank you.

00:25:27:09 - 00:25:32:29

Thank you, Mr. Hussey. I'm going to hand over to the applicant to respond to those points, please.

00:25:39:26 - 00:26:24:01

At least done on behalf of the applicant. Um, we've noted the points that Mr. Hussey has made, and we will certainly check back, um, in respect of, uh, of other orders. Um, it's the applicant's position that, um, that those mobilizing, those mobilisation hours are set out in the code of construction practice or recognized, uh, in other types of development and orders. Um, and they are intended to ensure that, um, that, uh, effectively works can start at 7:00 because people will then be on site and it's just effectively providing clarity around what activity can take place prior to works actually starting on site, uh, at the time specified in the requirement.

00:26:24:03 - 00:26:30:14

But we will we will come back and confirm that. Yeah. And check the hourly more reference and that's fine.

00:26:30:16 - 00:26:43:15

Could you just, could we possibly use this opportunity for you to sort of give an explanation for the benefit of Mr. Hosie as to why you need and the mobilisation hours, and what would happen within those hours that you're asking for?

00:27:03:01 - 00:27:40:05

Live. You're hiring on behalf of the applicant. So it's it's understood that there are certain works, uh, sorry activities which can take place during the mobilisation hours, which will not be noisy activities. Uh, further details of these have been provided to the examination, and we can get those references and include them in the oral summaries. I don't have them to hand at the moment. Um, and those would include things like, um, ensuring that safety checks have been undertaken with regards to, uh, lighting or if there's any fencing, uh, around temporary construction compounds that need to be, um, made safe.

00:27:40:15 - 00:27:47:29

Um, and also for operatives to arrive on site, but not any heavy goods vehicles movements.

00:27:51:21 - 00:27:58:13

And is there a reason why they couldn't be accommodated within the hours that you're applying for jobs which are 7 to 7?

00:28:02:29 - 00:28:20:19

Live behind and go on behalf of the applicant. I think the the purpose of having the mobilisation hours is that then, uh, from 7:00, works can begin on site. So there is no delay for those activities to take place within the identified working hours.

00:28:23:18 - 00:28:44:11

Thank you, I think. I think Mr. Hussey does raise a valid point in that those mobilisation hours aren't on the face of the draft development consent order. So, for example, if the examining authority were to consider that those mobilisation hours were unreasonable beyond the hours that were being applied for construction, how would we, as an examining authority, make that recommendation?

00:28:57:24 - 00:29:26:00

At Lasdun, on behalf of the applicant, um, that the because the local authorities, um, uh, will be approving the code of construction practice. Clearly if the examining authority or Secretary of State felt that, um, that those mobilisation hours Showers were inappropriate. That would be noted in the

report, and presumably that would be something that would be picked up by the local authority. Um, in terms of the approval of the outline Code of construction practice.

00:29:27:27 - 00:29:29:26

So the final code of construction practice.

00:29:30:06 - 00:29:31:22

That makes sense. Thank you.

00:29:36:06 - 00:29:39:13

Mr. Hussey, is there anything else you wish to add?

00:29:41:06 - 00:29:42:09

No. That's fine, thank you.

00:29:44:16 - 00:29:45:07

Thank you.

00:29:49:22 - 00:29:55:00

Does the council have anything that they wish to add with regards to construction hours?

00:29:56:07 - 00:30:19:16

Thanks. On behalf of the councils. Um, nothing further to add. Just. Although, just say we are further discussing this point with the applicant, uh, because we did raise concerns with it in submissions. Um, the applicant has asked us to consider potential areas that may require restrictions to work in and hours. So set more sensitive areas and we are talking to our elected members about whether there are any areas that we'd like to flag to the applicant at this stage.

00:30:20:09 - 00:30:22:00

That's good to know. Thank you.

00:30:23:26 - 00:30:26:18

Any final points by the applicant before we move on?

00:30:28:04 - 00:30:28:29

No. Thank you.

00:30:29:06 - 00:30:48:22

Okay. We'll move to, uh, requirement uh 15. In that case, which is the restoration of land. Um, just a minor point. Um, I don't think it's very clear when those details need to be submitted, uh, to the council. Should that timing be included within that requirement?

00:31:00:07 - 00:31:46:04

List done on behalf of the applicant. Um, uh, we've obviously noted the comments made previously. Um, the clearly this this requirement will be, um, will be triggered by the requirement that the reinstatement works have to be completed within 12 months of completion of the relevant stage, and that the details have to have been approved. Um, it's actually very difficult to specify when that when but a specific date on when the data, the details to discharge that requirement might be made to the relevant authority, given that the applicant at that stage potentially doesn't know how long those works are going to take place or or will need to be taking place.

00:31:48:21 - 00:31:58:16

But it couldn't be the case that you would have those. You would know how that land was going to be reinstated before you undertook those works. It's something that you're saying would have to come like late later on

00:32:00:02 - 00:32:00:17

in.

00:32:15:29 - 00:32:32:18

Listen on behalf of the applicant. Um, we'll we'll take that one away, if that's okay, and come back on it, because there's clearly an interaction with, uh, the restoration, um, for the landowner and how those two things fit together and the timing of those, those things, um, coming together.

00:32:32:20 - 00:32:47:00

Yeah. And obviously, we'll come on to it in a in a minute as well, uh, in terms of discharging requirements. But I think they'll have to be a link to that because you'd have to factor in the timing, the time taken for the council to be able to discharge that particular requirement as well.

00:32:47:12 - 00:33:10:08

Yes. And, um, have to factor in the, the potential that it could change as the, uh, so fixing it too early could actually not be in anybody's benefit given, uh, when the construction works are carried out, what may be found on site and then is need to be managed through that process. So they'd need to be some flexibility in it and in any event. But all that's noted.

00:33:10:12 - 00:33:15:29

Okay. Thank you. And again, I think it just needs added. Approved in writing to that one as well.

00:33:22:02 - 00:33:25:13

Does the council have anything they wish to raise on requirement 15?

00:33:27:06 - 00:33:57:25

Yeah. Thanks, David. On behalf of the councils, I think we've flagged in our submissions that we feel that the wording of this requirement does need to be looked at. Um, I think there remains confusion about what the role of the authorities is in discharging the requirement. And I think there are commitments made in the application to restore land to its previous state, for example. So question around whether we'd need to approve those if that is the commitment, for example. Um, we have discussed that with the applicant. I think the applicant is preparing a note to explain the the process through the restoration in the DCO. So we'll await that submission if that's okay.

00:33:58:12 - 00:33:58:27

Okay.

00:33:58:29 - 00:34:00:29

That's good to do. Again, thank you very much.

00:34:02:24 - 00:34:19:20

I don't have anything I wish to raise on, uh, 16, 17 or 18. Uh, so before I hand over to Mrs. Powers, who has some points to raise on requirement 19, does anybody else have anything they wish to raise on those requirements?

00:34:22:26 - 00:34:24:12

Okay. In which case I'll hand over.

00:34:26:03 - 00:34:28:22

Oh, Mr. Brown, did you want to come in?

00:34:29:07 - 00:34:44:09

Sorry. Yeah, if I could, sir David Brown, on behalf of the council, it was just on requirement 17. Again, in our statement of common ground with the applicant. I think there was some ongoing discussions on that one. It's just to confirm that our environmental health officer is happy with that requirement. Thank you.

00:34:46:05 - 00:34:47:14

That's helpful. Thank you.

00:34:50:17 - 00:35:30:05

Okay then just to look briefly at requirement 19 then, which is the Skills and Employment Plan. And we note that the applicant has committed to amending the wording of requirement 19. Um so we'll look out for that deadline for. But we just wanted to run through, um, the main provisions. And so I think I can see that the applicant is saying that the updates will amend the requirements so that it's contingent on commencement of the authorized project, rather than on the commencement of the onshore works, which is welcomed and will delete substantially from limb two of the requirement for precision, which we also welcome.

00:35:30:22 - 00:36:02:07

And also, um, we're pleased to see that that will be moving from a notification to an approval. Um, there's a change in the approval authority. So as currently drafted, it would be down to the relevant authorities, which would be the three councils plus the Isle of Man government. Um, to the extent that that's needed. Uh, but the approval authority, as um, suggested by the applicant would now be the secretary of state, and that would be following consultation with a wider group of relevant authorities.

00:36:02:09 - 00:36:13:19

So and then we have a little on this in writing, but I just like to ask the applicant could take us through the reasons for seeking approval from the Secretary of State for requirement 19, rather than for the Council's.

00:36:14:24 - 00:36:49:22

Libya on behalf of the applicant. So the approval of the Secretary of State, rather than the local authority, is required, because the Skills and Employment Plan will be a project wide plan, including elements which are outside of one local authority's boundaries or and for example, as marine licensing authority uh, the applicant is keen that the final Employment, Skills and Employment Plan will align with the details submitted as part of any contract for different process for which the Secretary of State will be involved.

00:36:49:24 - 00:37:01:02

So there's a, um, just to make sure that there's there's going to be nothing there that contradicts that process or prevents the applicant from, from providing, um, necessary information into that process.

00:37:03:06 - 00:37:04:23



And so, um,

00:37:06:09 - 00:37:31:11

this is a different approach to that taken on RL and more, where it was still, um, a in relation to the authorised project that also involved, uh, offshore elements, etc.. But in that case, it was still the relevant planning authorities who approved that plan. So I'm just wondering why a different approach is being taken. Is it as a result of, um, experience on that case, or is it just, um, yeah, just the reasons why a different approach is being taken.

00:37:32:15 - 00:37:40:12

Libya hide and go. On behalf of the applicant, we will have a look at the hour and more drafting, um, and see whether that is something that that needs to be reconsidered.

00:37:41:24 - 00:38:00:15

I will just ask the, uh, the local authorities whether they have a comment on this. I know we've had some comments in writing from, um, the Isle of Anglesey County Council and also from the Isle of Man government. Um, I just wonder, since we have, um, Cornwall and Denbighshire here whether there's any views from you about, um, that different approach being taken.

00:38:01:28 - 00:38:14:18

Thanks. I'm David Brown, on behalf of coming. Let me share. Um, no specific views at this point in time. I will take it away, if that's okay, and have a look at it. Um, so one question would come up around any enforcement around that requirement if that was needed.

00:38:15:21 - 00:38:27:04

Thank you. And I suppose another question in my mind is about, um, whether the applicants investigated with the secretary of State, whether that they'd be willing to resource that role. And.

00:38:29:13 - 00:38:40:20

Olivia Henninger, on behalf of the applicant. It's not something that we've explored so far. As I said, we will have a look at the drafting and just make sure that, um, there isn't anything other anything else that we need to consider.

00:38:40:26 - 00:39:06:21

Thank you. Um, and while we're on the subject, I can see that the applicants intending to submit an updated version of the outline Skills and Employment Plan at deadline for. So just a request that that update, if that's what you're still planning, takes into account the comments we've had at deadline three from the councils from Conway and Denbighshire. So there's a couple of points they've raised there, and it would be useful to know that those are being factored into any update to the outline Skills and employment plan.

00:39:11:02 - 00:39:22:03

Forecast. On behalf of the applicant, yes, we're aware of comments that have been made and will be responding to those at deadline for and considering them in any update to the outline, Skills and Employment plan that's submitted.

00:39:22:12 - 00:39:25:18

Thank you. I'll pass back to Miss Jones.

00:39:28:07 - 00:39:48:01

Okay. Thank you. I think that actually, um, draws us to a close of the questions that we had on the actual requirements. Um, so before I do move on to deal with schedule 12, does anybody else have anything they wish to raise with us regarding the wording of the actual requirements themselves?

00:39:51:22 - 00:39:56:14

I'm not seeing any raised hand. Is there anything the applicant would like to flag with us before we move on?

00:39:57:05 - 00:39:58:28

Nothing further. Thank you. Thank you.

00:39:59:21 - 00:40:31:14

Okay. In which case we move to schedule 12, uh, which is applications made under, uh, requirements. Um, just dealing with paragraph three. One to start with. Um, the way this is, word is it's expecting the local planning authority to give a decision within 20 working days. Now, from my experience and looking at other made development consent orders, that's extremely short for a discharge of requirements. Um, I have seen various other, uh, decision periods for that, but on I will more.

00:40:31:16 - 00:40:44:12

For example, 13 weeks is the difference. Now that's a huge difference. 20 days to 13 weeks. Can the applicant justify why they feel such a short period is necessary or justified?

00:40:50:20 - 00:41:13:06

Live your hide and go on behalf of the applicant. The reason for the time period specified in schedule 12, was to provide for certainty as to the timings for which discharges will be provided by the local planning authorities. We will have a look at those time periods and come back to the examining authority on those points.

00:41:13:22 - 00:41:35:17

Now, obviously I don't I don't understand the reasons why 13 weeks was agreed that perhaps the councils can learn more, for example. Perhaps the council. I can ask the council to come in. I've seen I've seen various timings, um, normally a minimum of eight weeks, because that would be the normal timing for a discharge of condition on an ordinary planning permission, for example. Um, the only thing the council can add to that.

00:41:36:28 - 00:42:08:08

David Conway councils I can't add any specific detail. And for example. Sorry, madam, but I think we have flagged general concerns around the timescales within both, um, three and four of this schedule in our written submissions. We have discussed that with the applicant, and I think we continue to disagree on those points. Um, from our perspective, it is not just this, uh, application that is being dealt with. Obviously, there are many others in the system. Uh, and it is a question of resource and the ability to turn around responses within those period set.

00:42:08:12 - 00:42:10:21

So we continue to have those concerns. Yeah.

00:42:10:23 - 00:42:42:18

I think what would be helpful for us. I think you have given us this to have a real think about. Obviously, eight weeks would be the normal time frame for discharging ordinary planning conditions on Town and Country Planning Act applications. 13 weeks was, uh, granted on April or more. Um, if

the councils could just have a think and let the examining authority know what what they feel would work for them, because you are going to be the discharging authority, and therefore the onus is going to be on you to turn this around in the time that is granted in this. If this is granted in this, uh, development consent order.

00:42:44:02 - 00:42:45:28

So thanks, Matt. I'll take that away and come back to you.

00:42:48:19 - 00:43:17:09

Thank you. Um, again, this is both to the applicant and to the council. It's just timing again. Um. Further information. Um, again, this is currently only allows for ten working days. That appears to be, uh, quite short. I think more normal practice in development consent orders is 21 days. And I know that was also on the I will more uh, also on the Drax, uh, made development consent order. Is there any justification for why this is such a short time frame on this one?

00:43:18:18 - 00:43:32:12

Olivia Henninger, on behalf of the applicant, we have further considered this time period, and we are going to make an update to that to provide for 15 days in respect of paragraph four, subparagraph two.

00:43:36:25 - 00:43:39:10

The council have anything they wish to raise on that?

00:43:43:04 - 00:44:02:01

Everyone on behalf of the councillors. Nothing immediately. I think 15 was a suggestion. We put in our written submissions and again, that the extra five days will certainly be helpful in that request for additional information. The only point I would make is obviously that takes it quite close to the 20 days. So, um, I appreciate that 20 days restarts at that point, but it would be good to potentially look at those two dates collectively.

00:44:03:09 - 00:44:03:29

Thank you.

00:44:06:15 - 00:44:35:14

Um, again, um, looking at the timescales for consultation with, uh, relevant bodies. Uh, just speaking from experience, most statutory consultees require 21 days to respond to consultations. And I think in this you're only allowing for five days, which again appears very short and might not be possible to, uh, get any, uh, good responses back from those statutory consultees in that time frame. Is there any justification for why it's so short.

00:44:37:02 - 00:44:42:12

To live behind and go on behalf of the applicant? So could we just double check that reference, please?

00:44:42:22 - 00:44:50:15

Yeah, it's it's the consultation with relevant bodies. Sorry. If you just bear with me, I'll jump to that part of my DCU.

00:45:13:08 - 00:45:20:15

Sorry, sorry. That's my fault. I think it's been reduced from 28 to 20 working days. Sorry.

00:45:23:04 - 00:45:25:09

Could you just explain the reason for that?

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

Olivia Henninger, on behalf of the applicant. The reasons are, as uh, stated previously, in terms of seeking to have certainty on timescales and being able to discharge matters quickly. Um, but as I said, we will have a look at the timings and provide any updates.

00:45:45:13 - 00:46:19:00

I'd be grateful of that. Thank you very much. Uh, and just one final, uh, point. I just want to, uh, if you just clarify for this for me, because you're wanting to discharge the requirements, uh, um, in, in part so because you're going to do it for each stage, for example, uh, does this, uh, I think I think I understand that it does, but I'm just checking does that allow for, uh, the provision for fees? Does that ensure that every time an application is made to discharge a requirement, in part, you're paying that fee?

00:46:20:01 - 00:46:35:11

Olivia Henninger, on behalf of the applicant. Yes. So the fees will be payable for each application. So if there was a stage to be, uh, applied for in separate parts, there would be separate applications. So the fees would apply in respect of every. Yeah. Every application. Yeah.

00:46:39:28 - 00:46:57:09

Okay. Just finally to the council then on, on this particular particular schedule. Can I just check that overall the council are satisfied, um, with the wording when this again the onus is going to be on, on, on the councils, uh, to discharge the majority of the requirements.

00:46:59:03 - 00:47:29:05

I just want to brown on behalf of the councils. I think, uh, beside the points we've made in terms of the timescales are under 20 in the ten days which we understand are being reviewed by the applicant. Um, the only other comment I heard was around part five. Um, I did wonder whether the reference to paragraph two three in that part was a drafting error. Um, and again, I think we need to look at the the number of days for those consultation responses in relation to the wider overall number of days for discharge and approval, because at the moment it says 20, which is the same as the overall approval, for example.

00:47:29:21 - 00:47:40:04

Yeah, yeah it does. Yeah I agree it doesn't, it doesn't work out. But it does sound like the applicant is going to go away and have a look at all of these timescales. So we will await the next iteration of the DCO to.

00:47:40:06 - 00:47:40:21

See.

00:47:41:09 - 00:47:49:00

What comes of that. Um, I'll, I'll let the applicant respond to the errors. Did you say it was 2 or 3? Part five?

00:47:50:11 - 00:47:57:20

Yeah, yeah. In part five, there's reference to paragraph two. Three. Um, I wasn't sure whether that was correct or not, but again, if the applicant is looking at it, then yeah.

00:47:58:12 - 00:48:03:20

I think it does just look like a drafting error. I think you just ask the applicant to have a check of that.

00:48:03:29 - 00:48:09:25

Yes. Olivia Horning, on behalf of the applicant, I agree. That is, um, something we need to look at. Thank you.

00:48:17:15 - 00:48:26:27

Okay. In which case, that is everything that I had, uh, to raise on schedule 12. Does anybody have any further points they would like to make before we move on?

00:48:32:23 - 00:48:39:15

Okay. In which case we'll move on to agenda item five, which is schedule ten protective provisions.

00:48:42:29 - 00:49:06:08

Um, now, obviously we did, uh, get an update, um, on negotiations with statutory undertakers in the compulsory acquisition hearing last week. So I'm not going to ask you to, uh, repeat anything. Um, is there anything in terms of wording that you, uh, want to update us on further to what you updated as last week?

00:49:07:11 - 00:49:10:17

Olivia Henninger, on behalf of the applicant. No, no further updates.

00:49:12:03 - 00:49:28:19

Okay. So I'm just going to take each of the parts and turn then if we could just quickly go through them. Um, so, uh, part one is the further protection of electricity, gas, water and sewerage. Uh, are we to expect any likely changes to the wording of this particular protective provision.

00:49:29:15 - 00:49:40:05

Olivia Haining or on behalf of the applicant? No, we understand. Well, the drafting follows precedent and it's normal for for that drafting to be included. So no changes.

00:49:40:25 - 00:49:50:05

That's just start. Thank you. Um, part two is for the operators of electronic communications code networks. Any likely changes to the wording for this?

00:49:50:29 - 00:49:53:05

No. No further changes to that either.

00:49:57:19 - 00:50:18:18

Thank you. Um, part three hopefully going to say this correctly. Uh, Dr. Comrie, cover nydig. Um, any, uh, I don't think we've had any submissions, uh, in the examinations from them. Um, but you have indicated that the protected provisions are now agreed. Agreed? Is that correct?

00:50:19:16 - 00:50:24:26

Olivia Hine and go on behalf of the applicant. Yes. Those provisions are agreed and are not expected to change again.

00:50:25:16 - 00:50:27:10

Do you have that in writing from them?

00:50:29:19 - 00:50:37:19

Olivia Hynes, on behalf of the applicant, we we we have it in writing by email. We can ask if they will write into the examining authority as well.

00:50:37:21 - 00:50:39:09

That would be helpful. Thank you.

00:50:55:08 - 00:51:16:08

Um, part four is for SP Manweb. Um, now, they submitted some suggested wording. It's deadline three for the examining authority to, uh, consider. Could you just talk us through where that differs from that currently in the, uh, DCO and what your thoughts are on the proposed wording put forward by SP, Manweb.

00:51:17:23 - 00:51:30:22

Olivia Haining, on behalf of the applicant, the applicant since deadline three has been in communication with SP, manweb and have agreed a set of provisions so that agreed set will be added to the DCO at deadline four.

00:51:31:29 - 00:51:38:12

That's good to hear. Thank you. And and are we expected to get something in writing from SP manweb. Have they indicated that to you?

00:51:39:11 - 00:51:48:20

Live, Your Highness. On behalf of the applicant, my understanding is that SP Manweb are going to right into the examination at the deadline following deadline for. So. Deadline for deadline.

00:51:48:28 - 00:51:50:09

Okay. Thank you.

00:51:52:05 - 00:52:03:18

Uh, again, uh, part five is Wales and West Utilities. We've had no submissions from them in the examination. Can we presume there'd be no proposed changes to the wording for for this?

00:52:05:00 - 00:52:27:26

Olivia Haining, on behalf of the applicant. We have been in discussions with Wales and West Utilities on the drafting of the provisions. They have raised some comments to us and we are in communication with them with regards to to those requested changes. Um, if there are updates to be made to the text provisions, we will certainly do that at the earliest opportunity and otherwise update the examining authority.

00:52:28:22 - 00:52:29:13

Thank you.

00:52:33:11 - 00:52:33:27

Uh.

00:52:34:19 - 00:53:09:05

Part seven is for national grid Electricity transmissions now um, a deadline one. They stated that they would like to see the same set of protective provisions that were included in the Alamo, uh, DCO uh,

to protect existing and future assets, uh, as well as ensuring consistency across all of the, the relevant projects. And a copy of that was appended to their submission. Um, and I believe these were also sent to you. Um, is the applicant's intention to adopt that wording that was used in Alamo as requested by them?

00:53:10:27 - 00:53:52:25

Your Highness? Excuse me. On behalf of the applicant. The applicant is in discussions with National Grid regarding the drafting of the protective provisions. The parties are seeking to reach an agreed position, um, by the end of examination, as to suitable protection for National Grid, which would include the, uh extension works to the substation. So the wanting to not speak on behalf of both parties on this matter, because it is still subject to to discussion. But we are seeking to arrange a meeting for, I think it's either week of the 4th of November or the week after with National Grid, the engineers and their legal representatives to move things forward.

00:53:54:09 - 00:54:02:15

Okay. Thank you. Is there any reason why the wording in the oral l'amour um, wouldn't be appropriate for for this particular DCO?

00:54:05:08 - 00:54:39:15

Olivia Henninger, on behalf of the applicant, um, the examining authority may be aware that it is becoming common for commercial side agreements to be negotiated as part of any protected provisions negotiations. So those will set alongside any provisions included on the face of the draft Development Consent Order. The details of of that side agreement are are being discussed at the moment. And once those, uh, discussions have concluded. The applicant will then consider what is appropriate to add to the face of the DCO.

00:54:40:04 - 00:54:40:23

Thank you.

00:54:43:29 - 00:55:02:13

Sorry I did jump ahead there. I skipped over part six, which are the Welsh ministers of Strategic Highway Authority. Um, I understand that you're currently in discussions with them over the wording for part six. Can you give us an update or at least tell us how close or far apart you are on that?

00:55:03:18 - 00:55:29:04

Olivia Henninger, on behalf of the applicant, we are very close to reaching an agreement with the Welsh ministers. There is one provision for which we're trying to seek confirmation from the Welsh ministers. Um, as to the meaning of that provision and how it would operate in practice, um, and that that, um, we expect that that confirmation will be forthcoming. We're certainly, um, seeking that confirmation as soon as possible.

00:55:30:21 - 00:55:31:12

Thank you.

00:55:34:07 - 00:55:54:15

Part eight uh relates to uh Network Rail. Um and Network Rail set a deadline, one that it required its standard protective provisions to be included. Um, and that discussions were ongoing with you with particularly regard to electromagnetic interference. Again, could you just give us an update or tell us how close far apart you are on that?

00:55:56:07 - 00:56:21:27

Olivia Henninger, on behalf of the applicant, we are in discussion with Network Rail. Uh, I note that Network Rail also mentioned the framework agreement. So this was also another commercial side agreement that will sit alongside the protective provisions. So the parties are discussing the details of both the protective provisions and the framework agreement. Um, I have uh, we have a meeting arranged with them next week, and we're hoping to progress matters further after that.

00:56:23:18 - 00:56:24:29

Thank you for that update.

00:56:28:14 - 00:56:58:28

Okay, that brings us to a close of the, uh, existing ones. Um, uh, now I will a moment here, here today. Um, but in and it's relevant rep. And I think it made submissions that our early issue specific hearings that, uh, because of significant overlap with the order limits and they're made, uh, DCO specifically for the proposed works, I think I think is at 25 and 26 overlap with their works, 36, 39, 30 and 40.

00:56:59:11 - 00:57:25:15

Uh, your works in proposed works number 30 and 38 overlap with works numbers 39 and 40 of the owl and more DCO um and they were also, um, seeking to ensure that both parties look to avoid crossing each other's cables, and would also like appropriate protections for the CCA and, uh, temporary possession powers that were granted over those areas. Um, have there been any discussions or have there been any progress made with our Lemoore

00:57:27:15 - 00:57:28:00

live?

00:57:28:02 - 00:58:01:08

Your Highness, on behalf of the applicant? Yes. We have been discussing provisions with our law. The parties are currently discussing the best means of securing protection for all or more. They currently I don't believe they have any land rights, so we're just making sure that any protection for them is appropriate on that basis. Um, the parties are aware of the interactions around the substation. And again, this is a meeting that we're seeking to set up in the first couple of weeks of November to move things forward.

00:58:03:25 - 00:58:09:15

And is that likely to be in the form of, um, protected provisions within the the draft eco.

00:58:10:21 - 00:58:29:11

Olivia Leininger on behalf of the applicant, it could be it could be that that's not necessary. Again, this is a matter where the parties are considering a side agreement. And as part of those discussions, we will, um, we will look at all options for seeking suitable protection for Alamo.

00:58:30:04 - 00:58:30:19

Okay.

00:58:31:16 - 00:58:32:06

Thank you.

00:58:34:18 - 00:59:08:28



We didn't have any request from any anybody wishing to speak on on this matter, but there is just something that, you know, I would like to say, and I think I did say it last week, but, I mean, I'm going to sort of reiterate my point. Every effort should be made to agree the wording of the protective provisions during the examination. Um, just because there are examples of where these haven't been agreed during examination and then subsequently decided that the decision making stage doesn't provide justification for not getting them slaughtered in this examination. Um, you'll not be surprised to know that the Secretary of State would prefer everything to be sorted during the examination for nothing to roll over into the decision making stage.

00:59:09:00 - 00:59:12:02

So we're really keen that that's sorted. Um,

00:59:13:24 - 00:59:35:05

if they're not sorted, um, in in time, we may have to hold a further DCO hearing in December. Um, and my intention would be to go through them line by line to identify where those differences are and ask you to justify them Now, I really don't want to do that. I'm sure you would prefer not to have to do that as well. So all I'm asking if you can make every effort to get that sorted.

00:59:36:08 - 01:00:11:03

List done on behalf of the applicant. That's noted. We would rather not go through a line by line review of the protective provisions either. Um, you will note, though, madam, that, um, there's only so much that we can do in terms of, um, in terms of those negotiations with other parties. And we are pushing very hard to take those forward. Um, and that, um, we have to reach a position that's acceptable to the applicant in respect of those protected provisions. Um, and so, um, some of those matters can take some time to resolve, um, with certain parties.

01:00:11:05 - 01:00:14:17

So we are we are working hard to get those matters resolved.

01:00:14:29 - 01:00:48:05

Once that's understood. And I think I'll probably just make a point at this stage, I don't think, um, off the top of my head, is it deadline for a deadline? 5 or 6 we don't have. I think it may be the case that you may have to provide us with, although it's not in the the timetable, but we may have to make an action point now to request a version of the development consent order at, uh, deadline six. In order for us to consider that and for other parties to have considered sort of your final, uh, position before deadline seven so that we can have those comments at deadline seven.

01:00:51:28 - 01:00:54:12

Thank you, madam. That's noted. Thank you.

01:01:06:04 - 01:01:17:17

I think that brings us, um, to the end of that particular, um, agenda item. I'm just going to discuss with my colleagues what we plan to do from, from this point in.

01:01:25:01 - 01:01:31:03

Okay. Uh, that, uh, brings us to a close of that, and I'm going to hand over to Mrs. Powers, um, to deal.

01:01:31:08 - 01:01:32:05

Uh, with.

01:01:32:10 - 01:01:34:29

Uh, item six on the agenda.

01:01:37:09 - 01:02:09:23

Thank you, Miss Jones. So, um, item six deals with the schedule 14 of the DCO, which is the deemed marine licence. And, um, that's brought into effect by article five. So we did discuss at issue specific hearing one, some of the principles of the marine licensing approach being taken in this case. And as we've already discussed, that's because in this case, we have a novel approach in that there is a separate marine licence for the, uh, transmission assets and a marine licence to be deemed within the DCO for the generating assets.

01:02:10:11 - 01:02:33:23

Um, and so the purpose of today's discussion is just to look at some more detail in some of the provisions of the deemed marine licence, which are not yet settled. And again, we'll just work through in order. And if anybody wishes to raise anything, please make yourselves known as we go through. Um. And I will try. I'm trying to pick up points as we go through Mr. Morrison that have been raised in particular by the um, marine licensing team.

01:02:35:12 - 01:03:09:20

And so we'll start with, um, paragraph one, which, um, I can see there's been a, uh, a query raised around the definition of commence. Mr. Morrison, I believe this is because of the removal of, um, intrusive pre-construction surveys. And so I think there was a question, um, raised by the marine licensing team about if intrusive ground investigations have been removed from the definition of commencement, then, um, what marine licence activities might remain as part of the definition of pre commencement surveys? Mr.

01:03:09:22 - 01:03:13:00

Morrison, do you want to elaborate on that point before we ask the applicant to respond?

01:03:14:18 - 01:03:37:15

Yeah, it was just a point of clarity really in that. Um, Yet. Were there still any pre commencements? Um works. Um, but the UXO clearance that that are covered essentially, are there any marine licensable activity which is covered by that pre construction survey.

01:03:38:02 - 01:03:40:11

Thank you. We'll see if the applicant can respond.

01:03:42:07 - 01:04:17:07

Olivia Henninger on behalf of the applicant. So the the definition of commence includes those pre commencement activities which have been carved out. Uh some of those activities in respect of the Preconstruction surveys would otherwise require a marine licence exemption. So by including them in the drafting of the DML, there would be no need to do anything with regards to seeking an exemption. Um, also, it's to clarify that it's just to be absolutely clear that the carrying out of those activities would not trigger commencement, um, for the for the rest of the DML as well.

01:04:17:09 - 01:04:23:00

So there's a, there's a drafting point in there. Um, to just make that point very clear.

01:04:27:12 - 01:04:29:04

Would you like to come back, Mr. Morrison?

01:04:31:25 - 01:04:42:26

Uh, no, I'm happy to look again. I guess from our perspective, it's just to ensure that, like, the marine licence is used to control Licensable marine licence activities. Yeah.

01:04:43:03 - 01:04:43:20

Yeah.

01:04:44:07 - 01:05:16:12

I take your point. Okay, well, um, take that away. Having considered what the applicant said, and if there's still a point to raise, then make sure that's, um, noted in your submissions. Um, and then just looking through, um, any further changes to the interpretation, then we've got, um, a new definition for layout principles, which follows the discussion we've had at earlier issue specific hearings. And again, we discussed briefly yesterday. So I don't think we need to go there again. But the applicant was going to go away and slightly tighten up that wording.

01:05:17:06 - 01:05:39:05

to bring it into line with, uh, the reference in the Environmental Statement project description chapter. And then we can see that the definitions of mean high water and mean low water have been deleted. And we've already heard the, um, discussion on that today, so we won't go there again. Now, um, is there anything else on the definitions in the interpretation paragraph one.

01:05:41:28 - 01:06:05:02

Item is done on behalf of the applicant. I just point out that, um, the reason that the mean high water springs or hot springs and mean low water has been deleted is actually because it's not referenced in the marine licence. Okay. Separate to the conversations that I've been taking place, there is no reference to it within the marine licence. And that's why it's been taken out, not because of the discussions that have been ongoing.

01:06:05:15 - 01:06:11:10

And that makes sense given that it's entirely far off shore. Yeah. Thank you. Um.

01:06:14:05 - 01:06:45:12

There was a point on, um, part three, and I think I've just, I think I've just located what it is that's being raised here that, um, again, this is a point raised by Mr. Morrison, um, about the read across between the, uh, the works described in paragraph three and how they read across to the description of works in schedule one of the DCO. And I think, Mr. Morrison, if I'm right, it's it comes down to where certain changes have been made to schedule one to delete.

01:06:45:18 - 01:07:11:00

And it looks like mainly it's tidying up of wording, but it's um, some wording has been deleted from schedule one description of works. And if the corresponding changes don't appear to have been made in the marine licence. Maybe. Mr. Morrison, you could just confirm that's the issue you were raising here. So I think there's wording around the placement of rock and a couple of other provisions in there which have been deleted from schedule one, but but remain in the DML. I, I wonder whether the question is whether they need to remain in there or not.

01:07:12:09 - 01:07:28:01

Uh, yeah. Pete Morrison on behalf of licensing. Yeah, that's precisely it. I've spoken to the applicant since and it's my understanding that, yeah, they're going to align the wording and the the deeming licence with that the DCO.

01:07:28:21 - 01:07:32:12

Thank you. The applicant wish to say anything?

01:07:33:29 - 01:07:35:28

No. Just to confirm that we will make that change.

01:07:36:10 - 01:07:51:29

Thank you. And then we moving on then to paragraph four and table three. The point about the coordinates being duplicated that's already come up in terms of schedule one. So I don't think it needs repeating. But it's the same same matter. And it's um 0.7 and 8.7 and eight.

01:07:53:19 - 01:07:59:13

And then I'd like to move on to conditions unless anybody has something before condition ten.

01:08:01:04 - 01:08:02:26

We'll go straight in then. Um.

01:08:06:21 - 01:08:40:06

So I don't have anything on design parameters. Um, I can see there's been some amendments, but I think we understand the reasons why those have been made. In terms of condition 11. Um, this hasn't been raised discretely by NRW. But I know that we have we have had some concerns raised about timescales for. Um, other about the discharge of the conditions later in this marine licence. And I just note that there are in their timescales as well, which is about, um, trying to find the correct bit, a four month.

01:08:40:08 - 01:08:51:28

So again, determining an application, um, for approval made under this condition within a period of four months. I just wanted to check that NWR content with those timescales.

01:08:56:26 - 01:09:11:03

I think the timescales for us for four months is something that we've used in previous licences. Um, so we're content with that. Um, uh, yeah. We had to further comment around the approval of plans.

01:09:11:05 - 01:09:15:06

That's fine. Thank you. And then, um.

01:09:17:22 - 01:09:28:13

There is a there is a, um, comment raised by yourselves on, um, extensions to time periods. Do you want. That's condition 12. Is that something you want to pick up today, Mr. Morrison?

01:09:29:16 - 01:10:00:01

Um, yeah. Uh, Peter Morrison and possibly licensing. Um, I guess this falls under our general point around, um, requirements. Uh, the requirement that we carry it out within a defined period. Um, usually, um, there isn't those requirements in the marine licence, um, which would mean that the provision to extend extend the time in agreement with an applicant isn't something that would be required.

01:10:00:25 - 01:10:01:10

Um.

01:10:02:00 - 01:10:21:18

So so from our perspective, um, we we, um, yeah, we we don't consider the conditions surrounding the time frame for approval of plans is standard practice or necessary. Um, so likewise, condition 12 is.

01:10:21:20 - 01:10:35:06

Okay. It's consequential. So we'll we'll come we might touch back on that when we come to look at your, um, conversations about the, um, timescales for discharge of approval of plans. Um, okay.

01:10:36:28 - 01:11:01:09

I don't have anything on conditions 13 or 14 or 15 or 16. There's been a few tweaks in the latest iteration, but I think they're all things that we understand the reasons why they've been made or they've they've responded to something we've asked for. Um, but condition 17, which is, um, the dropped objects. Yes. So, um,

01:11:02:24 - 01:11:33:27

there's a comment from RW about wanting some extra wording at the end of paragraph 17 or condition 17 two. Uh, yes. This is about, um, the requirement to that. Well, there were to add in a provision that the licensing authority can require that any dropped objects are recovered. And that's, that's something that does appear in a number of other DML conditions that it's not present in this drafting. Mr. Morrison, would you like to explain that point any further?

01:11:36:23 - 01:11:55:10

Uh, yeah, I think that was our comment on on that provision is at this stage, there isn't a dropped object plan approved. Um, so the requirement is for surveys to be carried out, but then doesn't then, um, expressly say what would be expected following that.

01:11:55:18 - 01:12:07:29

Thank you. That's understood. And so yes, just to the applicant then I'm just it's a question about why that fairly standard bit of wording has been, um, removed From 17 two.

01:12:09:10 - 01:12:41:00

Olivia Henninger, on behalf of the applicant. The intention of the structure of condition 17 was that in subparagraph one, that would cover what happens in relation to all dropped objects, where there's an environmental or navigational hazard that's posed by that dropped object. So it was meant to capture all of the dropped objects in that first paragraph. The second paragraph was then intended to cover notifications and any side scan sonars that were intended.

01:12:41:02 - 01:12:57:12

And as as Mr. Morrison mentioned, we are in discussions with our marine license team on on the drafting of the DML, and it's certainly something that we're continuing to discuss with Mr. Morrison. So if there's additional points that need to be considered from a drafting perspective, we can do so.

01:12:58:08 - 01:13:13:02

Thank you. Now that you've explained it that way, I can see that that's that that's starting to make more sense. So it may be that there's nothing required there, but, um, yeah, if you take that one away

with Mr. Morrison and, um, check that, that's something that they're happy with as well. Thank you.  
Um,

01:13:14:29 - 01:13:16:05  
okay.

01:13:17:23 - 01:13:25:10  
And then come on to condition 18, which is one that we've already discussed a fair bit over the last few last day and last bit the last week. Um.

01:13:28:01 - 01:13:29:03  
So.

01:13:32:14 - 01:14:07:18  
I have, um, another comment from NSW marine licensing team, and this is about the consultation bodies that are listed. So, so basically what um, we've had a bit of a to and fro in terms of the way this works, but ultimately at the moment, um, there is a specification about who the licensing authority should consult with in undertaking the various approvals. And I think the point from RW is that actually at the moment it's a bit, um, neither one or the other because it excludes some bodies like NRA advisory, but includes JNC specifically.

01:14:07:21 - 01:14:30:09  
But then, um, it also potentially is a bit prescriptive in terms of who they would consult with, when in fact they probably, um, well, one approach could be that they there's no consultees named at all. And that could be, uh, the licensing authority could be, um, trusted to undertake the consultation with the, with whoever needed to consult with. Mr. Morrison, do you want to expand on that point?

01:14:32:13 - 01:15:06:08  
Uh, yeah. Peter Morrison speaking on behalf of licensing and W um, yeah, that's precisely it. Our view normally is that our conditions don't specify who we consult with. Um, and we consult with who we deem we're required to, to, to carry out that. Um, so, so yeah, as you'd see we consult to navigation plan to thank AT&T House, etc.. Um, as currently worded, I guess our point like you've made out is it picks some consultees but not others.

01:15:06:14 - 01:15:42:06  
Um, I've discussed this with the applicant somewhere that some consultees have requested to be included, which is why they're listed. But but equally, I'm aware that an RW advisory function is requested to be included that have haven't been included. So yeah, there's a question of is it required at all. And our view is it's not required. Um, but but if it is going to, going to be um, listed, then, you know, we think there's other bodies which maybe should be referenced.

01:15:43:13 - 01:16:15:28  
Thank you. I can see exactly the point you're making. Um, we don't have people like the MCC and Trinity House here, for example, today, but I can imagine that from their perspective. Um, they might have they might feel that they have some comfort from being named specifically in relation to some of those, um, approvals. So I think, um, I don't know if the applicant you want to come back on that, it might be something you want to take away and think about, because I can see we've we've gone through various approaches in terms of naming bodies specifically on each of the sub provisions of condition 18.

01:16:16:02 - 01:16:20:16

Uh, and now we're in a different place. But do you have any response you'd like to make today?

01:16:20:28 - 01:16:56:18

So, Liz, done, on behalf of the applicant, um, I think, uh, we we have sought to discuss this with, uh, Natural Resources Wales, um, marine licensing team and have sought to try and come up with something that they're comfortable with. Um, but I think it is more than just that some of those bodies, like Trinity House and the MCA, would like to be notified on a requirement at sorry, on a marine licence condition in. Certainly it's my experience in other projects that it's the only basis on which they will withdraw their injection to a project if they are named in that particular condition.

01:16:56:20 - 01:17:30:18

So from the applicant's perspective. Um, for the Dean marine license, in order to satisfy the requirements of organizations like the MCA and Trinity House, we have to we have to write them into the disk. There isn't an option. So the question then is who else gets written into that? The applicant's position was, um, that because appreciate Natural Resources Wales advisory and marine licensing team are different functions. But clearly the advisory team are a key consultee for the purposes of that consultation.

01:17:30:20 - 01:18:14:05

You know, the engagement on those those matters, we will take it away. I suspect what we'll end up doing is writing Natural Resources Wales advisory into it, which I think is where we started, to be honest. And then we're asked not to do that. So, um, we will come to a position. The applicant is just trying to keep everybody happy in terms of satisfying and ensuring that, um, that there aren't objections Sections maintained to this. This deep marine license that are not necessary and completely appreciate that in the standalone marine license position and our Natural Resources Wales Marine licensing team has complete discretion as to who it writes into its marine licensing and others.

01:18:14:11 - 01:18:19:22

Um, but from the applicant's perspective, we have to be seen to be including those parties.

01:18:20:11 - 01:18:47:17

That makes sense, and it's consistent with our experience in other cases to, um, and indeed things we've probably asked for ourselves in terms of having some of those bodies named. Um, I think, though. Yeah, definitely. The, um, I think that maybe that simple. Um, there is one simple solution there about, um, where JNC are named, if it's also applicable to the advisory, then making sure that those are named. But we'll let you go away and, um, talk further to the marine licensing team about that.

01:18:49:14 - 01:19:05:08

Um, okay. Then moving on in condition 18, we talked about the design plan at 18 one day. We talked about that a fair bit yesterday in terms of the navigation effects. I don't have anything else on that. Um.

01:19:13:08 - 01:19:54:06

There is the new, um, that was one question. So I do have something on that after all, part A and the design plan, um, subsection two, where you've added in again following our request, the, um, the confirmation about whether, uh, work number one, subsection C and D would be constructed under this marine. So this is an area of that this is where the two marine license is overlap and where it's not yet known whether it would those elements would be constructed under this marine license or the

separate one. Um, is it can you confirm whether that equivalent condition would be is being sought on the separate marine license two so that you would have that Red cross.

01:19:54:08 - 01:19:58:04

I know that this is not, um, something that settled yet.

01:19:58:25 - 01:20:36:20

Is done on behalf of the applicant. Um, I suggest that's something you'll have to ask. Uh, Natural Resources Wales marine licensing team. We don't as as we've made clear throughout the process, we don't have control over, um, what licence, what conditions? Uh, Natural Resources Wales licensing team puts on to the licence. Um, uh, we we could suggest it in the marine licence principles document. Um, but clearly if the, if, if the marine licensing team has had notification under this requirement, it wouldn't necessarily require that under the transmission marine licence as well.

01:20:36:22 - 01:20:37:13

Yeah. Okay.

01:20:37:15 - 01:20:41:09

I think it's a matter for it's a matter for Mr. Morrison and the marine licensing team.

01:20:41:15 - 01:20:42:03

Yeah.

01:20:43:00 - 01:21:00:09

Okay. Mr. Morrison, would you like to come in on that. This was intended basically so that you as a licensing authority know, ultimately which marine license works are being carried out under and therefore can take action under the correct marine license if necessary.

01:21:01:27 - 01:21:34:25

Uh, yeah. Peter Morrison, another marine licensing. Um, yeah. I believe in, uh, written reps. Um, we were keen that there was clarity which uh or condition to, to avoid duplication between transmission and um, generating that licence. And yeah, we're satisfied with the wording which has been put in by the applicant in that respect in terms of the transmission license, um, that the license hasn't been drafted.

01:21:34:27 - 01:22:00:04

So we're still in the determination and there's, um, limited information I could give at this stage around conditions. Um, but but likewise, we, we look to have um, provision ensuring And that's, uh. But, um. Yeah, but it's only constructed under one of those licenses, essentially. So, um. Yeah.

01:22:00:16 - 01:22:21:29

Okay. Thank you. Um, and just a point to the applicant about the actual drafting of that bit because, um, it doesn't it doesn't quite read correctly, um, where you were including the confirm whether so I think just, um, it may be it's confirmation where there was just a tweak to the wording there just to help, um, with the readability. Um,

01:22:23:16 - 01:22:54:02

at deadline three, the, uh, mitigation and monitoring monitoring schedule indicates there's going to be some commitments removed from condition 18, um, because they're going to because they're only relevant to the standalone marine license. Um, I think we're clear about the reasons why that's



happening, because there are things that are there elements of works that would only be or they're licensed license activities that are not relevant to the generation assets. But I just wanted to confirm that Mr.

01:22:54:04 - 01:23:05:04

Morrison's comfortable with that as well. And that and indeed that. That's my correct understanding with the applicant. Mr. Morrison, are you aware of that? Those forthcoming changes to the DML.

01:23:08:13 - 01:23:19:15

Uh, Mr. Morrison, on behalf of Senator, be licensed in, um, no, I don't think I am aware of those changes, so I'd be happy to consider him.

01:23:19:29 - 01:23:33:29

Um, yeah. So I would refer you to, um, rep 3013. Not right now, but maybe to consider for deadline for or in your discussions with the applicant. Um, and I think it's page three. So it's talking about um.

01:23:36:27 - 01:23:46:14

Removing certain types of cable for example, because they, I presume are not relevant to the generating assets. I just check with the applicant my understanding correct on this.

01:23:46:24 - 01:24:18:27

Olivia Henninger on behalf of the applicant. Um, there might be a point of clarity here in terms of the mitigation monitoring schedule. So I think we updated that drafting, um, to remove reference to the DML, um, because on review realized that it wasn't clear as to how that particular, uh, piece of mitigation would be secured. So that will not result in any drafting changes to the DML. It was just a clarification in respect of the mitigation monitoring schedule as to where that would be secured.

01:24:19:06 - 01:24:40:14

Um, so yes. So it's not something that we would necessarily need to discuss with another marine licensing team, but it is something which we are, um, discussing with other interested parties just to confirm with them, um, ensuring that they are comfortable that, uh, that that is the intention of the, of the mitigation and how it will be secured.

01:24:40:20 - 01:24:52:00

Okay. Understood. Thank you. I'll leave that one with you, Mr. Morrison. and you can have a quick look at the document. It may be that it's not something you need to get involved with. Um, okay.

01:24:54:03 - 01:24:58:09

I'm looking now at my notes back. So we've got 18 onesie. Um.

01:25:01:03 - 01:25:32:06

Yes. So this is about the monitoring plan at the moment. It must accord with the offshore in principle monitoring plan. Um, I won't I won't go into the detail of the document, but I would just flag to the applicant. So, um, there's table 1.5 in their talks. It talks through the various strands of monitoring, and the penultimate column sets out the method of securing that monitoring. And at the moment, it just refers in a generic way to the relevant conditions of the marine licences.

01:25:32:08 - 01:25:53:14

And I think we need this column to be more specific so that there is a because that the role of that offshore IP is going to become quite important. We need that now to be specific in that penultimate

column and Column about which DML condition secures which strand of monitoring. Does that sound sensible? And, um, something that you can do.

01:25:53:27 - 01:25:59:12

Olivia Henninger, on behalf of the applicant. Yes, we will look at that and make sure that that that clarity is included.

01:25:59:16 - 01:26:03:24

Thank you. I put that down as an action for deadline for if possible.

01:26:04:26 - 01:26:10:10

Could we possibly have that for deadline five just to make sure that if if that would be all right. Thank you. Yeah.

01:26:10:29 - 01:26:19:14

That should be that should be okay. Still gives time for parties to have a look, but deadline six. Um,

01:26:21:07 - 01:26:29:21

we dealt with the matter about the offshore construction method statement yesterday, so we won't go back into that today. Um.

01:26:41:22 - 01:26:47:10

Anna, did you have a question on 18 one H, which deals with

01:26:48:27 - 01:26:52:12

the marine mammal mitigation protocol?

01:26:58:07 - 01:26:59:03

Mr. Morrison.

01:27:00:17 - 01:27:05:11

Peter Morrison and ultimately licensing? Um, I don't believe we did.

01:27:05:21 - 01:27:06:12

Okay.

01:27:08:06 - 01:27:10:19

Then I will keep moving. Um,

01:27:12:11 - 01:27:24:21

and then we've done dropped objects. So that's everything. So that's everything I had on condition 18. Unless anybody else wanted to raise anything on those reconstruction plans.

01:27:26:18 - 01:27:57:20

And then 19 is where we talk about time limits for approval of plans. And this is, um, I think maybe, Mr. Morrison, if we want to talk about the time limits for these approvals, I think it covers condition 19 two, but also the same applies I'd imagine, under condition 23 and 21 three, uh, in terms of wherever specified, uh, timescales for the licensing authority to approve plans. Um, and so in there, we have four months to determine applications for approvals.

01:27:57:22 - 01:28:10:20

Mr. Morrison, you started making some points earlier. Would you just briefly set out your position here in terms of I think your position is about the principle of having any timescale specified as a kind of starting point. Is that right? Yeah.

01:28:10:25 - 01:28:42:03

Sue. Yeah. Peter Morrison and I mean licensing, but there's usually timeframes specified in terms of when we expect plans to be submitted, which give an indication of how long you'd expect it to take to determine. But but we wouldn't normally have conditions, um, to this effect, which uh, but no requirement on us in licensing to determine within a set period. Um, not not to say that we aren't looking to determine in a timely manner.

01:28:42:16 - 01:29:15:29

Um, but in terms of, you know, the principles of those conditions aren't usually in marine licenses, um, which we've dealt with in Wales. And I guess our view is that the marine licence should look like a marine licence that we'd issue if we were issuing the consent. And we we've made concession on that to some extent in terms of, um, a lot of the wording for, for, for these licences come in from licences in, in England.

01:29:16:02 - 01:29:54:14

But it's our view that, you know, these conditions um, aren't necessary and aren't in line with our established practices. And, and um, as I said before, um, there's other licences for, for large projects, um, which won't have conditions like this in and for the transmission Commission licence likewise won't have conditions like this in um, we also as well. Um. Again, as it's not a condition that we've looked to place before or we've questioned, um, the impossibility of it or the consequence of it.

01:29:56:08 - 01:30:05:09

Can I ask a bit more about that question of enforceability? So what what are your concerns in terms of whether that whether those conditions are enforceable?

01:30:06:14 - 01:30:14:26

I guess the question is, uh, question of consequence of, um, not meeting the four month time period.

01:30:16:13 - 01:30:17:04

Okay.

01:30:19:14 - 01:30:21:20

Yeah. Um,

01:30:23:09 - 01:30:37:22

because I suppose if you were looking at the parallel, um, if you were looking at requirements, you might therefore fall back on arbitration provisions. Um, I'm just gonna ask the applicant to come back on, on a couple of points, and then we'll return to this point about enforceability, if that's effect. Okay, so, um,

01:30:39:08 - 01:31:10:09

Miss Dunn, would you or, um, Miss Henninger, would you mind starting just with, um, I suppose the questions in our mind, we obviously very well aware of what happens in England on this front and essentially that it has been accepted in principle as sort of, um, relatively standard practice to have and, um, to have to have timescales specified. And for those timescales to vary somewhere between 4

to 6 months is practice that we probably have seen in in the most recent cases. Um, so we're aware of that precedent.

01:31:10:11 - 01:31:20:20

But we are in Wales as well. And we're taking account of what Mr. Morrison's telling us. Um, could you just say a little bit about why you consider this condition necessary?

01:31:22:04 - 01:32:10:15

Lays down on behalf of the applicant? Um, uh, so the conditions necessary for the same reason that we have the schedule in the draft development consent order that deals with how the local authorities are going to discharge, um, the requirements. And um, actually the wording, as you'll have seen within this, within this is, is, is more like touch than um, than the schedule that has been provided. Um, in respect of the local authorities, it's a fundamental principle for this type of development project that, um, uh, that it's about the whole process within the development consent order process is about securing a timely consent, which is why there are statutory time periods, which is why this examination, uh, has a six month time period.

01:32:10:17 - 01:32:40:15

You have three months to write your report, and the secretary of state has three months to make his her or his decision, um, as to the determination of this application. Statutory time periods are throughout this process because it's about making, uh, timely decisions, um, and ensuring that decisions can be made and, and granted within a period. As I've said, that's why development consent orders have a schedule which deals with how the requirements are discharged.

01:32:40:17 - 01:33:15:02

And, uh, and effectively, uh, moderates the, uh, the sort of standard appeal process to provide for something that's expedited because, uh, you cannot have a situation where these applications have been determined under a very and it is a very aggressive time frame in terms of, of getting a decision. And then projects sit for many, many months or even years on the discharge of, of requirements or marine licence conditions. And that is a that is a very real prospect without these, these provisions in place.

01:33:15:18 - 01:33:45:20

Um, I, we do note Mr. Morrison's points, and we do note that in respect of the, uh, the marine licence, um, there won't be a time frame on that because it is a separate marine licence, but that doesn't justify not having an indicative time frame, which is what this is on the face of this deep Marine licence. Mr. Morrison will be very aware of the provisions we've talked about, which are condition 12, which say that effectively that that period can be agreed. It's not a hard period.

01:33:45:22 - 01:34:16:25

It's not a it has it must happen if, if, if Natural Resources Wales receive something that requires a discharge within, within which would require a discharge within four months, they look at it and say, we're just not going to be able to do it for this period. It'll be here. We're able to, you know, that that's able to be agreed and clearly the parties or that reasonably on that basis. But the starting point is the expectation that these, these, these marine licence conditions can be discharged within four months.

01:34:16:27 - 01:35:09:28

That should be the starting point for the discussion around what's going to happen so that the applicant can plan. It's it's it can plan the discharges. It can know when things can happen. The applicant needs to place contracts for, uh, for vessels, for all sorts, all manner of items that have a very

long lead in time. And they cannot be held up by an unnecessary time period for discharge of these, of these marine licence conditions. So fundamentally, having this time period within the and appreciate it's just within the generation marine licence is very very important if not essential to the to the applicant to ensure that it can manage those matters and that there can be a proactive dialogue with, with natural resources as well as marine licensing team in the event that they aren't able to manage anything within that four month period.

01:35:10:00 - 01:35:23:10

So that's being discussed early on at the at the period, rather than just finding, uh, that that, you know, effectively four months have passed and the applicant has no idea about where things are going or why.

01:35:24:27 - 01:35:38:29

Thank you very much. Can I just ask you, before I come back to the specifics of the the amount of time being asked for. Can I ask you to respond on the point about enforceability that's raised by Mr. Morrison as well, about the questioning of whether it's I mean, clearly we know that it's practice in England.

01:35:41:18 - 01:36:12:10

Is done on behalf of the applicant. Um, it's it's written into the marine licence, as I say, it's and and there is the, um, there is the ability to extend it. Um, it's correct. There isn't a deeming provision. Um, there isn't a deeming provision within this marine licence which there could be. The applicant could, uh, could write in a deeming provision which says that in the event that no decision has been made within four months, then the, uh, the, uh, the condition is deemed to be approved.

01:36:12:13 - 01:36:36:12

Um, and there are deeming provisions in other areas. The applicant doesn't consider that to be necessary. And as I say, it's about setting the expectation around that four month period that things will be determined within that four month period, unless they've been unless there's been an agreement made by the local authority at sorry made with Natural Resources Wales to extend that period.

01:36:37:21 - 01:37:22:28

Thank you. Um, we can, um, understand all of the points you're being they're being made there. Um, Mr. Morrison, I just want to explore, um, now, the in terms of, um, looking at the reasonableness of this condition, um, how four months feels to you. And I suppose the question is there are some arguments there made by Miss Dunn, which are arguments we've heard a number of times in, in English cases about, you know, about statutory timescales, about the fact that these are, um, critical infrastructure projects and the fact that there's, um, the fact that we have statutory prescribed timescales for other elements of this process and therefore that it could be an argument for making, um, similar, uh, timescales for deemed marine licences.

01:37:23:00 - 01:37:43:06

But in terms of the four months, Um, can I just ask how that sounds and looks to you compared to how long it takes in our marine licensing team normally to to deal with the approval of plans under these on on the projects of this type of scale. Does four months sound, um, roughly in line with the the time taken.

01:37:44:11 - 01:38:14:04

And ultimately marine licensing? Um, I guess it's difficult to answer that for from our perspective, if considering the amount of projects, um, of this nature in Wales. So so going to more would have been um, issued a number of years ago. So discharges relating to start of construction of that is a long time ago. Um, an hour or more. Um, hasn't yet got to the stage of discharge and its conditions are.

01:38:16:28 - 01:38:52:07

So. So, yeah, it's difficult to see like usually I would have thought that most projects with discharges of conditions that they are carried out within four months. The consultation might be for 28 days, with relevant consultees and responses obtained to come to decisions. Um, but but yeah, if there's, um, significant issues raised and need to request further information or need to re consult once further information is included, then that that can extend the period.

01:38:53:01 - 01:38:53:16

Um.

01:38:54:09 - 01:39:05:14

And I suppose the in the applicant's case might be that then that's when condition 12 could kick in and there could be a renegotiation of the time of that four month time period under that condition.

01:39:07:11 - 01:39:21:19

So do you accept that that could at least provide a, a sort of, um, in the scenario that a decision couldn't be made within the four months that would provide, uh, one way of dealing with that hard deadline of four months.

01:39:22:25 - 01:39:23:10

Um.

01:39:24:09 - 01:39:40:19

Yeah, I can understand how the provisions been been written. Um, I guess that requires agreement by the applicant rather than it being fully in the control of the licensing authority. Um, which is different from from what we would have. Yeah.

01:39:42:06 - 01:39:42:21

That's fine.

01:39:44:00 - 01:40:00:22

Okay. Thank you. I think we've heard the arguments and I think, um, are the parties still discussing this? Uh, uh, between yourselves? Is there still a point of negotiation, or is this something that we're just going to find is just, um, different positions by the end of the examination?

01:40:02:01 - 01:40:03:17

But let's go on.

01:40:04:21 - 01:40:16:05

I was going to say, I think it's likely to be a point of disagreement. You do? Yeah, but we would not willingly accept that, um, condition.

01:40:19:24 - 01:40:20:09

Is done.

01:40:22:15 - 01:40:27:23

At least done. On behalf of the applicant, I'd concur with Mr. Morrison. I don't think we're going to reach agreement on this one.

01:40:28:02 - 01:40:40:21

That's fine. Okay. And in that case, it would be something that we would adjudicate based on the evidence we have before us. Um, I will move on. We'll

01:40:42:09 - 01:40:51:13

look at, um, how I don't have anything on condition 20, which is the underwater sound management strategy, but on 21.

01:40:54:28 - 01:40:58:13

Um, Mr. Morrison, was there a point here about the definition for comments?

01:41:00:15 - 01:41:18:08

I'm not. It was a question about the about. I think it was about carving out unexploded ordnance and clearance. So the surveys and the clearance of of UXO being carved out from the definition of commence. But I'm not sure this is still an issue just looking at it. Maybe you'd like to talk us through your concern.

01:41:18:27 - 01:41:19:12

But.

01:41:19:26 - 01:41:43:07

Peter Morrison speaking on behalf of W licensing. Um, it's a minor point really that the definition of commence excludes UXO, but but the condition and this condition uses the word commence while referring to UXO. Um, okay. Uh, I spoke to the applicant. I think they were going to revisit the drafting.

01:41:43:27 - 01:41:47:02

Thank you. It's done. Is that something you're looking at?

01:41:48:07 - 01:41:57:13

Olivia Henninger, on behalf of the applicant? Yes. Uh, we will look at that. And and we understand the point that's being made and agree that it needs to be revisited.

01:41:57:20 - 01:41:58:10

Thank you.

01:42:00:05 - 01:42:04:07

Okay. Um. And then.

01:42:07:08 - 01:42:10:27

I don't think we have anything on 22, 23,

01:42:12:19 - 01:42:15:05

24, 25,

01:42:16:22 - 01:42:34:07

but on 26 again, this is the point about JNC and then reference to Natural Resources Wales Advisory and Natural England if necessary. So it's the same point we've already discussed. I don't think we need to go back into that unless Mr. Morrison feels we need to pick that up again.

01:42:40:26 - 01:42:42:12

No, nothing. Nothing to add.

01:42:43:05 - 01:43:14:27

Well, I've got you there, Mr. Morrison. There was there was a point about, um, compliance reports in your submissions and, um. Uh, well, I think you've probably described described it as, um, you normally require a compliance report to be submitted for approval prior to commencement of any licensable activity, and we've provided the wording of that condition. But we have a response from the applicant about why they consider that's not necessary or not proportionate in this case.

01:43:15:21 - 01:43:21:01

Um, is this a point of is this a point where you're still, um, at odds?

01:43:21:28 - 01:43:32:13

But I believe this point has moved forward based on our last discussion with the applicant, and they might be seeking to include a compliance report.

01:43:34:08 - 01:43:35:08

Miss Henninger.

01:43:36:28 - 01:43:55:24

Livia Henninger, on behalf of the applicant. Yes. We can confirm that we will be adding this into the DML at deadline for. There was a, uh, it was helpful to have context from an Adobe Marine licensing team about what the compliance report was. I think perhaps we just misunderstood what what the intention was. So we will add that in.

01:43:56:14 - 01:44:36:06

Thank you. That's helpful progress. Um, and then I don't have anything else specific on the deemed marine license. Does anybody else wish to raise Mr. Morrison or indeed the applicant want to let us know about anything? Anything else on the DML? The only thing other thing I wanted to quickly cover was just, um, whether there's any update at all on the progress of the the separate marine license, I suspect not. We know we know that it's we have the deadline three update on it, but I just thought I'd check in just to see whether there's anything else to report in terms of the progress with that one.

01:44:41:07 - 01:45:12:12

And Peter Morrison and I mean licensing. Yeah. From our perspective at the moment, um, we're we're waiting for further information to be submitted, which will bring the information submitted to us in terms of the transmission asset, in line with the information which has been submitted to the examining authority in the TCO process. Um, the minor correction to the date, I think in the hour update, we said that that was due to come in on the fourth.

01:45:12:18 - 01:45:21:01

Um, but but, uh, it's due to come in the following week. I can't remember the exact date of the top of my head, but, um. Yeah.



01:45:21:15 - 01:45:35:03

So mid-November. Yeah. Yeah, yeah. Thank you. I think you provided a copy of the consultation response. Well, your letter back out following that consultation you'd undertaken. Thank you. Um, anything else from the applicant on that point?

01:45:35:26 - 01:45:40:28

Uh, Olivia Henninger, on behalf of the applicant. It's the 13th of November. Is is the deadline for us to respond on that?

01:45:41:19 - 01:45:42:08

Thank you.

01:45:46:12 - 01:45:47:04

Okay.

01:45:48:12 - 01:46:07:03

There's nothing else from us on the Dean marine licence at this stage. So I think what we'll do now is take a break for lunch. Do we want 45 minutes or no. So I think, um, we will aim for a 145 return. And when we come back, we'll be on item seven. So, 145. Thank you.