



Trawsgrifiad Gwrandawriad

Prosiect:	Fferm Wynt Alltraeth Mona
Grandawriad:	Gwrandawriad Mater Penodol 6 (ISH6) – Rhan 6
Dyddiad:	11 Rhagfyr 2024

Sylwer: Bwriad y ddogfen hon yw i gynorthwyo Partion â Buddiant, nid yw'n air am air.

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Hearing Transcript

Project:	Mona Offshore Wind Farm
Hearing:	Issue Specific Hearing 6 (ISH6) – Part 6
Date:	11 December 2024

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00:00:03:10 - 00:00:22:03

Okay. It's 11 a.m.. Time for us to resume. Welcome back everybody. We're going to start this session at schedule two and schedule 12 of the draft DCO, which are the requirements and the approval of matters specified uh, in requirements. Um,

00:00:23:19 - 00:00:54:04

I think we'll just go through each requirement. Um, in turn, if I miss a requirement that somebody does wish to raise anything on or, um, if the applicant wants to update us on, then just feel free to stop me as I go through. Um, I don't have anything on, uh, requirement one or requirement two, so I'm going to move straight to requirement three, which is aviation safety. Um, now, yesterday Mr. Vella told us that the wording of requirement three is now agreed with the Defense Infrastructure Organization.

00:00:54:06 - 00:01:04:25

And as we don't yet have that confirmation on record, I believe that the applicant took away an action to ensure that the final statement of common ground is going to confirm that. Is that correct?

00:01:05:15 - 00:01:07:28

Gerard Butler for the applicant. Yes. That's correct.

00:01:08:14 - 00:01:09:03

Thank you.

00:01:14:14 - 00:01:24:04

No, I think there has been some changes made to, uh, requirement for, but I believe they're just slight tweaks in wording. Is that correct?

00:01:24:18 - 00:01:37:18

Olivia Hanan, on behalf of the applicant, yes. There will be a number of requirements where the the changes have sought to standardise them rather than actually change the meaning of them. And requirement for is one of those.

00:01:38:10 - 00:01:39:16

Thank you. That's understood.

00:01:43:27 - 00:02:07:26

Uh requirements uh five and requirement seven. Actually, just a very minor point. Note the wording changes in that. I just think it needs a, um, a retention clause as well. In there you've added an implementation clause, but not a retention clause. So you you you say that it will be implemented as approved but not retained thereafter? I think that just needs adding to both requirement five and requirement seven.

00:02:08:18 - 00:02:50:25

Live your hiring on behalf of the applicant. If we may come back on this one, we didn't think that those were necessary for requirement five. The intention of the drafting is that it approves the details of the design of the substation, not of the, um, of anything in relation to the operational lifetime of that substation. And similarly with regards to requirement seven, uh, the controls on management of any landscaping delivered under requirement seven is applied through the final Landscape and Ecology management plan, and it would not be necessary to put any additional drafting in requirement seven on the basis that that that is already controlled.

00:02:51:26 - 00:03:19:07

I just I think normally retention clauses are there to ensure that you implement something as agreed, but you then you keep it as agreed. If there's no retention clause in conditions on a normal planning permission or requirements on a DCO. There's no enforceability for ensuring that things are retained in that manner. Um, I appreciate your comments. It's something that the examining authority will have a think about and look at as to whether we feel it's necessary to be added.

00:03:31:00 - 00:03:42:26

Uh, just a very, very minor point. Just for consistency purposes, I think requirement six needs to refer to the relevant highway authority rather than just highway authority, just to be consistent with the wording in other requirements.

00:03:43:16 - 00:03:44:22

Thank you. We'll pick that up.

00:03:49:12 - 00:04:20:17

Okay. If we could come on to, uh, Requirement nine. In that case, which is the code of construction at practice. We understood that the stand that the Highways Access Management plan has has been removed. And we talked about that yesterday. So I don't think we need to repeat that. Um, again today. Um, I'm just going to quickly check we have the points raised by Mr. Chambers in relation to, uh, h that we said, uh, we would raise.

00:04:20:19 - 00:04:50:21

Is it, is it h that Mr. Chambers referred to or is it a G perhaps. Actually, I think it's it's G. Yeah. Um, I think Mr. Chambers point is and I think it might be a valid one, actually, his concerns relate to groundwater, not just surface water. Is there a possibility of, uh, groundwater being included in the title for this? Because I think the surface water drainage management plan does also cover groundwater, does it not?

00:04:54:02 - 00:05:31:07

Olivia Henninger, on behalf of the applicant. Yes. We understand that the name of the management planner has already been updated, and we just need to reflect that updated name in the DCO. So it has been changed to Surface Water and drainage management plan only we don't know. And it includes groundwater controls in the main body of the management plan. So at the moment the the applicant's

position is that as the detail of that management plan controls, groundwater isn't necessarily the case, that it has to be noted in the name of the document.

00:05:31:09 - 00:05:32:17

But we'll take it away.

00:05:32:19 - 00:05:36:02

Yeah. Yeah, right. Just confuse people as it covers both. Yeah.

00:05:36:04 - 00:06:09:02

Sorry. Williamson, on behalf of the applicant, um, the naming of the, uh, of the outline surface water and drainage management plan is reflective of the impacts identified associated with groundwater. So groundwater is not a significant impact across the entirety of the project. We note Mr. Chamber's concerns. And obviously, we'll demonstrate that we believe the risk associated to the trout fisheries is low and would not be a significant impact either. Um, so we don't feel it's necessary to necessarily single out groundwater across the project when it, when it isn't an identified, uh, risk or impact.

00:06:09:04 - 00:06:25:18

That being said, groundwater is covered within the contents of that document. And I think we can probably add something in terms of the hydrogeological baseline. Any hydrogeological baseline monitoring that's been undertaken will be used to inform the discharge of it. So rather than change the name, I think we can strengthen the content if that's.

00:06:25:27 - 00:06:28:02

The actual outline plan itself. Is that within.

00:06:28:04 - 00:06:29:15

The plan itself? Yes.

00:06:29:17 - 00:06:45:10

I think you did see yesterday that, uh, it I appreciate you having identified any risk to groundwater, but you did say that you intend on monitoring groundwater during construction, and the trout fishery was one of the locations that you proposed to monitor that? Is that correct?

00:06:46:19 - 00:07:05:15

That Phil Williamson, on behalf of the applicant. Uh, the monitoring strategy is proposed as part of the hydrogeological risk assessment, and we can put some detail in. Alludes to that without necessarily being specific to to the trout fishery. Um, so that essentially that there is a control in there that's highlighted to the local authority when it comes to discharge.

00:07:05:17 - 00:07:28:04

Yeah. So if the monitoring is part of the hydrological risk assessment, um, how is that secured through the DCO. How are we securing that monitoring through the DCO? If it's not sorry, sorry if it's not included in the construction surface surface water drainage management plan. But it's in the hydrological risk assessment. How is that monitoring secured.

00:07:29:29 - 00:07:44:11

Phil Williamson on behalf of the applicant. So we include a section in terms of baseline establishment and monitoring in general within the outline construction surface water drainage management plan. I think the action for us is just to strengthen that a little bit, and we'll do that for deadline six.

00:07:44:26 - 00:08:19:17

I mean, is there any harm at this stage? If you already do know that there are, I appreciate that there will be other locations that you don't yet know where you're going to put those monitoring stations, for example. But if there are areas that you do know because you said yesterday, you would definitely be putting one at the trout fishery, why could that not be contained within that, that outline plan? Um, I do think it's a fair point that, um, well, it's a fair point from both parties that the councils have been party to this examination, but staff do change. Um, a new member of staff at the planning department might not have been aware that we've discussed that.

00:08:19:19 - 00:08:32:23

For example, whereas you have said you would guarantee that there would be a monitoring station there, but how would the council necessarily know that that had been agreed during the course of the examination? Would there be any harm in listing some locations where you already know you're going to put those?

00:08:55:04 - 00:09:03:10

Phil Williamson on behalf of the applicant. I think we'll take that away, but I think our initial response would like we will most likely do that. Yes.

00:09:03:25 - 00:09:05:00

Okay. Thank you.

00:09:15:07 - 00:09:53:24

Um, I appreciate that you've now altered the wording of, uh, each of the plans to be in accordance with the outline plans. I think that works. Um, the only, uh, pointer that raises in relation to, um, the onshore site preparation works must be, um, carried out in accordance with the applicable details set out in the outline Code of construction Practice. Is it, um, just to tighten that up a bit, I think that you need to also, it's all of the outline plans above, basically, isn't it? It's the outline plans listed in A2, HQ, um.

00:09:54:25 - 00:10:21:16

Live behind and go on behalf of the applicant. I think this is where the definition of outline code of construction practice sort of kicks in, where we have specified that it includes all of the relevant annexes we would be if we were to provide the full list there. Um, certainly we could we could do that. Um, but the intention of the definition at the moment is, is to try and achieve that without having to put too much additional drafting in the requirement.

00:10:21:18 - 00:10:30:24

Now, I appreciate that. I don't think you need a list. I think that it would be as simple as referring to the list above, because you've you've listed all the outline plans in A to Q anyway, I don't know if you could just.

00:10:30:29 - 00:10:33:29

Okay. That's understood. Thank you. Yeah, yeah. Thank you.

00:10:41:14 - 00:11:00:01

Okay, I'm going to jump straight to your requirement 12. Unless there's anything in between that the applicant wanted to draw our attention to. I know we discussed the highway accesses yesterday, so I

didn't intend to go back over that unless there's anything you wanted to draw our attention to on requirement ten.

00:11:00:26 - 00:11:04:28

Olivia, on behalf of the applicant, nothing on requirement ten. Thank you.

00:11:08:04 - 00:11:18:21

Um, just a minor point on on requirement 12. Again, I just had a note for whether a retention clause needed to be included within that. That requirement.

00:11:20:01 - 00:11:30:14

For Olivia, on behalf of the applicant, I think the same point we made earlier in respect of requirement seven would also apply here, that any retention would be through the management plan. Okay.

00:11:34:17 - 00:11:45:08

Okay. Uh, let's move to uh, requirement 14 then. and which is construction hours. Could you just give us a brief overview of the changes that you've made to requirement 14, please?

00:11:46:14 - 00:12:21:16

Olivia Henninger, on behalf of the applicant. Requirement 14 and respect of construction hours was updated at deadline five. And as set out in response to examining authority's written questions, instead of providing a without prejudice position, the applicant has just updated the draft DCO in line with those questions. The first change that was made that I wanted to talk about was the inclusion of mobilisation activities in subparagraph two, F. That means that those mobilisation activities can take place one hour either side of the core construction hours.

00:12:21:18 - 00:12:27:21

So that would be six and 7 a.m. and 7 p.m. to 8 p.m.. The mobilisation activities are then defined.

00:12:29:21 - 00:13:06:12

And it is those activities only which can be undertaken within that additional one hour period. This approach has been taken in other discos, including most recently the Sheringham Shoal and Dudgeon Extension Project's DCO. Although other details tend to refer to it as set up and and close down activities or something similar to that. But we wanted to line things up with the code of construction practice wording that we already had. In addition, subparagraph three has been updated and this is to clarify that notifications to local authorities with regards to extended working hours will be given at least 48 hours.

00:13:06:14 - 00:13:39:12

Before that, those works need to take place. The local authority approval must still be forthcoming in advance of the works, but effectively this will provide for the ability for 48 hours notice to be given and then approvals to come within that 48 hour window. The applicant thinks that it's still clear that if that approval is not forthcoming within 48 hours, the work still cannot be undertaken. but we think that the 48 hour period is appropriate, as those activities would.

00:13:39:14 - 00:13:57:26

Would need to be reactive to whatever construction activities are happening at the time. 48 hours notice has also been added in respect of 24 hour working. Um, in both of those cases, again, this is a minimum period and obviously the applicant would seek to provide that notice as soon as possible.

00:14:00:28 - 00:14:14:07

Sorry, Olivia Henninger, on behalf of the applicant, I'll just add that we have picked up on a couple of Mr. Hattie's points that were made yesterday. Um, in particular, what the meaning of movement to a place of work is. And also.

00:14:19:05 - 00:14:27:21

Read that the definition of mobilization activities can clarify that any deliveries would be excluding heavy goods vehicles movements.

00:14:28:03 - 00:14:39:00

I'm really sorry. The, um. We had trouble at our end there, and you froze for a second, so, um. I'm really sorry to have to ask you to repeat from the Mr. Hussey, but please. Yes.

00:14:39:02 - 00:15:09:15

That's not a problem. Yes. Of course. Uh, so we understand Mr. Hussey is interested in understanding what the meaning of, uh, movement to a place of work is, and also whether the definition of mobilization activities should specifically exclude heavy goods, vehicles, movements. Um, so with regards to the deliveries and HGV movements, we can add a clarification in the definition to specify that deliveries will not include heavy goods vehicle movements.

00:15:09:27 - 00:15:41:06

Uh, in regards to the first point, which is about the definition of movement or an understanding of movement to a place of work is and we do believe that that is clear on its face that it's intended to cover the movement of workers to the relevant part of the site, at which they will then begin their activities in earnest at the start of construction hours. So that would be movements, um, to, you know, off the sort of off the local highway network into the construction areas and then movements also within the working areas.

00:15:41:08 - 00:15:59:24

If you take the example of the substation, for example, uh, the movement from the Glasgow road to perhaps the south of the substation is, is an extended route. So it would allow for those activities to take place in terms of transporting workers to the actual location where they need to be.

00:16:02:18 - 00:16:03:11

Mr. Hussey.

00:16:08:04 - 00:16:10:29

Thank you, Mr. Jose. I can see his hand. Yes. Yes.

00:16:11:05 - 00:16:44:28

Good morning sir. Good morning. Um, if I can come back on that, please. Um. Movements to place of work. My understanding is that in the cable corridor, equipment in terms of plant, etc. would be stored at the temporary construction compounds. So if the workers are moving to the cable corridor to their place of work to commence at 7 a.m., I can only assume that means they would be moving excavators, dumpers, etc.

00:16:45:00 - 00:16:54:19

etc. to that place at the same time. So the movement to the place of work. Am I correct to assume that means plant and equipment moving also?

00:16:55:23 - 00:17:03:21

Ah ah I see, I see what you're saying is, is it people or is it plant and equipment? Uh, Lasdun, on.

00:17:03:24 - 00:17:07:00

Behalf of the applicant. Um, sorry, I think we can clarify.

00:17:07:02 - 00:17:30:23

It is personnel movement to place the work, and we're happy to add that in to make it clear that it's not. It's not the machinery itself. We've obviously excluded or we're proposing to exclude that, um, the HGV movements. Um, and we'd also agreed yesterday that unloading would be taken out of that. That was, that was so it would be personnel movement to place of work.

00:17:33:15 - 00:17:35:09

So sorry. Can I come back in?

00:17:36:00 - 00:17:36:21

Yes. Of course.

00:17:36:23 - 00:18:03:29

Martin. Sorry. Um, I can't quite get my head around that, but I'm afraid if the construction personnel arrive at the car park in their car, are they going to walk to the area where they're going to work? And then at 7:00, we'll walk back to the temping construction compound to get the excavators and the generators and the diggers and the dumpers. That doesn't make sense at all. They will be moving with their equipment, is what I would suggest.

00:18:08:26 - 00:18:25:17

Yeah, I mean, I have I have seen in some other wording of some requirements where it specifically excludes certain works as well. I can see what Mr. Huestis saying. If that member of staff is turning up and their job is to use the excavator, how do you prevent them from

00:18:27:02 - 00:18:36:07

driving that excavator to their place of work, which would be on site at the cable corridor or on site at a particular place on the substation site?

00:18:37:19 - 00:18:49:21

Phil Williamson, on behalf of the applicant, um, on the specific example of using an excavator, an excavator qualifies as a heavy goods vehicle and therefore is excluded from mobilisation activity movements.

00:18:51:14 - 00:19:12:07

But I think I think, Mr. Horse point is I think the intention of mobilisation, as far as I understand it, is basically people arriving at their place of work, isn't it? And by that you almost mean arriving at the car park or getting there for safety briefings. The intention is not for them to then go out onto site and sit and wait until 7 a.m. exactly to start their work. That's not the intention, is it?

00:19:14:05 - 00:19:46:00

Williamson, on behalf of the applicant. Uh, so the, um, in terms of the movement to place of work, it is for operatives to arrive at temporary construction compounds and move to where they will be

operating at the start of construction now. So that may be along the cable corridor in terms of plant and machinery. Most of that will remain in on on site, on location. It will not return to necessarily the temporary construction compounds at the end or close of every day, and depends on on how the work is and what work and activities are being used at that time.

00:19:46:02 - 00:20:07:07

Not all movements will be related to operatives of of excavators. There are other activities that need to be undertaken as well. So it is about getting operatives to site and that site being where they are working at that stage of the project, so so that they may commence activity, construction activities, um, once construction working hours begin.

00:20:08:11 - 00:20:24:19

And how um, okay, how would you then prevent those workers from sitting? We all know what it's like at 6 a.m. in the morning in the middle of winter. You're freezing cold. How do you stop those those people from sitting and turning their engines on to keep themselves warm outside of somebody's house, for example.

00:20:25:21 - 00:20:37:08

Phil Williamson, on behalf of the applicant, controls such as those are included within the Outline Construction traffic management plan, those explicit sections that state that stationary vehicles must turn their engines off.

00:20:38:08 - 00:20:39:09

Until 7 a.m..

00:20:39:17 - 00:20:55:29

Until until construction working hours. Yes. Yeah. There is a section in the the outline construction traffic management plan that talks about on on on shore site preparation works and explicitly talks about waiting deliveries as well as vehicles in stationary positions.

00:20:56:09 - 00:21:03:06

Is there something specifically in the onshore construction traffic management plan about mobilization times?

00:21:17:08 - 00:21:25:22

So if those controls are in place for onshore prep works, then those controls ought to be in place really for mobilization as well. I would suggest.

00:21:26:05 - 00:21:26:20

Libya.

00:21:29:25 - 00:21:44:07

Libya and go on behalf of the applicant. Yes. We believe there is a section in the outline construct construction traffic management plan. If there isn't or if it's not clear, we can update that to be to be clear, um, but we do believe that that has already been covered.

00:21:44:19 - 00:22:11:20

Okay. Yeah. And I think it would also include, you know, if you if you've got a group of workers, uh, we've been to Mr. Hussey House, we've seen how close that cable corridor is going to be. And it would be disruptive to have people outside of your house at 6 a.m. in the morning having a

conversation, for example, even. Um, so I'd like to know that there are controls in place for, for all personnel. You know that before 7 a.m. they wouldn't be doing that kind of thing.

00:22:16:01 - 00:22:20:23

Thank you. Liz. Don, on behalf of napkin. It's note that's noted and we we will be looking at that.

00:22:20:25 - 00:22:22:01

Yeah okay. Thank you.

00:22:25:15 - 00:22:36:23

Um, we have uh, well, I'll go back to Mr. Jose first and then I can see we've also, uh, got a hand up from venue camera as well. So, Mr. Hussey, is there anything else?

00:22:40:10 - 00:23:13:13

Uh. Thank you. Chair. Um, I am I remain concerned as to this. It's a bit woolly. Um, when the guys turn up, I superannuation guys. When the construction workers turn up, um, and then they go to their place of work, they're not going to take their cars up. They're not going to walk. They're going to go up in four by fours, pulling up generators, pumps, whatever. Yes. They may not use the the big excavator, as you say. But then realistically, is that going to be the case.

00:23:13:25 - 00:23:46:24

They're going to be taking equipment up which is going to be going past below the bottom of our house, because that's identified as an access route. Uh, and the nearest temporary construction compound is at the substation. Um, Mr. Williamson specifically told us that equipment would not be left in the cable corridor or highly unlikely to be left in the cable corridor due to security. So they're going to be pulling equipment up in close proximity to us. And what are they going to? They're going to sit there. They're going to go get getting it ready to operate at 7 a.m..

00:23:46:26 - 00:23:57:19

There's going to be activity and noisy activity very early and in the morning. And just saying that they're just going to go there and sit and wait. It's unrealistic and that's not reality.

00:23:59:09 - 00:24:33:20

I do understand your concerns on that. I think what I'm just going to ask the applicant to do is to listen to what I've said and listen to what you said, to have a look at the wording that's within the requirement itself. Also, look at the wording within the margin plans to ensure that that's extremely tight and enforceable by the council because at the end of the day, it's the local planning authority who would be taking any enforcement action. So if I could just ask the applicant to take that away, to make sure that across all of the plans and across this requirement, it is actually enforceable, and explain to us exactly how that is enforceable.

00:24:33:22 - 00:24:36:20

All those concerns that Mr. Hosie has has just raised.

00:24:38:24 - 00:24:40:13

So I say yes.

00:24:40:15 - 00:24:41:08

Yes, we.

00:24:41:10 - 00:24:50:12

Will do that. It's it's in the applicant's interest that this is clear as well. So we will take that away and, and and draw those things together.

00:24:50:14 - 00:25:02:27

Thank you. I think one of the things I also, uh, suggested yesterday, as we've seen in other DCS, is that an actual noise, maximum noise limit for mobilisation has been imposed on other DCS as well.

00:25:04:07 - 00:25:44:13

At least done on behalf of the applicant. And we haven't had a huge amount of time, obviously, to to look at that. Um, and I think you you'd reference the Bramford to to instead. Um, DCO uh, just to note that, um, our understanding is that wasn't something that was proposed by the applicant, but I think was imposed by the secretary of state, possibly at the, uh, on the DCO that was granted. Um, we do have some concerns about putting a specific noise limit in respect of these activities on the face of the DCO, just because there will be differences in positions and elements like that, but it's something we will will take away and.

00:25:45:04 - 00:25:46:26

Oh. Mr.. Mr. Hussey.

00:25:46:28 - 00:25:48:02

Sorry. It's all right.

00:25:49:06 - 00:25:49:21

Thank you.

00:25:49:25 - 00:25:51:21

It's on Mike.

00:25:52:11 - 00:25:55:16

No problem. Thank you. Sorry, Miss Dunn. Carry on.

00:25:55:24 - 00:26:11:07

That's fine. Um. It's something we will take away and and come back with and look at in the context of, um, both the drafting of the, uh, the requirement as it stands and also how that fits with the outline construction traffic management plan.

00:26:11:20 - 00:26:12:11

Thank you.

00:26:14:01 - 00:26:19:02

Sorry, chair. Could I also raise one other issue while we're talking about that?

00:26:19:15 - 00:26:27:29

Are we, Mr. Hussey? Would it be all right if I just come back to you? There are other people who've since put their hands up as well. And just to be fair to them as well, I would like to give them. Yes, of course.

00:26:28:01 - 00:26:28:18

I just wanted to.

00:26:28:20 - 00:26:30:25

Ask about deliveries. But I will come back to.

00:26:30:27 - 00:26:34:29

You though, I promise. Um, can we go to venue? Come through please?

00:26:41:07 - 00:26:45:14

Hello. And might Rebecca face that party? Um, I'd.

00:26:45:16 - 00:26:50:06

Like to, um, bring up the point about the floodlights in view of the.

00:26:50:08 - 00:26:50:23

Applicant's.

00:26:50:25 - 00:27:20:23

Statement that vehicles will be left across the cable corridor instead of being put into the, uh, the construction compound. Our understanding was that these floodlights will be on for 24 hours a day. So all through the night, through the bat feeding hours and other nocturnal animal feeding hours that these lights needed to be on for security. It now seems that the security of these construction equipment is actually not as high a priority.

00:27:21:13 - 00:27:56:16

Um. Therefore, the use of lights 24 hours through darkness needs to be reviewed because most nocturnal animals are very small, especially that they have extremely high metabolisms they required to eat regularly. Their food source tends to be attracted to lights, whereas they will not go towards lights. The risk is that you will be starving entire colonies of wildlife for no reason at all because, as they said, these big pieces of equipment will be left here, there and everywhere.

00:27:57:22 - 00:28:13:00

They do not need to be secured. They do not require lights. I mean, they don't have eyes, the equipment they don't need to see, I'm sure of any, Any security is there. Then you can use something other than white light floodlights to achieve that.

00:28:14:27 - 00:28:15:12

Thank you.

00:28:16:24 - 00:28:33:09

Thank you, Miss Face. I will ask the applicant to stick with the construction working hours at the minute, but I will ask the applicant to respond to that as well. Um, at the end, I can see Councillor Barlow has also got his hand up. So could I ask Councillor Barlow to come in, please?

00:28:44:18 - 00:28:48:05

Councillor biology of your hand up. Did you want to come in at this point?

00:28:52:01 - 00:28:55:01

We can't hear or see you at the moment.

00:28:59:17 - 00:29:04:25

Okay. In which case I'll go. Come back to you, Mr. Hussey, to make your point. I'm not sure, counselor.

00:29:06:12 - 00:29:09:22

We can't hear or see Counselor Barr at the minute, so we'll come back, Mr. Hussey.

00:29:10:18 - 00:29:45:06

Yeah. I just wanted to, uh, go back to deliveries. Um, yes, I understand that there won't be hcb's, but I'd like to know a little bit more as to what these deliveries are, actually, and whether these vehicles where they're actually going to be going and just sitting there waiting for unloading after 7 a.m.. Um, I was led to believe that most of the storage would be at the temporary construction compounds, but it is indicated in the documents that there also will be some storage areas within the cable corridor itself.

00:29:45:08 - 00:29:58:29

So are these deliveries where are these deliveries going to? Are they could they potentially be taken to the storage areas in the in the cable corridor as well. Thank you.

00:29:59:28 - 00:30:06:01

Okay. Thank you I will just try. Councillor Barlow one more time before returning to the applicant.

00:30:10:27 - 00:30:14:00

Council. Can you unmute or.

00:30:18:01 - 00:30:18:26

Oh, there we go.

00:30:21:13 - 00:30:23:15

I think you're still muted at the moment.

00:30:27:01 - 00:30:29:09

Ah. Yeah. Thank you. Yeah I'll see you now.

00:30:29:11 - 00:30:34:13

Apologies. I uh I was unable to unmute my camera for a minute.

00:30:34:21 - 00:30:35:15

No problem.

00:30:36:24 - 00:30:40:10

Um, Martin Barlow community council. Um, just an

00:30:42:00 - 00:30:43:20

important one for residents of.

00:30:47:09 - 00:30:51:24

Is understandably the one who's in most impossible position.

00:30:53:29 - 00:31:07:26

Um, councillor Barlow, we're having we're having issues with your internet connection sometimes turning your camera. I know we've just made you turn your camera on, but sometimes turning your camera off can improve the network quality. Let's try that. Let's see if that helps. Okay.

00:31:09:04 - 00:31:10:24

Is that any better? Yeah.

00:31:10:26 - 00:31:11:15

We can hear you.

00:31:11:17 - 00:31:45:18

Okay. Um, Martin Barlow Council simply to endorse Martin has his comments in relation to the fact that although his is, as I said, understandably, the most impossible situation, you know, the issue over noise during the mobilisation, etc.. Um, all the points he's made, in fact, they do also apply to other residents because even though Mr. Hayes is probably the most affected, there are other residents who will be affected to a greater or lesser degree.

00:31:45:20 - 00:31:49:14

So just to endorse that point, really? Yeah, absolutely.

00:31:49:16 - 00:31:50:19

We understand that.

00:31:52:06 - 00:31:58:07

Can I return to the applicant now? If you could just respond to some of the the points that have just been made, please.

00:32:01:19 - 00:32:35:23

Valerie Williamson on behalf of the applicant. With respect to questions about deliveries. Deliveries would be to potential work locations. I think the onshore substation that would most likely be to the compound, the temporary construction compound. And but in terms of deliveries along the onshore cable route, that may be obviously via a light vehicle. Um, it could be whatever needs to be delivered that obviously can be carried by a light vehicle. Um, so similar to personnel movements there would be using similar vehicles, um, with respect to floodlights.

00:32:36:04 - 00:33:14:06

Um, I don't believe we're proposing floodlights. Um, um, anywhere, even at temporary construction compounds. Uh, we define, um, some perimeter. Perimeter fencing, um, uh, for security purposes. And I think they are floor level. Um, just for for lighting, security, lighting of those fences. Um, so we're not proposing floodlighting Overnight. I think the only the only locations where we are proposing floodlighting overnight is where we are looking at, um, uh, um, work outside of working hours for trench techniques, uh, which is obviously controlled by the outline artificial light emissions plan.

00:33:14:18 - 00:33:18:15

Um, and also the planning of the works that need to be discharged at that location.

00:33:21:04 - 00:33:24:16

Thank you. I can see at Mr. Hosie you had your hand up first.

00:33:30:01 - 00:33:57:27

Thank you. Chair. Um, in the light of what's been said. Um, I know it may not be part of the DCO, but I absolutely say that a noise assessment should be done for mobilisation because nothing has been done, and it's going to have a significant impact on myself and my immediate neighbours, a time which is a high sensitive or when we should be asleep. So a noise assessment must be done, in my opinion.

00:34:00:16 - 00:34:05:19

Thank you. Good night. Can we go to this face again, please?

00:34:08:28 - 00:34:39:22

Hello, face? Um, not by way of, uh, having an argument, but I'd like to remind the EXR that during the visit to TC two that James Rowland asked specifically, will the TCC to be floodlit 24 hours a day? And the answer was given as fact because we were all told, only get the facts and miss, uh, Phil Williamson or Williams. I apologize. Um. Declared. Yes, it will be for 24 hours a day.

00:34:39:27 - 00:34:44:12

If that is not the case. Could it please be placed in lighting where it can be

00:34:46:04 - 00:34:49:26

made accountable? And to prevent that from happening, then please. Thank you.

00:34:53:05 - 00:34:58:15

Thank. Thank you, miss Faith. Can I just ask the applicant to respond to those points, please?

00:34:59:25 - 00:35:11:10

Uh, Phil Williamson, on behalf of the applicant, um, I think we've provided clarifications in our, um, the lightning clarification note that was submitted at, uh, deadline for.

00:35:22:00 - 00:35:25:22

Will that be added to schedule 15 as a certified document?

00:35:35:10 - 00:35:41:14

Live behind and go. On behalf of the applicant, I believe we're coming on to schedule 15 a bit later, and perhaps we could pick the point up then.

00:35:41:16 - 00:35:42:22

Yeah. No problem.

00:35:45:16 - 00:36:04:22

Okay. I think, um, where we've got you, there is the applicant, you're going the applicant. You're going to take away requirement 14. Look at the the management plans that are associated particularly with mobilization and and look at where that can be potentially tightened up and ensure it's it's entirely enforceable. Is

00:36:06:13 - 00:36:08:29

that correct? Yeah. Okay.

00:36:09:01 - 00:36:11:10

It's done on behalf of the applicant. Yes. That's correct.

00:36:11:12 - 00:36:23:07

Thank you. In which case I would like to move on, because we still got quite a lot to get to this this morning. But thank you all for your contributions on that one.

00:36:33:07 - 00:36:47:15

Um, very, very small point on requirements 18. Just for consistency, it's the operational drainage management strategy, I think, not operations. Just just so that the documents all have the same titles. That's all.

00:36:49:03 - 00:36:58:21

Live, your Highness, on behalf of the applicant. Um, we will check that. I think it is actually the operation Trainers management strategy. If that's, um.

00:36:59:03 - 00:37:03:21

The outlines called the operational. Think in the submissions.

00:37:03:23 - 00:37:05:18

Okay. Sorry. We will check that. Thank you.

00:37:05:20 - 00:37:06:27

Yeah, yeah. Thank you.

00:37:21:17 - 00:37:54:02

And then just on requirement 19, um, this relates to the skills and employment plan. And we've discussed it at uh I think ish five. But we've got new drafting now, which, um, essentially makes Denbighshire County Council responsible for discharging the requirement on behalf of the the relevant authorities, who are the other councils who are who would be consultees? I just wanted to check with the applicant. Um, whether there's the agreement from those other relevant authorities, we can see that there is from Conway in the statement of common ground.

00:37:54:04 - 00:37:59:21

But do the Isle of Anglesey and the Isle of Man Government, have they agreed to this approach?

00:38:10:11 - 00:38:16:24

Livia Henninger, on behalf of the applicant, will check the state of common ground, um, and confirm on that one in the in the hearing summary.

00:38:17:08 - 00:38:31:04

Thank you. I mean the existing statement of common ground that we have don't have any confirmation on from the Isle of Anglesey or from the Isle of Man government. But, um, I can see we have Richard Armitage. I don't know whether you have a view on this, Mr. Armitage, if you're on the call.

00:38:33:07 - 00:38:40:09

Yes. Richard Armitage, on behalf of the government. Um, yeah, we will be quite content with, um, what specified there.

00:38:40:20 - 00:38:41:07

Thank you.

00:38:41:17 - 00:38:49:09

I don't I don't think it is in a statement of common ground, but, um. Yeah, we'd certainly be content with that and for that to be added if necessary.

00:38:50:23 - 00:39:03:14

Thank you. That's helpful clarification. Um, so yes, just to the applicant, then if we could just have those final statements of common ground documenting that that is an approach that's agreed with the the other relevant authorities, that would be very helpful.

00:39:05:24 - 00:39:40:15

Um, do you have anything on 20 or 21? No. And then we obviously we mentioned yesterday requirements 22 and 23, um, have been added, which relate to the um the aviation and radar matters for the interests of gnats and bee. Um, would be a warton. Um, that's fairly standard wording. I think you're you've taken away an action to update the statements of common ground to confirm again when the agreement is reached with those parties, on those on the wording of those requirements.

00:39:40:23 - 00:39:50:10

And as we said yesterday, any additional new requirements relating to the aviation and radar effects that we may have discussed yesterday. We would like to see those by deadline six, please.

00:39:56:27 - 00:40:03:15

Jerry Vella for the applicant. Yes, that's correct. And we'll make those updates as required for deadline six.

00:40:04:21 - 00:40:05:09

Thank you.

00:40:07:21 - 00:40:19:23

That brings us to the end of requirements just before we move on to, um, schedule 12 as the discharging authority, is there anything that the councils have to raise on any of the requirements before we move on?

00:40:23:06 - 00:40:59:26

Sincerely, on behalf of the councils, um, I think broadly, we've made quite good progress in agreeing ones that we we were not, um, agreed on previously. I think that's reflected in the updated statements common ground submitted at the last deadline for both councils. Um, I think just on Obviously we've had quite a long discussion on on the working hours. Um, just to confirm as, as per the sg's, that the council's do still maintain a position that they do not agree with the working hours which was set out, um, at statutory consultation by both councils and within our local impact reports.

00:41:00:09 - 00:41:15:27

Um, we are concerned they are too long. I know that my colleague Mr. Brown also raised this at the the previous DCO hearing. Um, so yeah, just to reiterate that that is our that is our position. Um, currently it hasn't changed.

00:41:16:24 - 00:41:31:09

Thank you. I think as an examiner, thought you were aware of everybody's, um, comments and respect to those working hours. And it's going to be something that as an examiner, I thought you were going to have to make a decision on. Thank you. Thank you, Mr. Hosie.

00:41:34:25 - 00:41:35:10

Okay.

00:41:36:22 - 00:42:07:14

Uh, thank you, Martin Hussey. Sorry. You've obviously made the comment then about you probably have to make the decision, but just to support the council's view and the community's view is that whether you call it core working hours or core construction hours, 7 to 7, uh, excluding mobilization, I would not exclude. I consider them to be part of the call working hours. But anyway, seven to the seven six days a week, the three and a half to four years is unacceptable to people and community.

00:42:07:16 - 00:42:11:09

So I only stress that the council do not give in in this.

00:42:12:09 - 00:42:26:04

No, um, we have we have we have heard you and and we know that the, um, cabin area dog obviously we know that they did that survey as well. So we have got everybody's point of view and we will consider them carefully, I can assure you of that.

00:42:29:15 - 00:42:59:18

Okay. And in which case, let's move on to schedule, uh, 12, um, a note that you have a paragraph three one that's now been amended to 40 working days. Just ask the applicant where 40 working days has come from. It doesn't seem to accord with sort of the normal eight weeks for discharging planning conditions or that of 13 weeks, which was put on the Alamo Development Consent order.

00:42:59:20 - 00:43:08:05

And I know the council are also requesting 13 weeks in line with the Alamo development consent order. Could you just explain where the 40 days has come from, please.

00:43:08:23 - 00:43:33:21

Livia, and go on behalf of the applicant. Uh, so 40 working days is equivalent to eight weeks, and we consider that specifying working days would be clearer. Um, the there was also an exercise to try and uniformly refer to days in a consistent manner throughout schedule 12. So we have we've gone with working days to have that level of consistency across all of the paragraphs in the schedule.

00:43:35:26 - 00:43:50:13

Okay. Understood. My understanding is that our normal planning conditions. It's not 48 eight weeks from date of submission. You mean 40 working days or because you've just said 40 days? You mean 40 work? Is it 40 working days live?

00:43:50:15 - 00:43:53:21

You know, on behalf of the applicant? Yes, it's 40 working days.

00:43:53:23 - 00:44:01:24

Right. Okay. Is there any reason why you feel that you need a shorter time turnaround for these than I will the more.

00:44:04:10 - 00:44:35:19

Live your hired and go on behalf of the applicant. Um, so 40 working days or eight weeks or 56 days, depending on which DCO you look at. They've all used those terms. It is is precedented and is

consistent with other offshore wind farm development consent orders. I'm not aware of the specific circumstances in which the A1 and more DCO um was was changed to three months. Um, but we believe that the position we've taken is appropriate and is consistent with other with other CEOs.

00:44:35:26 - 00:44:49:25

Yeah, I think I'm not aware either, but it's the, um, it's the same area. It's the same councils, it's the same kind of development. And 13 weeks was, uh, considered appropriate on that. Maybe, uh, miss Sally can fill it in on that.

00:44:51:05 - 00:45:14:11

Hi. Uh, Thompson City, on behalf of the councils, I, I believe, um, and I'm happy to be corrected on this, but I believe that the drafting of that was actually based on the Thurrock Flexible generation plant DCO. That's what the, um, explanatory memorandum of I will add more seems to suggest that that that was the the basis of that 13 weeks okay.

00:45:19:01 - 00:45:34:02

So so so my just from from listening to that, I obviously have not seen, seen that 13 weeks was actually, um proposed by the applicant on the older, more development consent order and not something that was imposed at a later date by the Secretary of State is what you say.

00:45:37:20 - 00:45:47:06

I'm positive about the council's I believe so. Okay, so I've had a look into it myself and I believe that is the case. But again, happy to be corrected and can can confirm that for any reason.

00:45:47:16 - 00:45:50:25

Just just to be clear, the council are requesting 13 weeks.

00:45:50:27 - 00:46:25:06

Yes. Yeah. So to be clear, our position remains. I mean we we do appreciate, um, that in response to our comments around, uh, further requests for information which we previously made, and the applicant has made a concession there and increased that from, um, ten days to 15 working days. Um, and we also appreciate the, the council. Uh, sorry, the applicant is, um, uh, amended the wording as just discussed around working days to make that more consistent because that that is an issue that we can see causing some confusion later on when you mix and match days and working days.

00:46:25:17 - 00:46:57:27

Um, however, our position does remain that we, we believe a 13 week, uh, discharge period is necessary. Um, as we've discussed, it's been, uh, right a lot more for which DCC, uh, Denbighshire is a discharging authority. Um, we consider that that is necessary, given in part, resource constraints as well. Um, and to give sufficient time to, uh, to implement, uh, our duty there. Um, we have said in, in this statement of common ground that we consider 13 weeks is necessary.

00:46:57:29 - 00:47:28:25

And in a scenario that that is provided, we would nevertheless work collaboratively with the applicant, um, and commit to trying to deliver discharge more quickly whenever possible. Um, and that we believe that that is deliverable through sort of really good and productive engagement, um, through the scoping plan and staging plan, for example, under requirement for, um, having good discussions early on around the timings of um, timing and staging of discharge of requirements, um, to ensure sort of smooth, um.

00:47:29:27 - 00:47:57:23

Progression through the discharge process once formally submitted. Um, and we've also, I think this was mentioned, uh, yesterday as well around the potential use of mechanisms of aid resourcing, for example, through a planning performance agreement. Um, so, you know, we do want to work together with the applicant on this and, uh, aid the sort of, um, swift discharge of requirements wherever possible. But we do maintain that 13 weeks is the appropriate amount of time.

00:47:58:02 - 00:48:28:26

Okay. Thank you. That's understood just while I have you. Very. Merci. Um, sorry, I appreciate that there's a difference in opinion on the, uh, the time to to discharge those requirements, the other changes that the applicant has made. I think we have 15 working days. I think that's for, uh, other further information and, um, some other changes to, uh, timescales for provision of information by consultations of, uh, the council now happy with the timescales in the rest of this schedule.

00:48:29:12 - 00:48:35:12

I'm sincerely on behalf of the councils. Yes, yes, we are content with the rest of that. Okay. Thank you.

00:48:36:25 - 00:48:40:13

Anything that the applicant would like to come back in on for that.

00:48:41:13 - 00:49:18:16

I, Paul Carter, on behalf of the applicant. No, we thank you for that. And we understand what's been said. I think we would note that, you know, obviously that was a position that Alan Moore took and that something that they were able to provide or offer through the DCO. Um, we obviously can't comment on the circumstances in which they were able to do that. Um, we have our own view on how we need to bring this project forward, and we see that eight weeks in order to get, um, discharge of requirements is is both, well, precedented, but also, um, adequate in terms of how we want to bring this project forward in a timely manner.

00:49:18:18 - 00:49:51:29

I think the other point is with respect to, um, resourcing, um, as Mr. Kelly will be aware, we are looking to progress a PPA or PPA style approach. We understand that resourcing of the local authorities is as much a risk for us as it is for the local authorities, and that we need to get that right, and therefore we will be looking to ensure there is resource adequate in order to deliver a requirements. Um, discharges in the um eight week period or 40 working days period, um, that we've set out in the DCO.

00:49:53:20 - 00:50:08:17

Thank you. Obviously we can't get involved in things like, um, PPAs, but it is really good to hear that you're working on that because we have understood during the course of this examination how much those councils have, um, struggled with responding and so on.

00:50:12:16 - 00:50:20:14

Okay, then, in which case that draws to a close on schedule 12, and I'll hand over to Mrs. Powis for schedule 14.

00:50:22:13 - 00:50:37:27

No, Nope, sorry. Jumped ahead. We'll go to schedule ten, which is protective provisions. Um, could I just ask the applicant to give us an update on where you're at? With protective provisions and agreement of wording on protective provisions, please.

00:50:39:25 - 00:51:05:11

Leave your hand and go on behalf of the applicant. At one five, there were some sets of protected versions that were updated. The first was in respect of SP Manweb at part four of schedule ten. These were updated following agreement with ISP Manweb, and it's expected that they will write to the examining authority to confirm that they agree with the set included, and have no further representations in respect of those provisions.

00:51:06:01 - 00:51:16:18

Sorry, miss, can I can I just check do you think that will be by deadline six? And does that also take into account the concerns that SPP Manweb have raised on one of the change requests as well?

00:51:25:00 - 00:51:59:12

If you're hiring on behalf of the applicant, the the applicant will obviously respond to Oneweb's consultation response and provide any specific updates or comments on on those. The protective provisions will, of course, apply to those works as well as all of the others works which are within the application the. Otherwise, it's difficult for us to speak for SP, manweb. We have asked that they provide that update at deadline six. Um and and certainly we are still in communications with them to, to try and get that achieved.

00:51:59:20 - 00:52:04:03

Uh, so we'll certainly pass on the message and hopefully that will be forthcoming.

00:52:04:14 - 00:52:07:06

I'd be grateful of that. Thank you. Sorry. Carry on.

00:52:08:03 - 00:52:44:07

In respect of part six of schedule ten, updates were made for the Protect provisions benefiting the Welsh ministers in their role as Strategic Highways Authority for the 5855. Those were updated following agreement with Welsh ministers. And I believe that that that has been confirmed in their response to examining authority. Second written questions. Uh, we don't believe that there's any outstanding matters on the Welsh minister's provisions now, and that can be closed. The applicant also updated the protective provisions for the benefit of National Grid, which is part seven of schedule ten.

00:52:44:26 - 00:53:12:18

These were updated to more closely align the drafting of the provisions in the DCO with the National Grid standard terms that have been shared with us, and is a reflection of the good progress that's being made with National Grid. We are in discussions with them with regards to the protection provisions on the side agreement. At this point, I just wanted to ask whether it would be helpful to provide more detail now or whether that would be better discussed this afternoon during the compulsory acquisition hearing.

00:53:13:19 - 00:53:20:15

I think just looking at the the time, it might be better to leave that to the compulsory acquisition hearing? If if we can.

00:53:21:04 - 00:53:56:16

Leave your hand and go on behalf of the applicant. Yes. That's not a problem. We'll provide an update. Um, with regards to all of the protective provisions this afternoon and where we are with statutory undertakers, but in terms of DCO updates, it was it was just those three parts. Um, I will also say that the applicant has now agreed protect provisions with Network Rail, and we are just aligning the, um, the positions of the parties with respect to the framework agreement. Once that has been settled, we can update the draft DCO, but the the position has, has now been agreed, um, and will hopefully be able to do that by deadline six.

00:53:56:18 - 00:53:58:03

If not, it will be deadline seven.

00:53:58:11 - 00:54:06:06

And again, if I could just ask if you could encourage Network Rail to let the examining authority know that they're also content with the wording of the protected provisions as well.

00:54:07:06 - 00:54:18:00

Olivia Henninger, on behalf of the applicant. Yes, that's certainly part of the discussions that we we currently have with them. Um, and we'll be able to yeah, as I said, hopefully update us at the next deadline. If not, it will be for deadline seven.

00:54:18:08 - 00:54:52:14

No problem. And just just to, uh, place an action at this point, if we get to the end of the examination and we don't have, um, agreement from, uh, the parties, or you're still at a place where you haven't haven't agreed, we would be requesting a summary of exactly where the differences lie between the protective provisions and why you feel the one in your in your draft dco, that the reasons why the wording that you are requiring is different to the wording that the undertakers are requiring.

00:54:53:18 - 00:55:12:28

Leave behind and go on behalf of the applicant. Yes. That's understood. The position of the applicant is that we are obviously seeking to reach agreement on all sets of protective provisions, but understand that the examining authority will be interested to hear it on the detail of any differences. Um, if those are still to be outstanding at deadline seven. Okay.

00:55:13:21 - 00:55:19:01

Thank you very much. And now we can move to schedule 14.

00:55:21:15 - 00:55:47:03

Thank you. We don't have much on schedule 14. Um, just a couple of points to pick up. So on paragraph one. Um, and the definition of the environmental statement. Um, it was just a point to pick up this now varies from the definition in the main DCO. So in article two, uh, because that has been amended. So the question is can you bring that into line with article two of DCO.

00:55:47:12 - 00:55:50:09

Olivia Henninger, on behalf of the applicant. Yes, we will align those.

00:55:50:16 - 00:56:13:07

Thank you. Um, you've recently inserted, uh, definitions for high order UXO clearance and low order UXO clearance. I just wondered whether there's, um, is there precedent for those definitions? Are those definitions agreed with? Um, parties like Natural Resources Wales marine licensing team.

00:56:14:21 - 00:56:40:17

And if you're hiring. On behalf of the applicant, we did look to align with Preston. Unfortunately, there was nothing available. We have sought to make it as clear as possible in those definitions. What they intend to cover the discussions with the relevant authorities, um, has, has, is ongoing. We haven't had any confirmation either way from from any of the interested parties to the examination.

00:56:41:20 - 00:57:11:17

Thank you. Um, perhaps, uh, if you are able to I think it's James, you see, as the originator of the concern, isn't it? So perhaps it's about making sure that they are generally content with the the way that these are defined. Because it's about intention, isn't it, the way they're defined here intentionally to intending to detonate. Um, which I presume means that if it accidentally happened in, in a low order clearance, it would be acceptable.

00:57:15:03 - 00:57:45:08

Less than on behalf of the applicant. Um. Uh, I think as as Miss Hynek has explained, we've we've sought to make these as clear as possible, but also, um, uh, to to sort of reflect the practicality of what may happen, um, when, uh, lower order clearance is, is removed. Um, and, um, clearly there's always a risk that the ordinance will detonate when you seek to use it to clear it using a low order techniques as high order.

00:57:45:21 - 00:58:25:01

Um, uh, these these provisions, um, plus the other, um, associated documents that explain the removal of high order are, um, obviously are with Jack. Um, as part of our deadline, five submissions. Uh, there is a meeting arranged with Jack tomorrow, um, uh, to discuss various matters. And, um, I'm, I would assume that this is one of the things that will be covered, because it's obviously an important point for the applicant and for Jac in respect of the, um, uh, HRA side of things as well.

00:58:25:12 - 00:58:26:05

Thank you.

00:58:36:12 - 00:59:06:29

Uh, less than half the applicant. Um, it's also it's just been pointed out to me that it's also worth noting that that how, uh, low order clearance is managed is done through the method statement as well. So whilst the definition seeks to, seeks to sort of explain where you're starting from, the method statement itself, which is secured through condition 21 of the marine licence, actually will provide the detail around how, uh, on a, on a low order clearance for low order odor clearance.

00:59:07:01 - 00:59:13:00

Um, that will be that will be done. So there's a there's a sort of effectively kind of dual control.

00:59:13:12 - 00:59:14:15

Okay. Thank you.

00:59:14:24 - 00:59:45:03

Gerard Vella for the applicant. I'm the the basis for the definitions was actually taken from the, um, the joint interim position statement prepared by Defra, um, Natural England's the MMO, um and other groups where they talk about high order clearance being, uh, intentional detonation. And they, they also make reference in, in that joint position paper to um detonations, uh, unexpected detonations potentially occurring as well. So, so that was the basis.

00:59:45:05 - 00:59:54:21

But as Miss Dunn just mentioned, we are meeting with Jane CC tomorrow and we'll be discussing, um, the changes made to the draft DCO in this position.

00:59:55:24 - 00:59:58:09

That's a helpful, uh, clarification. Thank you.

01:00:01:29 - 01:00:29:26

I think, um, then moving on to paragraph two of the marine licence. There's just a point there about, um, the wording. So here we're talking about Tui, which talks about starts off talk about site clearance. Preparation works again. Just um, it's maybe a pedantic point but but also may not um, it talks about clearance of low order UXO, whereas in fact actually is it low water clearance of UXO. And whether that is.

01:00:30:25 - 01:00:40:12

Yeah. Olivia, on behalf of the applicant, yes, it will be changed to low order unexploded ordnance clearance just to be consistent. Yep. Yeah.

01:00:41:03 - 01:00:43:23

Yeah. Thank you. Um.

01:00:47:00 - 01:01:01:09

And in terms of the definition of site clearance, there isn't one at the moment I suppose. Should there be one, uh, for offshore site clearance, for example? Is there a risk of the removal of anything that's on the seabed? Does there need to be a definition of site clearance?

01:01:04:12 - 01:01:29:26

Olivia Leininger on behalf of the applicant, I. My initial thoughts at this point is that there should not be a definition of site clearance, and that the condition 21 uh, drafting is clear, that no high order clearance is consented. So together the two should align to make sure that it is clear throughout the Dema and license that only low order clearance can take place.

01:01:30:23 - 01:01:38:00

I think we're talking about more general site clearance here rather than, um, specifically about UXO. This is about preparing the seabed.

01:01:40:19 - 01:01:41:29

For the works.

01:01:42:13 - 01:01:46:23

Livia Haney, on behalf of the applicant. Yes, we will take that one away. Yeah. Thank you.

01:01:47:27 - 01:02:18:26

Um, a again, a drafting point really under paragraph three, which is just about, um, there are two sets of number of um lettered lists, so a2, a2, D and then again it starts restarts with a lower A to H. And it's just whether there's slightly confusing drafting there in the sense that you could have, for example, to, to uh, paragraph three, as I'm wondering whether you could restart that or continue it in um, at if.

01:02:19:14 - 01:02:59:26

If you're hiring on behalf of the applicant, uh, these this this section is a is a bit clunky, if I may use that word. It's actually the same issue or uh, sort of point arises in schedule one in terms of the work descriptions and then the description of associated development, we have tried to take a consistent approach to, um, to that. Um, the idea is that the, the second list. So a starting scale protection is only in respect of the works comprising associated development and are therefore a list that relates to though that general work, whereas.

01:02:59:28 - 01:03:00:13

The.

01:03:00:20 - 01:03:31:25

What number one list is specifically in relation to work. Number one, I'm not aware of of um, of any way that we could. Yeah. So it's um, in schedule one just after work. Number 38. There's two lists onshore and offshore. I take the point. I'm not sure that there's an easy solution to that. We have tried to follow the guidelines in terms of statutory instrument drafting. Um, we can have another look and see if there's a better way of doing it.

01:03:31:27 - 01:03:36:08

But I certainly believe that that is how others have have done this in the past.

01:03:36:22 - 01:04:17:02

Thank you. And I seem to recall that we may have raised it in relation to schedule one earlier in the examination as well. I think it's not, um, at the end of the world, if it's not resolved, it's just a if it could have been um, and then just on, um, power of five, I know we've had an updated offshore order limits and grid coordinates plan, which I think was because there was an error in the grid coordinates in the table, which is fine. Understood. I think we just ask you, though, to check, um, that plan so that rec 5004 because I think they're the key panel so that the panel one appears to have different coordinates and nothing's if you're looking at the left hand side of the plans.

01:04:17:09 - 01:04:17:24

Um.

01:04:19:22 - 01:04:24:16

Live behind and go on behalf of the applicant. Yes. We'll have a look at the plan and make sure that it's consistent.

01:04:24:21 - 01:04:55:25

Yeah, absolutely. Just regularizing, I think. Thank you. Um, and then para seven, we know there's still an outstanding disagreement on transfer provisions. I think we've heard that that's not going to be something that either parties position changes. So we don't have anything else um on that. And similarly with um time limits for approval of plans, we've heard both sides of the argument and we will adjudicate. And I don't think that, um, there's anything further in terms of the evidence on that has come in recently. Um.

01:05:01:25 - 01:05:36:16

I think there's still a. So. I'm sorry. I'm looking now at condition. What condition? Ten design parameters. And I think there's a query regarding the accuracy of the maximum total seabed footprint. So here we're looking at the figure that is quoted in the, uh towards the bottom of the table of 753,488. Um, I think there's a JNC submission at deadline five about that, those calculations. So again, just ask

you to take that one away and looking at the next iteration of the and indeed if you're talking to them tomorrow, it might be one just to pick up on.

01:05:41:07 - 01:05:44:21

This is again about the calculation of the maximum design scenarios.

01:05:45:00 - 01:06:16:14

Olivia Henninger, on behalf of the applicant, I'm aware of those discussions haven't been ongoing throughout the examination with the applicant and Jason Jiangxi. So a joint Nature Conservation committee, we are trying to provide the Joint Conservation Committee with as much detail as possible to help with their understanding of that approach. We do believe that the number is correct. It's just how we got there that I think is the point that we're still trying to, um, provide them with more detail on. But I hope that that's something that can be resolved.

01:06:16:19 - 01:06:18:25

If not tomorrow, then, then shortly.

01:06:19:01 - 01:06:39:14

Thank you. And then nothing in the next few conditions other than we note that there's been some, um, changes just to, um, implement the the low order UXO clearance change. Um, and then looking at condition 17, um.

01:06:44:14 - 01:07:18:01

We've got a query from the from Natural Resources Wales marine licensing team Still about whether additional I think we we I seem to remember discussing this at issue five about whether additional wording was required, and I think that there was an answer at the time that made sense to me, which was that it was already covered in the previous in it's covered under part one, and part two relates to part one. But I don't know whether it's it's something that's noted in in our deadline five submissions. I don't know whether you can respond now or indeed after today, if necessary.

01:07:19:21 - 01:07:41:21

On behalf of the applicant, we will respond to this in writing. Okay. We think we understand what the question relates to and we are still in ongoing communication with Natural Resources Wales marine licensing team. So if there are any points of clarification, we do have a direct line with them. But we we hope we will be able to provide a robust response on that at the next deadline. Thank you.

01:07:42:25 - 01:07:52:06

I mean, we note that the list of items now outstanding with the marine licensing team is pretty short, so it's just making sure that each of those is covered off. Um,

01:07:54:03 - 01:08:17:19

there was an outstanding action. Um, a commitment that the applicant had made in a response to one of our first round of written questions, which I don't think has been implemented in the marine licence. And this relates to conditions 18 and 20. And I'll give you the, um, the number two. Um, in response to EQC 1.7.5 and this related to um.

01:08:20:28 - 01:08:50:25

Changing the the conditions relating to underwater sound management strategy and the Marine Mammal Mitigation Protocol to ensure that geophysical activities were covered. I don't know whether this rings a bell, but what I'll do is refer you back to that question. And in response to that question,

um, you said that the applicant would update the marine licence drafting. Um, deadline for that just didn't happen. So there may be a reason why that didn't happen, but if not, then could you go back and look at whether that's something you're still doing?

01:08:52:03 - 01:08:53:29

Olivia Henninger, on behalf of the applicant,

01:08:55:14 - 01:09:42:01

understood. On the discussions that you refer to, we have had a look at that and since decided that it would be better to update the management plans to clarify what the position is within the management plans themselves, rather than with respect to the conditions on the face of the order. The reason for that is that geophysical activities are exempt from marine licensing, and they were included in the management plans for clarity to ensure that the interested parties are aware that where there are going to be those activities, that suitable controls will apply, but those are standard controls, um, and that there doesn't need to be any reference to that within the marine licence itself.

01:09:42:20 - 01:09:43:07

Okay.

01:09:43:24 - 01:09:45:16

That seems reasonable. Thank you.

01:09:47:03 - 01:10:21:20

Um, we note, uh, at condition 18 one l that we now have the compliance report, which we discussed last time around. And, um, we haven't seen anything from Natural Resources Wales to say that they're not content with that. So I think that as far as we're aware, that's now implemented the their request. Okay. Thank you. Um, and then we obviously we note the changes to uh, to 20 and 21, which um, again, implement the low order UXO matters.

01:10:26:05 - 01:10:42:23

I don't think we have any questions on any of that. And then I'm just looking finally again. No, again, it's the Marine Noise Registry at condition 29. There's been some changes that are consequential, but there's nothing else from us on the the conditions of the DML and anything else you specifically wanted to point out.

01:10:43:18 - 01:10:44:03

Live, Your.

01:10:44:05 - 01:10:44:20

Highness.

01:10:44:22 - 01:11:10:21

On behalf of the applicant. The only one I wanted to just flag is that the applicant is still in communications with Natural Resources Wales Advisory team with respect to a suitable definition for them within the, um, the relevant paragraph of the marine licence. I think it's the definition of statutory nature conservation body that we're looking at. Um, and we're hoping that we can resolve that matter and update the DML at deadline six.

01:11:10:27 - 01:11:12:18

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

01:11:14:17 - 01:11:18:23

Okay. That's everything for me. I'll hand back to Miss Jones now for schedule 15.

01:11:22:04 - 01:11:23:14

Thank you, Mrs. Powis.

01:11:25:02 - 01:11:59:12

Uh, we note that this has, um, has been updated since, um, issue five, and you've now, um, included sort of more information in there and the most up to date documents. And we're assuming that that will continue to be the case should any of these documents be updated before the next iterations of the of the, of the DCO as well. Just a few things that we thought might make this easier to read or easier to understand for people. We just wondered whether, um, it would be possible if schedule 15 divided the documents up. So you have already divided the documents up, I think, into, um, with with headings.

01:11:59:14 - 01:12:20:05

We wondered if it would look neater if it was in tables itself. So, um, we'd have a table five would be the plans. For example, table six would be the environmental statement that would also help with the definition of the environmental statement in article two, because you could then cross refer to the particular table number within schedule 15 as well.

01:12:21:06 - 01:12:26:14

Live your hand and go on behalf of the applicant. Yes, I think that's a very sensible suggestion. Will we'll do that for the next deadline.

01:12:26:21 - 01:12:27:06

Okay.

01:12:28:24 - 01:12:59:05

Thank you. Um, there are a number of documents that the examining authority have have gone through that have been submitted, um, since the application was submitted during the course of the examination that are either clarification notes or update notes, for example, that type of thing, um, where we feel ought to be certified in schedule 15 rather than us, bombard you with a list of those documents right now, because you're not going to be able to give us an answer on the spot.

01:12:59:07 - 01:13:14:06

If we do that, what we are going to propose to do is set an action on you to review a list of documents that we are querying whether they should or shouldn't be, and we'll provide that in the action list from today. Does that make sense? And is that okay.

01:13:15:00 - 01:13:18:21

If you're hiring or on behalf of the applicant. Yes. That would be very helpful. Thank you.

01:13:18:26 - 01:13:27:03

Yeah. So what we would want from that is either that you agree that they're included. And if you don't agree they're included. Explain to us why you don't think they should be included.

01:13:28:08 - 01:13:32:01

Olivia Henninger, on behalf of the applicant. Yes, we'll do that. Thank you. Okay.

01:13:32:15 - 01:14:08:08

Thank you. And just one final point. Just just to clarify, and I know we spoke about this, uh, before is obviously, um, the errata document, which the most recent version is a lot clearer for us in terms of how it's set out. So we're grateful for you to amending that. Um, our understanding is this wouldn't be a certified document because the intention is that you're going to, um, have either an errata sheet at the start of each chapter or you're going to, if they're significant, more than a page there, you're going to actually make the updates to the chapter itself, just just so that we can confirm.

01:14:08:10 - 01:14:09:06

That's correct.

01:14:13:19 - 01:14:17:01

Olivia Haining, on behalf of the applicant. Yes, that is our intention.

01:14:30:17 - 01:14:37:14

Okay. Um, in which case, what we'll do is we'll we'll add that list of documents to the action list for you to have to have a look at and consider.

01:14:38:26 - 01:15:15:28

A lesson plan. Just one thing to point out. Obviously, we discussed the change request yesterday in terms of updating documents for the change request. Um, and um, we'll it's obviously bringing together, um, those updates that you're seeking. There is uh, there is, for example, information that we're going to be drawing together. Um, we haven't talked about offshore lithology. It might be something we talk about before the close of this hearing very quickly. Um, but but just sort of where there have been, where there's been quite a lot of material that's been produced through the examination.

01:15:16:00 - 01:15:38:07

Um, and that's a specific example. We are going to be updating the chapter, um, and the HRA report. So we've got there are certain documents that we know will be updating. And obviously we need to think about how in the event that the change request is accepted, how we update those documents as well. So obviously I just need to have regard to all of those.

01:15:38:13 - 01:15:39:00

Understood.

01:15:44:09 - 01:15:58:18

Okay. I'm just covering, um, consents licenses and other agreements. Uh, briefly, could you just give us an update on any consents, licenses or side agreements that have moved on since ish five?

01:15:58:20 - 01:15:59:09

Please

01:16:00:24 - 01:16:21:14

leave your hand and go on behalf of the applicant. We provided an updated Other Consents and Licenses document at deadline five, which confirms the listed building consent has now been granted in respect of the Great Castle Wall application. Um, I will now hand over to Paul Carter to talk about the standalone marine license.

01:16:22:28 - 01:16:58:21

Paul Carter, on behalf of the applicant. Um, so we've been meeting with the Natural Resources Wales marine licensing team. Um, over the course of the examination, Nation. We, um, they took a consultation on updated information that we provided to them after deadline three. Um, we've responded to that. Um, we are providing updated information to them after deadline five and probably subsequent deadlines. And our understanding is that the and our marine licensing team are likely to undertake a additional consultation on that additional material, the date of which is yet to be agreed.

01:16:58:23 - 01:17:18:28

But maybe after the close of the examination, in order to capture everything that's been taken through the DCO process. Um, that will be a consultation on their habitat regulation assessments and on any other information that they deem has been updated, um, and therefore relevant to, uh, public and technical consultation.

01:17:22:10 - 01:17:23:00

Thank you.

01:17:27:02 - 01:17:33:06

I think that brings us to the end of the questions I have. My colleagues have anything they wish to to raise on any of that though.

01:17:36:18 - 01:17:42:26

Okay then takes us to, um, issues and actions. I'll hand over to Mr. Hobbins for this.

01:17:43:12 - 01:18:10:13

Thank you. Um, so this is just a review of issues and actions that, um, we've been taking down a list of the action points from this hearing, but given the time and the number of actions. I won't read them out now. Uh, we will be getting this action list finalized and translated, and we'll publish it as soon as practicable, which will be hopefully the end of this week. Um, there's anybody who wish to comment on that. No, and I don't see any hands up. So I will now hand over to Mrs. Jones for the next item.

Thank you.

01:18:11:03 - 01:18:19:06

Thank you. Um, Mr. Parry, you indicated yesterday that you did have something you wanted to raise under any other business.

01:18:25:24 - 01:18:27:28

Yeah. Mr. Parry.

01:18:36:12 - 01:18:38:14

You currently on mute. Mr. Parry?

01:18:45:26 - 01:18:46:25

Thank you. Yes. The mute button.

01:18:46:27 - 01:18:48:08

Was grayed out. No. Um.

01:18:48:10 - 01:18:48:29

My pointer.

01:18:49:23 - 01:18:50:08

Sorry.

01:18:50:10 - 01:18:56:15

Peri. Peri. Peri. Peri. Wade, my points have been addressed. Thank you. So, um. I'm content.

01:18:57:05 - 01:19:04:04

Okay. Thank you. Does the applicant have anything they wish to raise? Okay. Mr. Hosie, sorry, I can see your hand up. Sorry, Mr. Hussey.

01:19:09:13 - 01:19:41:00

Thank you. Chair. Um, it's probably my lack of knowledge about the development consent order, but in light of the discussions earlier regarding water monitoring locations, can I ask where and how noise monitoring locations are secured? Um, I asked this in relation to Mr. Williamson, having intimated to us that perhaps noise monitoring could be installed in southern red if during their construction. So I'm unsure where where that might be secured.

01:19:41:07 - 01:19:41:23

Thank you.

01:19:42:27 - 01:19:47:09

Ah ah. The handover to the applicant to respond to that please.

01:19:53:11 - 01:20:24:15

Phil Williamson, on behalf of the applicant, uh, specific noise monitoring locations would be agreed for the discharge of the outline construction, noise and vibration management plan. Um, we did discuss that matter with the, uh, with with the interested party, um, during a recent meeting. Um, and I think it's I think it's fairly reasonable that Mr. Hussey would have one of those monitoring locations in that location. Um, again, I think that's been made apparent through examination of his concerns. And so we would expect that to be raised by the local authorities as part of the discharge process.

01:20:26:18 - 01:20:51:09

I think I would just raise that that that point again. You can't guarantee that a planning officer in the council has any necessarily previous knowledge. And we already know that the this resource issues within the local planning authority. So I think that, um, it is only fair if there is if there are locations that, you know, you're going to put those monitoring stations and there is no harm in, in identifying them within that outline plan.

01:20:55:23 - 01:21:02:07

Philip Williamson, on behalf of the applicant, I will take that one away and review the construction noise and vibration management plan. Thank you.

01:21:08:18 - 01:21:12:10

Was there something the applicant wished to raise and any other business?

01:21:12:16 - 01:21:46:29

Uh thank you. Liz. Dan, on behalf of that can, um, it's it's just in relation to a matter that, um, we haven't, um, discussed today and actually hasn't been the subject of, Um, any of the, uh, issue specific

hearings, I think, unless it was the very first one, um, that we've considered, which is, um, offshore ornithology. Um, obviously the the examining authority, um, issued its rule 17 letter and will be aware that there have been substantial discussions between the applicant, uh, the Joint Nature Conservation Committee and Natural Resources Wales in respect of that.

01:21:47:11 - 01:22:21:22

Um, we are the applicant is waiting for, uh, both Natural Resources Wales and Jack's comments on it's deadline. Five responses. Um, and as I mentioned, there's a meeting with the Joint Nature Conservation Committee tomorrow and a meeting with Natural Resources Wales on the 17th of December. Um, uh, I think it was just, um, it has been disappointing that neither of those parties have been able to attend any of these hearings, but appreciate, obviously, that we haven't we haven't had any detailed Consideration of that.

01:22:21:24 - 01:23:06:02

So it was just, I think, to say that the applicant is working hard to seek to resolve those matters. Um, and, um, obviously aware that, um, there have been requests around, um, that without prejudice derogation case, um, the applicant's position is, is that at the moment, um, it doesn't have the clarity on which sites or species it is that are of concern and therefore where those would be taken. Um, so it may be something that comes out post these hearings, but um, and maybe after deadline six, in respect of what the examining authorities sort of expectations are going to be sort of towards the close of examination, uh, around that issue.

01:23:06:04 - 01:23:12:17

So it was just it was just saying that obviously we're very aware of it are seeking to to close matters down as far as possible.

01:23:12:26 - 01:23:43:06

Yeah. Um, just to note, yeah, it it's not always it's more beneficial to the examining authority when we have all parties, um, in the room. Otherwise, the questions that we ask are very 111 sided and doesn't necessarily give us the answers. So that that is one of the reasons why it hasn't been brought to, um, an issue specific hearing, uh, because of the lack of resources available where from an older UN and Gen Z to attend, um, hearings. So that's why those decisions were made.

01:23:43:16 - 01:24:15:02

Um, we have seen your deadline, five submissions, and we can see that you're hopeful of resolution on that. So therefore, we also remain hopeful that that resolution, um, is made. I think our concerns have been, uh, set out in the recent in our, um, further written questions that, that we issue so that you're aware of that. I think at the moment there's this there's little that we can say until hopefully at deadline six, we're a bit, um, further on and then, um, we'll have to take it from there.

01:24:15:04 - 01:24:17:29

And I'm sorry, I can't really give you any much more than that.

01:24:19:26 - 01:24:49:15

Lt's done on behalf of the applicant. Appreciate that. And I think we just wanted to to make it clear that we're doing what we can on that side. Um, and, um, as I say, hoping to get a position for deadline six. It has been very challenging for the applicant as well. The, the lack of resource and, and the, the sort of way rather than being able to discuss these things at hearing, it's been a sort of, um, the written process which gets out of step, which hasn't been, hasn't been terribly helpful in that regard.

01:24:50:06 - 01:24:57:00

I've noted. Thank you. Okay. Is there anything else anybody else wishes to raise under this item?

01:25:00:29 - 01:25:44:24

I'm just going to use this opportunity because this is our last issue specific hearing. Although we have a compulsory acquisition hearing, um, um, this afternoon. And just a reminder that we do have that this afternoon. That's at 130 again on teams. we then have deadline six, which is the 20th of December. And following that we have deadline seven, which is the 14th of January, after which we will, uh, close on the, um, 16th of January. While we've got, uh, people here, I just want to remind people that we did set a procedural decision right at the very start in our rule six letter, inviting the applicant and interested parties to submit closing statements by deadline seven.

01:25:45:03 - 01:26:15:20

They're extremely helpful to the examining authority. The closing statement should build upon probably the examination progress trackers that the applicant has submitted, and should set out a concise record of the party's position prior to the close of the examination. Specifically, that's really where there are still outstanding areas of of disagreement, and we don't need you to repeat anything that you've already said. If your position has already been stated elsewhere, then it's absolutely fine to cross refer to those previous submissions.

01:26:15:22 - 01:26:45:21

Don't have to write. Write them out again. I'd also just like to take this opportunity, because I do think some of the parties that have joined us for, um, nearly all, probably all actually of the issue specific hearings will be leaving us this morning and aren't, uh, joining us this afternoon. Um, that's Miss Face, Mr. Neil, Mr. hussey. Uh, Councillor Barlow, thank you very much for participating. Uh, we are most grateful for all of your inputs during the hearings.

01:26:48:27 - 01:27:01:07

So then we'll see. Um, some of you back here at 130. Um, the time is now 1226. And issue specific hearing for the Marina offshore wind farm project is now closed. Thank you.