



Planning Inspectorate
Arolygiaeth Gynllunio

Hearing Transcript

Project:	EN010125 - Dogger Bank South
Hearing:	Issue Specific Hearing 6 – Part 3
Date:	05 June 2025

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Dogger Bank ISH6 – Pt3

00:00:04:24 - 00:00:20:03

Um, and this issue specific here in six is, uh, recommenced. Just before we move on to the next item on the agenda, which is item three, I just wanted to check if the applicants had got, uh, responses to a couple of the questions that they were going to come back to us on.

00:00:23:20 - 00:01:02:18

Justin Burstein speaking for the applicants. So my understanding was your question was, um, which of the phases of Dogger Bank South was considered in the in isolation phase? The answer there is that, uh, it was not a specific phase. Um, it was just an approximation that if one of the phases was built. So no specific modeling was done. Uh, and then the second part of the question, my understanding is that, um, why does why is half the one, uh, value appropriate to consider for half of the installed capacity? The answer there is that, um, the percentage is, uh, energy.

00:01:03:01 - 00:01:34:10

Um, energy lost at Dogger Bank. Uh, or at the external projects, um, divided by the total energy produced by that project. So, um, if you remove half of the the Dogger Bank, half the energy is lost, but the total energy produced or potential total energy produced stays the same. So it isn't that half the installed capacity in Dogger Bank scales the percentage. So it's it's you have half the loss effectively.

00:01:34:21 - 00:01:36:18

Uh, and I hope that answers the question.

00:01:38:27 - 00:01:52:14

I think so, um. Thank you. Just before I move on, I just want to give, um, uh, Mr. Gordon, if he is still here, um, or Mr. Lindsay an opportunity to respond to that if they wanted to. Um.

00:01:54:15 - 00:01:56:09

I can't see any hands up at the moment.

00:01:56:11 - 00:01:57:03

Hey, Robert garden for the.

00:01:57:05 - 00:02:00:00

Project protocol is no comment on that from our side. Thank you.

00:02:00:08 - 00:02:09:03

No. Okay. Thank you. Okay. In that case, I will now hand over to Mr. Tandy, who's dealing with item three on the agenda, which is affixed to radar.

00:02:12:18 - 00:02:27:01

Thank you. Would it be useful for the applicants to maybe reshuffle the seats, or unless you've already done so over the break? And then if you could introduce anyone you who hadn't introduced themselves early this morning.

00:02:29:17 - 00:02:35:29

Julian Boswell for the applicant. Yes. There are two, uh, new colleagues, but not new to the examination on my left.

00:02:38:27 - 00:02:42:17

I'm not sure. Consent manager acting on behalf of the applicant.

00:02:43:13 - 00:02:44:29

And your concerns.

00:02:45:01 - 00:02:47:08

Manager acting on behalf of the applicants.

00:02:50:13 - 00:02:56:15

Great. Thank you. And is there anyone else at all you're expecting to speak? Who's online, or are they all in the room with you today.

00:02:58:06 - 00:03:00:01

There's one more colleague online.

00:03:03:00 - 00:03:03:16

Um.

00:03:05:03 - 00:03:11:28

Hello? Yeah. Yes. I'm Mr. Simon. I'm an aviation consultant. I'm acting on behalf of the applicant.

00:03:20:09 - 00:03:27:23

Okay. Thank you. Is there anyone else on the call who is expecting to speak to this agenda item today?

00:03:34:09 - 00:03:35:16

No, I don't see any hands.

00:03:37:06 - 00:04:05:11

Okay. Firstly, the examining authority had hoped that the Defence Infrastructure Organisation were here today. And if they were, I would have asked the Dio if they had any further update on the implementation for programme njord and if they could perhaps advise a likely year for that implementation. They aren't in attendance today. We shall instead have an action point for them to provide an update on that.

00:04:07:28 - 00:04:43:03

Similarly, in the Defense Infrastructure Organization's response to XQ two, which is examination Library reference Rec five zero 52, it explains any interim mitigation that perhaps would be needed before the implementation of program node will not be agreed prior to the um, implementation

schedules for node being known. Again, if the d I o had attended today, I would have asked if they knew when these delivery schedules were likely to be known.

00:04:43:27 - 00:04:51:22

So again, we'll add that as an option for them to follow up. But instead, I'll ask if the applicants are able to update on this at all today.

00:05:07:05 - 00:05:39:11

On behalf of the applicants. And as far as the timings of project and board are concerned, we're not aware of any progress in terms of deadlines for delivery. For that at the present time. We understand that there's a process happening within Mod to progress that particular project, but we're not sighted on the timetables at the moment as a project. And in terms of interim solutions, um, we're aware that, uh, possibilities exist.

00:05:40:02 - 00:06:12:09

Um, but obviously in terms of a lack of understanding at the moment of project development timelines for ourselves and also those connected to programme node, we don't necessarily understand how the two relate to each other and whether interim solutions will be applied. Um, but we understand that, um, there are possibilities that can be implemented, and obviously our requirements are drafted at the moment to prevent the wind farms from being operational. Um, until Mod are satisfied that mitigation is in place. So that would cover interim management.

00:06:14:13 - 00:06:29:07

Of the applicants, I think just add to that really is that, you know, based on previous experience, we are confident that if an interim solution was required, that this could be agreed with the mod. Um, but I think we would expect that to cause an issue based consent.

00:06:39:22 - 00:06:58:11

Okay. Thank you Peter. The current stage unable to provide an indication of the implementation for Project Node or any implementation of interim measures whilst Nord is being developed. Is that correct?

00:06:59:19 - 00:07:02:06

So on behalf of the applicants. Yes that's correct.

00:07:03:23 - 00:07:04:08

Okay.

00:07:06:02 - 00:07:13:07

Like I say, we'll have an action point for the Defence Infrastructure Organisation to provide their current knowledge on this as well.

00:07:17:00 - 00:07:43:24

Moving on. So requirement 31 of the Draft Development Consent order which is Examination Library reference 5002, which was just briefly mentioned, prohibits the operation of the proposed DBS West

array until the Secretary of State confirms in writing that appropriate mitigation will be implemented and maintained, and arrangements are in place to ensure the mitigation is implemented.

00:07:46:00 - 00:07:56:00

I'd like the applicant's advocate Advocates. Pleased to advise with a requirement 31 insists a solution would need to be implemented before operation.

00:08:06:27 - 00:08:11:22

I'm not sure if that can just catch in the relevant wording. Now.

00:08:49:29 - 00:09:14:04

On a strict reading of the requirement, the Secretary of State must be satisfied that the appropriate mitigation will be implemented rather than has been implemented. I should note that the um requirement wording has been agreed by the Mod, with the exception of the sort of first caveat that it only applies to DBS West.

00:09:18:02 - 00:09:45:14

Yes, I'm aware of the mod position. Um, so your advice is at the moment that as it is worded, that it is only mitigation is implemented rather than has been implemented, should that therefore perhaps be relooked at to ensure that the mitigation is implemented or has been implemented? Sorry Doing before operation.

00:10:02:09 - 00:10:21:13

And I think if we can take that away, this is fairly standard wording that's been accepted on, on other, um, offshore wind farm TCAs before. Um, it's not a point that we had specifically, um, had raised by any party up until this point. So if we could take that away and respond in writing, please.

00:10:25:28 - 00:10:51:25

Yes. Take that away. But I think I would just like to highlight that. Is it, as we've just, uh, discussed in the format it is in at the moment, just agreed that the, the mitigation wouldn't necessarily be in place. before the operation and therefore the impacts on military radar, perhaps would be. Uh. Would be.

00:10:54:02 - 00:11:04:09

Um, I suppose realised in its current format. So I'm happy to take it away, but I'm just wondering where else you might go with that.

00:11:05:21 - 00:11:07:08

You sound cut off at the end.

00:11:07:14 - 00:11:13:06

I'm afraid I'm not sure where you got up to. I'm not sure what bit you heard, I said you. I'm happy for.

00:11:13:11 - 00:11:15:29

You to take it away, but. And then it cut off.

00:11:17:02 - 00:11:36:27

But I'm. I'm just highlighting the point that it would seem. And you've just agreed that, uh, in its format, as it stands, it doesn't secure the mitigation is implemented before it operates. Therefore, it would seem that the impacts on military radar would actually be realized.

00:11:38:05 - 00:11:53:06

But the wording states that the, um Secretary of State must be satisfied that the mitigation will be implemented and maintained for the life of the authorized project, and that arrangements have been put in place with the Mid to ensure that the approved mitigation is implemented.

00:11:54:25 - 00:12:09:21

I mean, my assumption is that the Secretary of State would not sign off on that condition, which they've got to consult the Mod on, unless they were satisfied that the mitigation would be in place at the appropriate time in order to mitigate the impact.

00:12:12:13 - 00:12:28:10

Perhaps. Um, I think if you're going to take this away and come back in writing, that's fine. But like I said, I'd like to think about whether this needs to be more controlled to ensure that this mitigation is implemented before it operates.

00:12:33:04 - 00:13:04:09

And yes, we're happy to take it away. We would just say that we we understand that this wording is the wording that the m e want, and we have historically struggled to engage with them and get responses out of them. If we were to change that wording now, um, I suppose we can't guarantee that agreement would be reached on any revised wording by the close of examination. So both parties are obviously happy with the wording that's in there at the moment. It's been accepted by the Secretary of State.

00:13:04:11 - 00:13:12:02

One other, um, offshore wind farm DCO. So I guess I'm just sort of struggling a little bit to see a justification for changing it at this stage.

00:13:16:14 - 00:13:35:28

I think I've highlighted the point. And you've agreed your advice is that as the wording stands, it doesn't prevent the operation of the West array without, um, before the mitigation is in place. So that's the reasoning for the line of inquiry.

00:13:43:03 - 00:13:55:18

Of course, if the Defense Infrastructure Organization had been here today, we would perhaps be able to hear also from them on this point. Um, but we'll call that this into the action for them to respond as well.

00:13:58:14 - 00:14:00:17

Anything else you'd like to add on this?

00:14:02:17 - 00:14:05:00

So we'll we'll come back in writing. Thank you.

00:14:06:05 - 00:14:06:23

Thank you.

00:14:11:02 - 00:14:55:22

So in considering the representations made through this examination and earlier discussions this afternoon regarding uh, program Nord and the unknown implementation of any proposed mitigation, it would appear to the examining authority that there could be a risk of the proposed West array being constructed and the environmental adverse effects realized without the promoted energy, uh, being realized further, that some of these adverse effects would be for a longer period and has been assessed whilst the mitigation solution is being agreed.

00:14:56:22 - 00:15:05:03

For example, commercial fishery fish, perhaps even marine mammals, amongst others. In addition, there could be subsequent

00:15:06:22 - 00:15:14:27

timing effects for compulsory acquisition and also the need to test. Do the applicants agree that this situation might occur?

00:15:51:17 - 00:15:53:05

Julian Bosworth, the applicant.

00:15:55:19 - 00:15:56:08

I guess.

00:15:58:21 - 00:16:13:14

There are various theoretical possibilities in relation to any development. Um. We we have a vested interest as the developer in leading and wanting confidence that we can proceed, um.

00:16:15:18 - 00:16:48:00

To, for commercial reasons and for policy target reasons and so on. And so we have asked ourselves as a team, um, very carefully what our interim solutions are potentially available. Um, and what, uh, how we how we manage this, this risk. We've also, um, taken a close interest in

00:16:49:16 - 00:17:19:24

projects and how the, um, this, this risk has been managed there to some extent. Um, we have to rely on Dio because there are confidential aspects to, uh, at least some of the interim solutions for national security reasons, meaning that we can't know, you know, past a certain point what what the detail is.

00:17:20:01 - 00:17:23:21

So I think this is a situation where

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we're dealing with, um,

00:17:28:16 - 00:18:07:00

with the government department on a longstanding issue where multiple projects have been successfully forward at different stages in how the interaction with Mod radar has evolved over the last, whatever, 10 or 15 years, and as as an experience developer used to. Managing risks and evaluating risks. We are confident that this is a risk that is being managed and can be managed and will not result in, um, in material delay.

00:18:07:16 - 00:18:08:08

And so.

00:18:10:24 - 00:18:13:03

Theoretically, um,

00:18:14:21 - 00:18:32:20

theoretically, you know, against and against that view, um, things could, could play out to be more different. But we are as confident as we as we can be and have a vested interest in taking, you know, a close interest in this topic, but that is is not going to happen.

00:18:36:24 - 00:19:00:15

Yeah, because I think it's also worth noting that program node exists because the Secretary of State wants projects such as ours to move forward to realize the benefits that we have to offer in terms of clean energy, and therefore they have a vested interest, I suppose, in making sure that it happens and happens in good time in partnership with Modi.

00:19:06:00 - 00:19:06:20

Thank you.

00:19:08:18 - 00:19:43:27

Thinking specifically about this project and specifically about the proposed West Array in the MoD's um, response for deadline five, I previously mentioned, which is examination, I've referenced rectifying from zero 52. It does explain that the implementation of a program node is unknown, and then it is unable to commit to when that might likely be available, and similarly, that any interim measures they weren't able to identify what they may be.

00:19:46:23 - 00:20:14:15

So notwithstanding that budget node exists, which I don't understand, but the implementation of when the mitigation it may provide will be available for for this proposed development. Uh remains unknown. So going back to what I had asked, is it that that risk exists in terms of the adverse environmental effects maybe realized?

00:20:16:18 - 00:20:23:00

For a longer sort of period whilst the solution is being agreed?

00:20:29:09 - 00:20:33:27

We can't deny the theoretical possibility that you are identifying. No,

00:20:35:22 - 00:20:44:07

but we don't think that in the circumstances, there's anything that we should be expected to do to address it beyond what we're already doing.

00:20:55:13 - 00:20:56:11

Okay. Thank you.

00:21:03:18 - 00:21:27:12

Could it, therefore, is that on the, um, acceptance that that risk exists? Could it therefore be necessary to think about a redrafting of the requirement to prohibit the construction of any proposed wind turbine, uh, of the proposed development prior to an approved radar mitigation scheme being implemented.

00:21:28:29 - 00:21:35:03

And if not, how could avoidance of the situation, the risk we've just discussed therefore be secured?

00:21:39:19 - 00:22:22:20

Well, as bass has already explained, our position is that the, um, the agreement that the mod is content and in fact has proposed the wording that we've got, um, we are extremely reluctant to change the wording, um, because it's extremely hard to get, um, engagement with the mod. And we think that this is, um, a situation where the risk is at a level that, um, it is.

00:22:23:22 - 00:22:45:10

It's it's it's appropriate to stay with the current approach, not least because that theoretical risk will have existed on the equivalent wording, um, previous previous occasions which um, the Secretary of State, uh, as has been content with.

00:22:51:17 - 00:23:32:18

Relying on precedent there. I mean, it might be useful for me to highlight to you that there is an example wording on a made development consent order for Grampian two, which is requirement 36. If you would like to take a look at that, uh, which does exactly what I've just sort of set out, which is prohibiting the construction of, of proposed wind turbines, uh, up until the point an approved radar mitigation scheme has been implemented. So Secretary of State has also been minded in the past to think about other wording other than what's presented in your current draft development consent order.

00:23:34:19 - 00:23:55:01

I think I would urge some consideration of this point from what I've just raised, in the sense that the drafting the wording is it's drafted at the moment doesn't appear to prevent the operation of the wind turbines prior to mitigation being implemented, and.

00:23:57:03 - 00:24:07:19

The acceptance of a risk of adverse environmental effects being realized before the proposed development would be, um,

00:24:09:16 - 00:24:14:28

able to create any energy that's sort of been proposed.

00:24:17:15 - 00:24:22:21

Is there anything you would like to say on that, or would you perhaps like to go away? At that point to look at the wording.

00:24:24:29 - 00:24:32:02

So firstly the champion two situation is different. Um, there aren't, uh,

00:24:33:19 - 00:24:53:13

military radars involved. Um, secondly, uh, what counts is whether the turbines are turning. Not whether they're present. Um, and we are strongly, um minded, and I'm receiving very strong instructions

00:24:55:09 - 00:25:36:23

for current position. And so we can give that further consideration and address it in a post hearing submission. But, um, this this is what we are doing here is, is an established approach which, as you will have gathered, we're extremely reluctant to depart from which we don't think has caused issues on other projects where we are working in practice in partnership with government. As Mr. Bruce has already emphasized to to address, um, great military radio issues in the context of facilitating, um, renewable energy development.

00:25:36:25 - 00:25:49:24

And the approach that you're advocating would create, um, an avoidable, uh, uncertainty, which would be unwelcome in the context of the delivery of this project.

00:25:56:11 - 00:26:35:02

Yeah. So just to be clear, I am aware that it is the spinning, the first spin, which would cause the military radar effects that we're referring to. What I'd mentioned before about the adverse environmental effects is, is all of the other sort of effects that have been assessed as part of the environmental statement or that identified an environmental statement. Uh, once the apparatus is in place. So I think he's sort of agreeing there that you would go away to have a look at it, but you seem reluctant or I think you're trying to manage examine Authority's expectations about any alteration to the wording as it stands.

00:26:35:27 - 00:26:37:27

Um, we'll note the action.

00:26:41:11 - 00:27:06:16

But there are a range of uncertainties around construction programs anyway, aren't there? I mean, there's no guarantee as to what construction program, any project is going to follow. And so it seems to me that highlighting this scenario gives undue weight to that risk when there are inherent uncertainties anyway, around the assumptions that any environmental statement is required to make around construction program.

00:27:09:12 - 00:27:23:24

Okay, it's part of that action. If you'd like to set out. Why? Um, not prohibiting the construction of the proposed wind turbines is inappropriate for this particular development. That would be useful.

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In addition to continuing alongside the requirement wording.

00:27:34:16 - 00:27:53:10

Could the applicants explain how the risks associated with radar mitigation starting to fail during operation phase would be managed and should? Should the draft development Consent order require temporary sort of ceasing of operation at the request of the Mod to overcome this issue?

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And just to be aware, this is, uh, this has been raised on other offshore wind developments that are currently in play.

00:28:28:24 - 00:28:57:27

Although Julian was with the applicant. The wording um expressly references maintaining the um the operate maintaining the the the solution during the scheme the mod. So I guess our expectation is that that this scenario would be addressed in the context of, um, whatever detail is signed off when the actual measure is is agreed. Um, and.

00:29:00:07 - 00:29:00:22

We.

00:29:04:25 - 00:29:35:09

We can, we can. I don't know what other projects you're specifically referring to where this has been raised and what the outcome on that. But I think our starting point is that this is the kind of scenario that wouldn't routinely be addressed in, in requirements, um, in the context of an ongoing sort of maintenance obligation. Um, and doesn't need to be addressed expressly.

00:29:39:10 - 00:29:55:13

Okay. If you'd like to have a look at, um, the wording then and how it could be, how that risk could be addressed appropriately and whether that is something that should be included or not within a requirement that would be useful.

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To say which other projects you have in mind.

00:30:02:19 - 00:30:06:15

I believe it is on the Moana.

00:30:09:22 - 00:30:16:03

Application, but I can confirm that within the action point, if that's helpful.

00:30:19:27 - 00:30:22:24

Yes, please. I mean, it's certainly the case that this

00:30:24:16 - 00:30:53:16

I don't well, looking along the table this this is not an issue that has been raised. Um, so that's the first time that we've ever had that point put to us. Um, which would tend to suggest that that mod is, is is is not concerned about the point. Um, but the, uh, we'll look at whatever, whatever example there may be.

00:30:57:24 - 00:31:19:04

I think just to add to that as well, the Secretary of State has to be satisfied that the mitigation that we're proposing will be maintained for the lifetime of the development. So as part of discharging the requirement, the Secretary of State is going to have to consider this point and be satisfied that the investigation will be maintained.

00:31:21:10 - 00:31:50:14

Yes, I guess that it is, uh, identifying or reflecting on the risk that a situation occurs where where that mitigation isn't available or permitting, uh, perhaps from a maintenance perspective, perhaps another. But given the the reasons for not operating the turbines before the mitigation is in place, the same reasons would exist for not operating the turbines if that mitigation were to fail.

00:31:58:23 - 00:32:10:04

Um, we're happy to take it away and think about it. But I think, as previously expressed, we're very reluctant to start Amending um, what is agreed wording with the Mod in this requirement?

00:32:12:16 - 00:32:30:25

Okay, you've got the action points then. Um, I think you've you've heard and understood the, um, the points and perhaps concerns around what, what the requirement does in its current form. So we'll await a response in writing on that.

00:32:34:03 - 00:32:39:01

Moving on to policy then in relation to military radar

00:32:40:21 - 00:33:01:21

MPs Ian one paragraph 5.5.57 explains where solutions have not yet been developed or proven. The Secretary of State will need to consider the likelihood of a solution becoming available within the time limit for implementation of the development Consent order.

00:33:04:06 - 00:33:15:06

Are the applicants today able to present a developed or proven, enduring and or interim solution for radar mitigation and identify when when this is to be implemented.

00:33:30:24 - 00:34:04:29

Keep in mind if on behalf of the applicant, and I'd just like to clarify that it's not that it's position to me to present an enduring mitigation solution and to program your that is the responsibility of the Mod, and that is what they will be procuring and improving your aid until they're able to identify whether or not we will need an interim mitigation solution. We are not able to present one to you

today. There are a number of solutions we are aware of that that we may be able to implement if required. However, the exact details of those we may be unable to disclose due to national security reasons.

00:34:22:00 - 00:34:22:16

Okay.

00:34:25:17 - 00:34:51:16

As I say, MPs Ian, one is quite clear that in its decision making, Secretary of State will need to consider where there aren't any developed or proven solutions, the likelihood of a solution becoming available specifically for the implementation of the draft consent order.

00:34:53:04 - 00:35:08:16

Consent order. Sorry. At the moment it would appear that the applicant's position is that you aren't able to provide a proven, um, solution. And your position is that it's not your role to provide the solution.

00:35:11:14 - 00:35:28:11

And of course, having we see the representation from the mod, they are unable to confirm when and implement when a solution could be implemented. And this proposed development could, uh, usefully rely upon that.

00:35:31:06 - 00:35:36:08

Is that position the applicant's position likely to change before the end of this examination?

00:35:40:20 - 00:36:12:08

On behalf of the applicants, I don't think that position will change during the course of examination. I think our position is program, as we've said previously, exists to deal, um, precisely with this issue. The delivery of program record is in MoD's hands. That covers the technical solutions that we might consider that covers the timeline of the delivery of mitigation. Um, it's our role within this forthcoming programme to to engage with Mod and to help them understand what our project is, what impacts need mitigating.

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And from there, it's really, um, up to them to basically develop the solution and implement it, um, to their program.

00:36:24:22 - 00:36:36:25

Thank you. It's useful to understand the position in the, uh, in our considered in our consideration of a recommendation to the Secretary of State. In terms of the wording of the M.P.s.

00:36:41:02 - 00:36:58:05

In the absence of a developed or proven solution, nor identification of when a solution may be implemented. Do the applicants consider requirements 31 to be reasonable in accordance with paragraph 55 of the NBPA.

00:37:22:17 - 00:37:25:00

Executives repeat the paragraph reference from.

00:37:25:13 - 00:37:31:00

Believe in paragraph 50. I believe it's paragraph 55 of the MVP. This is the six

00:37:32:19 - 00:37:33:04

best.

00:37:33:19 - 00:37:35:17

Yes. Sorry, not the MPPs.

00:37:36:17 - 00:37:50:01

No MPP. Yes, this is the six best for a sort of requirement or a condition to pass. So in our case, we're interested around a requirement.

00:37:54:12 - 00:37:55:17

That's true. You're.

00:38:06:01 - 00:38:10:17

Doing impossible. Yes. We do think that the compliance with the six tests.

00:38:13:10 - 00:38:24:27

In the absence of a developed or proven solution or identification of when a solution may be implemented. It's the applicant's position that the requirement is reasonable.

00:38:26:18 - 00:38:27:15

Absolutely.

00:38:28:07 - 00:39:07:23

Absolutely. Thank you. Because, um, you know, the level of work that has been going on in relation to this subject between the Mod and broader government, including ten Downing Street under this administration and under previous administrations has been enormous. And so what? We are simply one of a number of developers who are playing our part in continuing to address a problem that exists in relation to two very important policies, on one hand, protecting the country and national security.

00:39:07:28 - 00:39:48:10

And on the other hand, bringing forward large scale renewable development on an aggressive timeline. And so absolutely what it in partnership with with with government this the applicants and other developers and renewable UK offshore wind industry council and so on and so forth have been engaged in this exercise for for a long time. And we are simply advancing the normal and agreed solution to navigate through this issue.

00:39:48:12 - 00:40:14:23

And this wording has been accepted or equivalent wording has been accepted multiple times before projects have been successfully brought forward. Yes, there are some frustrations. Yes, there are some

uncertainties along the way, but this continues to be highly credible. Um, and deliverable model ultimately. And

00:40:16:09 - 00:40:51:08

the applicants wouldn't be spending however many millions it is on promoting this project, and equivalent projects wouldn't be doing the same if they had anything other than, uh, you know, deep confidence that ultimately this will be realized, whether on an interim basis or on a straight to project basis. Um, and that this project, assuming it with the CFT at the appropriate time, um, will proceed um, along and join the other projects that have successfully navigated To this issue.

00:40:51:10 - 00:41:06:16

Yes, we were in a different phase because the government is taking the lead on Project Nord, whereas, you know, the model was somewhat different before. But absolutely, this is a reasonable condition. And absolutely we meet the six tests.

00:41:09:00 - 00:41:16:28

Thank you for that. Uh, just the East Riding of Yorkshire Council have an opinion on the reasonableness.

00:41:19:03 - 00:41:21:01

Of the requirement.

00:41:24:00 - 00:41:34:27

For East Riding of Yorkshire Council. Um, apologies. I wasn't expecting to be asked a question on this, but certainly I don't have any specific, uh, comments to make on on the reasonableness.

00:41:35:26 - 00:41:36:22

Thank you, Mr. Varley.

00:41:43:26 - 00:41:48:26

Actually, we went to the EIA mitigation.

00:41:50:15 - 00:42:05:09

In examining this application, the examining authority will be considering the Environmental Impact Assessment mitigation hierarchy and tenaciously whether the information submitted evidences that this hierarchy has been followed.

00:42:06:26 - 00:42:27:27

MPs in one paragraph 4.1.5 explains. In considering the proposed development, in particular weighing its adverse impacts, the Secretary of State should take into account any measures to avoid, reduce, mitigate or compensate for adverse impacts following the mitigation hierarchy.

00:42:30:03 - 00:42:46:17

Further, section 4.2, which relates to critical national priority states applicants for CMP infrastructure must continue to show how their application meets the requirements in this MPs applying the mitigation hierarchy.

00:42:48:03 - 00:42:52:18

This is reiterated in M3, paragraph 2.8.68,

00:42:54:17 - 00:42:58:10

and some of this was touched on earlier by Mr. BMC as well.

00:42:59:25 - 00:43:12:27

To be clear, if the Secretary of State wrote the opinion that the requirements of the MPs had not been met or the mitigation hierarchy had not been followed, they may not be minded to apply. See MP presumptions.

00:43:17:29 - 00:43:37:19

The maximum design parameters in requirement two of the draft DCO, which is 5002, allow for a maximum blade height of 376.8m above mean high water springs. The clarity. Could you confirm what this is above mean sea level, please?

00:43:49:03 - 00:43:56:21

Angela Bassett for the applicant. The maximum tick height is now 378m with respect to mean sea level.

00:44:04:16 - 00:44:17:16

Thank you. If we could have on screen the airspace analysis radar modeling report table three and figure 18, which is examination library number. App 128.

00:44:19:23 - 00:44:22:23

That's pages 31 and 32 for ease.

00:44:40:15 - 00:44:41:03

Thank you.

00:44:42:23 - 00:44:49:03

Yeah. That's the table. And then the, uh. The figure is on the page below. Yeah. That's great.

00:44:50:27 - 00:45:22:06

From this figure, we can ascertain that wind turbine generators at 378m above sea level, uh, would adversely affect the military real capability at Staxton Road, PSR. It would appear, from the information submitted into the examination, that there are design solutions within the thresholds of the assessed parameters for the proposed West array that would avoid adverse effects to military radar. Again, from the information submitted.

00:45:22:18 - 00:45:31:07

These design solutions would appear to not reduce the installed capacity of the proposed West Array.

00:45:33:12 - 00:45:42:19

Could the applicant explain why the uh project level mitigation within the assessed design parameters has not been Being proposed.

00:45:54:08 - 00:46:16:18

For the applicant. Um, it's probably worth saying that in developing. Designing an offshore wind farm is a complex task to assess, um, multiple constraints of which the radar impact is one of several, um, in terms of looking at

00:46:18:06 - 00:46:29:20

the proportion of the site that potentially not impact the radar. Um, with that set heights of 378m MSL, we've assessed.

00:46:29:26 - 00:46:31:13

The remaining area to be approximately.

00:46:31:15 - 00:46:34:05

150km² with square.

00:46:34:07 - 00:46:34:22

Site.

00:46:34:24 - 00:46:40:13

Which would sit outside of the radar line of sight without largest wind turbine in the envelope.

00:46:42:22 - 00:46:46:24

Bear in mind, we have ambitions, clearly to build

00:46:48:10 - 00:47:15:25

a full scale project with the best design to suit our ability to have a commercially competitive project. We have to consider the requirements of the current state lease and the guidelines for designing the windfarm to incorporate NCA requirements and other standard wind farm design requirements. We would not be able to build a 1500 megawatt wind farm within that remaining site area.

00:47:18:09 - 00:47:58:27

Um, just to give an indication of the scale of the wind farm, that would actually be possible. I have done a quick calculation. I believe it would be approximately 910MW in that remaining site area. That's an increased, um, energy density compared to the minimum energy density that we are required to build at. So that should be at 6MW/km² as opposed to five, which would lead us in a disadvantage position with respect to the competitiveness of the project, both due to losses within the wind farms use that increased energy density.

00:47:59:07 - 00:48:17:16

Also, due to the scale of the wind farm now being only 910MW, um, compared to um, all other projects at this distance from shore, particularly with us being an HPC project, 910MW would not be sufficient scale to enable such a project.

00:48:20:11 - 00:48:56:27

On behalf of the applicant, if I can just build on that a little bit as well. Um, I would note that obviously, since the preliminary Environmental information report was submitted, we have reduced our flights on two occasions. So once prior to application and also once within the last couple of weeks. Deadline five we made that reduction, that which you just mentioned there. And we also refined the footprint of the array area for DBS West in order to reduce or avoid, um, some of the, um, effects that we would have on this radar.

00:48:57:14 - 00:49:45:03

It's not possible for us to deliver, um, clean energy to 3 million homes. Um, if we were to avoid all impacts to all receptors, um, we have to accept in bringing this project forward that we will have some impacts on receptors which require mitigation. We would argue that we've taken reasonable steps to avoid, um, impacts as far as possible in relation to this receptor. And I think in Moz, uh, contingent withdrawal of their objection to this scheme. Um, they have brought forward wording for mitigation, which I would suggest we could infer from that, that they have accepted that the principle of avoidance has been moved past now, and that we're talking about mitigation rather than avoidance as far as the mitigation hierarchy goes.

00:49:45:22 - 00:50:11:24

And I would also point out that, um, the Clean Energy UK 2030 Action plan, um, in itself also suggests that the government recognises that the delivery of its clean energy targets is not possible, um, without, um, impacts upon radars. Hence the Bringing Forward programme, which is a mitigation scheme precisely for the impacts that we're seeing here.

00:50:14:10 - 00:50:45:27

Thank you for that. I'll try and made some notes on what you've said, but I'll go back to some of the more precise points of what I was asking as part of my question. So you mentioned, um, if you were to leave the extent DBS West array was limited. Head um, in order to avoid effects for 178m, so that the assessment and the sort of figures you were providing there were on the basis of the extent was limited.

00:50:46:00 - 00:50:55:29

But what if the height of the turbines was limited and therefore the further extent was available as that assessment been done?

00:51:02:12 - 00:51:36:03

From the applicants. We have a design envelope which, um, has been included to afford us flexibility in our concept to ensure an ability to maximise our competitiveness. Any any changes to that envelope constrain us in some way. Any changes leads to us being potentially being unable to mitigate, um, impact on other um receptors that are still being considered at this time. It's very hard to, um, Determine what an acceptable wind turbine threshold can be.

00:51:36:21 - 00:51:52:28

At this point in time, because we don't know exactly when we're going to be bidding, um, and building a final business case for the project. And we don't know exactly what our competition will be doing at that time. Um, it's not a sort of a binary, um, response I can give.

00:51:56:00 - 00:51:57:01

Okay. I mean, whilst.

00:51:57:03 - 00:52:04:06

The examining authority understand the applicants desire to achieve the most commercially competitive design,

00:52:05:27 - 00:52:25:00

um, would a shorter maximum height for the proposed West array lead to a sort of viability issue?

Um, we're talking about being commercially competitive, but are you suggesting that there would be some sort of viability issue?

00:52:43:04 - 00:52:43:19

Which is

00:52:45:09 - 00:52:46:29

Julian Boswell for the applicant.

00:52:50:09 - 00:53:27:02

The government has chosen to bring forward the UK offshore wind market in the way that it has, and used to have a renewable obligation certificate system, which essentially meant that if you've got grid connection and you've got a consent, you had a project, um, uh, and it wasn't entirely obvious at what point there might be any form of rationing in relation to, to, to projects. Um, then a number of years ago, the government introduced a fundamentally different approach through the, the contract, the difference regime.

00:53:27:26 - 00:54:13:14

And the purpose of that was to drive down costs and to deliver capacity on a more cost effective basis. And what it's meant, it's meant and has meant for a long time now, is that you don't have a project if you are not competitive and therefore, you know, it's absolutely everything. And the and that that was a significant change in mindset from the previous regime. And so there is an obsessive focus and a necessary focus on any developer in the UK market on the competitiveness, looking ahead to CFD competitiveness in every, every, every dimension of of the project.

00:54:13:26 - 00:54:53:14

And so, um, I guess in that sense, you could say it's a viability issue because viability if you look it up means life or death. And so you don't have a project you will never win, um, a CFD round. And then ultimately your project will be abandoned or die in some form. If you are not competitive. And so there are a whole range of judgment calls that have to go into that. And a sophisticated developer experience developer like RWC has got, uh, multiple projects at different stages, and it's learning from those, has got an international portfolio and is learning from that and so on and so forth.

00:54:53:25 - 00:55:27:03

Um, it's, uh, managing consenting risks, managing procurement risk, um, and supply chain risk and on and on and on. And so in the context of all of that. As Mr. Leadbetter has already explained, there

are a range of different factors that have to be balanced when, um, coming up with a design envelope and taking a project through a multi-stage, extremely challenging process that ultimately, um, builds towards a crucial milestone in the UK market of bidding into the relevant auction round.

00:55:27:12 - 00:55:59:27

As he's already said, whilst any project is. Sort of targeting a preferred auction round, it can't be sure that it's. Going to get there for different reasons that may be beyond its control. And so um, the, the, the tip point that you're pressing us on is one of a range of factors, but it goes to the size of turbine and turbine selection. Because if you've got a smaller envelope in terms of height, that's going to limit the turbine selection and the competitiveness and of the procurement that you can run in relation to, to that at the appropriate time.

00:56:00:08 - 00:56:02:01

And so, um.

00:56:04:11 - 00:56:35:03

The that's a slightly long way of saying that, um, we recognize that you're pressing us on the avoid point, but as, as Mr. Ledbetter and Mr. Ruto and, uh, myself have have said in our, in our different ways, um, the, the the, the, the UK government is accepting, as Mr. Brown has explained, the Clean Plan action and previous policy positions and the MoD's conduct because the Mod is not objecting to this scheme.

00:56:35:10 - 00:57:05:11

The Mod is supportive of this scheme in principle. Um, this the scenario that we are in is is not an avoid scenario. We are past that point in the process. Um, and therefore we, we, we, we are confident that we have ticked that box in the way that other equivalent projects have with similar, similar choices to be made where, yes, mod radar is an important issue. If we could straightforwardly have avoided it, I'm sure we would have done so.

00:57:05:25 - 00:57:07:15

Um, but that is not the case.

00:57:10:17 - 00:57:20:24

Thank you for the comprehensive response and bringing together those different, um, people's advice and inputs.

00:57:24:12 - 00:58:09:04

As I alluded to, within what I'd said previously, they would appear from the information submitted into the examination that there are design solutions which are within the thresholds, um, of what has been assessed and what have been presented as options within the proposed development. Originally, that being 100 small turbines at uh 291.8m above sea level, or 57 large at 394m above sea level, of course, I presume now that 57 would perhaps be more, given the fact that the maximum wind, uh, height, has been reduced.

00:58:10:16 - 00:58:34:12

Um, as part of the updated draft development consent order deadline five. Um, and this was previously touched on in the hearings in April around whether design solutions existed within these parameters that would not, um, lead to any adverse an increase in adverse environmental effects, nor reduce the.

00:58:34:14 - 00:58:35:03

Energy.

00:58:36:08 - 00:58:41:03

Capacity, uh, installed capacity, that is, for the proposed Rest array.

00:58:44:08 - 00:58:47:15

I think just to go a little further.

00:58:49:04 - 00:59:15:06

The applicant's response to EXC two reference Aamc 2.2. And that's an examination library Rec five zero 36 identifies an example of a constructed wind turbine generator with a 310 meter blade height, which has an installed generating capacity of 21.5MW.

00:59:17:00 - 00:59:36:13

Considering this in context of the proposed development at this height. Based upon what you have on screen, there are approximately 88% of the proposed West Ouray area could be utilized without affecting the radar line of sight.

00:59:39:17 - 00:59:43:05

This would equate to approximately 312km²

00:59:45:00 - 00:59:47:07

of an area of that proposed West array.

00:59:49:14 - 01:00:17:18

And based upon the 5 megawatt/km² which you suggested is the optimal efficiency in your representation. Previously, this examination, approximately between 55 and 70 wind turbine generators would seem to achieve the energy capacities installed and energy capacities, which is within the thresholds of is chapter five and within the licence from the Crown Estate.

01:00:19:18 - 01:00:37:21

All of this is based upon the information submitted into the examination. So just reflecting on that with the applicants, like to add anything further around why project level mitigation design solutions have not been proposed. That's only if it's anything in addition to what you've already said.

01:00:47:22 - 01:01:29:29

Andrew. Andrew. All the applicants. It's probably worth saying, first of all, that these small and large wind turbines identified in the ES are examples. They are included as a basis for the assessments, and they represent, um, scenarios that lead to worst case impacts for various reasons. So sometimes the worst case impact is due to the small sometimes use of the large. They do not represent Real turbines

as such. Um, moving on to your next point about the availability of existing turbine solutions that would be able to utilize the majority of your site and not impact the radar? Um, yes, that is true.

01:01:30:01 - 01:01:52:06

There are existing, um, wind turbine capacities towards the upper end of the scale, um, which could conceivably avoid, um, significant radar impacts. Um, it comes back to the design element again, really. And um, whilst we believe these are the best options currently available, um, we are forecasting.

01:01:52:08 - 01:01:52:23

Future.

01:01:52:25 - 01:02:27:10

Technologies that could push the boundaries further. And it is in consideration of those opportunities that we would be competing, um, by restricting ourselves to smaller. So we would be really, um, restricting ourselves to having more foundations and more fabrication associated with those foundations, more cables to install and a multitude of factors that build from there really. So it comes back to the competitive question and again, the timeline question for when we're really delivering the project and who we're.

01:02:27:26 - 01:03:00:12

Um, the context in which we are designing a building project. Um, so yes, in a hypothetical world of a building project today, we would look at the technology available and seek to avoid radar. And at the same time, when we come to build this project, there remains that possibility that we won't impact on the existing radar line of sight. Um, limitations. But until we come to that point, we can't really confirm for sure. Hence why we need to retain that optionality with the envelope.

01:03:01:03 - 01:03:40:00

Um, it's also worth saying again as well, that the area of sight we seek to use, um, is not fully available to us. So any, any constraints that we impose upon us due to tip heights do not necessarily mean that that full remaining area is actually viable. There are other constraints on the seabed which limit our opportunities for development, which we also need to factor in at the time at which we finalize the actual development area. So I think this is a fairly standard process that we're going through, and we're fairly sort of standard level of maturity of the project at the DCI stage.

01:03:42:00 - 01:03:45:07

I think one final point, sir, would be that, um.

01:03:47:25 - 01:04:16:09

This is not an impact that isn't going to be mitigated. So there are some impacts where you can only partially mitigate it and there is a residual impact. This is one where there will be fully, fully mitigated. I appreciate your going through mitigation hierarchy and sequence, but I do think it is relevant to look ahead and take advantage or take note of the broader context. I guess the we

01:04:17:27 - 01:04:24:14

we're as confident and comfortable as we can be in the decisions that we've made. Um, and

01:04:26:00 - 01:05:05:09

it isn't obvious. Wee wee. It would be a really big deal for us to move away from where we are now. It would it would threaten the competitiveness of the project. That is our considered opinion that CFD competitiveness is fundamental to the way the UK market operates and is intended to operate. Um, and therefore we we are going to sort of maintain our, our position on this. And um, I say comfortable and confident that we have made a good set of choices in, in promoting this project, including taking into account the mitigation by market.

01:05:08:27 - 01:05:26:09

Thank you for those additional points. Um, I need to be clear. I don't think this is about removing optionality or some, uh, from a Rochdale envelope to work within. I think it's around the range or extent of that optionality being,

01:05:27:27 - 01:05:47:23

uh, reasonable specifically for this project, uh, within the constraints and within the effects that have been identified. And just reflecting on the point around saying that, um, uh, not avoiding needs to be sort of considered alongside that mitigation will be provided.

01:05:49:15 - 01:06:24:21

Um, the hierarchy is that in that sequence that needs to be followed. Um, and the provision of a strategic mitigation doesn't negate the need to follow that hierarchy. And of course, as we've discussed earlier this afternoon, the Mitigation is currently unproven, not identified and an implementation program not identified. So avoiding the effect in the first place perhaps would help with some of those concerns that are there that have been discussed.

01:06:28:20 - 01:06:31:00

Um, okay.

01:06:34:04 - 01:06:39:08

Reflecting on the points I've raised with you today and, um, the

01:06:41:08 - 01:07:13:14

it's the information you provided and just reflecting on the national policy statements, which, um, I've discussed with you and I've, uh, highlighted that, um, that the Secretary of State will need to consider whether the mitigation isn't proven Available. The likelihood of that being in place in time for the proposed development.

01:07:14:28 - 01:07:34:14

Would the applicants wish to submit an alternative draft development consent or order without prejudice as a fallback? Should the Secretary of State not be convinced by the evidence submitted in support of the proposed maximum blade tip heights for, uh, for the proposed restoration?

01:08:00:02 - 01:08:37:18

Um, Jennifer. Yeah. I think, um, to answer your direct question. It would. It would be a no. Um, that's that's not something that we'd be willing to consider. And I suppose just to bring it back to the MPs

policy. Obviously, the Secretary of State has to be has to consider the likelihood of a solution becoming available within the time limit for implementation. What we say the likelihood is high, um, because the government is leading on the programme, on programme board. The whole point of program needed is to specifically deal with this type of situation, and it's something that the government is very much looking to bring forward.

01:08:37:20 - 01:08:47:26

So our position would be that the Secretary of State can face a lot of reliance on the likelihood of that solution becoming available within the required time limits.

01:08:50:09 - 01:09:39:17

Thank you. So the examining authority is reliant upon the information which is submitted into this examination in terms of making its recommendation to the Secretary of State. As I've highlighted today? The Mod has confirmed that it is unable to identify an implementation for Nord um, relevant for the first operation for this proposed development. And in the, uh, hearings we had in April, uh, you made you the applicants made a representation that that was its understanding as well, that, um, George wouldn't be available for the first operation and therefore interim mitigation measures would likely be required, as we've identified today.

01:09:39:21 - 01:10:08:23

Those into those interim measures are also unidentified, unknown in terms of when they would be implemented. Um, so that is what the examining examining authority will need to base its recommendation on. Is the information submitted? Um, and it would be for the Secretary of State to make their own decision on um, hence asking whether there was, uh, any appetite for an alternative wording of a draft DCO.

01:10:11:12 - 01:10:19:11

Is there anything else which the applicants would like to raise in relation to military radar?

01:10:26:19 - 01:10:43:21

And general acceptance. So you said that the Mod has said that program would not be available in the timescales for delivery of the project. Could you, um, just let us know where where exactly they've said that? We weren't aware that that was a statement that they've made.

01:10:44:11 - 01:10:49:15

Well, so just to clarify that they are unable to confirm it will be available

01:10:51:08 - 01:11:02:26

and that's in their representation within deadline five. And I'm just, uh, trying to find that examination library Reference for you. Um, just one second.

01:11:04:26 - 01:11:05:11

That's fine.

01:11:07:09 - 01:11:25:15

Too. Yeah. Sorry. Yeah. So it's that they couldn't confirm the implementation for this? Uh, and I think it was within the hearing, it would have been issue specific hearing three, where there was a representation made by the applicants to explain that their understanding was that it wouldn't be available for the first operation.

01:11:31:09 - 01:11:41:12

But then you be part I don't believe there are any other parties, but I will ask if there's anyone who would like to raise anything in relation to military radar before we progress to the next item on the agenda.

01:11:42:20 - 01:12:15:00

Yeah. For you, on behalf of the applicant, I just wanted to clarify the position that you'd referenced that the the the last issue specific hearing on that. Um, it's it's not our position that that that program You will definitely not be in place by first generation. At the moment, we're still trying to to engage with that model and understand whether that that would be in place or not. Again, it's something that's currently unknown to us, but it's something we are trying to engage with the mod on to try and get some further understanding on.

01:12:16:13 - 01:12:41:17

Behalf of the applicants. And then we obviously refer back to the interim mitigation discussions, which we had previously, and the support that our requirement offers to that to ensure that we are not having an impact on radar without sufficient mitigation being in place, whether that is the enduring permanent solution delivered through a program or an interim solution that is delivered. So I think from our perspective, we don't see

01:12:43:07 - 01:12:44:18

a potential gap here.

01:12:44:20 - 01:13:21:08

I suppose I think it's worth just as well reflecting on the Moody's submission, because what they said was that there's an ongoing tender program, tender process in relation to programming board, and it's very much a live process that is progressing. And because that is ongoing, they're unable to say exactly when the program will will progress and there's no implication that it's going to be delayed or that it won't be available. It's more that they are unable to say precisely when it will be progressed because of that tender process, which is ongoing.

01:13:24:26 - 01:13:33:24

I think there is one final point, sorry, which is a different point, namely as I'm as I'm sure you realize, but we would just like to reiterate,

01:13:35:12 - 01:13:36:18

we think that

01:13:38:17 - 01:14:13:15

it's very clear that only one project has a radar issue, a military radar issue. And therefore, whilst we are not aware of the Mod having to deal with an equivalent application of a Whereby the requirement

only affects, uh, part of a DCO. The facts here are very plain that the restriction should only apply to Dogger Bank wet.

01:14:14:12 - 01:14:15:11

And therefore,

01:14:17:03 - 01:14:43:25

whilst we are very much doing our best to get express agreement from the mod to the extra, uh, bit of of the requirement that is otherwise agreed to make that plain. We are asking that the Exa and the Secretary of State agree with our wording, even if the Mod doesn't.

01:14:45:24 - 01:15:15:27

If through an engagement ongoing sort of difficulty with, with with engagement that, um, that we can't actually get them to confirm that because it is so plain that that is the correct outcome. So we would not ordinarily be asking or we would be very slow normally to cut across a recommendation from the mod, but here the facts are so plain that that restriction that one should only apply to the request that we are making that position here.

01:15:15:29 - 01:15:17:15

Just for the avoidance of doubt.

01:15:19:21 - 01:15:22:15

Thank you. That position is noted. Um.

01:15:24:27 - 01:15:56:20

Okay. There wasn't anyone who had raised a hand to speak on this matter, and I'm not aware anyone else wished to speak on this matter. Um, so we do have some action points, which we've noted, um, in relation to this, and we'll have those circulated after. I shall now move on to item four on the agenda and stop sharing. Now that's great. And so other environmental matters. And item 4.1 Geology and Land use.

01:15:56:22 - 01:16:00:19

And if you were able to reshuffle your seats, that would be great.

01:16:02:01 - 01:16:04:21

And we just need a few moments to move people around.

01:16:05:10 - 01:16:05:27

That's fine.

01:16:26:07 - 01:16:28:20

Yes, Mr. Varley. See, you have your hand raised.

01:16:38:25 - 01:16:43:21

Well, you are muted and your camera is off. I don't know if you intend to speak.

01:16:46:02 - 01:16:59:07

Apologies. Green Valley is riding of Yorkshire Council. It's just, um, again, to let you know that both of our archaeology representatives today are not available after 4:00. I believe we did that before.

01:17:01:23 - 01:17:03:15

Okay. Thank you, Mr. Barley.

01:17:14:09 - 01:17:26:02

Also, major, let's see where where we get to with item 4.1. And look at the timing. Um, on reflection of the availability of.

01:17:27:24 - 01:17:28:09

Uh.

01:17:28:23 - 01:17:34:19

Yorkshire Council, we may look to. We shift the agenda, but we can look at that during a break.

01:17:41:21 - 01:17:46:19

Okay. The applicants have everyone in their seats. Would you like to introduce anyone new?

01:17:56:05 - 01:18:00:04

Anthony Pearson, lead civil engineer for South.

01:18:01:24 - 01:18:02:09

Caroline.

01:18:02:11 - 01:18:10:09

Martin from the applicant and in relation to ground conditions. Rosemary tingle, on behalf of the applicant on your consent agenda.

01:18:18:18 - 01:18:20:09

Do you have anyone else on the line?

01:18:20:24 - 01:18:24:29

Yes we will. Um, he'll be here to introduce himself now.

01:18:26:21 - 01:18:32:09

Hi. Hi, there. It's doctor Bill crooks on behalf of the applicant in relation to agricultural land use and soils.

01:18:38:12 - 01:18:38:29

Okay.

01:18:40:11 - 01:18:45:10

Is there anyone else who intends to speak on this item?

01:18:45:12 - 01:18:45:27

To.

01:18:46:18 - 01:18:47:27

I believe maybe

01:18:49:12 - 01:18:50:14

Mr. Julien.

01:18:52:04 - 01:18:56:18

Oh, sorry. No, maybe it's Mr. Stones, actually. Sorry. Mr. stones intended to speak on this item.

01:18:57:22 - 01:19:03:18

Sir. I'm present. Um. I reserve the right to speak, if appropriate. If that's acceptable. Thank you.

01:19:05:28 - 01:19:06:28

Yeah. No problem.

01:19:11:26 - 01:19:18:24

I'll just check with Mr. Julian that you. If you're still on the call that you didn't intend to speak to this item.

01:19:19:15 - 01:19:20:10

Um, I'm still.

01:19:20:12 - 01:19:32:00

On the call. Thank you very much. Um, same comments as Mr. Stones. Um, that if it's appropriate to speak, I'll raise my hand and, uh, make any necessary comments. Thank you.

01:19:38:16 - 01:19:39:01

Great.

01:19:39:03 - 01:19:39:18

Thanks.

01:19:42:04 - 01:19:47:26

Okay. Item On in relation to mineral resources

01:19:49:16 - 01:19:52:04

in response to XTC. Two.

01:19:53:22 - 01:20:25:14

Reference. Five. Zero. 44. And that's Ggc 2.1. East Yorkshire Council explained it as we recorded a supply of sand and gravel of 3.58 years, as set out in its 2024 annual monitoring report, and that this is below the MPP requirement for seven year supply of sand and gravel. Firstly, the issue of Yorkshire Council provide a reference for this report. Please be sure. You may need to do that in writing afterwards.

01:20:30:16 - 01:20:39:07

The East Riding of Yorkshire Council can I take that as an action point please? We don't have the policy officers or anybody for this topic available.

01:20:40:00 - 01:20:40:20

Yeah that's.

01:20:40:22 - 01:20:58:07

Fine. Yeah. Um, We'll see if we can add some of these follow up questions then, or something else you might need to take away, but hopefully you might be able to answer. So, uh, just how significant is the preferred area for sand and gravel to the south of Gatwick for the council's seven year supply requirement?

01:21:00:24 - 01:21:07:01

Unfortunately, again, it's not something I'm involved with in my role at all, so it is something I'm going to need to take away and come back to you.

01:21:10:21 - 01:21:11:08

Okay.

01:21:11:19 - 01:21:12:26

Kind of an action point for.

01:21:12:28 - 01:21:13:13

That.

01:21:13:23 - 01:21:14:11

Please.

01:21:16:00 - 01:21:27:26

Um, so we might be able to help with the NPF reference. It looks like it's paragraph 2 to 6 F in terms of maintaining the seven year pipeline of sand and gravel.

01:21:28:26 - 01:21:40:12

Ah, sorry. It was actually, uh, we wanted a link for the actual report that had been referred to by East Riding of Yorkshire Council. So it's, uh, it's not the APF reference, but thank you. Uh, anyway.

01:21:44:06 - 01:21:56:11

Mr. Bell could can counsel, advise if any, allocations in the Local plan which are yet to come forward? Or are there any applications which are live that relate to mineral resources?

01:22:04:06 - 01:22:18:02

Offhand, in the vicinity of the cable route and the converter station? I don't believe so. Again, it's one I'd have to come back to you for that. There certainly are some mineral resource applications, but not within this within this area.

01:22:20:02 - 01:22:23:26

But they are within the there are live applications.

01:22:24:15 - 01:22:36:05

Uh, within the East Riding of Yorkshire council area. Yes. Um, so if it's looking to gauge whether the actual mineral supply is going to be increased, then yes, we have some applications.

01:22:37:07 - 01:22:37:23

Okay.

01:22:38:14 - 01:22:48:24

Yeah, that's exactly the reason for me asking. Um, and are there any allocations in the local plan which are yet to come forward that would help with the supply requirement?

01:22:50:03 - 01:22:56:12

Again, unfortunately, it's putting me on the spot with one I'm unable to answer. So I'm going to need to come back on that.

01:22:58:11 - 01:22:59:00

Okay.

01:22:59:23 - 01:23:08:16

I will just say there's a hand raised, but I will ask the applicants whether they are aware, um, and they're able to answer either of those points.

01:23:17:18 - 01:23:18:03

I think.

01:23:18:05 - 01:23:18:20

Yes.

01:23:19:04 - 01:23:20:12

It's. Yeah.

01:23:20:25 - 01:23:56:15

Yeah. Sorry. Yeah. I'm Caroline Martin, on behalf of the applicant. Um, we are aware of a, um, another planning application that's being brought forward, um, at North Pave. Um, application reference 24 To the CMA, which was submitted 2024, still to be determined for the extraction of 2.2

million tons of sand and gravel. Um, the application is still to be determined, but this reserve should therefore bring in same proportion closer to the land bank requirement.

01:24:00:28 - 01:24:07:06

Okay. You may need to provide me that reference. You can either do that now really slowly if you like. That might be the easiest.

01:24:08:29 - 01:24:16:05

Sorry. Planning application 20 4/01362/ Cmy

01:24:17:27 - 01:24:21:03

at North K or under e RC.

01:24:22:26 - 01:24:23:15

Thank you.

01:24:25:03 - 01:24:26:29

That's the only one you're aware of.

01:24:27:24 - 01:24:40:18

That's to be determined. Yeah. There has been um Yarrow aggregates have got an application that has been determined to the north. Um. I believe Graham has his hand up and probably provide further information on that application.

01:24:42:07 - 01:24:43:14

Okay. Yes.

01:24:44:01 - 01:24:44:16

Mr.

01:24:46:07 - 01:25:03:26

Graham valley, Australian judicial council. It was actually in response to the the first one, which is the pending application, just for clarity, that that's still it is still pending. It's your decision to be determined by our planning committee probably in the next 2 or 3 months. Um, but that's not on an allocated site.

01:25:05:16 - 01:25:06:01

Okay.

01:25:07:19 - 01:25:18:19

Are you able to advise whether that application either via that application, how near that will get to the land bank requirements for the seven year supply?

01:25:20:01 - 01:25:22:06

Not offhand. Again, I can find that out.

01:25:27:03 - 01:25:43:24

Yeah. I mean, I think that would be useful just to understand of the applications which are live or allocations in the Local Plan as to how far they are in terms of meeting that requirement. Um, so we'll weave that into the action point.

01:25:46:07 - 01:25:47:23

The East Riding of Yorkshire Council.

01:25:49:18 - 01:25:59:29

Just one more. Mr. Farley has this has this issue been raised and managed before on other national significant infrastructure projects within the East Riding of Yorkshire area?

01:26:04:23 - 01:26:23:11

East Riding of Yorkshire Council. Um, it's not been mentioned to me before. Has been brought up before. Um, this is the first one I've been involved in, so there's none I've been involved in before. Um, but again, it's one where I can't be certain of the answer, and it's one that I would need to come back on to make sure that you get a proper answer.

01:26:32:12 - 01:26:33:04

Thank you.

01:26:39:18 - 01:26:43:24

So just to the applicant said in response to, uh, excuse to

01:26:45:18 - 01:27:00:09

reference Rep five zero 36, you explain the percentage of preferred area impacted compared to the overall preferred area within the East Riding of Yorkshire Council boundary will be provided. I just wondered whether you were able to provide an update on that now.

01:27:04:27 - 01:27:07:17

That's in response to Ggc 2.1.

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

Would it be.

01:27:12:23 - 01:27:14:29

Possible to share figure 433.

01:27:15:01 - 01:27:15:16

On.

01:27:15:18 - 01:27:17:03

The screen, which was one of our requested.

01:27:17:05 - 01:27:17:20

Documents.

01:27:17:22 - 01:27:21:04

Just because it helps a little bit to show where the cable route's going through the preferred area.

01:27:22:05 - 01:27:28:13

This has been submitted into the examination previously. Yes. And this is already in the examination.

01:27:28:15 - 01:27:32:15

Yes. This one here? and this.

01:27:32:20 - 01:27:33:05

Um.

01:27:33:15 - 01:27:35:29

Depending on which bits you want to talk about. But this shows.

01:27:36:01 - 01:27:36:16

The.

01:27:36:26 - 01:27:59:21

Original cable route in red. That was, um, we consulted on a section 42. The dashed line is the current cable route and the gray route to the, um, alternative options that we, um, consulted on when we were looking at trying to completely avoid the area SG dash, but, um, but just this might be helpful. Um, our classrooms. Caroline will just explain your original question just while she's answering.

01:28:02:08 - 01:28:24:00

Caroline Martin for the applicant. Um, so following a meeting with, er, like on the 15th of May, 2025, we complete some calculations, and these, uh, had been added to update to chapter 19, which will be submitted at deadline six. Um, I don't know if you want me to actually read the percentages out, but I can run you through a bit of an overview.

01:28:25:29 - 01:28:28:20

I'll be useful. Just a really quick overview. Yes?

01:28:29:07 - 01:28:29:24

Yeah.

01:28:33:10 - 01:28:36:25

I mean, it's the percentages I'm particularly interested in, if you've got those to hand.

01:28:38:07 - 01:29:12:02

Yes. So in relation to SG Dash A, which is the area, very small area that this one collects, it um will use between 3.46 to 5.31 hectares, which equates to between 2.66 to 4.08 percentage of that total area

of SJ dash eight. And in relation to all the preferred areas across the whole of East Arc is between 1.59 to 2.43%.

01:29:15:08 - 01:29:16:04

In total.

01:29:21:03 - 01:29:21:21

Okay.

01:29:24:02 - 01:29:31:22

I note that, uh, the update will be 96 anyways, but it's useful to get that information now.

01:29:33:22 - 01:29:44:21

Reflecting on East Riding of Yorkshire councils lack of supply for sand and gravel the land bank. Does that increase the sensitivity of the mineral resource?

01:29:55:28 - 01:30:01:01

What I'm saying sensitivity. I'm referring to the environmental impact assessment. Just to be clear.

01:30:08:27 - 01:30:13:19

I just can't remember the question to the applicant or the council. Please.

01:30:14:07 - 01:30:15:18

It's to the applicant. Yes.

01:30:20:10 - 01:30:23:14

I'm asking for the applicant. We presently have a medium.

01:30:26:11 - 01:30:46:12

Yes. Um, just, uh, just asking whether, uh, if you were to reflect on the representation made by East Yorkshire Council and highlighting it had a lack of supply for sand and gravel. Does that increase the sense? Does that increase the sensitivity of the mineral resource for the purposes of the assessment or not?

01:30:49:03 - 01:30:53:18

Hello, Martin, on behalf of the applicant for for our assessment, we believe not now.

01:30:57:07 - 01:30:58:08

And the reasons why.

01:30:59:20 - 01:31:20:14

Such a small area with SG, Dash A and Yarrow aggregates and plenty of applications presently are extending their quarry to the north. They've never done in any consultation with them. That's always been in their intention to excavate north, and not into this southern area

01:31:22:05 - 01:31:25:16

and into the very small One triangle we're impacting.

01:31:28:24 - 01:31:29:11

Thank you.

01:31:30:21 - 01:31:34:00

Mr. Farley. Would you like to add anything to this in response?

01:31:36:00 - 01:31:52:10

Valley East Riding of Yorkshire Council. Now, we had meetings with our policy officers and officers and with the applicants about three weeks ago. Now, I think we discussed this matter and we were in agreement with the officer that, uh, Caroline Martin has just given.

01:31:54:16 - 01:31:55:12

Okay. Thank you.

01:31:57:03 - 01:31:59:24

Does anyone else like to add anything on this point?

01:32:01:28 - 01:32:02:28

Please raise your hand.

01:32:10:22 - 01:32:38:05

That brings me, on behalf of the applicant. And just to say, meeting on the 15th, we spoke to the planning officers. I think they were generally of the opinion that although the policy had been in place for a number of years from In 2019, not many planning applications had come forward and the areas were available, but they had a not very large uptake. And I think we're of the opinion that we are impacting a very small area within SG four that would particularly limit the ability of Yarrow.

01:32:38:07 - 01:32:38:22

Aggregate.

01:32:38:24 - 01:33:00:10

To own that land to extend. And as Caroline mentioned, they can only extend to the north. And so the planning officers were generally in acceptance that we had raised the significance level to moderate, to consider the significance of the the sensitivity of the site. But the overall, we've done everything we could through our site selection process to limit as much as possible based on other constraints.

01:33:03:24 - 01:33:04:15

Thank you.

01:33:06:15 - 01:33:18:16

And to the applicants, could you confirm all mitigation options have been considered? Why the residual moderate adverse effect to minimal safeguarding area could not be further mitigated.

01:33:24:19 - 01:34:04:07

Rosemary Tingle for the applicant. And we discussed this in detail with the policy officer at East Riding as well. Um, we explained that policy. Um, Ek six I think number in the Minerals policy plan, um, does say that, you know, minerals should be extracted. Prior to we explained that we had had that mitigation previously, but it wouldn't be practical for our scheme in the long term given the type of scheme that we had. So we were therefore removing it from the application as additional mitigation to rely on. Um, however, we did discuss that, um, should the minerals be there, be fairly shallow? Um, you know, we would be extracting them as part of our general works to extract, excavate the, um, paving trenches.

01:34:04:09 - 01:34:28:24

And obviously we would then backfill those cable trenches with the same material as part of our materials management plan. So, um, you know, during the decommissioning took place, they would still be there to be extracted at a later point. So, um, they were happy with the process that they would be available after we decommissioned. Um, and we may well extract some of them during the process to either be backfilled or used during our construction process.

01:34:35:03 - 01:35:08:05

Another point to add was, um, they did say that there were other projects. I think this was another point that you mentioned, obviously. Um, Hornsea Project four, um, had a similar process and there was no mitigation to extract agreed with them on council. And also there's another pipeline that we discussed, National Grid pipeline that they mentioned in the meeting that obviously gone through these areas. Um, and it also, you know, try to avoid as much as possible. But we all agreed it was quite difficult to avoid in the East Riding of Yorkshire given the large areas of sand and gravel and, and protected areas and the long cable routes that we, we needed to install.

01:35:10:27 - 01:35:11:14

Yeah.

01:35:11:16 - 01:35:16:27

Okay. Thank you. And, um, it's my understanding that the ducks.

01:35:16:29 - 01:35:17:14

Orcs.

01:35:17:16 - 01:35:24:21

Would be left in situ as part of the decommission. That's the current, um, proposal.

01:35:27:19 - 01:35:28:04

Yes.

01:35:28:21 - 01:35:29:06

Sorry.

01:35:29:08 - 01:35:29:23

Yeah.

01:35:29:27 - 01:35:31:06

He's going to say yes. That's correct.

01:35:32:00 - 01:35:32:16

Yeah.

01:35:33:03 - 01:36:02:10

Um, would there be an option to remove the ducks from the MSA as an option? The reason I'm sort of wanting to push. Mitigation is under MPAC and one paragraph five 1128, where the proposed development has an impact upon a mineral safeguarding area. The Secretary of State should ensure that appropriate mitigation measures have been put in place to safeguard mineral resources.

01:36:09:09 - 01:36:42:23

Caroline Martin for the applicant. Um, it would be envisaged that um, to the on that area of the um onshore export cable corridor that if sand and gravel were to be, um, were to be excavated in the future, that any um developer that went in their aggregate company would be, would be able to remove the ducks that were still there, basically, rather than us having to dig them up, take the material out, dig them up, put material back in the hole, and then also potentially have a void that needed to be filled as well.

01:36:45:12 - 01:36:49:20

Then to then come along later and re excavate the same material back out again.

01:36:58:28 - 01:36:59:18

Thank you.

01:37:03:00 - 01:37:06:16

Riding of Yorkshire Council. Like to remark on this at all.

01:37:09:12 - 01:37:26:24

Green Valley, East Riding of Yorkshire Council. Um, not specific comments again I think if those ducts can be left in place and it's a requirement that they are removed if the land is to be, um, excavated for sand and gravel in the future, um, then that's something that we would support.

01:37:29:19 - 01:37:30:04

Yeah.

01:37:30:06 - 01:37:47:15

That's not the requirement is it? As it stands, I mean, they will be left in situ. Uh, and there would be removed, perhaps if a future extraction operation was being pursued by another party. Mr. Varley. So just say, is that your understanding?

01:37:52:16 - 01:38:19:04

I think I'd need to hear it again. And that's how I understood it. That they will be left in situ and removed by another party. But I. I understood it then to be that there'll be a requirement and it may be done through outside of the DCL process. So I expect that there will be a requirement for it for those books to be removed. Um, and an opportunity for them to be removed. So so it can still be extracted in the future.

01:38:20:06 - 01:38:41:02

I think I was exploring that option that the applicants, um, responded, explaining that that wasn't something that they were looking to share and the reasons why that basically a feature extraction operator would be able to do that, um, themselves. And it would be probably the less their impact on the environment. So I just wondered if you had any comment.

01:38:47:08 - 01:38:48:24

No. Okay.

01:38:50:28 - 01:38:56:04

Any other party like to raise anything at all in relation to mineral resources?

01:39:02:15 - 01:39:03:14

No. Oh.

01:39:04:03 - 01:39:05:20

Uh, Mr. Stones?

01:39:07:16 - 01:39:39:08

Uh, it's, uh, it's just an update in respect of my clients and mineral resources. We've now received a document, albeit I can't. Refer to it without prejudice. In an attempt to resolve the issues which we have, um, it's not quite there yet, but hopefully we can now make progress on it. Um, the only observation I would have on the ducks being left in situ is that that is a residual cost. I understand the environmental issue, and that's perhaps something we will address through the discussions specific to my client.

01:39:41:29 - 01:39:42:18

Thank you.

01:39:55:23 - 01:40:04:29

It's a hand up. I think, um, if we can stop sharing the screen now, that would be useful. And I might be able to see who has a hand up. Uh, that's the applicant's.

01:40:06:26 - 01:40:07:11

Uh.

01:40:08:09 - 01:40:20:13

Table for the applicant. I think we'd like to have it considered that if a company was capable of extracting sanding gravel with heavy extraction machinery, that they'd probably be able to break through the ducks fairly easily, although we appreciate they would have to be disposed of it.

01:40:26:17 - 01:40:27:18

Yeah. Thank you.

01:40:31:11 - 01:40:53:07

Okay. I think that brings to an end of what I wanted to ask around Mineral Resources, and I don't believe there's anyone else who had something to raise. So now it's probably a convenient point to break. Um, I was thinking around 15 minutes, but we've gone over slightly. So should we reconvene at 3:30? Would that be convenient?

01:41:12:18 - 01:41:27:15

So could we perhaps suggest that archaeology is brought forward to enable the um, Pembrokeshire Archaeology Partnership to participate? And given that they have a cut off and perhaps do that straight after the break.

01:41:28:00 - 01:41:38:15

I think that's what we're intending to do. I'll just confirm with, um, rest of the examining authority. I believe that's what we're expecting to do.

01:41:40:15 - 01:41:51:24

Yeah. Thank you, Mr. Turner. I think that that makes perfect sense, given what we've heard from from the council, it makes perfect sense to sort of bring that forward and make sure we've got them for, uh, sort of the half hour if we need that. So. Yes, let's let's do that.

01:41:55:11 - 01:42:01:05

So I think on that note. Let's adjourn till 330 then. Thanks very much. See you at 330.