



Planning Inspectorate
Arolygiaeth Gynllunio

Hearing Transcript

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Hearing:	Issue Specific Hearing 6 – Part 4
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Dogger Bank ISH6 – Pt4

00:00:06:06 - 00:00:24:22

Right. Welcome back everybody. Uh, time is at 3:30, and this issue specific hearing is resumed. As we discussed before the break, we're now going to sort of move the agenda around. So we're now going to pick up item 4.2 which is onshore heritage assets. And I'm going to pass it over to Miss Abramsky who's going to lead on this matter.

00:00:27:06 - 00:01:04:11

Thank you, Mr. Hunter. Um, so starting with item 4.2.1, a question for the applicant, um, s chapter 22, uh, Onshore Archaeology and Cultural Heritage, with reference as 92. Paragraphs 278 and 280 concluded that there would be a minor adverse effect from vibration from construction of the proposed development on Non-designated heritage assets. No further mitigation is proposed. The examining authority note that the magnitude of effect from vibration and Non-designated heritage assets is considered to be negligible.

00:01:04:27 - 00:01:27:23

Can the applicants clarify, given the conclusion of a minor adverse effect in EIA terms from vibration? Is there likely to be some harm to non-designated assets from vibration? And if so, what would that? Um. What would that level of harm be? Um, and can you confirm on a worst case scenario basis how long this harm would likely last for?

00:01:30:11 - 00:01:36:17

And we're happy to answer that just before we do. Could I just introduce a few new speakers that we have on this on this topic, please?

00:01:37:06 - 00:01:46:22

Yes. Of course. Please do. Good afternoon. Loren Thompson on consents manager, on behalf of the applicant and online, we have John Roberts.

00:01:49:11 - 00:01:54:12

Um, hello. It's doctor John Roberts speaking to historic Environment Matters.

00:01:55:06 - 00:02:02:09

And we also have Matthew Haydn, who's our noise specialist as well, online.

00:02:03:09 - 00:02:05:01

Hello. Matt Hayden here. So.

00:02:07:15 - 00:02:10:22

If I could pass this question over to John, please.

00:02:13:18 - 00:02:55:23

Thank you very much. Um, John Rabbit, for the applicant, the assessment we've provided fundamentally refers to an absolute worst case for effects on buried archaeological remains that are

very, very close to the the the biggest vibration, um, sources of the construction and would be confined to the confined to the order limits and primarily confined to areas that would actually be disturbed through sort of direct construction anyway, because normally where you were working for a long on piling.

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They'd be stripping for so much. So we would normally mitigate in that way. Um, and there's a very small potential for disturbance of remains that would also be partially disturbed directly and physically.

00:03:20:18 - 00:03:26:13

And as I said, how how long do you think that on a worst case scenario basis that would likely to last for.

00:03:29:22 - 00:03:30:07

Um.

00:03:32:16 - 00:04:00:12

They say the disturbance we're thinking of would actually affect those. Um, those would, would affect those, um, buried archaeological remains potentially, potentially permanently. The I mean, the the issue we have is if there is something very, very, very fragile within remains that are effectively right next to areas that are directly disturbed.

00:04:03:04 - 00:04:09:21

I think for clarity, we're not anticipating any vibration effect on standing

00:04:11:06 - 00:04:14:16

heritage assets either designated or Non-designated.

00:04:16:09 - 00:04:18:28

So no physical structural effects.

00:04:22:22 - 00:04:53:16

I think the assessment for designated areas, as it seems to conclude slightly differently, which is why I was just looking at the nuance between the designated and non-designated. So I think in your ES, you say that the designated heritage asset, there would be no effects whatsoever. And that's quite clear. Whereas it's the wording is slightly differently with your non-designated asset. So I just wanted to understand really. Um, because obviously we as the Xa would need to, um, weigh up, um, direct or indirect effects on non heritage assets.

00:04:53:18 - 00:05:20:06

And we need to make a balanced judgment in terms of if there is a degree of harm there, what degree of harm that would be. Um, and you just you mentioned a moment ago that they would potentially be permanently disturbed. So I'm just looking to understand what the extent of, um, the, the issue in terms of, um, potential effects on, um, non-designated heritage assets for, for vibration and, um, so that that could be weighed into any, any balancing exercise.

00:05:20:29 - 00:05:24:24

Okay. So to take that, um,

00:05:26:10 - 00:06:06:26

to, to take those two points, um, all of the designated heritage assets are too far away to be affected in any way physically by vibration disturbance. I think the figures we have for HDD drilling suggest that for the sort of vibration threshold that would be reached for, um, What would be described as um, as, um, cosmetic damage to the most lightweight and fragile structures would, would be reached up to around five meters away from an HDD.

00:06:07:15 - 00:06:50:19

So it's where we have archaeological. Sort of buried particularly fragile buried archaeological remains, which may is quite an unlikely. Occurrence in very, very close proximity to remains because we would expect it. Significantly higher level of vibration to be required to cause any damage. So so it is in effect looking at a very small potential for a very small additional effect over and above what would be caused by direct disturbance, and that mitigation would be obtained by the archaeological Archived recording put in place for that direct disturbance.

00:06:51:07 - 00:07:00:19

So that is why there isn't further mitigation put in place. And why are we considering only those archaeological remains potentially affected?

00:07:03:05 - 00:07:20:18

Okay. Thank you. So just looking at the MPs test. So where it says a balanced judgement will need to be required having regard to the scale of the harm or loss and the significance of the heritage asset. What would you say the scale of any potential harm on a worst case scenario basis would be?

00:07:21:24 - 00:07:37:09

There is a very small potential for a very small effect that would effectively relate to damage to particularly fragile artefacts, which would remain in context and in situ, so it would be

00:07:38:25 - 00:07:41:02

genuinely negligible.

00:07:43:17 - 00:07:49:19

Okay. Thank you. Um, did East Riding of Yorkshire Council or their representatives wish to make any comments in regard to this matter.

00:08:02:01 - 00:08:04:23

I can't see any. Hands up.

00:08:07:12 - 00:08:08:25

Oh, Mr. Varley. Yes.

00:08:10:12 - 00:08:32:27

Sorry. I'm so sorry. Graham Valley, East Riding of Yorkshire Council. I was just waiting to see if anybody else wanted to speak first. If it helps, it's quite simple. It's about three sentences long. We briefly discussed this with our public protection officer as well on Monday of this week. Um, who deals with, uh, vibration. Uh, if I can just read that out, it might just it might help. Um.

00:08:32:29 - 00:08:33:17

Yes, please.

00:08:33:19 - 00:09:11:16

Yeah. Or it might just be too simplistic, but I read it anyway. He says, as you will be aware, my remit on this project is for noise and vibration in terms of residential Presidential immunity. There are certain British standards that relate to vibrations, such as BBS 5228 2014 particle vibration. There is no specific mention of archaeological assets in this document, but there is reference to to underground services. When we received the reports of noise and vibration, we agreed with the applicants that due to the low potential impacts of vibration from this project, that specific and more detailed assessments of vibration could be scoped out.

00:09:12:07 - 00:09:34:20

It is acknowledged that any impacts of vibration is dependent on a case by case basis, but I feel that the use of horizontal directional drilling systems minimizes the potential impacts of vibration and is likely minimized also as a result of the soil types to be encountered. I feel that any impact on the archaeological assets is minimal, is minimal, and I hope that this assists.

00:09:41:28 - 00:09:43:03

Thank you, Mr. Barley.

00:09:44:21 - 00:09:45:12

Um,

00:09:47:10 - 00:10:24:28

so I that was what I had on that first element of the agenda. So I'll move on to item 4.2.2, um, which is recommendations of the phase two archaeological evaluation trenching report with references for 089 and report 90. Um at uh EQC to the Examining Authority, asked East Riding of Yorkshire Council if the recommendations contained in section ten of the submitted phase two Archaeological Evaluation Trenching report with reference rep for 089 should be included in the Outline Onshore written Scheme of investigation.

00:10:25:25 - 00:10:41:19

In response, Humber Archaeology Partnership, on behalf of East Riding of Yorkshire Council and a rep 5044, so that the measures in section ten should be included, but the applicants in rep 5036 stated that they should not be because they are provisional recommendations.

00:10:43:06 - 00:11:23:02

So firstly a question for the applicants and Humber Archaeology. Humber Archaeology Partnership recognises the provisional nature of the recommendations, but suggests that in particular, mitigation measures through micro siting or engineering solutions or archaeological mitigation works to ensure

preservation of high significance remains should be considered. That key sites highlighted in paragraph ten .1.2 need to be given specific consideration, given their potential archaeological significance, and recommendations regarding the artifactual and archaeological botanical assemblages should be incorporated in the outline onshore scheme of written investigation.

00:11:24:00 - 00:11:34:14

Please could the applicants explain why these recommendations should not be included in the outline scheme of investigation, with an explanation that they could be subject to change following detailed design?

00:11:36:13 - 00:11:39:09

Um John Rabbitt for the applicant.

00:11:40:29 - 00:12:19:05

Effectively, the outline written scheme investigation sets out the process. It doesn't set out detailed recommendations. What it does is it sets out how we will investigate the site and how we will take the results and recommendations, those investigations and put those into a scheme of mitigation. So to start taking detailed recommendations from one document or from one part of that investigation, and to put them in the outline, WSI is both premature and contrary to the purpose of that of that document.

00:12:20:05 - 00:13:06:14

What we're proposing instead is absolutely, we will be taking those recommendations into account and implementing them through the site specific written schemes investigation. But those sites, specifically those site specific written scheme investigation will be much more appropriate places to. Capture that detail and to make sure that those recommendations are put forward in the light, both of detailed design and any sort of further information that comes through, either from other investigations elsewhere on the cable route or comes through from the initial assessment analysis of those of those remains during this evaluation reporting process.

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Um, we did discuss this with um, regulatory partnership earlier this week, and I think I wouldn't want to speak for them, but I think there was a broad agreement that that was the most appropriate approach.

00:13:22:08 - 00:13:25:14

I think that would be an appropriate point in which to to bring them in.

00:13:27:06 - 00:13:48:15

I, uh, James Goodyear, uh, East Riding of Yorkshire Council. Yeah. We did discuss this, uh, earlier this week And, uh, the applicants explained the reasons behind why they wanted to not include the site specific mitigations at this time. And we were, uh, more than happy, uh, with their reasons for this.

00:13:52:11 - 00:13:53:04

Thank you.

00:13:55:00 - 00:14:19:08

Um, can I, uh, just a point of clarification from the applicants. Uh, can you confirm that the latest version of the outline onshore written scheme of investigation, with a reference rep for um, zero for eight reflects the wording, which was agreed with Humber Archaeology Partnership. Um, at the meeting on the reference on the 14th of April 2025 between the relevant parties regarding the use of protocol for archaeological discoveries.

00:14:21:28 - 00:14:22:13

Um.

00:14:24:03 - 00:14:35:02

I believe it does. Yes. It was, it was a it was a just it was edited following those initial comments about the protocols for archaeological discoveries? Yes.

00:14:42:20 - 00:14:43:10

Thank you.

00:14:48:05 - 00:15:24:28

Moving on to item 4.2.3. Um, hydrological effects on items of archaeological importance inside and outside of the order limits. In response to EXC two H 2.7 archaeology Humber Archaeology Partnership on behalf of East Riding of Yorkshire Council, State and direct 5044, that they do not consider that the draft DCO and supporting documents provide enough information to allow adequate assessment of whether changes to hydrology would have an impact on archaeological and or geo archaeological remains inside and outside of the order limits.

00:15:26:09 - 00:15:46:13

A more archaeology archaeology partnership suggests that a desk based geo Archaeological exercise should be undertaken and submitted into the examination. Can I just ask, has Humber Archaeology Partnership, um, reviewed the applicant's response to this question and direct 5036 and if so, what are their thoughts on this information please?

00:15:47:24 - 00:16:19:21

James Goodyear uh is rather than Yorkshire Council, uh, due to a change in the office of dealing with, uh, this. We were not aware that the geo ecological assessment had been undertaken. So when we responded to this question, we outlined what we would expect to be undertaken to assess this. And following our meeting with the applicants earlier this week, we were informed and provided with all the information to demonstrate that they had considered all this.

00:16:20:00 - 00:16:33:07

And again, we were happy with that. This had been discussed and it and it had been discussed with the previous officer dealing with the application for partnership and they raise no concerns over this.

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So you've got no further concerns in in regards to hydrogeological effects on, um, items of archaeological and archaeological potential?

00:16:45:10 - 00:16:46:12

No, no, we don't know.

00:16:46:24 - 00:16:47:28

Okay. Thank you.

00:16:51:22 - 00:17:12:11

Just from, um, a point of understanding for me. Can can the applicant clarify how would any future archaeological survey investigation work captured by the outline on your written scheme of investigation protect items of archaeology and geo archaeology, um, outside of the order limits from any hydrological effects.

00:17:13:19 - 00:17:22:13

Um, John Rabbit for the applicant. Um, that mitigation would be I,

00:17:24:00 - 00:17:33:00

I think the first one is that the evidence we have from the geo political desk based assessment is there would be no such effects.

00:17:34:24 - 00:18:06:15

The second one is that there is a an overall drainage plan. That would effectively mean that any hydrological network across the site would remain sort of outwith the old limits, would remain unaffected or unaffected to the point where it would not affect, and there would not be any potential for it to affect such waterlogged deposits outside the study area, even if such existed. Um.

00:18:08:27 - 00:18:17:00

So I have a colleague who is probably better placed to speak to the drainage strategy than than I am.

00:18:19:17 - 00:18:52:29

Lauren Thompson for the applicant. Um, just building on what John's just explained. We have the, um, the operational drainage strategy, which is um managed by DCO requirement 16, which effectively um, manages the sort of future operational drainage, ensuring that um, that the drainage remains within the Red line boundary and it's um, uh, there's no permanent operational effects, drainage. And then in the um, temporary construction phase, we have the Outline Code of Construction Practice, which contains a surface water management plan.

00:18:53:01 - 00:19:18:19

And that's managed to DCO requirement 19. And that effectively manages the construction phase, um, surface water to ensure that um, the drainage stays within the red line boundary and there aren't any um, yeah, impacts outside of the water limits. So, um, we don't consider there will be any sort of. Yeah, impacts outside of the red line boundary associated with construction or operation of drainage.

00:19:34:09 - 00:19:48:27

Is there? Um. Would there be any potential for the operational drainage, uh, to drain the land outside of the oil limits more effectively than it is currently, therefore reducing the groundwater levels?

00:20:04:07 - 00:20:05:29

Um, Rosemary Tingle for the applicant.

00:20:06:01 - 00:20:40:11

Um, I'd just like to draw your attention to, um, our response because it's disgusting. Quite a lot of detail that is in relation to Mr. Tandy's comments. So I think if you want to have a look at action point number 13 response, um, and appendix B and C of that document, that will provide a lot of detail on land drainage and surface water management plan. And I think fundamentally, the land drainage design is designed to try and mimic and keep things as much as is. So to try and return it to the way that it was drained previously. So it will provide, um, it, it will kind of divert the existing land drainage and then maintain it as it is.

00:20:40:13 - 00:20:47:05

So it won't cause any reduction or increase. It should maintain what's already present. Once it's installed and operational.

00:21:15:08 - 00:21:52:15

Okay. Thank you. Um, I think the only, the only slight concern that I still had was that we've received an additional submission from the Woodland Trust on the 3rd of June, and they they raised concern regarding a lack of consideration for potential hydrological and hydrogeological impacts on the ancient woodland. Um, and obviously that extends to, uh, potentially to Burton Bushes, triple C and there's also this, um, this potential in terms of, um, hydrological effects on items of archaeological importance, which we're not is not being monitored at the moment.

00:21:53:01 - 00:22:13:06

Um, I appreciate that. Not necessarily. You've got your, um, landscape officers on hand, but there seems to be a collective concern regarding the potential for hydrological effects on various matters which which has been raised. What comments would you have in regards to these and the submission we've received from the Woodland Trust?

00:22:15:06 - 00:22:15:21

Um.

00:22:16:20 - 00:22:17:05

Some of.

00:22:17:07 - 00:22:18:26

The applicants, we have.

00:22:18:28 - 00:22:20:25

Already responded, um, with.

00:22:20:27 - 00:22:23:25

Regard to um, on the birth.

00:22:23:27 - 00:22:24:24

And Bush's issue, just.

00:22:24:26 - 00:22:27:03

To confirm that there is no hydrogeological.

00:22:27:05 - 00:22:30:13

Connectivity with the birds and bushes from the order limits. Um.

00:22:31:28 - 00:22:33:01

I will pass over to my.

00:22:33:03 - 00:22:34:06

Colleague, um, John.

00:22:34:08 - 00:22:36:13

Who wanted to, to jump.

00:22:36:15 - 00:22:39:07

In on on the.

00:22:40:19 - 00:22:41:08

Bushes.

00:22:43:09 - 00:22:44:09

Anything else to add?

00:22:45:10 - 00:22:45:25

Um.

00:22:46:03 - 00:23:21:14

John Rabbit for the applicant. Um, obviously I can't speak to ancient woodland birds and bushes. Um, in terms of the archaeology, the the key point is, as you've just heard, that there is no hydrological connectivity between bird and bushes and the site. And the other one is that the site type referenced in the scheduled monument is not one that's associated with wetland. It's a site type that is characteristic of dry or dry clay soils.

00:23:22:02 - 00:23:22:17

So

00:23:24:00 - 00:23:30:21

therefore we don't have any indication that there is any waterlogging there.

00:23:38:09 - 00:23:54:02

Okay. Thank you for your responses. Um, I'll now move on to the next agenda item that I've got. So that's item 4.2.4. And that's the proposed access road for the converter station adjacent to the anti-aircraft gun site. Scheduled monument nearby to Bert Farm.

00:23:55:21 - 00:24:02:16

Can the applicant tell me if there's going to be any lighting proposed? Um, along the access road, which would serve the converter stations?

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Lauren Thompson.

00:24:05:18 - 00:24:06:03

For the.

00:24:06:05 - 00:24:06:20

Applicant.

00:24:06:22 - 00:24:07:28

Um, no. The access road.

00:24:08:00 - 00:24:13:08

Will not be lit. There will be, um, some lighting at the entrance, but, um.

00:24:13:20 - 00:24:14:26

But that's the only lighting.

00:24:14:28 - 00:24:16:03

On the access track.

00:24:18:19 - 00:24:50:21

Would you be prepared to commit to that, for example, in the design and access statement? I think at the moment, the way that there is wording in there, um, is that there's talk about a dark corridor buffer along the access route, but then um, uh, paragraph 168 also refers to key routes which would need lighting. So there could potentially be a bit of conflict there. And I just wondered if that would be possible to commit to no lighting along the access routes, um, within that document. Lauren Thompson for the applicant.

00:24:50:23 - 00:24:51:09

Um, yes.

00:24:51:11 - 00:25:03:16

We could commit to that. Obviously, I've mentioned the security lighting at the entrance of the access track, but, um, we can update, um, the project description and the design and access data to confirm that the access track will not be lit.

00:25:04:08 - 00:25:13:24

Yeah, I'll take that as an action point then to the design and access statement. Um, to commit to no lighting along the access route other rather than security lighting at the end.

00:25:16:12 - 00:25:34:18

East Riding of Yorkshire Council in 5044 to potential detrimental effects from signage or other paraphernalia along the access road, which could affect the significance of the nearby scheduled monument. Can the applicants explain? Would there likely be any, any signage or other paraphernalia along the access road?

00:25:37:12 - 00:25:44:03

For some of the applicants? Yes, we can confirm that won't be the need for any signage permanently along the access track.

00:25:48:20 - 00:25:54:02

You probably know my next question. Would you be able to commit to that within the design and access statement?

00:25:57:12 - 00:26:05:02

From the applicant? Yes, we could commit to that. We will update the design and access statement.

00:26:05:18 - 00:26:09:22

At deadline seven. Red line seven. Okay.

00:26:12:02 - 00:26:29:24

I think a commitment towards limiting any visual clutter along the proposed access road would be helpful in this instance. Um, obviously that includes signage. I'm not sure what else it might incorporate, but certainly, um, any of the potential items which could be located along the access road should be limited.

00:26:32:11 - 00:27:01:28

There are some applicants. Um, yes. If we sort of include a statement about, um, minimizing visual clutter and no signage and no limiting that we can wrap it all up in one update. Thank you. That'd be helpful. Um, and just going back to East Riding of Yorkshire Council, um, would they be able to confirm that this is, uh, alleviated any potential concerns regarding the effects from the access road identified in response to exc uh HE2 point one, which I've just identified.

00:27:07:22 - 00:27:12:09

Print revenue for Yorkshire Council. Apologies. Is that is this a question towards ourselves?

00:27:13:11 - 00:27:30:29

Yes. I was just asking if I was asking if the applicant's response is either committing to no lighting, no visual or minimising visual clutter as much as possible along the access road alleviates the concerns which were identified in response to Q2 H 2.12.

00:27:31:24 - 00:27:45:23

Yes, I discussed it with our, um, heritage manager earlier this week because he wasn't available today, and he confirmed that with no lighting and no signage, then we agree it's, uh, can be looked at as less less, less substantial.

00:28:00:24 - 00:28:34:18

Given that East Riding of Yorkshire Council and a rep 5044 and Historic England under 5048 identified the potential for the access road and its landscaping to create a sense of enclosure. Could I ask for both the applicants and the East Riding of Yorkshire Council's thoughts on whether there would be any benefit of not enclosing the access road by hedgerow? Would, for example, a lower level post and rail fence have less effect on the nearby, less detrimental effect on the nearby scheduled monument? Um, I will ask.

00:28:34:20 - 00:28:43:28

I think I'll ask the applicants to start with, um, and then if Mr. Barley, if you're unable to answer that one or want to take it away as an action point, you certainly can do.

00:28:50:11 - 00:29:18:23

Something for the applicant. Um, I would need to confer with a colleague. Obviously, the the sort of landscape outline landscape management plan has been developed to include the, um, hedgerow along the access track and, um, obviously it's still covered by the detailed design and the sign off of the landscape management plan, but I would just, um, could I just confirm with the colleague as to sort of the requirement for, for the hedgerow long access track briefly.

00:29:34:28 - 00:30:12:03

And Lauren Thompson for the applicant, um, the sort of the development of the outline landscape management plan and the, the hedgerow on the access track has been developed in consultation with um, um, the landscape um section of East Riding Yorkshire Council. So I think it's something that we would need to take away and discuss with multiple stakeholders if we were going to consider removal, because it had been sort of developed, um, with the hedgerow there, um, at the request of East Riding Landscape visual team. Um, however, yeah, just noting it is all still governed by the the detailed sign off of the landscape management plan.

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And.

00:30:16:11 - 00:30:43:04

Okay. Thank you. Perhaps if I note that down as an action point for you to consider the whether that would have whether, for example, having um, not having a hedgerow there and for example, having a post and rail fence would result in less potential for less enclosure, which, um, Historic England and East Riding of Yorkshire Council have identified as potentially um, affecting the the setting of the scheduled monument. I'll just take that away for you to consider. Um, Mr. Bailey, did you have any comments on that?

00:30:46:12 - 00:31:02:12

Valley East Riding of Yorkshire Council? No, I agree, it's something which our landscape consultant has been very, very closely involved in. Um, so I wouldn't like to try and make comments without his, uh, his thoughts on that as well. So it's something that we can take away and discuss with the applicant.

00:31:02:25 - 00:31:33:19

Yeah. Thank you I appreciate that. And I think the applicants had their hand up, but I've put it back down again. Did you want to raise anything else? And Lauren Thompson for the applicant. It was just to note that actually in Historic England's response on this topic, they'd also raised a point about, um, the, the hedgerow, um, being potentially deciduous and seeing vehicles, you know, during the winter time. So there's that element of the hedgerow as well. Um, it was raised in Historic England's response.

00:31:33:21 - 00:31:41:25

So I just want to say that. But we can take away and and sort of consider the hedgerow, um, with the different stakeholders. Thank you.

00:31:43:29 - 00:32:23:19

And I've got a point of clarification for East Riding of Yorkshire Council. Um, for Mr. Barley previously you previously clarified it is for that you consider that the proposed development would have less and substantial harm at the higher end of the scale on the scheduled monument nearby to farm, and that the substantial harm previously reported in the Local Impact report was an error at deadline five. In your summary of all representations from I, for you, state in rep 5043 on page eight that this matter um, regarding this matter that earlier comments were reported incorrectly and this has always been considered as substantial harm.

00:32:24:01 - 00:32:32:06

Could you just confirm if this is an error at deadline five? And if so, um, could I ask for it to be updated?

00:32:33:15 - 00:32:39:14

Green Valley, East Riding of Yorkshire Council yes, it's already been updated. It should say less than substantial home.

00:32:39:25 - 00:32:41:00

Okay. Thank you.

00:32:45:01 - 00:33:14:20

And, um, my final point on, um, uh, the historic environment. So, um, in historic England, response to EXC 2H2 point uh 15. It stated that there would be attending a meeting with the applicant's agents and local curators on the 22nd of May to discuss the public outreach and community engagement strategy set up by the applicants in appendix three of the Outline on Britain's Scheme of Investigation. Can the applicant provide an update on this, please?

00:33:17:24 - 00:33:49:19

Thompson for the applicant? Yes, we did attend Historic England's Cross Project forum on the 22nd of May, and it was a really productive meeting with a number of events in the East Riding area. We discussed what could be achieved and the terms of reference for the group going forward, and it was agreed it would be a really useful knowledge sharing, um, information sharing group where we could see best practice and essentially collaborate and complement each other's public engagement proposals.

00:33:49:21 - 00:33:56:06

So, um, yes, we'll be attending the forum going forwards. And, um, it was very productive.

00:34:00:11 - 00:34:13:03

Okay. Thank you. Um, that's all I had for, um, item 4.2 of the agenda. So thank you for everybody for their, uh, inputs. I will now hand, uh, back to Mr. Tandy.

00:34:18:18 - 00:34:30:07

Thank you. We'll move on to item 4.1.2, which is a loss of agricultural land. And I'll just give you a moment to reshuffle seats again.

00:35:07:00 - 00:35:14:16

Okay. Would the applicant just like to introduce anyone new to the front table? And if there's anyone else online as well?

00:35:17:26 - 00:35:21:13

Uh, Natalie Dooley, on behalf of the applicants onshore consents.

00:35:25:28 - 00:35:33:10

And we did we do have doctor Bill Crookston Library, who has previously introduced himself that started this item previously.

00:35:34:26 - 00:35:47:12

Okay. Brilliant. Thank you. And I believe Mr. Julian intends to speak to this item as well. Is there anyone else who intends to speak?

00:35:52:10 - 00:35:53:14

Mr. Stones.

00:35:55:18 - 00:36:00:10

Yes, sir. If possible, I would like to reserve the right to speak, if appropriate. Thank you.

00:36:08:22 - 00:36:31:07

Okay. Firstly, I understand Mr. Julian has submitted information late yesterday to the examiner authority. Examiner authority has not had an opportunity to review this information, nor make a decision whether to accept it into the examination. In the interest of fairness. Mr.. Julian, let's explain that submission now.

00:36:37:09 - 00:37:14:16

Yeah. Thank you, sir. And, Tom Julian, on behalf of jail White and Southern Tenant Farm. Um, I apologize for the lightness of the, um, provision of the information. I overlooked the request following the last issue specific hearing. Um. Basically, I submitted a plan yesterday when I was reviewing the agenda for today's hearing, um, which just identifies the, um, severed agricultural land that's going to be permanently severed on farm as a consequence of the well, specifically the access track, um, that will serve the converter station.

00:37:14:22 - 00:37:56:12

Um, the point really is that there just needs to be some sensible thought going in. I mean, I'm using the draft, um, landscape plan as an assumed layout, although the, the rights, um, that are provided for within the option that's being discussed under voluntary terms would give some, um, lateral movement in the alignment for the access, but there just needs to be some sensible planning as to where that access falls because its current alignment would, Wood, um, where it crosses three arable fields, um, that are sort of give or take ten hectares each, um, sort of 25 acres.

00:37:56:25 - 00:38:33:18

The alignment of the access road will, in each field sever an area that is about between 0.3 of a hectare in one field and up to 0.5 of a hectare in another, or in the largest one, um, and those seven areas. I mean, I'm estimating an offer plan that's at once or 6000, but they're about 25m wide. Um, so they're not practical areas that can actually be farmed. Um, even though they're identified as being, um, handed back or returned to agricultural production, they're not practical.

00:38:33:20 - 00:38:53:09

So I think the the point is that the alignment of the access, um, should be as much as possible, um, run alongside existing field boundaries so that it doesn't create those severed or impractical areas. Um, permanently.

00:38:56:22 - 00:39:03:27

Thank you, Mr. Julian. The applicants like to respond and the points raised.

00:39:33:03 - 00:39:40:00

Um, I think ideally, we'd like to see the see the submission and the plan before we respond on that, if that's okay.

00:39:44:24 - 00:40:00:23

We have to potentially have an opportunity. If you were willing, um, we could ask Mr. Julien, perhaps to put that plan on screen, albeit it hasn't formally been accepted into the examination. But there's an option to do that if you're in agreement.

00:40:12:10 - 00:40:15:21

Uh, if you give me two seconds, I should be able to do that.

00:40:16:24 - 00:40:21:12

Just don't share it yet, Mr. Julien. That's fine, thank you.

00:40:40:03 - 00:41:04:14

So we don't we don't feel comfortable responding on the hoof. To be honest, um, the the reality is that we will have been mindful of this issue when we drew the red line and we and we considered the route, we would have been balancing a range of considerations. In doing so, we are obviously mindful that,

00:41:06:03 - 00:41:44:22

um, the we're mindful of the, the, uh, the core point that Mr. Stones is raising, namely that, you know, there can be a situation where the remaining land in a field is, is earmarked for purposes, um, unusable. Uh, and that's a that's an established concept. But I think that, um, the most appropriate cause is, is for us to see this plan when it sort of lands officially And for us to continue an appropriate dialogue.

00:41:44:25 - 00:41:50:19

Correct. Rather than, um, trying to address it this afternoon.

00:41:56:06 - 00:41:58:03

I note your, um.

00:42:01:00 - 00:42:39:09

Point there and yeah, no, we we, uh, won't have the plan shared on the screen today. Uh, and we will sort of separately, after this hearing, consider the information that's been submitted and whether it's going to be accepted. The discretion. Uh, I think the point Mr. Julian has raised is something which has been raised in previous, uh, hearings in excuse as well, around the land which is marked for being returned for agricultural use and perhaps the shape or size and how useful, um, or reasonable it is for that to be farmed.

00:42:40:22 - 00:42:55:03

So I think where the evidence exists, it would be sensible for an action point, um, to have a response on the at least the verbal representation that we've received this afternoon.

00:42:58:22 - 00:43:03:18

Mr. stones, I see your hand has now gone down. Is there anything you wanted to add?

00:43:09:05 - 00:43:10:09

I think you said it was just.

00:43:10:11 - 00:43:10:27

To correct.

00:43:10:29 - 00:43:21:01

The record. I think Mr. Boswell made reference to me and submitting the plan and not Mr. Julian. It's Mr. Julian making the representation. Thank you.

00:43:24:27 - 00:43:26:06

Thank you for the clarity.

00:43:30:22 - 00:43:32:04

Okay. I shall move on.

00:43:34:13 - 00:43:37:03

To the examining authority's authorities questions.

00:43:42:01 - 00:44:00:01

Updated Environmental Statement chapter 21, which is Rec five O 23 identifies major adverse effects and those are residual on agricultural land during construction and operation phases from the proposed development.

00:44:01:17 - 00:44:02:02

During.

00:44:02:04 - 00:44:21:05

The construction phase. This includes land identified as ALC one, two and three a so that's um, so the most versatile land. And in response to EXC 250 36 the applicant's explained this land could be affected up to six years.

00:44:25:16 - 00:45:00:13

Given this is a residual, uh, adverse effect. So like to explore that, uh, what mitigation options have been Being considered. So to help reduce the effect, would the applicants consider a commitment to restoring and returning those higher? ALC Lancer one, two and three A within the shorter two year period, which is committed to um for other sections of land. And if not, please explain why this is not reasonable or necessary.

00:45:12:22 - 00:45:13:19

Uh, Rosemary Tingle.

00:45:13:21 - 00:45:14:06

The.

00:45:14:08 - 00:45:19:03

Applicant. Um, presently, the areas that we have identified as being, um.

00:45:19:05 - 00:45:52:05

Potentially required for up to six years are unknown. Um, we, based on their mainly related to the jointing bays and the access roads and the rates that might need to replace longer. And this is all to do with the two projects being installed sequentially. So in absolute worst case, they might not be installed together so effectively. We haven't agreed our procurement link to the key. So the length of cable that we procure determines how wide or how far apart the jointing bays are. So in our project description, we said they could be anywhere from 750m to 1500m.

00:45:52:07 - 00:46:30:05

So that means there could be, you know, a range of different numbers of those. So we've got we've assessed the worst case assuming the maximum length, but so we're not sure exactly where they would be at this point. So it would be difficult for us to commit to avoiding the BMV land, which might then, um, implement our procurement strategy and end up with an installation methodology that was quite inefficient. I don't know if my colleague had anything more to that, but essentially the design isn't fixed to a point where we could make that commitment at this point. And the reason that

we don't know whether the whole roads are going to be yet is because it depends on where those eventual jointing bays end up and how close they are to existing access.

00:46:30:09 - 00:46:35:02

So there's some uncertainty around that, which makes it difficult to make that commitment. That helps.

00:46:35:27 - 00:46:48:21

Is there an opportunity to give a commitment for within the final design to prioritize those areas of land for being returned sooner?

00:46:55:20 - 00:47:01:01

Take it away to consider as an action point, if that's okay. We just need a bit more internal discussion, but we can consider.

00:47:03:06 - 00:47:15:19

Okay, I think I can say because it's a residual major adverse effect, we want to be really certain and explore that all options have really been considered, um, in terms of this receptor.

00:47:18:15 - 00:47:49:11

Mitigation. I think it be worth pointing out that we have applied the mitigation hierarchy in terms of trying to seek to avoid, but that being quite a difficult thing to do given the national grid point that we were provided with. And then the obviously the landfall locations were quite consistent. There weren't really any areas that we could seek to completely avoid BMV. We have tried to avoid where we can. We also have taken steps. We did at one point have a 100 metre wide corridor that was reduced to 75 meter corridor following statutory consultation and our selection of HVDC technology.

00:47:49:19 - 00:48:20:29

We also chose to develop both projects simultaneously, which at one point we were looking at not having shared or accesses. So by making the commitment to install both ducts at the same time and share those, we have tried to reduce our footprint as much as possible. And then I think the other key point that I spoke about last time was this commitment to reinstate between drinking bays, which I appreciate. I don't know exactly where they'll be. It was a big commitment for us, which does mean we will be seeking to reinstate the majority of our land, which has been slightly changed to 84.2% returned within two years.

00:48:21:01 - 00:48:24:06

So the majority still we are still seeking to return them to.

00:48:27:26 - 00:48:34:20

So is that percentage 94%? Did you say I couldn't quite hear you? 84.2 84.

00:48:36:10 - 00:48:37:28

Yes, approximately 84.

00:48:42:15 - 00:48:46:09

Yes. I mean, as you'll be aware, there's been, um,

00:48:47:28 - 00:49:01:01

some excuse around this and exactly what is secured and where that is secured, um, which will be taken into consideration as part of our recommendation.

00:49:02:28 - 00:49:39:21

Just further thinking about what what other mitigation may be possible to help reduce the temporary loss of all agricultural land? Again, reflecting that this is a residual major adverse effect. Would the applicants consider removing the option to sequentially construct the proposed DBS East and West projects onshore, i.e. only isolation or concurrent. For example, this would appear to reduce the impact by a third in terms of how long those impacts would be felt.

00:49:46:16 - 00:50:18:03

For the applicant. This would restrict our flexibility and our and our option to procure a contractor that has the best in solution. And also we've got two projects. There may be a solution. There may be a point where one project has to be delayed or brought forward ahead of the other. So it is difficult for us to make that commitment at this point, which is why we call it as a worst case. I think we've tried to stress about six years is a worst case in terms of that sequential scenario, and we will try and reinstate within two years wherever we can. And I think fundamentally, although we have now identified it as a major adverse effect, it is still a temporary one.

00:50:18:05 - 00:50:38:13

We will be constructing the majority within two years. Um, and I think that that needs to be considered in relation to planning balance and the significant benefits that the project brings in relation to the temporary impacts that will result in the restoration of land so that it can be farmed. But, you know, the majority, 80, 84% will be returned within two years.

00:50:41:14 - 00:50:48:16

Yeah, I think as we've previously raised part of excuse and in, um, this specific hearing for.

00:50:50:25 - 00:51:23:08

The commitment to restoring within that two years and how and how that is secured is something that we've explored. And as to whether actually the draft consent order and the certified and everything else that comes with it, whether that's actually what it would be achieved. Um, we've seen the responses and we'll, we'll need to take that into consideration. But hence I think today is looking to explore what other options there are and the justification for not doing that.

00:51:24:04 - 00:51:39:10

Um, so just to clarify your position on the sequential construction, that is to provide sufficient flexibility and opportunity, uh, in terms of procurement of a contractor.

00:51:58:07 - 00:52:24:09

A great meeting for the applicant. I think it's the the offshore elements that may not be possible to deliver, um, concurrently. And that's where we might need to come back and do that second, second pull of the cables. And I think it's important to note that we have made that commitment to develop,

put those ducks in specifically so that we can come back and do the capable. But it does obviously result in a in a small area where we just, you know, we can't confirm that, that we'd be reinstated at the same time as the ducks are installed.

00:52:27:14 - 00:52:49:21

Yeah. So is there a way that that can be better, um, secured and committed to that? The onshore SEC will would be in that shorter time frame, quite explicitly, that it's only the pulling of the second offshore project of the cables. Is there a way that could be

00:52:51:12 - 00:52:53:23

secured or committed to I mean.

00:52:56:06 - 00:53:28:11

Raise meeting over there. And that exact wording is committed to you in the code construction practice. Just to clarify, the land that's occupied for more than two years is all related to that cable pool. So we will have done the majority of the, um, earthworks. I think that's the right word. So all of the, you know, we'll have dug the trenches, we'll strip the topsoil and subsoil, we've dug the trenches, will have installed, the ducks will have. You would have reinstated everything the remaining relates to sort of small compounds will have even sunk the jointing base of the first project and pull the cables and connect to them.

00:53:28:13 - 00:53:58:22

What happens with the second project is the second contractor comes along, potentially sinks a new, um, uh, jointing bay and then does the pulling all in one. So the only the only remaining work that 72 hectares is all related to that second project coming and doing the cable and the whole sort of commitment of laying the ducks is related to that. So we've included that word in, in sort of practice, but if it's still not completely clear that that's that process, that second cable full process is sort of the reason for that. You know, that wording isn't there.

00:53:58:24 - 00:53:59:28

You know, let us know.

00:54:01:03 - 00:54:33:05

I think just I just sorry, just to add to that as well. Um, you know, obviously these are two separate projects. The applicants have have brought them together in one application. You need to to follow the government agenda in terms of minimising impacts and to try and minimize the environmental impacts. And if they were being put forward separately, then you know that six years is likely to be extended to something like eight years. Um, so in bringing the projects together in that way, that's already a form of, you know, avoidance and reduction of impacts.

00:54:33:26 - 00:55:07:11

Um, and in terms of retaining the flexibility to bring the projects forward sequentially, I think that's a really important point because we don't want to, you know, delay one project if another project is held up for some reason. We need to retain flexibility. And I think that's very much in the spirit of the NPS and the government's proposals to try and bring forward, um, you know, to try and meet the 2030

targets and to bring forward the, the, um, renewable electricity, you know, 3 million homes with the two projects.

00:55:07:13 - 00:55:19:01

And, and that sort of needs to be weighed into the overall planning balance. Um, when we're looking at what is a temporary yes, it's moderate adverse, but it is a temporary impact.

00:55:23:04 - 00:55:51:11

Yeah. I'm aware what we'll need to consider in terms of the planning balance. This is a major adverse, um, effect which we are referring to here, both in construction and in operation. Uh, hence why I am so keen to look at the mitigation here and what is being pursued. And of course, yes, just reflecting back on what was mentioned around what's in the code of construction, uh, practice.

00:55:52:29 - 00:56:27:18

Uh, yes. I think that does make it clear that it's about the best endeavors. Um, but I think it is the best endeavors. I don't believe that it is secure that that land will be returned within two years and therefore, um, that the examining authority has to consider what the Authorized development may include if it were to make that recommendation. And that would be for up to six years. Of course, in the worst case scenario. So unless you're going to inform you of anything different.

00:56:32:05 - 00:57:04:05

And we think of the applicant, it is our we do strongly. We are saying that we will we are committing to us reinstating between those two dates. We are not trying to be the only situation where we and this. I want to stress this would be the exception rather than the norm would be in relation to soil management. If there was some major issue with the short section where we, you know, we were getting to our two year period, the only point to return would be when the stores are waterlogged and it will cause more damage. Then we may not be able to do it, but that would be the only situation.

00:57:04:07 - 00:57:27:04

We want that to be. The exception, not the norm, would have to be agreed with the landowner and East Riding and we can't, you know, we feel it is committed and it is secure through the wording in the cockpit. And, and the only slight adjustment is that wording relates to the soil management, because we don't want to damage the soil unnecessarily. If there is a if there is an exception.

00:57:29:17 - 00:57:45:07

So just to be clear then, is there anything that prevents, um, the land being held for six years or not returned to agricultural use for six years in the draft DCO.

00:58:42:14 - 00:58:43:05

I think

00:58:45:00 - 00:58:53:12

considering I've got, we've got more, uh, items to go through on the agenda. It's not something you can answer immediately. Perhaps we need an actual point, but.

00:58:55:14 - 00:59:14:26

I think the point. The reason I'm asking this is because it's my understanding that there isn't currently anything in the draft this year that prevents among the all of the land within the order limits and being held for six years. But if you could signpost where that isn't the case, that would be useful.

00:59:17:06 - 00:59:47:19

I'm sorry, Rosemary Tingle for the applicant. And it is in our response to action point number 46 from issue two. And although I'll just go over that one quickly and you can tell me whether this satisfies the requirement 25 the draft DCO, which states the land is to be reinstated to its former condition. Such condition is the relevant planning authority may approve as soon as reasonably practicable, and in the event, within 12 months of any completion of any relevant phase of the ordinary works. So essentially we've also assessed a six year programme that that's what we are proposing up to six years.

00:59:47:21 - 01:00:18:07

That's on design. And then there's also article 29 three of the draft DCO, which states the undertaker must not remain in possession of any land subject to temporary possession for longer than is reasonably necessary and in any event, without the agreement of the landowner. So obviously, we've got that 84% that will be returned within two years, which is, you know, is committed to under the COC. So most of the group will be returned within two years. If you were to apply the 12 months of the requirement 23, that would be within three years. And so the majority of the group will be there.

01:00:18:23 - 01:00:26:15

Obviously there's the six year, there's the remaining that would be in place for longer than two years, but that would be covered under I think it would be covered under requirement 25.

01:00:31:09 - 01:00:36:20

Yes, I'm aware of the previous responses to those, but if there's nothing else

01:00:38:06 - 01:00:47:17

you're able to signpost me to at this point. Um, I shall ask whether there's anyone else who would wish to make any remarks on this.

01:01:04:07 - 01:01:05:12

No. Okay.

01:01:08:14 - 01:01:31:05

Finally, before I move on, uh, to look at pre commencement wording within the draft echo. Uh, I'd just like to provide an opportunity with the applicants, like to submit any other mitigation for the residual major adverse effects. Or is your position that you believe all options have been considered? I think I know the answer, but.

01:01:50:14 - 01:01:58:24

Um, yes. I think, uh, just to sort of wrap up on on mitigation, I think my colleague Rosemary Tingle is just.

01:01:59:05 - 01:02:27:18

Yeah, I think really just to be single for the applicant. I think really just think about this in relation to the to the planning balance. And the Secretary of States need to consider the residual impacts in relation to the loss of land as part of the overall planning balance. It is obviously a it is a major adverse impact, but it is still temporary, but the majority within two years. And I think we really have to just consider that, you know, this scheme is there to save 183 million tonnes of CO2 and power 3 million homes. There will be some residual significant effects, but this one is a temporary one.

01:02:31:08 - 01:02:34:28

Okay. Thank you. Does anyone else like to comment on this?

01:02:41:27 - 01:02:42:14

No.

01:02:44:04 - 01:03:02:06

And I like to explore how pre commencement works have been defined in the draft development consent order. And the applicants responses on this matter in the SSC, which is rep five zero 36. The examiner is trying to understand if the wide extent and range of the pre commencement works is reasonable.

01:03:04:28 - 01:03:17:04

What is the applicant's understanding of pre commencement works relative to construction phase works? And you may wish to use examples to describe the differences between the two.

01:03:25:10 - 01:04:01:26

And present for the applicant in terms of pre commencement works. These are really works that would um happen to get the main works ready to start. So um, we're already undertaking things such as archaeological trial trenching and that, that, that kind of amount that work will continue and and involve some excavation, trial trenching and, um, pay the environmental boreholes. And then there will be further environmental surveys that will be non-intrusive like ecology, um, on foot. Um, and other than the GI surveys, um, which again we've been undertaking And we've been, um, kind of working with landowners to seek consent and access for those up to now.

01:04:02:07 - 01:04:33:20

And then there might also be some land clearance, which is another one of the requirements, but that would be vegetation clearance, which again has to be taking place at the right time of year. And there is a requirement in the code of construction, sorry, in the DCO, but that one specifically in terms of having a plan agreed with the East Riding of Yorkshire Council, um, we might need some temporary hardstanding or access, for example, for the GI or for the, um, an archaeological studies just so that we don't damage land, for example, which is pretty much standard practice to protect the ground.

01:04:34:03 - 01:04:44:03

Um, but they would all be undertaken to sort of facilitate staff works and get those survey information done. Um, does that help us start?

01:04:45:02 - 01:05:03:26

Yes, yes. Helpful. And do you do you believe based upon how you've just described your understanding of pre commencement works, do you think that is what's reflected in the draft development consent order in terms of how they've been defined.

01:05:05:28 - 01:05:08:18

Or is that more wider reaching.

01:05:11:28 - 01:05:17:09

For the applicant. Yes. We believe that that covers what we're what we're trying to seek in terms of pre commencement conditions.

01:05:22:11 - 01:05:48:03

They might I mean if you've got the draft development consent order in front of you, it might be useful to you to just refer to that. But it doesn't appear to the examiner authority. That's how these works have been defined. Limits them to only the works that you've just described. It would appear to be wider reaching than that. So if we can talk about an example,

01:05:49:26 - 01:06:00:05

we understand the draft echo would allow for the fencing of the order limits and access to land would be restricted. Why is this necessary?

01:06:07:10 - 01:06:43:17

We take over the applicant, and we do have a requirement in the draft that we have to agree. Any preliminary fencing plan with the East Riding of Yorkshire Council. In terms of like pre-construction works, it's likely that they'd be kind of transient in various places, for example, vegetation clearance or surveys. So there might be some areas that do require some fencing, but it wouldn't be envisage that we would fence the entire wood limits under the pre commencement conditions. And if we were seeking to do that, I think that would be part of the main works and is covered by a fencing plan. Um, so we wouldn't be allowed to just fence the whole works without agreeing with East Riding of Yorkshire Council under the pre commencement works.

01:06:45:06 - 01:07:07:09

That sounds sensible. Um, from what you've described. Could you. Is there a way that that could be secured then appropriately so that when that plan is submitted to be agreed with, or if that plan was submitted and agreed to the riding of Yorkshire Council, there was a framework or remit as to what that's able to include.

01:07:17:12 - 01:07:32:20

For example, in other instances for Recommencement works, there might be an outline plan that's been submitted that sets out, um, a framework or a performance of what's expected, but there isn't anything like that fencing

01:07:34:06 - 01:07:44:04

at the moment. I'm concerned that the Recommencement works would allow for the whole of the order limit to be fenced off.

01:07:45:23 - 01:08:15:24

And the applicant, um, I think you're correct, sir. And I'd have to double check. In terms of we don't have an outline fencing plan. Um, but the way that the requirement is drafted is that there's a separate requirement for any pre commencement fencing and a distinct plan that would need to be submitted for that fencing. And then there's the full requirement in terms of any fencing that would be then required for the main works.

01:08:16:04 - 01:08:20:06

Do we believe that it's sort of covered up by that in the in the drafting?

01:08:20:20 - 01:08:21:20

Yep. Great meeting.

01:08:21:22 - 01:08:22:07

Of.

01:08:22:09 - 01:08:38:00

The applicant. It's requirement 19 and it says which provides pre commencement screening and fencing works must only take place in accordance with the specific plan for such pre-commitment work which must have the relevant details on the screening and fencing security bond which must be agreed with relevant body.

01:08:39:04 - 01:08:53:16

Aware the requirements. But going back to the point of it, should this not be limited to perhaps where the pre commencement works are necessary and in line with how you described what pre commencement works. They include.

01:08:55:11 - 01:09:31:23

The applicant. I think the difficulty with that is that at this stage we can't say precisely where within the order limits is going to require fencing as part of pre commencement works. And so it's going to be very difficult to define that for the purposes of the drafting. I think the point of the requirement is that the relevant local authority has control over what fencing is brought forward in terms of the pre commencement works. Um, you know, if they weren't happy with what we were proposing and that that fit within our definition of pre commencement works, then they have the ability to, to prevent us from doing those works because they need to approve that plan.

01:09:32:12 - 01:09:41:10

Um, so that we submit that there are adequate controls in place to ensure that what we're proposing as part of the pre commencement fencing is appropriate.

01:09:56:04 - 01:09:58:05

Mr. Stone, do you have your hand raised?

01:09:59:28 - 01:10:15:09

I think he said it was just a question of clarity. At pre commencement, works could potentially involve pre commencement drainage along the order limits. With that then involve fencing off the order limits at that point.

01:10:24:15 - 01:10:37:09

You are correct Mr. Stone. It does include the drainage works um within that definition. The applicants like to respond on on the point raised by Mr. Stones.

01:10:38:18 - 01:11:05:03

And that is, I think, just a point of clarification, really, that any drainage works is part of the pre-commitment, works are only drained into works that are required as a result of any other pre commencement work. So it's not sort of drainage works for the scheme in, you know, in general, it's only if any of the other pre-commitment works required specific drainage themselves that that drainage would, would need to be installed at the point that pre commencement works being undertaken.

01:11:07:16 - 01:11:36:04

Okay. So we explored that a little further then um, a little bit outside of land use. But nevertheless other examples include the laying of hardstanding. So could the applicant advocate explain if the draft DCL dco allows for all temporary hardstanding to be laid during pre commencement, for example, perhaps the whole road and the temporary construction compounds? And if anything does allow for that. Why is that necessary.

01:11:40:28 - 01:12:08:11

For the applicant to install the full road and the land drainage as necessary. It would involve stripping the topsoil and subsoil, which would be part of the commencement of the work. After the works commenced, that would be part of the the main installation of trenches and ducts, so we don't envisage installing the full road as temporary structural capacity in part three commencement works. That would be um, that would be part of the proposed commenced work specifically.

01:12:08:24 - 01:12:19:08

Yes. But going back to the question, does the draft DCO allow for that Oriel to be installed in its format as it's drafted currently?

01:12:25:11 - 01:12:32:11

I'm sorry, Rosemary, but I believe it's a temporary access road but not temporary haul road, which there is a distinction between.

01:12:33:12 - 01:12:36:08

It says the creation of temporary hardstanding.

01:12:37:09 - 01:12:39:20

I think it's the access roads. Yes.

01:12:44:29 - 01:12:51:15

It's not envisaged that it would be all of the main temporary construction compounds that would involve topsoil and subsoil stripping, which would.

01:12:53:17 - 01:12:55:11

Begin the 2 to 6 year process.

01:12:56:01 - 01:13:31:27

I think if I was to sort of summarize where this is, there's a this, uh, responses are it's not envisaged or it's going to be best endeavours that this is not what's intended, but in terms of what's in the order and what that authorizes is a little different of best endeavours or what's envisaged. So I think the ask is, is there an opportunity here to better define and control so that the authority could have more certainty about what is being potentially or what would be authorized as part of the development?

01:13:34:00 - 01:13:49:00

Great meeting with that. But I think it's also important to note that we have described in detail how the temporary construction compounds would work in chapter five. And that's what we've assessed as our design and building that. Yes. So we have assessed these temporary construction compounds, topsoil and subsoil stripping associated with them. And

01:13:50:17 - 01:13:57:29

where they quite happen in the construction program is yet defined. You know, we have assessed all the all their construction and use.

01:14:02:09 - 01:14:04:15

Which would be restricted to the six year period.

01:14:07:17 - 01:14:08:06

Okay.

01:14:11:11 - 01:14:55:20

This previously pointed to the um, there is advice from government and some guidance on what is contained within a draft development consent order and how commencement and any permitted pre commencement works, um, would need to be considered by the examiner authority throughout the course of the examination application and with reference to the specific circumstances of the proposed works. And I think what we're looking for is, um, how pre-commitment works have been defined to be perhaps reconsidered and relooked at to perhaps alleviate some of the concerns that we're raising around how far reaching

01:14:57:14 - 01:14:58:14

they appear to be.

01:15:01:13 - 01:15:28:08

Purposes of this afternoon. I feel that we're you probably said what your position is, but would you like an action point to go away to look at that and then either provide some updated wording or to confirm your position and why you feel how pre-commitment works are defined, is necessary, and is going to be justified specific for this proposed development.

01:15:29:08 - 01:16:11:00

And general support for the applicant. I, I think we had hoped to have addressed that point previously when it was raised in a written question, but it sounds like we have we haven't done that to your satisfaction. Am I happy to take it away and look at whether the definition of pre commencement could be tightened up any further? I would just mention that it's very much based on standard BCA drafting precedent. We believe that we are in line with the government guidance, which obviously contains some examples of what would normally be pre commencement works, but also, um, you know, is very clear that as long as the appropriate controls are in place, other works may be considered appropriate to be pre commencement works.

01:16:11:12 - 01:16:18:00

Um, so we're very happy to take that away and, and consider whether there's anything more that we can do to, to try and satisfy you in that regard.

01:16:19:03 - 01:16:24:01

That would be useful. And just part of the reason for

01:16:25:28 - 01:16:43:07

sort of examining this a little further today is in response to XQ 2650 Zero 36. The applicant explains all works, including pre commencement works, will be completed in a six year period and this has been an assumption within the chapter 21 land use.

01:16:45:01 - 01:17:00:15

I just like to reflect is that statement accurate. Because at the moment it would appear pre commencement works could be for two seven years and construction would be for potentially up to six years in a sequential build out scenario. But on onshore works.

01:17:02:21 - 01:17:03:06

So

01:17:04:28 - 01:17:12:22

it would appear there is a potential for quite a long period of time. Some of these works to be in situ.

01:17:44:18 - 01:17:54:00

All right. We're just, um, trying to work out where the seven year pre commencement works has come from. Being able to just provide that reference if that's somewhere within the application.

01:18:00:00 - 01:18:23:25

I don't have the exact reference to hang around if one of my colleagues has the reference and they let me know, I'll let you know. But this is in terms of, uh, commencement period. Um, in terms for if the order was made and therefore, could that not be interpreted for pre commencement would be anything during that time. So that would be a maximum period.

01:18:30:12 - 01:18:34:24

Does that make sense? I could see some nods, so maybe that helped.

01:18:50:16 - 01:19:22:03

I'm sure we're happy to consider that further and can potentially come back in writing if we've got anything more to say. But I suppose it's it's really not in the applicant's interest to be occupying land for seven years during that recommencement period, in the event that for some reason, you know, we did use the full seven years before, before we should be implementing the DCO and exercising compulsory acquisition powers because, you know, there are implications for the applicant of doing that, such as compensation payable to landowners.

01:19:22:05 - 01:19:30:22

It's um, it's not really in the applicant's interest to be taking seven years to do it from a different sense, if at all possible.

01:19:33:05 - 01:20:04:15

And I can appreciate that at that point. I think what we're considering is the wording of the draft development consent order and what that would potentially authorize. Um, and that's why we needed to explore it. So I think we've agreed an action going to be agreed to instead of the way we will look at the exact wording of the action points after this. Um, but I think we're sort of in a general understanding of where that is. Um, I'll just ask now if Mr.

01:20:04:17 - 01:20:11:02

Hunter would like to come in on this point at all, um, in relation to the chapter 11 consent order wording.

01:20:11:15 - 01:20:15:04

Thank you, Mr. Tandy. Um, I was going to, but I think actually you sort of

01:20:16:27 - 01:20:45:14

helpfully sort of answered in terms of volunteering to go away. And, and I think that's what we're looking for, just, just some sort of more justification explanation, as you can probably understand from the line of questioning, we've got the answers that you've given us. There are still questions and rate of information that we want. We want to sort of try and tie everything together so that we can understand what you're defining. Pre-commitment is how that works with everything. And I think that's what we're looking for is just. And if you're happy to take that away, which I think you've said you are. That was the point. I was just going to sort of come in and and make really.

01:20:49:16 - 01:20:50:21

Happy to take that away.

01:20:51:03 - 01:20:51:22

Thank you.

01:21:04:10 - 01:21:22:00

Okay. I think there was a couple other questions, but I think that will all be wrapped up within that action point now. So I'll just inquire whether Mr. Julian or Mr. Stones had anything they wanted to raise under this agenda item.

01:21:25:16 - 01:21:27:24

And nothing further from me, sir. Thank you.

01:21:31:09 - 01:21:34:10

Um, no, nothing further from me either. Thank you.

01:21:37:00 - 01:21:37:21

Thank you.

01:21:39:10 - 01:21:43:15

Any other party or the applicant? If you had any further or any remarks?

01:21:51:09 - 01:21:51:24

No.

01:21:52:13 - 01:21:58:19

Okay. Concludes the item on the agenda, and I shall now hand over to Mr. Hunter for the remaining items.

01:22:03:06 - 01:22:37:12

Thank you, Mr. Tandy. So moving on to item five. Any other business? Um, just got a few items that I just want to run through if I can. Um, although just mainly what they are are they are reminders to all the parties about upcoming submissions. Uh, details of what the Hksar will be requiring as we move towards the close of the examination Nation and just notification of various documents that we will be publishing over the coming weeks. Um, so firstly, as identified in our rule six letter, the invites the applicants and IPPs to submit closing statements. These should be admitted to the examination deadline eight which is the 3rd of July.

01:22:37:24 - 01:23:08:29

They should provide a concise record of the party's position at the close of examination, focusing specifically on the areas where any disagreement remain. And please make them brief and please don't introduce any new evidence. Uh, second matter relates to protective provisions. Uh, we are aware that there are subject of ongoing discussions between the applicant and various parties, and we do hope that these discussions will result in agreement on the final wording of the protective provisions. But we are aware that there may be instances where this cannot be agreed or agreement cannot be reached.

01:23:09:07 - 01:23:44:12

So in these circumstances, the Zeg would request that each party submit their preferred form of drafting by deadline seven, which is the 26th of June. And any comments of those are then provided back to us by deadline eight, which is the 3rd of July. The exiles would also request that where there is disagreement. The statutory bodies provide their case in relation to the section 127, section 138 tests in the Planning Act to support any alternative wording that they are seeking. And having said that, this does not preclude discussions continuing after these dates and if agreements are reached after, please make sure we have those by the end of the examination.

01:23:46:00 - 01:24:00:03

Thirdly, as per the examination timetable set out in the letter, we'll be publishing the race on the 6th of June. It will contain questions directed towards the applicant and Natural England, and responses to these are due by deadline seven the 27th of June.

01:24:01:21 - 01:24:33:19

Fourthly, it is our intention, and this was mentioned earlier on today, to publish a rule 17 letter on Monday the 9th of June. This is likely to include questions in relation to topics that have not been subject to discussions at today's hearing, such as design, flooding and possibly landscape and visual matters. And as also advised, it will also pick up some of the matters on weight loss that we didn't cover earlier on. And that said, it may also include questions and other topics that have been resolved following our review of the deadline. Five submissions, and it may also raise a couple of questions on the DCO and any outstanding CA matters as well.

01:24:34:06 - 01:25:06:07

And questions are likely to be directed to the applicant. East Riding and Historic England. Or there may be a few others, depending on what we receive today, and we would recommend that all IPAs review the the rule 17 when it is published, please. And a final reminder just to the applicant, just to ensure that we are provided with your section 135 submissions in relation to Crown consent at the close of the examination. If you could please, just before I move on to action points, has anybody got any comments on those areas or additional bits that I've just outlined?

01:25:11:22 - 01:25:30:29

I'm not seeing any hands up or anything like that. So I'm assuming they're all okay. And they what everybody was expecting to hear. And moving on to item six, which is action points. We've been collecting those as we're going through. We've got a number of those. And as we've done at previous hearings, we'll publish those on the on the website as soon as we can in the next couple of days or so.

01:25:35:13 - 01:26:08:27

Finally, moving on to the close of the hearing. Um, mayor, remind you that as the timetable sets out, it requires that parties can provide any first hearing documents on or before deadline six, which is I've already said this is 13th of June and may also remind you that the recording is here and will be placed on the website as soon as we can after the close of this hearing before we close. Can I just thank everybody for their time and assistance during the course of the hearing? We should consider all of your responses carefully. The time is now. 456 and this issue specific hearing for the proposed Dogger Bank South Offshore Wind farm is now closed.

01:26:08:29 - 01:26:10:00

Thank you for your time.