



Planning Inspectorate  
Arolygiaeth Gynllunio

## Hearing Transcript

<b>Project:</b>	Morgan and Morecambe Offshore Wind Farms Transmission Assets
<b>Hearing:</b>	Issue Specific Hearing 2 (ISH2) – Part 2
<b>Date:</b>	29 July 2025

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File Length: 01:02:17

FULL TRANSCRIPT (with timecode)

00:00:04:13 - 00:00:08:11

Right. It's 12:00. So can I ask you all to settle down, please?

00:00:28:23 - 00:00:30:21

Can we? Can we start again, please?

00:00:40:01 - 00:00:56:17

Right. I can, um. I'll come to Samantha Grange in a moment. Who's. Who did have a virtual hand up? Um, and she wanted to make a point. Um, but to start off with, um, Mr. Forshaw. Um,

00:00:58:13 - 00:01:08:09

is there any information that you can provide? Uh, the applicant that they've been asking. Because it'd be really helpful if we could sort of move this on a bit.

00:01:24:05 - 00:01:59:15

Uh, Paul Fischer, on behalf of, uh, VA systems. Um, the request that for information that Mr.. Um, Williamson referred to before, there are, there are certain answers that we can provide. And there were there were five requests in that, um, item, sorry, that request to us. And we can provide a few of those so we can provide some comments and agreement on, um, the species that they've assessed in the, in the baseline, um, bird reports. Um, we can provide details of our existing licenses Licences to control bird species.

00:01:59:24 - 00:02:07:04

Other than that, most of the documentation they've requested. Just sit back. Just need that NDA signing before we can. We can provide that information.

00:02:07:23 - 00:02:10:23

Uh, any idea when you can when that will be provided?

00:02:11:10 - 00:02:25:22

I think the so the the information we can provide. Sorry portion of the information we can provide now. Um, I need to go and take an instruction on that, but I think we can probably put up for the next deadline, probably for the next deadline. We should be able to provide that information.

00:02:26:06 - 00:02:29:21

Uh, the next deadline is next week. End of next week.

00:02:31:14 - 00:02:33:05

Okay. So, um.

00:02:33:14 - 00:02:57:09

So this is done on behalf of the applicants, can I just ask that it's sent directly to the applicant when it's submitted to the to the examination, because otherwise there is often a delay for stuff to go up. So the sooner we can get that material, um, the better. And if there's any chance of getting it, uh, this week or early next week, obviously that would be appreciate. You need to you need to check the position. But the sooner we can have that, the better.

00:02:57:22 - 00:03:04:00

Yeah, Paul, for sure. On behalf of the systems, I'm able to take that offline. Expedia, Expedia at that and we'll provide it direct, sir.

00:03:04:19 - 00:03:16:20

But I think there's the other information which you referred to, um, which is um, covered by the non-disclosure agreement. Um, will that can that be provided at any time soon?

00:03:17:04 - 00:03:25:20

Uh, Paul Foster, on behalf of VA systems, I think that that's down to when the NDA is signed and that sits with with the applicants at the moment.

00:03:31:13 - 00:03:48:07

It's done on behalf of the applicants. Just to correct it is actually back that non-disclosure agreement is back with Bay. And we are absolutely committed to expediting that, obviously, to get that information disclosed as quickly as possible. It went back to be, I understand, on Friday.

00:03:50:16 - 00:03:52:11

It went back. When do you say.

00:03:52:23 - 00:03:55:19

On list done on behalf of the applicants on Friday.

00:04:00:00 - 00:04:17:05

Can I just ask a point of clarification on that? That's okay. Yes. Go ahead Paul. Sometimes I think the comments are being received on Friday were from Morgan, but there was no comments from Morgan, so I don't know if they're tied up together or whether there's still comments to come from Morgan.

00:04:17:14 - 00:04:38:03

Okay. I don't want to get too involved in this at the moment. I mean, we just want the progress to be made and clearly is sticking. So I think we're going to have an action point that we really would like the the documents from the referred to in the NDA to be provided by deadline for which is a week on Friday.

00:04:40:00 - 00:04:53:24

So that might be a bit tight, but we're getting tight with timescale on this examination. Um, Samantha Granger did have a hand up. I'm not sure whether she's still with us.

00:04:55:24 - 00:04:56:20

So. Yes.

00:04:57:02 - 00:05:07:07

Hello there. Welcome. Thanks very much for joining. Um, would you like to make your point? You're acting on behalf of B, I think, to introduce yourself. Thank you.

00:05:07:19 - 00:05:46:03

Yes. My name is Samantha Grange. Um, I'm here representing BAE systems. Um, it's just really to elaborate on the points around the, um, the non-disclosure agreements. I completely agree that that having those agreements in place will help to move discussions forward between the applicants and with BAE, but nevertheless, the information that's being requested is in relation to baseline bird information that ba ba hold at Warton Aerodrome, as well as their existing wildlife Hazard Management plan.

00:05:46:09 - 00:06:22:22

So that's very much about the baseline position. What is critical is the actual risk assessment, um, that needs to be undertaken. Now we have the Outline Wildlife hazard management plan, which the applicants have produced and which is an appendix to the Outline Ecological Management plan. But by the applicant's own admission, they're saying within that document that it's not possible to determine how the transmission assets are going to impact wildlife strike risk on an airport with any certainty.

00:06:23:07 - 00:06:55:18

They're saying that they can't actually assess with any certainty how many individual birds are going to be attracted to the development, how their movement patterns might be impacted. And so in that. Well, for starters, I think our we're questioning why why that assessment can't be done with any greater degree of certainty than what we currently have, because at the moment we have a very high level outline plan. Um, that doesn't, as far as we're concerned.

00:06:56:04 - 00:07:27:11

Assess a worst case scenario that could arise from this development in bird strike terms. I think we're questioning in principle why a more, um, in-depth assessment can't be done based on, you know, expert judgment. Um, case studies, examples from other developments where sort of similar impacts have arisen. So I think I think that's the first point. And I think we're struggling, therefore, to see the applicant is saying that their approach is aligned with Cap guidance. Um, cap 795.

00:07:27:13 - 00:08:00:17

They refer to specifically within their outline wildlife hazard management plan to say they're recording with that. But that is very much about a risk assessment having been done. And I think that's what we're saying is the is going to be the fundamental gap here. And if there is going to be that fundamental gap, if that's something that the applicant is saying they can't actually do in any detail until they have a detailed design. So post consent. Then I think we're saying, well, you know, that's obviously not an ideal position for us to find ourselves in.

00:08:01:01 - 00:08:33:14

And we question to what extent, therefore the applicant can confirm policy compliance coming back. So to the point you were raising at the outset in terms of the points in in the national policy statements, um, we're then left very much reliant upon the requirements within the DCO to afford us the protection we think we require, um, down the line to ensure that our concerns are going to be going to be addressed. And I think the the Mod are going to be in a similar scenario.

00:08:33:17 - 00:09:05:23

The mods object, we're not going to be in a position to withdraw our objection in that instance until, you know, in the event that consent is granted until much further down the line, um, through the discharge of the requirements, rather than it being a sort of precursor consent matter that we can get comfortable with. And we think the Dia will be in the same position because their objection remains on record. They've had no communication from the applicants in terms of the concerns that they've raised, specifically about some of the ecological mitigation areas.

00:09:06:06 - 00:09:19:06

And so this I think this is where we're kind of butting heads, really as parties. Um, the baseline information gets us so far. But as I say, it doesn't really help us with the fundamental risk assessment that we say is needed.

00:09:21:23 - 00:09:30:04

Thank you for that. Which I think is, um, building on what Mr. Forshaw has said earlier. Um.

00:09:32:07 - 00:10:07:07

You know, it's been raised there about paragraph 55, 41 of n uh, one. Um, so I think I have two questions to the applicant. Um, How? Bear in mind, there does seem to be the same impasse, and that you don't seem to be getting any closer. You certainly haven't got any closer during during the last three months. How is it suggested that the panel deal with that in our recommendation report? And secondly, um, it does look as though you are feeling a bit short on paragraph five.

00:10:07:09 - 00:10:10:22

541 and what's your response to that? Thank you.

00:10:11:22 - 00:10:27:17

Sir. Liz Dunn, on behalf of the applicant, I think Mr. Williamson will come back on some of the points that Miss Granger has made. I think it is important that we do respond on those points and then, of course, respond. And then I will respond on the on the relevant paragraphs of the national policy statement.

00:10:29:06 - 00:11:06:13

Phil Williamson, on behalf of the applicants, I think there's two main points to make in response to Mrs. Green's, um, response there. Firstly, that the applicants have committed to undertaking an Attractants risk assessment, wildlife habitats, attractants risk assessment. That is what we agree to do within our wildlife hazard management plan. Obviously, that Attractants is based on engagement with the airport or aerodrome. The first point of understanding what is an attractant is to to agree what species we are looking at in terms of that baseline, and we have sought that agreement with, by and to date.

00:11:06:15 - 00:11:45:17

We've not had that that response from BA in terms of what species we need to be looking at to determine that attractants. We have committed to undertaking it. And as I said, we have done that for Blackpool Airport. The second point are about bird strike risk assessment. And the applicants can undertake a bird strike risk assessment. But I think the most important aspect of a risk assessment is what is the, um, matrices for that risk. So again I refer back to uh BA systems. Um response to examiner's questions, 4.1.5 where they state that they have a strike rate probability index, which tracks and monitors bird strikes and assesses risk at water and aerodrome.

00:11:46:06 - 00:11:59:13

We cannot undertake a bird strike risk assessment on behalf of water and aerodrome without understanding their strike rate probability index, which is why that is part of the requested documents which is currently being held back by the NDA.

00:12:01:24 - 00:12:23:12

Thank thanks for that. I mean, the frustration from our point of view is that this point has been raised for a long time now, way before the the examination even started. Um, and at the moment, we're not getting some of the information that we need to, uh, to look at preparing a report. But Miss Dan was going to come back on my other point.

00:12:25:13 - 00:13:04:19

Phil Williamson, on behalf of the applicants. Just just a point of clarity in terms of when these matters were raised. Um, having had a look at the consultation report, the section 42 consultation responses were in response to the ecological mitigation areas, which were proposed at the preliminary Environmental Information Report stage, they were significantly larger. The exercise, which we undertook for application, which is explained in the site selection of the Environmental Mitigation and Biodiversity benefit areas Rep 2046 is the process we we undertook as a result of those comments raised in section 42, essentially refining those ecological mitigation areas down.

00:13:04:24 - 00:13:13:10

We then had a meeting with BAE systems on the 21st of October into 2024 to present those ecological mitigation areas where it was.

00:13:13:12 - 00:13:35:19

Stated to be included in your response. Note because I asked for you to to put a response that was as an action point. So I think we can deal with that then, uh, at that stage. So moving on to Miss Dunn was going to come back to me on the, um, uh, on the point of how should the panel approach this? We don't have the information between the parties.

00:13:38:21 - 00:14:11:17

This is done on behalf of the applicants. Um. Uh, so can I ask a question, please, and appreciate. Um, um, we've been cut off a few times in terms of our responses to questions that have been, uh, that have been asked and in response to providing clarifications. And I would ask that we are given the opportunity, as others are, to make full representations and not cut off partway through our responses. I'll now come on to the point regarding, um, the, the policy.

00:14:11:23 - 00:14:49:13

And I think we have made it very clear that there is a, there is a method to address this point. And we have worked through that method with, uh, with Blackpool Airport in terms of, uh, of becoming aware of the, uh, the bird strike risk and then working with Blackpool Airport, as we've discussed and explained, to understand how they currently manage that risk because I think in terms of looking at the policy compliance, um, there are developments going on within the 13 kilometre area around both Warton Aerodrome and Blackpool Airport.

00:14:49:15 - 00:15:22:09

All the time we've heard about the new road that's been built and some significant housing developments at Queensway. This this is no different to that in terms of the level of disturbance and the impacts and the measures that are being considered. So in terms of policy compliance for paragraph 5.5.41, what we are looking at is the identification of of a risk here, a risk which, as we say, is managed on a regular basis by both airports through their, uh, their wildlife hazard management plans.

00:15:22:14 - 00:15:58:14

And all we are doing is effectively ensuring that appropriate mitigation for this project and appropriate processes for this project are also in place to ensure that that risk is managed and mitigated. So for the purposes of having agreed that process with Blackpool Airport in terms of the way that things are done, in terms of the information that both has been provided now and will be provided in the future through the discharge of requirements, through the through the discharge of the Ecological Management Plan and the Wildlife Hazard Management Plan.

00:15:58:16 - 00:16:33:23

Those are the appropriate measures within which, as this scheme comes forward, those things can be managed. And we have demonstrated through the work and the agreement with Blackpool Airport that with provision of the correct information, we are able to satisfy that operational airport and there's no reason why we can't do the same thing with Blackpool with by to get to the same position. You've heard very clearly that the applicants are committed to working through that process, with be subject to the provision of of the information that's needed in order to move matters on.

00:16:34:00 - 00:17:07:20

I think we've had some very positive comments from BAE regarding the provision of that information, and I am certainly going to be pushing my team, and I imagine that the same thing will be happening. I hope at by side to get that non-disclosure agreement in place as soon as possible, so that we can start to move on and get to a stage at the end of examination, as we have with Blackpool Airport, where these matters are effectively in a resolved position. And that, dare I say, is the purpose of the examination is to tease out these issues and work them through.

00:17:08:11 - 00:17:20:21

Thank you for that. Um, so if I can ask you, um, to actually put in a note for deadline for, uh, about how you are compliant with paragraph five. 541.

00:17:23:01 - 00:17:27:05

Liz Dunn, on behalf of the applicants. Yes, that will be one of our hearing action points.

00:17:28:05 - 00:17:30:03

Thank you. Um.

00:17:33:11 - 00:17:46:17

Process was one very quick additional question to that. If it gets to be a situation where, for example, requirements are used to provide for further assessment. If that note could also address.

00:17:48:17 - 00:18:03:06

Whether or not a requirement can be used, because generally a requirement should only be used where there is reasonable certainty that that requirement can be satisfactorily discharged. I'm not sure a requirement should be used where there's not a reasonable possibility that it can be discharged.

00:18:03:09 - 00:18:32:11

So at least on behalf of the applicants. We're certainly not at this stage envisaging another requirement. The way this is secured at the moment, and as I say has been agreed with Blackpool Airport is through the ecological management plan. And this is being an annex to the ecological management plan. So the control is through the sign off of that document and the approval that cascades through. We're certainly not at this point talking about doing anything different for Bey.

00:18:33:03 - 00:18:54:18

Okay. Okay. As long as it's something that is whatever form it comes, it will come back to a requirement, won't it? That it is something that's reasonably capable of being successfully discharged rather than just pushing it further down the line? Because I'm not sure that would meet the tests for that for a requirement. If so, I'm not saying that's going to be the case, but just in case things were moving in that direction, I think that does need to be addressed.

00:18:55:00 - 00:18:56:02

Thank you sir. Yes.

00:18:56:24 - 00:19:29:09

All right. Moving on to the last bit under aviation. It's the, um, uh, comparing the the different impacts on, on the airport, uh, the two airports. Um, in your response to the submission from BAC systems, which is rep three oh 52 um, a lengthy sentence appeared on a number of occasions. It starts Blackpool Airport have initially agreed in this to this approach and then goes on for another couple of lines.

00:19:30:01 - 00:20:01:15

Um, it appeared certainly five times. It also gets a mention in in the replies to ex Q1. We've also heard it several times this morning, and that's why we have tried to stop you saying it again. That's the reason for the interruptions, because the point has been made again and several times and probably more than is necessary. And when we see exactly the same sentence appearing regularly, um, it sort of loses its strength somewhat.

00:20:01:24 - 00:20:25:14



But the question, uh, I'll start with the, um, uh, the airports, um, do they want to briefly summarise the different functions between Blackpool Airport, uh, and uh, Bay airport? Uh, and then I'll come to the, uh, the applicant to give a response, which would then be the end of this section, subject to any other points that might be raised. So, Mr. Paul Shaw.

00:20:28:21 - 00:21:01:13

I care. Merriman, on behalf of Bay systems, I wouldn't presume to speak on behalf of Blackpool in terms of the type of traffic and the the operation I have there, but what I'll do is try to provide an overview in terms of the different operations with regards to the types of aircraft and systems of water, and operates normally at category six, which are laboratory type aircraft. They're civil aircraft with large numbers of passengers. Uh, Walton Airport is a directed aerodrome, which means we have a different level of, uh, compliance in regards to aviation security.

00:21:01:15 - 00:21:43:11

And that's fundamentally different to the operation at Blackpool. I think the size of the aircraft, the speed of the aircraft and the glide paths are significantly different for Warton, as they are for Blackpool. And that's in, uh, specific regards to the, to the, to the civil operations. The challenge we have at Warton is in relation to the migratory bird patterns in terms of those feeding seasons, specifically during the periods of autumn, winter and early spring, and the inability for those large, wide bodied aircraft to alter the glide path, approach and departure lanes due to the size and the numbers of passengers they have on board those aircraft.

00:21:43:17 - 00:22:22:06

That's fundamentally different to Blackpool's operation in terms of the, the light aircraft, um, and the numbers of persons on board. Um, I think the other thing really worthy of note is that, um, Warton is regulated both by the CAA and the Ma in regards to the military aspects of the activity that we conduct at Warton. Um, and military fast jet, um, fly in and around Warton, obviously manufactured at Warton, which is fundamentally different to, to Blackpool's, uh, operation. I would just like to make the point, um, in reference to, to, to some of the concerns made earlier by the applicant, the perceived view.

00:22:22:08 - 00:22:24:18

That, is this going to be relevant to this question?

00:22:24:20 - 00:22:26:04

It is. Yeah, absolutely. So yeah.

00:22:26:06 - 00:22:27:13

Well can you do it briefly, please.

00:22:27:15 - 00:23:19:04

Absolutely. So yeah. So the, the the perceived view that because there's an agreement in relation to the bird strike mitigation required at Blackpool means that it would be straightforward at Warton are fundamentally different. And that's due to the proximity to the river estuary, which is a triple C and a Ramsar site and currently is experiencing the highest migratory bird patterns of pink footed geese, uh, across Europe. In fact, we have empirical evidence that shows that our challenge over the last two

years has been in excess of 20 to 30,000 pink footed geese, uh, migrating from the north to the south banks of the estuary, which has directly impacted, um, the method of operation with regards to our flying aircraft, both for civil and military aircraft, to an extent where we've had to modify the times that we are flying and the types of aircraft we are flying at different times of day.

00:23:19:14 - 00:23:27:09

And that is, I think, the fundamental difference I'd like to raise at this point, which I think is pertinent to the to the point that we're at with regards to the hearing. Thank you.

00:23:28:17 - 00:23:31:18

Thanks. I don't know if Blackpool Airport want to add anything.

00:23:36:21 - 00:23:39:02

So Steve Peters, on behalf of sorry.

00:23:41:07 - 00:24:21:07

Steve Peters on behalf. I'll let you go. Thank you. Ellie. Steve Peters on behalf of Blackpool Airport. Thank you sir. Um, Blackpool Airport primarily caters to, um, corporate aircraft traffic. Um, we do a lot of we have five flight training providers based at the airport. We host a lot of general aviation aircraft coming in out of the airport. Just to give you some context. On average, the airport handles 40,000 movements per annum through its airspace and at its airport. We also are home to, um, a small warbird collection, which involves at least one fast jet that does quite a bit of training, and we host, uh, one, foot two corporate.

00:24:21:13 - 00:24:52:11

Sorry, fractional jet providers who come in to do their training here at the airport where CAA regulated. We go up to Cat six on fire cover. We're authorized to handle large corporate aircraft and what they call the National Aviation Security Program process, which is an aircraft that comes in. It's over ten tons and it's operating in public transport. So we are therefore required to screen those aircraft, the passengers and the baggage. Um, we have ATC fire and our operational hours are zero 700 to 2100.

00:24:52:13 - 00:24:58:05

So there are, as you can probably tell from that quick plotted summary, there are some differences between Blackpool and Warton.

00:24:59:12 - 00:25:03:15

Thanks for that. Mr. Paul, did you want to add anything because you've now joined us?

00:25:05:08 - 00:25:07:02

No. Yes.

00:25:07:15 - 00:25:12:05

No, no, I was just I was just going to introduce Steve. So that's absolutely fine. Okay. That's fine.

00:25:13:03 - 00:25:17:24

Uh, does the applicant want to respond to anything on that? Thank you.

00:25:18:14 - 00:25:51:06

Hillary Williamson. On behalf of the applicants. Um, I think it's it's fair to say the applicants do understand the operational differences between Blackpool Airport and Warton Aerodrome. I think the point to bring those together, though, is that both the airport and the aerodrome are both subject to the same civil aviation Authority guidance. That being Cap 772, which is about the control of wildlife. Um, the, um, the ones we've made reference to in the wildlife hazard Management plan. Um, um, sorry, I don't have the reference in front of me.

00:25:52:17 - 00:26:27:07

Um, caps 738 about safeguarding of aerodromes and cap 705 about safety management systems. The only slight difference for um Warton Aerodrome is that they're also, um, excuse me, as part of their military licence. Um, are required to comply with the bird strike management. 3270 Aerodrome Wildlife Control. But that essentially replicates the cap 772 process and in that it outlines a need for a baseline and attractant risk assessment, the existing aerodrome habitat management process, and then the aerodromes current bird strike assessment matrices.

00:26:27:09 - 00:27:01:17

So it replicates the same guidance we have applied to Blackpool Airport. I do would I'd also like to say that the point um, Mr. Merriman made, um, about how, um, Warton Aerodrome currently managed their existing bird strike issues demonstrates that they do understand and do manage change in the area associated with bird strike risk assessments. Miss Dunn made reference to um installation of um sorry the construction of large schemes. For example, the road she made reference to was the Preston Western Distributor scheme.

00:27:01:19 - 00:27:37:08

I do want to highlight that that falls within the 13 kilometre safeguarding, and included the installation of more than 2000 trees and 122,000 shrubs at more than twice the length of hedge removed, replaced with newly planted at four new breeding ponds and open viaducts to maintain otter habitats. That was completed construction in 2023, and BAE Systems and Water and Aerodrome were able to manage that risk. I think that that is an appropriate um, I think it's appropriate that we highlight that ongoing wildlife hazard management occurs all the time.

00:27:37:15 - 00:27:44:13

We are, uh, we are proposing to be a part of that wildlife hazard management plan, and we believe there is a robust process to do that.

00:27:45:14 - 00:28:16:00

Thank you for that. Um, if either bay or black player port, um, or indeed the applicant wants to to put in, um, a submission, uh, either highlighting or limiting the differences by deadline for then, you know, you have the opportunity to do so. So we'll take that as an action point that you, you all three have the opportunity to, uh, to, to say either yes or no. Um, but if you could do that by deadline, for which is the end of next week.

00:28:26:10 - 00:28:34:19

But thank you everyone for their contributions. That completes the um. Uh oh no, sorry. It doesn't quite complete Mr. Walker.

00:28:35:13 - 00:29:17:01

Thank you sir. Um, sorry to extend this item, but I just. Angus Walker for the parish councils. I just wanted to say that this is the last thing I said before I left. Issue specific hearing. One was that there was an impasse between reducing birds risk and satisfying ecological obligations. And here we are. Here we are. We haven't got any further really, apart from with Blackpool Airport. And I would like to warn the applicant under this item that if they go too far in accommodating the airport, they will reduce the efficacy of the ecological um mitigation, which I think they have already done in their.

00:29:17:03 - 00:29:43:15

Hazard management plan. And I already thought it was inadequate in the first place. So it will come to that under item four. And um, also we are two main issues with this application is we think it should be in a different place, i.e. further to the north, and also even if it has to be here, that it should be built simultaneously, not sequentially. Um, we're disappointed that.

00:29:43:20 - 00:29:46:04

I think we're straying off air quotes now, Mr. Walker.

00:29:46:11 - 00:30:09:02

Well, no, I do have a point here. Um, we we do want these to be examined properly, and this issue would go away. The aviation issue would go away if the alternative route was chosen. It is more than 13km away. And I will probably say this under many of the items that these issues would, would not happen if the alternative route was chosen. Thank you very.

00:30:09:04 - 00:30:19:09

Much. Thank you, Mr. Walker. Um, sorry. Do you want to make a comment specifically on aviation? Would you like to introduce yourself? And there's a microphone coming to you.

00:30:22:09 - 00:30:58:05

Hello. My name is Deborah Helm. I speak on behalf of Walkers Westgate Area Residents Association. Um, I live close to Blackpool Airport and under the flight path of um, aircraft coming from BA e Warton. Um, I want to say that, uh, I've heard today regarding work done around, um, the risk from the project. I'm concerned about it. Blackpool airport and BA, even to me just as a resident are very different er spaces.

00:30:58:08 - 00:31:31:04

Lumping them together gives me zero confidence that the project understands the gravity of the risk we're talking about here. Uh, errors in looking at the info given at the beginning of the project also gives me a zero confidence in the risk that in the project that the project understands the risk and the failure of the project to meaningfully, fully address the future risk posed by displaced birds gives me zero confidence in the project to ensure our safety.

00:31:31:08 - 00:32:03:23

Last time I stood up when I heard by talking about some risks cannot be mitigated and that really landed with me. But I don't think it's landed with the project because we are under the flight path. The Air India disaster was erroneously attributed to bird strike, and in that conjecture we can see what would happen. We talked about it in terms of worst case scenario, but it is actually a risk to all our lives. It's not really the risk to the project's life.

00:32:04:00 - 00:32:43:02

It's just a box ticking exercise. But some risks cannot be mitigated. The fact that that was said and that Blackpool Airport did at the time the guy speaking said, I don't know why this route was chosen. I remember that well. And and for from what I've heard today, there is no confidence that this can be sorted out. One more other point is just talking about a road, and some houses that have been put up in the area does not necessarily say that more ecological devastation will be okay

00:32:44:15 - 00:32:49:10

in terms and moving of bird populations from where they are now.

00:32:50:23 - 00:33:01:09

I think that this route should have been scraped into the bin at the end of that first. Okay, at the end of that first, um, hearing, because it's our lives, our lives.

00:33:01:11 - 00:33:13:22

All right. Thank you. Thank you for that, that that submission. Um, uh, On it. Thank you. On the airport. I don't know whether you want to come back at all on that, um, or whether you think you've answered it already.

00:33:13:24 - 00:33:51:15

So thank you. Liz. On behalf of the applicant, um, I think, um, the applicants do recognize the concerns regarding this and do recognize the importance of it. And as we have said, have been working, seeking to work with the airport to seek to resolve this. I would just reiterate, it is an issue that the airports are managing on a day to day basis already, and it's the applicant's position that we are not increasing that risk. Um, just in respect of of Mister Walker's point around the, um, the sort of balance between the effectiveness of the ecological mitigation areas and the and the wildlife hazard management plan.

00:33:51:17 - 00:34:07:01

We are completely aware of that interaction and, and the need for the solution to, uh, to both meet the needs of the airport, but also deliver the mitigation that is needed for Natural England, so we are fully aware of that. Thank you.

00:34:07:11 - 00:34:09:23

Thank you for that. And I think we're now moving on.

00:34:10:17 - 00:34:11:21

One very, very quick.

00:34:12:17 - 00:34:22:04

I'm sorry. We're now moving on. We've heard about airports. We've we've already overrun our time. So, um, miss, miss, miss Akiko is taking over now. Thank you.

00:34:22:20 - 00:34:43:04

Um. Thank you. We are still going to be, um, discussing the risks associated, um, with the mitigation areas. Uh, so there will be opportunity to speak, uh, further on, uh, could I ask the applicant to just put the agenda on, um, screen, please?

00:34:48:10 - 00:35:07:12

Uh, thank you. So for the item for for on psychology. Um, just so the applicant is aware, we are going to cover points A and B and H together However, first, just because the HRA issues are connected to the mitigation areas. So.

00:35:11:11 - 00:35:24:09

Um, and now could I ask the applicant to put on outline ecological management plan Rep 3-022. And it's going to be figure 1.1.

00:35:32:09 - 00:36:13:18

Thank you. Uh, so I would like to start by asking the applicants to, uh, please briefly describe your mitigation area strategy. Uh, briefly. Um, I would like the purpose for each area to be covered. Uh, what the damage is being mitigated against. For what species? But briefly. So birds versus mammals. Uh, and then please clarify, is the area needed permanently, or is the temporary measure? And then for areas that have been assessed for both projects jointly, please explain why this approach was taken.

00:36:13:20 - 00:36:30:03

And it's the same for those areas that um, it's separate. So for Morgan and Morecambe having one area, why is it a one area for both? And for those where you split it um, the amount of land required. Just explain that.

00:36:34:21 - 00:37:05:04

Laura Martin, on behalf of the applicant. So if we start from the westernmost point, the one that's highlighted in green, um, that's known as Fairhaven Saltmarsh. And it's to mitigate for the temporary loss of supporting habitat and resource availability and the disturbance and placement displacement, which may affect intertidal waders associated with the Ripple and Estuary Spey Spa and Ramsar site. This is to be utilized during construction and during.

00:37:05:14 - 00:37:20:04

Oh and so. Operation and maintenance activities where needed. Um, it's for both projects to use. And the reason that either project could use it is because only one project will be constructing at landfall at one time.

00:37:26:13 - 00:37:33:18

Um, but the extent of it, the size of it is, uh, based on the site.

00:37:33:20 - 00:37:48:13

Sorry. Um, Laura Martin, on behalf of both the applicants, the size is based on the, um, route that's there at the moment. So the whole route is needed to reduce the displacement and disturbance to those, um, intertidal waders that use that route.

00:37:48:23 - 00:37:55:00

So if only one project was to go ahead, you'd still need the same amount of land. Okay.

00:37:58:24 - 00:38:42:22

So you will be aware. I'm going to stop at Fairhaven Saltmarsh since you started with it. Uh, you'll be aware of the Natural England's representation or their recent comments in relation to um, passage spas Ramsar site, waterbirds at landfall um, where they are stating that you need to further consider the mitigation hierarchy. Um, they acknowledge that the seasonal restriction is a significant measure to avoiding impacts to overwintering features, and they are, uh, encouraging you to extend their restrictions, possibly to avoid impacts to passage features.

00:38:44:06 - 00:38:48:24

Could the applicant provide an update regarding their position on this?

00:38:49:01 - 00:39:23:10

Yeah. Laura Martin, on behalf of both applicants, on the 25th of July, the applicants had a meeting with Natural England to discuss the outstanding issues in relation to intertidal and onshore ornithology. The meeting discussed the remaining concerns about the species at landfall during the passage period, the impacts and mitigation for species on the functioning link, land on the onshore cable corridor, and the approach to the assessment of non named assembly species of the river and estuary. The discussions during the meeting were positive, and it was agreed that significant progress has been made to date.

00:39:23:17 - 00:40:00:13

Further detail and clarifications were useful for Natural England, and it was agreed that these issues were moving towards a resolution, and the applicants agreed to submit into examination at deadline for further clarifications and documents as set out in the meeting. Um, the applicants have moved towards, um, a tidal restriction during the months of October and April, and that will mean that no work can be undertaken two hours either side of a high tide, which is greater than 7.8m above chart datum.

00:40:01:03 - 00:40:19:02

Excluding the cable pulling activities and mariners trenches. The other commitments that the project has made is to ensure that an echo is always present during the landfall um works, and also screening of the compounds to reduce disturbance to the intertidal waders.

00:40:22:20 - 00:40:34:12

Okay, what about the, um, advice that the applicant should, uh, give more consideration to reduction of the impacts at the source,

00:40:36:03 - 00:40:40:08

um, with measures such as visual screening, noise reduction techniques?

00:40:40:18 - 00:40:51:10

Uh, so that's Laura Martin, on behalf of both the applicants. That's what I've just outlined. So reduction in the impact at source is that tidal restriction and the screening around the compound.

00:40:56:13 - 00:41:09:15

Okay, well, that leads me to the mitigation versus compensation or Fairhaven saltmarsh question. Um, have you made any progress on that point?

00:41:10:24 - 00:41:11:14

Um.

00:41:11:21 - 00:41:28:21

Doctor Kevin Lennon. Um. Excuse me. Um, I'm from Texas Tech. Uh, and I've been leading in the HRA process for the applicants. Um, so with regard to the, uh, the Fairhaven saltmarsh, um, and, you know, whether this is.

00:41:29:08 - 00:41:30:04

What we call here.

00:41:33:06 - 00:41:35:00

Apologies a little bit. Sorry.

00:41:36:23 - 00:42:10:17

Okay. Apologies for that. Uh, Kevin and Anne, on behalf of the applicant. Um, so, uh, the the the Fairhaven saltmarsh was, was, um, was provided as as part of a package of mitigation measures which included reduction of disturbance at the at the landfall by, you know, restricting the amount of work that are happening at the landfall, the wintering restriction that you mentioned earlier on that's that's that's further mitigation that's been offered into the examination and naturally welcome that.

00:42:11:02 - 00:42:28:13

Um, and as, um, um, Miss Martin set out earlier on, we've got additional commitments in terms of, um, um, reducing disturbance during that, during that passage period where the remaining concerns are in relation to the to the intertidal. Um,

00:42:30:01 - 00:42:31:14

uh, sorry. One moment.

00:42:33:02 - 00:42:33:18

Um,

00:42:35:17 - 00:43:09:21

so the Fairhaven saltmarsh, it was it was designed as part of the package of measures as as we've moved through the examination phase, we've reduced the, the, the, the the risk of impact at source by by adding in these these additional seasonal restrictions. Um, and therefore we feel that maybe less weight could be put on the Fairhaven salt marsh. And that was indeed acknowledged by Natural



England as well, that if we can kind of reduce impact on those passive species, then perhaps even salt marsh could be seen as a kind of an enhancement measure or something like that.

00:43:09:23 - 00:43:47:04

With regard to the, the, the balance between or the the question about whether fair and salt marsh is compensation or whether it's mitigation. We'd, we'd refer the, um, the examiner authority back to our response. Um, at a Q the in the examiner examiner authority's questions. Question 6.1.2. Um, we we don't see this as, as, as compensation. We see this as mitigation. And I suppose the applicant's position is that, you know, a temporary, um, a temporary disturbance that doesn't have any lasting effects on the conservation objectives that, that, that that doesn't qualify as an adverse effect on integrity.

00:43:47:06 - 00:44:01:09

So the, uh, the issue of whether this is compensation is kind of irrelevant because because it isn't, um, because compensation isn't required where there isn't an adverse effect on integrity, where there isn't a lasting effect on the SBA and those features.

00:44:03:14 - 00:44:12:01

I just I think most people are still having a little bit of difficulty, maybe just speak a little slower, slower. I'm guilty of it as well. But just maybe speak a little slower. Will probably probably.

00:44:12:13 - 00:44:13:03

Will.

00:44:13:05 - 00:44:13:20

Do.

00:44:17:20 - 00:44:43:01

It is relevant whether this is classed as a mitigation area or whether it is classed as enhancement. That's there just to manage residual risks or indeed enhance, especially in light of the conflicts with aviation and safety risks that they are highlighting. Is the applicant considering that conflict?

00:44:55:07 - 00:45:30:17

Uh, Kevin, anon, on behalf of the applicant, yes, we are we are aware of those of those connections between the mitigation areas and the, um, the potential risk, uh, to the, uh, to the airports in, in the area. And that's something that that has come up in conversation with Natural England as well. But but as I say, because of the additional commitments that we've made in the last week, and that will go in at deadline for and including the use of an ecological marker works at the landfall, the screening of the compounds and this high tide, um, restriction around the passage period.

00:45:31:04 - 00:45:48:24

Um, we feel that there's very much is more falling into a kind of an enhancement measure rather than something that's that's necessary to rule out adverse effects on integrity. Given that we're talking about, you know, we've really limited the impact on the space species and and we can clearly demonstrated these impact.

00:45:49:21 - 00:46:08:10

So let me just clarify, because my understanding is that a misclassification could invalidate the HRA. Conclusion. Uh, if adverse effects on integrity cannot be ruled out without compensation. Um, are you saying that it's.

00:46:11:01 - 00:46:19:13

That it cannot be ruled out without compensation? Or are you just saying this is just something nice to have or something is required?

00:46:20:02 - 00:46:45:09

Kevin Lennon, on behalf of the applicant, we're working through this issue with Natural England at the moment, and we're looking to rule out adverse effects on integrity by the, the the measures that, um, Miss Martin has just set out earlier on, including the high tide restriction during the passage period. But but, um, our position is that with or without the Fair Fairhaven saltmarsh. An adverse effect on integrity. Can can be ruled out.

00:46:47:05 - 00:47:22:23

Is done on behalf of the applicant. I think it's it's fair to say the meeting that took place with Natural England was last Friday. So there's clearly been quite a shift from the deadline three position, which was reported to the examining authority in terms of those submissions and where those discussions are now going. The applicant, as as Mr. Lennon and Mrs. Martin, have said, the applicants have made that additional commitment to the to the high tide restriction, which in the applicant's position gets us to a position where there is no risk of adverse to effect on integrity.

00:47:23:00 - 00:48:03:22

Plus those other measures we've talked about, the applicants haven't yet reached agreement with Natural England as to where that is. And then the role of the Fairhaven salt marsh. But we absolutely understand the need for clarity around what that what what function In that area would, would, uh, would, would perform um in the event that it is held in. And we're also very aware, obviously, of that there are compulsory acquisition powers which are sitting underneath that. So being able to demonstrate the need for that area, whether it's as a an additional biodiversity benefit area or as but, but it's a it's a process that's been working through.

00:48:03:24 - 00:48:29:03

We're very aware of the issues. We're also very aware that Natural England have called it variously mitigation, enhancement and compensation. So I think from their perspective, they're not perhaps entirely clear where it sits at the moment. So it is something that we are we're very aware of and are working through. Um, I'm not sure we're going to have resolved it by deadline for, but we will. We are seeking to to continue to push that forward with Natural England.

00:48:30:01 - 00:48:34:16

Anything that you could submit clarifying the current position would be very helpful.

00:48:35:21 - 00:48:36:21

Thank you. Yes.

00:48:37:15 - 00:48:42:09

Okay. Uh, can we then move on to other mitigation areas?

00:48:46:23 - 00:48:50:02

And yes. So we've outlined ecological management plan.

00:48:51:16 - 00:48:54:12

Uh, figure 1.1 for.

00:48:56:02 - 00:49:28:17

Uh, Laura Martin on behalf of both the applicants. So if we go to the next, um, area, which is figure 1.2, is the area in brown, they're known as leather moss. Um, that's for the. Can you hear me? Uh, that's for the temporary disturbance and displacement of swans, geese and waders during the construction of the onshore export cable corridor. This is a temporary mitigation area, and the whole area will be utilized by either project.

00:49:39:03 - 00:49:45:13

So this time the extent of it's needed for either project A or project B, or both of them together.

00:49:45:15 - 00:49:53:23

Yeah. Because the the disturbance calculations are basically the same. It doesn't matter who, uh, constructs how we construct the project.

00:49:55:14 - 00:49:56:07

Okay.

00:49:58:21 - 00:50:01:12

This is, uh, explained in the site selection. Nope.

00:50:03:00 - 00:50:11:06

Okay. Thank you. Uh, would you like to move to Newton with scales, or is there anything more on this one?

00:50:11:08 - 00:50:16:11

So there's this figure that my colleague Mr. Johnson showing. That's figure.

00:50:18:23 - 00:50:55:01

Uh, 1.3, 1.4, um, is Moss Side. So this is the permanent loss of a high quality pond water body one, three, three. And it's been, um, there was found to be 44 aquatic invertebrates taxes, and it's also found to have good water quality. Um. Water body. One through three is identified in project B Morcom side of the corridor, and therefore would only be utilised by Morecambe and its, um, permanent.

00:50:58:09 - 00:50:59:20

Yep. Okay. Thank you.

00:51:02:15 - 00:51:03:05

So.

00:51:16:07 - 00:51:17:12

So if we move to.

00:51:22:02 - 00:51:22:17

Uh.

00:51:25:24 - 00:51:50:14

This area by Morgan. Um, this is for the permanent loss of Freshfield Pond North and Freshfield Pond South Biological Heritage Site, which includes rare and vertebra and bog vegetation. Um, this is a permanent mitigation area and it's Mawgan only so project A because of the loss at the permanent substation site.

00:51:51:22 - 00:51:53:03

Okay. Thank you.

00:52:01:05 - 00:52:21:12

Uh, so this is the land, um, at Newton with scales and the permanent, um, and it's the purpose to is to mitigate for the permanent habitat loss associated with the onshore substation sites. So this is a permanent mitigation area, and it's been apportioned based on the permanent habitat loss between Morgen and Morecambe.

00:52:25:01 - 00:53:04:05

Um, thank you. And in relation to, uh, those areas that you have just Described, I'm aware, and you are also definitely aware, that Natural England have requested more details on the measures, the relevance to specific waterbird species and how those measures will be delivered. Timescales for delivery. Monitoring. They have also asked for a greater consideration of the suitability of the species by species basis.

00:53:05:18 - 00:53:14:07

Um, and it seems to me that this is something that the airports would also welcome. Could you comment on that?

00:53:14:09 - 00:53:25:17

Yeah. Laura Martin, on behalf of both the applicants and we're very aware of this point. And it was discussed in our meeting with Natural England on Friday, and we've agreed to submit a clarification note for deadline for.

00:53:27:14 - 00:53:36:00

Are you planning to submit that, um, draft habitat management plan that, uh, Natural England have asked for.

00:53:43:14 - 00:53:53:10

So that Laura Martin, on behalf of both the applicants, that clarification note is going in the OMB. It's not a habitat. Sorry. Restoration plan.

00:53:53:16 - 00:53:55:18

Draft habitat management plan.

00:53:58:14 - 00:54:24:12

We don't have one. Uh, lays done on behalf of the applicants. Um, we don't have a habitat management plan. The habitat management measures and environmental measures as set out. Sorry. Set out in the outlined outline environmental management plan. So the information that Natural England have requested will go into the Outline Environmental Management plan. There isn't a separate habitat management plan.

00:54:24:16 - 00:54:58:02

I realize there isn't one at the moment. It's just they've outlined specifically what they would like there to be in one. And that's why I'm asking. And I also have a question about this, because I understand you're going to update the ecological management plan with the information they're asking for. That's fair enough. Uh, is there some kind of process that's going to ensure that this is aligned with the Outline Wildlife Hazard management plan, because it seems that there might be a conflict between the two.

00:54:58:12 - 00:55:30:08

Uh, leads done on behalf of the applicant. So, um, we will not be having a separate habitat management plan. The measures that would normally be in a habitat management plan in the environmental management plan. So it's a terminology issue rather than a detailed matter. Those measures will. So so we'll be addressing the points raised by Natural England in the update to the Outline Environmental Management Plan. The hazard the Wildlife Hazard Management plan sits as an appendix to the environmental management plan.

00:55:30:10 - 00:56:02:18

And therefore effectively it is it sits within its remit. So the two documents will need to talk to each other. Um, and the um the final environmental management plan is to be approved by the, uh by the relevant planning authorities, so by Fylde Council. And uh, somebody will shout if I'm wrong, but I imagine that Natural England are also a consultation in terms of the discharge of the final environmental management plan. So Natural England will be involved in that process.

00:56:03:00 - 00:56:15:08

And by being involved in the process of finalisation of the environmental management plan, they will also be engaged through the Wildlife Hazard Management Plan because effectively that's an appendix to that document.

00:56:19:05 - 00:56:36:06

So just so I'm clear, the risk, the conflict potential conflict between aviation risks and requirements for habitat management are going to be managed by having Natural England and be as a consultant. Yes.

00:56:36:15 - 00:57:02:06

On behalf of the applicant. Yes. It's through the outline Environmental Management Plan process and its ecological management plan process. Apologies. Um, and that is if anybody's interested in the draft

development consent order, it's requirement 12 in both schedules A to A and two B where Natural England are a named council T for the purposes of the Outline Ecological Management Plan.

00:57:03:19 - 00:57:08:19

Okay. Thank you. Uh, can we move on to the next area?

00:57:15:21 - 00:57:41:19

Laura Martin, on behalf of both the applicants. Um, so this area is for the disturbance of otters from the installation of the 400 kV grid connection cable corridor, especially surrounding Savic Brook. The area is needed for both projects due to the disturbance ranges. Um, and it's a temporary, um, mitigation area.

00:57:43:09 - 00:57:53:03

Okay. Um, there is an outstanding issue in relation to Environment Agency not being satisfied with the wording.

00:57:54:18 - 00:58:05:07

Um, and they their request to be a consultation for the ecological management plan when it comes to that area. Could you provide an update on.

00:58:06:05 - 00:58:22:21

Yeah. Laura Martin, on behalf of both the applicants. And we met with the Environment Agency last Wednesday. So the 23rd of July to work through this issue. Um, and they are committed to giving us updated wording that we can both agree to in regards to that requirement.

00:58:22:23 - 00:58:23:24

Requirement 12

00:58:25:24 - 00:58:46:13

on behalf of the applicant. I think the reason the applicants are in any sense resisting the Environment Agency being are named Consul Tee, is that there's very little within the environment. Are they okay? Um, that there is the Environment Agency's remit is quite limited in terms of its interest in the various sites. Thank you.

00:58:49:09 - 00:58:55:09

Okay. Thank you. Is Environment Agency online? Would they like to comment on this issue?

00:58:58:09 - 00:59:05:13

Yes. Um. Good morning. It's Liz Locke here speaking on behalf of the Environment Agency. Um.

00:59:07:14 - 00:59:38:16

So, um, Miss Martin is correct. We've had discussions regarding this issue. Um, we don't consider it fully resolved quite yet, but we are working through To try and come up with some wording, um, to be included in that requirement so that we can be sure that we can see the relevant ecological management plans where they are relevant to our remit. Um, which includes um, habitat for otters.

00:59:39:12 - 01:00:04:22

Um, but obviously we don't want to encumber the process by being a named consultancy for, um, those ecological management plans where they don't, um, have issues relating to our remit. So we're still working on some words, but we are confident that we can get something that is, um, acceptable to, to us and to the applicant.

01:00:06:20 - 01:00:08:10

Thank you. That's very helpful.

01:00:11:18 - 01:00:46:02

I think those are all the mitigation areas you're proposing. Uh, so I've got a question. One more question in relation to mitigation areas. Before we move on to biodiversity net gain. But this question is about phasing of works. And again it comes from Natural England and their comments. And the question is what consideration has been given to phasing of works in relation to likely reduction of the need for the mitigation areas to have to deliver for all displaced birds.

01:01:01:17 - 01:01:33:22

Lays down on behalf of the applicant. Um, we recognise, um, Natural England's comments. Um, the applicants would just refer back to the position that if both projects are to be built concurrently, the maximum area of mitigation is going to be needed, and therefore, for the purposes of the environmental Impact Assessment and the compulsory acquisition powers, it is necessary to make provision for the for those maximum areas.

01:01:38:20 - 01:01:51:02

So basically, you are saying that the worst case scenario that this is based on is valid and relevant, and therefore we should assume that it's all going to be done together in the same time. Yes.

01:01:53:14 - 01:02:11:14

Okay. Thank you for that clarification. I'm going to take this opportunity now to adjourn because it's one, 1:02. So we are going to restart at 2:00. And we'll start with biodiversity net gain strategy. So thank you.