



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 3
<b>Date:</b>	29 July 2025

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FULL TRANSCRIPT (with timecode)

00:00:07:12 - 00:00:40:07

Okay. Could I just ask everyone to, um, go back to their seats? It's now 2:00, and it's time to, uh, restart this hearing. We are on item four on the agenda, still on psychology. And we are going to start, uh, with biodiversity net gain strategy. So could I ask the applicant to use outline biodiversity benefit statement. Rep 2-020.

00:00:41:18 - 00:01:09:08

And it's going to focus on figure 1.41.5 and 1.6. So maybe we can start with 1.6. And uh, the question to the applicant. Could you briefly describe your biodiversity net gain strategy? Um, with a brief explanation and description of each area.

00:01:10:24 - 00:01:45:06

Uh. Good afternoon. Uh, my name is Joe Atkinson. I'm a terrestrial ecologist working for Tetra Tech, speaking on behalf of both the applicants. Um, so just to summarize, the biodiversity net gain strategy, um, is presented in the biodiversity benefit statement, and it includes a range of measures that will be delivered at both the Morecambe and Morgan onshore substations. Um, plus habitat enhancements at the Leigh Marsh Fields Biodiversity Benefit Area, which is shown in figure figure 1.6.

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Um, sorry as well, just to carry on to Atkinson for the applicant. Um, as discussed at the um, Expert Working Group topic meetings. Um, the decision was made to only consider the permanent areas of infrastructure loss, rather than the whole of the order limits. Um. Currently there is no mandatory biodiversity net gain requirement for nationally significant infrastructure projects. Um, although we are aware that there is guidance in discussion. Um, and that was the decision taken for this project.

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Thank you. Um, so my next question is in relation to the question that I have already asked. Um, it's question 6.2.1, uh, in relation to the biodiversity net gain calculations. Now, I understand the applicant's position, um, and that that there is no uncertainty as to whether the adopted methodology may or may not comply with the future policy for CIPs. I take that point.

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However, could the applicants provide the reasoning for the proposed percentages in your biodiversity benefit strategy. So for example, we are almost at 60% increase for the habitat. And I would like to understand your reasoning.

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Joe Atkinson on behalf of both the applicants. So the calculation has taken into account, um, the delivery at Morgan and Markham onshore substations. And that's separated out in the biodiversity benefit statement. And then the additional provision at Lee Marsh fields, um, is also separated out

between the projects. So there is a bit of a discrepancy between what's delivered at each of the substations, for example, at the Morgan onshore substation, what was delivered, um, for the habitat enhancements at that substation would not deliver 10%.

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So therefore, a greater proportion of the biodiversity benefit at Lee Marsh fields is apportioned to that site. Um, and the areas were calculated based on the whole of that land parcel that they marsh fields, which does result in a in an over delivery of percentage units when it's calculated.

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So just so I understand,

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why not 10%? Why so much over the 10%?

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Joe Atkinson on behalf of the applicants, um, again, I would reiterate that the strategy is indicative at this stage, um, and is obviously dependent on agreements, um, for the delivery and it would be updated post consent, as is the usual route for biodiversity net gain assessments. Um, but if you look at the split, the the delivery at Lea marsh of sort of essentially over compensates, although it's not compensation, um, because it's a large area. So the biodiversity benefits that are delivered are in excess of the minimum 10%.

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That's indicated by the guidance. But that's just guidance, you know.

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So if you were to aim for 10%, what would be the difference in the proportion, the size of the land that is required to deliver your strategy?

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Uh, Joe Atkinson, on behalf of the applicants. Um, the numbers are just indicative, and I don't I don't really want to get hung up on the percentages too much because it is a wider benefit for the scheme. So although the numbers are useful to indicate the quantum of land and the quantum of enhancement that will be delivered using that metric. It's not the only measure that we use because, you know, the scheme wants to deliver biodiversity benefits and can deliver a good amount of biodiversity benefits using that scheme, in addition to what's being delivered at the substations.

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Okay, I understand that reply. Thank you for that. Uh, I would like to explore it in the context of the aviation risks. So if you were to achieve or aim to achieve just the minimum, the 10%. Would it reduce potentially the risk to Wharton?

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Laura Martin on behalf of the applicant? No, it wouldn't reduce the risk because the biodiversity benefit statement has already taken into cognisance the, um, measures that the aviation um,

stakeholders would look to. So we've designed it. And that was updated at deadline too. Um, so the the ponds within the biodiversity benefit area are designed to discourage the larger, larger wader species. Um, and there's like woodland areas within that indicative area to ensure that those larger bird species are not attracted to the area.

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Okay. Um, your outline wildlife hazard management plan, uh, describes specific restrictions that are needed to reduce or manage the potential aviation risks when it comes to that area.

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Could you explain why you consider your strategy effective, given the constraints that are associated with that land?

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Uh, that's done on behalf of the applicant. Could you repeat the question, please?

00:07:38:17 - 00:08:04:13

So your outline wildlife hazard Management plan, um, describes specific restrictions and what you are going to do or not going to do as to manage potential aviation risks, and it reads as if there is quite a few things you can't do because they will increase the risks to the planes. So

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with part of land, with so many restrictions connected to it, why do you consider this to be the most effective enhancement strategy for the area?

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Wouldn't it work better if it was an enhancement outside of the restricted zone?

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Laura Martin on behalf of the applicants is. It's just what I've just said. We've already designed it. So. So it doesn't attract the larger species that by in Blackpool Airport are worried about. And also when you're looking at doing biodiversity net gain for a scheme, it should be in closest proximity to that scheme. And if you were to cite it outside of that 13 kilometre radius, it wouldn't have the same effect.

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So my understanding was that this is the position when it comes to the mitigation areas, but not necessarily biodiversity net gain area.

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Uh, Joe Atkinson, on behalf of the applicant. Um, yes, that's true, but for the biodiversity net gain calculation, if you deliver it further away from where your impact is, then it attracts a higher penalty clause in terms of the delivery. So obviously that metric is directing you to deliver it as close as possible to the area of impact by penalizing you if you deliver it further away.

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I would like to ask BAE systems at this point, if they have a comment in relation to the answer that the Outline Wildlife Hazard Management plan already takes into account the risks to aviation and it's adequate.

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Um, Paul, for sure, on behalf of BAE systems. Um, I think, you know, we have a couple of comments on, on on the BNG strategy. Um, and these are echoed by the Dio as well in their response from me, which I referenced, uh, this morning. Um, I think firstly, just to say it's large, large birds is not the sole issue. If you know wildfowl, wildfowl goals and flocking species which the Da Dear referenced in that letter. I think without an assessment of the risk of these sites in terms of bird strike risk, then we don't know what the impact will be.

00:10:54:14 - 00:11:26:18

So I don't know, you know, there's no detailed designs of these sites yet to influence that. So that's that's an issue that we don't understand what the risk will be. Um, I think our thoughts on this we put out in submissions before is, um, you know, the site selection process hasn't set out why this airport needs to be where it is. Um, there's no need for being through providers. It's not a statutory requirement here. Um, and if the applicants are seen as a 60% BNG, there's scope to reduce that if they still want to provide some.

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Benji, we don't understand why alternative locations haven't been looked at that would avoid the risk altogether.

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And, uh, do you agree with the applicant that if they were aiming for 10%, so potentially a smaller area, presumably that that would also have no impact potentially on on the risk.

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For sure. On behalf of payer systems, I think we we don't know that there's no assessment there to demonstrate that.

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So it's fair to say that it's it's the risk is unknown. Therefore we can't state that it will or will not and change it because.

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Of API systems. That's correct. I think, and our approach is that the easiest way to mitigate risk is not to provide this site or to provide it elsewhere. And that issue then just doesn't arise.

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Thank you.

00:12:25:19 - 00:12:27:24

Can we respond to that point? Thank you.

00:12:29:11 - 00:13:05:01

Uh, sorry. Phil Williamson, on behalf of the applicants. I don't want to repeat the arguments that were made in the aviation and radar. Um, I think the, um, the point I do want to make, though, is, um, part of the commitments in the Outline Wildlife Hazard Management Plan do include those biodiversity benefit areas in terms of undertaking a wildlife attractant hazard risk assessment. So, um, whilst we have provided updated designs in the deadline to submission of the biodiversity benefit, saying we've hadn't haven't had any engagement with BA on the specifics of it, um, in line with the conversations that we were having earlier.

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Um, and the applicants would welcome that opportunity to, to have that those conversations with BA.

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Okay. Thank you. Um, for my benefit for biodiversity, net gain area lemons specifically.

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It's a similar question that my colleague has already asked. However,

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because biodiversity net gain is not a legal requirement yet, it's slightly it's a slightly different context. So if an agreement with a Bay systems and in relation to the bird strike risk can't be reached, um, during this examination, how would the applicants suggest that the examining authority address this outstanding issue in its recommendation to the Secretary of State?

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Hillary Williamson on behalf of the applicants. Um, it follows the same process. Um, as we have done with the ecological mitigation areas, essentially those biodiversity benefit areas, ecological mitigation areas, and the construction as a whole will be treated holistically in terms of its attractants risk and therefore considered holistically in terms of its overarching bird strike risk assessment. We have demonstrated that process is appropriate for Blackpool Airport. And as I said earlier, we believe that process, whether it happens now or whether it happens in the post consent phase, is appropriate to manage that bird strike risk.

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Once we start, those detailed conversations would be.

00:14:46:09 - 00:14:51:09

Okay. Thank you. Is there anyone else who would like to comment? Mr. Walker?

00:14:52:19 - 00:14:56:23

Thank you madam. Angus Walker for the parish councils. Um,

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very helpful of the applicant to and say that they have deliberately chosen not to include the whole, um, corridor in that bag calculations. And that was a conscious decision. It's first time I've heard that. I think that that does not comply with the biodiversity metric. I mean, it's fairly clear it doesn't because

any, um, temporary losses that are not restored within two years must be included. And given especially that both projects could be sequential and each one is going to take quite a while, it could be years.

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So before before they are fully restored. So I think, um, first of all, the project already does not comply with the National Policy Statement, paragraph 4.6.7. Well, it says applicants are encouraged to use the latest metric. So I suppose they can say yes, we we understood. We're encouraged, but we've decided not to. But it would be very helpful to see what the result would be if they did use the latest metric to see if even 10% would be achieved if it was done properly.

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Um, and I, I urge the examining authority to request that of the applicants. Um, then there was the point that the this mitigation area, this particular one has already I didn't understand if it's already been designed to discourage bird birds visiting it, or that is a change since the application was made, because if they didn't know about the risk of bird strike when preparing the application, why would they have designed it to avoid? But third strike, it doesn't make sense.

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So I think it's a change since the application was made. Which if I'm right, means they should really recalculate the biodiversity score because they're now downgrading the environmental looks of quality of the site by making not have tall grass and not have reeds and have smaller ponds and all these sorts of things, surely that's going to reduce the score. So that needs to be recalculated even on the current calculations. But I say that it's much lower than it should have been in the first place.

00:17:12:00 - 00:17:46:04

I accept that biodiversity net gain is not yet the law for dsos, and it's going to be next May, and not for applicant applications already made even then. Um, however, in a decision last week on a solar farm, the applicants claim they were going to create 80% or 88% net gain. They didn't want a requirement Obliging them to do that, but the Secretary of State disagreed and put one in. For 80%, a bit lower than their figures. So the Secretary of State is very keen to have high biodiversity gain figures.

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So if this project doesn't even achieve 10%, which I suspect it won't when the whole, um, corridor is included, then that should count seriously against the project. Um,

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the Outline Wildlife Hazard Management plan admits that the risks are uncertain, and it talks about potential habitat management measures. So even the ones in there are not don't seem to be committed to, um, and they do seem to reduce the quality of the habitat if they are all carried out. So I think we would it would be of benefit to have some sort of ecological ecologists opinion that this does not reduce the quality of the habitat below the definition of that habitat in the Benji framework.

00:18:41:18 - 00:19:12:07

Um, I think that's probably it for now. Oh, yes. I suppose I could acknowledge that as, um, Scott asked, um, about would you consider putting it somewhere else? You were given a sort of out by the

examining authority and the question 6.2.3 but you've decided to, um, stick with these sites. Fair enough. But but saying that you're discouraged to go further away because of the spatial penalty.

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Um, that's a fairly crude penalty. So anywhere in the same national character area is not penalized or the same local authority area. And in the recent consultation on Benji, as applied to NIPS, it suggests that if it covers more than one area for a long project, um, then that'll all count as one, so it doesn't matter. It can be in any of those areas. So I think you can go some distance away from the project without suffering the penalty. Okay.

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Those are my points. Thank you very much.

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Thank you. That's very useful. Is there anyone who would like else who would like to comment on biodiversity net gain specifically?

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For Fylde.

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Borough Council. Um, just one point I want to make before I pass over, um, to Mr. Derek Richardson, who sits to my right. He's from the Greater Manchester Ecology Unit and he's been advising the council. And the first point is, in respect of the extent to which the draft eco secures a minimum uplift in biodiversity, net gain. And my point is similar to that which Mr. Walker made, which is that if the applicant wishes for there to be some sort of bank uplift taken into account in the planning balance, whether that be 10% or something above 10%, that does need to be secured in some way, whether that's for a requirement in the draft Eco or through one of the outlined plans.

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And that's the approach that's been taken to a number of other recently consented Ecos, um, in respect of um, ecology. I will pass on to Mr. Richardson, who I think wants to deal with the suitability of mitigation areas. That's item four B and then also BNG strategy at this stage.

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Okay.

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Yeah I'm Derek.

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Richardson I'm principal ecologist at the Greater Manchester Ecology Unit. And we provide ecological advice to Fylde Council. Um if I start with the biodiversity net gain. Um, just to expand on that, the point that's been made about, um, the temporary works being excluded from the bag, uh, calculation. Uh, yeah. The metric, um, the metric,



00:21:25:23 - 00:21:57:12

the current metric, um, regards. Anything more than two years. Um, uh, to be, uh, not temporary. And the ecological justification for that is species who are displaced for more than a two year period can often be regarded as permanently displaced. It's more difficult for them to move back into areas or to recolonize other areas. So if you put in temporary working areas into the metric, I think you'd get a very different result in this case, because the area of land covered by those temporary works is is very large.

00:21:59:02 - 00:22:33:14

Um, a couple of things. Just points of information really on BNG. Is that, um, in the documentation, the application documentation, I couldn't see the actual condition assessment sheets, the habitat that there are summary, um, descriptions of the conditions of habitats. But the raw data for which those summary conditions has been arrived at for inclusion the metric. I couldn't find that information. And then there is a statement that says that, um, not all of the land that will be covered by the works has been assessed for BNG.

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It would be useful to understand what proportion of land has not been surveyed for the ING purposes, to get an understanding of whether that's a significant constraint in the in the calculations.

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Um, if I may, if I turn to the the, um, queries about the adequacy of the mitigation areas, um, and this this comes down to information as well. So we know that, um, the areas where the works will take place are very valuable for birds. Um, the moss, for example, is likely functionally linked to designated sites. We're dealing with large numbers of birds. Um, we know it's agreed that the works will cause displacement and disturbance to birds.

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Um, which is why the mitigation areas have been put forward. But what well, I couldn't get to the bottom of is whether those areas are are adequate for. So how many birds will be displaced? Um, how will they be displaced? Um, there's an ecological term called carrying capacity of land. So that depends on what species involved, what the quality of the habitat is, whether those species are territorial. So you can look at an area of land and look at the how that area is managed.

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And you can reach estimates of what the carrying capacity. How many birds could that land sustain. Um, and then you can look at improving those areas of land, um, to see whether that carrying capacity could be increased. Um, but I couldn't see those calculations. Um, so we know that birds will do will be displaced. I'm not quite sure how many um, and where they, they may be displaced to, to see whether those mitigation measures are in the right place and whether they're actually of a size and a nature that is, um, fit for purpose, for actually supporting the numbers of birds that would be displaced and need those mitigation areas for the duration of the works.

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Thank you for those points. Before I ask the applicant to reply, is there anyone else who would like to comment on mitigation or biodiversity? Yes, please. Lancashire.

00:24:47:12 - 00:25:24:13

Hello. Yes. John Jones, chartered ecologist, speaking on behalf of Lancashire County Council. Um, just on biodiversity net gain. I'd just like to say that the points I was going to make have largely been made by Angus Walker and Derek Richardson. Um, I'd just like to state that I concur with those comments. Um, and just to add that biodiversity gain calculations should exclude measures that are required to meet other obligations. So they should be providing something that's not already required to meet, for example, a legal obligation.

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Okay. Thank you. Blackpool.

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Night. Blackpool. Council. On behalf of Blackpool Council, said that we don't wish to repeat what the other councils are saying, but we, Blackpool Council, do concur with the comments which have been made and look forward to seeing a bag secure properly through requirement. Thank you.

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Thank you and bye. One more time.

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Thank you. A moment on behalf of.

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BAE systems, I would just like to make the point for the panel's benefit in terms of how we would look to mitigate the risk with regards to bird strike. And we need to demonstrate as a regulated entity that we are operating safely and safe to operate. We also must take a view that we're operating where we are as low as reasonably practicable and tolerable, and that a large and tolerable position is, um, outputted as a result of how we would mitigate those risks. The the perverse or the preferred option in terms of mitigating that risk is to eliminate it.

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It wouldn't be acceptable to our organization to suggest that it was okay to proceed with the mitigations in the geographical locations that they are as a result of some kind of financial penalty as a result of those locations. And that's a point that was made previously by the applicant. Thank you.

00:26:53:22 - 00:26:58:23

Thank you very much for that point. I'll move to the applicants. Now, if you wish to respond.

00:26:59:06 - 00:27:45:08

Thank you madam. Quite a few points too. To pick up on. I think it's probably helpful. I'll try and touch on all of them in our response. So I think the first point to make, which I think is probably very clear from the application documents, is that and has been noted here, is that there is no statutory requirement to provide biodiversity net gain for nationally significant infrastructure projects. There is also no guidance or agreed approach on how that should be done, and Mr. Walker will be very aware, as he and I were both on the same call last week with Defra regarding the the consultation on the

guidance that Defra has put out about actually how you approach biodiversity net gain for nationally significant infrastructure projects.

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That consultation closed. I think it was at the end of last week, 24th. Um, and it's fair to say there have been quite certainly on the call we were on, there were some very significantly different views being put across by uh, by, uh, different, uh, different sort of stakeholders and approaches in terms of how this should be done. So, uh, in terms of the, the, the, the responsibility, the requirement for this project and these applicants to be producing biodiversity net gain, there is no statutory requirement and there is no guidance.

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So that's the position that we're in. There are metrics and there's an approach that applies for town and country planning applications. But this doesn't apply to this project at the moment. So that's where we are. And also the point is worth making that the Defra consultation, which is now ongoing, had not started when the applicants put their application in. So in terms of taking a biodiversity net going forward on this project, it's been absolutely clear throughout that that's effectively been done on a sort of voluntary basis in the sense that it can only be delivered if either the appropriate land rights are sought from either voluntarily or the Secretary of State grants compulsory acquisition powers.

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So in terms of the weight that can be put on that, it's always been recognised that this may not be capable of being delivered, particularly if the Secretary of State isn't satisfied that this land is needed and that therefore compulsory acquisition powers can be granted such that it can be delivered. So that's the basis on which this has always been discussed. It's also worth just going back. This is something that was discussed with various stakeholders, including Borough council, as part of the Expert Working Group in the pre-application stage around the approach to biodiversity benefit, in the sense that it was put forward.

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Sorry, there's another point that's worth making. We've never talked about it as being we've talked about it as biodiversity benefit because it isn't technically being within within the meaning of of those words or how they're understood. So it was worked through with the expert working groups, which were a very important part of the pre-application process, with the applicant engagement with borough council and others on how this might be done. It was agreed with the expert Working Group that insofar as biodiversity benefit was going to be brought forward, it would only be in relation to the permanent areas of infrastructure that we're going to be so effectively the substation sites, because to do it along the whole of the the order limits would have required 100 hectares of land to be able to provide some sort of benefit for those areas, which was felt to be entirely disproportionate to the effect and the impacts that were being considered and where that benefit would come.

00:30:40:00 - 00:31:15:04

It was agreed with the council, through the Expert Working Group, that it would focus only on those areas in terms of considerations about more than two years. That's all in the that's all in the Defra consultation at the moment as to how should temporary impacts be considered. Is it something that is

just around if at the moment that the the consultation on the guidance is talking about, um, if you have an impact of more than two years, it's not temporary. But submissions, as we said in our response to the questions, have been made by a number of, uh, of different industries.

00:31:15:06 - 00:31:45:08

So water industry, the electricity industry. Around the fact that actually you might be taking a bit longer than that with your works and therefore where you have linear projects. There are complexities around the delivery of that and the scale of, of effectively being that is going to need to be delivered. So there's certainly no definite position on that, and there's no certainty around it. And what's going to be required to be brought forward. Um, there is one more point I wanted to make, and I've probably lost it somewhere.

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Um. Oh, sorry. There's two more points. Um, there was a point made around, um, the the sort of penalty if you're moving, if you are, um, if you're further away from where the area of impact is, again, that's something that's picked up in the consultation. And there are considerations around how close you need to be, what that penalty looks like, but also how you might deal with credits. And there is some uncertainty around in case that might be the next question. Uh, around Actually, the circumstances in which, uh, Beng credits are a last resort or not a last resort.

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And the depth of consultation. Is unclear on that at the moment as to where that one's going. The final point is to talk about, um, it's been mentioned, I think, on behalf of the councils, the need for a requirement to secure effectively the BNG strategy or indeed a level of of gain to be produced. Um, the applicants are aware of the um, of the recent champion decision, uh, in terms of and there's clearly been another decision from the secretary of state, uh, on a solar project I wasn't aware of.

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Um, the applicants are prepared to offer effectively without prejudice requirements, securing the BNG strategy. Um, but it has to be without prejudice, because, effectively, if the Secretary of State doesn't grant the CA powers that are needed to deliver that, it won't be possible for the applicants to deliver that. So the intention is that there will be a without prejudice requirement. I think we're putting it in for deadline for. So it'll be in the updated, um, DCO at deadline four.

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So then that would secure the bee and the biodiversity benefit strategy. Um, for the purposes of the consent, in the event that the Secretary of State is satisfied in respect of, of CCA powers or indeed the land can be secured voluntarily.

00:33:41:06 - 00:34:10:05

On behalf of. Sorry, Joe Atkinson for the applicant. Um, I think it was Mr. Richardson, um, that just asked the question regarding the habitat condition assessment sheets. Um, and they will be submitted into the examination at deadline for, along with, um, a revised version of the metric spreadsheet, um, which was asked for by the examining authority. Um, I say revised because the original one was done to version 4.1, which preceded the now adopted statutory version, which is slightly different. To.

00:34:12:09 - 00:34:40:02

Laura Fuller, on behalf of the applicant, if I can just clarify the position in relation to putting forward the, um, without prejudice requirement. Um, we've got two options. We can either put it forward in a separate document in the same way as we have done for the without prejudice benthic schedule, or if it's the panel's preference, we can put it forward in the draft DCO, but with square brackets and an A note in the explanatory memorandum. Uh, as to the basis of how that's put forward.

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I don't really mind, but.

00:34:43:01 - 00:34:45:21

Probably square brackets about a choice of the two.

00:34:47:18 - 00:34:48:08

Thank you.

00:34:48:10 - 00:34:59:06

Would it include an actual figure in it? The drafting minimum minimum biodiversity benefit being a requirement, or would it just refer to a strategy?

00:34:59:18 - 00:35:09:20

The drafting we're proposing to put forward is based on the Bramford to Twin State DCO. Um, and that would it is based on the strategy and it wouldn't put forward the, the figure.

00:35:15:21 - 00:35:21:00

It will reference the biodiversity benefit statement, which would then become a certified document as well.

00:35:25:10 - 00:35:28:02

Okay. I'll take the comment. Mr.. But we have to move on.

00:35:28:04 - 00:35:54:05

Yes. Thank you for the parish council. Just very briefly, I accept that it's not a legal obligation to provide Benji, but I think the examining authority and then the Secretary of State should at least be furnished with the information about what the true score of the project would be if the full metric was applied. Um, so just so they can take that into account and they may still decide to consent the project, but they should know a bit like the Finch situation.

00:35:56:10 - 00:35:57:00

Thank you.

00:35:57:02 - 00:36:27:04

Thank you. Borough Council will obviously review the draft proposed wording of the without prejudice requirement in due course. The one point I would make is that if there's going to be no specific requirement at minimum figure in the draft drafting of the requirement itself. Then we will need to just review the biodiversity State Farm statement that secures aspirational figures. Because if

it's going to secure what's in that document, we'll just need to look at the wording and how strong the wording is in terms of any minimum that it secures.

00:36:27:17 - 00:36:32:07

So quite happy whichever approach the applicant takes, but it does need to secure something is the point.

00:36:32:21 - 00:37:01:21

Can I just list down on behalf of the applicant? Can I just, um, follow up on that point? The applicants are really keen to engage on this. I think this is the first detailed submissions we've had from Borough Council in respect of this, in terms of their position. The applicants are very, very happy to sit down with the GMU and Mr. Richardson to talk through the approach to provide that detail, which will be at deadline for. So if very happy before the end of this, to arrange a meeting to set that up and then talk that through.

00:37:02:08 - 00:37:16:22

Laura Fuller, on behalf of the applicant, can I just clarify? Sorry that the drafting is based on the Brantford Twin Study. And it does. Sorry. It does secure that it would be a minimum of 10%. What I meant is it doesn't secure the figure that's currently set out in the biodiversity benefit statement.

00:37:17:18 - 00:37:47:24

Okay. Thank you. If the parties can take it outside later on, that's and provide us with an update. That is going to be much appreciated. Uh, I will move on from this topic. We do need to finish on ecology, uh, fairly soon. So I would like to cover EPs licensing now, together with survey gaps and little sand and dunes triple sci. Um, so for the EPs.

00:37:49:02 - 00:37:49:17

Uh.

00:37:50:00 - 00:37:56:21

I know that Natural England have encouraged the applicant to contact their licensing team,

00:37:58:09 - 00:38:22:02

uh, regarding submitting a draft license or relevant information and obtaining obtaining a letter of no impediment. I do note that applicant states they don't need that. That those licenses aren't going to be required. So I would like to understand. Is this the final position from the applicant?

00:38:29:08 - 00:39:01:18

Uh, Joe Atkinson, on behalf of the applicant. Um, yes. We're still maintaining that position at present. Um, with regards to the great crested newts. It wouldn't be, um, a letter of no impediment that would be received. Um, we are still progressing with a license for that species, but because it's done via the district level license route. Um, natural England issue, um, an impact assessment, conservation payment certificate. I see PC instead of a of a letter of no impediment, which is essentially the same thing.

00:39:01:20 - 00:39:05:12

It's natural England into accepting the scheme onto that.

00:39:07:09 - 00:39:23:02

Um, but Natural England have specifically encouraged you to reach out on the topic of licenses. It's not just great crested newts, as you are aware. And so is this something that you are talking to them about?

00:39:25:23 - 00:39:35:23

Uh, Joe Atkinson, on behalf of the applicant, yes, obviously we're aware of the of the Natural England position and we would seek to reach agreement one way or the other before the end of the examination.

00:39:41:02 - 00:40:00:05

Uh, Joe Atkinson, on behalf of the applicant, sorry, just the other thing that I would say is the the licensing route is, is fairly well known, um, for these species. So if we if it transpires that we do need to um, we are suggesting that a license is required, then we have no reason to believe that we wouldn't be able to satisfy Natural England in that respect.

00:40:01:01 - 00:40:22:20

So as I understand, for example, for the sand lizards, the natural natural England are making a point that there is insufficient information. Um, insufficient surveys have been conducted so they can't rule out impacts on the sand dunes triple A-side features on the habitat there. So

00:40:24:19 - 00:40:25:12

are you

00:40:27:12 - 00:40:32:00

are you maintaining your position on the survey gaps as well?

00:40:33:13 - 00:41:09:24

Joe Atkinson, on behalf of the applicants, um, I think with respect to sand lizards, there's obviously been quite a lot of discussion. Um, and I know the two, um, interested parties at the back of obviously made their positions as well. Um, but I would just like to reiterate that we, we don't want to affect the sand lizards or their habitats with this project. Um, at the moment, we're anticipating that that can be done through reasonable avoidance rather than licensing. Um, but if it comes down to it, a licence could be obtained. I know there's been a lot of backwards and forwards about the surveys, but ultimately you would survey for the species to determine whether they are present or absent.

00:41:10:02 - 00:41:23:01

And we already know of that. So I don't think additional suite of surveys would tell us much. Um, the best thing that we can do is continue to engage with the Fylde Sand Dunes project, who know better out of anybody where these species are on the site.

00:41:26:08 - 00:41:34:22

I understand your point, but I also have the point from Natural England where they maintain that

00:41:36:11 - 00:41:46:06

potential. Surveys, detailed surveys moved to pre-construction stages are not acceptable for them.

00:41:47:19 - 00:42:04:08

They're just saying there they will not advise, as you know, uh, because the information they've got is inadequate and they are not agreeing with you that doing it post consent is going to address, um, those issues.

00:42:06:07 - 00:42:19:06

So if the Secretary of State was minded to agree with Natural England on this point, how would the applicant suggest the examining authority addresses it in our recommendation?

00:42:21:09 - 00:42:53:12

Laura Martin, on behalf of the applicants, I think there's two different points here that need to be distinguished. There's the post consent, um, pre-construction surveys, which are, uh, secured by requirement 13 of schedules two A and two B, and to my knowledge, no comments have been made by Natural England in regards to that. Then the other point that they've raised is in regards to the surveys done pre-application, to inform the assessment in regards to sand lizards and the dune habitats at the triple C.

00:42:54:01 - 00:42:56:22

And Pete as well. Pete.

00:42:56:24 - 00:43:26:23

Yeah. Um, And Pete, in regards to this, and as my colleague Miss Atkinson just, um, highlighted, we only look for absence or presence. So now that we know that they are there, it just it would inform the mitigation. It doesn't change anything if we knew how many where they are or anything like that. But we have listened to all the comments that have been made and will be putting in a sand lizard mitigation plan into the um at sorry, the Outline Ecological Management plan at deadline for.

00:43:27:21 - 00:43:44:02

Also, in regards to Natural England's comments, we have taken these on boards in regard to the National Vegetation Classification Survey and we are undertaking one currently at the LSC and at the Local Nature Reserve, and this will be submitted at deadline five.

00:43:46:18 - 00:43:53:17

Okay. And what about the peat surveys? Um, they are quite specific. Uh, about that.

00:43:54:16 - 00:44:24:23

Uh, lays down on behalf of the applicant. Um, we can we can either pick that up in, in land use because the expert that deals with the peat surveys is actually the land use expert rather than, um, it's a sort of soils matter rather than rather than elsewhere. I think I can probably say quite that at quite a high level that, um, we, the applicants consider that, that, um, appropriate survey level has been completed for the purposes of this application.

00:44:25:02 - 00:44:33:10



It hasn't shown, um, high levels of peat. I think there were some small areas, potentially, of peat. Um.

00:44:33:23 - 00:45:13:12

Joe Atkinson for the applicant. Um, so we haven't the the surveys that were undertaken. Um, I'd just like to point out I'm not a soil geologist. Um, the the habitat surveys didn't indicate any areas that would have deep peat deposits other than a very small area of, um, of lowland fen habitat, which is, um, on the edge of Suffolk Brook, which is outside the order limits. Um, and then there's also some shallow peat deposits on the triple C Local Nature Reserve and golf course, which is highlighted in the outline Hydrogeological Risk Assessment, which has a conceptual site model showing the cross section with the shallow peat deposits.

00:45:16:06 - 00:45:58:01

So I'm happy for this to be picked up elsewhere as well. But I will point out that it is on the agenda. Um, and as related to survey gaps, could I just ask the applicant to provide an update specifically on that point? So, uh, Natural England stated that once peat surveys are undertaken and it is determined that deep peat is present, they advise that an assessment should be undertaken to consider the impacts from the project and any mitigation measures, including potential changes to the design of the scheme to avoid impacts on any restaurant.

00:45:58:04 - 00:45:59:02

Deep Pete.

00:46:02:05 - 00:46:15:09

Lasdun on behalf of the applicants. Our sauce expert has just just arrived. So if apologies, I think I might need you to repeat the question, but hopefully then we can deal with this now and she can respond.

00:46:17:11 - 00:46:52:20

Okay, so I'm asking for a comment to the survey gap that Natural England is highlighting in relation to deep restorative peat. And what they have said is that once peat surveys are undertaken and it is determined that restoring deep peat is present, they are advising that an assessment should be undertaken to consider the impacts from the project to consider mitigation measures, including potential changes to the design of the scheme.

00:46:53:01 - 00:46:55:12

To avoid impacts.

00:46:57:13 - 00:47:28:06

Julia Tindale on behalf of the applicant. So Pete has actually been considered in a number of locations within the environmental statement. Within the Land Use and Recreation chapter we've looked at in terms of soils and land classification, we've looked at areas of survey, including some of the areas that you would anticipate. Where peat might be found is basically, there's an area east of the airport where the soils of the core association and then downhole and silts might have peaty or peat deposits within them.

00:47:28:22 - 00:48:07:16

Um, so the land use recreational survey work that we've done, um, to the east, the airport, which is in some areas, um, has shown basically that there are some shallower, um, Pete peaty soils within the Outdoor Association, 30 to 40cm, perhaps, which wouldn't be considered to be deep. Pete's the downhole and silts are very much wasted and they would be more a sort of petty deposit. So they're organic rather than being peats themselves. So that's what the survey worker showed. Actually, when you look at other survey work that's been done in that area by, um, Defra as well, which has gone into the peatland, uh, habitat map, that's the same type of results they're finding.

00:48:07:18 - 00:48:44:14

There's patches of it, but it tends to be fairly shallow. Um, and um, you might find the odd hollows in fields where you'll get a slightly deeper deposit, but because a lot of it's been arable or intensively used, um, it's heavily wasted, which is the pattern that you would expect. Um, and actually, um, so the other work that's been done, obviously we've, we've had a geological, um, sort of assessment as well. They've identified the same sort of area that might potentially have it just to the east of the airport. Um, we've also had some archaeological trenching work done which looked at some of the areas around Higher Balham.

00:48:45:05 - 00:49:00:20

Um, and um, again, there they found a very similar pattern to, to what I found when I did the saw survey work that there are some shallow pits and um, but mostly it's mostly wasted, I mentioned. Yes.

00:49:00:22 - 00:49:10:13

So something that you are, uh, actively engaged with Natural England on. And can you provide an update because their position is different to what you are?

00:49:10:18 - 00:49:46:08

Yes. That's fine. So, um, just also to mention we have the soil management plan that we've put in outline soil management plan and that specifically references some outline measures which you would implement through the process. If you further survey work that you would do pre-construction, identified any particular areas or small pockets of peat, and you would have to have bespoke measures at those locations. So again, that's covered within the outline soil management plan. And I can provide an update for deadline for just identifying where all the different elements of peat soils and peatland habitats have been considered through the ES.

00:49:46:17 - 00:49:49:00

And then our response to Natural England.

00:49:50:24 - 00:49:58:11

That would be helpful because their position on it is quite clear. So if.

00:51:01:05 - 00:51:09:10

Um, I apologize. Could I just ask this last submission to be, um, repeated? And apologies for that.

00:51:11:01 - 00:51:11:16

Julie.

00:51:11:19 - 00:51:13:16

Julie Vale from File Council.

00:51:13:23 - 00:51:46:10

Uh, so, yeah, I just wanted to emphasize the importance of the sand lizard population on the Fylde sand dunes. Uh, the population of sand lizards were actually lost to Fylde. And as everyone is aware, they are naturally scarce. Um, species. A extensive reintroduction program took place in 2021, uh, through the Fylde Sand Dunes project. And that population, although is seen increases, is very fragile and open to a lot of disturbance.

00:51:46:21 - 00:52:19:14

The 2024 data and the initial data that we're collecting for 2025 has shown quite a high concentration of population on the northern slopes of the old Sandringham track, which is the main access point onto the beach. That northern slope is incredibly important for both nesting burrows and hibernating burrows, and very the sand substrate is very, um, subject to vibrational disturbance, with the burrows collapsing quite easily.

00:52:19:24 - 00:53:02:08

So we're particularly concerned with not only foot disturbance traffic, but HGV disturbance. So we don't accept that there will be a no direct impact onto the sand lizard population. The other issue with the sand lizards we have is the due to the mandatory alignment practices that we've been undertaken at the Dune project, we've been increasing the width of sand dunes on average of ten meters per year. So although the boundary of the triple sea is stated, um, the actual foot of the toe of the dunes, which is prime sand lizard habitat, is actually much further out.

00:53:02:15 - 00:53:15:18

So when reference to compounds and exit pits of 100m from the sea boundaries stated in the application, we worry that the reality is is those sand lizard populations will be much closer.

00:53:19:10 - 00:53:24:24

Thank you. Does anyone else want Lancashire? Oh. So. Apologies. Yeah.

00:53:25:01 - 00:53:33:05

File Fylde Borough Council. I think Mr. Richardson was just going to pick up on the remaining topics that we haven't addressed yet.

00:53:37:03 - 00:54:08:13

Uh, two things. One, on not to repeat what's already been said, but just to emphasize the importance of peat as an ecological issue, and not just as a land management issue. The reason it's ecologically important is because it has really significant potential, not just as a carbon store, but if you restore the habitat on that, Pete, it can sequester carbon from the atmosphere, from the habitats. So it's one of those. It is it's it's a substrate, but it's a bit like limestone pavement. The substrate itself is important ecologically because of its potential for restoration.

00:54:09:01 - 00:54:41:18

And Natural England have shown in, particularly in northwest England, that even more shallow areas of peat can sometimes be really important for restoring that peat to be notable habitats. If you think about peat as a big underground water storage area, the shallower bits at the edges are like the shallower bits of a lake. You know, if you affect the shallow areas, you might affect some of the, um, the deeper areas of peat as well. So that just emphasizes the point for proper survey to be done and what the applicants have already committed to, which is a comprehensive peat management plan.

00:54:41:20 - 00:55:12:12

I think it is slightly different than a soil management plan because the peat is is a habitat in itself. Okay. Um, and then just to again, I'll be very quick just to reiterate that some of the gaps in survey effort, I'll come back to what I was saying earlier about the adequacy of the mitigation areas for birds and whether there is sufficient information, um, available to justify the size of those areas, the location of those areas and the habitats within those areas.

00:55:12:21 - 00:55:30:10

Um, with a lack of information about what's the extent of bird displacement for the works. Um, what's the carrying capacity of those mitigation areas? Um, what's the sustainability of those mitigation areas? So just to make that, um, brief point about, um, the adequacy of survey effort. Thanks.

00:55:32:03 - 00:55:32:18

So.

00:55:37:21 - 00:55:39:07

That was a point about.

00:55:42:04 - 00:55:42:19

It.

00:55:45:02 - 00:55:52:13

Does that conclude? Thank you very much. I think Lancashire County Council or next.

00:55:56:00 - 00:56:33:08

Hello. Yeah. Jon Jones, ecologist for county council. Um, a couple of additional points. Um, obviously the scheme will have an impact on a number of important habitats, including, uh, designated sites such as Lancashire's non-statutory biological heritage sites. Um, so, obviously, prior to an approval of those impacts, it would be appropriate to demonstrate what alternatives were considered and why they were not feasible in order to justify those impacts as being unavoidable.

00:56:37:08 - 00:56:42:02

And then just another additional point around gaps in survey data.

00:56:43:20 - 00:57:11:11

There are areas of habitats within the order limits that haven't been surveyed, um, presumably owing to access, uh, refusals or such issues. Um, so potentially within those areas there could be features that may support protected species, um, things like places of shelter for, for protected species that have not been detected as part of the impact assessment.

00:57:15:20 - 00:57:16:10

Okay.

00:57:17:05 - 00:57:21:22

Thank you very much. Uh, Newton with Clifton, please.

00:57:24:10 - 00:57:25:02

Phil Morgan's.

00:57:25:04 - 00:57:25:20

Deputy.

00:57:26:08 - 00:58:01:13

Um, yes. Uh, so I'd like to raise concerns relating to the ecological surveys. Um, back in 2003, as a landowner, I was contacted, along with many other landowners, requesting that the applicants be allowed access to our land to do surveys of various sorts. To date, we've never seen any feedback from those surveys. So for me, yet again, that's another example of poor engagement with normal people. Um, moreover, um, whilst there have been surveys on bats and otters and waterfalls and the like.

00:58:01:21 - 00:58:38:05

Um, I could find no reference at all relating to, you know, mammals like brown hares, barn owls, stoats. All of these seem to have been overlooked. And given that this cable route and the substations are going to have such a serious impact on greenbelt land, should there not be greater scrutiny on the completeness of the ecological assessment? And I'd really like the inspectors to please confirm whether all those survey results would be made available, but also whether the wider impact on local wildlife, particularly the species, is not yet reported on is being properly considered before there is any decision made.

00:58:38:15 - 00:58:39:05

Thank you.

00:58:41:24 - 00:58:51:10

And thank you for the comment. Uh, I can see the gentleman at the back would like to speak, so we're just coming with a microphone.

00:58:55:17 - 00:59:28:18

Um, it hadn't really occurred to me before. My name's Robert Silverwood. I live on Lower Lane in Franklin. Um, there are eels, our eels protected? I'm not sure, but anyway, if they are protected, uh, they come regularly up the Dow, which they're going to go under or through or whatever. I'm really not too sure what they're going to do with it. But anyway, they go, um, up the Dow and then up the little tributaries of the ditches, uh, right up lower Lane towards the housing estate.

00:59:28:24 - 00:59:51:19

So if they are protected again or even if they're not, I mean, they are Um, creatures that deserve the rite of passage. And I just feel that, you know, with vibration or some other obstructions, it's going to

spoil their, their natural ways, which they've been traveling for probably hundreds of years. Thank you.

00:59:53:20 - 00:59:54:23

Um. Thank you.

00:59:56:17 - 01:00:03:13

Is there anyone else who wishes to comment on any, uh, outstanding ecological matters?

01:00:07:02 - 01:00:08:15

Please. Gentleman at the back.

01:00:09:05 - 01:00:10:15

Thank you. I have another microphone.

01:00:12:01 - 01:00:15:14

Can we just. Can we just get the microphone?

01:00:20:03 - 01:00:24:16

And can you just introduce yourself and say who you are representing?

01:00:26:13 - 01:00:58:23

Thank you. I'm councillor Tommy Threlfall for council leading on environment. I just want to echo the Eagle Passage, which has just been commented on in that all our waterways have eel passages for where intertidal issues, which the river do, is it's a, um, a waterway leading into, uh, the River Ribble. There is, uh, eel passage for which we find in our dikes and waterways all over the area between Frecklington and Newton Marshes. We find lots of eels and they are protected.

01:00:59:02 - 01:00:59:18

Thank you.

01:01:02:08 - 01:01:03:11

Thank you very much.

01:01:05:09 - 01:01:11:00

I can see anyone else who wishes to make a comment, so I'm going to ask the applicant, uh, to respond.

01:01:12:09 - 01:01:53:04

Laura Martin, on behalf of the applicants, I'll try and cover everything that everyone said today. Um, starting with Fylde Borough Council, it's our understanding that that access is already used by the council. Um, as part of San clearance, along that access for emergency works and general maintenance of the sand, um, dunes so that we anticipate it to be exactly the same when we use construction and if they can manage the impacts, and so can we. Secondly, um, in terms of the dune accretion that has been taken into account when, um, undertaking the site selection and the refinement of the project.

01:01:53:06 - 01:02:23:07

So we have the commitment to 100m, um, from the offset of the triple C boundary. And that is to account for the dune accretion that we calculated, um, with the Wildlife Trust, um, back prior to application. Um, in terms of the peatland habitat, I think my colleague, um, Miss Tyndall, um, covered that. But there is reference to peat and the outline soil management plan.

01:02:23:09 - 01:02:51:24

And if we were to find any, um, levels of peat when we come to do the detailed soil surveys and the peat surveys. We would obviously adhere to those management measures that are outlined in the soil management plan. Um, I think another point that was made was around the adequacy of the mitigation for birds. We just welcome a statement of common ground meeting we've filed in regards to this, because we're more than happy to provide that level of information, um, to them.

01:02:53:24 - 01:03:32:06

Moving on to Lancashire County Council, um, we have been in conversations with them around the biological heritage sites in statement of Common ground meetings and will continue this, um, to ensure that they are satisfied with the level of detail provided. Um, the areas of survey coverage that was also raised, um, you never get 100% coverage. And I'd just like to highlight that we do have a very high, uh, survey coverage level. I think it's over 90% for phase one. Um, we have looked in a lot of detail at this, and a lot of the areas that weren't surveyed is because they're residential areas.

01:03:32:12 - 01:03:38:03

Um, and therefore there is no ecological importance to that. But we will provide a map showing that a deadline for.

01:03:40:04 - 01:04:15:02

Um, in terms of the points raised by Newton and with parish council, um, all survey results are in the chapter and in the supporting annexes, um, including the results of barn owl surveys. Um, in terms of stoats and hares, these are not important ecological features. So they wouldn't be assessed separately. And finally, the last point regarding eels is, um, we have confirmed the presence of eels along Dale Brook.

01:04:15:04 - 01:04:28:01

So we agree, um, with those who raised it. And I'd just like to highlight that we have made a commitment to trench this technique. All the main rivers, which includes Dale Brook. So there would be no direct impact on the eels.

01:04:36:04 - 01:04:38:17

Okay. Thank you very much for that clarification.

01:04:40:22 - 01:04:43:00

Okay. Just final comment.

01:04:43:02 - 01:05:13:13

Please show me state for final Borough council. There's two points I'm going to pass on to Mr. Coates. Just to deal with one point in a moment. Just the first is the first in response to the applicant's point to us about the extent to which the access. So Salmon Road would be the same in terms of impact. I don't think we agree with that, because I think the intensity of the use by the council is very different to the intensity of use for construction access. So we'll perhaps provide a bit more information in writing and response to that point, but just to lay down a marker that we disagree, and then I'll pass on to Mr. Coates just to deal with one additional short point.

01:05:14:04 - 01:05:15:10

Yeah, just very briefly.

01:05:15:13 - 01:05:45:00

John Coates, take borough council. Uh, the comment, the response to our comments about peat referring to the soil management plan, um, the soil management plan, um, only refers to, uh, sets out management strategies where peat is identified and cannot remain in situ during construction. There is absolutely no commitment or no principles in terms of identifying, avoiding, considering alternatives. Um, we also don't consider that to be appropriate.

01:05:46:14 - 01:05:47:11

Okay. Thank you.

01:05:47:13 - 01:05:48:03

Uh, before.

01:05:48:05 - 01:05:52:01

I adjourn, I do need to give the applicant the final. Right. So.

01:05:58:22 - 01:05:59:12

Okay.

01:05:59:14 - 01:06:03:00

Lays down on behalf of the applicant. So we'll go back directly to forward on that point.

01:06:03:02 - 01:06:07:09

Thank you. Thank you. That's much appreciated. Uh. It's now.

01:06:09:12 - 01:06:15:09

3:08. This hearing is adjourned. We are coming back 3:25.