



Planning Inspectorate
Arolygiaeth Gynllunio

Hearing Transcript

Project:	Morgan and Morecambe Offshore Wind Farms Transmission Assets
Hearing:	Issue Specific Hearing 2 (ISH2) – Part 5
Date:	30 July 2025

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The video recording published on the Planning Inspectorate project page is the primary record of the hearing.

File Length: 01:36:04

FULL TRANSCRIPT (with timecode)

00:00:06:02 - 00:00:08:23

Okay. Could everyone take their seats now, please?

00:00:12:18 - 00:00:24:10

Okay, so good morning. It's now 930. And time for this hearing to recommence. Can I just confirm that everyone can hear me? Yes.

00:00:26:17 - 00:00:58:16

Okay. Is that better? Okay. Can I also confirm that the live streaming and recording of this event has commenced? Thank you. So I'd like to welcome you all to the second day of this issue specific hearing. This is part of the examination of the application for a development consent order for the Morgan, Morcom and Morgan Offshore Wind Farms Transmission Assets project. I don't intend going through all the introductions again.

00:00:59:10 - 00:01:34:01

If you wish to speak first, provide your name and the organization you represent. Can everyone please set all devices and phones to silent? The toilets are located along the corridor to my right, and there are no fire alarm tests scheduled for today. The five. The fire exits are located towards the back of the room, and the assembly point is in the car park. As explained yesterday, this second issue specific hearing on onshore and offshore environmental matters.

00:01:34:26 - 00:02:05:25

There's still a lot to get through, so can I please remind everyone this is an issue? Specific hearing and any contributions to proceedings should be on specific topics under discussion and should not be should not have been raised previously, either in writing or during the course of an earlier hearing. I'd like to assure everyone that all points raised have been noted by the examining authority and will be considered by it. So yesterday we covered the following items. Item one.

00:02:06:01 - 00:02:39:14

General matters, including a brief discussion on the applicant's notification of proposed changes to the application. Item two landscape character, visual effects and green belt. Item three aviation and item four Onshore ecology. So today we will cover the remaining agenda items. Um. However, we've had a request from the applicants for item six hydrology and flood risk to be first this morning instead of offshore ecology.

00:02:40:12 - 00:02:46:21

So can I ask you, are there any comments on that request? Does anyone have any issues with that?

00:02:48:20 - 00:03:17:15

No. No one online. Okay. So we'll we'll make that change. So the first item that we discussed this morning will be item six. Hydrology and flood risk. We've also had a request from Blackpool Borough Council for Traffic and Transport to be scheduled after lunch. But looking at the agenda, that appears to be the most likely slot for it anyway. Um, are there any comments on that request as well?

00:03:20:24 - 00:03:36:27

No. Okay. Uh, does anyone else have any other comments before we proceed today? Okay. I'll then hand over to Mr. Kiska for item six. Hydrology and flood risk.

00:03:37:29 - 00:04:09:21

Thank you, Doctor Morgan. So we're going to start with the outline operational drainage management plan. Um, I'm going to just start with a question. So the outline operational drainage management plan does not address the depth of cable trenches or their interaction with existing land drains. It doesn't mention protective measures to avoid disrupting existing drainage infrastructure at an open floor.

00:04:09:23 - 00:04:46:19

Hearing. Two concerns were raised about the potential conflict between cable trenching and existing land drainage system, and a request for deeper burial of cables to preserve drainage functionality was made. So could the applicant comment on this issue? And our land drainage survey is currently being carried out in relation to establishing the depth, and can we expect the results of those to be available during the examination?

00:04:48:01 - 00:05:24:20

Thank you and good morning. Liz Dunn, on behalf of the applicant. So I'm going to just, um, sort through some of those points. Um, and then we'll bring others in to, um, to address the others. I think at the outset, um, I think it's it perhaps it isn't clear from the application. There is a volume of documentation, the outline, um, operational drainage Management plan, which is app 205, only relates to the permanent elements of infrastructure. So the substations that are to be built in respect of, uh, construction, drainage.

00:05:24:22 - 00:06:08:25

So drainage during construction works, which also uh, would apply to uh, to field drainage. So the way that um, existing drainage within agricultural land will be managed, both pre-construction during construction and after construction is set out in the outlined surface and groundwater management plan, which is AP 2002, two, which is an appendix to the Code of Construction Practice. So the measures relating to agricultural drainage and construction drainage are set out in the surface and groundwater management plan, as I said, which is AP to zero two.

00:06:10:00 - 00:06:45:00

Um, I think there were questions about the depth of drained, uh, sorry, the depth of the cables in respect of drainage. So, um, I'll pass over to Mr. Ellis, who will talk about how the, uh, how effectively, um, prior to entry onto land, existing drainage will be considered. Uh, will be then, uh, managed during construction and then reinstated post construction. Um, and I think we'll draw out the work that's going on at the moment with, uh, with the land drainage surveys that are being that are being done.

00:06:46:10 - 00:06:58:09

Uh. Thank you. Just quickly, we had a virtual hand up from the Environment Agency. Could I just double check that there is no issues with doing this item now on the agenda?

00:07:01:03 - 00:07:12:08

Yes. Thank you. It's from the Environment Agency. Um, I was just trying to confer with my colleagues, but we are happy for the the change in the agenda. Thank you for confirming.

00:07:13:06 - 00:07:16:14

Thank you very much. Okay. Please continue.

00:07:17:26 - 00:07:20:01

Morning. Paul Ellison, on behalf of the applicant.

00:07:23:19 - 00:07:29:14

Um, the question was. Regards. How do we deal with drainage during construction? Um.

00:07:29:23 - 00:07:51:14

It was specifically about the concerns that were raised during last open floor hearing about the depth, um, of the burial of the cables and about the surveys that are being carried out at the moment, and whether we are going to see the results of those during the examination.

00:07:52:27 - 00:08:10:03

And just a reminder for everybody. Can you speak towards the microphone, please? I know it's difficult when you're looking at us and the microphones over there bring the microphone a bit closer. But I think there's a sweet spot with these microphones. When you get too close, it gets all blurry. If you're too far away, you just. It's out. If you can just. Yeah. Keep the microphone reasonably close, please.

00:08:10:05 - 00:08:11:24

Okay. Tell me how it goes.

00:08:13:12 - 00:08:34:00

Um, yeah. So there are existing, um, um, consultations going on with the, with the landowners to establish, uh, what they know of their existing land drainage schemes in their, in their holdings. Um, that information is currently being collated. Um, we have, we have a company involved in that, um, consultation process.

00:08:34:02 - 00:08:48:27

Uh, sorry, I think that some people still can't hear if you maybe move the microphone. I don't know if you can move it. It needs to be about sort of this distance from your from your mouth, I would say sorry. I think they're quite sensitive.

00:08:50:00 - 00:08:51:13

Okay. Can everyone hear me now?

00:08:57:03 - 00:08:58:11

I'll be in stereo shortly.

00:09:01:09 - 00:09:04:13

All right. Is that any better? Yeah. Okay. Yeah.

00:09:04:27 - 00:09:05:12

Okay.

00:09:05:14 - 00:09:06:17

Thank you. Okay.

00:09:07:06 - 00:09:52:27

So I'll start again, just in case everyone didn't hear. I can see what you mean about the sweet spot. Right. So there is currently a consultation going on with the landowners. Um, with the company that we're engaged with, uh, LDC limited. Uh, those consultations are basically to establish what the landowners know of their existing drainage systems within their holdings. Um, we've tasked, uh, LDC with producing a report, uh, which shows, uh, the pre-construction requirements, pre-construction drainage requirements, um, and the post construction drainage Requirements for the three scenarios if either project went independently, or if both projects were delivered, um, consecutively.

00:09:53:20 - 00:10:26:21

Uh, obviously looking at the land with, with one project potentially being further uphill than the second project, it's quite a complex piece of work we've asked them to do. Um, I believe those consultations are still ongoing. Um, we don't have a date at the moment when we're likely to receive the final report. As I say, it's quite a complex piece of work. So I can't give you off the top of my head assurance that that information would be received during the during the, um, the hearings. Um, with regards to the cable depth.

00:10:27:28 - 00:10:57:21

Uh, there's a commitment that we will have the cable depth, uh, no higher than, um, 1.3m to the top of the cable. Um, there is some flexibility in the, Cable design to within reasonably flexible about that where that depth can be obviously no less than 1.3. But you do have the ability to go down further, but it has implications on the performance of the cable and the cable type that would be required.

00:10:59:08 - 00:11:35:06

Generally speaking, um, whatever we do, there is a commitment that we would, um, maintain the drainage functionality of the field during the construction phase. Um, that's primarily going to be would be done through the, um, installation of pre-construction drainage. So to explain what that actually is. Uh, you'd be looking at whether you want to install a, uh, a cut off and head a drain to pick up all the water that's coming into the into the field drainage system, uh, above where you're working on a on an elevation.

00:11:35:26 - 00:12:08:04

Um, so that the water can be picked up and transported out to the appropriate outfalls at the field boundaries, etc.. Um, the installation cable through open cuts, um, trenching methods invariably

would sever existing land drainage systems, but that's the purpose of the header drain. The header drain picks up, um, and effectively cuts off the land drainage that you're going to be going through with your open cut trenching, um, having got your cables installed, etc..

00:12:08:27 - 00:12:43:26

Um, and moving towards actual reinstatement of the land and handing the land back to the landowner, then you are looking at your post construction drainage considerations so that the post construction drainage is looking at the system as a whole, considering your installed pre-construction drainage where required, um, and essentially assuring through the installation of further drainage, if required, that this field is still left in a in a in a suitably drained or equivalently, equivalent drainage drainage drainage state than was what was encountered when you went in.

00:12:44:09 - 00:13:17:17

It's also worth noting that, uh, any, um, land drains that were severed during the cable installation process will be repaired and installed, and the method of that repair and installation would be done in consultation with the landowners. Some landowners have different preferences about what that repair methodology should look like. Um, and it's basically making sure that it's installed to the landowners requirements. The locations where the drains have been severed would be surveyed, um, GPS surveyed, photographed, etc..

00:13:17:19 - 00:13:39:29

So we have a firm record of where, um, the existing land drainage has been interfered with for future reference. Um, and then following, following the installation works, it's a period of monitoring, um, to make sure that no new standing water areas have developed or the soil itself doesn't get saturated in areas that wasn't previously and that the outfalls are still functioning.

00:13:40:27 - 00:14:06:15

Okay. Thank you. That's very helpful. I am aware that you are currently in negotiations with National Farmers Union in relation to exact wording and the outline code of construction practice. I think it's in relation to commitment 84, and they are asking for quite a specific wording in relation to drainage. Is that something that you can comment on.

00:14:07:04 - 00:14:15:10

Uh, less done on behalf of the applicant? Um, I haven't got an update on the position on that at the moment. We can take that one away and come back.

00:14:16:18 - 00:14:22:05

Thank you. I can see a hand up. I think it's Mr. Staples. Would you like to comment on that point?

00:14:23:10 - 00:15:00:27

Thank you. I'm just waiting for my, uh. Yes. Louise Staples from the NFU. Um, I can confirm that I have been in negotiations with Malcolm McLaren on the wording. in regards to failed drainage. I've been told that the field sorry that the wording is agreed that we put forward um, and that it's going to end up being included in the outline construction method statement, which I haven't yet seen. Um, so I do need to confirm that, um, and I've been told as well that that will be given to you at deadline for.

00:15:04:09 - 00:15:37:25

Okay. Thank you. That's helpful. And I've got another question to yourself, um, as you are online in relation to, uh, surface water discharge, um, yourself and land agents have raised concerns over discharge of water direct onto land and, uh, concerns about damage to crops and grassland outside of construction area. Uh, is what's the current status of negotiations in relation to that point?

00:15:39:12 - 00:15:47:02

Oh, um, I'm sorry, I haven't looked at that yet. Can I? Can I come back to you on that point? Absolutely. This section. Is that right?

00:15:47:13 - 00:15:56:26

Absolutely not a problem. Uh, with the applicant, I'd like to comment on the surface water discharge and the ongoing negotiations.

00:16:03:27 - 00:16:13:00

Sorry. Lays down on behalf of the applicants. Apologies. Could you repeat? Is it in respect of discussions with the NFU or others? Surface water discharge.

00:16:13:10 - 00:16:37:02

It's, uh, from the discussions with National Farmers Union. And it's a concern that has been raised by a number of land owners, land agents, land and land owners. And it's about concerns over discharge of water direct onto to land that could cause damage to crops and grassland outside of the construction area.

00:16:37:27 - 00:17:09:19

So, Lasdun, on behalf of the applicants. Um, I understand that, um, those discussions have progressed. The heads of terms that are being negotiated with the landowners have a drainage clause which has been accepted by the land agent. So that has moved on in terms of, um, their concerns. Um, and clearly any drainage of agricultural land will be undertaken in, as we've discussed, um, in respect of considerations given to existing drainage, how that will be dealt with and managed.

00:17:09:21 - 00:17:17:07

And those things are set out, as I said, in the, um, surface and groundwater management plan in terms of those details.

00:17:29:14 - 00:17:39:09

Um, okay. Thank you. Could you also provide an update on, uh, your negotiations with Lancashire County Council on drainage issues?

00:17:45:15 - 00:18:18:18

Um, Leo asked me on behalf of the applicants. Um, we have made substantive progress in discussions with Lancashire County Council, lead local flood authority on the representations and areas of concern. This is reflected in the statement of Common Grounds, which we submitted at deadline three. Um, we are pleased to say that all matters relating to hydrology and flood risk have been agreed with the LFA. You can see that in table 1.5 of the Statement of Common Grounds.

00:18:21:26 - 00:18:23:07

Thank you. Um.

00:18:24:03 - 00:19:02:06

I would also. Yeah. Um, And Leo as well. On behalf of the applicants, I would also note that, um, the LFS responds to one of the Asas questions. Question ten 1.8. They requested amendments to the wording of commitment 39 to include requirement for the applicants to notify the LFA on any damage to an ordinary watercourse or related flood infrastructure. Um, the applicants have updated commitment 39 accordingly and that reflected in the commitments Register submitted at deadline three.

00:19:04:13 - 00:19:08:22

Thank you. I've seen that with the Lancashire County Council. I'd like to comment, please.

00:19:09:06 - 00:19:29:14

Good morning, Neil Stevens, Lancashire County Council. Um, whilst I can agree, uh, good progress has been made, uh, with county and the consortium. There are a number of still outstanding matters which we haven't actually got to agreement on the wording that relates to the Land Drainage Act, sections 23 and 24.

00:19:31:05 - 00:19:39:02

I've seen some communication yesterday between the lawyers. Um, that will require further dialogue to reach that agreement.

00:19:43:10 - 00:20:04:04

Uh, this is done on behalf of the applicants. Thank you for that. Those are matters, um, that are dealt with within the protective provisions that are being negotiated with the LFA. Um, those matters have been raised recently. I think we've gone back and responded to those. Um, and we can give an update on those when we talk about the relevant protective provisions.

00:20:05:23 - 00:20:18:12

Okay. Thank you. That's acceptable. Uh, in relation to, um, sorry, I see the hand up, I will come back to Mr. Staples on the drainage matters still.

00:20:20:06 - 00:20:21:11

Thomas Staples.

00:20:22:09 - 00:20:58:06

Thank you, Louise Louis Staples, nephew. Um, I can just confirm that, um, in regard to our discussions, which are ongoing on this statement of common ground with surface water discharge. Um, we've been told that, um, there is an outline surface and groundwater management plan. It says it sets out measures to manage surface water runoff and site drainage from construction. Um, we then have some, uh, information on, um, called sustainable drainage systems Suds.

00:20:58:08 - 00:21:29:03

And but that's actually the Suds are going to be used around, um, compound sites. So I understand that. And I can see that's in place. What I'm actually still concerned about is surface water that could be taken from the cable corridor route. And what I've asked for is I really want confirmation that that will go into a drain, which will be agreed, um, with the landowner. And I haven't got that to that point yet.

00:21:30:00 - 00:21:30:19

Thank you.

00:21:31:09 - 00:21:52:01

Okay. Thank you. I think some landowners were asking for, uh, a requirement, uh, that would prohibit, uh, just discharges of water that could go to their land. Uh, the applicant like to comment on the stables? Uh, update.

00:21:59:13 - 00:22:33:07

So it's done on behalf of the applicant. Um, those matters around surface water drainage, I understand, are in discussion with the NFU in the context of the statement of common ground. Um, so those those conversations are ongoing. Um, I think as a, as a sort of a base position. Um, the applicants don't consider that a requirement is the appropriate place to, um, to provide those sorts of measures around, um, around surface water drainage. Um, so they would be matters that would be dealt with through the outline plans.

00:22:33:21 - 00:22:53:26

Um, my understanding is that this is with the National Farmers Union in terms of, um, staples, in terms of coming back to the applicants with some suggestions, um, around, uh, around the, the wording she thinks we need to consider. Um, so when we have that wording, we will be able to consider it.

00:22:57:00 - 00:23:35:25

Okay. Thank you. Uh, moving towards, uh, National standards for Sustainable Drainage system, uh, systems. Uh, recently on 19th of June. Uh, a new guidance was published. Uh, in particular in relation to standard six biodiversity and standard seven long term maintenance and operational planning. Uh, how is the applicant going to, uh, ensure that they comply with those two? Because the current drainage plan doesn't?

00:23:40:18 - 00:24:17:16

Um, Leo as well, on behalf of the applicant, um, we are aware of the National Standards for Sustainable Drainage System, published, um, 19th of June this year. Um, it's made up of seven standards, and we're aware of standard six, which has to do with biodiversity. This requires that the surface water drainage system maximizes biodiversity benefits. Um, whilst the attenuation ponds will be designed to encourage biodiversity. We will also take into cognisance the design will discourage flocking, flocking birds from gathering and hence no increase in bed bed risk.

00:24:18:11 - 00:25:01:20

Um, standard seven has to do with the design of the drainage for construction, operation and maintenance, and this requires details for safe construction methods. Preparation of management and

management systems and plans for operational phase. Um. It is anticipated that these details will be finalized at detailed design. Um, we've agreed with with the Alpha that the outline operational drainage Management plan and the outline surface, water surface and groundwater management plan will be updated at deadline four to reflect, um, the new source guidance.

00:25:01:22 - 00:25:19:14

But the the application itself will be deferred to detailed design. So this is captured in the in the statement of Common Grounds table 14.5 Of the Lancashire County Council, and that was submitted at deadline three.

00:25:21:17 - 00:25:25:20

Okay, so the plan will be updated and resubmitted at deadline for. Yep.

00:25:26:17 - 00:25:29:06

Yes. Thank you. Deadline for. Yeah.

00:25:30:05 - 00:25:35:00

In relation to drainage issues, are there any other comments?

00:25:35:29 - 00:25:36:26

Thank you councillor.

00:25:37:20 - 00:25:40:22

Sorry. Can we get a microphone please.

00:25:50:02 - 00:26:27:13

Thank you. Councillor Tommy Threlfall for council. Given the unpredictable amounts of rain we've been having in the last few years. Um, it, uh, I would like to see this report at file for us for our perusal. Uh, really? We have a tidal river amounting to two tides a day, and it is heavily silted. And now our drainage systems are not as predictable as one might feel, or we see different types of drainage going on within our borough, so that really must be taken into account as our management plan moves forward.

00:26:27:24 - 00:26:35:16

So I would think for Fylde Council to be given this report when it's completed. Thank you.

00:26:38:13 - 00:26:39:22

I will. Okay.

00:26:39:24 - 00:27:10:01

Just briefly I just think Lee's done on behalf of the applicants. I think it's important we sought to make the distinction at the start. Um, the environmental impact assessment that's been undertaken and the flood assessment and the hydrology assessment has taken into account all those relevant considerations at levels of rain level predicted. The report that we're talking about, um, is in respect of, uh, consideration of individual field drainage on agricultural land.

00:27:10:03 - 00:27:44:03

So it isn't It is matters that are there currently to ensure that land can be managed and, and um, uh, and used for the agricultural purposes for which it's being used. Just to make it clear, there is not an intention to submit that report into the examination. That is those that is detail and information that's being collected, which will inform the, the, um, the detailed drainage designs that are are prepared and agreed with individual landowners.

00:27:44:17 - 00:28:17:11

Um, prior to uh, uh, cable installation works taking place on their land and then the process of understanding what's there. Often it's quite difficult. And sometimes the landowners don't even know what's there in terms of individual drainage on a site. So there's a process of understanding what is there, agreeing the position with the landowners in terms of that future. Um, in terms of the way that the drainage will operate during construction and then the reinstatement of that drainage. And it's done on an individual landowner by landowner basis.

00:28:17:27 - 00:28:46:12

Um, it the work that's going on at the moment is to understand that it doesn't affect the assessment that's been carried out, and it isn't information that will be provided to the examination at this stage. It will inform that next set of detailed design, and that is standard practice for the installation and the approach to managing drainage on individual land holdings during construction and then operation.

00:28:48:05 - 00:28:50:18

Thank you for that clarification. Uh.

00:28:53:24 - 00:29:09:05

An update on the statement of Common Ground with the National Farmers Union is going to be submitted, though, and there will be some wording there. Agreed I understand. Uh, Blackpool Council.

00:29:10:16 - 00:29:34:23

Blackpool Council. If we're coming to the end of drain, it's just to acknowledge that Blackpool Council is landowner of the airport. Land and shareholder have significant drainage infrastructure. We've been in discussions with the applicant has just been flagged in our written submissions. I finally have a land drainage plan of that infrastructure as indicative only, and if the applicants could let me know who I forward that to, I'd be grateful and we can continue those discussions.

00:29:38:15 - 00:29:45:27

On on behalf of the applicant. We're very grateful for that. We'll, we'll. I'm not sure who it needs to be sent to, but we'll let you know. Thank you.

00:29:46:08 - 00:29:46:23

Thank you.

00:29:46:29 - 00:29:51:24

Okay. Thank you. Are there any other, uh, comments on drainage specifically?

00:29:54:05 - 00:30:27:24

No hands. Okay. Uh, my, uh, final questions are in relation to outline hydrogeological risk assessment of Letham Sand dunes aside. And I would initially like to ask the Environment Agency, um, on to comment. And this is does it adequately address outstanding areas of disagreement? And in particular, I'm interested in the potential impact of heat from cables on the groundwater.

00:30:32:17 - 00:31:12:19

Hello, it's Liz Locke here. Um, speaking on behalf of the Environment Agency. And I've also got my colleague Tom Sheehan with me who will be able to provide, um, more technical input. Um, so by way of introduction, um, the Environment Agency has been working with the applicant to ensure that the risks to groundwater at limestone and dunes triple SSI are fully understood and mitigated. Um, we are working to review, um, the outline hydrogeological risk assessment report that's been provided.

00:31:13:01 - 00:31:15:28

Um, and, um,

00:31:17:20 - 00:31:48:24

we're largely satisfied with that document as it currently stands. We haven't completely, um, returned our final response to them yet. Um, there are some elements that need a bit more consideration. Um, so we would like to see further consideration, um, of the risk to the golf course abstractions. Um, and, uh, further detail regarding the conceptual model that was used.

00:31:49:14 - 00:32:11:02

Um, and some consideration of the potential for, um, impacts from historic contamination, um, around the Blackpool Airport area. Um, but we are working closely with the applicant. And, um, like I say, it's we're still in the process of reviewing this document.

00:32:13:09 - 00:32:34:13

Thank you. That's, uh, understood and helpful. Uh, one more question is to the Environment Agency than, uh, you the applicant has resubmitted their flood risk assessment at deadline one, and I believe you are still reviewing it, or there are some minor amendments that are required. Could you provide an update on on this issue?

00:32:35:29 - 00:33:06:29

I can provide an introduction. And then I will pass to, um my colleague who, um, has has done that review. So yes, you're correct. We, we reviewed the um the updated Fra that was submitted at deadline one. We've returned our comments back to the applicant. And, um, there are, um, just a few minor amendments that we're looking for them to complete. Paul, I don't know whether you've got Mr.

00:33:07:01 - 00:33:10:28

Slutsky. I don't know if you've got anything that you want to add to that.

00:33:12:22 - 00:33:50:22

Hi there, Paul Sadowski, Environment Agency. Good morning everybody. Um, yeah. Um, the review of the phrase just, um, it's it's found out a few, uh, a few minor points that probably need amending. They're not critical to flood risk, uh, to any significant parts of the development. They're really finer

points on the, uh, the finalization of the understanding of flood risk, uh, perhaps in the more frequently flooding scenarios. As you'll be aware, the Environment Agency has recently updated its, uh, national flood risk assessment, uh, the flood risk, uh, coastal erosion assessment.

00:33:50:24 - 00:34:27:14

And we've released a number of, uh, quite a significant number of new data sets, uh, which the applicant, under their own volition, views to update their flood risk assessment and the understanding of flood risk. Some of those data sets are still under review by ourselves, and as part of our own internal review process, we found some of those data sets perhaps um, um, contain some errors and inconsistencies. So we're asking the applicant to revise or consider revision of their understanding, particularly in relation to, uh, functional floodplain aspects.

00:34:27:16 - 00:34:45:03

However, these are minor points, and they don't significantly affect the more vulnerable parts of the proposed development or, um, the general understanding of flood risk. So these are finer points in relation to the assessment of flood risk. Work is ongoing.

00:34:46:17 - 00:34:52:28

Thank you very much for that update. That's very helpful. Um, I've got a hand up, um, Mr. Walker.

00:34:53:25 - 00:35:24:16

Thank you, madam Angus Walker for Carlton Frecklington and Newton with Clifton Parish Councils. This is only updated. Flood risk assessment. It seems I may have got something wrong, but the updated document does acknowledge the new data provided by the Environment Agency in March. But, um, figure 1.2 still has the old seems to have the old flood zones on it. It doesn't seem to be an updated since December.

00:35:25:20 - 00:35:35:15

Um, I just wondered if that should be updated as well. That's rep 1025 and it's on page 78. Thank you.

00:35:36:08 - 00:35:39:03

Thank you for that point. Well, the applicant I'd like to respond.

00:35:39:05 - 00:36:06:00

Yes. Lays down on behalf of the applicant. Um, thank you, Mr. Walker, for that. Um, we have agreed with the Environment Agency and have actually reviewed the comments that the Environment Agency has provided on the flood risk assessment, and it's being updated, has been updated. In line with those comments and will be submitted at deadline for. So we will check that point in respect of the figure and make sure that the that the document is fully updated for deadline for. Thank you.

00:36:06:14 - 00:36:12:10

Okay. Thank you. I've got a hand up from the Environment Agency again. So, uh, please, Mr. Sadowski.

00:36:12:26 - 00:36:33:12

Yeah. Thank you. Uh, Paul Sadowski, environment agency, just to confirm Mister Walker's observation there. Yes, we did pick this up as part of our review of the flood risk assessment. So that's been tabulated in our response. And the applicant has, as just acknowledged in verbally that that's been received and has been understood and been worked on.

00:36:35:12 - 00:36:44:06

Okay. Thank you very much. That's helpful. Are there any more comments in relation to flood risk or drainage? Uh, at this stage?

00:36:46:22 - 00:36:55:27

No, I don't see any hands up. That concludes this item for today. And I'm going to hand back to Doctor Morgan.

00:36:57:12 - 00:36:58:01

Thank you. Miss.

00:37:00:20 - 00:37:03:25

Um, so we're now on item five, off shore ecology.

00:37:06:08 - 00:37:08:17

So I'll just give you time to change your team.

00:37:44:11 - 00:38:04:10

Okay. So I think the the deadline three submissions indicated that you were going to have a meeting with Natural England on the 22nd of July. I think from comments yesterday in the event that went ahead on the 25th of July, am I right to actually discuss the applicant?

00:38:04:12 - 00:38:10:03

Yes, it was the 22nd of July with Natural England and 21st of July with the MMO.

00:38:10:12 - 00:38:40:19

Okay. Thank you. I think you made reference yesterday as well to a statement that you wanted to give with regard to progress, but I'd much rather actually go through the what I understand to be the principle areas of disagreement. Um, for my own benefit to I understand the issues in depth and then if I've missed anything at the end, perhaps you can then come in at that stage. If there's anything from those discussions that I haven't picked up as we go through.

00:38:41:03 - 00:38:52:06

Gerry Vella for the applicant, there were also a number of new commitments that we've been making at deadline for that. I was quite keen to set out because they have a direct bearing on the agenda, but to leave it to the end.

00:38:52:08 - 00:39:05:00

If yes, if you could leave those at the end as well, then please. Okay. So if we could start with item five A the benthic ecology. And first the issue of whether all potential impacts have been assessed.

00:39:06:22 - 00:39:36:28

Now, Natural England wanted more clarity on the likely impact of the direct pipe technique. Um, specifically um, scour protection requirements at entry and exit, cable and scour protection and mitigation in the intertidal zone, and maximum design scenario for both the sum of both projects for maximum coffer dam designs in tables 3.6 and 3.13 of the project.

00:39:37:00 - 00:39:43:15

Description Rep 2008. So where are we with those issues?

00:39:44:09 - 00:40:16:18

Uh, Jerry Vella for the applicant. So with regard to the first point scale protection requirements at the direct pipe exit entry locations, and with regard to cable protection requirements in the intertidal. We've now made a commitment to Natural England and the MMO, which we will be submitting into the examination at deadline for via an update to the commitments Register that we will not be placing any scale protection within the intertidal zone between mean low water springs and mean high water springs.

00:40:18:06 - 00:41:01:15

Regarding the second point, which is the maximum design scenario for the sum of both projects, um coffer dams. Um, so we have responded in full to this, uh, to this matter in the applicant's response to the relevant representations in PDA 017, the maximum design parameters have not been provided for the sum of both projects in table 3.6 and 3.13 of the project description, which is rep T008, because only one project is able to undertake works on the beach at any given time, as detailed in the project description, that's under section 3.1.2 and 3.14 .5.

00:41:01:17 - 00:41:33:15

15. The applicants have also made a commitment, under code 27 to remove temporary construction compounds, including the coffer dams, and reinstate the site once construction has been completed and this is secured in requirement eight and 16 of schedule and TB of the draft DCA, which is rep 3009. Therefore, cofferdam is required by Morgan Offshore Wind Limited and Morcom Offshore Wind Limited would not be constructed in the intertidal at the same time.

00:41:34:25 - 00:41:55:08

Okay. Thank you for that. Um, Natural England also requested the provision of an outfall land management plan listing all landfall and intertidal impacts considered collectively to determine appropriate management and mitigation, to avoid harm to the designated features, or was any progress made on that?

00:41:57:08 - 00:42:43:16

Um, so, uh, we didn't discuss that specific matter during our meeting on the 22nd, as Natural England didn't identify that as a key matter. Um, however, we are in the process of preparing a response to this specific point made by Natural England in their response to EQC one and indeed all of their points. Um, so we don't think this is required. And the reason why is, um, the applicants have now provided a very detailed description of the land for works in annex 5.3 to the applicant's response to issue one hearing action points, which was 1040 um, which will be incorporated into the updated project description that will be submitting at deadline five.

00:42:45:17 - 00:43:18:15

Additionally, the applicants have, as I've just said, are now making a commitment to no cable protection placed within the intertidal between mean low water springs and mean high water springs. Um, and other key commitments such as the minimum separation distance between the coffer dams and the triple site of 100m that are already secured. So we don't think we need to do that, but we do need to set this out in our response to Natural England's points. And then we'll engage with Natural England, see whether that satisfies that point or whether they have additional concerns.

00:43:18:17 - 00:43:22:10

Okay. Could you just confirm the deadline that you'd be responding to that inform.

00:43:22:19 - 00:43:23:18

Deadline for.

00:43:23:20 - 00:43:24:05

Deadline for.

00:43:24:07 - 00:43:24:22

Next.

00:43:24:24 - 00:43:25:09

Friday?

00:43:25:15 - 00:43:29:09

Is the the project description? Is that deadline five or deadline for.

00:43:29:28 - 00:43:43:29

Uh lays down on behalf of the applicant. That's one of the documents that we agreed with Natural England that we would update. We were going to provide you with the list, I think, from yesterday. It's one of the documents that we agreed with Natural England. We would update at deadline five.

00:43:44:09 - 00:43:44:24

At.

00:43:44:26 - 00:43:49:25

Five. Everything else would be updated at deadline six. Save that list. We're going to provide you with the ones that we.

00:43:49:29 - 00:43:51:09

Would that need the extra time.

00:43:52:00 - 00:43:52:15

Uh.

00:43:53:16 - 00:44:31:13

And Gerry Vella for the applicant. Um, so Natural England requested that where we're making substantive changes to application materials. Actually, let me take that back where we're making changes because some of them will not be substantive. Um, they wanted to see those earlier than deadline six because they said it would be very difficult for them to close out matters in the risk and issues. Log from amber to green, red to green. Uh, by deadline seven. Given the short duration. So, um, that's entirely appropriate. So we agreed that we would submit all of those relevant documents at deadline five to give them time to review those and hopefully close out the deadline sets.

00:44:31:18 - 00:44:41:02

Okay. If there's any chance of anything coming to deadline for obviously if it can't be because of practicalities, then fine. I'm just thinking about process in terms of our written questions might be able to pick up anything.

00:44:41:20 - 00:44:44:24

For the applicant, I would love to say yes, but. But no.

00:44:44:26 - 00:44:45:11

Okay.

00:44:47:03 - 00:45:01:18

Okay. Thank you. Um, they were also asked after an assessment of the feasibility of cable installation tools in shallow waters to support the maximum design scenario. Did you discuss that and was there a conclusion on that?

00:45:02:06 - 00:45:02:28

Uh, Gerard.

00:45:04:04 - 00:45:49:02

Gerard for the applicant, um, we didn't discuss that in detail. Um, our view is that that is set out in the outline cable burial risk assessment, which is at 219, and the Outline cable Specification and installation plan, which is rep 2022. And that shows that plowing, jetting and cutting a suitable installation techniques for sandy and clay sediments found in shallow waters within the transmission assets order limits um, a combination of burial techniques are likely to be adopted with the Outline Cable Specification and Insulation Plan covering all of the necessary techniques to allow for appropriate method to be selected based on the expected sediment density and strength.

00:45:49:13 - 00:46:06:20

I would also like to say, you know, we've been installing export cables around the UK in similar sediment environments for 25 years now in connection with with offshore wind and ploughing has been the predominant methodology that's been used and used successfully.

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

Okay.

00:46:07:27 - 00:46:14:08

So we'll have your position basically, and we'll have the Natural England position. So uh okay.

00:46:14:10 - 00:46:21:14

That's correct. We'll make all of these points in response to Natural England's, um, response to the XQ one questions.

00:46:21:21 - 00:46:35:23

Okay. Then the next one was uh, the maximum design scenario for the pre grapple run and unexploded ordnance and boulder clearance. I think Natural England felt that wasn't adequately addressed in the S yes chapters.

00:46:37:08 - 00:47:26:20

Jerry Vella for the applicant. So we did discuss this one. And, um, I think we got to, uh, along with, along with the other questions around, um, design details. We got to the position that I think everybody agrees the information is there, but it is set out in a number of different documents, and there is an action to both set out very clear points on, uh, on each of the matters that has been raised by Natural England in the response to EQC one, and also to highlight exactly what changes and updates need to be made to the chapters for deadline five as well, so that we've got a clear route map on our position, the changes that we'll be making at deadline five, and then Natural England have the opportunity to to see how their matters are going to be closed out.

00:47:27:00 - 00:47:47:21

We have also agreed that we will try to engage between deadline five and deadline six with Natural England to take some feedback on how we've tried to close out matters at deadline five, so that we don't have to wait for deadline six to to see what their residual concerns are and can can possibly make some final, um, changes for deadline.

00:47:47:29 - 00:47:56:09

Basically, how are you going to make sure that you capture all those issues? Are you going to produce a separate document with them all in agreement or.

00:47:56:17 - 00:47:57:02

So.

00:47:57:05 - 00:47:57:20

Approach.

00:47:57:22 - 00:48:33:16

That it's going to be a mix of, I think in the first case that the response of Natural England to ask one questions, um, summarizes their key points, which are of course, as you're aware, um, set out in more detail across their risk and issues log. So in the first place we're going to use the the response to Natural England's response to EQC one as a platform to set out our position very, very clearly. Um, uh, on on what our position on all of these matters are with respect to the footprints for pre laid grapple run, low order UXO clearance, soundwave clearance, etc.

00:48:33:19 - 00:49:06:23

we're very confident that these have been correctly identified. We just need to set out in a very clear fashion, and then explain where and when in which documents will be updating that to make sure that, again, ultimately what Natural England wants is, um, to see the es, uh, assessment chapters, uh, incorporating additional information that we've provided in representations and submissions all in one place so that they have a very clear picture of of how we've addressed, uh, impacts, assessed and addressed impacts.

00:49:07:01 - 00:49:17:15

Yeah. So you mentioned the maximum design scenario parameters for soundwave clearance, which was another issue they had. So it sounds like you're you haven't got agreement on that for you.

00:49:17:21 - 00:49:26:22

Gerry Vella for the applicant. Yeah. So I can go through how we're going to be responding, um, to Natural England on this. So, um.

00:49:27:04 - 00:49:27:23

If you can keep it.

00:49:27:25 - 00:50:01:20

Brief, keep it brief. Okay. So boulder clearance may be required along all cables. Um, but this activity would not be required within areas previously cleared by sand waves. Um, as a sound wave clearance activity would also clear boulders. So when we speak to not wanting to double count things, it's it's where we've undertaken sound wave clearance. It would be incorrect to take the area affected by the sound wave clearance, and then add to it the area required for boulder clearance within the sound wave clearance, because it's already been done in the in the first step.

00:50:01:22 - 00:50:02:26

So you'd be double counting.

00:50:03:08 - 00:50:45:14

That's right. So so and that applies all the way through these questions on the MDS with regards to pre grapple run UXO clearance, sound wave clearance. What we need to do is set out very clearly where there's double counting and why it wouldn't apply. And you know which components do apply. Again we're very confident that we've set this out correctly. But possibly we've done it in the project description the chapter and some of the supporting plans, the CIP and the CRA. And we really need to make sure that we're pulling that all together into a coherent explanation, and that the main platform for that will be the response to Natural England's, um, response to EQC one.

00:50:45:21 - 00:50:59:16

Okay. And hence I think yesterday, I think you're you're envisaging the statement of common ground won't actually be completed. It'll deadline six because you've got all this this discussion to actually work through that.

00:51:07:22 - 00:51:44:23

Okay. Um, so just before I answer that question, I'm being reminded that, um, subject to review of our position at deadline for and subject to receipt of and review of the updated, uh, chapters at deadline

five Natural England were very happy for me to say that they feel that these are all matters that are resolvable within the timescale of the examination, which is positive in terms of the statement of common ground. Um, Natural England's position, which is, which is uh, their position, um, at least for the last sort of 10 or 15 years on DCO applications.

00:51:44:25 - 00:52:24:00

Is that their methodology for um, for closing out matters with the applicant is the risk and issues and the principal areas of disagreement summary statement. So what we've agreed is that we will prepare a statement of common ground that captures both our position and their position. And we will submit that to them. They've asked for it at deadline five to give them sufficient time to, uh, to review that ahead of deadline. Six um, they've told us they won't be signing it. What they will do is if they think it's correct, uh, they will prepare a letter to say that, uh, that it's an accurate reflection of the position that's been achieved through the risk and issues log and principal areas of disagreement.

00:52:24:03 - 00:52:25:12

summary statement process.

00:52:25:14 - 00:52:46:29

So just so I'm clear, you envisage a statement of common ground by submitting a deadline six with your position and Natural England's position clearly set out. We shall naturally will then review between deadline five and deadline six, and then provide the examining authority with a letter relating to that.

00:52:47:01 - 00:53:13:27

Gerry Vella for the applicant. So we'll submit it in drafting them for deadline five. The aim will be to provide a final statement of common ground in line with the rule six letter for deadline six, as you've requested. Um, worst case scenario, we haven't managed to achieve that by deadline six and it will be by deadline seven. But we will be targeting a final completed statement of common ground at deadline six, as you have requested.

00:53:14:16 - 00:53:49:29

Okay. We sort of we jumped around a bit there. So if I could go back, um, to some of the principal issues. So moving on from whether all potential impacts have been assessed. The next substantive issue, I think, was the issue of removal of infrastructure or decommissioning. Now, I think Natural England's position is they they'd like to see everything removed on decommissioning. I think you state in the documents that, um, all infrastructure is being designed to be removable on.

00:53:50:01 - 00:54:10:17

Most of the infrastructure is designed to be removable. I think your position or your position was that you were amenable to discussing removal of that infrastructure on the decommissioning at decommissioning stage with stakeholders and regulatory bodies. Um, why can't you give that commitment at this stage?

00:54:16:28 - 00:54:59:06

Uh, Liz, Dan, on behalf of the applicants, I'll deal with it in a sort of principal position. And then an update in terms of the discussions with Natural England in terms of a commitment to

decommissioning. Um, that isn't something that has been required or secured through development consent orders to date in respect of offshore infrastructure. Um, and what the, uh, and, and there are provisions, uh, in the Energy Act 2004 I think it is which require, um, uh, in respect of offshore, uh, installations or infrastructure, that a decommissioning plan is provided to the Secretary of state.

00:54:59:08 - 00:55:32:09

So it's a legal requirement to provide that decommissioning plan to the Secretary of State. And there is a legal requirement to then agree that Secretary, that with the Secretary or for the Secretary of State to approve it, and then for decommissioning to be carried out in accordance with it. Um, to date, there hasn't been a commitment to remove infrastructure because these projects have a reasonably significant lifetime and are at the stage of construction. To say that the best environmental outcome is to remove everything.

00:55:32:11 - 00:56:15:25

May well not be the case at that time. Um, we know that, uh, that structures within the seabed become colonized. There are all sorts of things. And actually, from an environmental perspective, to remove all infrastructure may not be the right thing to do at that particular time because of where the situation is. So, um, the applicant's position is consistent with that across all other, uh, offshore wind projects in terms of saying that, um, there will be a decommissioning plan, the extent of that decommissioning, uh, there'll be an outline plan provided to the Secretary of State, um, and that's secured through and I can't remember which one it is, but it's a requirement of the development consent order that there will be 21.

00:56:15:27 - 00:56:49:06

Thank you. Requirement 21 of the Development Consent Order, which requires that that information to be provided to the Secretary of State as an outline plan in terms of where we are now at day, whenever this is what we think it would look like, these are the sorts of things that would be included. The finalisation of that decommissioning plan can only happen when you know when decommissioning is going to take place. You know what the environmental considerations are and all those sorts of matters. So that's why the applicants have taken a position where things will be capable of being removable.

00:56:49:09 - 00:57:23:07

But to commit to decommissioning at this stage when, frankly, you don't know if that's going to be the best environmental outcome, doesn't seem to be the right thing to do. The applicants are aware that Natural England have raised this on other DCO applications for offshore wind projects, and to date, the Secretary of State has agreed with the applicants regarding that it not needing to be a requirement that it is decommissioned Effectively. As Mr. Vella has said, it's the the material is capable of removal, which is important.

00:57:23:12 - 00:57:33:01

But actually what and to what extent you need to decommission at that later stage needs to be determined at that later point rather than requiring it at this stage.

00:57:35:00 - 00:57:38:14

Okay. Thank you for that. Um. Moving on.

00:57:38:19 - 00:58:09:06

Gerry Vella for the applicant. Sorry. If I could just, uh, make one final point. Um, we did discuss this with Natural England on the 22nd and the MMO on the 21st, and I think we both understand each other's positions. Um, natural England, in their response to EQC, one, um, have said that as a minimum, they would expect to see the commitment that we've made in the outline cable specification, installation plan and the, um, project description, both of which were updated.

00:58:09:08 - 00:58:50:29

Deadline to. We made the commitment to removing no rock dump, uh, And just retaining, um, um, rock bags and mattresses within the fold. MTC and they wanted to see that commitment to no rock dump on the face of the DML. Um, so we've agreed to that, and we are going to add that to the relevant, um, d marine license conditions and schedule 14 and 15, um, at deadline for next Friday. Um, and then just just a final point, I think, um, Miss Dunn has covered the wider points, but, um, our position is in line with, uh, existing precedent, most recently the May DCA for Moana.

00:58:51:01 - 00:59:00:03

But I think, um, more importantly, the position taken with the DCA for showing them and does an extension projects which are also associated with MCC.

00:59:02:05 - 00:59:37:15

Okay. Thank you for that. Um, moving on to other principal areas of difference. Um, lack there concern over lack of design detail. So firstly, cable protection parameters in the near shore uh, namely definition of the depth of closure, details of the location, volumes, orientation and type of cable protection between lowest astronomical tide and depth of closure. Uh, because I think Natural England feel that without these, they are unable to understand the proposed developments.

00:59:37:17 - 00:59:41:16

Potential impact on nearshore sediment transport processes.

00:59:42:26 - 01:00:27:03

Gerry Vella for the applicant, um, this one is going to test my my expertise because, uh, unfortunately, we don't have our physical processes, uh, specialists with us. Um, we did discuss this with Natural England on the 22nd. Natural England's key concern relates to the area between low water and the dock. Um, and, uh, effects on sediment transport processes into the rebels. So that was the key matter. Um, we have set out the detail that they require, uh, within the outline cable burial risk assessment, the outline cable specification and insulation plan, and within the physical processes chapter, which is AP zero 42.

01:00:27:05 - 01:00:58:04

But the applicants concede that Physical processes chapter needs to be updated to capture some of the information that's contained within the outline clip and the outline Cobra, such as the depth of closure. Um, and also, uh, the new commitment that I've communicated where there'll be no cable protection in the intertidal. Um, the depth of closure extends out to approximately ten kilometres. Ten kilometres. Sorry, ten metre water depth offshore. Um, that is inside of the cable crossings.

01:00:58:06 - 01:01:40:09

So the cable protection associated with the cable crossings is not a concern for Natural England. It is the area between sort of the ten metre, um, depth to chart datum and low water. Now, what we have set out in our applications is that we are confident that we can install the export cables in this area without the need for cable protection, but but not confident enough that we can make a commitment that no nearshore cable protection would be required. However, as the examining authority is aware, we have reduced the maximum footprint of cable protection down to 3% of the route length through the Mic.

01:01:40:18 - 01:02:12:11

Based on that confidence, and we've often referred to it as a contingency. But I think more importantly, we have this commitment. Um, and the commitment number alludes me to minimizing the maximum height of cable protection to not exceeding 5% water depth. Um, I think that's a very powerful commitment because that means, for example, in five meters of water, the maximum height of cable protection cannot exceed 25cm, which is just about the height of of a mattress.

01:02:12:29 - 01:02:32:12

You know, in two metres of water. We can't have any cable protection with a 5% limitation. So so that is a very powerful, um, um, commitment. Now, Natural England, um, did point out that, you know, that the origin of that 5% commitment actually comes from the MCA and,

01:02:34:02 - 01:03:08:04

uh, uh, okay. Uh, actually comes from the MCA and, um, uh, minimizing the potential effect on under kill clearance. But, you know, it's, uh, it's also very applicable to other environmental receptors such as sediment transport and things like that. So I think where we got to at the end of the meeting on the 22nd was, was Natural England. Um, also believed that subject to review of materials, this is a matter that's entirely resolvable. But they want a very clear position set out in the response to Natural England's response to EQC one.

01:03:08:16 - 01:03:38:12

And they want a very clear, um, identification of what information will be updated in the physical processes chapter to to give that um, granularity of um of addressing their their concerns about sediment movement into the river estuary. So that also covers the points that Natural England have made with regard to modelling, um, and whether numerical modelling is required or not. Um, yes. Mitigation and monitoring.

01:03:39:04 - 01:03:50:11

Um, so, so it seems that, um, a lot of these issues are resolvable by drawing together information and updating documents within the examination.

01:03:50:13 - 01:03:58:16

Gerry Vella for the applicant. That's correct. Starting with our our response to the Natural England response. Our deadline for next Friday.

01:03:59:12 - 01:04:18:29

Okay. You mentioned modelling and that was a point they made that if conceptual modeling wasn't able to actually determine, um, the location of designer cable protection, um, why don't you use numerical modeling? So what's what's your response?

01:04:19:12 - 01:04:22:02

For the applicant, I've got about two pages on that.

01:04:22:05 - 01:04:23:12

Um, can you summarize?

01:04:23:14 - 01:04:27:03

No, unfortunately, um, it's a little bit beyond me.

01:04:27:06 - 01:04:32:22

Um, perhaps you can tell me. You obviously discussed that with Natural England. Were they satisfied?

01:04:32:24 - 01:05:09:26

I think so. I think so. I think the key thing is, is, um, again, we we need to set this out in our response next Friday to, uh, to their response to, excuse one. Um, the physical processes specialists were talking away. We did get permission from Natural England that along with the, um, agenda item, um, five a that this does feel like it's a matters that are resolvable within the time frame of the examination. So I think the onus is on us to to set this all out next Friday and then work to update the physical processes.

01:05:09:28 - 01:05:11:22

Chapter four, deadline five.

01:05:15:02 - 01:05:20:08

Yeah. Could you submit, um, a summary of that discussion on the modelling perhaps.

01:05:25:14 - 01:05:33:22

Gerry Vella for the applicant that will be in our deadline for, um, response to the Natural England position. I think that will all be set out.

01:05:33:24 - 01:05:35:09

So you'll be covered in that submission?

01:05:35:11 - 01:05:35:27

Yes.

01:05:36:03 - 01:05:36:20

Okay.

01:05:39:04 - 01:06:05:11

I think the next one, I think, uh, was to do with, um, mitigation in secured in the development consent order, uh, that would minimize the impacts of cable protection on nearshore sediment transport. But you've said that you you are now going to have a commitment not to have cable protection in that location. So I think that it's probably addressed.

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

That no cable protection, the commitment to, uh, to no cable protection. The new commitment is just in the intertidal zone between.

01:06:14:26 - 01:06:15:11

Which.

01:06:15:13 - 01:06:15:28

This.

01:06:16:00 - 01:06:16:15

This is.

01:06:16:25 - 01:06:20:05

Uh, this is on talking about nearshore sediment transport.

01:06:22:11 - 01:06:30:17

Um, I think that's part of, um, apologies. Is that part of, um, item? Um, uh, on the amount of design detail?

01:06:30:24 - 01:06:33:11

It's still on the design detail. Still on design, right?

01:06:33:13 - 01:06:44:09

I think that's all wrapped up in, in, um, my my submission earlier. Um, we will cover that off in our response. Natural England's response to EQC one on Friday.

01:06:44:24 - 01:06:45:12

Okay.

01:06:45:25 - 01:07:09:11

Uh, the last thing on, uh, lack of design detail is monitoring and Natural England. We're after a commitment from you, basically to monitor sand sine wave recovery, particularly in the Fylde Marine Conservation Zone and dune beach intertidal morphology. So they were looking at commitments for monitoring those two.

01:07:09:23 - 01:07:41:07

Jerry Vella for the applicant. We've already secured monitoring of sand wave recovery and sediment recovery within the Fylde M.C.C., which is set out in the in principle monitoring plan. Um, I don't have the number for that one. Um, in terms of the intertidal area. We don't believe that that is

necessary, given the commitment to no cable protection placed within the, um, intertidal zone between mean low water springs and mean high water springs.

01:07:41:09 - 01:07:56:09

We didn't actually discuss that point on, on, um, the 22nd, though, as Natural England didn't. We were using their principle areas of disagreement summary statement as a springboard for engagement on on key points. Um, and that isn't part of.

01:07:56:17 - 01:07:57:02

Part.

01:07:57:04 - 01:07:58:11

Of the principal areas.

01:07:59:10 - 01:07:59:25

Of.

01:08:00:10 - 01:08:04:11

It. That's right. And we will respond to that in our response for next Friday.

01:08:06:27 - 01:08:15:25

They were suggesting that they should be included in this offshore in-principle monitoring plan as well. So do you have any comments on that?

01:08:19:07 - 01:08:47:01

Gerry Vella for the applicant, the offshore and principal monitoring plan is Rep 3032. Again, we we don't think it's required. And we'll set out clearly why we don't think that's required in our response to their response to the SSC one. And I should also say every time I've said our response to their response, we'll also have to duplicate that across the risk and issues log and the pads as well for deadline for.

01:08:47:28 - 01:09:19:17

Okay. Thank you. Uh, the next uh, principal issue is mitigation of natural Environment and Rural Communities Act priority habitats. I think it was Natural England's view that you should make a commitment to avoid the most sensitive and or priority habitats designated under that act. Um, I think the habitats that are present are sea pens and burrowing megafauna communities and brittle star beds.

01:09:21:08 - 01:09:54:12

Gerry Vella for the applicant. So we did discuss this on the 22nd of July with Natural England's, um, the cable corridor passes through. So these priority habitats are broad scale habitats. And in fact, they they encompass the entirety of the transmission assets, um, order limits and in fact, um, most of the Eastern Irish Sea, and I would expect wider Irish Sea as well. So at our meeting, we did ask whether there were specific habitats that they were concerned about.

01:09:54:19 - 01:10:25:00

Given that the cable corridor overlaps with with no habitats along its length. Now, Natural England's view was that there weren't any specific habitats that that they were concerned about. It's more of, um, um, a standard position for Natural England that this, um, application of the mitigation hierarchy should be applied. Um, the conversation we had really was around the fact that we have applied that. Um, and I'm going to explain why we've applied that.

01:10:25:04 - 01:10:59:15

Um, and therefore we don't think anything further is necessary. So, um, the key first step in the mitigation hierarchy is the avoidance principle, um, which was first applied through the Offshore Export Cable Corridor Routing exercise, which sought to identify the shortest route from the agreement for lease areas to the to the landfall whilst inviting environmental environmental sensitivities such as SACs, etc., as well as other existing third party uses such as the existing oil and gas.

01:10:59:27 - 01:11:45:08

And that's all set out in the site Selection and Consideration of Alternatives chapter, which is at 030. The next step in the mitigation hierarchy is is reducing and minimizing the potential for effect. Again it's set out in 030. But we worked very hard to make a number of refinements following consultation on the peer and the feedback from Natural England and other interested parties. And that included, uh, reductions in um, cable protection, um, sound wave clearance, uh, the volume of sediment arising, the removal of some infrastructure, um, um, aspects from the application, um, and reduction in parameters for cable crossings.

01:11:45:23 - 01:12:09:01

Um, in addition to that, we've also made a number of key commitments that relate to minimizing and applying the mitigation hierarchy, including commitment 45 to ensure no more than 5% reduction in water depth. Reference to chart datum will occur along the offshore cable corridor. Cot 47 limits the extent of cable protection.

01:12:09:03 - 01:12:10:17

So just if I could just.

01:12:10:29 - 01:12:34:07

Put in there I think I got a summary of your position here. So I think your your position, if I'm right, is that um, following assessment, there was no likely significant impacts. Uh, there's no precedent in offshore industry for avoiding sedimentary habitats, and it's not possible to avoid them given their widespread distribution in the study area. So is that still your position.

01:12:35:00 - 01:12:39:24

Gerry, for the applicant. Thank you. And yes, that was a bit quicker okay.

01:12:40:08 - 01:12:59:10

Thank you. Okay. Moving on now to stage two Marine Conservation Zone assessment and to me, um, so has the applicant's position with regard to the need for the stage two Marine Conservation Zone assessment and measures of equivalent environmental benefit changed? Have you changed your opinion on that?

01:12:59:12 - 01:13:15:15

Gerard Vella for the applicant. No we haven't. We don't think it's applied. But but but it's almost a bit redundant now because we have, uh, submitted a map and we have now submitted a, um, a benthic compensation schedule so that the Secretary of state.

01:13:15:29 - 01:13:22:15

The other side to that question is from your discussions with Natural England, have they moved away from their position? That one is necessary?

01:13:23:24 - 01:13:58:18

Uh, Gerry Vella, for the applicant, know they, they they haven't, to be honest, that the the nature of the engagement on this matter with Natural England on the 27th, on the 22nd of July was, um, really more to do with, um, the, the two options that have been presented within the me um, and within the benthic compensation schedule. Uh, regarding, uh, option one, the, um, the Marine Recovery Fund versus option two, the inclusion of the project led options, which Natural England aren't so keen on.

01:13:59:03 - 01:14:17:28

Um, we explained that we've included those options because the benthic compensation schedule requires an option to be taken forward before commencement of construction is allowed to occur. And there is hopefully a very low risk that, you know, the Marine Recovery Fund could not be made available to the applicant.

01:14:18:00 - 01:14:37:04

So I can ask you about that actually, um, basically why you'd included both strategic and project led measures in the MEB. Um, and whether indeed, uh, Natural England and yourselves would still agree that the strategic approach is ready to go.

01:14:37:26 - 01:15:10:01

Gerry Vella for the applicant. So, um, um, we are both agreed that the marine Recovery Fund is is the is the the right way to go. But but as I was saying, we need to include the project lead options in case the Marine Recovery Fund doesn't become available to the applicant. I think Natural England were um, understand that position and um, to to to help ensure that our preference for the marine recovery fund is clear, we are going to be making a new commitment through updates to the commitments.

01:15:10:03 - 01:15:32:06

Register at deadline for to say that the Marine Recovery Fund option will be prioritized and the project option, uh, project lead options only selected in the event that Secretary of State confirms that the Marine Recovery Fund is not an option. Um, and Natural England, we're pleased that we're making that that was well received.

01:15:34:03 - 01:15:37:10

And we're agreed that we've closed out matters. Now on the.

01:15:38:00 - 01:15:55:02

Uncertainty around the marine recovery fund that you included the project led measures in there. I was going to ask you what your current understanding is on the timescale for the Green Recovery Fund. We probably know as much as we do on that.

01:15:55:04 - 01:16:16:24

Gerry Villa for the applicant. Um, um, I understand it's about six months away, but but, um, that's not any that's not from any official sources. That's just from, um, uh, engagement on one of the industry groups. Uh, and that was discussed. So, um, we hope it's soon, but I don't think we have anything more concrete either at this stage.

01:16:17:12 - 01:16:18:09

Okay. Thank you.

01:16:25:06 - 01:16:28:08

Moving on now to fish and shellfish ecology.

01:16:30:08 - 01:17:05:21

Um, I think the principal area of disagreement with regard to this area of ecology was the potential barrier effects of So the electromagnetic fields on smelt entering the river estuary are now in rep 3095 in response to um, the first written questions, I think Natural England uh suggested that uh, perhaps monitoring of EMF levels should be conducted where cables are laid under the river estuary.

01:17:06:01 - 01:17:27:20

I took that to mean existing cables, uh, to try and determine, uh, the, the electromagnetic effects from existing cables as a way of trying to understand what might be expected from this proposed project. Um, my understanding may be wrong on that. Have you got any views on that?

01:17:28:15 - 01:17:37:06

Uh, Gerry Vella for the applicant. Know it relates to, uh, monitoring of, um, of the cables once they've been installed under the river estuary.

01:17:37:18 - 01:17:42:18

Um, well, I did wonder that. But once the cable is installed, it's, uh. It's a done deal basically, isn't it?

01:17:43:10 - 01:18:14:11

I think we didn't discuss that specifically, but I imagine this is more a there is a number of reasons why you may undertake monitoring. And one of those reasons is to, uh, to inform the evidence base for future, uh, development. So I think this one falls into the category of, uh, informing the, the evidence base, but we didn't actually ask the reasoning. Uh, well, we didn't put it. We didn't ask the reason in the context of of course, the cables are actually installed once they're there.

01:18:15:24 - 01:18:23:23

Okay. So it's not it's not the case that, um, retrospective shielding on the, uh, on the on the estuary floor.

01:18:23:25 - 01:18:31:28

I'm going to hand over to Doctor Lennon on this because I think he's probably a much better place to, uh, to to speak to Emfs.

01:18:33:09 - 01:19:04:29

Uh, doctor Kevin Lennon from Texas Tech. Um, on behalf of the applicants. Um, so naturally, in their in their latest submissions, um have noted that there are uncertainties to do with the MFF and fish behaviours. And we accept that, you know, I think that's a that's a well understood, um, uh, uncertainty. And, um, yeah, there are, there are kind of uncertainties around that. Um, but in terms of the dissipation of emfs with increasing distance, there isn't really any uncertainty about that.

01:19:05:01 - 01:19:38:09

I mean, we've we've presented within the fish and shellfish, um, ecology s chapter app. Uh, 048. Um, you know, a review of the, of the information on how emfs dissipate with, with them with increasing distance. So I don't think there's any uncertainty around that, um, dissipation. And as we discussed in the last issue, specific hearing at a burial depth of kind of seven meters plus, and we're talking about 7 to 45m below the, um, the stable bed.

01:19:39:00 - 01:20:12:25

There's not going to be any emfs coming out into the environment such that smells would, would, would interact with them at all and, you know, be affected in terms of their behaviour or movement through the estuary. So, um, we feel that, that, that the EMF monitoring at this location in particular, it's just not proportionate to the risk. You're just going to be monitoring, um, background levels effectively. Um, of, of EMF at the river crossing. Um, we would note the applicant would note that there are wider industry, uh, work streams to look at the topic of EMF.

01:20:13:24 - 01:20:33:22

Uh, so, for example, the Crown Estate and CFR have a live project, uh, looking at advancing the understanding of interactions between subsea power cables and the marine environment. And that's part of the offshore wind evidence and Change programme. Um, the applicant is is actively involved with the Crown stays on on the

01:20:35:10 - 01:21:15:08

Offshore Wind Evidence and Change programme, and considers that the strategic studies like this are more appropriate than site specific monitoring. And indeed, um, the um, the applicant, um, basically submits that, you know, it isn't usual for EMF monitoring to be undertaken at a project in site specific level. These more kind of wider industry studies are kind of more and more useful in that regard, but with specific reference to the to the river crossing. We don't feel there's any risk because the distance between the smelt and the cable will be such that they won't be able to pick up any, any, um, EMS at all.

01:21:17:02 - 01:21:26:14

Gerry Vella for the applicant. Um, just just a final point that neither CFS, VI, MMO or um, the Environment Agency have raised any issues on this either.

01:21:27:09 - 01:21:55:15

Okay. Thank you. I think we'll move on then to marine mammals. I think the main outstanding issue in this area is, uh, that it's noted that the applicants are removed, high order unexploded ordnance clearance from the proposed marine licences. But Natural England's position has been that all unexploded ordnance clearance, including low order, should be removed. So did you make any progress on that particular issue?

01:21:56:00 - 01:22:45:22

Gerry Vella for the applicant, it's also fair to say it's also the MMO position. Uh, is aligned with Natural England. And no, we didn't make any progress on that. In fact, we didn't even discuss it. Um, um, I think from our perspective, we have removed the high order clearance. Um, and with regard to to low order clearance, we have retained, uh, sorry, I shouldn't say retained. We have set out a number of key controls within the, um the marine licences under um schedule 14 and 15 I think condition 20 um which allow for appropriate control of um UXO clearance clearance activities using low order methods before commencing with the actual clearance.

01:22:46:07 - 01:23:19:00

Um, we have noted that the the main DCO for the offshore wind project, uh, recently made by Secretary of State um, retained inclusion of low order um UX oh clearance as well. Um both and also the the Morgan generation assets uh DCO application which is currently with secretary of state uh also includes for um, low order UXO clearance. And we anticipate that that that um, that application will be decided before the end of this examination as well.

01:23:19:07 - 01:23:54:28

Uh, can I just add something, Liz, done on behalf of the applicants? Um, the consideration of, uh, the, uh, the inclusion of low order UXO clearance was considered in great detail in the Moana Offshore Wind Examination, and so the starting position from the applicants being the applicant. Certainly, the Morgan element at the applicant for the Moana project as well, was to seek to include all unexploded ordnance clearance. On the basis that that is, uh, is an important part of kind of bringing licenses together.

01:23:55:22 - 01:24:27:06

Um, there was a lot of time spent during the examination with Natural Resources Wales at CFR and others in terms of where those concerns were and a position reached where a low order unexploded ordnance clearance was retained and wording agreed in respect of that. That position was never was never agreed effectively by Natural Resources Wales or indeed the other organisation. So I think the position from those organisations is a is a kind of in principle, uh, concern.

01:24:27:22 - 01:24:57:25

Um, but I think the applicant, based on the Moana decision and obviously when the Morgan Generation decision comes forward, um, it will be important that there is consistency in terms of the approach that's taken. So I think, um, barring any, uh, last minute whatevers, the, the, the, um, Morgan Generation decision should be out within the next four weeks. It's due on the 28th of August. It's coming early, which is very good. The examining authority managed to get their report to the Secretary of State earlier.

01:24:57:27 - 01:25:31:27

I think it is a first, which is excellent. Um, so there'll be a decision on that project, um, before the end of August, we hope. And then I think there will be some important, um, details from that decision that will need because, um, effectively, the Morgan project will be delivered as a whole project, regardless of the fact that there are two separate consents, there will be some really important considerations that we need to draw together around consistency. We certainly sought to make them consistent, but where the Secretary of State goes will then need to be reflected throughout.

01:25:31:29 - 01:25:45:26

So I think our position on UX and the inclusion of unexploded ordnance at low order is it's been accepted, it can be done, and we're not going to change our position. And I suspect Natural England aren't going to change their position.

01:25:47:25 - 01:25:54:14

Very briefly, what's the crux of their objection to it? Just very briefly.

01:25:57:26 - 01:25:58:14

Um.

01:26:04:26 - 01:26:21:17

Essentially, essentially they their position. I'm not sure if this, uh, I'm going to be careful with my words. It's they've said to us on a number of occasions it's, um, it's a dangerous activity that should be licensed separately. Um, and, Um.

01:26:23:18 - 01:26:29:25

Each instance, um, where it's applied, you know, is scrutinized.

01:26:31:12 - 01:26:53:23

I think constructing wind farms, there's, there's, there's many dangerous aspects that are well managed and well controlled. Um, but again, from, from our perspective, whilst we don't quite agree with that, we've, we've mitigated the key concern by taking out the high order clearance and just retain the low order clearance. Um, so I can't really say much more than that.

01:26:53:25 - 01:27:28:00

Uh, Liz, on behalf of the applicant, I think I'd add that, um, up until more recently, it isn't something that had been included. So in terms of those bodies understanding the information that's needed and being comfortable with that being secured within a development consent order. Um, it had typically been practised that, um, that you'd seek a separate licence for UX UXO clearance at that particular point. Um, but the East Anglia offshore wind farms and then the Moana projects.

01:27:28:02 - 01:28:06:15

Morgan Generation and Morecambe, I think, have taken the approach that it is entirely appropriate to include it, particularly within the low order. There are sufficient controls in place. It will be managed, but that you're not then having the potential delays, which is where the key issue is around the delays, around a further marine licence being needed for that. Um, so clearance and what that means in terms of implications, because that starts to undermine the purpose of the whole development consent order,

a nationally significant infrastructure process, which is where you can bring a consent in and it can be appropriately managed, that that's the whole purpose of the regime.

01:28:06:17 - 01:28:08:27

So that's that's fundamentally the position.

01:28:10:18 - 01:28:49:20

Okay. Thank you for that. Um, I know it's 11:00, but I've only got, uh, one question really on habitats regulation assessment. So I proposed just continuing for a few more minutes to complete that. Um, so in the latest version of Natural England's Risk and Issues log rep 3094 at point re underscore f four on offshore ornithology. Sorry. It maintains that the applicants have not provided clarity on how many days of vessel movement will be expected in the winter during operation and maintenance activities.

01:28:50:05 - 01:29:07:09

Further advises that the applicants consider a commitment not to carry out any maintenance activities in the winter unless in an emergency, and they make the point that the weather at that time of year isn't exactly conducive to such operations anyway. Um,

01:29:09:09 - 01:29:31:23

basically, I think, uh, you've got, uh, commitment 111 in your latest commitments. Register. Rep 3013. That limits the total number of vessels actively working to a maximum of five at any one time in the wintering period, November to February inclusive, during construction, operation and maintenance.

01:29:33:26 - 01:29:41:29

Uh, so my question to you is what's your response basically to Natural England's contention that there shouldn't be any.

01:29:42:08 - 01:30:13:17

Gerry Vella for the applicant? I can make this one quick for you. So we'll be making a new commitment of our updates to the commitments. Register at d4. That that we will not be planning any routine O&M activities within the Spa, plus two kilometre buffer over the core winter months, November to March inclusive. Um, based on the 2010 definition of the of the spa, um, unless, uh, in urgent circumstances.

01:30:13:19 - 01:30:49:26

Uh, so we communicated that new commitment to Natural England on the 22nd and that was well received. So I think we got to, with the exception of the need to update the Isa to, to um, to pick up on the, the, the, the wider commitments we've made to, um, to the timing restriction on the Spey and the two kilometre buffer. Uh, we need to make some updates to the Isa to incorporate those. But otherwise, with this latest commitment, all matters relating to HRA and offshore ornithology are agreed now and closed down.

01:30:50:04 - 01:30:59:26

Okay. That's good. Thank you. Um, I think you wanted to pick up with some issues at the end of my questions, and that would be appropriate time very briefly to do so.

01:31:00:20 - 01:31:32:07

Okay. Very briefly, there were a couple of new commitments that we made that we haven't covered so far. Um, so the first one is relates to benthic subtidal intertidal communities. And it's a say, a new commitment to benthic community recovery. Specific monitoring in the Fylde MCC through pre and post construction. Benthic community sampling to monitor for temporal and spatial recovery. So that will be an update to the offshore in-principle monitoring plan at deadline for um.

01:31:32:09 - 01:32:05:27

Now the next one relates to the periodicity for deployment of cable protection inside and outside of the MCC. Uh, both MMO and Natural England have requested that we limit deployment of cable protection to ten years, or the limit of cable protection maximum design scenario, whichever is first. Um, outside of the Fylde MCC and we're making a commitment to that. Uh, within the Fylde MCC, um, both Natural England and MMO have uh requested that no cable protection is deployed.

01:32:06:05 - 01:32:36:16

Um, once the construction phase is over. Um, and, uh, our position that we'll be submitting through an update to the outline offshore operation and maintenance plan at deadline four is that we would like to be able to deploy cable protection for the first two years of the O&M phase before a new marine license is required. And the basis for that is to cover for any, um, any snagging of cable protection that that should have been put down during construction.

01:32:36:18 - 01:33:00:17

We didn't quite put down enough for some reason, and we don't really want to delay the finalization of the construction phase and, uh, completion of construction and contribution to UK targets. Um, but also to cover the off the, the divestment period for the transmission assets to the off show the offshore transmission as well. What do they call the off to offshore.

01:33:00:25 - 01:33:01:18

Transmission.

01:33:02:04 - 01:33:42:06

Operator. Um, that that divestment has to be done within, uh, within a set period following completion of construction. And um. Will include a review of associates and things like that by the auto. Um, we would hate to be in a position where we haven't quite put enough cable protection in a location in the eyes of the Otto, and we need to put a little bit more down at that location, but we need to apply for a marine license, which may take up to six months or longer, and risk not being able to meet the, um, the generator, the GCC.

01:33:42:08 - 01:34:10:28

I've forgotten what that is as well. Uh, and effectively potentially having to switch off the wind farm, um, in order not to be operating outside of that period. So that's the reason why, um, Natural England said they'd like to see that set out in writing. They'd like to understand the periodicity between installation and the, the last point at which cable protection might be put down, and then they will provide us a provide us with a view. Sorry. Um.

01:34:14:14 - 01:34:44:27

Uh, so we also have already, um, set out in the outline cable specification and insulation plan that, um, in in the final design of the, uh, offshore export cable routing, we will be seeking to identify areas where there's the greatest potential to, to bury the cable and not need cable protection. That's what we'll be prioritizing. Um, Natural England would like to see that as a commitment set out in the commitments register.

01:34:44:29 - 01:34:46:16

So we'll be doing that at D4.

01:34:47:26 - 01:34:50:06

So sorry. The other commitments D4 as well.

01:34:50:22 - 01:34:58:17

Uh yes. Yes. All of them will be D4. Yeah. And then um, that's it I think that's it.

01:34:59:09 - 01:35:00:21

Okay. That's great. Thank you.

01:35:03:29 - 01:35:09:16

Sorry. Can I open it up then to anyone else who's got any questions on offshore ecology?

01:35:11:15 - 01:35:13:13

It doesn't appear to be anyone in the room

01:35:15:04 - 01:35:16:04

or online.

01:35:17:24 - 01:35:20:25

Nope. Okay, we'll close there first.

01:35:21:07 - 01:35:49:25

Can I just list down on behalf of the applicants? Can I just make one point? Um, there were two meetings with Natural England. The reason there aren't different. So there was an earlier offshore meeting, which is the meeting that Mr. Vella was referring to, which was on the 22nd. And then there was an onshore meeting with Natural England last Friday. So just in terms of if you look back at your notes and you say the dates are different, it's because there were two different meetings, one dealing with offshore matters and one dealing with onshore matters, and they were on different dates.

01:35:49:27 - 01:35:56:21

Okay. That's great. Thank you for that. Okay. We'll break now until 11:25. Thank you.