



Planning Inspectorate
Arolygiaeth Gynllunio

Hearing Transcript

Project:	Morgan and Morecambe Offshore Wind Farms Transmission Assets
Hearing:	Issue Specific Hearing 3 (ISH3) – Part 1
Date:	31 July 2025

Please note: This document is intended to assist Interested Parties.

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File Length: 01:36:03

FULL TRANSCRIPT (with timecode)

00:00:06:12 - 00:00:19:29

Okay. Good morning everybody. It's now 930 and time for this hearing to begin. Can everybody hear me clearly? And can I confirm the live streaming and recording of this event has commenced?

00:00:22:11 - 00:00:36:18

Thank you. I'd like to welcome you all to this issue specific hearing on the draft development consent order. This is part of the examination of the application for a development consent order for the Morecambe and Morgan Offshore Wind Farms Transmission Assets Project.

00:00:38:11 - 00:00:55:08

As many of you will already be aware, my name is David Cliff and I have been appointed by the Secretary of State to be the lead member of the panel to examine this application. I will now ask my colleagues and fellow panel members to introduce themselves, each of whom have also been appointed by the Secretary of State.

00:00:56:05 - 00:01:03:24

Good morning. My name is Maria Rocha. I am a chartered scientist and a chartered environmentalist, and I'm also an examining inspector.

00:01:05:13 - 00:01:11:02

Good morning. My name is Richard Morgan. I'm a chartered civil engineer and examining inspector.

00:01:13:22 - 00:01:20:00

Good morning. My name is Jonathan Gorst. I'm a lawyer and I'm also an examining inspector. Thank you.

00:01:22:15 - 00:01:53:15

Thank you. Together, we constitute the examining authority for this application. Our role is to examine the application and to report to the Secretary of State for Energy Security and net zero, with our recommendation as to whether or not a development consent order should be made. I'd also I'd like to introduce members of the Planning Inspectors case team who are supporting us today. We have Rebecca Luxton over on my right, who's the joint case manager for the project, and Elisa Wines here in the venue, along with Melissa Woodcock Whitlock and Sian Evans, who are dealing with the virtual online side.

00:01:54:11 - 00:02:32:06

The case team will be available to answer any general questions you have about today's event and the process in general? A few housekeeping matters. Please keep your phones and devices on silent. Uh, we've got no fire alarm proposed for today or no tests proposed today. The exits are to my right through the door. They're over in the far corner of the room where most of you will have come in and

over in the far left hand corner of the room. And the meeting place in case of a fire alarm, is in the main car park to the right of the building and the, uh, the football stadium.

00:02:34:23 - 00:02:58:12

Moving on to the agenda and the purpose of the hearing, the agenda will the hearing will generally follow the agenda published on the project page of the National infrastructure website last Tuesday. This can be I know it runs over a few pages, but if it can be displayed on the screen, please. Generally it follows the, uh, the order of content of the development consent order. Um.

00:03:00:18 - 00:03:35:18

The agenda is for guidance only, and we may add other considerations or matters as we progress. And other parties may also have comments on other articles and requirements, etc. we will conclude the hearing as soon as all relevant contributions have been made and all questions asked and responded to. But as usual, the discussions can't be concluded that it may be necessary for us to prioritise matters and defer other matters to further written questions. We may also choose to hold a further issue specific hearing on the draft of our consent order in the week commencing the 6th of October, if that is necessary.

00:03:36:03 - 00:03:46:24

Also, if you can't answer a question being asked or requested, require time to get the information requested, then please let us know that you'll need to respond in writing.

00:03:49:05 - 00:04:14:04

Now, the Draft Development Consent Order or Draft DCO is an important document. This hearing is being held on a without prejudice basis. So in essence, even if your position is a development, consent should not be granted and therefore that the Secretary of State should not make the draft about consent order. You can make representations in this hearing on the drafting of the DCO, without conceding your wider position that the draft DCO should not be made.

00:04:15:24 - 00:04:47:03

The DCO is important to the examining authority because we are under a duty to provide the Secretary of State with the best drafted DCO that we can. Even if we end up recommending that the Secretary of State should not make the development consent order, this is because we do not decide these applications. We make recommendations to the Secretary of State, who then is responsible for making the decision. So even if our recommendation report to the Secretary of State were to recommend that development consent should not be granted, we must still append a draft development consent order, ensuring that the Secretary of State can decide to make the order if he or she wishes.

00:04:50:28 - 00:05:27:21

We have a series of actions, a series of questions, rather to ask parties on each topic in the agenda. We'll all. We'll also ask for contributions from interested parties where relevant. Please be patient as we ask our questions, as these are important for us to gain a full understanding of issues and the positions of the parties. And as usual, also, if you can keep your representations based to the matters in hand. I know, uh, there's lots of considerations that people want to erase. And I know sometimes

we've had to, uh, unfortunately, sort of cut people off from making representations which are not relevant to what we're what we're considering.

00:05:27:23 - 00:05:59:08

But this is not an open floor hearing. So I apologize for anybody. We do have to sort of cut people off or say it's not relevant to this hearing, but in those cases, those representations can still be made in writing. And we appreciate that people want to make representations to us. It's just that this is an issue specific hearing, and we have to follow the purpose and procedure of that. Uh, As usual, it's a hybrid hearing means some of you will be present with us at the hearing venue, and some of you will be joining us virtually using Microsoft Teams.

00:05:59:17 - 00:06:14:11

We'll make sure, however, you have decided to attend today, that you'll be given a fair opportunity to participate, and a recording of today's hearing will be made available on the project page of the Planning Inspectorate website as soon as practicable after the hearing has finished.

00:06:19:07 - 00:06:44:29

The Planning Inspector's website has also got a note on our Planning Inspector's privacy note, and this was also provided in the notification for this hearing. And we assume that everybody here today is aware of this document, which establishes how the personal data of our customers is handled in accordance with the principles set out in data protection laws. And please speak to a member of the case team if you've got any questions about this. Okay, moving on to introductions.

00:06:48:29 - 00:07:06:18

I'll now ask those of you who are participating in today's meeting to introduce yourselves. When I state your organization's name, please introduce yourself, stating your name and who you represent. And also, uh, if there is specific matters you want to speak on, then which agenda item you want to speak on?

00:07:12:08 - 00:07:38:07

And please speak clearly into the microphone. And if you are not at a table with a microphone, wait for a roving microphone. Uh, for those with microphones at tables, please keep them muted when you are not speaking. And as usual, just be aware of how close you are to the microphone so you get the optimal sound. Uh, if you're too far away, it will just drift away. Um, okay. Can we start with the applicants, please? Um. It's done.

00:07:40:00 - 00:07:56:24

Thank you. Sir. Um, Liz Dunn, on behalf of the applicant, um, you won't be hearing hopefully too much from me today, but we'll be hearing from my colleagues. So if I get them to introduce themselves as well. Um, just pass over to Miss Fuller.

00:07:58:24 - 00:08:08:03

Good morning. I'm Laura Fuller, senior associate, Burgess Salmon, speaking on behalf of both applicants today. Um, generally be leading on most items on the draft DCO.

00:08:08:18 - 00:08:10:06

Okay. Just repeat your name, please.

00:08:10:08 - 00:08:11:06

Laura. Fuller.

00:08:11:12 - 00:08:11:27

Laura.

00:08:16:10 - 00:08:16:28

Okay.

00:08:19:01 - 00:08:25:28

So, Anthony McNamee, speaking for the Morcom Offshore Wind Farm Limited. But hopefully you won't hear much from me today because Laura is speaking for us both.

00:08:26:10 - 00:08:27:19

Okay. Thank you.

00:08:29:19 - 00:08:30:04

Okay.

00:08:33:07 - 00:08:42:07

And if we can turn to the councils. Uh, firstly, Fylde Borough Council.

00:08:42:19 - 00:08:57:20

Good morning sir. My name is Samuel Shaikh. Sheikh, Imam of Council, instructed to act on behalf of Fylde Borough Council. I have with me to my left Mr. John Kozak, who's a major project officer, and behind me Mr. Paul McKim, who's the director of planning and Building Control.

00:09:00:16 - 00:09:01:09

Thank you.

00:09:03:20 - 00:09:10:16

And have we got a representative today from Blackpool Borough Council? Mr. Knight?

00:09:11:14 - 00:09:22:13

Good morning sir. My name is Isaac Nicholson. I'm standing in for Catherine Knight. I am also with DWF. And to my left is Dawn Goodall, who is head of legal services at Blackpool Council.

00:09:23:03 - 00:09:28:16

Thank you. I didn't just catch your name, but I think Isaac Nicholson. Did you say yes? Yes, sir. Yeah. Thank you.

00:09:32:06 - 00:09:38:02

And Preston City Council, have they got a representative? Possibly online.

00:09:40:13 - 00:09:46:12

Good morning. I'm Phil Cousins, development management team leader at Preston City Council.

00:09:48:22 - 00:09:49:27

Good morning. Thank you.

00:09:52:24 - 00:09:55:24

South Ribble borough council.

00:09:58:03 - 00:09:58:18

Know.

00:10:00:13 - 00:10:04:19

And have we a representative today from Lancashire County Council.

00:10:06:14 - 00:10:16:09

Yes. Good morning, Sir Andrew Rakovsky. I'm consultant planner for Lancashire County Council and I may make some comments on both the articles and the detailed requirements.

00:10:16:25 - 00:10:18:02

Okay. Thank you.

00:10:23:25 - 00:10:29:22

Okay. Moving to the Environment Agency.

00:10:34:03 - 00:10:54:11

Yes. Good morning sir. My name is Liz Locke. I'm here on behalf of the Environment Agency. Um, I'm not intending to speak, but I'm here really just to, um, to hear what's going on. So, um, I haven't. Yeah, my intention is not to speak, but we'll see. What. What?

00:10:54:13 - 00:11:01:27

Okay. That's understood. If you want to comment on anything, then obviously just put your your hand up in the normal. The normal way.

00:11:02:12 - 00:11:03:05

Thank you sir.

00:11:05:04 - 00:11:14:21

And nobody from Natural England and um, presumably nobody from the Marine Management Organisation. I've not been notified. Ah, maybe we have.

00:11:17:00 - 00:11:18:11

Anybody from the MMO?

00:11:20:10 - 00:11:21:04

No.

00:11:22:23 - 00:11:23:11

Okay.

00:11:32:05 - 00:11:34:28

Right. Moving to the parish councils.

00:11:39:04 - 00:11:40:21

Newton with Clifton Parish Council.

00:11:40:23 - 00:12:05:27

Mr. Walker. Good morning sir. My name is Angus Walker, from Broadfield law, representing Newton with Clifton and Alton parish councils. Um, I intend to speak on a few items. More on the requirements than the articles. Um, I just have a couple of questions. If I have a point on an article that is named, you know, identified on the agenda. Should I make it at that point or wait till you've gone through your articles?

00:12:07:22 - 00:12:36:29

Uh, I think as we are, I know I've got an item at the end of each, uh, article or the end of each part of the agenda saying any other articles, but I will be going through in numerical order, so I'm actually happy if anybody's got to wants to raise something as we go along in a particular article to do so, because it might relate to if it's, I don't know, for example, it might not be. But for example, if it's about one of the highway articles, which is not one of the articles that are in the agenda, it probably sensible to raise them at that at that point.

00:12:37:01 - 00:12:59:24

Thank you. That was helpful. And the other point is, I've noticed 1 or 2 in going through the latest version of the DCO. I presume we're all working on the, um, deadline three version. Um, and I've noticed 1 or 2 typographical errors would rather than saying them at this hearing, shall I just put put them in writing as a summary of what I said, even though I didn't say it?

00:13:00:09 - 00:13:15:09

Yes, please. I don't want to discuss typographical errors. Today I will be making a point on this, but I don't want to discuss typographical errors, so if there's anything that you do spot, then I think deadline for is the place for that.

00:13:15:11 - 00:13:15:27

Thank you sir.

00:13:15:29 - 00:13:21:12

That's it for me afterwards in the in the development consent order rather than the agenda?

00:13:21:20 - 00:13:23:28

Yes. I didn't see anything in the agenda.

00:13:24:00 - 00:13:26:10

No errors in the agenda. I'm sure there is, uh.

00:13:26:24 - 00:13:50:23

Sir, list done on behalf of the applicant just to expedite things. Very grateful for Mr. Walker's eagle eye in terms of typographical errors on the DCO. If you have that list and you're prepared to share it with us, we can certainly update those. We will be updating the DCO for deadline for, so if we're able to pick up those typos as well in deadline for that would be seems to be a sensible thing to do.

00:13:51:18 - 00:13:58:25

They're mixed in my Angus Walker again in my notes at the moment, but I'll try and send something to you perhaps tomorrow.

00:13:59:01 - 00:14:37:09

Obviously I'm more than happy for that to happen. Uh, I don't want to discuss those today. I was going to make a general point. I'll make it now as we're talking about it. I'm sure the applicant will do. But obviously, if you could have a very fair recheck of the development, I'm sure you are doing this. And we do appreciate that, you know, in everyone's submissions, etc. at this stage, they probably are small typographical errors. I'm sure we're guilty of it as well. But if you can have a very thorough check on that as you go along, that would be helpful, because I don't really want to have to sort of pick those up in terms of what we're doing, examining it.

00:14:37:11 - 00:14:52:29

But obviously when, uh, the draft on the consent order goes in our report, whatever our recommendation, then we want that to be, you know, as perfect as can be. Um, okay. Thank you. Uh.

00:14:57:01 - 00:15:02:09

Any other parish councils represented today are Fillmore.

00:15:03:21 - 00:15:11:12

Fillmore, Newton with Clifton Parish Council and chair of the task group. Uh, I'm not particularly intending to speak, but may do of this local knowledge. That's helpful and required.

00:15:11:14 - 00:15:13:12

Thank you. Okay. Thank you.

00:15:15:12 - 00:15:19:09

Okay. And we have representatives from by system.

00:15:20:19 - 00:15:39:00

Good morning, Paul Forster from DPI planning representing Bay systems. Um, we'd like to we've got some comments on, uh, a few of the requirements. Um, schedule 12 as well. and also schedule 18, which isn't on the agenda, but just a quick point to make on that. Um, schedule.

00:15:39:02 - 00:15:39:17

12.

00:15:39:19 - 00:15:40:04

And.

00:15:40:06 - 00:15:40:21

Schedule.

00:15:40:23 - 00:15:42:10

18. Remind me what schedule 18?

00:15:42:12 - 00:15:48:27

Schedule 18 is the second. It's the um. Oh my documents. Sorry.

00:15:48:29 - 00:15:56:07

Okay, okay. Yeah, that'll be right at the end, obviously, but yeah. Okay. I'm sure that will be fine.

00:16:00:21 - 00:16:03:24

Okay. Anybody from Blackpool Airport?

00:16:05:28 - 00:16:09:03

Who wishes to speak? Hey. Good morning.

00:16:09:05 - 00:16:25:04

Sir. It's, um, Alistair Paul on behalf of Blackpool Airport. Um, I don't intend to speak. Um, uh, the the amendments that we've requested to the development consent order incorporated. So we are here in a listening capacity only. But, um, if something arises, then, I mean, I may raise my hand.

00:16:26:01 - 00:16:32:15

Okay. Thank you for explaining that. Thank you. And have we a representative from CBC UK.

00:16:36:20 - 00:16:37:15

Good morning sir.

00:16:37:17 - 00:16:38:09

Good morning.

00:16:38:19 - 00:17:12:18

My name is Stephen Dagg. I'm a legal director at Wimbledon Dickinson. I'm representing both Sabic UK Petrochemicals Limited and Sabic petrochemicals B.V., and I'll refer to them today just as Sabic. Yeah, I'm John by Jeff Glover who is a pipelines manager at Sabic. Um, so just briefly introduced him. Uh, he's, uh, joined in case there any technical questions or points of clarification he can assist you with today. Although, uh, we are intending that subjects responses will, for the most part, be addressed through me.

00:17:13:09 - 00:17:18:23

I'm only intending to address you very briefly, sir, on agenda items four, six and nine.

00:17:21:25 - 00:17:24:01

Okay. Thank you. That's helpful. Thank you.

00:17:28:29 - 00:17:38:02

Okay. Is there anybody else? Uh, National Farmers Union. Miss staples? Did you intend to speak today?

00:17:39:00 - 00:17:44:08

Good morning. Uh, no, I don't intend to speak. I'm really just listening to. Want to see what's covered. Thank you.

00:17:44:13 - 00:17:49:15

Okay. Thank you. Anybody else in the room who wishes to speak?

00:17:53:12 - 00:18:00:07

Oh, okay. And anybody else online, please. Who wishes to speak? I have one initials AP.

00:18:02:03 - 00:18:17:00

Uh, morning, Adam Picker. Vans from QP valuers. Uh, I'm representing Hornby's foundation charity. Uh, and I'd like to make representation, uh, in item four, article 22.

00:18:19:07 - 00:18:32:25

Item four. Article 22. Okay. Thank you. When we get to that, could you, uh. I'm sure you will. But put your hand up, please, just to make sure that I'm, uh, in case I. I missed you at that point.

00:18:33:09 - 00:18:33:24

Yes. Well.

00:18:34:16 - 00:18:35:08

Thank you.

00:18:40:03 - 00:18:43:01

Okay. Anybody else online who wishes to speak?

00:18:46:19 - 00:19:17:02

Okay. Thank you. Those are the introductions. Just some further points. Will seek to have a mid-morning break at approximately 11 a.m.. And will break for lunch at 1 p.m.. And as usual, we do not intend that the hearing continues beyond approximately 5 p.m. today. I know we went a bit over yesterday. I think we had to do to get everything in the agenda in, but hopefully we can conclude by 5 p.m. today.

00:19:19:09 - 00:19:48:16

As usual please, as we've been doing this week. Could the applicants keep a list of any action points that arise. We do need to go on to yesterday's action points before we start things today. And generally, submissions pursuant to an action point should be submitted by deadline for 8th of August unless otherwise agreed. And also as usual, please can anybody who speaks provide a written summary of the oral representations also by deadline for

00:19:50:02 - 00:19:56:25

okay. Does anybody have any questions about the agenda or how this hearing will be conducted?

00:20:00:25 - 00:20:01:16

Okay.

00:20:04:26 - 00:20:17:28

So we move before we move on to the development consent order part of the hearing. We just want to go back to yesterday and just agree the action points from yesterday. And this is just from yes, the second part yesterday, not from obviously from Tuesday because we did those on Tuesday.

00:20:18:18 - 00:20:51:13

It's done. Thank you Liz. Done on behalf of the applicants. So the first hearing action point we have was in relation to agenda item six, which was on hydrology and flood risk. And it was for the applicants to update the surface and groundwater management plan and the Outline Operational Drainage Management Plan to account for the updated national standards for sustainable drainage that have recently been issued, and particularly in respect of um, standard six and seven.

00:20:51:15 - 00:21:30:16

And that will be done for deadline for uh in respect of offshore ecology, which was agenda item five. Um, the applicants are to update the commitments, register uh, in respect of the points discussed or agreed with Natural England. Uh, one of those was, uh, in particular, that there will be no scour protection between mean low water and mean high water, and that will be done for deadline for. Um, the next point was to provide responses to Natural England's responses to the written questions to address naturally as points D4.

00:21:30:18 - 00:22:00:29

That would frankly be something we'd be doing anyway in terms of responding to them. And then this one was more, I guess, of a note than anything else, which was to target that final statement of common ground with Natural England by Deadline six. So we'll be working through their risk and issues log. But actually to draw that together in a in a statement of common ground by deadline six. And that was in respect of offshore matters. Um agenda item seven uh land use and recreation.

00:22:01:06 - 00:22:20:08

Uh, the applicants are to submit the explanatory note that we've provided to the council and to, uh, Saint Anne's on, uh, the draft section 106 agreement in relation to the land at Blackpool Road Recreation Ground. And that is also for deadline for,

00:22:22:02 - 00:22:44:26

uh, the next one, uh, was a sort of a general comment request that, uh, failed borough council and the applicants continue to engage with the football club regarding alternative pitch locations. So it hasn't really got a date with it, but it will be very much part of the discussions, uh, around, uh, progressing the section 106 agreement as well.

00:22:46:03 - 00:22:52:04

I think that will include reference to the existing skateboard park that there was discussion about yesterday.

00:22:52:10 - 00:23:05:09

So alternative pitch locations and skate park. I think I think with the skate park we probably need some clarity on what's happening with it. Um, so I think that's that's probably then just part of those discussions.

00:23:06:15 - 00:23:12:12

Yeah. Was was filed also going to submit something for that in response to the action point? I think that's how we.

00:23:13:08 - 00:23:18:18

Remember our council. Yes, sir. We'll submit something specifically in reference to skate Okay.

00:23:19:06 - 00:23:57:02

Shall we add something as an action in respect of that? Yes. Uh, okay. I'm hoping somebody else will note that. I'll just highlight that here. Um, so the next action, um, was to provide, uh, a note to explain how the it was on the applicant. Sorry, uh, to explain how the section one, three two Planning Act open space test has been met in relation to the Blackpool Road Recreation Ground, uh, including in relation to the securing of permanent rights and restrictive covenants over, over the relevant plots.

00:23:57:04 - 00:24:43:21

And that would be for deadline for. And that was specifically, I think, plots 040 14 and 040 16. Um, the next one, again, was on the applicants to review the statement of reasons and to ensure it covers the temporary diversion of bridleway five five, 16, which is the one close to the substations. And again that will be for deadline four. Um, and then uh, the next one was the voluntary hearing action point that the applicants, uh, provided, um, which was to provide a note, um, uh, sort of bringing together, um, the engagement that will take the land take place with landowners and others.

00:24:43:29 - 00:25:26:19

Uh, and we called it the Agricultural Holdings Indicative Mitigation Plan. Again, we may come up with a snappier title than that, but agreed it would be very clear as to what it was, and that would be provided at deadline for um in respect of agenda item five. Um, which, um, which we obviously didn't consider, we have a note for Tetra Tech to provide a note, which I think will be provided to the applicants and then submitted, uh, explaining Lining how and why the conflict has arisen in respect of noise consultants, and that will be provided for deadline for, uh, agenda item nine was on socioeconomics.

00:25:27:01 - 00:26:16:06

Um, I think there was a point for Blackpool Borough Council, um, to submit any additional points, uh, on tourism, which they hadn't already covered in their local impact report. I think there was a potentially some more points they wanted to raise, which was for deadline for, uh, the next one was on the applicants to submit the, uh, the local tourism sort of report that was discussed that will be submitted at deadline for, uh, and then there was an action point for all the authorities to, uh, get together and agree and report to the, um, report to the examination, but also to the applicants, which authority they consider should be the approval body under requirement 19 for the Employment and Skills Plan.

00:26:16:24 - 00:26:37:29

And we've also asked that there is a sort of explanation of how that will work as well. Um, in terms of not just we think it should be this organisation, but why that is and then how that will work in terms of particularly engaging, um, uh, education, the sort of education providers, because of the element of that.

00:26:39:17 - 00:27:18:21

Uh, agenda item ten was on traffic and transport. Uh, and there is an action point on the applicant to submit information on the level of individual access, use and use of crossing points across the cable corridor. That will be for deadline for the next, uh, action point was on the applicant's, uh, the, uh, there were two parts to this, I think. Um, the first one was on both, um, the applicants and Lancashire County Council, which was a link by link specific note which would be agreed and submitted into examination.

00:27:18:23 - 00:27:36:09

So effectively that's working together on that by deadline five. Um, and but by deadline for the applicants were to provide effectively a note on the steps that would be done um, in order to ensure that was achieved by deadline five. So that one was just on the applicant.

00:27:37:29 - 00:28:11:21

Uh, the next one was the applicant. Um, to explain how, um, requirement 16 restoration and the details contained in the outline construction traffic management plan would operate in terms of highway restoration. That would be for deadline for, um, the applicant's um, next, uh, action point was to append the proposed location of truck stops to the outline construction traffic management plan, which will also be submitted at deadline for.

00:28:12:19 - 00:28:48:26

And then again, this is probably just a note rather than a hearing action point. But Mr. Barlow, I think, was going to submit the details of his representation into deadline for. But that would, that would be his his obviously for him to do. Uh, agenda item 11 was on the historic environment. Uh, and so there was a note for the applicants to provide a report detailing the trial trenching approach of the transmission assets against that taken by other DCO projects to explain the sort of comparables of the extent of trial trenching undertaken at this stage.

00:28:49:14 - 00:29:30:05

Uh, and that would be provided at deadline for, uh, and then another action point on the applicant to provide a timetable of subsequent trial trenching, um, and how that would effectively lead into

construction covering from, effectively now until project implementation. And that was also to be for deadline for. And then the final action point we have was, uh, following our discussions around green in particular, that the applicants would be updating the public sector equality duty statement, um, which I think we said we would be doing sort of for the end of examination.

00:29:30:07 - 00:29:35:18

So it would be deadline six, seven, seven. Uh, in terms of.

00:29:36:09 - 00:29:39:11

The the last deadline for last and the last day of the examination.

00:29:39:13 - 00:29:59:25

So we aim, I think probably deadline six to to bring that together in terms of the consideration given to the public sector equality duty, where discussions have got and relevant mitigations and those matters. So we will be up. So would agree to do that for deadline six and that was all the hearing action points we had from yesterday.

00:30:00:21 - 00:30:06:08

Okay. Thank you. Uh, just I'll come to that. Yeah. Go ahead. The, uh.

00:30:09:15 - 00:30:17:14

Only because I was catching up with you right at the start. From my notes. Did you include in the, uh, flooding and

00:30:19:03 - 00:30:26:01

drainage section the suds plan update at deadline for. Was that.

00:30:26:03 - 00:30:38:15

Included? Yes, sir. That was the, um. Liz done. On behalf of the applicants, that's the update to the surface and groundwater management plan. Outline operational drainage management plan to take account of the new Suds guidance. Yes, that was the first one.

00:30:38:17 - 00:30:53:03

And also, this is purely because I was just catching up with my my notes when you were when you were speaking and updated. I think there was an updated Fra. Is that in as well? Was that one I've got action point asterisk box updated Fra on my.

00:30:53:05 - 00:31:03:18

Notes list on behalf of the applicant. That's already been provided. I think it was sitting with the Environment Agency in terms of review of that. Oh.

00:31:05:26 - 00:31:20:00

Laura Martin, on behalf of the applicant. You are correct. We got additional comments from the Environment Agency based on the updates at deadline one. So we will be resubmitting the Fra at deadline three. Four. Sorry.

00:31:20:02 - 00:31:21:19

Four. Yeah.

00:31:22:19 - 00:31:24:00

Okay. Thank you.

00:31:25:19 - 00:31:30:06

And then just one final one, which I don't think was,

00:31:31:25 - 00:31:35:26

uh. Ah, there was one for Mr. Innes as well, wasn't there?

00:31:37:13 - 00:31:48:06

I know this was quite late in the day when, uh, my concentration was obviously starting to go at 5:30, but there was one for Mr. Innes,

00:31:49:27 - 00:32:01:13

for AusAID in terms of providing details of. I think I asked him to provide details of what the risks were. Yes. From Auster's perspective. Um.

00:32:03:09 - 00:32:17:02

any particular policy that he felt was being breached and also, if necessary, any particular drafting in terms of requirements, etc., that was mentioned but not gone into detail?

00:32:17:07 - 00:32:20:20

We'll add that one in turn will give that to Mr. Ennis. The deadline for.

00:32:22:02 - 00:32:39:15

And then the final one, which I don't think was agreed as an action point, but I know there was some discussion yesterday of a draft section 106 agreement to be, uh, submitted to filed. And I think there was, was the talk of a, a note to be provided of us of the content of.

00:32:39:17 - 00:32:57:13

Yes, sir, I've covered that. So that was um, so that that's what we referred to as the explanatory explanatory memorandum on the section six agreement. So that has already been provided to filed along with the section 106 agreement. We would be submitting that note into the examination at deadline four.

00:32:57:18 - 00:33:11:08

And as an addition to that, I presume it is the it's going to be the intention to submit the 106 into the examination. What what's the timetable for that? I presume you're, you're you're going to be in negotiations first, presumably.

00:33:11:29 - 00:33:51:09

On behalf of the applicants. We will. Um, I think I think it's probably most helpful if we seek to progress it with the council and, and, uh, and the football club outside of the examination, if we get to

deadline six, probably. And, and we think it would be helpful to put in the draft as it is in terms of we're not sure, you know, hopefully we'll be in a position to to have completed it. I think we'll consider the position for deadline six. But the idea is that we would we would agree with the council and then be able to put it in and execute it and put it in effectively as a, as a completed document.

00:33:51:11 - 00:33:52:26

During the examination and.

00:33:53:06 - 00:33:55:28

If at all possible, that's what we will be aiming for.

00:33:56:14 - 00:34:00:06

Because if not, we will obviously be able to take account of it in our recommendations.

00:34:00:08 - 00:34:10:03

We recognize that, sir, we wouldn't be the first project not to have managed to have completed it. If that is the case. But we will certainly be working to try and do that.

00:34:10:05 - 00:34:41:23

I'm hoping because we've got three months, this is the point for the council as well as yourselves, because we've got three months that it seems to us to be sufficient time for it to be negotiated and agreed and submitted into the examination rather than left as something post examination. So I would, uh, strongly encourage that. And it does seem to be time for that and, and submitted into the examination with enough time, just in case we had any questions on it, or any other party might have comments on it as well. Actually, for that matter, uh, that there's time for that.

00:34:44:29 - 00:34:45:15

Okay.

00:34:46:14 - 00:34:47:02

Yes, sir. That's.

00:34:47:04 - 00:34:47:19

No thank.

00:34:47:21 - 00:34:48:06

You.

00:34:49:09 - 00:34:49:29

Okay.

00:34:52:05 - 00:34:55:14

No more comments on yesterday's action points.

00:34:57:09 - 00:35:00:15

Good. Okay. Thank you. We will go back to the

00:35:02:15 - 00:35:04:22

agenda for today.

00:35:06:21 - 00:35:42:02

And section three, the applicant summary of the draft development consent order. The first part of this is really intended. Just a brief overview of this structure and very general content, but very general content of the consent order. Just so everyone here and listening online can understand, because I know for some people they've seen lots of consent orders. Other people will be their first development consent order that they've seen. And so we can just sort of a brief overview in terms of a guide to what is in the DCO, please.

00:35:43:21 - 00:36:14:07

Laura Fuller for the applicants. Um, obviously it is quite a long document, so I've done my best to provide what I think is a brief overview and noting that we'll be going into detail on many of the items later on in the agenda. Absolutely. Just as a preliminary point, it's probably worth highlighting that aid understanding of the draft. Sorry, my screen just went off to aid understanding of the draft DCO. It needs to be read together with the explanatory memorandum, which is the latest version of that is rep 3011.

00:36:15:04 - 00:36:48:17

Um, because the explanatory memorandum explains the purpose of each article and schedule to the Draft Development Consent Order, including the requirements and the deemed marine licence conditions. Um, and also just to note that the applicants have used the C template that's provided by the Government Stationery Office, and that the structure and content of this draft DCO follows a standard and well-presented format. Um, and that the drafting has taken into account comparable orders, which we've set out at table 1.1 of the explanatory memorandum.

00:36:48:24 - 00:37:29:23

And more recently, um, the applicants have also been considering the recent ramp in to order, and the Moana Offshore Wind Farm order, which was, as noted by Miss Dunne yesterday, made earlier this month. When we're looking at updates to the draft development consent order in terms of the overview of the structure and content, the front end of the draft DCO contains the operative articles and is split into parts. These articles provide, amongst other things, the consent for the projects they provide for street work powers, compulsory acquisition powers, temporary possession powers and, where relevant, will apply the schedules that follow after that.

00:37:30:09 - 00:38:01:18

Um will obviously be covering articles in more detail as part of agenda item four. Um, the operative articles, as I've just said, are then followed by the the schedules, which include further details on certain matters that are set out in the articles and importantly, set out the works that each project is authorised to undertake under the DCO and the controls placed on those works. I think it's probably helped by just do a very brief run through of what each schedule, um, does. So I'll try and keep that as as brief as possible.

00:38:02:16 - 00:38:53:23

Um, schedule one of the draft order describes the authorized works for which development consent is granted for each project by article three of the DCO. Those authorized works are split out into project A works and project B works. The A works are the works that Morgan Offshore Wind Limited would be granted development consent for under article 31A, and the B works are those for which Morecambe Offshore Wind Limited would be granted consent under article 31B of the draft DCO and the use of A and B works follows the approach taken in other joint Dsos, including most recently the Sheringham Shoal and Dudgeon an extension order, and also Dogger Bank, Teesside A and B and the Dogger Bank.

00:38:54:05 - 00:39:25:20

Beck echoes um it's done to provide clarity around the extent of each project's works. Um. The works plans should be read alongside the works descriptions that are set out in schedule one. Um, as the works plans identify the areas in which each project may undertake its works, and the works plans use the A and B labels um. The project A and project B works um are also further split out in the schedule.

00:39:25:26 - 00:39:33:27

Um, just with subheadings to clarify those works that are considered the offshore elements, intertidal elements, and the onshore elements of each project.

00:39:36:08 - 00:40:19:06

Um, schedule two of the draft order has been split out into schedules two A and scheduled to be to provide separate requirements for each of project A and project B, The requirements are the equivalent, basically equivalent to planning conditions that you would ordinarily see attached to planning permission granted under the Town and Country Planning Act 1990. Um, so in the event development consent is granted for uh is granted. Morgan Offshore Wind Limited would therefore seek discharge of the requirements under schedule two a uh for the project a works and Morecambe would seek uh discharge of the requirements in schedule to be before they commence their relevant works.

00:40:20:00 - 00:40:54:27

Um two there has been, as we've mentioned at previous hearings, um, there's a consistent approach taken to the drafting of the requirements, and they, in fact mirror each other, say, for certain specific parameters that are relevant to each project. And there is a table in the explanatory memorandum which sets out where those, um, differences are. The requirements are one of the key ways in which mitigation identified in the environmental statement is secured, and the way in which controls are the key way in which controls are placed upon each projects.

00:40:54:29 - 00:41:13:23

Onshore and intertidal works. In particular, the requirements have been drafted in line with many recent precedent echoes. I won't go into detail on that. That's all set out in the explanatory memorandum, and obviously we'll be looking at the requirements in more detail as part of agenda item six,

00:41:15:12 - 00:41:47:03

um, schedules 3 to 6 of the draft eco list out various street works, temporary restrictions to streets and public rights of way and creation of accesses. And they're linked to the street work. Um, the the street work powers that the in articles nine uh, article 12 temporary closure of public rights of way and article 13 temporary restriction on use of streets, which is set out in part three of the Development Consent Order.

00:41:47:14 - 00:41:57:15

And again, each of those schedules has been split out into project A and project B to ensure it's clear what is authorized in relation to each project.

00:41:59:07 - 00:42:31:18

Um, schedules seven A and seven B are linked to article 29 of the DCO. Schedule seven lists out the land plots over which Morgan Offshore Wind Limited may only take temporary possession, and schedule B lists out the land plots over which Morecambe Offshore Wind Limited may only take temporary possession uh, under article 29. It also specifies the purposes for which temporary possession can be taken in relation to each of those plots identified in schedule seven A and seven B.

00:42:32:10 - 00:43:06:14

Schedule eight A lists out the land plots over which Morgan Offshore Wind Limited may exercise powers of compulsory acquisition to acquire rights or impose restrictions under article 22 and likewise schedule eight. Be does the same for Morcom Offshore Wind Limited, and again, the schedule sets out in detail the purpose for which the rights may be required for each plot of land, and this reflects what is set out in the book of reference. And I think the latest library reference for that is rep one zero 14.

00:43:08:24 - 00:43:29:18

Uh, schedule nine is, um, included to modify existing compensation legislation, including the Land Compensation Act 1973 and the Compulsory Purchase Act 1965, to provide for the acquisition of rights and imposition of restrictive covenants, as well as acquisition of the ownership of the land. Um

00:43:31:14 - 00:44:03:20

schedule ten includes protective provisions for the benefit of various statutory undertakers, where there are identified interactions with the two projects, and also includes protective provisions for the Environment Agency and the lead local flood authority in relation to the application proposed. This application of provisions of the Environmental Permitting Act, permitting England and Wales Regulations 2016 and the Land Drainage Act 1991, which the applicants are seeking to apply under article seven.

00:44:04:12 - 00:44:13:22

Um the the protective provisions. Those provisions will provide for an agreed process for approval of main river and ordinary watercourse crossings.

00:44:15:19 - 00:44:45:00

It should be noted that the protective provisions used the DCO definition of undertaker and therefore apply to Morgan Offshore Wind Limited when it undertakes project A works, and likewise will apply to Morecambe Offshore Wind Limited when they undertake project B works. Schedule 11 A lists

hedgerows which may be removed for project A, and 11 B lists those that may be removed for project B under article 35.

00:44:46:23 - 00:45:13:16

Schedule 12 sets out a procedure for the approval of matters under the requirements in schedules two A and two B, and any appeals related to that. This schedule is applied by article 46. Schedule 13 sets out is arbitration rules, and it sets out clear process to be followed in the event any matter was referred to arbitration under article 46.

00:45:15:22 - 00:45:58:22

Nearly there. We've moved on to deemed marine licenses. Uh, schedule 14 sets out the deemed marine license for Morgan Offshore Wind Limited for marine licensed activities in the offshore environment in connection with project A and schedule 15, uh sets out the deemed marine license for Morcom Morecambe Offshore Wind Limited for its marine licence activities in the offshore environment, which would be in connection with project B works. Those two schedules follow a standard form of deemed marine licences for offshore works, so they follow very similar drafting to other deemed marine licences included in many offshore wind DCO.

00:46:01:17 - 00:46:11:00

Schedule 15 sets out a marine licence for Um Morgan Offshore Wind Limited for its marine licensed activities. Um.

00:46:13:06 - 00:46:24:24

Sorry for the for licence activities in connection with the project. A crossing of the tidal River Ribble. Um. And schedule 16 does the same for Morecambe. Offshore. Wind. Limited.

00:46:26:29 - 00:46:27:21

Schedule.

00:46:29:29 - 00:46:42:11

Sorry, I think I messed it that wrong. It's schedule 16 is the River Rebel Marine licence for Morgan Offshore Wind Limited and it's schedule 17. Sorry, that's the marine licence for Morecambe Offshore Wind Limited.

00:46:46:04 - 00:47:15:08

Uh, and then finally, uh, sorry, I'll just clarify for those in the room, each of those license deemed marine licenses sets out the relevant license activities which are authorized by it, um, and also include conditions that those uh, the conditions that those activities must be carried out in compliance with. And we'll be going into some more detail, I think agenda item 11. And finally, schedule 18 lists out the documents that are to be certified.

00:47:18:06 - 00:47:49:17

Thank you. And I hope that's, uh, useful for everybody. Um, the next two items could probably be taken in, in, in short form, because the second one is the summary of recent amendments made to the draft of a consent order. And obviously There have already been a quite a lot of amendments made to

the draft amendment consent order, eh, in terms of responding to representations received from interested parties, uh and B in response to written questions.

00:47:49:29 - 00:48:14:15

And so there's quite a lot of changes we appreciate and knowledge that have already been been made. Uh, we probably in that don't actually unless there's anything particularly you want to say don't really need a summary of all the recent amendments because we're probably going to get on to those as we go through the main items, unless there's anything you want to particularly say at this point, uh, beyond what I've already said.

00:48:15:10 - 00:48:44:29

Uh, Laura Fuller, on behalf of the applicants, um, I didn't have that many notes because I know we're going to go through, obviously, the articles and the requirements. There's probably just a couple of things I'll highlight quickly. Um, obviously, the updates that we've made are set out in the schedule of changes to the Draft Development Consent Order, which has tables setting out at each deadline. The amendments that have been made and the reasons for those amendments. And that's in rep 3071. I thought it might be helpful just to flag that.

00:48:45:03 - 00:48:51:28

Yeah, that's a very helpful document that I use quite a lot in terms of, uh, what changes have been made yet? Yeah.

00:48:52:12 - 00:49:32:00

Um, and I probably just highlighted that a key addition that has been made to the development consent order at deadline three was the inclusion of the collaboration requirement at requirement 25, in schedules two and two B, and also a likewise a condition in the deemed marine licenses. And that drafting is presented in the Sheringham Shoal and Dudgeon Extensions Project, which was also a joint DCO uh consenting to nationally significant infrastructure projects there. Um, and it's just a requirement that requires it requires the projects to continue to collaborate and coordinate post consent when submitting detailed plans, details and other documents for approval.

00:49:32:17 - 00:49:40:15

And obviously, we've included that. Listening to what was said at the previous hearings and the representations that have been made by now, we've got that on the agenda.

00:49:40:21 - 00:49:46:24

Yes, we can come on to that, to to to ask any, any questions or people can make comments on that at that time. But thank you.

00:49:49:03 - 00:49:55:29

Otherwise, I'm happy generally to pick up the other elements as we go through the articles in the comments.

00:49:56:01 - 00:50:07:11

That's the best and most time efficient way. Yes. Thank you. And obviously there's still discussions going on and there'll be another draft DCO at when's the next draft DCO. Is that going to be a deadline for or.

00:50:07:17 - 00:50:12:19

There will be an update at deadline for. I think we've already committed to making various updates.

00:50:12:21 - 00:50:34:02

And we want to encourage the discussions that have been taking place with parties, continue on detailed drafting, etc. and I'm presuming again, I don't think see needs to be discussed in any great detail, but the statements of common ground coming in at deadline four will include matters relating to the development consent order.

00:50:36:08 - 00:50:37:21

We would expect them to.

00:50:38:13 - 00:50:42:13

Laura Farrell above that. Yes, yes we will. We will be including those.

00:50:43:11 - 00:51:19:08

In all the parties can take note of that as well. And it's again, as I said yesterday, for statements of common ground. It's the bits that are not common ground that are the most helpful to us and the reasons for that. And certainly as we get towards the end of the examination on any DCO matters, if there's a matter where it's not going to be agreed and the differences remain, then parties may wish to provide alternative drafting for us to consider in the Secretary of State, to consider as is necessary and appropriate.

00:51:19:19 - 00:51:36:06

Uh, and that would need to be again, that will need to be in sufficient time for the end of the examination to allow other parties, not least the applicants, to comment on those as well. So very happy for alternative drafting, you know, very useful for us, uh, to consider, but obviously.

00:51:36:08 - 00:52:09:13

So is done on behalf of the applicant. Can I make a request? Um, on other projects I've been working on recently, we've had suggestions of drafting for the DCO put in at the final deadline, which obviously is not a deadline that the applicants can do anything about in terms of, um, in terms of comments, appreciate things may get left to the last minute. That isn't something where, but I would ask that if there are I mean, the applicants will be in discussions with parties seeking to agree their drafting, working out where we're getting to.

00:52:09:15 - 00:52:29:01

But in terms of that sort of provision of alternative drafting, I think it would be very helpful if the deadline for that was deadline six, so that the as the the very latest, so that the applicants can consider that Um, prior to and in the final version of the DCO, I've just had a bit of experience.

00:52:29:03 - 00:52:29:18

Yes.

00:52:29:20 - 00:52:36:19

No, I believe it coming in very late, and then it becomes a matter that the Secretary of State has to manage, which isn't particularly helpful.

00:52:36:21 - 00:52:46:22

I absolutely yeah, absolutely understand that I think yeah, deadlines should be the the last point for that because even that will only give a week for, for responses before the end of the examination.

00:52:47:27 - 00:52:49:28

Yeah. Thank you John Borough Council.

00:52:50:00 - 00:53:05:03

And we can certainly um aim towards doing that. And we see the benefit in doing that. But where new information is still being submitted, um, to the examination at this stage, we will, of course, reserve our position to make comments up until the final deadline.

00:53:05:05 - 00:53:19:00

I think that's a fair point as well. Yeah, yeah, that is understood and I'm sure the applicants understand that as well. So it's a two way it's two way process. I'll also say at this point that at uh on September the

00:53:20:22 - 00:53:55:06

date is September the 6th. Eighth we will be submitting our submitting. We'll be publishing our second written questions and also our, uh, proposed changes to the drafting of the DCO. Uh, that may I think this has done been done before. May. It feels as though that's actually now looking at it is actually quite, almost quite early on in proceedings. Uh, so that may include a combination of, uh.

00:53:57:08 - 00:54:08:18

The examining authority's, uh, proposed changes and a mixture of perhaps further questions, which I've done that before, and it's actually worked quite well. Um.

00:54:08:28 - 00:54:41:20

Uh, again, lays down on behalf of the applicants. Um, again, I've had some recent experience of examining authorities not producing a draft DCO or being clear on drafting updates that they're considering making before at the end of the examination. So when those then come through to the Secretary of State, there's not been an opportunity to review or comment on those. And I would ask very much. It's a very helpful for the applicants to see the examiner, the examining authority's thinking in terms of of amendments to drafting.

00:54:41:22 - 00:55:08:20

So appreciate the timetable is tight. But if that if that could be done for along with those questions as you're suggesting, I think it would be very helpful for all parties to be seen where where the examining authority's thinking is in terms of of changes, additions, whatever to the the development

consent order. So those can be considered in the examination, as I say, rather than sort of when it comes to lands on the Secretary of State's desk.

00:55:09:09 - 00:55:36:12

Okay. Yeah. That's understood. Yeah, yeah. And we do intend to, you know, follow through with that, uh, that date in early September and anything else that flows from that we can deal with through further written questions or rule 17 requests as necessary because, as we said, it was late information coming in from any party which results in potential changes to the DCO. Then obviously we've got to consider that, and that might change our position in terms of proposed drafting changes. Okay. Okay. Okay.

00:55:38:05 - 00:55:38:21

Yes.

00:55:38:26 - 00:55:40:14

Apologies, sir. Just to.

00:55:41:00 - 00:55:42:04

Introduce yourself again for the.

00:55:42:06 - 00:55:53:02

Recording, Nicholson for Blackpool Borough Council. And just to support the applicant's comments there. We're also very useful for the councils to understand where the excise position is sooner. Thank you very much.

00:55:53:05 - 00:55:55:02

Yeah, that is understood. Yeah. Thank you.

00:55:56:17 - 00:56:27:02

Okay. Now let's move to the substance of the agenda. So we will be, uh, start with item four, which is the articles of the draft development consent order. And the first one is interpretation, which includes various definitions, I suppose, of of key key terms. There's just a few one ones that we want to turn to. First of all, just not actually got any particular sort of questions on this because we've already asked a question on this and it's been updated.

00:56:27:04 - 00:56:38:28

But, uh, Miss Fuller, could you just explain the change for everybody to the definition of authorized development or the I say definition? But, you know, it's I mean, the interpretation, but it's the same thing, isn't it? Um.

00:56:39:09 - 00:57:22:26

Laura Fuller, on behalf of the applicants. Uh, yes, we we did make this update in response to examining authority. Question 2.1.1, uh, where we were asked to review the definitions and the use of those definitions in the articles in relation to clarity around, uh, the the fact that this is a joint DCO and it's consenting to projects, and we've got project A and project B, as we've already talked about. Um, so we looked at this and thought it might be helpful if this developer sorry, this, uh, definition uh,

was or interpretation was split out so that it's clear what the authorized development is in relation to project A and in relation to project B.

00:57:23:08 - 00:57:38:21

And alongside that, we made some amendments to schedule one, just to split it out further into subparts so that those could be referred to in that definition there to make it clear which works are for which project.

00:57:40:27 - 00:58:17:06

Thank you. I think there have been quite a few changes following our written questions, in terms of providing clarity on the fact that we're being two projects, a single set of articles, two sets of requirements, etc., etc. there's been quite a few drafting changes that have been made to the DCO in response to our written questions and other comments that have been made, which do seem to us to have made things clearer in that in that respect. Uh, so thank you for making those changes. Does anybody want to have any particular comments on that approach that's been taken and the interpretation of authorized development.

00:58:18:05 - 00:58:24:06

Okay. So moving on to what's our next one. Maintain.

00:58:32:16 - 00:58:35:13

The interpretation of maintain um

00:58:37:03 - 00:58:38:10

which is on page.

00:58:41:28 - 00:58:52:03

Eight of the deadline three draft DCO. And again this has been updated further to our written questions.

00:59:02:15 - 00:59:52:15

And it now includes the proviso to the event assessed in the environmental statement Rather than I think the previous one was do not give rise to any materially new or materially different environmental effects, and the ground always seems to change a little bit in terms of what this proviso says in various details. It seems to have changed over the years. Conflicts just explain the reason for this particular change. And also following that, how in practice it would work in relation to maintenance works in terms of making sure that how would that actual, uh, proviso to the event assessed in the environmental statement work in terms of actual works being carried out and then in terms of the local authority being able to be clear that those works are

00:59:54:10 - 01:00:00:09

properly included in the definition of maintain, but do follow to the event assessed in the environmental statement.

01:00:02:07 - 01:00:33:25

Laura Fuller, on behalf of the applicants, um, we responded to question 2.1.4 at deadline three and clarified that the proviso wording you're referring to there was updated in response to a request from Natural England to use their preferred wording for this definition. So that's the the main driver behind using that wording. Um, in practice we felt that there was very little difference between the two wording when you apply that in practice.

01:00:34:10 - 01:01:05:24

Um, and note that a number of recent development consent orders do include that wording, although I acknowledge there is a mixture between the two in recent echoes. Yeah. Um, I've noted that the MMO, I think, have responded at deadline three to written questions confirm that they are happy with the definition of main Tain. Um, we did set out in some detail how the the definition is linked to the works that are described within the environmental statement.

01:01:06:07 - 01:01:40:09

Um, and basically how they are linked to that assessment. Um, that was a fairly lengthy written response. So I'm assuming you don't want me to kind of reiterate that. Um, but in effect, it's it is underpinned by what we have set out in the environmental statement, which is a certified document. So where there are any maintenance works, we would be expected to do those within the parameters set out within the, um, with, with what's been assessed in the environmental statement.

01:01:41:01 - 01:01:59:11

Um, probably should also flagged us for the the offshore environment. There is the offshore outline. Currently it's an outline for the offshore operations and maintenance plan, which also goes into further detail, uh, with regards to the maintenance, um, in connection with licensed activities.

01:02:01:02 - 01:02:17:08

Okay. Has anybody got any comments on the use of that phrase to the event assessed in the environmental statement. Does that cause any difficulties for anybody? In some ways, I can see it's advantageous in some ways compared to the previous definition. You might argue it both ways, I don't know.

01:02:19:29 - 01:02:20:14

No.

01:02:22:01 - 01:02:22:20

Okay.

01:02:24:20 - 01:02:43:25

Staying on maintain for a moment. It also includes and I appreciate there have been changes in terms of some, I think some tidying up in terms of is now upkeep rather than keep. And I think the wording recover has been removed which is acknowledged. It also includes the wording remove, reconstruct and replace.

01:02:45:29 - 01:03:21:18

He just explained in the context of buildings and particularly buildings at the substation sites, what implications that might have, i.e. could they be replaced without consent? For I know it's wrapped up

with that proviso to the event assessed in the environmental statement when it gets a little bit sort of difficult in terms of the substations. There are obviously there may be several buildings on each substation, depending on which GIS, ies, etc. but does that mean they potentially could be replaced if they er result in.

01:03:24:12 - 01:03:26:23

The effects that were envisaged in the environmental statement.

01:03:28:12 - 01:03:40:21

And moving things along. I know this definition has been changed on some dsos to actually exclude buildings to remove any ambiguity. Does that does that need to be done in this case, particularly for the substations, is what I'm thinking about.

01:03:41:24 - 01:04:15:03

Laura Fuller, on behalf of the applicants, I note that those particular wording is linked to it only being in relation to any part of the authorised development. So the interpretation of that is that that wouldn't include being able to replace a whole substation building. Um, and our position is that that that is clear. I recognize there have been some amendments made to other dsos, but I also recognizing that Grampian two has the same wording in their definition.

01:04:15:21 - 01:04:27:12

Um, as, as this definition and that obviously the other stakeholders, like the Marine Management Organisation and Natural England seem to be satisfied as to how that would be interpreted. It's also

01:04:29:06 - 01:04:49:13

any, any, any works to maintain as you set out, are subject to what's assessed in the environmental statement that doesn't provide for full replacement of, of of a whole building. And it's also subject to all the controls that are in all the management plans, which again, you know, those controls wouldn't allow for, uh, replacement of whole buildings.

01:04:50:24 - 01:04:51:09

Okay.

01:04:51:15 - 01:05:22:04

So this is done on behalf of the applicant. It's also would be subject in respect of the substation to the details that have been signed off by the local planning authority in respect of that project. So those details need to be agreed and then delivered. And the controls that are set out on the face of the DCO in terms of the maximum parameters of those buildings. So I think the risk of um, of, of, of something else going in onto the substation site under this is very, very well non-existent.

01:05:22:19 - 01:05:29:28

And if an individual building was to be replaced, could that be done under this interpretation, just one individual building for example,

01:05:31:18 - 01:05:51:03

sort of like for like replacement or actually a replacement by one, which might not be like for like because it might be within the environment, the parameters of the DCO, but it might actually be different is that I think, again, noting that on some dsos this, this has been amended to actually take out buildings, certain buildings from the definition.

01:05:59:26 - 01:06:01:09

Phil Williamson on behalf.

01:06:01:11 - 01:06:41:25

Of the applicants. Um, just in terms of the onshore substation, it's the equipment contained within the buildings that is the key aspects. Um, rather than the sort of the cladding or the housing associated with that. So when we're talking about replacement of buildings for like, for like, it's not a simple case of sort of pulling out an entire building. There is obviously electrical equipment contained within the housing of that equipment within those buildings is controlled by requirement five in the detailed design parameters, which would be agreed with the local authority as part of the discharge of that requirement and and essentially discharged as part of the outline of discharge of the detailed landscape management plan.

01:06:42:18 - 01:06:46:02

Um, and therefore the mitigation would need to work for that design.

01:06:47:02 - 01:07:12:08

And so if a building was to be and, you know, appreciate that this may happen during the lifetime of the substations, it might be that some bits need to be changed. And that's completely understandable and probably to be expected in certain situations. But if it was to be. If a building was to be, for example, including the other, including the the equipment within it, or just the, the housing is actually replaced by something that might be different. Would that be caught by the would that be caught by the requirements still?

01:07:17:26 - 01:07:23:22

Williamson on behalf of the applicants yet. Yes, it would have to be. Otherwise we would be in breach of our of our consent.

01:07:25:03 - 01:07:28:27

Any comments from let's start with Fylde Council.

01:07:29:18 - 01:07:31:16

From Fylde Borough Council.

01:07:33:08 - 01:08:04:22

So I think our position is that I'm not sure we entirely agree in terms of the interpretation of maintain. I think that reference to any part of the authorised project would allow replacement of a building because it would be part of the overall authorised project. And that said, I think there are controls within the DCO generally to, um, to deal with it. So as has been stated by the applicant, we would obviously have to discharge the detailed plans that would that would be dealing with it in part. And then the catch all provision is that it's related to matters assessed within the scope of the ES.

01:08:04:24 - 01:08:38:09

Anyway. Um, so arguably, even if there is a replacement building and it doesn't give rise to anything that's outside of the ES, there's not a problem there. So I think we're relatively content. Not sure we'd entirely agree on the interpretation. I think it could it could happen. And in that sense, um, we'd, we'd invite, um, additional clarity in terms of removing the ability to replace buildings. Um, if that was something we thought suitable, which I think we need to take away. But in terms of the mechanism of the DCI, I think we're we're largely, um, on the same page as the applicant.

01:08:39:26 - 01:08:41:22

Okay. Thank you, Mr. Walker.

01:08:42:11 - 01:09:21:28

Thank you, Angus Walker, for the parish councils. And I agree with Fylde Borough Council that replace any part of the authorised development would Surely include the replacement of a whole work or a building. Uh, it doesn't subdivide that. Um. I think we. We obviously don't want the substations to be wholesale replaced to. And all the noise and the effects that that would cause. So we would prefer it explicitly to say that the, um, DCO does not give the power to for wholesale replacement of the substations.

01:09:29:21 - 01:09:30:06

Okay.

01:09:31:06 - 01:09:41:09

Uh, Laura, on behalf of the applicant, um, I understand the points that have been made. We'll we'll take that away and have another look at the definition of, um, maintain and and consider the drafting there.

01:09:41:11 - 01:09:41:27

Okay.

01:09:42:02 - 01:09:50:04

Thank you. No I can't. Sorry. I can't remember the DCO. It's a recent DCO where it has that wording, uh, put in it to cover this situation.

01:09:52:16 - 01:09:53:28

Laura. Mona was it?

01:09:54:00 - 01:09:54:29

There was Mona.

01:09:55:01 - 01:09:58:17

There is a definition in Mona that we will be looking at.

01:09:58:19 - 01:09:59:16

Yes. Thank you.

01:10:00:05 - 01:10:00:22

Um,

01:10:02:19 - 01:10:03:18

moving on to.

01:10:07:15 - 01:10:37:13

Onshore preparation works. Again, we have asked a question on this, and I understand your your answers. Just a few follow up question on this. And in particular, this is, uh, this is on the top of page nine in the draft development consent order. And I appreciate the change to it that has been made that has removed substation proprietary ground works. So that has gone and, uh, yeah, appreciate that. Uh, but it includes the words.

01:10:40:04 - 01:11:17:21

Removal of hedgerows and trees, which again is not uh, probably is presented to some but not presented in all the echoes. And in this case there are quite a, you know, a reasonable amount of hedgerows and trees across the the order limits what I'm not clear about and maybe be able to sort of just satisfy my, my concern in this regard is for onshore site preparation works. My understanding is they would still be subject to the controls in the outline management plans, code, construction practice, etcetera, etcetera.

01:11:18:18 - 01:11:50:19

But not the obviously not the detail because those wouldn't be actually approved at that point. So in terms of on site preparation works, including the removal of hedgerows and trees, a why does that need to be in. But perhaps most importantly, if it is in what control measures would be in place to make sure that there is some control? Presumably there needs to be some control over trees and hedges that are removed before the detailed landscape management plans, etcetera, etc. etc. which do I'm hoping could cover that.

01:11:51:04 - 01:11:59:11

Before the councils etc. and interested parties have had a chance to have a look and consider well, are we happy about that hedgerow being removed or that particular tree being removed?

01:12:00:10 - 01:12:19:22

Laura Fuller on behalf of the applicants. Hopefully we can deal with this quite quickly because we've reviewed the, um, onshore site preparation definition further since written question responses and are going to remove that removal of hedgerows and trees wording from that definition at deadline for.

01:12:22:13 - 01:12:23:04

Okay.

01:12:23:06 - 01:13:01:11

So Liz done on behalf of the applicant. So I think there's another point that's probably worth making at this point, which is that, um, we've recognised that the, uh, outline management plans do need some more detail in terms of, um, how those onshore site preparation works will be undertaken to ensure

that there is sufficient detail regarding the controls that will be in place for those works, which effectively are the ones that will be adhered to. It's a bit like an outline WSC, where you have that, um, in place for archaeological, um, archaeological survey works, for example.

01:13:01:15 - 01:13:32:24

So the idea is those elements will be drawn into the outline plan. So it's very clear, um, and effectively the certification of those documents at the close of examination will fix those as being the measures that have to be complied with. That's written into the requirements. Um, so you've got that sort of that, that loop of controls tied in, uh, for the purposes of those works being undertaken. And those are updates that will be made to the outline plans for deadline for. So we're bringing all of that together.

01:13:32:26 - 01:14:06:24

Thank you. That does sound as though it's hitting upon the concerns that we had, because the two points I was going on to make were and this probably will be covered, but if not, you can probably add it to the changes, or certainly consider it, is that it also includes early planting of landscape works. And, you know, absolutely gets that the early benefits of early planting, of landscaping works, particularly in perhaps in relation to, but not just including, but in relation to the substations where the establishment of planting early on clearly is quite could be quite beneficial, uh, giving that time to mature.

01:14:07:09 - 01:14:27:11

But the question there would be how, how would these be agreed at that stage? And don't they form part of the the whole landscaping strategy, which won't be agreed until the detailed landscape strategy goes? Plan is agreed it. How would that work? It may be that's part of what your you've already recognised. But if that could be addressed.

01:14:28:08 - 01:14:38:12

Lawfully on the applicant's um, we understand what the point you're making there. And obviously, as we've said, we're reviewing the outline plans and the controls and we'll take that away and look at that.

01:14:38:14 - 01:14:38:29

Okay.

01:14:39:18 - 01:15:01:03

And the last point is really for the local authorities do the and I think again, this probably can wait until they've seen what you've submitted at deadline for. But do the details in the outline plans provide for sufficient safeguards and control in respect to the listed onshore site preparation works, which seems to be the point that you picked up yourself. So if you want to say something.

01:15:01:15 - 01:15:09:20

For the borough council. So I think you've picked up on our concern, which is that the answer at the moment is no. But we'll review the updated outline planning course and provide comments.

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

Okay.

01:15:13:01 - 01:15:13:19

Okay.

01:15:13:24 - 01:15:28:29

So Phil Williamson, on behalf of the applicant, I would like to impress that we would very much welcome feedback from Borough Council and all local authorities on those controls to ensure that they are satisfied with the controls and measures in place to undertake on site preparation works.

01:15:29:09 - 01:15:43:15

Yes, absolutely. And I think this is the same for all local authorities, because obviously the cable route is going across three local authorities and obviously Lancashire County Council as, as well because there are various works included in on site preparation works. Where.

01:15:45:24 - 01:15:53:04

That consideration would probably need to be given so well, what needs to be done just to make sure the safeguards are in place? I think that's all understood. Mr. Walker.

01:15:53:20 - 01:16:32:19

Angus Walker for the parish councils. Thank you. Um. Another approach. So essentially, this definition of onshore site preparation works are the things that you can do before you've counted as having commenced the project, and therefore you don't need to discharge the requirements. Um, in other dsos, a more limited set of requirements apply to such works. So it's not none at all. Um, and then you can just get those discharged more quickly and then carry on with your preparation works, and then do the main ones before you do the proper project.

01:16:32:21 - 01:16:34:06

And that might be a way forward.

01:16:35:27 - 01:16:38:01

Yes, I've seen that included, uh.

01:16:39:10 - 01:17:12:10

Laura Fuller on behalf of the applicants. I think we can probably look at this in a bit more detail when we look at the individual requirements, but we have sought to include controls for onshore site preparation work, as we've just discussed through the drafting already in the requirements. Um, and, um, probably worth noting that when we look at the requirement ten, which is the um, outline highway access management plan, we have got some proposed amendments to to that which will potentially address some some of these points. So if we could deal with that as we go through the individual requirements further.

01:17:12:21 - 01:17:29:13

Um, but we'd say our approach is one that's been accepted on other dsos as well. We know that there are potentially different approaches that can be taken. Um, but this is the approach that we, we have, you know, that we're putting forward in terms of how those, uh, onshore site preparation works will be controlled.

01:17:29:21 - 01:17:30:15

Yeah. Okay.

01:17:30:25 - 01:17:33:01

That's understood. Thank you.

01:17:34:16 - 01:17:38:00

Okay. Are there any more comments on the, uh,

01:17:39:21 - 01:17:43:27

any interpretations before we move to.

01:17:45:19 - 01:17:47:02

There's a hand up. Uh.

01:17:49:21 - 01:17:52:26

Sorry, I forgot who ace is. If you could again introduce yourself, please.

01:17:52:28 - 01:17:55:16

Yeah. Andrew. Lancashire council.

01:17:55:18 - 01:17:56:04

Thank you.

01:17:57:06 - 01:18:31:00

Um, yeah. One additional question. When we wanted to to raise. Um, and it's because it's not included in the, the, the definition of in article two is whether or not there needs to be a definition of stage and what a stage is. And the reason why we raise it is because in the requirements, I mean, it's actually one of the most common words in relation to the timing of submissions. And, um, the, the, the, the implementation of works. Um, but when you actually look at what the stage mean, um, there's, there's no definition of that at all.

01:18:31:07 - 01:18:36:26

So we just want to raise that as a, as a question of whether that's something that the consideration has been given to.

01:18:37:06 - 01:18:40:02

I think on page 11

01:18:41:20 - 01:18:48:15

there is I think there is an interpretation of stage towards the top of page 11. I don't know if there there.

01:18:48:17 - 01:18:50:05

Yes I see, yes. You're right.

01:18:50:21 - 01:18:51:06

Uh.

01:18:51:26 - 01:18:56:10

I had raised my 2 or 3 of our internal consultees completely independently of each other.

01:18:56:12 - 01:19:04:22

Yeah, that was probably added in. That's probably wasn't in the first development. Consent. Oh that one. Yes. I'm I'm guessing Laura you'll be able to.

01:19:04:24 - 01:19:18:03

Yeah I think it was in the submission but. Oh certainly it has been in since the pre procedural deadline. Um I believe I mean but it is it is in there and it links the definition of stage to um requirement three.

01:19:18:14 - 01:19:19:26

Okay. That's helpful. Thank you.

01:19:20:12 - 01:19:21:17

Okay. Thank you.

01:19:23:11 - 01:19:45:26

And as I always say as well there's no, uh, everyone do ask these questions, even if the answer might be in there, because there's lots of things in the DCO which I've looked at, lots of dsos, but some things I still don't understand. And after they clarified to me, I do understand that there's no there's no bad question on the on the consent order as far as I'm concerned. So thank you. Um, moving on then to says

01:19:47:11 - 01:19:47:26

so.

01:19:47:28 - 01:20:24:11

Sorry, just one other point in the interpretation section five Borough Council. I think we made a point in response to one of the questions asked in writing, which was about we've referenced. So article two references the other details that are currently being, um, examined. So the offshore wind farm Dsos, we had made the point that there is in the interpretation section reference to, for example, Morgan generation assets. But perhaps that could be more specific because it currently reads means the Morgan Offshore Wind farm generating assets for which separate development consent is being sought by Morgan.

01:20:24:26 - 01:20:30:18

Um, given that's not particularly precise, we thought that perhaps could be could be made slightly more specific.

01:20:31:23 - 01:20:32:08

Okay.

01:20:32:10 - 01:20:33:10

It's just a starting point.

01:20:33:12 - 01:20:34:17

Yeah. Thank you.

01:20:36:09 - 01:20:42:12

Laura. On behalf of the applicants, we're happy to take that one away and look at if we can tighten that drafting up.

01:20:42:17 - 01:20:43:03

Okay.

01:20:45:13 - 01:20:49:29

Okay. Thank you. I think that's everything in terms of article

01:20:51:18 - 01:20:54:18

two. So moving on to

01:20:56:07 - 01:21:15:13

article three. This is development, consent etc. granted by the order. And I think again this has been updated at deadline three, following, uh, the examining authority's written questions and other representations made.

01:21:17:18 - 01:21:28:22

Just first, has anybody before I ask a follow up question. Does anybody want to make any particular comment on that? The current updated drafting of that article, Mr. Walker.

01:21:28:29 - 01:21:58:21

Um, thank you, sir, and welcome to the parish council. Yes. We're grateful that, um, it now says that the, uh, development centres carried out within the order limits. That was the point we raised. And I see you acknowledge that. That's why you've added it. I also had a question about that. Uh, paragraphs two and three both have square brackets still. Is that because it depends on the those two projects, whether they get their DCO granted or something before this one. Um.

01:21:59:06 - 01:22:30:06

Laura Fuller, on behalf of the applicants. Um, yes, we've I think we've responded to this in detail in response to the the written question. Um, and it's also explained in the explanatory memorandum. Um, the reason they were in square brackets is because in the event the consents are granted ahead of the decision on this DCO, we've left it in as an optional for the Secretary of State to consider whether that would be necessary, because once consent for those projects is granted, Um, then both projects.

01:22:30:09 - 01:22:41:06

In our view, can proceed, but we consider it a suitable control at the moment, given that those projects should be linked together. And we're happy for that wording to remain on the face of the DCO.

01:22:41:10 - 01:22:56:19

So it'd be up to the Secretary of State to delete or keep in either or, depending on the situation with the generation assets. Yeah, and that's explained and explained in a memorandum which obviously is important. So are you happy with that?

01:22:57:11 - 01:22:58:11

Yes. Thank you.

01:22:59:00 - 01:23:46:07

Thank you. Just a follow up point, maybe slightly indirect point here. And I think this has included in our written question 216 in terms of the the implications of one scheme or one project being granted and the other project not being granted, or even in the implications of one project being implemented and the other project not being implemented, which is also a potential scenario, isn't it? Um, this is about the implications for the works and land plans, and particularly for those works or the proposed those areas of the proposed works that rely on shared works areas, because obviously, where there's specific work areas on one project or the other, then those would just fall away.

01:23:46:18 - 01:24:31:00

But for shared works and including, for example, mitigation enhancement areas, we have covered this actually to a degree yesterday or on Tuesday in terms of would the entirety of those areas be required? But in terms of other other shared areas of the cable route, is would it not be the case that if one project was going ahead and not the other, then the land requirement might actually reduce in those shared areas? And shouldn't there be some sort of mechanism to have revised, uh, revised land plans to reflect that? Otherwise, it seems to be just up to the Applicants to sort of decide, well, we'll have that bit of land and that bit of land, but there's no sort of control over that in that circumstance.

01:24:31:02 - 01:24:36:18

And shouldn't there be some form of control over that, particularly with farmers being potentially affected?

01:24:41:18 - 01:24:57:06

Laura Fuller, on behalf of the applicants, I just want to clarify that the shared areas I believe are only at landfall. Um, I appreciate there's some mitigation errors, but I think we explained in, in some detail, in terms of most of those, why they are.

01:24:57:08 - 01:24:57:23

Yes. And that.

01:24:57:25 - 01:24:58:13

Was useful both.

01:24:58:15 - 01:25:00:07

On Tuesday or Wednesday whenever it was.

01:25:00:09 - 01:25:02:08

Yeah. Um, and.

01:25:03:21 - 01:25:04:06

Yeah.

01:25:05:07 - 01:25:50:07

So the landfill, including up to the, the airport and the recreation ground, but with regards to the rest of the route that is, is split. So in relation to the agricultural land and farming businesses, those are defined corridors for each project all along the route. Um, the, the where those areas are shared areas, they're either drawn like that because you would need the full extent, as we've already discussed, or there is a need for the flexibility, um, to lay the cables within those areas around landfill where they're particularly complex, that even if one project was coming forward, they need in general to be able to, um, maintain that flexibility in those areas.

01:25:50:14 - 01:26:14:18

But I should note that, obviously, in terms of exercising their compulsory acquisition powers, they can only do that with regards to the number of cables that they have consent for each project. Um, and are only able to take the land that is required for their project. So those the actual, um, ultimate land take would be much smaller in those areas. Um, in the usual way.

01:26:18:25 - 01:26:35:15

Apologies. Yeah, and I understand those points, and it's something we can pick up because we are probably moving into a territory. So I don't want to, uh, go over that in detail today. But is there any, any specific points that anybody else wanted to raise on that?

01:26:37:10 - 01:26:37:26

Yeah.

01:26:39:24 - 01:26:41:04

Lancashire County Council.

01:26:41:18 - 01:27:19:22

Yeah. Thank you. Um, Andrew Schakowsky, Lancashire County Council. It was just to follow the comments you made yourself insofar as one one not unrelated point that came up in discussion in Lancashire County Council was just the temporal issue here, where if you've got any overlap between the two projects, and so you have the scenario where one project goes ahead, the second one project also goes ahead, but there may be a delay in it. And we were thinking about this, particularly in the context of any areas of land where restoration may be required, where um, you may as a result, get a consequent delay between the use in relation to each project.

01:27:19:27 - 01:27:34:01

As far as the restoration is concerned, I don't want to get involved in the substantive issue here today, because on that point, because it's not the purpose of the hearing today, but it's really just to sort of make that point as well. But there's also a temporal element to the comment you just made yourself.

01:27:36:10 - 01:28:00:21

Thank you. Yes. It's a point that's understood in relation to, for example, construction compounds the situation where if one project follows the other project, but by, for example, six months, would that construction compound disappear for six months and come back or would it be kept? I just actually do address that now. I think you might have addressed it to a degree already in terms of that scenario where there's a short gap between projects potentially.

01:28:01:22 - 01:28:16:25

Laura Fuller, on behalf of the applicant, I probably just as a preliminary point, the actual actually the majority of the construction compounds are shown as separate compounds along the route. Some of them are side by side, but they are designated for each project where there are.

01:28:18:24 - 01:28:29:14

construction compounds that can be used by both projects as at landfall. And I think, as we've previously explained, it's because only one project can, um, undertake their works at a time at landfall.

01:28:31:27 - 01:28:35:26

Sorry, I thought someone who was whispering in my ear, but it's across the room. Um.

01:28:38:14 - 01:28:42:07

Are there any more shared construction compounds other than at landfall? Remind me.

01:28:42:09 - 01:29:20:11

Apologies. I lost the trail of my thought there. Um, no, it's just at landfall. Those construction compounds that are identified, um, there. Um, and there is the an area 14 a, I think it is at the airport that is identified. That could be because it's one of the overlap areas that could be used by either project. Um, and I think we talked yesterday in relation to restoration that, um, each project is obviously subject to the requirement to restore land temporarily used within 12 months so that there is that obligation on them.

01:29:20:13 - 01:29:40:00

And that obviously has to be approved by the local planning authority. So in the event that a project was coming in less than within less than 12 months and that was known, um, there could be a discussion, I believe, with the local planning authority for that compound to be retained. Then under the, um,

01:29:41:22 - 01:29:53:04

the consent and the requirements, uh, discharge requirements for the other project and for that restoration to then take place, um, in accordance with requirements 16 still, when the second project has finished.

01:29:53:12 - 01:29:59:15

And that's in the code of construction practice, whereas that actually contained the restoration.

01:29:59:17 - 01:30:01:18

The restoration requirement is um, requirements.

01:30:01:24 - 01:30:04:09

For the requirement. Um, but the bits about.

01:30:04:20 - 01:30:16:29

The details about restoration. Yes, there's some details as how that, uh, the processes and how that would work in code of construction practice. I'm not sure off the top of my head, sir, if that deals specifically with this point. But

01:30:18:29 - 01:30:29:06

no, it doesn't cover that specifically. But the soil management plan, I think, as we've discussed under land use, has has the measures about restoration of agricultural land.

01:30:29:18 - 01:30:51:02

Okay. It might be I don't know. It might be that some more thought does need to be given to the situation whereby there's a short gap between projects in terms of everything is covered off in the various management plans, etc. if it's just in the soil management plan, does it need to be in other places too? I don't know the answer, but that might need some consideration.

01:30:51:06 - 01:30:57:23

Laura Fuller on behalf of the applicant. So we're happy to take that away as part of our review and update of the outline plans.

01:30:59:00 - 01:30:59:15

Yeah.

01:31:01:11 - 01:31:04:22

Thank you. Uh, Lancashire County Council again please.

01:31:05:29 - 01:31:39:16

Thank you sir. Andrew Makowski from Lancashire County Council. I was just to say that that's a very helpful comment because we the scenario we particularly had in mind is, let's say you had an area of land that were like a construction compound that was initially developed. You then had a period which say was longer than 12 months with maybe 16 months. Do you then get into the scenario that actually the requirement to restore cuts in, you've restored the site, and then very shortly after that, the site comes back into use again and is in is disturbed all over again. But I think I think has just been said, you know, if there's that scope for discussion with the local authorities.

01:31:39:18 - 01:31:44:10

So at least that that situation is managed. And I think, I think that addresses at that point.

01:31:45:02 - 01:31:49:03

Okay. Thank you. And uh Blackpool Borough Council.

01:31:49:10 - 01:32:11:01

Thank you sir. Slightly separate. I think Nicholson on behalf of Blackpool Borough Council. Slightly separate point. But just before we move on, um, the council was wondering whether it might be useful for article three to be dependent on the implementation of the offshore generation assets, rather than the grant of the grant of consent. Um, this is just wondering whether the applicant has, uh, has considered this. Thank you.

01:32:13:22 - 01:32:15:01

Okay. Thank you.

01:32:16:18 - 01:32:27:05

Laura. On behalf of the audience, apologies, I didn't quite could. Mr. Nicholson. Sorry. Can you clarify what the amendment is he's looking for? So I just didn't quite follow what he was asking for.

01:32:27:16 - 01:32:29:00

Sure. Isaac Nicholson, on behalf.

01:32:29:02 - 01:32:33:00

Of it gets closer. Maybe a little bit closer to the microphone. Actually, that might help. Thank you.

01:32:33:04 - 01:32:50:28

Thank you, sir Isaac Nicholson, on behalf of Blackpool Borough Council. Um, the suggestion was in relation to, uh, paragraphs two and three of article three, uh, insofar as whether they should be drafted to be conditional upon the implementation of the offshore generation assets as opposed to the grant of the DCO.

01:33:03:18 - 01:33:45:25

Uh, lays down on behalf of the applicants. Um, we respectfully suggest that that isn't an amendment we would be looking to make. The reason paragraphs two and three are included within article three is to cover off the compulsory acquisition question, um, in respect of the need for the project. Um, and therefore, if there was a delay between, uh, the granting of the or the securing of consent for the Morgan generation assets or the Morcombe generation assets that effectively this this development consent order is conditional upon those.

01:33:45:27 - 01:34:17:29

So you couldn't you couldn't if there was a question around the justification for compulsory acquisition powers for this project, which is dependent effectively on another consent, this mechanism ensures that until the consent for the generation elements is in place, you can't you can't implement, so you couldn't have a stranded asset for the transmission assets in that sense. It isn't necessary for there to be a requirement which says you have to implement these two projects together.

01:34:18:03 - 01:34:49:03

It's an unnecessary part. It was discussed in detail in the Triton Novel Project. The Triton Novel Electrical System project, and the Secretary of State ruled very clearly that that wasn't necessary because, uh, there is there is there are no circumstances ever where you would build either part of this project. Without the other part, you would not build a set of wind turbines, which will cost you hundreds and hundreds of millions of pounds.

01:34:49:05 - 01:35:21:11

If you don't have the transmission assets to be able to deliver the electricity to do that. And equally, you would not you would not deliver the you would not deliver the transmission assets without the generation assets being part of it. This is part of the whole project. The reason those those paragraphs are there in the square brackets is to deal with the is to deal with the knee case under compulsory acquisition, that there's no risk, that it's the justification point for being able to grant those consents. And the conditionality there is not on implementation.

01:35:21:25 - 01:35:23:08

Okay. Thank you.

01:35:24:24 - 01:35:36:27

Isaac Nicholson, on behalf of Blackpool Borough Council, that's understood in particular with regards to the practicalities of the implementation of both. Both Dsos will take that away and if we have any further comments, we'll submit those at D4.

01:35:37:18 - 01:35:56:19

Okay. Thank you. I think it's probably break time unless there's any further comments on that article. No. Okay. Let's break for, uh, tea, coffee, etc. and we will return at uh, let's have let's return at 11:25. Okay.