



Planning Inspectorate
Arolygiaeth Gynllunio

Hearing Transcript

Project:	Morgan and Morecambe Offshore Wind Farms Transmission Assets
Hearing:	Issue Specific Hearing 3 (ISH3) – Part 4
Date:	31 July 2025

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File Length: 01:17:25

FULL TRANSCRIPT (with timecode)

00:00:05:18 - 00:00:19:06

Okay. If everybody can take their seats, please. All right. I think we finished the discussions on requirement eight. So we're now on requirement nine, which is traffic and air transport.

00:00:21:09 - 00:00:38:27

And my only comments on this are does wording nine. Sorry does the wording in nine one need slight alteration. Um, particularly the part that says or in respect of.

00:00:41:15 - 00:00:42:14

Parties that.

00:00:45:18 - 00:00:57:09

Has for that stage been submitted to and approved by the relevant highway authority or in respect of the strategic road network in consultation with National Highways. I am sorry, I can't recall what my point was on this.

00:00:57:11 - 00:01:03:08

So on behalf of the applicant, I think we've missed some commas. I think it's just being all in Canada.

00:01:05:00 - 00:01:05:28

Yes, that must be that.

00:01:06:00 - 00:01:08:15

You know what I mean, don't you? I think we're missing some commas.

00:01:11:14 - 00:01:22:06

And it also says, I think later on or in that section, maybe later on, must be implemented upon commencement of the relevant stage. I obviously understand that.

00:01:23:26 - 00:01:26:09

But is there anything that needs to be done prior to,

00:01:28:02 - 00:01:30:24

prior to the implementation of the whole project?

00:01:32:10 - 00:01:56:16

Laura, for the on behalf of the applicants. Um, when we've been going through doing our review in relation to onshore site preparation works, we have noted that we need to add in the same wording that we have got in other requirements here as a new paragraph, so that onshore site preparation works

would be done in accordance with the outline, uh, construction traffic management plan. And that is part of the ongoing review of updating that is happening at the moment.

00:01:56:28 - 00:02:04:02

Okay. So that should resolve that issue. Any more comments, Mr. Walker?

00:02:04:04 - 00:02:23:20

I think you're right that at the end of nine one doesn't quite work even with the addition of some commas, but it doesn't say who's approving it. If it's in respect of the strategic road network, should it should be approved by National Highways, perhaps in consultation with the relevant with. But there isn't a relevant highway 30, so that doesn't make sense either.

00:02:23:22 - 00:02:32:18

Yeah, I think so. Can that be looked at? I think it's just a drafting amendment, uh, rather than anything more, more comprehensive.

00:02:32:22 - 00:02:36:12

Lawful. And yes, I'll take it that way. Okay. The deadline for.

00:02:38:21 - 00:02:39:09

Um,

00:02:40:25 - 00:02:53:07

requirement ten is highway accesses. And does this relate to both permanent and temporary accesses? Construction and operation accesses.

00:03:03:13 - 00:03:24:12

Phil Williamson on behalf of the applicants. Yes, it does relate to both temporary and permanent accesses, noting that the Outline Highway Access Management plan is only for those operational accesses that constitute new accesses. So that's in relation to the onshore substations and the operational access into Blackpool Airport via Leach Lane.

00:03:25:21 - 00:03:31:00

Okay. Any comments in particular from the relevant highway authorities or those representing them?

00:03:31:02 - 00:04:01:03

Laura Fuller on behalf of that. Could I just clarify before we go into comments on the drafting that's actually currently in the DCO? Again, we've been reviewing this, and we've also reviewed it against the recent Moana decision and recognised that, um, some of the drafting we feel doesn't quite work. So here the standard paragraph in relation to onshore site preparation works being in accordance with the outline does not work, because we have agreed that we will seek final approval of all highway access designs from Lancashire County Council.

00:04:01:05 - 00:04:22:15

So what we're proposing is that we actually amend to the Moana wording, which, um, basically requires that, uh, before you construct any access, you will seek approval from Lancashire County

Council for that access and discharge of the design of that access. So that's regardless of when you're undertaking that access work.

00:04:24:04 - 00:04:50:20

Okay. Thank you. That seems to be sensible, I think. Uh. Any comments? Okay. Uh, requirement 11, this is onshore archaeology. Uh, Mr. Walker, I think in a previous presentation, you sought further prescriptive detail in this requirement. I think it was you. Do you still request that in light of what's in the outline written scheme of investigation.

00:04:52:05 - 00:04:57:19

Sir. I don't remember making that request, to be honest. That's probably just old age, if I did.

00:04:59:21 - 00:05:05:06

Now I've got it in brackets. Mr. Walker, who sought further prescriptive detail. But maybe that point is.

00:05:06:05 - 00:05:08:01

I don't think there are any other walkers involved.

00:05:08:19 - 00:05:19:13

That's fine. I mean, the only way would come with it. It's the same as in the other requirements. The detail would come within the outline, which I understand. Any comments from any party, particularly Lancashire County Council, on this?

00:05:21:12 - 00:05:25:03

Uh yes, sir. Thank you. Andrew Andrew Schakowsky for Lancashire County Council.

00:05:25:07 - 00:05:56:09

Um, yeah. One, one request I've had sent through to me from the county archaeologist, which is in relation to paragraph two. Um, and what they've what they've asked is for a slight amendment to the wording at the end of paragraph two in that, um, the outline on shore, intertidal and intertidal wic mentions the production of site specific um written schemes of investigation and as a result, it opened up the possibility that there may be additional requirements for the work set out in paragraph two.

00:05:56:11 - 00:06:17:12

And as a result, they've asked whether the end of paragraph two could simply be amended to say and or any subsequent site specific WSC considered to be necessary. So, in other words, if there's any additional works that arise out of the site specific size, it can be that paragraph is amended to reflect that, if that makes sense.

00:06:18:29 - 00:06:19:25

I see yes.

00:06:19:27 - 00:06:20:12

Thank.

00:06:21:04 - 00:06:21:19

Thank you.

00:06:22:01 - 00:06:22:28

Does that make sense?

00:06:23:01 - 00:06:23:25

I think so.

00:06:24:05 - 00:06:27:28

Yeah. We'll we'll put it we'll put it in our in our further comments next week.

00:06:39:05 - 00:06:40:24

But the applicants want to respond.

00:06:42:28 - 00:06:49:18

Laura Fowler on behalf of the applicants. Um, yeah. We acknowledge what Mr.. I can't remember.

00:06:51:12 - 00:06:51:27

Sure.

00:06:52:22 - 00:07:23:15

Thank you. Uh, as said. Um, and that is secured in the outline. We will look at the wording, but actually it would be very helpful if perhaps Mr. Koski could just send us his proposed wording ahead of deadline for just so that we can, uh, take that away and understand, understand it and then put forward the drafting for deadline for. Um, also just wanted to highlight that we did consider that that, uh, paragraph two should actually start with onshore site preparation works.

00:07:24:06 - 00:07:41:14

Um, and the drafting of that is to deal with those onshore site preparation works under paragraph two, that actually that drafting should align with the same drafting that we have used in the other requirements. So we can look at the two things together and then propose our drafting for deadline for as to how we think that will will work.

00:07:41:29 - 00:07:42:16

Okay.

00:07:42:27 - 00:07:54:16

Thank you, Mr. Miss Schakowsky? Is that is that okay? If you can provide your comments sort of separately outside the examination to the applicants so that that can be addressed by deadline for that would be helpful. Thank you.

00:07:55:02 - 00:07:59:08

Yeah. So certainly we'll we'll we'll send something through to to to Miss Fuller.

00:08:00:27 - 00:08:01:16

Okay.

00:08:01:18 - 00:08:12:08

Thank you. So moving on to requirement 12 which is the ecological management plan. Any updates. First of all from the applicants to report on this.

00:08:16:09 - 00:08:24:27

I think there's e have raised an issue in terms of they want to be listed as a consultant. It may be at that point has has gone away similar to the other points.

00:08:25:01 - 00:08:55:02

Laura Fuller on behalf of the applicant. So we have named the Environment Agency as a consultant in the requirement. There is a ongoing discussion and I think this may have been referred to yesterday. Perhaps it was yesterday. Uh, about the discussion is just in relation to the wording to to capture their statutory remit in terms of the scope of that consultation and what they will be consulted upon. We're just in discussion with the EPA to agree that, um, hopefully we'll have a resolution for deadline for.

00:08:56:00 - 00:08:57:24

Okay. Thank you.

00:09:01:04 - 00:09:10:01

Bye. I think I've also requested that their express written agreement is required. Is there anything you want to add to that, Mr. Faulkner, or the reasons for that?

00:09:12:27 - 00:09:44:00

Oh, yeah. For sure. On behalf of the systems. Yeah, there's a few I think sort of comments on, on there. This, this wording. I mean, I mean, firstly I welcome the introduction of BA as a named consul t there. Um, I think we would like to have um, some wording in there which, which very least has a due regard to our consultation, but some, some form of agreement would be, would be preferable, um, to ensure that the operations are safeguarded, that the uh Wildlife hazard management plan is is suitable.

00:09:44:09 - 00:10:15:01

Um, I think tying back to a comment I made on one of the other requirements as well, is that the Dio have requested that the Mod are also named Council t um on this requirement of part C for the Wildlife Hazard Management plan. Um, I think as I mentioned before, they had in their deadline one submissions requested to be a consultation. I think it was requirement six and I think it was seven as well, but it may be now more appropriate to have them as a consultation. Um, on part C of requirement 12.

00:10:16:00 - 00:10:30:18

Um, and just one final comment. Is that just a clarification point? Um, part C refers to an outline wildlife hazard management plan. I just away whether at this stage would it be the the detailed wildlife wildlife hazard management that's been submitted rather than the the outline.

00:10:35:03 - 00:10:37:05

Okay. Thank you.

00:10:41:14 - 00:10:46:20

Some similar points to what was made to the previous, uh, uh, requirement that you had comments on that.

00:10:52:26 - 00:10:55:18

Do you want to come back a deadline for on on that.

00:10:57:13 - 00:11:23:23

Lawfully on behalf of the applicants? I just deal with the final point first, because that's a fairly simple drafting change. And we agree that the reference to Outline wildlife hazard management plan should refer to detailed wildlife hazard management plan at 12 one CE. So we will make that update for deadline for I think the rest of the points will be part of the ongoing engagement that we have with BI, and we'll discuss those further as part of that.

00:11:24:24 - 00:11:25:09

Okay.

00:11:25:11 - 00:11:26:17

We welcome that engagement.

00:11:26:26 - 00:11:27:13

Okay.

00:11:27:15 - 00:11:43:19

Thank you. If updates could be provided to us please. Thank you. And one very small point, which I don't really need a response, but if it could be considered again, slightly pedantic from me, but. 1202 the implementation clause, I think, could be more appropriately worded if that just could be looked at. Please.

00:11:45:22 - 00:11:49:07

Uh, okay. Anything else on requirement 12, Mr. Walker?

00:11:49:19 - 00:12:09:28

I'm Angus Walker for the parish council. I would go further on requirement 12, and I think the wildlife hazard management plan is so important that bee and bowel, as they seem to call themselves, ought to actually approve it, not just be consulted on it instead of the local of the relevant planning authority.

00:12:12:04 - 00:12:31:24

This would affect our area quite considerably if there was a bird strike, and not only as well as the people in the plains. And it's extremely important that Bas and Blackpool Airport's wishes are included and respected.

00:12:31:28 - 00:13:05:01

So can I respond to that? Lays down on behalf of the applicant? Since um by and um Blackpool airport operations cannot be an approval body for the purposes of that hazard management plan, it has to be done through the local authority and the drafting and the consultation with those bodies. It takes exactly the same approach as you would for any type of aviation requirement, let's say where there is a, say, an aviation management plan, which has to be submitted, say, to the Secretary of State following consultation with those organisations.

00:13:05:03 - 00:13:18:11

The reality is the local planning authority will not sign that off until Blackpool Airport and B are comfortable with it, so it secures the necessary controls without those parties being approval bodies. Thank you.

00:13:20:18 - 00:13:22:16

Okay. Thank you. That is noted.

00:13:22:21 - 00:13:30:28

Liz, down on behalf of the applicants. And Blackpool Airport obviously have agreed this position in terms of them understanding how the how the requirement would operate.

00:13:33:28 - 00:13:37:08

Okay. Thank you. Shall we move to.

00:13:39:16 - 00:13:45:06

There's. Oh, there's three hands up online. Um, Lancashire County Council.

00:13:48:03 - 00:14:22:10

Thank you sir. Uh, Lancashire County council. Um, this may seem a slightly superficial point, but I think there's a there's a more significant underlying issue here. Um, we just under all the comment that's come through to me is we were just querying that it's referred to in this in, in the heading for this requirement as being an ecological management plan. And I have a question that was put through to me is should it actually not more correctly be an ecological mitigation plan rather than a management plan, but that I suppose that really, um, goes to, you know, more, more substantially goes to the issue of what the purpose of the plan is.

00:14:22:12 - 00:14:36:13

So it's I won't I won't make it make to make any further comment like that. But I don't know whether the applicant could just comment on that. We may have further comments in relation to issues in our liver, but we'll. We'll refer to those in our written submissions next week.

00:14:38:06 - 00:14:41:19

Okay. Thank you. And, Mr. Vance.

00:14:46:03 - 00:14:50:21

Is your hand up, Mr. Picker? Vance, did you want to say something?

00:14:55:04 - 00:14:55:24

Okay.

00:14:59:26 - 00:15:02:19

And I think Mr.. Is it Mr. Dax? Hands also up.

00:15:05:25 - 00:15:47:18

Yes, sir. Um, Steve and Doug Sabic. Um, Sabic is also concerned about, um, the potential mitigation which is going to be provided in this area, particularly where the wader scrapes will be located, because this could lead to a loss of soil cover, could lead to erosion. Landslip. Um, It could in various ways affect the safety of the pipeline. Um, so Savic considers that a six meter buffer needs to be included, um, between the any part of the pipeline and any way to scrape.

00:15:48:19 - 00:16:21:13

Um, there also needs to be enforceable mechanism to make sure that the hedgerow planting. Um, I guess this probably cuts across, uh, requirements 12, potentially six and seven, um, also accords with some standard restrictions on planting around the, uh, pipeline and the minimum distances for different species. Um, are set out in our reply to the applicant's response to written reps. That's document rep 3-107.

00:16:22:10 - 00:16:44:24

Um, again, we had a call earlier this week with the applicant, and I think we do have a way forward to address this issue. Um, but again, um, there hasn't been time to work out the detail of how that will. Um, the detail of how it will work in practice. But, um, I think we have a way forward to, to allay those concerns. Thank you.

00:16:47:01 - 00:16:52:19

Okay. Thank you. And just one last try for Mr. Evans. I think your hand is up.

00:16:53:00 - 00:16:58:11

Uh, yeah. Yeah. Sorry. There is an AP with their hand raised. Oh, sorry. That's not myself.

00:16:58:17 - 00:17:02:01

Oh, sorry. Okay. Whoever AP is on my screen.

00:17:02:29 - 00:17:04:29

So it's Alistair Paul local airport.

00:17:05:01 - 00:17:07:28

Hi. Thank you, Mr. Paul. Sorry, I've been calling you the wrong name.

00:17:09:01 - 00:17:55:00

No problem at all. Sorry. Two AP is very confusing. Alister Paul, on behalf of, um, Blackpool Airport. Just. Just wanted to follow up. Um, Blackpool airport or bowels position on this requirement? Um, we are comfortable being, um, consulted to this requirement and that is on the basis that the outline. World Wildlife Hazard Management Plan is a document that we are being consulted on currently. In addition to the baseline data and how that fits into the existing um, wildlife hazard management plan

of the airports. Um, and we feel that, um, if we are consulted on the wildlife hazard management plan, which forms part of the uh, ecological management plan, um, that the airport will have sufficient opportunity to raise safeguarding concerns, that they can form part of the discharge process for the relevant planning authority.

00:17:57:06 - 00:18:04:03

Okay. Thank you. That's helpful. What are the applicants like to come back to any of those points, please?

00:18:06:03 - 00:18:34:06

Laura Feller, on behalf of the applicants. Um, just to concur with Mr. Dagg that we did have a discussion about these concerns on Monday, and I agree, we consider that there is a way forward again, through the drafting in the protective provisions, but also just wanted to highlight that in terms of the six metre buffer that was included in an update to the Outline Ecological Management Plan at deadline three. Apologies to deadline two, I'm told.

00:18:39:28 - 00:18:42:29

Okay. Okay. Thank you.

00:18:43:27 - 00:18:54:29

I'm sorry. Laura Martin. On behalf of the applicants, just on Lancashire County Council's point. The reason it's called an ecological management plan is because it's the management of those mitigation areas.

00:18:57:11 - 00:19:22:03

Okay. Thank you. Any further points on that can be made at deadline for please moving on to requirement 14. This is construction hours, to which we asked, uh, a question or probably more than one question. And there'll be various representations made on this. Does the applicant want to just go first? Because I'm aware that you probably have want to announce a one update, at least one update you've made to this.

00:19:23:00 - 00:19:54:28

Thank you, Sir Lasdun. On behalf of the applicants. We did just want to flag that. Um. Uh, the applicants have obviously, um, listened to the concerns raised about, uh, construction hours. Um, and recognize the, um, the sensitivity of the area and have determined that, um, they will be dropping working on Saturday afternoon. So the update to the, uh, development consent order at deadline four will remove, uh, Saturday afternoon working.

00:19:55:00 - 00:19:58:16

So working on Saturday will be from 7 a.m. to 1 p.m..

00:20:02:29 - 00:20:04:21

Okay. Thank you. That is noted.

00:20:06:12 - 00:20:08:11

Any further updates from the applicants?

00:20:08:24 - 00:20:37:10

Laura Fuller, on behalf of the applicants. Um, just to note that a deadline three. We already made a number of amendments to this, uh, requirement, uh, in response to the examining authorities questions. and also reflecting comments received from local authorities. And this drafting now reflects the Moana drafting and sets out mobilization activities, confirms that they can only take place one hour before and after the construction hours specified.

00:20:39:16 - 00:21:02:11

But we also amended paragraph three, so 14 three to confirm that not only would notice be given, but before the activities listed in paragraph two are undertaken, safe or treacherous work and works and emergency works which are dealt with in paragraph four, that those works would need to be agreed with the local authorities before they took place.

00:21:03:22 - 00:21:09:17

Okay. Thank you. I'll come to the council in a moment. Just just two questions in terms of the

00:21:11:16 - 00:21:29:22

mobilization works, which I say will take place, a can take place an hour before the actual construction start time. So that would be 6 a.m. on that would include Saturday, wouldn't it, at 6 a.m. as well. Can you remind everybody what the actual the mobilization works actually include?

00:21:32:08 - 00:22:05:06

Laura Fuller, on behalf of Laura Fuller, on behalf of the applicants. Um, if we look at paragraph six, it sets out a definition for mobilization activities and sets out what that would include. So it specifies personal briefings, inspections to toolbox talks, inductions, health and safety works, deliveries, um excluding heavy goods, vehicle movements, uh movement to place of work, general preparation and site maintenance work, but does not include operation of heavy machinery or operation of generators or floodlights.

00:22:07:12 - 00:22:08:27

Cool. Yeah.

00:22:11:28 - 00:22:42:25

Uh, thank you for that. Um, is it is it possible to consider whether or not a blanket mobilization clause is appropriate, or there might be some exceptions to it? You know, I'm thinking particularly, for example, around the care home. Um, you know, if lighting goes on at 6:00, if there's vehicle movements, it's 6:00. You know, that could be quite disruptive. So perhaps you could have a think about if it's possible rather than just a everyone, you know, 6:00 across the whole site.

00:22:43:06 - 00:22:51:28

Uh, the whole route, whether there could be certain areas where, um, mobilization 6:00 is perhaps not appropriate. Thank you.

00:22:53:22 - 00:23:12:06

And just following on from that, I think the local authorities, in their responses to areas in question, have provided some examples of where there may be more sensitive areas where perhaps there might be need for some tighter restrictions than the generic restrictions. So I do want to comment at this point, actually, before you respond to these these points so far.

00:23:12:08 - 00:23:41:23

Borough council. Um, so I think we're probably limited in what we can say at this stage. I just want to put a place marker down that, um, we obviously will need to respond in writing. We do have some concerns. We obviously welcome the removal of Saturday afternoon working for construction hours. Um, I think we probably do still have some comments in respect of the construction hours otherwise. Um, but given comments have come from our consultant, I think we'll respond in writing. But we but just to just to put the point down that we'll respond in writing. We do have some comments on this requirement. We just won't raise them now.

00:23:43:00 - 00:23:46:26

Okay. Thank you. And, uh, Miss Lancashire County Council.

00:23:48:19 - 00:24:09:00

Thank you, sir Andrew Tchaikovsky for Lancashire County Council. I think it's really just to reiterate the same point in terms of concerns we had, that we felt there were possibly some more noise sensitive locations where maybe this just needs to be looked at a bit more carefully for all the reasons that have already been stated. So it's it's really just add to that that sort of comment.

00:24:09:26 - 00:24:29:18

For example, where you've got works near to residential properties and mobilization starts, for example, on a Saturday at 6 a.m. and then the full works can start at 7 a.m., you know, would that be appropriate way or particularly close to, for example, residential properties? And it's not just residential properties. There could be other businesses, etc., of course, but just picking that out that as an example.

00:24:31:21 - 00:25:14:06

Phil Williamson, on behalf of the applicants, um, there is more nuance around the mobilization hours. Um, just taking noise, the noise, potential noise impacts associated with that, uh, British Standard 5228, which would be part of the conversation that we have with the local local authority, has does have tighter restrictions in terms of noise limits within those shoulder hours. So the applicants would be working to those tighter restrictions. So where we are in proximity to noise sensitive receptors, there would almost there would there wouldn't be the ability to meet those restrictions in terms of mobilization out for example, Conversations outside, even sort of movements on gravel could exceed those limits.

00:25:14:21 - 00:25:45:10

Um, so they don't blanket apply. The detail obviously would come forward at the discharge of the requirements, where we're talking about what times things would be happening and what activities would be happening. Um, and that would obviously then be in agreement with the, the local authorities as the discharging authority. Um, we can provide some of that clarity in our conversations

with the local authorities. Um, but yeah, I just wanted to make it clear that there is it is not simple blanket. Um, and then it does come through as part of the the ongoing conversations.

00:25:46:25 - 00:26:13:17

Yeah. Just to press you on that and the example I gave the care home, you know, if you talk about November, December, January, February and the lighting goes on at 6 a.m., that is going to be quite intrusive. Um, so can you have a think about that? And if it still applies, then it's probably something that you need to weave into your equalities impact assessment because you know, that is going to have an impact, or I would have thought it would have an impact on, on on residents.

00:26:14:15 - 00:26:31:20

Phil Williamson, on behalf of the applicants, and just to provide clarity, there is a commitment to know works at the landfall between November and March. Um, and so the mobilization activities would not be applicable at those times. Um, so early early lights would obviously would not. Would not be happening.

00:26:33:18 - 00:26:37:20

Can you just confirm where that's where that's provided?

00:26:41:28 - 00:26:43:18

Phil. Sorry.

00:26:46:11 - 00:26:56:14

Laura Martin, on behalf of the applicant. Um, it's in the commitments register. I would have to get the commitment up for you, but it's secured via the Outline Ecological Management plan.

00:26:58:12 - 00:27:14:02

So list on behalf of the applicants. It's the commitment in respect of the, um, uh, the designated site. So it's a it's an added benefit for residents. So the commitment not to do works in those areas is to do with reducing impacts on birds at the landfall.

00:27:20:06 - 00:27:28:08

Could you just sort of confirm precisely where it is? Um, say, save me trawling through everything. Not not now. I'm going to do that. Yeah.

00:27:28:10 - 00:27:28:25

It's a.

00:27:29:03 - 00:27:31:06

It's commitment. One. Two nine.

00:27:33:06 - 00:27:33:28

Thank you.

00:27:34:11 - 00:27:40:04

I just want further point in terms of 14 two, this relates to um.

00:27:50:20 - 00:27:52:10

Just bear with me a second please.

00:28:00:23 - 00:28:01:20

So two

00:28:03:17 - 00:28:43:12

F relates to for any other time critical element of the project B or project A on shore works, depending on which one we're looking at any other time. Critical element. Sounds quite vague, and I'm not sure what would pass any test of precision. If we're looking at requirements in the context of the usual tests. And also appears quite vague in terms of where continuous periods of construction are required for works such as, you know, at the very least, I think the work should be specified rather than such as because it's not precise, is it the wording?

00:28:52:00 - 00:29:22:14

So lays down on behalf of the applicants, um, the applicants have sought to be as, as prescriptive as possible, but I just think it's really important to be reviewing those words into paragraph two in the context of paragraph three, which requires that 48, notice has to be given advance, and they have to be approved by the relevant planning authority. So in terms of convincing anybody that outside of those matters listed there, they are indeed works that need continuous construction.

00:29:22:16 - 00:29:51:15

The applicants need to have agreed that with the relevant planning authority and convince them. So I think we've sought to be as prescriptive as possible in terms of what those works could be. There may be there may be works that that do that aren't envisaged at this point. But but the control is that they need to be both notified to and agreed by the relevant planning authority, save in the case of emergency works which are defined. Um, that that there is an approval process there.

00:29:51:26 - 00:30:19:01

Okay. Thank you. With time moving on, obviously there's probably going to be continual discussion, particularly from Fylde Borough Council obviously with the noise consultants issue and further representations made. If there isn't a gain agreement between the parties on this wording as proposed by the applicant. If you wish to propose any alternative drafting, then again that can be considered with the same provisos as I said before. Okay.

00:30:23:01 - 00:30:25:00

So condition. So requirement.

00:30:30:18 - 00:30:57:11

15. This may not have been one that appeared in the agenda. So apologies for that. It's a simple point. 15 two refers to fencing, but presumably it also may be walls or other means of enclosure because that's what requirement 15 one relates to. So presumably 15 two should actually include not just fencing because it could be a wall or other means of enclosure.

00:30:59:20 - 00:31:06:26

Lord further on behalf of the applicants, yet acknowledge that we will make that update at deadline for to make that wording consistent.

00:31:06:28 - 00:31:22:01

Yeah. Okay. Thank you. Anything further on on that requirement? 16 restoration of land used temporarily for construction. I think this has been discussed already. Issue specific hearing two

00:31:23:23 - 00:31:28:02

and it's been amended 12 months I think. Hasn't it already?

00:31:28:19 - 00:32:01:11

Laura, for on behalf of the applicants, yes. We made an amendment at deadline one I believe to insert the within 12 months. Uh proviso. Um, we've also been looking at the wording of this, um, requirement, um, particularly in light of the Mona decision again, and concerns, I think were raised by Fylde Borough Council and are proposing to further update the requirement at deadline for to link it to the, um, landscape. Ecological and CCP requirements so that the wording would read.

00:32:01:13 - 00:32:15:11

So once you've got within 12 months of completion of the relevant stage of the actual works, you would add in the wording in accordance with such details as have been submitted to and approved pursuant to here, I think its requirement eight.

00:32:17:16 - 00:32:18:28

Six and 12.

00:32:20:15 - 00:32:43:28

Okay. Thank you. And in situations where I'm not sure if this is relevant, but thinking it through where we discussed earlier, the projects might sequentially follow with only a small gap in between would that where it might be advantageous to keep a certain feature in place? Would that still be allowed under the wording of this requirement?

00:32:45:22 - 00:32:53:01

Laura, for the on behalf of the applicant, I think that was an issue we did discuss yesterday, and one that I think we've taken away to to review further.

00:32:54:15 - 00:32:56:26

Okay any further, Mr. Sheikh?

00:32:56:28 - 00:33:20:06

Shall we say Borough council? No, sir. We'll review the wording. I think there needs to be something in there that allows any agreement or approval, you know, whether there's a tag, unless otherwise agreed by the relevant planning authority or it's dealt with in the outline management plan. Quite happy with that. There is some mechanism that allows works to be what restoration works to be paused given if there's a sequential construction.

00:33:21:12 - 00:33:23:04

Okay. Thank you, Mr. Walker.

00:33:23:22 - 00:33:58:06

Yes. Angus Walker for the parish councils. Um, the counterpart of the argument from the discussion yesterday about the outline construction traffic management plan not having a period for when any damaged roads should be reinstated. Another way of achieving that would be to extend the scope of this requirement to include damage to roads. We we don't like the suggestion that if there isn't that long between the two projects, then you shouldn't have to do that, because it'll inevitably be longer than people are thinking.

00:33:58:08 - 00:34:05:06

And it's still worth repairing the road in between so that the residents can use them. Thank you very much.

00:34:05:26 - 00:34:09:09

Thank you. That is understood. The applicants.

00:34:11:00 - 00:34:57:08

Phil Williamson, on behalf of the applicants. Just to provide some clarity, I think there's some conflation of issues in relation to restoration of of highway or damage to the to the the local highway, um, that is covered in the outline construction traffic management plan and has a very separate, um, um, a separate set of measures that are in the process of agreement with, with Lancashire County Council as highway authority. Um, there is a process of, of early identification and survey of that road, monitoring of that road, any, any early remediation work, monitoring and immediate, um, repair of that road, if any damage is to be attributed to the projects, that is more or less agreed with Lancashire County Council.

00:34:57:15 - 00:35:00:13

Um, save some some final tweaks.

00:35:01:16 - 00:35:09:18

Okay. Thank you. If you have any residual issues, Mr. Walker, perhaps update those in your deadline for submission, assuming you will be doing one, which I assume you will.

00:35:09:20 - 00:35:10:15

You will. Thank you sir.

00:35:10:27 - 00:35:45:21

Thank you. Okay. Anything else on requirements 16. So requirement 17 I think we've already dealt with haven't we. This is the er control of operational artificial light emissions and not on my list anyway. Uh so we'll move on to requirement 18 which is control of noise during the operational stage. This is primarily or presumably wholly in relation to the uh, to the substations. There's first of all, does Fylde Council have any comments on the wording of this requirement, or do you want to defer this until you.

00:35:45:23 - 00:35:48:09

Get borough council. So we'll have to defer that as well.

00:35:48:25 - 00:35:49:10

Okay.

00:35:49:12 - 00:35:56:15

Laura Fuller, on behalf of the applicant. It might be helpful if we we provide an update on drafting intentions that we're doing at deadline for.

00:35:59:21 - 00:36:12:22

A deadline for. We will actually be amending this requirement to include noise limits and alter the drafting so that it provides for the noise limits on the face of the DCO and the location.

00:36:13:22 - 00:36:20:16

Okay. That covers my outstanding question on it. So we will yeah, we'll review that obviously as everyone else will do it. Deadline for.

00:36:21:07 - 00:36:26:07

So I'd just add I understand that's in response to our borough council's previous comments. Okay.

00:36:27:00 - 00:36:30:28

Okay. Everyone can then review that. Thank you.

00:36:32:28 - 00:36:33:13

Sir.

00:36:33:15 - 00:36:50:25

Sorry. Shall we say it for borough council? Can I just make a general drafting point. There's a number of these requirements. Have implementation clauses but don't expressly have retention clauses. Some of them are for the operational lifetime. So um, Might be more precise to have implemented and retained. Yeah.

00:36:51:29 - 00:37:25:24

Yes. Noted. Can that be noted as well? I think that's probably a fair point, isn't it? Um, yeah. Okay. Thank you, Mr. Jake. Requirement 19, employment and skills management plan. It feels as though we've already sort of touched on this quite a bit in terms of discussions yesterday, including, uh, any requirement for a 106, for example. Um, does anybody want any got any particular points in relation to the drafting of this requirement, rather than just going back to what we were discussing yesterday?

00:37:29:02 - 00:37:35:07

Isaac Nicholson for Blackpool Borough Council? Uh, no sir. We will provide any comments on drafting at ten and four.

00:37:36:08 - 00:37:41:25

Okay. It feels to me as though yesterday we sort of exhausted the issues. If everyone's happy with that.

00:37:42:23 - 00:37:56:25

Uh, so we've had discussions with Fylde and Lancashire. We and the applicants, we've agreed we're agreeing a process and procedure, setting everything out so that it's quite clear as to what happens when and the responsibilities, and it will be submitted at deadline.

00:37:57:09 - 00:38:14:23

Thank you. That's helpful. Thank you. Okay. So moving to requirement 20 which is the operational drainage management plan. Uh has Lancashire County Council got any further comments on this? Because I know that Lancashire has commented before on this requirement.

00:38:17:14 - 00:38:32:01

Um, yes. Thank you sir. Andrew Schakowsky for Lancashire County Council I've not I've not been given any further comment in response to this from the LFA. Um, but I'll obviously raise race with them whether or not they do as part of our submissions to be made next week.

00:38:34:12 - 00:38:51:22

Okay. Thank you. And I know that this one has to be approved by the lead local flood authority and the relevant highway authority in consultation with development agencies. So the EA is still in consultation on this. I suppose that makes sense, doesn't it, given the content. Um.

00:38:53:25 - 00:38:59:24

Is everyone everyone's fine with those two approving bodies, the local lead flood authority and the relevant highway authority.

00:39:02:03 - 00:39:14:13

Laura, for on behalf of the applicants, um, we've just realised from what you've said there that that's an error. It should only refer to the lead local flood authority as the approving body. Um, so we will remove the highlights from there.

00:39:14:19 - 00:39:16:21

Yeah. Yeah. Okay.

00:39:19:15 - 00:39:31:29

Okay. Requirement 21 is offshore decommissioning. I think we've dealt with that haven't we already? Uh, so I don't intend to discuss that today. Requirement 22 is onshore decommissioning. Um,

00:39:33:17 - 00:39:38:23

has anybody got any comments on any party? Got any comments on the drafting of this?

00:39:44:03 - 00:39:56:15

Now my only comment got written down. I might just say it and then let you respond to it if it needs responding to because I can't explain it is 2022. How does this relate to schedule 12? Uh.

00:40:05:14 - 00:40:08:23

Oh. Schedule 12. We're going to go on to schedule 12 anyway, aren't we? Uh.

00:40:09:15 - 00:40:40:00

Laura Fuller, on behalf of the applicant, this is a this is a separate matter to the discharge of requirements under schedule 12. The process for that is the process for discharge requirements is essentially what's set out in schedule 12. This is where in the event there needed to be an update or an amendment to an already approved detailed plan, that it's a provision that allows for that process to happen with the local, you know, in agreement with the local planning authority, subject to their approval.

00:40:41:03 - 00:40:41:18

Okay.

00:40:41:20 - 00:40:45:28

It's a fairly standard, um, requirement that's included in dsos.

00:40:46:18 - 00:40:52:09

So would it be sort of a bespoke mechanism? Almost. It's not part of schedule 12. Could this be one that.

00:40:52:23 - 00:41:06:28

It would be up to law on behalf of the applicants? It would be up to the um, uh, undertakers to approach the local planning authority if they considered an update was needed to a detailed management plan and agree with them.

00:41:07:09 - 00:41:31:28

Okay. Thank you. That's understood. Any comments on that? Okay. Uh, requirement 23 is requirement for written approval. I think that's quite self-explanatory. I've got no questions on that requirement. 24 is amendments to approved details, which I think is relatively standard.

00:41:34:11 - 00:41:47:18

Is there any proviso need are there any amendment, any amendments are in accordance with the principles and assessments set out in the Environmental Statement. Is that required? I think it's probably included in some and not in others. It's probably falling into one of those categories in terms of precedent.

00:41:56:01 - 00:41:57:04

Can I leave that with you?

00:42:04:20 - 00:42:23:13

Okay. Let's move on from that. Uh, if that could just be responded to it. Uh, deadline for onshore collaboration requirement 25. I think we've already covered that, haven't we, earlier on. So I don't propose to go back to that today. And then, if I may. Can we just speed ahead to.

00:42:25:15 - 00:42:43:19

And we'll come back to schedules if anybody has a point to make on schedules. But I would in particular like to discuss schedule 12, which is approval of matters is specified in requirements. So

given where we are in time, can we just discuss this one first? Because I don't want this to fall away or be unnecessarily rushed.

00:42:50:01 - 00:42:52:14

So schedule 12 page 302.

00:43:03:09 - 00:43:10:12

And this obviously relates to article. This relates to article 45. Uh, anyway, um.

00:43:12:25 - 00:43:31:28

There have been various changes to this art, to this schedule. Rather do you want to quickly as follow just just outline what has changed? Obviously following discussions and responses from the, uh, the local authorities primarily and others. In fact, in terms of what's been requested in terms of this schedule.

00:43:34:08 - 00:44:04:25

Laura. On behalf of the applicants, um, we updated the drafting in schedule 12 at deadline for to use the definition of business days, which is a deadline three. Apologies. Deadline three. We haven't got a deadline for yet. We updated a deadline three. Um, to refer to business days to use that definition. So it was clearer what what what was being referred to in terms of the drafting there, because I think there was previously a mixture of terms used. So we've we've sought to tidy that up.

00:44:05:06 - 00:44:49:11

We've also updated uh, paragraph five one, um, to provide consultees with 15 business days, which is the equivalent to the 21 days or three weeks that was being requested by Natural England and the Environment Agency, and I think was also reflected in five Borough Council's deadline, three, um, submissions that that should be the case. So we've Amended it that to 21 days. Um, I think we provided some clarification in response to question 1.2.4.2, in relation to fees and what fees would apply in this, um, in relation to the content, which paragraph? It's the schedule.

00:44:49:29 - 00:45:24:08

Otherwise, those were the um those are the updates that we've we've made. We've also just confirmed earlier in the this hearing that we would, uh, change the period in paragraph one from eight weeks to ten weeks. Um, which has been requested by, by Fylde Borough Council. Um also noting that a deadline three I think while borough council have confirmed stated that they would like paragraph 43 to refer to to be a longer period. Um, and we are proposing that a deadline for we will update that to 15 business days.

00:45:24:29 - 00:45:25:15

Right.

00:45:27:19 - 00:45:43:06

Thank you. I'll come to Fylde Council in a moment. Just on fees. What does the would be the fee that is payable by the applicants to the relevant local authority for each

00:45:45:00 - 00:45:50:07

discharge? Because it doesn't. Obviously it relates to the planning fees.

00:45:52:24 - 00:46:00:09

I've put in brackets because I probably looked it up. I think it's £298 for each request. I might be wrong, but.

00:46:00:11 - 00:46:02:05

So we can help on that. That's right.

00:46:03:10 - 00:46:04:05

I'm sure you can.

00:46:04:07 - 00:46:04:25

You can

00:46:06:21 - 00:46:08:21

show me your borough council. That's correct.

00:46:08:23 - 00:46:09:11

Under the.

00:46:09:17 - 00:46:44:29

Um, fees regulations. I think we're seeking we're aware that some dsos are still just referencing the fees regulations, but a number of dsos are specifying an amount, which is about it's just over £2,500 for each discharge application. And that reflects the fact that the fees These regulations distinguish between different different applications that are put in. Previously, a number of CEOs took the conditional discharge fee, which is quite low. A number of recently made Dsos are taking the other category, which is the 2500, whatever it is pounds.

00:46:45:11 - 00:46:51:24

So that's what what we would seek. And that's in line with a number of recently made dsos too. Okay.

00:46:51:26 - 00:47:09:16

Yeah. Thank you for that clarification. Just one more question for the council before the applicants respond. Is that what would be sort of an equivalent feed is charged for a sort of large, complex, reserved matters scheme or an equivalent sort of reserved matter scheme?

00:47:11:10 - 00:47:30:00

Maybe they low as well, I don't know. But anyway, the point is that actually the point is, it seems to me that £298 isn't an awful lot. Local authority resourcing, etc. so I think, I think, I think it needs looking at um, and this has come upon other, other development consent orders recently.

00:47:32:16 - 00:48:03:10

Uh, lays down on behalf of the applicants. I think we here we hear the comment. I think there are a couple of comments to make in respect to this. Um, the requirements will be discharged in accordance with the stages. And it may be that the early ones are more complex. And then actually there is a

pretty much a kind of, you know, it's the same information being provided because it's another section of cable corridor or whatever, whatever. So I think, I think there needs to be some consideration, um, done in respect of that.

00:48:03:12 - 00:48:38:21

I think regard also needs to be had, that it's certainly the applicant's intention that there'll be a planning performance agreement in place with Borough Council in order to fund officer time to be able to manage these things. So I think cognizance perhaps needs to be had to that in terms of the, the application fee V versus actually how the costs of the council, um, uh, staffing and dealing with these matters will be dealt with. So I think it's probably something for us to have a conversation with filed about, about where the appropriate level and how that, that funding position is, is resolved.

00:48:38:23 - 00:48:56:22

Yeah, I think it does. And I think it probably does need more sophistication and some more thought in terms of the sort of the funding people. Yes, they can be useful from my experience. They don't relate to the actual discharge more the sort of pre-application sort of consultation, etc. but anyway, the council will know more about that situation than me. Would you like to.

00:48:57:00 - 00:49:22:01

Show up for Borough council? Yes, I think we'll take that away and discuss that. The applicant. Um, there are some other dsos which have a sort of cascade mechanism dealing with subsequent condition of requirement discharge applications, which are of a lower fee than the first ones put in, recognising that, um, they're likely to be less onerous and less detailed. And we'll also, I think, take offline the PPA and, um, quite how we deal with fees these generally.

00:49:23:06 - 00:49:31:14

Okay. Thank you. And any other comments on anything else within schedule 12 timescales, etc..

00:49:33:15 - 00:49:37:16

Do you want to provide us a deadline for of us? Anything you want to comment on them? Fine.

00:49:37:25 - 00:50:09:00

Except for the borough council. So I think we've made the point in writing about request for further information. Time frames. We still see that the um current further information time frames, which are ten days, um, don't quite reflect what what we think um, is needed in light of the likely time for consultees, especially where there's a requirement for us to consult, um, need to come back to us. Um, we've put that in writing and, um, we remain by that position.

00:50:09:28 - 00:50:13:15

Okay. Thank you. Yes. Mr..

00:50:13:17 - 00:50:47:03

For sure. Yeah. Paul, for sure. I want to concur with what, uh, father just I just said I think we we feel the timescales are too short, particularly if Ford needs a console. Consult us and if you have any comments on our responses, there's a bit of back back into there which, um, may take a bit of time. Um, I just want to actually give the sort of an example of we've not long just agreed a um, and it was

different document than Eldo. Um, a lot of people had filed for part of the Warton site that gives a 28 day period for discharge of conditions.

00:50:47:11 - 00:51:03:27

Um, and it also includes a mechanism there to agree a longer period with a local authority. Um, if, if further information is required. I think the current wording misses that sort of mechanism to for an agreement to be made for an extension of time. Maybe you should also include.

00:51:05:14 - 00:51:06:02

Okay.

00:51:06:06 - 00:51:06:25

Thank you.

00:51:09:14 - 00:51:43:08

Laura, on behalf of the applicants. Um, I think I already said that we would be making some further updates to, uh, for to to increase that to 15 business days. Um, and we've also already made updates to increase the consultation period for consultees in paragraph five 1 to 15 business days, which reflects the standard 21 days that Natural England and the Environment Agency have already requested. So perhaps once we've made those updates, um, they could be they could be looked at.

00:51:43:10 - 00:51:50:13

But we will take on board the comments. I think, um, Mr. Phil, Mr. Williamson wants to add something as well.

00:51:51:23 - 00:52:30:01

Uh, yeah. Phil Williamson, on behalf of the applicants. I'd also just like to impress that the applicant in terms of the discharge requirements process. Um, we don't simply turn up at the end and give everyone 15 days to respond. Um, on the assumption that consent is granted, we would begin consultation essentially with all of our prescribed consultees to ensure that by the time we get to the point of discharge of requirement. Most most matters are already dealt with. And so through a prescribed phase of consultation, where it should theoretically be an acceptable period of time to to give that discharge, that essentially that that green light.

00:52:30:03 - 00:52:38:27

So, um, I know that's not prescribed under the DCO, but in terms of how these things are practically undertaken, it does not reflect what's in the DCA.

00:52:39:04 - 00:52:45:04

Okay. Thank you. I understand and a very small point. Uh seven.

00:52:47:19 - 00:53:00:03

Uh, schedule 12. Seven. 12. There's a I don't know, the mention of the Welsh Government's development management manual. Section 12 sounds a bit erroneous for this one. I can see how it's in there, but,

00:53:01:24 - 00:53:03:06

uh. Yeah, that needs to be.

00:53:03:11 - 00:53:04:25

Thank you, sir. Point taken.

00:53:06:05 - 00:53:20:21

Okay. Anything else on schedule 12 from anybody? Just very quickly, going back to requirements, what I didn't ask anybody. Is that. Are there any additional requirements that any parties are seeking? And I did actually have a

00:53:22:10 - 00:53:46:09

list of ones where parties have requested them, some of which have probably been sort of potentially satisfied by, uh, the evolution of the examination and responses from the applicant, etc.. But has any party got any outstanding, uh, requirements or suggested requirements that it thinks should be included? Uh, apologies for missing off the agenda earlier on, Mr. Walker.

00:53:47:04 - 00:54:09:28

So right. Angus Walker for the parish councils, I have already mentioned that and I think I also mentioned it issue specific hearing one that we would like a requirement obliging the first project to be ready to wait for the second one so that they are constructed simultaneously. We can provide some suggested drafting for that requirement if that would be of assistance. Deadline for.

00:54:10:14 - 00:54:19:23

Yeah. Suggested drafting and full justification. Full reasoning for it would be helpful for everybody to consider. Um, okay.

00:54:21:16 - 00:54:28:03

So it's done on behalf of the applicant. I appreciate it, but I think the applicants have made their position very, very clear on this one.

00:54:28:11 - 00:54:29:02

No, I understand your.

00:54:29:04 - 00:54:36:15

Position in the policy position. It isn't in the interest, and it is entirely unprecedented to require one project to wait for the other one.

00:54:36:17 - 00:54:38:21

Okay. I'm sure Mr. Walker will know that.

00:54:38:23 - 00:54:45:20

To do that, I'm just in terms of the applicant's response to it. I think we've made our position particularly clear. Yes.

00:54:45:24 - 00:54:47:17

That's understood. Thank you.

00:54:49:20 - 00:55:20:15

There are a few others. We simply haven't got the time to go into detail that I've noted down from interested parties, representations. Can I just go through the list of these and ask that some of them, I'm sure, have been already dealt with in responses, but you could literally sort of do at deadline four, just very quickly sort of notate how they've been responded to and the contaminated land measures was a precedent city Council request. I know what the answer to some of this is.

00:55:20:17 - 00:55:32:13

By the way, if you could just do a very short form response to deadline for because I think that one's probably already covered in another in the cockpit. But anyway, because Richland Water also Preston County City Council have asked for construction water management plan,

00:55:33:28 - 00:55:40:14

a Lancashire County Council, the review of air quality monitoring data and review of noise and vibration.

00:55:42:20 - 00:55:44:12

Also Lancashire County Council.

00:55:47:07 - 00:55:52:00

List of measures to include in a in a construction environmental management plan.

00:55:54:02 - 00:55:56:07

Uh we've got one from Blackpool

00:55:57:26 - 00:56:03:07

Blackpool City Council. Potential for unexploded ordnance at the airport. Is that still outstanding?

00:56:06:20 - 00:56:10:07

I don't know for Blackpool Borough Council. No. It's gone.

00:56:10:09 - 00:56:20:03

It's gone. No longer. You're no longer seeking it. Okay. And I'm well aware some of these might have been dealt with. It's just a list that I've just sort of drawn up for, for today. So if haven't been dealt with.

00:56:20:14 - 00:56:30:14

I'm sorry, sir. Isaac Nicholson for Blackpool Borough Council. Um, we may just need to check with, uh, Blackpool Airport on that matter. Okay. Respondent deadline for um.

00:56:31:07 - 00:56:47:08

Fylde Borough Council in response to iCSC ten one one of sort a additional requirements in terms of hydrology at sand at the sand dunes. Did we discuss this yesterday? Yesterday I can't remember, but that's still outstanding I presume.

00:56:48:25 - 00:57:01:13

And then, uh, also Blackpool Council in the deadline three responds. Sorry, I've not got a reference. Uh, there's a template construction management plan requirement.

00:57:03:21 - 00:57:11:01

I'm just noting those because those are requests that have been made. Don't think unless you want to do a very quick response to any of those. Now I'm happy for that to be responded to a deadline for.

00:57:11:07 - 00:57:56:26

So this is done on behalf of the applicant. I suspect we've responded to each of these in writing already in terms of their appropriateness or not, given the the comprehensiveness with which we've responded to everybody's representations to date. And could I ask when we, um, I'm not sure what we're going to do about hearing action points for today, because it's been quite a sort of discursive thing. But what would actually be very helpful for the applicants is if you could provide us with your list of which points you'd like us to pick up, we can then look at those. Um, I'm not sure we've captured them all as we've been talking, so it would be helpful, perhaps, if you could if, if, if when we when the hearing action points for issue specific hearing to that was yesterday wasn't it.

00:57:56:28 - 00:57:58:02

2 to 3.

00:57:58:11 - 00:58:09:03

Then. Um, uh, if if they could be perhaps tagged on to the end of issue specific hearing two or the list of points for us to pick up for issue specific hearing three today, then we can do that.

00:58:09:12 - 00:58:18:11

It still would be helpful to get a list from yourselves, even if that's provided to our case team. Have we got to? Yeah, it's gonna be difficult to do it today, isn't it?

00:58:21:25 - 00:58:35:25

It is a difficult one in terms of the action points from today, because there's effectively an action point coming from most items would probably disgust. And I know that the applicant will address yours at deadline four. Uh.

00:58:38:00 - 00:58:53:23

Just hold that point. Just going back to a previous point and what we're just talking about in terms of the requirements, some of them were deadline free responses. So those won't have been responded to. Um, I'll come back to you on the, uh, on the action points.

00:59:15:29 - 00:59:43:28

Wouldn't it? I think it still would be helpful to get your draft list of action points, because that was the understanding of what we were doing this obviously from this morning, and we can obviously check those against our list. I don't think it even needs to be sort of very detailed. It can be quite a short form list in terms of which which items of the agenda, though, were actually responses requested. And there's some actions also for the borough council.

00:59:46:25 - 00:59:48:00

And other parties.

00:59:50:19 - 00:59:51:24

I think may be going through that.

00:59:52:05 - 01:00:04:23

I mean, we do have a list that we've pulled together. Um, so I, I think we're happy to review that. Tidy it up. Well, are we okay to do it first thing tomorrow morning again? Because it gives us.

01:00:04:25 - 01:00:05:10

Some.

01:00:05:12 - 01:00:05:27

Time. I think.

01:00:06:08 - 01:00:06:28

It's a difficult thing.

01:00:07:00 - 01:00:07:15

To.

01:00:07:17 - 01:00:08:02

Go through at the end of the.

01:00:08:04 - 01:00:14:00

Day and, um, uh, yes, we'll we'll do our best to pull those together.

01:00:14:06 - 01:00:45:00

Okay. And then we've, we've got a sort of running list as well. And I think we could come. I think the party is all here today as well, probably aware of what their action points are. But I think it's a helpful thing that we can put on our websites where everyone as well knows what the output is from the hearing. So I think that's a way forward, and we'll have a few minutes in the morning to just go through those. So is everyone happy with that? Uh, I certainly don't feel the need to go through them this evening, because it's one of the most arduous jobs at the end of a long day, so. Okay. Thank you. Uh.

01:00:47:21 - 01:01:12:02

Going back to the agenda, what have we not considered? We've not considered schedules from the agenda schedules three A3, b4, For A for B, although I've got nothing particular that I need to ask on those today. These are street subject to street works and streets to be temporarily closed or restricted. Is there anything anybody wants to say on those schedules?

01:01:14:12 - 01:01:43:06

No. Okay. And similarly schedule seven A, seven B, eight A and B temporary possession of new rights. I think we've probably covered that anyway in terms of the discussion in the relevant articles on that. So I've got nothing to raise on those unless anybody wants to raise an issue on those. And there is a virtual hand up, uh, which is one of the apps. So for fear of me getting it wrong, please come one of the apps. Uh. Thank you.

01:01:44:06 - 01:02:18:13

Uh, Adam says HP values on behalf of, uh, Hornby's foundation charity. Um, so. Yeah. Schedule 88B, um, one Cable rights and restrictive covenants uh clause one c uh is to provide the benefit of continuous vertical lateral support for the projects, which I understand is a requirement in a generic clause. Um, I will point out that there are pockets of sand, in particular in the area of the moor and substation.

01:02:19:13 - 01:02:41:21

Um, so as well as a restrictive covenant or, sorry, the rights of vertical and lateral support. The landowner would also like equal rights. And by way of a positive covenant, uh, of vertical and lateral support when trenches are being dug, etc., unless these are covered in code of practice. Of course.

01:02:44:12 - 01:02:52:00

Okay. Thank you. It's going a little bit probably into tomorrow's discussion to a degree. Could the applicant, unless you want to say something now could you take that away.

01:02:52:02 - 01:03:03:00

And I think suspect. Thank you, Liz Dunn. On behalf of the applicants, we'll take that one away. I suspect that's probably a matter for the, um, voluntary agreement, but, um, we can take that one away. Thank you.

01:03:03:04 - 01:03:03:21

Okay.

01:03:04:22 - 01:03:41:01

And just so, Adam, again, just one further point. Uh, in two restrictive covenants, clause two G. Um, it's unclear. It's talking about preventing any activity, in the opinion of the Undertaker, that will result in disturbance of ecological mitigation or habitat creation or enhancement, uh, including plowing or grazing without prior consent of the undertaker. So is this on adjoining land? Uh, land that's adjoining mitigation areas? If it is.

01:03:41:07 - 01:03:45:21

I think that's very unreasonable to prevent plowing or grazing.

01:03:48:12 - 01:03:55:12

Uh, Liz Dunn, on behalf of the applicant. So I'm probably clear that one up. It is. It's only on the land which is being taken. It isn't on adjoining land.

01:03:56:11 - 01:04:04:23

So okay, so nobody will be plowing or grazing that land anyway because that's under your control.

01:04:05:14 - 01:04:05:29

Yeah.

01:04:08:24 - 01:04:19:21

Okay. Is there anything else you wanted to know? All right. Okay. Thank you for those submissions. Anything else the applicants wanted to say? Obviously, I'll come back on the first points that were made.

01:04:20:00 - 01:04:20:24

No. Nothing further.

01:04:21:01 - 01:04:23:09

Okay. Thank you. And thank you for those submissions.

01:04:27:03 - 01:04:57:28

Okay. Anything else on item eight, which means we can move to item nine. So on the protective provisions, obviously it's been quite a bit of progress being made on the protective provisions. Uh, we've got updates at deadline three. I don't propose that you go through each protected provision to update where you are in negotiations, because we've got that at a deadline. Three and I'm sure you'll be providing further updates as we go along as well.

01:04:58:00 - 01:05:20:16

Is there anything in particular the applicants would like to say in relation to generally to protect provisions, or is there any sort of any stumbling block that you're particularly sort of think might occur? Because obviously the ideal situation is protective provisions to be agreed, you know, before the end of the examination. So is there anywhere there's potential for those not to be agreed? Those could be highlighted as well. That would be useful. Thank you.

01:05:22:27 - 01:05:55:21

Laura, for the on behalf of the applicants. Um, no. I just want to highlight, really that we have made really good progress on protective provisions negotiations. We do have a number that are agreed or basically agreed at this point. Um, I can go through that a bit further on tomorrow's agenda item, because I think some, some of the other such undertakings may be attending tomorrow. There's certainly none that we do that we consider can't be agreed within the examination and are certainly making strong progress with all of them.

01:05:58:28 - 01:06:03:28

Okay. That's that's helpful please. And we do acknowledge that the progress that is being made,

01:06:05:13 - 01:06:16:28

obviously quite a lot of the relevant parties aren't here in attendance today. They may be tomorrow, but is there anything that any party wishes to say at this point on the relevant protective provisions?

01:06:19:09 - 01:06:31:06

Okay. Let's move on then to we've done schedule 12. So we move on to the marine licences. Obviously we haven't got Natural England or the MMO here today. As um,

01:06:32:24 - 01:07:06:15

I mentioned earlier, could probably is a good idea and I don't want to. Obviously the marine licence drafting is very important. The applicant seems to be making good progress in terms of the resolution of, uh, many of the points that have been raised by both Natural England and the MMO. Uh, I think the last response we've had from Natural England, they consider that the principal issues in relation to the marine licence. So the DCR and the demon licence have been resolved, but they do have a few outstanding points.

01:07:06:23 - 01:07:34:08

And similarly I think the MMO, there's probably about 3 or 4 outstanding points that remain. And I assume that negotiations are obviously continuing on those. Is there anything that the applicants would like to raise in relation to any of the outstanding points? And what is the timescale for getting agreement where possible on those on those points?

01:07:37:03 - 01:08:15:06

Laura Fuller, on behalf of the applicants. Um, I think Mr. Vella went through all of these the outstanding points with Natural England and the MMO yesterday. Um, in terms of matters that are outstanding with the MMO, those relate to the transfer of benefit provisions, force majeure and removal of all UXO clearance. And I think we've already set out clearly our positions on those. So those are positions where we don't expect either parties position to change essentially on those matters and would be subject to determination by the Secretary of State.

01:08:18:21 - 01:08:38:17

It's a similar position with Natural England in relation to the unexploded ordnance clearance point, which we already discussed yesterday, that we've obviously made our updates to remove high order clearance and retain low order clearance, and I think mis done explained in detail yesterday that we would be maintaining that position.

01:08:43:10 - 01:09:13:18

Similarly, I think with Natural England we have outstanding um, they have some outstanding concerns in relation to decommissioning of cable protection in the MCU. Again, that was discussed in detail yesterday. There is one update that will be made at deadline four to confirm on the face of the marine licence that there will be no rock dump in the mix. Um, but otherwise there are some discussions ongoing. But I think this is all going to be captured in the, um, risk and issues log and pulling together for offshore matters.

01:09:13:20 - 01:09:20:02

The statement of common ground. Um, which someone will remind me whether we've committed to that for deadline six.

01:09:24:08 - 01:09:24:24

Okay.

01:09:25:27 - 01:10:06:18

Thank you. There's just one point that I wanted to raise as drafting point, and this is in relation to condition 11. I think it's condition 11 on each of the four marine licences. It's the maintenance of the authorised scheme and Condition 11 three, says an operations and maintenance plan substantially in accordance with the outline offshore operations and I think substantially has been removed from the requirements when it's been used in a similar circumstance, should it also be removed from the marine licences? I think it's I think it's just requirements.

01:10:06:21 - 01:10:20:19

11 sorry. Condition 11 now we're back to conditions, aren't we? I think it's just condition 11 in the four marine licences where this word appears. I don't know if there's a particular reason why it needs to appear in in this case. In which case please justify that and we'll consider that.

01:10:20:21 - 01:10:40:18

But look lawful on behalf of the applicants. Um, yeah. We'll we'll be removed. We will remove the substantially in line with the same changes we've made to the requirements already. And we'll do that. A deadline for, um, I believe you're correct. I think that is the only place in the deemed marine licences that substantially appears, but we will do a double check.

01:10:42:13 - 01:10:46:20

Yeah, I didn't see any more, but there might be. Yeah, please check that as well. Thank you.

01:10:50:06 - 01:11:25:29

Okay. I think the best way forward in terms of any outstanding residual points on the marine licence is for us to tackle those if necessary. At, uh, our second written question stage and obviously commentary questions on the, uh, the development consent order, etc., and then anything residual that comes out of that can perhaps be dealt with as necessary at a final, uh, development control, development control, development consent order hearing in October. Um, I presume there's no other comments on the marine licences from those today? No.

01:11:26:01 - 01:11:27:09

Okay. Um.

01:11:30:12 - 01:11:32:13

So that takes us to.

01:11:37:25 - 01:11:49:11

12, which is consent licenses and other agreements. Would the applicant like to provide an update on the progress and timescales for completion of other consents, licenses and agreements.

01:11:51:24 - 01:12:17:21

Anthony McNamee for the applicants. The majority of consents and other licenses required or future facing are not relevant at the moment, but there will be an update to the document at deadline five relating to flood risk activity, permits and discussions with the legal flood authority on watercourses. We will also be amending the document to correct a typo where the king is mentioned twice. Other than that, the document stands as it is present.

01:12:17:27 - 01:12:22:05

Okay. Thank you. That's helpful. Any any comments on, uh,

01:12:23:25 - 01:12:25:17

schedule? Is it schedule?

01:12:27:05 - 01:12:29:23

Schedule 12. It's not schedule 12. What is it?

01:12:32:05 - 01:12:34:21

Lawfully, on behalf of the applicant. It's a separate document.

01:12:34:23 - 01:12:35:08

It is?

01:12:35:10 - 01:12:37:01

Yes. Sorry. I can find the reference.

01:12:37:03 - 01:13:20:06

I'm reaching my hour of, uh, losing, uh, comprehension. Thank you. Yes. So that then takes us on to 13. That was my my agenda number, wasn't it? Which is the without prejudice benefit compensation DCO schedule. This was discussed yesterday morning. It would just be useful to have an outline in terms of the DCO drafting of how this works. Please. If someone can provide that. And is this where does this come from? Is this from a particular sort of draft that sort of natural England have put forward or something that's been used before, or is it something you just drafted yourself? Where does that actually evolve from in terms of the drafting that's been used?

01:13:41:18 - 01:13:45:02

Laura, followed by without apologies, I've just lost my place in my notes.

01:14:00:24 - 01:14:33:03

Laura filed on behalf of the applicant. Just in relation to your point about where this what what this is based on. So the drafting in this schedule is a variation on schedules for compensation measures that have been secured for other offshore wind farm projects, including the Hornsea Three Offshore Wind Farm Order 2020, and that was put into schedule 14 of that order, and the Sheringham Shoal and Dudgeon Extension Order. Offshore extensions. Offshore Wind Farm Order 2024 And that was put in as schedule 17.

01:14:33:27 - 01:15:04:22

Um, the main difference between the without prejudice drafting and those made in those echoes is that the Marine Recovery Fund is now at a more advanced stage, and this is in line with the conversations we've had yesterday. Um, and that is, as we discuss, Natural England's preference for delivery, um, which the applicants are aligned with. Um, obviously, as we discussed yesterday, it still includes the two options. Uh, the preferred option is the Marine Recovery Fund.

01:15:05:02 - 01:15:27:00

Uh, but that is still being developed. Um, and there's not a not not clear detail yet as to how that will operate in practice. Um, and therefore and required and that will come forward in other secondary legislation and guidance. So for the time being, the schedule does provide for project specific measures as a, as a secondary option.

01:15:33:04 - 01:15:39:22

Okay. Thank you. And, you know, as Natural England agreed the drafting of that or have they are they considering that do you know in your discussions with them?

01:15:41:12 - 01:15:41:27

Gerard.

01:15:45:01 - 01:15:52:16

Gerard. For the applicant. Um, I understand we'll see comments that deadline for from Natural England and the MMO.

01:15:58:12 - 01:15:58:27

Okay.

01:15:58:29 - 01:16:32:13

Well no further points that we've got on that at this time. I think we'll wait to see what Natural England's response is at deadline for, uh, to see if there's any questions from us required on that. But thank you for that update. Okay. Thank you. We are nearly there. Uh, any outstanding matters? Some issues specific hearing to. I don't think there were any from that agenda. We've covered, uh, review of action points. We'll go through that tomorrow. Any further points anybody wishes to raise before we close?

01:16:38:18 - 01:16:39:22

No, no. Hands up.

01:16:42:08 - 01:17:16:28

Okay, we can move to the close of the hearing. If you're spoken today, please provide a written version of your submissions by deadline, for which is Friday the 8th of August. As usual, a recording of this hearing will be published on our website as soon as is reasonably possible. Thank you for everyone's participation and for your submissions at this hearing. I think it's been a useful session. So thank you everybody. Uh, and a reminder that there will be a compulsory acquisition hearing tomorrow morning starting at 9:30 a.m..

01:17:17:04 - 01:17:19:27

Okay. Thank you everybody. The hearing is now closed.