



Planning Inspectorate
Arolygiaeth Gynllunio

Hearing Transcript

| | |
|-----------------|--|
| Project: | Morgan and Morecambe Offshore Wind Farms Transmission Assets |
| Hearing: | Issue Specific Hearing 4 (ISH4) – Part 5 |
| Date: | 08 October 2025 |

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

It is not a verbatim text of what was said at the above hearing. The content was produced using artificial intelligence voice to text software. It may, therefore, include errors and should be assumed to be unedited.

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

MM_ISH4_8OCT_PT5

Created on: 2025-10-08 09:59:13

Project Length: 01:17:52

File Name: MM_ISH4_8OCT_PT5

File Length: 01:17:52

FULL TRANSCRIPT (with timecode)

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

So it's 930. Well done to everyone for remembering the earlier start time. Or at least I hope everyone's remembered the earlier start time. Uh, and we're resuming, uh, issues specific hearing for. First of all, can I just check that everybody in the room can hear me? Thumbs up. Excellent. And online. Is that, uh, working okay?

00:00:30:05 - 00:01:01:05

Yep. Seems to be. Thank you for your confirmation. Um, just a reminder. Um, if you weren't here yesterday, uh, the toilets are out through the door at the back in the foyer. Uh, and the fire escapes are out to the left. I think there is another fire escape behind this curtain. If, um, uh, if the need should arise. But we are sure that there's no, um, scheduled fire alarm. Uh, so hopefully that won't be necessary.

00:01:03:03 - 00:01:35:07

Anyway, just a reminder that we got as far as yesterday as far as, um, agricultural matters. That's the last item, uh, under the socio economic and land matters that we wanted to talk about. Um, so we'll finish that off. Uh, and then we'll move on to aviation. Uh, now, as far as agricultural matters are concerned, um, I think we might be joined by Louise Staples of the NFU. Um, so, Miss Staples, are you there online?

00:01:37:02 - 00:01:37:25

Good morning.

00:01:38:12 - 00:02:01:15

Good morning to you. Thank you so much for, um, uh, making yourself available. Um, I think you wanted to mention, I mean, we've we've got a couple of questions, but in, uh, before we go with them, would you like to pick up on the points you wanted to raise? I think there was linked link boxes and decommissioning. And perhaps one of the things. So if we could hear from you, Miss Staples. Thank you.

00:02:01:23 - 00:02:33:27

Thank you very much. Yeah. Morning. And thank you for moving the end of. Yeah. Item six for this morning so that I could attend. Um, the first thing I wanted to raise, actually, was, again, in regard to coordination and collaboration. Um, and I've seen the response that the applicants have submitted,

um, to the second written questions. Um, and at the moment I'm just looking at, um, it's chapter two, general and cross topic questions.

00:02:33:29 - 00:03:05:28

And the response they've given is at question 2.1.1.1 under the subheading of Coordination and Collaboration. Um, first of all, I just want to say, um, thank you to the applicants because I can see, um, that they have, uh, yeah, gone away and thought about this and have responded uh with requirement 25, which now covers onshore collaboration. And then further on in their response.

00:03:07:07 - 00:03:49:08

Um, they they're saying they're going to go, um, a step further and they're going to now, um, adopt a construction coordination working group. Um, and that will then enable them to provide a forum for post consent engagement between all applicants and the local planning authorities to ensure consideration is given to the potential for coordination, where appropriate, between the projects. Um, I suppose my question still is that I'm not sure. How does this actually help us in reducing the construction time? That could still be, I think, a maximum of 11 years.

00:03:50:07 - 00:04:12:26

So because I think this what even what's written here and stated where work won't actually reduce that flexibility. So it does still allow both projects to have that maximum flexibility and have that build out time, which is obviously what is the main concern of landowners and farmers, um, that are going to be affected by the cable route?

00:04:16:15 - 00:04:49:25

Yes. Um, perhaps if we could get the applicants to, to come back to you and then and then ask you to move on to your other points. I think that's the question that, um, that we as the examining authority also had, that, um, yes, a lot of work has gone into, um, providing that response. But, um, when it comes down to it, it doesn't seem to make, um, much headway in reducing the, um, the, the impact on, on landowners and particularly farmers. So perhaps the applicants could respond to the point made by, by the NFU.

00:04:50:21 - 00:05:35:21

Thank you sir. Done on behalf of the applicant. Um, the, uh, further wording that has been provided and the, uh, commitment to, uh, the, um, the, uh, the sort of working group to bring together that collaboration was not intended to reduce the time period between the construction of the two projects. Um, that has never been the intention of the applicants in setting that up. The applicants have made very clear through the whole of this examination why the project may need to be constructed separately and why, with a seven year implementation period, there may be a gap of up to four years between those projects.

00:05:35:23 - 00:06:17:25

We've also explained in detail, and we've addressed some of the misconceptions about the extent of impacts of the two projects being delivered, uh, uh, sequentially, with a gap between them, uh, that that doesn't necessarily lead to greater environmental impacts than if they are built concurrently. And the applicant's position, I think, is very clearly set out in the response to the second questions, that there is what has been provided and secured through the development consent order is the

coordination that has been requested in terms of how, when the projects do decide how they're coming forward.

00:06:17:27 - 00:06:55:21

And these projects, as we've again said many times, need to have the ability to be constructed, uh, separately in order that they can be delivered and they can secure the necessary funding if necessary, and contracts for difference. Um, so in light of that, what the wording and the drafting that has been put into the development consent order is to ensure that there is that discussion that's been requested by parties about how once the decisions have been made about the projects coming forward, they will work together and share information.

00:06:55:23 - 00:07:07:21

That was the aim of the the drafting of the requirement and also the the Construction Coordination Working Group that has been proposed.

00:07:10:03 - 00:07:22:00

Thanks for that. Um, I think that's the, uh, similar response to to to to what we've heard before. Um, Miss Staples, do you want to, um, say anything else in relation to that?

00:07:22:23 - 00:08:00:14

Uh, I suppose my response would, would just be that it's. Yeah. Disappointing then that the applicants haven't tried to, um, say if there's a way forward, because at the minute, I suppose what I would have expected would be that if there was any way that that gap can be reduced, there is something that's written in the DCO that shows or states that they have to do that. So you know that the the maximum of the 11 years with that gap of four years has to be the absolute last, uh, way that they can take forward the construction.

00:08:00:24 - 00:08:29:04

So there's nothing really at the moment to make them. Yeah. Take that as the last option. They seem to have wanted to keep 100% flexibility. And that does mean that if that that way if it does get constructed in that way, that will be maximum impact on that landowners. And that's nothing to do with the environment. That is to do with absolutely food production and the impact of farming on those farm businesses. Thank you.

00:08:30:17 - 00:08:47:02

Um, yes. And just to, um, build on that, I mean, obviously it's something that we will be considering, uh, at the compulsory acquisition hearing tomorrow when we take into account the impact on, on, on farmers. But I think, Mr. Dunn, you wanted to come back again.

00:08:47:04 - 00:09:14:25

Yes. Thank you sir. Uh, I don't think Miss Staples was at the issue specific hearing where we went into. Significantly until the last issue specific hearing in July, where we went into significant detail regarding how the works would be carried out, um, across the, uh, the cable corridor and the accommodations that would put in place. Sorry. I'm desperately trying to find the document. Which one?

00:09:16:11 - 00:09:54:02

Rep 4115. Uh, Miss Staples, I would draw your attention to that in terms of we explained at that hearing in great detail, um, how there will not be construction along the whole of the cable route. At the same time, there will be areas in which working will take place. We discussed and have set out, uh, the accommodation measures that would be put in place for the various landholder landowners. Uh, and It's, it's a it's just incorrect to say that there will be construction for an 10 or 11 year period for this project.

00:09:54:04 - 00:10:25:23

There will be pockets of construction activity taking place in various areas as the projects come forward, uh, which may be, uh, concurrent, or they may be sequential, but there will not be um, the, um, there will not be continual construction during that period. There will also, um, the the gap of um, potential gap between the projects, uh, also gives an opportunity for land to be restored and handed back.

00:10:25:25 - 00:10:34:06

So in fact, the impacts will be less severe. And we've made all those points in our submissions.

00:10:34:09 - 00:10:39:10

Can I just make sure? Was it rep 4115 that you referred to.

00:10:39:22 - 00:10:41:09

Yes, sir. That's correct.

00:10:41:28 - 00:10:58:27

All right. Um, there is, um, something that, uh, you probably looked at already, Miss Staples, but, um, there is a document. Um, do you want to move on to your your second point? Because I think we probably taken that as far as we're going to today.

00:11:00:04 - 00:11:34:26

Thank you. Can I just say one further thing in response? Look, I do understand that not the whole not the whole length will have construction on it, uh, for the whole time. And what I do understand, and there's still an impact, though, is even if one, uh, one set of the cables go forward first and they get constructed, that they might be able to be reinstated before then, the second set of cables for the other developer get. But actually, that farm business then will have one set of cables being constructed. Then then they'll have machinery there doing the reinstatement then.

00:11:34:28 - 00:11:55:00

Okay, let's say they might have a year where nothing's taking place and then exactly in the same field or the same fields in parallel, then the second development will come along the second set of cables in exactly the same place. So it does. It means there is consecutive year after year interference on those farm businesses. That that is my point. Thank you.

00:11:55:02 - 00:12:26:29

Yeah, I think that's appreciated. And I think we also appreciate it that, uh, reinstatement doesn't for a farmer doesn't mean necessarily that, um, you know, he can use those fields immediately. There is a

period when, uh, clearly a delay before the fields become usable again. So I think we, you know, we are understanding that, um, your reinstatement does take some time. Um, but anyway, thanks to that point, um, just to move on to your your next point.

00:12:27:01 - 00:12:27:22

Thank you.

00:12:28:05 - 00:12:58:26

Yeah. My, my next point was in regard to link boxes. Um, and it was, it was just to say that I do feel that the applicants could provide still IL a plan or diagram of what a worse scenario might look like, and where link boxes could end up being located in a field that still hasn't been provided. I know we had a sketch plan of what the link box would look like, you know? Thank you.

00:12:58:28 - 00:13:30:27

That was obviously better than what we'd had before. Um, but we still haven't had. What a worse scenario is. Look, we've there's been loads of schemes built. Everybody knows. So I do think these applicants could could provide that in some way to show so that landowners do start to understand what what could happen. I mean, we all know that they've said they're going to try and make sure there is near field boundaries as possible. Obviously, it does then end up, depending on the length of the cables that go in, that has to be considered as well.

00:13:30:29 - 00:13:58:18

The environmental impact has to be considered. So I know it's not you know, it's not just one factor that ends up, Um, yeah. Showing then where? Where a link box ends up. But but at the moment we don't have any diagram they've made. Yeah. I'm going to say no effort to provide a diagram to show the worst scenario of how link boxes could end up on both schemes, both sets of cables being located within a field. Thank you.

00:13:59:24 - 00:14:37:25

Thank you. And I think this is a point that, um, we were concerned about because, um, uh, in in the reply to our questions, they, they say that, um, the applicants say that, uh, link boxes will be placed as close to peal boundaries as practicable. Um, I think, uh, we were looking for certainly there to be consultation with landowners. Um, uh, about this and a commitment to, uh, um, speak to the landowners and take into account, um, their, their requirements because it would be far better if they were at the field boundaries.

00:14:38:10 - 00:14:44:25

So perhaps you'd come back concerning at that point and also the point the stables has raised. Thank you.

00:14:50:09 - 00:15:00:21

On behalf of the applicants in the outline construction construction method statement, it does state that we will discuss the location of the link boxes and joint base with landowners.

00:15:03:27 - 00:15:07:28

Sorry. Can you just repeat the the document again? I didn't quite catch that.

00:15:08:00 - 00:15:10:16

The outline construction method statement.

00:15:18:22 - 00:15:23:19

And as far as the diagram that Miss Staples was referring to.

00:15:25:10 - 00:15:50:28

Lays down on behalf of the applicants. I think we've also explained that as well as discussing that with the landowners, ultimately, the position of the um of the link boxes is dependent on the engineering design of the cables and where the where the joints need to be between those cables. So to be honest, to put in a document at this stage, setting out where link boxes may be would be

00:15:52:21 - 00:16:23:01

pretty meaningless in terms of actually what the position is going to be, because it is going to be subject to detailed design. We've provided an indication as to the size and the and the the those the size of those link boxes. Sorry. Um, we've committed at paragraph 1.1, 5.1.2 of the onshore construction method statement that they will be positioned as close to field boundaries as possible. And as we've suggested that that will there will be consultation with landowners.

00:16:23:03 - 00:16:39:21

That is, to be honest, more than I've seen in a number of of this type of project. And we think it is adequate in terms of securing that engagement with landowners and ensuring that where we can. Those are placed as close to field boundaries as possible.

00:16:40:18 - 00:16:44:19

Yeah. Can I just ask you to repeat that paragraph number again? Sorry, I didn't quite catch you.

00:16:44:21 - 00:16:56:28

Uh, 1.15. .1.2. And the document is rep 5-116. The onshore. The onshore. Outline construction method statement.

00:16:57:11 - 00:17:04:17

Thank you. Um, Miss Staples, back to you. Do you want to come back on that point or move on to your your your next point?

00:17:04:21 - 00:17:39:23

Thank you. Now, I wanted to just come back on that point. So look, I completely understand. I'm not asking for what might happen specifically on a farm on this scheme. I was asking for more of a. Yeah, a diagram of what can happen. Um, and that's what I think isn't being provided. Um, and I do understand that they've said to landowners that they will go and, uh, speak to them once, once there is detailed design. But I also know from other schemes, once we get to that stage, what will influence then where link boxes end up? Is the length of those cables.

00:17:39:26 - 00:17:48:08

And actually, even if a farmer then says we'd really like it in the field boundary over there, it really doesn't happen. Thank you.

00:17:50:20 - 00:17:54:06

I think you probably already answered that. I don't know if you want to say anything else.

00:17:55:14 - 00:17:57:05

No further comment. Thanks.

00:17:58:00 - 00:18:00:14

Okay. Thank you, Miss Staples. Moving on.

00:18:00:20 - 00:18:03:14

Uh, actually. That's it. I'm not going to raise anything else. Thank you.

00:18:03:18 - 00:18:08:16

Was it was there. Sorry. Decommissioning. I think you mentioned you might be raising.

00:18:08:18 - 00:18:35:14

Uh, well, I have the only thing I was going to mention, it was just a small thing on decommissioning was. I do know that it's been agreed now in the voluntary agreements, um, about any infrastructure that that is there from the ground surface to 0.9 will be removed. What I had asked was, could that be stated somewhere within the DCO? Um, but I know at the moment that that hasn't been agreed, that that could be stated somewhere within the DCO.

00:18:38:24 - 00:18:40:07

Do you like to just come back on?

00:18:40:09 - 00:19:21:13

Actually, said Lasdun, on behalf of the applicants, there was a point that I did want to raise. Going back on the, um, point around link boxes, um, we'll have an update on heads of terms in respect of the cable corridor tomorrow, and things are progressing very well. Um, it's also worth noting that these points around link boxes are not being raised in the dialogue that we're having with landowners individually about the terms. So this is a matter that Miss Staples is raising, but it's not something that's being reflected in the discussions that we are having specifically with landowners who, on that basis, appear to be comfortable with the approach that the applicants are taking.

00:19:21:26 - 00:19:35:00

Um, I'll just come back on the, uh, the other point around, um, decommissioning, I think, as we've agreed, those matters are dealt with in the. In the voluntary agreement. Thank you.

00:19:41:09 - 00:19:48:10

Have you had any feedback from from farmers about their Ms. staples about the voluntary agreements covering decommissioning?

00:19:48:21 - 00:20:19:19

Um, yes. Yes, I know that that that's why I've said that. So it was just I was wanting it just to be further clarified in the DCO as well. But I could see that that's not um, they're not willing to bring that forward. Um, and then secondly, I just wanted to respond to, um, Liz Dunn's, uh, about about, uh, agents not raising about link boxes. I know they're not raising about Linc boxes. They've basically given up so and said that they're not getting any further information and they're just being told it's not possible until further design.

00:20:20:11 - 00:20:21:05

Thank you.

00:20:21:12 - 00:20:28:08

Yeah, I think we accept that. I mean, just going back to the decommissioning point, is there any reason why this can't be included in the DCO.

00:20:31:15 - 00:20:56:14

Is done on behalf of the applicants. Um, this is the point. Sorry, I've slightly lost the thread of which point it was that was being secured. It's about, um, committing to a minimum to decommissioning equipment to actually miss locals. Could you just repeat what it is you are seeking? Because I think we've had discussion at a high level about this. I'm not. What is this?

00:20:56:18 - 00:21:24:00

So I know in the voluntary heads terms it has been agreed. And thank you for this, um, that the infrastructure from like surface of the ground, ground surface down to 0.9, if the scheme is decommissioned, that infrastructure will be removed and that that's definitely been agreed and voluntary agreements I was just requesting. Could that have been stated in the decommissioning, um, area where decommissioning is covered in the DCO? Could that have been stated there?

00:21:25:24 - 00:21:51:00

Lasdun. On behalf of the applicants, we think it is appropriate that that is done in agreement with the landowners they may want. They may not want it removed. They may. And to have a specific requirement in the DCO that specifies it has to be removed. Well, ultimately, um, a cut across any position with the landowners. So as on other projects, we think it's entirely appropriate to be dealing with that through the voluntary agreement.

00:21:53:05 - 00:22:04:29

Okay. Well, we we might pick that up further, um, later when we have the discussion on the DCO this afternoon. Um, but, uh, is there anything else you want to mention? Miss staples?

00:22:05:02 - 00:22:07:27

No. Thank you. They were the main three points. Thank you very much.

00:22:08:05 - 00:22:13:17

I'm sorry. Did the applicant. Yeah. The applicant just wants to just hang on a moment. Yeah, there's a bit more.

00:22:13:23 - 00:22:38:28

Sorry. Ellie Dakin, on behalf of the applicant. Um, commitment 36, in the application does state that where evidenced. Um, that leaving the ground infrastructure will cause disruption to the farming practices. The applicants will seek to remove this where feasible. So I think it's part of that ongoing discussion and talking to the landowners about it at the time of decommissioning. Um, so that is a commitment. And they're already commitment.

00:22:39:00 - 00:22:47:20

36 uh, thank you for that. Yeah, we may well pick up on this afternoon. Is that commitment secured.

00:22:47:28 - 00:22:51:09

In a management plan or somewhere?

00:22:55:24 - 00:22:59:18

I think it's in the code of construction practice, but we can confirm on that point.

00:23:04:26 - 00:23:07:12

All right. Thank you. That and thank you for joining us, Miss Staples.

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

Thank you very.

00:23:08:01 - 00:23:20:06

Much. Very useful. Does anybody else in the room or virtually. Yes. It's, um, Miss Myerscough, I think from, um, wants to make a point. Just introduce yourself, please.

00:23:20:08 - 00:23:20:23

Hello?

00:23:20:25 - 00:23:21:26

Jackie myerscough. go.

00:23:21:28 - 00:23:23:18

Um, representing.

00:23:23:20 - 00:23:55:10

Myself and my siblings Julia Warlock and Jackie Drumm. Kirkham. Farmers, landowners affected by this project. Um, as I stated before, the major, it has a major impact on our arable farm, with the cable route dissecting five out of the eight fields and a further two required for the mitigation area. Um, an issue that I want to focus on today is the drainage, which is a significant worry to us.

00:23:55:18 - 00:24:31:22

The depth of the cable trenches are going to run, um, and the cable route is going to run at right angles to the existing drainage land drainage that's in place. Um, there has we have had discussions with the applicant, but there has also been um, we've not had any further information with regards to an inspection and site visits by a drainage project. Drainage consultants that have um engaged with us with regards to the land drainage.

00:24:32:04 - 00:25:05:19

Um, we're requesting really that the trenches and the cables are laid. Um, no less than 2.5m below the ground level so that they don't interrupt the, the existing drain, um, Drake land drainage or requesting that the Planning Inspectorate impose conditions that the drainage is not compromised or that it is being stated during the construction process.

00:25:06:27 - 00:25:20:02

Thank for that. And I think this was something that, um, Mr. Kirkham, your brother, um, mentioned when we did the, um, accompanied site inspection. Um, I don't know if the applicants want to come back. concerning that.

00:25:24:27 - 00:26:04:10

Paul Olsen, on behalf of the applicant, um, there is an ongoing drainage survey, uh, progressing through the cable corridor route. Um, and they will be in touch with you in due course. Um, it is ongoing at the moment. Um, that drainage survey, um, is to basically understand the drainage situation on your land. Um, with a view to drawing up pre-construction and post construction drainage requirements to ensure that you have a fully functioning system during the construction works, and that you are left with a fully functioning drainage system, at least as good as what you've got, if not hopefully better than what you've got.

00:26:04:22 - 00:26:37:20

Uh, take on board, uh, what you're saying about the cable, sorry, your drainage depth. Um, that will be very much considered in the, uh, detailed posts and, uh, pre and post content drainage system design. Um, as I say, to ensure that you've got something that continues to function during the construction phase and continues to function after the construction is complete. Uh, and that's going to inform Y. It will also inform into the cable design itself where required.

00:26:37:25 - 00:26:52:02

So it's it's it's not something I can give you assurances on at the moment because I haven't got the, the information to hand yet until they've completed that survey. But it will very, very much be factored in to, to be bespoke to your particular situation.

00:26:52:26 - 00:26:53:19

Thank you.

00:26:55:06 - 00:27:08:18

Uh, can I just add something that is done on behalf of the applicants? This is covered in, uh, by commitment 84 and the Outline Code of Construction Practice. If you haven't had a look at that document, could.

00:27:08:20 - 00:27:09:20

You repeat that, please?

00:27:09:22 - 00:27:42:17

So so it's commitment 84 which is set out in the Commitments Register and the Outline Code of Construction Practice, which is secured through a requirement of the Development Consent Order. Um, the commitment says that the that outline code of construction practice has been prepared and submitted that will be detailed codes for each stage of the projects that's taken forward and in order to manage impacts to field drainage, the outline code of construction practice.

00:27:42:19 - 00:28:14:00

So for each particular section of the cable that's brought forward or, or, um, stage of the works that's done field, it says that field drainage plans will be developed in consultation with the relevant landowners. Um, additional field drainage will be installed when identified where identified in that field drainage plan to ensure the existing drainage of land is maintained during and after construction. Uh, so there is a process that is set in terms of that, um, as, as Mr.

00:28:14:02 - 00:28:48:12

Elson has said, around that understanding of the drainage that is there that you have on site at the moment and then how the works will interact with that, the provision of temporary drainage, if it's needed during the construction period and then the reinstatement of that drainage post consent. And I think in the in the applicant's experience, often the reinstallation of that drainage actually is more beneficial in terms of bringing things back, but it will be ensuring that the drainage is at least as good as it is now following the end of construction.

00:28:48:26 - 00:29:06:19

And those matters are all secured in those outline documents and the um, and the development consent order. So the code of construction practice is rep 5044, and it's secured by requirement eight of the Draft Development Consent Order.

00:29:13:23 - 00:29:21:19

Thank you for that. Miss Moscow, did you want to? Sorry. Looking around the camera, is there anything else you want to say?

00:29:22:01 - 00:29:55:10

Yeah. The only other issue was the mitigation area that, um, that, um, is another concern, that it could be that the land could be blighted, um, for an extended period beyond the time of the project. Um, because they're going to, um, develop scrapes for the pink footed geese. Um, we're concerned about reedbeds that may well develop and things like that on the land.

00:29:57:16 - 00:30:09:24

Um, and we, we, you know, we want it reinstated to its full agricultural condition post, um, post project. Really?

00:30:11:24 - 00:30:20:08

When you say reinstatement, I mean, how long from a working farm is that likely to be before you can use those fields again?

00:30:21:14 - 00:30:31:18

Um, my brother's the farmer in isn't here today. Um, what? My father obviously has farmed the land before my brother so.

00:30:32:02 - 00:30:34:08

I could take anytime, couldn't it?

00:30:39:12 - 00:30:41:23

Would you like to respond at all? The applicants?

00:30:43:04 - 00:30:43:19

Yes.

00:30:43:21 - 00:31:19:21

Julia Tindale, on behalf of the applicants. Um, yeah. Totally appreciate those concerns. Um, we would anticipate that, um, that where the scrapes are created, that would have to be covered within the soil management plan, which we obviously have the documentation, it's outline at the moment, but that would cover those that sort of area where we would be looking obviously to to reinstate the land. And it's covered with, with best practice methods. Plus, there would be a period of aftercare where obviously we would be looking to bring it back into into that production and get it back onto your onto your farm as soon as we could.

00:31:19:23 - 00:31:23:25

Yeah. So it's covered within the outline soil management plan for the restoration of that.

00:31:25:29 - 00:31:28:29

Thank you, Miss Moscow. Anything else?

00:31:32:23 - 00:31:37:09

Does anybody else want to raise anything on agricultural matters?

00:31:41:19 - 00:31:49:13

So the applicant want to come back a tool? Oh, sorry. Louise Staples, I think. Um, do you want to come back? Miss staples?

00:31:49:15 - 00:32:18:29

Sorry. Thank you. Louise Staples for the NFU. Um, I just wanted to confirm that, uh, yes. What's been said in regard to drainage, um, was correct. And that we have agreed that wording that has gone into that, um, that document, um, that's been referred to, which is the outline construction method statement. Um, and that's now been agreed within the um statement of common ground with the NFU as well. So just to confirm. Thank you.

00:32:19:17 - 00:32:33:29

That's really helpful. Um, thank you for your contribution. So unless anyone's got to say anything else and I don't think there are any hands. Oh, yes, there is a hand up. Sorry about that, I missed you. Please, can you introduce yourself and make your contribution? Thank you.

00:32:36:08 - 00:33:07:25

Okay. It's Keith McGee from parish councils. Um, as a integration engineer of some standing for for a long, long time, one of the things that becomes very clear from this, you're going to need extremely tight configuration control on both the design and the subsequent build to ensure that you are capable of actually building the second one without interfering with the first one, because obviously, what will actually get built would be slightly different from the design always is.

00:33:08:18 - 00:33:38:28

So there is a problem that you're going to have to overcome with that, because that may affect the access for the second one when they come. And I think the other thing that it makes me think is that this technique is very appropriate for cityscapes. It doesn't seem to work quite in a traditional English countryside where the fields are random shape and size. You do wonder about the appropriateness of the methods that's been used. Thank you.

00:33:40:21 - 00:33:47:06

Yes. Thank you. And it's useful to hear from someone with firsthand experience, but I don't think there's any.

00:33:47:08 - 00:34:02:00

Point done on behalf of the applicants just before. Mr. Olson, I'm not entirely sure which technique it is that's being referred to here in terms of it not being appropriate. Could could you clarify what you would what you meant by the technique?

00:34:02:26 - 00:34:18:07

I think it was just a general comment. I'm not sure we want to get into a detailed discussion on this, and I think the applicants are, you know, are more than aware that there are some construction difficulties. Um, do you want to come back, sir? I mean, you've made your point.

00:34:28:23 - 00:34:39:01

If you're using a shop floor built, um, construction technique where they're all standard lengths and standard joints, you're going to have a problem when you apply it in a British field.

00:34:39:22 - 00:34:51:13

As as the gentleman says. I think it is a general point, and I'm sure the people involved in the construction are well aware of the, of the issue. So you can come back if you want, but I'm not expecting you to.

00:34:51:18 - 00:35:22:04

Uh, no, it's exactly that. It's it's this isn't a, um, a want a one stop shop, one fits all scenario. It's quite the opposite. It's bespoke to the to the to the terrain that you're going through. The other point that the gentleman raised was, uh, yes, it is, it is, um, it does need to be considered that if one scheme goes first, followed by the other scheme, how does the drainage look for that? Uh, so the second scheme isn't carving through the drains that you put in to cope for the first scheme.

00:35:22:09 - 00:35:51:25

That is something we've tasked our drainage consultants to do, to be able to come back to us with the report that, um, if Morgan went first, what would what the drainage, uh, have to look like, uh, to, to enable Morgan to follow and vice versa. Or if it was delivered concurrently, um, by but by my own ambition. That's, that's a, that's that's quite a task which is going to take a little while to get some detailed design following further consultation with, uh, people like the Kirkham etc.. But it's acknowledged.

00:35:55:22 - 00:36:11:23

That thank you for that. I don't think we need to explore that point any further for, for for the moment. So unless anyone else has got to raise anything, we'll move on to the next item on the agenda, which is aviation. So moving on to this.

00:36:11:25 - 00:36:14:14

Sir, could we have a moment just to move people around?

00:36:14:19 - 00:36:16:08

Yeah. Sorry. Of course.

00:36:28:26 - 00:36:34:27

Sorry. We've got a squeaking desk situation here which is causing a few issues, so bear with us.

00:37:03:27 - 00:37:10:00

Right. Well, we think the, uh, the WD 40 fix that, um, that squeaking issue.

00:37:12:04 - 00:37:58:19

Right. The panel lead seems to be more comfortable moving on to, um, aviation. Um, I mean, obviously, this has received considerable discussion in, uh, in our earlier hearings. Um, and just to remind everyone, the primary policy provision is at paragraph five. 541. Uh, of the MPs SN1 uh, which specifically refers to bird, bird strike risk. Um, it provides it is therefore important that infrastructure, buildings and other elements from energy installations as well as environmental mitigation are designed in such a way so as not to increase the bird strike risk to the airport for developments within 13km.

00:37:59:22 - 00:38:30:28

The applicants have submitted the bird strike policy. Note that's rep 5133, uh, in which they say there is no residual bird strike impact to Warton Aerodrome. Um, so moving on. There was, um, a meeting on Monday the 15th of September, um, between the applicants BA and the Ministry of Defence. Dio. Um, perhaps we could hear from BA, Mr.

00:38:31:00 - 00:38:51:19

Forshaw. See, you're with us again. Um, perhaps, um, let us know how that meeting went and if that has, um, met any of your met your concerns at all? Thank you. Uh, good. Good morning. Uh, Paul Foster, on behalf of BA systems. Um, we've had a couple of meetings, um.

00:38:51:21 - 00:39:22:24

With the applicants and the Dio. Um, but in the run up to deadline five and shortly after. I think the meetings have been, uh, positive in terms of, um, a strategy for progressing, uh, this issue, um, where we're currently at at the moment is that the Dio, um, have taken away the, um, wildlife attractants, habitat risk assessment. Um, and that's with their, their subject matter experts. So they're technical experts who are currently reviewing that.

00:39:22:26 - 00:39:32:12

Um, and we have another meeting with the applicants next week where we all feedback comments on that. And then subsequently they'll be fed into the examination at deadline six.

00:39:38:19 - 00:39:58:10

Right. Um, there was a reference to a commercial agreement. Um, so you can let us know where that's referred to in paragraph one, two, three, eight, uh, of of the, um, latest submission. What's the latest on the commercial agreement?

00:39:58:24 - 00:40:05:04

Good morning sir. Samantha Grange for BA systems. Um, there are sort of broader commercial.

00:40:05:06 - 00:40:06:05

Conversations going.

00:40:06:07 - 00:40:07:08

On between the.

00:40:07:10 - 00:40:09:02

Applicants and BA.

00:40:09:04 - 00:40:13:00

Systems. Um, in terms of the mitigations.

00:40:13:02 - 00:40:13:17

Generally that.

00:40:13:19 - 00:40:44:28

Will be needed at Warton Aerodrome, both for the generating assets and also the transmission assets. Negotiations haven't sort of started proper in terms of those commercial agreements and the terms of them, because they are wrapped up in the need for the non-disclosure agreements to be in place. Negotiations on the non-disclosure agreements are ongoing. And where I think all parties, there's a small number of items that are outstanding between the parties.

00:40:45:00 - 00:41:16:07

And I think both sides are pushing to try to get agreed documents in place by the end of this month. It wouldn't necessarily I we can't I don't think, commit to say that that particular matter will be dealt with within the confines of this examination. And but I think that is a broader commercial issue. And the specific point around bird strike and the information required for that isn't necessarily dependent on the NDAs being concluded.

00:41:16:09 - 00:41:48:18

And that is because there are various pathways, um, in accordance with which the bird strike risk assessment could be undertaken. When we have a robust attractants assessment to work with. That's still an outstanding point for discussion and decision between the applicants and BA in terms of who undertakes that, that risk assessment. But what we're clear on is that we can't do that until we have a robust, um, attractants assessment to feed into the risk assessment.

00:41:51:19 - 00:42:05:12

I think there was reference previously to um, and the commercial agreement would also cover this. The, you know, the, the costs of BA that were involved. Has there been progress in relation to that.

00:42:07:11 - 00:42:26:00

In terms of a commercial agreement documenting that and the cost position? Um, no, we don't have a commercial agreement in place. However, we are in a situation where undertakings have been given, um, by the applicant to cover certain of base costs, but not the totality.

00:42:28:27 - 00:43:06:13

So lays down on behalf of the applicants, can I just come in on that point? Just to reiterate, um, something that's been said that the commercial agreements that are referenced in paragraph one, point two, .3.8 of the applicant's, uh, note that was submitted at deadline five, it's annex 5.3 to the response to the examining authority questions. The reference to the commercial agreement there is is um. As has been said, the the commercial agreement that covers base costs in respect of implementing those measures that are agreed further down the line.

00:43:06:21 - 00:43:32:08

Um, as has been said, they are linked to the, um, the commercial agreements that are needed to cover the costs of BA systems in respect to the generation assets as well. And they are not necessary matters. I think it's agreed that need to be in place at this point, or indeed before the Secretary of State's decision, uh, to, uh, to, to secure or satisfied base position.

00:43:35:21 - 00:44:07:15

Um, thank you for that. Um, I mean, at the heart of this is the applicant's, um, assertion that there's no residual bird strike impact to Warton open air drome. Um, and what is BA's position in relation to to that? You say, Mister Forshaw, you're waiting to hear from the Dio. Um, but that is the sort of pivotal point here, uh, as to whether or not you can, you can go along with what the applicant is saying in that respect.

00:44:07:17 - 00:44:13:17

So perhaps you could comment on that, or perhaps you can't comment on that. Perhaps there's no. Anyway.

00:44:14:15 - 00:44:59:03

Samantha Grange for BA systems. Um, BA systems position is that at this stage we can't we simply don't know whether or not there are going to be residual impacts. So to that extent, we can't agree with the applicant statement in their policy note. Um, as you say, we are awaiting feedback from Dio and

their subject matter specialists on the attractants work that has been done to date. When we have a robust attractants assessment, it will be necessary for a bird strike risk assessment to be undertaken specifically for Wharton, and only then, when we know the outcome of that bird strike risk assessment, and if there is mitigation available, that can address the risks identified as to what the policy position would be.

00:44:59:08 - 00:45:04:05

So at the moment, it's it's an outstanding matter for BAE systems.

00:45:06:11 - 00:45:27:27

And I mean the bird strike um note does suggest mitigation. Um is it Bayes. Have there any thoughts as to whether or not the mitigation that's, that's being suggested with this requirement? 27 whether that gets us forward at all.

00:45:31:14 - 00:46:04:26

It's the ninth grade for BA systems. I think it's fair to say that the mitigations that are currently being discussed are moving us in the right direction. Um, but obviously absent a bird strike risk assessment, um, against which to check those mitigation proposals. Um, we know that there is a gap there that needs to be plugged. Um, and we're in the process of, um, moving towards what would we hope would be a position of certainty in that regard.

00:46:04:28 - 00:46:08:18

But at the moment, we're we're simply not we're not at that stage.

00:46:10:18 - 00:46:41:01

I note that, but as we were saying yesterday, we've got we've got three weeks left of a of a six month examination. Um, and the applicants have come forward in, in their, in their latest note with a requirement and it is requirement 27. I think there's 1 or 2 gremlins in the note. Um, that that need um, picking up. But they have come forward with this, this this new requirement. Um, and and can I press you as to what's your, you know.

00:46:41:03 - 00:46:43:17

Does that get us any further forward.

00:46:46:00 - 00:47:16:01

Samantha Grange for B.A. systems. In terms of the requirement wording, um, we're broadly content with the requirement wording. Um, there is an ongoing exchange with the applicants around the detailed drafting of it. Um, whether we touch upon that now or whether that's perhaps addressed in the later DCO session. Um, is a matter for you, sir, but I think there are some tweaks. There are some changes required to the requirement to to get VA systems entirely content with it.

00:47:16:03 - 00:47:58:20

And obviously, we would also need to get the views of the Dio as to whether or not they are content with that wording. Um, but yes, it certainly does move us forward to a in a in a positive direction towards getting comfortable. But I think in terms of the three outstanding or the key things that we think that still need to be sort of ticked off in terms of this issue, are the attractants assessment. Um,

making sure that is as robust as it can be. And as I say, the key requirement there is to get the feedback from Dio and their subject matter specialist, which we're anticipating will be received within the next week or so, so that we can provide a detailed update at deadline six.

00:47:59:12 - 00:48:35:26

The next sort of key building block is the risk assessment for Warton Aerodrome itself. That will need to be undertaken. And as I say, there is an ongoing discussion as to who is best placed to undertake that assessment. Armed with the attractants work. And then the third key item is agreeing the wording for um, the draft requirement requirement 27. Um, and as I've said, there is an active exchange of correspondence between ourselves and the applicant as to what that wording should be. And we would again hope to be in a position to confirm progress on an agreement with that at deadline six.

00:48:38:26 - 00:49:09:06

Yeah, I hear, I hear that, but at the moment, both BA and the Dio mod, um, are objecting to this application. Um, and, uh, I think we, we hoped that the position would have been resolved by the end of the examination. Um, I would urge you to have that discussion. Um, uh, later this morning with the applicant's, um, you know, the you're all in the room.

00:49:09:17 - 00:49:42:18

Um, so that it could perhaps be picked up later. Um, this afternoon, when we talk about the, um, the DCO. Um, but, you know, I think at the very least, we want to know during the next three weeks whether or not requirement 27 is is a runner as far as the BA is concerned because, uh, it's it's, um, you know, a detailed policy note that we, we've had submitted to the application. It does seem to get us, um, forward to some extent.

00:49:43:00 - 00:49:56:00

Um, and I think we would like to hear from BA. Certainly. Well, it'd be great if we could hear from them today, but, but, but certainly during the examination as to whether or not, um, this gets us to an acceptable position.

00:49:57:28 - 00:50:29:09

Samantha Grange for BA systems. Um, I think we take we hear that point, Sarah, and we take it we'll take it away with this. Certainly in terms of, um, the wording of requirement 27, um, we should be in a position within the confines of the examination to come to a settled view on that as to whether or not, um, the wording is agreed and it's fit for purpose in terms of the broader question around BA and the MoD's objection to this scheme.

00:50:29:14 - 00:51:12:01

Um, I don't see us being in a position whereby I'm speaking sort of slightly, um, for the mod, which obviously I'm not here to. I'm not here to do. And their view will have to be sought separately outside of the examination. But certainly from Bayes perspective, they're not going to be in a position to remove an objection until a bird strike risk assessment has been undertaken. Um, and we are satisfied that the mitigation measures set out within the hazard management plan are able to are adequate, are sufficient to address the residual well, are able to address the impacts identified such that the residual risk is something that doesn't compromise aviation safety.

00:51:15:01 - 00:51:37:23

Just just to push you a little bit further on that, um, I think BA have said at an earlier submission, um, that they didn't consider that any mitigation would be possible. Um, is that still the position or are you now suggesting that, yes, with mitigation provided it's the right mitigation, they might be a way forward.

00:51:48:01 - 00:52:23:07

Samantha Grange for BAE systems. I don't think it's a position that, um, there is no mitigation that is going to be available to address the bird strike risk. Um, if that is what has been understood from previous submissions, then I then I think that's a misunderstanding of Bayes position. Um, Bayes position is that until a bird strike risk assessment has been undertaken, we can't confirm whether or not there is mitigation suitable mitigation available to address that risk.

00:52:23:09 - 00:52:40:17

We need to understand the risk in the first instance to know firstly if there is mitigation available and secondly, what the extent of those measures would need to be to bring the risk down, or to reduce the risk to an acceptable level.

00:52:43:11 - 00:53:00:09

I think that's, um, helpful analysis. Um, and, and summarised the BA positions. I think I understand that I'm done. Would you like to come back on on or sort of one of your team come back on, on on those points. Thank you. Certainly.

00:53:00:12 - 00:53:36:03

Phil Williamson on behalf of the applicants. Um, just in response to the initial point about the necessity for a bird strike risk assessment and progress that you were alluding to. I'd just like to highlight that in rep 5161, which was Bayes response to the examining authority questions. They do state that whilst BA systems must reserve its position until that aforesaid work is undertaken, it is considered unlikely that there will be an unacceptable risk to or interference with operations at Warton Aerodrome and the aerodromes ability to perform its defence role provided appropriate mitigations.

00:53:36:05 - 00:53:54:19

Mitigation measures can be identified and put in place the work that the applicants have undertaken, specifically with Blackpool Airport, where we have illustrated the process from its outset to its conclusion, I think very strongly demonstrates that mitigation measures can be identified and put in place.

00:53:54:21 - 00:54:00:02

The journey we want to hear about Blackpool Airport, we want to concentrate on this, so please don't go down that road again.

00:54:02:13 - 00:54:33:00

Phil Williamson, on behalf of the applicants, the point I was trying to make about Blackpool Airport is that it's a process. This has always been a process, as we have stated from the outset. And that process starts us from an objection, which is where Blackpool Airport sat initially, taking them through the attractants work and working collaboratively with them, as we have been doing with Mod, and by

agreeing that attractants work and then undertaking that bird strike risk assessment as the final, concluding as a bit of a top, putting that in the box. Tying the ribbon over that.

00:54:33:02 - 00:55:03:03

The attractants work, as alluded to in Miss Granger's initial statement, is the fundamental aspect to the aviation understanding of the aviation risk. We've demonstrated that robustly through our process with Blackpool Airport, and we can demonstrate that again through our engagement with BA and Mod. I'd just like to give some context around the number of meetings and the collaboration that we have had with BA. Um, I think Mr. Forshaw slightly underplayed that.

00:55:03:05 - 00:55:34:00

A couple of meetings have happened in total since the 28th of August. We have had eight meetings with BA and the Dio. Um, sometimes combined, sometimes separately. Um, the applicants directly engage with Dio Dio on the 8th of September and presented the outline the wildlife habitat, wildlife attractants, habitat risk assessment on the 15th of September, where Dio verbally indicated that this process is very normal to them, and they expect this to be able to be resolved before the close of examination.

00:55:34:20 - 00:56:04:16

We are in the process, as alluded to. Bye bye bye. Of agreeing the attractants work with BA and via Dio's a topic specialists. We expect to receive that feedback next week. We have a meeting in the diary with BA and Dio at the end of next week, and we fully expect to be able to address all of those comments in that we can demonstrate that a robust Attractants risk assessment can be submitted into examination at deadline six.

00:56:11:03 - 00:56:34:21

Bill Williamson, one of the applicants and finally on the requirement as as was stated by Miss Grange, we have had the comments from from BA very recently on that requirement. We would like to work through that with BA, and that only came in very recently. We need to work through that and provide a response on that. Regardless, we do expect that to be discussed next week, and we do expect that to be resolved by deadline. Six.

00:56:41:15 - 00:57:15:25

Thank you very much for that. Um, I mean, I hearing that response, I think the ball is very much in Bayes court. Um, uh, for, for, for for this um, N1 does emphasize the need to work collaboratively. Um, and hearing the applicant's position and looking at, um bird strike policy. Note rep 5133. Um, they have come forward with, um, a suggestion, a position which would be safeguarded.

00:57:16:09 - 00:57:55:18

Um, in in the documentation. Um, so, um, I do accept what you're saying about the efforts that the applicants have made. Um. And I would urge by again to have a meeting today, this afternoon. Um, and certainly over the next couple of weeks to, to, um, to try and resolve this, um, because, as I say, there is at the moment a policy note before us, um, and a suggestion, uh, with the requirement 27, which, um, does seem to, um, provide a way forward, at least for this examination.

00:57:56:03 - 00:58:27:15

Um, so that we can, uh, give a report to the Secretary of State. Um, but I am minded. I'm also thinking that it does look as though these objections are going to be outstanding. Um, at the at the end of the examination. Uh, and that's therefore something that we'll need to deal with in the report, uh, to the, to the Secretary of State. Um, and I'm not sure if, um, the applicants can give us any guidance as to what we might be thinking as far as that's concerned.

00:58:28:15 - 00:59:02:12

Phil Williamson, on behalf of the applicants, says, I just wanted to make a, um, just let you know that we have agreed with BA and Dio that we will add policy into the statement of common ground, so we will make it very explicit within the statement of common ground. Um, so the other update is that Dio will will also be added to that statement of common ground, and that we will, at the very least, be very clear where the applicant's position is and where BA and Dio's position is in relation to policy compliance.

00:59:03:20 - 00:59:49:07

Uh, so let's turn on behalf of the applicants. Uh, probably a useful point. I know you didn't want to talk much about Blackpool Airport, but there is a joint policy note agreed between the applicants and Blackpool Airport, which confirms that the approach the applicants have taken are in respect of not just the engagement with the airport, but also in respect of bird strike meets the relevant policy requirements. And that will be submitted at deadline six. I think that was the agreement in respect of that point. I think there's just one other sort of observation, maybe to, um, to put in, um, which is that you may be aware that on both the Mona and the Morgan generation decisions, the objections from BA were still outstanding.

00:59:49:09 - 01:00:21:07

At the point of the Secretary of State's decision, the Secretary of State took a view on the wording of the requirement, but those objections hadn't been withdrawn by BA at the end of the at the Secretary of State's decision point. I appreciate it's not a point anybody needs to be or wants to be at. Um, but I think it does demonstrate that, um, sometimes there is an agreed way forward, although perhaps technically from a party's position, they still feel they can't withdraw withdraw an objection on that basis.

01:00:21:21 - 01:00:46:19

Yeah, I obviously we we are aware of that position is a bit different here because of the proximity to the airport. Um, you know, it's a lot closer than, than the offshore wind farms. And I think there were different considerations for the offshore. But I take the point, uh, and, and, um, but, you know, from the, from what I've been saying, you, you will get the feeling for how we're looking at this. Um,

01:00:48:08 - 01:01:22:09

I'll ask BA in a moment if they want to come back at all. But as far as Fylde are concerned, um, obviously you've got your policy T2, um, and you've been maintaining throughout that, um, uh, that, uh, there is a possible breach of that. Um, now it is local plan policy and, and, um, uh, obviously we we got the, N1, but I don't know if you want to say anything further.

01:01:22:11 - 01:01:27:26

Mr. Capstick, I see you've joined us today, so welcome. Uh, do you want to say anything on that at all?

01:01:36:03 - 01:01:41:26

Good morning, Fylde Borough Council. Um, yes. Our position remains the same.

01:01:41:28 - 01:02:17:10

Um, we've we've made, um, submissions that explain, um, that the policy context. Um, obviously we, um, rely upon, um, by in terms of their assessment of this, uh, in understanding whether or not there may be an issue. Um, with regards to that policy. Um, it is something that we will continue to obviously monitor any progress that's made between the parties. Um, but our position, um, obviously, I mean, it appears that resolution won't be reached during the examination.

01:02:17:12 - 01:03:01:12

So it is likely, therefore, that our position will be that we will have to comment that we consider that the requirements of the policy have not been met. Um, and we we expect to set that out in our closing statement. Obviously, we would welcome progress being made. Um, but it seems likely that the issue will remain. It is a significant issue as well. Obviously, they are responsible and have their own kind of responsibility and requirements. But, um, as a major employer in that area, it is of significant importance to Fylde Borough Council to ensure that its operation, um, is protected and there are important strategic kind of economic and employment objectives that are met and by that site.

01:03:01:14 - 01:03:15:10

And we also note comments from residents, um, around concerns about safety as well. And although that doesn't have as clearly linked to our policy, it is of course covered in on one. Thank you.

01:03:16:11 - 01:03:31:08

Thank you for for for. For that. Um, and I think that sort of returns to Bay. You've heard the applicants response. You've heard what filed is saying. Um, I'm not sure if there's anything you want to add to what's what's been mentioned before.

01:03:31:26 - 01:04:04:12

Uh, Samantha Grange would be a systems. We don't we don't necessarily need to add anything, but just just to confirm we will continue to work collaboratively with the applicants. Um, within the time remaining before deadline six and the close of the examination to agree the requirement wording and to get to a position where we're content and that we have a robust, um, attractants risk assessment that can then be fed into the bird strike risk assessment. Um, just to concur with, um, with what the applicant said regarding the statement of common ground.

01:04:04:21 - 01:04:41:21

Um, we will be including, um, and liaising with the applicants on the policy position. Um, and the statements within that statement of common ground, so that the position of the respective parties is clear, um, on those policy points. Um, and just a point, really to pick up on, um, on the Blackpool Airport policy position. Obviously, we know that that Blackpool Airport and the applicants have agreed a policy position, but we would say that we can distinguish ourselves by in that regard because

we don't we're not at the process we're going through, obviously, is at a slightly different stage to where Blackpool Airport have ended up.

01:04:41:23 - 01:04:50:19

They have the results of their strike risk assessment and we don't have that yet. Hence, you know, we're not in a position to be exactly comparable with Blackpool.

01:04:52:09 - 01:05:23:24

Thank you for that. Um, and I think it's, uh, paragraph five, five, four of the, um, uh, MSN one, which, um, uh, says it is essential that new energy infrastructure is developed collaboratively. Um, and, and certainly from I think what we've seen today that that, that that does seem to be the case. And the applicants have, have, um, made quite an effort. Um. It's done. Is there anything you want to add? Sorry.

01:05:24:07 - 01:05:56:15

Uh, Phil Williamson, on behalf of the applicants. Just, um, just a minor clarification that the applicants and I think that's echoed by what the a have said, do expect this to be resolved by the end of examination in terms of its satisfaction of policy compliance? As I said, we we do intend to agree the wording of the requirement, and we do intend to provide the robust Wildlife Attractants risk assessment to be adequate and also submission into examination. So we believe that it will those matters will be resolved. That will allow the Secretary of State to to make a determination.

01:05:58:20 - 01:06:29:12

Thank for that. I mean, this is obviously an important issue. Um, in terms of, uh, how it relates to critical need. Um, and that's why we're very, very keen to try and get a resolution of this. Um, but it does seem as though progress is, is is being made. Um, and, uh, thank you for that. And hopefully you can have discussions, uh, perhaps during, during the course of today.

01:06:29:14 - 01:06:49:13

Um, and certainly, um, we would hope that by, by the end of the examination, we, we've got a more settled position that we can include in, in, in our report. But thank you for, um, for the efforts that you've made in, in recent months. Um, I think Mister Cliff has got a question.

01:06:51:00 - 01:06:51:23

Thank you.

01:06:51:25 - 01:07:02:26

Just a couple of points on the outline. Wildlife habitat attractants risk assessment. Annex A of the outline hazard management plan rep five 106.

01:07:04:18 - 01:07:16:03

Not sure we need a response from these today, but certainly by deadline. Six. And a couple of points to think about going down to paragraph 1.1.4.5. This talks about the trigger

01:07:17:27 - 01:07:52:16

just before you get to the trigger levels. It says that the applicants will set out in the detailed wildlife habitats attractants risk assessment, the decision making procedure for applying the trigger levels and escalating the management measures that will be implemented. As this is an outline document, it probably would be good to have an idea of what that procedure would be, even though it's only obviously an outline at that stage. I think there's a question mark as to what is what is this likely to be in terms of that decision making procedure and how that would be, how that would work, something to hang on to in obviously in the detailed plan.

01:07:52:21 - 01:08:26:15

So that's the first point. I'll move on to the second point because don't necessarily need a response to these now, but then going down to the following paragraphs on trigger levels. Obviously these are quite important in terms of whether or not further additional management measures would be Required. Paragraph 1.148 talks about the trigger levels that will be determined in consultation with BA and Dio, and will be set out in the detailed wildlife habitats, attractants risk assessment and if any trigger levels are exceeded, the management measures listed in table 1.4 will be implemented.

01:08:26:17 - 01:09:02:14

Again, it's quite generally not much detail on how they would be secured, how they would be agreed, what were the timings be for implementing those management measures? Because obviously management measures are listed in very outlined terms in the table. But actually how would that all work? And obviously, if this document is going to be attached to requirement 27 and bearing in mind the test for requirements, one of which is certainty, does this provide the necessary certainty? Um, I don't necessarily need a response on those now, but at those points.

01:09:02:16 - 01:09:18:04

Understood. I think it's just it's quite vague what it says it needs more. Even though it's outlined, it needs more detail in that what the process would be. And obviously at the detail stage that will be expanded on, that's that's fine. But I think it needs more in this at this time in terms of even in the outline document.

01:09:18:06 - 01:10:08:01

So Andy Blythe, on behalf of the applicants, um, appreciate. Yeah, there is a lack of detail at the moment. Um, the real reason behind that is that we haven't communicated with B yet what those trigger levels would look like. So we will ensure that the levels that we adhere to will be aligned with their current management practices. So we do not have that level of detail yet. Um, so the intention is that within the outline, that outline hazard management plan, we commit to agreeing to these trigger levels, how it's communicated and at what point in time through through active monitoring that we'll be carrying out, um, when any additional active measures would be implemented, so that would all be agreed prior to.

01:10:08:07 - 01:10:31:01

Any of the, um, hazards being put in place or the attractants being put in place. So we would agree all that level of detail before. For example, um, we implemented any mitigation areas. So it was all controlled and secured within the detailed management plan ahead of any works happening.

01:10:32:03 - 01:10:55:13

Okay. And obviously the comments of B and D are going to be important in terms and obviously we'll get those at the next deadline. It seems as well. But again, if those points can be looked at in terms of I think the wording is not stunning, what you've said still needs to be tightened up to give the required certainty, and I appreciate what you've just said. Obviously there will be bits which aren't going to be agreed, and then we're going to be sort of further bits to be assessed, etc..

01:10:55:15 - 01:11:27:05

So if I may, Phil Williamson, on behalf of the applicants, just just in response to the the point you made on timing, the applicants recognize that if trigger levels are exceeded and the active measures are required, that there is an urgency to address that. And as my colleague Andy has said, that's something that we expect to steer from, from Bey and Dio. But we recognize the risks that we're dealing with and therefore the urgency with which a response might need to be progressed. And we will look at the outline document to strengthen that.

01:11:27:11 - 01:11:30:13

Okay. So and the comms plan, sorry.

01:11:32:21 - 01:12:07:02

Thank you. And just one final point from me before I go back to Mr. Goss, just building on what is said about the statements of common ground. If there is disagreement at the end of the examination, it would be helpful for the statements of ground if they assessed or gave a position on from base perspective, what is the level of the impact that they consider would result if there is disagreement at the end of the examination, even notwithstanding that there's further conversations potentially after the examination.

01:12:07:04 - 01:12:38:16

And obviously, as Mr. Gorst mentioned, the critical need policy. If BA considers that there's an acceptable impact on those words, because obviously they're from the MPs, uh, could that be included in the statement of a common ground and not that's for you to sort of obviously decide and for us to decide if we need to do during the actual recommendation stage. But what what would be the if there is disagreement at the end of the examination, what would be a consideration? Would the level of impact would be and would that be an unacceptable impact I think would be helpful.

01:12:46:11 - 01:12:51:03

Thank you. Mr.. Cliff, is there anybody else? Yes. Hello, Mr. Walker.

01:12:51:21 - 01:12:53:12

Good morning. Angus Walker.

01:12:53:14 - 01:12:53:29

For.

01:12:54:01 - 01:13:35:25

The parish councils. I just want to caution in all this discussion that in That any knock on effects of reducing attractants to birds, if they downgrade the quality of the environmental mitigation, that that should not go below what is adequate to mitigate what is being lost. Um, because there is obviously a

knock on effect to I can see in the um, wildlife attractant table that things like reducing the or making banks of making ponds smaller and the banks deeper and know things around the edges of the ponds and the heights of things limited and all that sort of thing.

01:13:36:01 - 01:13:43:18

It sounds as if the environmental mitigation will may have to pay the price for reducing the risk of bird strike.

01:13:46:12 - 01:13:55:27

Thank you for that. And there will be another discussion about this, of course, tomorrow in the compulsory acquisition hearing. Um, so we shall um.

01:13:56:02 - 01:13:56:26

So I may.

01:13:58:00 - 01:14:00:06

Just so can we just respond to that point, please?

01:14:00:08 - 01:14:32:11

Yes of course. Phil Williamson, on behalf of the applicants. Um, the applicants recognize that there are competing interests in relation to the ecological mitigation and the aviation interests. But I would refer the examining authority to Natural England's comments on the outline Wildlife Hazard Management Plan in response to the examining examiner's questions. Rep. 5184. Where Natural England state. Based on the information included, we do not anticipate any conflicts from an ecological perspective relating to Natural England's remit.

01:14:32:13 - 01:14:53:10

We, of course, defer to BA in Blackpool Airport for comment on other aspects of the plan. From the applicant's perspective, this gives assurance the Natural England understand the competing interests from an aviation perspective and an ecological perspective. But also they are. They are used to working in this area with the aviation stakeholders and understand that these matters can be agreed.

01:14:56:03 - 01:15:08:29

Thanks for that. Anybody else want to make a contribution on the question of aviation? Um, right. That concludes item eight on the agenda.

01:15:10:29 - 01:15:12:23

I'm sorry, my colleague.

01:15:13:00 - 01:15:45:06

I just have one more question to be in relation to the mitigation areas. Uh, you said you don't consider that the mitigation will not be possible for those areas, but there are quite implications, implications on the habitats regulations assessment and the conclusions. So I would like to know how likely is it that the outcome of the future risk assessment could be that the mitigation is indeed impossible?

01:15:50:20 - 01:16:13:06

Um, Samantha Grange for BAE systems. Um, I don't think myself or Mr. Forshaw are in a position to comment on that. Um, I think it is. It's something that the Dio and their subject matter experts are considering, but I think it is more of a subject matter expert question rather than something we can give give a view on.

01:16:15:06 - 01:16:23:02

So the position that it might not be possible to mitigate against the bird strike risk still standing.

01:16:24:21 - 01:16:35:20

I think that's a fair yeah a fair comment. Yeah. Until the risk assessment has been undertaken, we obviously don't know what the outcome of that risk assessment is going to be.

01:16:36:03 - 01:16:37:17

Okay. Thank you for that.

01:16:42:09 - 01:17:00:25

Um, doctor Kevin Lennon for the applicant. Um, just on the on the question there is specifically in relation to question 14 that's set out in the Reece. We will be responding a deadline and deadline six on this on this point. So we'll provide a bit more a bit more detail on that.

01:17:01:19 - 01:17:02:04

Thank you.

01:17:02:06 - 01:17:02:24

Thank you.

01:17:06:03 - 01:17:19:16

So that does close. Item eight on the agenda. Um, so we'll make a start, but we'll have a break in 20 minutes or so before that. Um, if we could make a start with the offshore ecology. So over to Mr. Morgan.

01:17:19:22 - 01:17:34:17

Uh, sorry, Liz Dunn, on behalf of the applicants, we need to move everybody around. Yes. I think I'm not even sure that offshore ecologists are in the room, so we may need just a couple of minutes up to bring them through. Should we break? Should we break.

01:17:34:19 - 01:17:35:04

Now?

01:17:35:21 - 01:17:36:06

Yeah.

01:17:36:08 - 01:17:36:23

Yeah, yeah.

01:17:36:25 - 01:17:40:16

Okay. Should we break, uh, until 11:05? Yeah.

01:17:40:18 - 01:17:41:10

Thank you.

01:17:41:22 - 01:17:46:06

So, I don't know if anyone heard of that break. Adjourned till 11:05. Thank you.