



Planning Inspectorate
Arolygiaeth Gynllunio

Hearing Transcript

Project:	Morgan and Morecambe Offshore Wind Farms Transmission Assets
Hearing:	Issue Specific Hearing 4 (ISH4) – Part 8
Date:	08 October 2025

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FULL TRANSCRIPT (with timecode)

00:00:08:26 - 00:00:42:09

Okay. Thank you. Time to resume. We've now moved on to schedule ten of the draft development and consent order that contains all the protective provisions. Uh, a deadline five. We got the statutory undertaker, negotiations progress tracker, updated version that again appears on the face of it, to indicate that continued good progress has been made with the relevant statutory undertakers.

00:00:42:15 - 00:01:07:15

There's still quite a few, however, that are in yellow, uh, rather than green. And obviously we're moving forward closely to the end of the examination where hopefully there can be, uh, agreement on the protective provisions. And where there isn't agreement for all those statutory undertakers who are listening, I don't think we have

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many, very few that we would need alternative drafting and our justification for that, in order that we can consider any differences of opinion on the protective provisions. So with that as the backdrop, we'll likely just update on where you are, the applicant's actual date on where you are in terms of the negotiation of the protective provisions. And are there any particular, any in particular that you feel won't be or unlikely to be agreed by the end of the examination? For an ideal perspective at deadline six really, are we? Ideally these would be tied up in an ideal world.

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Um, I know we don't live in an ideal world, but, uh, if you could update on where we are. With that in mind, please.

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Further on behalf of the applicants. Yes, this is an overarching observation. We are continuing to make really good progress with the statutory undertakers, and we don't currently anticipate that there aren't any that we can't reach agreement on before the end of examination. And certainly we're aiming to try and get that agreement in place before deadline or by deadline six with those remaining. I'll just run through an update in relation to each of them. So as we've previously reported, we have agreed protective provisions that are already included in schedule ten for Cadent Gas Limited, um, uh Spen, which, uh, I've just forgotten what they're that's an abbreviation uh, Scottish Power energy network.

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Uh, Canal and River trust. Those are all agreed. We've also now got United Utilities Water Limited as a agreed. And they will be included in the draft DCO at deadline six. That has happened since deadline Five.

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That's number five in the the tracker that's turned to green and has it.

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That will. Yes. That has turned to green.

00:03:04:02 - 00:03:04:21

Okay.

00:03:06:24 - 00:03:37:04

With Sabic we are very close now to agreement on the protective provisions and certainly anticipate that those will be agreed prior to deadline six. Um, we provided comments to Sabic on their draft dated 17th of September on the 24th of September. Um, and we've just received a response back yesterday, which we are now working through to try and resolve the outstanding points. They are commercial points that are outstanding, not, um, operational points.

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Um, so they relate mainly to the suitable cap on insurance and liability for third party direct losses. Um, as I've said though, I think we are very, very close now to closing those off. And certainly I should expect those to be done before deadline six. Um, National gas gasps. The Protect provisions are agreed pending the completion of the side agreement. So there are as there's a side agreement with National Gas and Morgan. Um, and there's also a side agreement with National Gas and Malcolm.

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Uh, Morgan's and National Gas side agreement is an agreed form and is progressing to signature and completion. Uh, and Morgan Morcom and National Gas are engaging on that side agreement. Their side agreement still, but certainly don't anticipate any barriers to that being completed prior to deadline six either. So we do anticipate that we will be, uh, confirming that that one is turned to green at deadline six and that the updated will be included in the DCO deadline. Six.

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Uh, National Grid electricity transmission. Um, the parties are substantively agreed on the provisions again, um, pending completion of side agreements. The National Grid and Morgan side agreement is they are substantially aligned on the drafting of the confidential side agreement. There's just one point outstanding, um, which we anticipate we should be able to finalize shortly. Um, and obviously working to resolve that as quickly as possible. But again, don't see that as a barrier to completing that ahead of deadline.

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Six. Um, similarly, National Grid and more commercial substantially aligned, but are awaiting review of plans and documents that will be attached to that agreement before it is finalised again. They're working to resolve that and hopefully that should be done, um, in advance of deadline six.

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Then we've got Network Rail. Um.

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The applicant's provided some limited comments. So there are only limited points remaining on the provisions on the 21st of July. Network rail responded with further comments and clarifications on the 15th of September, and the applicants and Network Rail are engaging positively to ensure the Protect provisions and the associated framework agreements can be agreed during the examination. Um, we just recently received feedback on the Network Rail Framework agreement from Network Rail on the 2nd of October, uh, which Morgan are working through.

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Morecambe have a separate framework agreement with Network Rail. Um, and they reverted to Network Rail on the 30th of September with again limited comments on the um framework agreement. They are the the outstanding points with Network Rail are generally very limited and again, are more commercial based. Um, there's some some minor points to sort out in relation to execution blocks and powers of attorney and something to do with the definition of the project. Again, none of those are matters that we consider are our barriers to getting those agreed before the end of examination.

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The Environment Agency, the applicants and the environment agencies have worked collaboratively to progress the provisions, and there have been several terms of the the drafting. Um, most recently, comments were provided to the Environment Agency on the 6th of October. Um, in relation to what we considered were two outstanding points, uh, one of which the applicants has now accepted and the other, we provided some alternative drafting for. Um. Regardless, we will be continuing that positive engagement and are confident that we can reach agreement with the Environment Agency prior to deadline six.

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Um, the lead local flood authority. I think that's the final one on my list of those included in schedule ten. The applicants and the lead local flood authority have again worked collaboratively to progress the protective provisions. The applicants provided comments to the LLF on 30th of September and received a response this week on the 7th of October. Um, these comments confirmed agreement with the majority of points, although there are a few outstanding points remaining. Again, those outstanding points are generally more commercial based than including around the indemnity provisions, and the applicants are confident they can reach agreement with the LFA prior to deadline six.

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Is that everything okay? Thank you. Are there any statutory undertakers in the room or virtually who would like to make any submissions?

00:08:44:29 - 00:09:26:25

On what's been said and where they are with the negotiations. Don't think that. Ah, as I suspected, uh, which I'm hoping is sort of good news in terms of agreeing with the progress that's been made. Obviously you're in discussions with the relevant statutory undertakers. Those are continuing. Uh, we've got obviously, in terms of the examination library, there are still statutory undertakers with objections outstanding. We can obviously make rule 17 request questions, etc.. But when you talk to the relevant statutory undertakers, irrespective of their position, if they have agreed or they've not agreed, could you reiterate that they need to update the examination by deadline six? Obviously we can do likewise.

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I'm not tempted to, particularly before deadline six, but in your discussions, if that could be made clear.

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Further on behalf.

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Of that force.

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Yes, we've already.

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And resolved at the end in terms of, well, what is what is this? What is the statutory undertakers final position? I'm sure they probably will come back, but sometimes that's not always the case.

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Laura Fuller, on behalf of yes, we've already been having those discussions, given how quickly deadline fixes is now approaching. But we will reiterate that message.

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Thank you. In that case, I don't think there's anything more we need to discuss on schedule 12. Sorry. Schedule 12. Schedule ten. So moving on to the next item on the agenda, which is schedule 12, approval of matters specified in requirements. And.

00:10:15:21 - 00:10:38:02

Could the applicants. Obviously there's been there are still some outstanding submissions on this schedule. Could the applicants just update, first of all, on where you are in terms of your discussions with the relevant parties on the outstanding matters, please, and any further changes that might be made at the next deadline to meet such

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concerns and submissions.

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On behalf of the applicants. Yes. We noted. Files. Council filed Borough council's comments at deadline five. Um, we haven't yet had a specific discussion in the recent meetings in relation to those comments, but we can certainly pick that up as part of the meetings that are coming up next week.

00:11:12:15 - 00:11:33:17

Okay. And I think Lancashire County Council had a concern maybe this has been resolved. I'm not sure. Uh, in relation to a ten week period for determination may not be sufficient for some requirements where consultation is required, although they note it may be extended. Anything that Lancashire wants to add to that? Or has there been any movement on that submission?

00:11:36:23 - 00:12:06:18

No sorry Sir Andrew. Sure. The Lancashire County Council. So it was more an observation. But, you know, we were at least, you know, pleased to see that that qualification on the end of a ten week period, particularly where you're dealing with consultees can sometimes not, not not be enough time. So um, so hopefully hopefully that additional qualification okay deals with that and the, the applicants if we get to a point where, um, you know, the borough councils are discharging conditions and more time is required, they'd be happy to agree to that.

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Okay. Thank you. And I think b a e have made a submission requiring a minimum period of 28 or suggesting a minimum period of 28 days, rather than 20 working days for.

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Sorry, 28 days in brackets. 20 working days because it's the same thing as effectively for response to consultation. It's anything more that you would like to comment on that?

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Um, Paul, for sure, on behalf of Bay systems, I think our concerns in general relate to the timescales. Um, I think as some of the we're discussing before, if by on the requirements, we're able to be a consultation if, um, as we mentioned before, if they got consultation just prior to submission of details to the discharging authority, I think that would get around that issue.

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Okay. Thank you. And before I come back to the applicants

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to borough council, have anything they want to add, or do you want to wait until you've had further discussions before updating.

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It for our council? So I think our our position, which primarily relates to the fees provision in schedule 12, remains the same as previously indicated. Um, I think we'd be grateful, conscious that the applicants have our position rather than waiting for a meeting, perhaps for a response in writing, so we can review that in the meantime, because we're conscious this is a position that's been the same for some time. Um, obviously, in respect of that, we understand that the applicants consider that there are other mechanisms to, um, securing fees, things through PPA, section 106, etc..

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Our position is still the same that it needs to be reflected in the draft DCO in accordance with another, uh, other made dsos which reflect updated fees. Um, and I need not comment further. I think at this stage I think it needs to be ongoing in terms of discussion, but our position has been the same for some time. Okay.

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If in ongoing discussions there is no agreement, obviously there's any suggested alternative drafting that you consider might be necessary or necessary for in relation to fees. Then, uh, then do provide that if you feel the need to and

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allowing the applicants a chance to respond. You have updated it haven't you, to to mirror the Mona DCO in that schedule whereby it leaves the situation on fees, subject to some future agreement, is that correct?

00:14:39:02 - 00:15:20:25

Laura Fuller, on behalf of the applicants. Yes, we we did take away comments that have been previously made by FA Borough Council. And in the absence of alternative drafting, we did look at other precedents and considered that the Mona wording was a reasonable approach and proportionate. And so we have concluded that the fees will be in accordance with the fee regulations, unless otherwise agreed with the relevant planning authority. In our mind, that gives the ability for the appropriate fee to be discussed and applied to the discharge at the relevant time, um, which which we consider to be, you know, a reasonable and proportionate approach.

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That was that was our response to the to the initial, um, observations that were made. As I said, we haven't had any further discussions proactively, I'd say, on this. Um, and we haven't had any alternative drafting. So we if that alternative drafting can be provided, then we can obviously consider that. Yeah.

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Any comment about the leaving it for future is just another matter that's just left for future consideration. Why can't that just be agreed before before the end of the examination for including in the show? Is it really a matter that should be left for future agreement? Would be my sort of initial comment on that. Um.

00:15:57:18 - 00:16:28:22

Chairmanship of Barbara Council. So I agree in the sense of, um, we're concerned about it not being secured at this stage. We think it needs to be secured. We have provided, um, reference to other made dsos where we say the provision that's made in respect of fees in those dsos should be applied. Um, so it's not necessarily a case of us not having provided, um, draft wording that we would suggest we have done, that we've expressly referenced other dsos that we think should be simply translated into this.

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Um, the the applicant's position is clear that they don't wish to follow that. So it might be that this is a point of disagreement, but we certainly have provided what we think the fee should be in respect of other may dsos which have in relation to, um, the extent to which the current draft wording is reasonable. We can certainly also, if it would be of assistance, reference the Secretary of State's decision and the Examinations Examination Authority's recommendation report, which deals with the extent to which the fees in those made dsos and was, was considered in light of the updated fee arrangements.

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So lays down on behalf of the applicants. If I can respond and maybe try and short circuit this slightly um, far Bar Council have provided one example to the Hechingen Fen solar project and then said there are a number of other examples. We've now had a suggestion of a list of of other orders. What we would like is specific details from FA Borough Council to say these are the sums that we would be seeking to apply for the discharge of these requirements and this is the frame that we would be looking for, and this is the basis on which we would be doing it.

00:17:38:26 - 00:18:07:18

To date, we've had, as I said, we've had one reference to Headington Fen and then a suggestion that the applicants come up with something. The applicants have come up with a few suggestions as to how this might be done. And in the absence of something specific from Fylde, we are frankly firing in the dark to try and work out what it is thereafter, given where we are now, and that there's two weeks to go to the close. Could we have some specific details from Fylde as to what it is they're looking for that we can then consider. Thank you.

00:18:10:09 - 00:18:41:04

So far Borough council. So I think we will have to agree to disagree on that point, because we simply don't agree that we haven't provided sufficient detail as to what we would seek. But what we can do is provide express drafting taken from those made dsos. And rather than ask the applicant to go and have a look at those shows will simply provide it directly to them. And because that is what we seek, and if if the applicants wish for us to also comment and refer to the other dsos that have exactly the same fees provision as acting to them, we can do so.

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It just is not particularly useful in that sense, so we can certainly provide that.

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Okay. I'm sure that would be helpful. Okay.

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I think Liz, done on behalf of the applicants. The point is we just need to be clear as to what it is filed are seeking and the justification for that. Once we have that, we can then consider it and determine whether it should be put in or not put in. It's that that's what we're looking for. Thank you.

00:19:07:18 - 00:19:44:25

John Cope so far counsel I want to avoid too much back and forth. But I do just want to comment that we have done that in our written submissions already. And I'd like to, um, just refer to the fact that the

last hearing session, we had the same conversation And the applicant said that they would make an alternative proposal in terms of the actual amounts for the fees. We said we were open to considering that and that is where it was left. Um, in our written submission before the previous hearings, we specify the amounts we make reference to other medicos.

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So we have done what is being requested now already. And in the spirit of kind of cooperation, being positive and proactive, we said we would consider those alternative amounts that were being advocated for in that hearing session. So I, I just feel the need to push back and say, I don't understand what it is. We're now being requested to do that we haven't already done.

00:20:08:12 - 00:20:37:28

Okay. It does strike me that there needs to be an offline discussion as well. I appreciate what's been said on both sides, and it does strike me too, that obviously it's an important issue to make sure that appropriate fees are in place to cover local authority resources, etc.. I know there's been talked to about talk to about potential PPE. A but it does sound as though perhaps there needs to be a discussion to move this forward and get an agreement. It sounds like an agreement can be reached, so could I just encourage that in the next few days or the next week or so? Okay.

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Anything else on requirement 12? Sorry. Schedule 12.

00:20:43:28 - 00:20:55:02

Laura, on behalf the applicants, I'd just note that I think there was a comment from South Ribble Council and I've lost it in my notes. Apologies. Give me a moment. Uh, on schedule 12.

00:20:57:04 - 00:21:12:10

Which did identify that we had an error at paragraph 43, um, where the first part of that paragraph refers to ten weeks and the latter part hadn't been updated to align to that. So obviously we will pick that up at deadline six.

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Okay.

00:21:14:16 - 00:21:50:06

Thank you. Okay. The next item is the schedules 14 1415, 16, 17, which are the marine licences, including any outstanding matters raised by Natural England and the Marine Management Organisation, neither of whom are in attendance at this hearing. I've read the up to date positions on where the parties are on these matters. I think in some respects it seems to be that the applicant has made some updates or provided certain elements of information, and you're waiting for Natural England to respond.

00:21:50:08 - 00:22:05:29

On a few areas, I don't know if since deadline five, there's been any progress. Uh, could you just provide a sort of an update from your perspective as to where you are on these outstanding matters? I mean, I have got on my on the list, I think

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part one, article two reason probably. Okay. I think that is probably okay. Condition 17, which is, uh, force majeure. That has been. Has that been? I think that has been agreed now, hasn't it? I'll just go through my list quickly. Conditioned 1902 has been deleted, so that's fine. Condition 20 I think we've already considered separately in the offshore and discussion earlier on today. And then the other two were updated offshore operations and maintenance plan, which was following the it was a Natural England point.

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And then there were some Natural England concerns around monitoring. And the latest position, I think, as I recollect it to be, is that there needs to be an update from Natural England following the applicant's deadline for submissions and.

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And finally, there was an issue with.

00:23:09:29 - 00:23:32:00

The offshore in-principle management plan uh which was updated at deadline five. So again waiting for an update from Natural England on that. Those are the list of outstanding things that I had. So I don't know if that's any help. If you could just provide an update on where you are, or whether or not you are in a position where you've updated things as much as you think is necessary and you're waiting for comments from Natural England or the MMO.

00:23:34:04 - 00:24:04:03

Laura Fuller on behalf of the applicants. Um, I think if I just pick up on the MMO points that are specifically on the conditions in the deemed marine licence, um, as you know, to condition 17, force majeure was the first one which we updated at deadline five to reflect the wording in the Morgan generation. Um made order. Um, I understand that. I think the MMO are content with that. Um, and that will be reflected in the statement of common ground that will be submitted at deadline six.

00:24:08:15 - 00:24:41:08

In relation to condition 19. As you've you've stated already. We did remove the, um, time limit in 1902 at deadline five um in then on condition 20. There are a couple of updates that will be made at deadline. Five at a deadline. Six following, um, the submissions of the MMO at deadline five and ongoing discussions. So firstly, there will be an update to um, condition paragraph 22. Um, to remove some text that, um, doesn't need to be in there.

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So the front part of the text, it talks about the method statement. And then there is some wording in brackets after that that says excluding the information required under subparagraph 1A2 and 1A3, um, and that actually that wording doesn't need to be in there. So that wording is to be removed at deadline six. Then in relation to condition uh, paragraph three of condition 20 uh, again, that has the a um the time timing provision in so that it states that the MMO must determine an application for approval made under this condition with a within a period of four months commencing on the date of the application, unless otherwise agreed with the MMO.

00:25:23:02 - 00:25:32:11

Again, to be consistent with the updates we've already made to condition 1902 and the position we've now agreed with the MMO, we will we we will be removing that paragraph.

00:25:34:22 - 00:25:59:28

Um, a related update, but it's actually in condition um 11 and in paragraph five of that condition, the MMO have just asked for a minor update so that, uh, the text reads that the annual maintenance report must be submitted to the MMO, and they require us to add the wording in writing within one month following the first anniversary of the date of operation. So that's a very minor change that we'll be picking up at deadline six.

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I think all the other points were were largely actually covered by Mr. Vella this morning in terms of going through the outstanding matters. So I wasn't intending to repeat those in relation to UXO and the points with Natural England that we are still awaiting feedback on.

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Yes, that's fine, and that's as I understand it. So I think that's as far as we can really go today. But obviously we'll wait to see what comes in at deadline six and if necessary, we can ask any remaining questions in the limited remaining time after that. Um, okay. Anything further on the marine licences?

00:26:54:12 - 00:27:27:02

No. Um, in that case, schedule 18. I don't think we need to discuss this. This is documents to be certified. Certified? I think we made the point to the applicant to be absolutely sure that in the final DCO, this is completely up to date to prevent any being missed. Um, item G is the without prejudice benthic compensation DCO schedule, which we had an update on that this morning.

00:27:27:04 - 00:27:38:24

Really? Uh, I've got nothing further to add in relation to. I think that other than obviously you've provided updates and you're waiting for comments from Natural England.

00:27:40:17 - 00:28:14:25

Is that Laura Fuller, on behalf of the applicant? Yes. Um, we responded fully to Natural England's comments at deadline five in rep 5124. Um, we are awaiting feedback on that. We did make some sort of minor drafting amendments to the um without prejudice benthic compensation DCO schedule at deadline five. Uh, the track change version of that is rep 5109. In terms of that drafting, we just made some minor amendments to to that schedule to which are intended basically to improve the consistency of language throughout.

00:28:14:28 - 00:28:24:21

In response to some of the comments, in particular, the applicant has amended the reference to compensation measures to me and me has been added as a defined term.

00:28:26:04 - 00:28:37:16

Okay. Thank you. And the Without Prejudice article that would relate to this. You provided drafting for that. And I think that's one of the shortest articles that I've ever seen. But it probably does what's necessary so.

00:28:37:24 - 00:28:42:03

Lawful on behalf the applicant. Yes I believe that's contained within the same presentation.

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Just says that schedule, whatever the schedule would.

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Be, applies.

00:28:45:21 - 00:28:46:21

As a fact or applies.

00:28:46:25 - 00:28:47:10

To.

00:28:47:12 - 00:28:50:21

Something. Uh, okay. Um.

00:28:54:16 - 00:28:55:19

And then.

00:28:59:15 - 00:29:11:21

I know we've not discussed the risks, and I don't want to discuss the race because obviously there's a separate deadline for that. I think there is a question in that about a further without prejudice. Uh.

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I've not got the right wording for it. Um, called.

00:29:21:18 - 00:29:23:29

The measures of equivalent benefit. What's the question?

00:29:33:21 - 00:30:04:06

Compensation measures on behalf of the applicants. I think it's a without prejudice derogation case has been requested. Um, uh, again, possibly cutting to the chase. Um, the applicants don't consider that that is either necessary or justified and will not be providing that at deadline six. We will, however, be providing an explanation of the various measures that are set out in terms of that environmental mitigation, those environmental mitigation areas.

00:30:04:11 - 00:30:49:23

Um, because I think possibly because, um, discussion with Natural England regarding those started very early. It hasn't actually ever been teased out. The extent to which any of those are EIA

environmental mitigation measures and which which, if indeed there are any, are HRA mitigation measures. So the applicants will be clarifying that, uh and in addition, um, providing information around alternative mitigation measures that could be applied such that, um, in the event that those environmental mitigation areas, for whatever reason, we don't think it's going to be a situation, would not be needed that actually mitigation is available.

00:30:49:25 - 00:30:58:13

So, uh, the conclusion around no adverse effect on integrity is the same. And therefore a without prejudice derogation case is not required.

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Okay. Well we will review obviously your response to the race, what's been said has been noted. The question was going to be, is would there be a necessary requirement for a further without prejudice? Uh, DCO schedule. But obviously, in the light of what you said, that would be a no. So, um, obviously we will consider the response that you make to the race. So that is understood. Thank you.

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Okay. Are there any further draft development consent order matters that anybody wishes to raise?

00:31:40:05 - 00:32:10:03

Okay. Thank you. So we can now move on to item 11. This is control and management documents. The relevant outline plans. In other words, uh, first of all, in terms of the outline code of construction practice, I don't know of any interested parties wish to comment on this in terms of whether or not there's any further outstanding matters you wish to raise, or can you put your hands up if there are?

00:32:12:10 - 00:32:28:10

Uh, the discussion was here this morning with the applicants, and they offered to include a definition of bank's person. Uh, and that offer is gratefully received by the council. Thank you. So I'd introduce myself, Catherine Knight, Blackpool Council.

00:32:34:28 - 00:32:49:19

Sorry. Excuse me, Phil Williamson, on behalf of the applicants. Just just to be clear that the addition of the definition role for a bank's person will be included in the outline construction traffic management plan rather than the outline code of construction practice.

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Okay, I understand. Okay.

00:32:52:03 - 00:32:54:15

So Catherine Knight Blackpool Council is. That's correct.

00:32:57:12 - 00:33:30:07

Okay. In that case Moving on to the outline communications plan. Uh, this has been updated for deadline five, and it includes the local liaison committee. Uh, in response to a question that we asked. And my only question in relation to this is there is any further detail needed, for example, in terms of

how that local liaison committee would operate? List of suggested membership, terms of reference, etc.

00:33:30:09 - 00:33:46:17

as to what it would discuss. Obviously an outline terms. I don't know if the the relevant local authorities or the parish council have had a chance to consider the updated outline communications plan, and is there anything you would like to say on it, Mr. Morgan?

00:33:48:12 - 00:33:49:04

Uh, thank.

00:33:49:06 - 00:34:19:19

You very much. Um, I'm speaking not just as an effective resident, but someone who's been a national expert in resident engagement for over 25 years. Firstly, just to give a quick update to our representation, as you know as well as Newton, Faircloth and parish councils, I'm chair of the task group. Uh, last night that group expanded by brining with Warton Parish Council deciding to join task. That means we now cover nine town and parish councils, as well as the Newton Residents Association.

00:34:19:21 - 00:34:52:14

It also means we now cover the entirety of the route through town and parish councils. Um, in the communication plan outline plan, there's an in-principle commitment that it will cover residents, businesses and local communities. That's welcome. We support that. There's also a reference to other stakeholders. Um, we believe this should cover two more categories. The first are schools and in particular the three that are adjoining the substations. And secondly, the town and parish councils who cover all of the Fylde.

00:34:53:07 - 00:35:29:10

Secondly, we welcome the in-principle commitment to notify residents in advance of works taking place that should be expanded to cover. All five of the stakeholders that we've mentioned are just now. An example would be my colleagues who Ashton, who talked yesterday about some of the issues that businesses on Bond Road would face. Um, they in a good example of where that expansion of stakeholders would ensure that they would get that notification. And we think that notification period should be ideally something like 48 hours to allow businesses, schools and others to prepare for what's going to happen in terms of those works.

00:35:29:23 - 00:36:02:02

Yesterday we also heard about the Equitation Center communication protocol. I think that's a really helpful president of the approach that could be taken with a range of stakeholders. I'd expect the principal of that to be included in the outline, um, communication plan, and that stakeholders would have the opportunity to develop with the developer, with the M&M, um, a communication protocol which fits their circumstances. And I think by including the principle of it and the opportunity to do that and the outline plan would be helpful.

00:36:02:24 - 00:36:32:26

I think it's also a welcome approach to having community based events. I think it's really important when the such events happen, that there is some capture of what's taken place that should include attendance, the points raised and how they will be resolved. And I'd like to see them on a pretty regular basis in each community, probably monthly. During times where there's work taking place in the preparation of the detailed communication plan, we should be consulted and our members should be consulted on that.

00:36:32:28 - 00:37:03:25

That plan to ensure we are given the opportunity to take some of these points further forward. You mentioned in your introduction, um, the reintroduction of the local liaison committee. We're very grateful for your intervention at that point. Very grateful that it's been re-instituted. We'd have to express some concern that it was removed in the first place, but now it's back in. That's welcoming. I think there does need to be some firming up of arrangements around this though. Um, first of all, noting that it needs to be a bit future proofed.

00:37:03:27 - 00:37:34:23

Um, file Bar Council is not likely to exist in two and a half years time. Uh, whereas the town and parish councils will do. Um, the second is that there may need to be consideration about the right configuration for this, whether there's a single committee or whether there are several committees covering the different communities on the route. If it's a single committee, we should be given the opportunity to send representatives to it. If it's on a more localized basis, then we would expect to be part of that localised approach that should be there.

00:37:35:01 - 00:38:22:00

We'd like to see some rigor around the frequency of meetings that has been put in operation for other working groups, something like monthly, for that to happen. Um, and the content should include things like the reports and the construction coordination working groups, which were just touched on variable equally and this morning as well. Events. Feedback from the consultation events and complaints. Um, finally, we welcome the intention to create a complaints management process. This could do things like abide by the six principles of Good Complaint management that's published by the parliamentary and House Health Ombudsman, and certainly should include some very basic points about the process being simple and clear that there have been guidance for complaints to help seek advice or help or advice.

00:38:22:15 - 00:38:52:15

The responses to complaints should be prompt. There should be a clear escalation route and information on making complaints should be easily available. Um, and we certainly notice the outline code of construction commitment to log and record all complaints. Uh, and finally on complaints where there are outcomes from all complaints and the lessons learnt, they should also be shared for the local liaison committee or committees and made public as long as the details around complaints are anonymized.

00:38:52:17 - 00:38:53:14

Thank you.

00:38:55:23 - 00:39:03:23

Thank you, Mr. Morgan. I'm sure there's helpful suggestions, uh, in that submission. Thank you. Um.

00:39:04:19 - 00:39:22:15

I'm responding. Sorry. Let's start. On behalf of the applicant. That was an incredibly helpful. Um, list of comments. Uh, could I ask Mr. Morgan if you could provide your. I assume you've got it in a document or an email. If you could send that to us today, that would be very helpful. And we can take those on board. Thank you.

00:39:24:00 - 00:39:55:26

Uh, Phil Williamson, on behalf of the applicants. Just to echo what Miss Dunn has said, those sorts of comments we are very keen to hear. We recognize that we've had minimal feedback on the outline communications plan, but those requests that come from Freckles and Parrish and Newton with scales for parish councils are ideally the kind of things that we would look to include in discussion with Fylde Borough Council as the discharging charging authority, but certainly those are all points that we would love to have a conversation about and discuss and see how those can be effectively implemented.

00:39:58:14 - 00:40:03:19

Okay. Thank you. Would any of the councils also like to

00:40:05:06 - 00:40:09:08

comment on the outline communications plan?

00:40:17:14 - 00:40:18:25

No. Okay.

00:40:20:10 - 00:40:27:27

Okay. Thank you. Um, so we can now move on to item C, which is the, uh.

00:40:30:15 - 00:40:35:27

Outline onshore and intertidal written scheme of investigation. Um.

00:40:41:16 - 00:41:15:01

The response to Lancashire County Council in relation to our second written questions 2.11.1.1, which sets out Lancashire County Council's latest position on onshore archaeology. Are there any remaining issues arising from Lancashire County Council's latest position, which need to be resolved in the outline written scheme of investigation? Would Lancashire like to. Lancashire County Council have to comment first on this in terms of any updates that are required, or is that now agreed?

00:41:26:19 - 00:41:41:19

On Lancashire County Council? Just bear with me while I just check my notes here. Yeah that's fine. Um, I've certainly not had anything, anything that's additional, um, that hasn't been made in our written submission. So.

00:41:51:22 - 00:41:56:03

And I've got no additional comments other other than the comments we've made in not written submissions.

00:41:59:07 - 00:42:01:26

Okay. Thank you. Um,

00:42:03:16 - 00:42:17:10

I think it was rep 5071, which obviously the applicants haven't had a chance to respond to because we've not had a deadline since then. Is there any update the applicants would like to make on the progress being made with the finalisation of the of the outline written scheme of investigation?

00:42:18:13 - 00:42:20:18

Uh, Ian Mackay, on behalf of both applicants.

00:42:21:03 - 00:42:22:20

Uh, we've noted the comments.

00:42:22:22 - 00:42:26:18

In Lancashire's D5 submission and although we previously agreed the.

00:42:26:20 - 00:42:27:15

WSI.

00:42:28:02 - 00:42:49:04

Which is reflected in the statement of Common Ground at rep 4079, we consider that there are some additional useful comments in that D5 submission. So what we have done is updated the document and issued it to Lancashire County for their consideration and then all being well. That will be submitted at D6 as the final outline WSI.

00:42:49:15 - 00:42:58:26

Okay. Thank you. And is there anything outstanding from Fylde Borough Council on that? I know that Lancashire County Council deal with lots of the archaeological work etc. but.

00:43:02:03 - 00:43:13:19

Show me so far Borough council. No sir. Our position is essentially reliant on county or county council's position. So, um, insofar as their content, we don't have anything to add.

00:43:13:21 - 00:43:15:07

Okay. Thank you.

00:43:16:09 - 00:43:19:00

Okay. Nothing else on that.

00:43:20:16 - 00:43:28:06

Okay. Are there any other comments on any of the control and management documents, outline plans, etc.?

00:43:31:03 - 00:43:39:25

And I assume the final version of these is going to be submitted for deadline six. Okay. Thank you.

00:43:43:07 - 00:43:45:28

Right. So we can now move on to.

00:43:46:22 - 00:44:00:22

Sorry. Sorry. Okay. Barbara Castle, you asked if we had any other comments on any other, um, management documents. The answer to that is yes, but we are in ongoing discussions. So just to indicate there are a number of other comments, but we don't need to engage with them now.

00:44:00:24 - 00:44:10:02

Okay. I understand that. I understand there's quite a lot of those documents. So yeah, that's understood. But obviously those could be related to the applicant. Then that will be very helpful. Thank you.

00:44:14:14 - 00:44:33:03

Sorry. Liz Dunn, on behalf of the applicant, I hate to keep doing this. Um, they are all matters that are currently in discussion with the applicants around those outline plans. There's nothing new, no new comments on plans. Those are all matters that are subject to ongoing discussions. I just want to ensure that's the position.

00:44:37:25 - 00:45:02:01

For Shapefile Borough council, I'm told, so that we're still waiting for some internal consultation responses following deadline five submissions, so I can't confirm that there are that everything that has been communicated so far is exhaustive, but it certainly forms a fair number of the comments. There may be some additional ones, but we can't say having not received those consultation comments.

00:45:03:02 - 00:45:33:12

Okay. Thank you. Well, obviously those comments, given that the documents need to be finalised for deadline six, which is 22nd of October, two weeks away, was that one and a half weeks away? Yeah. So those can be provided for the applicant as soon as possible to give the applicant a chance to respond to those, because after that, obviously there'll be no opportunity for those to be further, uh, changed. Okay. Okay. So that is, uh,

00:45:35:12 - 00:46:10:26

item 11. Item 12 is just to consider the potential application, should it be required of the MPs in one section 4.2 policy on critical national priority for low carbon Infrastructure. When I say if it was to be required, obviously the first port of call is the normal sort of planning balance on national infrastructure applications. But, uh, there is a potential, as with any, uh, energy application where the CMP policy would have to be applied.

00:46:10:28 - 00:46:25:14

I don't think it has been applied yet by the Secretary of State, has it? I think Mona recommendation applied it, but the Secretary of State didn't need to apply it in terms of going in terms of the in terms of like the sort of the the weighted balance.

00:46:26:00 - 00:46:58:24

Uh, yes. So we've done a review of, um, those decisions that have come in since the, uh, critical national priority. Infrastructure came out. And there are four decisions. There's the Oaklands solar farm decision. There's the Moana offshore wind farm, there's the Buyers Guild solar farm and the Morgan generation. Uh, and it hasn't been applied in any of those, uh, decisions to grant consent for, uh, energy, uh, renewable energy projects.

00:46:59:00 - 00:47:29:10

Um, interestingly, in the Moana decision, um, you'll have seen from the, uh, from the inspector's report and from the decision, um, that there were various adverse residual effects that were identified post mitigation, um, which were, uh, attributed various levels of weight. Um, but they were found not to be capable of outweighing, um, effectively the need for the development. And that was without the CNP presumption.

00:47:29:12 - 00:48:01:24

So I think the way it obviously hasn't been set out in that sense in terms of it's been applied by the Secretary of State, yet in, in, in any of those decisions. But I think what you have in the N1 is the, is the sort of starting point of that new renewable energy projects, the urgent need and therefore the significant weight that needs to be given to that need. And then the CNP element is effectively another weight in the scales, as it were, on the benefit side.

00:48:01:26 - 00:48:45:21

But at the moment, um, none of those decisions to date have engaged that, um, have engaged that. And I think the applicant set out in our response to the examining authority question, I think you'd asked a question around it was 2.1.1.6 about the application of the CMP, uh, the CMP test. Um, our position is that, uh, that it doesn't it doesn't actually change anything then is that is already happening in terms of looking at the mitigation hierarchy and all those, those, those other elements, those are effectively that is standard practice for developing this type of project.

00:48:45:23 - 00:49:34:15

And as I've said, the the urgent need and the weight that needs, the substantial weight that needs to be given to that is effectively set out in N-1 already. The CNP test just gives you that extra bit of weight if it's necessary. I think it's also probably worth noting that from the applicant's perspective, um, we don't consider that reliance needs to be placed on that CNP extra piece of weight, as it were. Um, even in respect of Greenbelt matters, because we also know that for the purposes of greenbelt, the delivery of renewable energy can in its own, uh, in its own measure, without the CNP test, constitute very special circumstances that set out in the NPF.

00:49:36:10 - 00:49:58:11

So I think we've probably set out our position in respect of CMP. Um, and um, and as I say, it's not it's not something on which the applicants are saying the Secretary of State will need to place any

reliance, uh, in terms of giving that extra weight for the determination. But ultimately it becomes a matter for the secretary of state.

00:49:59:22 - 00:50:33:02

Thank you. And that's understood. And the basis for asking our questions was that obviously, because it's not really been sort of carried through yet in practice. And arguably the wording of the policy leads to some potential questions over, over interpretation. I wanted to air that, uh, both in writing and at the hearing today to hear, obviously, the applicant's view of the interpretation of that which provided in the answer to our written questions, and also to hear party's views.

00:50:33:04 - 00:51:07:04

I don't know if any, because it's our written question 2116 obviously, if you've not read them, I'm not expecting you to read them now, to respond now. And there was a there is an opportunity to do so at deadline six. But the relevant questions are our second written questions. Q2 116 and Q2 117. So I would urge everyone to read those and comment in writing at deadline six on on those if they've not already read them. Is there anything that anybody would like to raise on the applicant's response to those questions? Uh, today there's a couple of questions I want to ask.

00:51:07:06 - 00:51:07:23

But,

00:51:09:20 - 00:51:10:17

Mr. Walker.

00:51:11:02 - 00:51:12:16

Thank you, sir. Might as.

00:51:12:18 - 00:51:13:03

Well.

00:51:13:05 - 00:51:13:21

Well, we're here.

00:51:13:23 - 00:51:40:12

Um, Angus Walker for the parish councils. And obviously we do not agree that the residual sum of the residual impacts listed are cannot be avoided, reduced or mitigated. In particular, the whole project could be moved to the north and made much shorter with our alternative, but also in particular the site of the substations on prime agricultural land could have been avoided, reduced or mitigated.

00:51:40:14 - 00:51:41:00

With.

00:51:41:13 - 00:51:44:25

By moving them somewhere else. Um, that is not.

00:51:45:24 - 00:51:46:10

Um, not.

00:51:46:12 - 00:52:04:15

Compulsory to put them there. So to the extent that that stops it being CNP, then that means any additional weight or I actually interpret it as a reduction in the weight of the adverse residual impacts is what it does. But anyway.

00:52:04:25 - 00:52:06:13

It's much, much the same thing.

00:52:07:07 - 00:52:11:07

But it seems that the applicants are not relying on it anyway. So there we are.

00:52:11:09 - 00:52:12:03

Thank you.

00:52:13:12 - 00:52:15:13

Okay. Thank you. Would you like just come back.

00:52:16:15 - 00:52:32:16

Before I answer? I think we've thoroughly explored and explained the site selection. Um, And that. And that we've responded to the point on the alleged alternative route. We don't have anything further to say.

00:52:33:00 - 00:52:34:21

Okay. Thank you.

00:52:36:07 - 00:52:37:22

Mr. Shackleford, council chairman.

00:52:38:00 - 00:53:03:10

Barham Borough Council. So I don't have anything to add. Obviously, we've dealt with, I think, in response to deadline five, the council's position in respect to those questions, we can certainly take it away and consider whether we want to add anything further. And just to repeat the council's position in terms of the response to the Greenbelt technical note second revision, that's obviously it is one of a number of residual impacts that council has identified and applied in the context of NPS one.

00:53:04:21 - 00:53:06:22

I understand. Thank you.

00:53:11:24 - 00:53:26:18

I mean, just a couple of questions for our for clarification. Um, because obviously this is new effectively new policy Wording as we've been. As has been discussed in terms of.

00:53:29:12 - 00:53:50:01

Obviously, the applicants have to apply the mitigation hierarchy hierarchy and demonstrate that it has been applied. And I think I'll ask that. Mr.. In your submission, you've said that that should only apply to the significant adverse effects

00:53:51:28 - 00:54:17:07

which my initial reading of it wasn't quite the same, because I think in the, in the, in the policy, it talks about all, uh, let's get the actual policy up. That would be helpful, wouldn't it? Uh, it talks about all residual effects and not just the significant residual effects. So that was my first point in terms of actually, isn't it the case that applicants have to demonstrate that all residual effects.

00:54:18:12 - 00:54:18:29

The.

00:54:19:10 - 00:54:34:09

Mitigation hierarchy has to be demonstrated to be applied for in relation to all those effects, and not just significant effects, because I'm not sure anywhere in the policy. And I've read your submission on this, but I'm not sure anywhere in the policy where it says that it is just the significant effects.

00:54:38:15 - 00:55:19:17

It's done on behalf of the applicants. I think so. The we were asked as part of the examining authority, second questions to explain how the mitigation hierarchy had been applied and the document we provided considered where there were residual significant effects. That was the document we provided. Um, I, I appreciate that. Um, within the policy, there may not be reference to residual effectively having to demonstrate how you've mitigated residual significant effects, but it through the environmental impact Pact assessment process.

00:55:19:27 - 00:55:59:27

Uh, the focus is on likely significant effects. Those are the things that are reported. And, um, to suggest that where perhaps you have a negligible impact, that somehow you are supposed to be mitigating a negligible impact or indeed a minor impact, um, where actually it is it's a natural consequence of, of the activities that you are undertaking. Um, and then that is, is but to say you have to then kind of demonstrate everything you've done to reduce that minimal impact to a more minimal impact.

00:55:59:29 - 00:56:30:25

Um, I don't think is the intention of the environmental impact assessment process or indeed the policy. Um, I think what perhaps is a use and I appreciate, I think we're all grappling with this policy. And I also think it's perhaps not quite as clearly drafted as it might be. It has a rather circular element to it, in that you think you've understood what it is and it's trying to do, and then you sort of start back at the beginning again. Um, so it is a yes.

00:56:30:27 - 00:57:03:27

Um, with all due respect to the department, I think it's not entirely clear as to how it is intended to operate. Um, uh, and I think perhaps the way that the examination on the Mona project considered it is a helpful way, effectively to look at it, um, where effectively each of the, uh, each of the impacts

were considered and there was a there was a conclusion reached by the examining authority on the scale of a beneficial or adverse impact.

00:57:03:29 - 00:57:40:21

And as part of that planning balance, which we know is the sort of determining point of projects, as you take all the impacts altogether, you take the benefits and the adverse impacts, and you weigh them together and you say, does the scales go this way or that way in terms of those, those elements? Um, the applicants, that's where the planning balance takes place. And, and in my submissions, in our submissions, it's at that point that the CNP test, um, comes in, whether it's Mr. Walker's, you sort of on weigh some of the adverse impacts and give more weight to or you do it the other way and you give a bit of extra weight to the benefits.

00:57:40:23 - 00:58:12:01

Either way, you're, you're kind of, um, you're giving a bit more weight to the, to the positive, uh, ability of the project to, um, to deliver that renewable energy. Um, I think the applicants have demonstrated where the mitigation hierarchy has been applied that's embedded into the environmental impact assessment, where certain impacts are identified. Suitable mitigation is being provided to minimize those impacts wherever possible. And that's around the management plans as well as other things.

00:58:12:03 - 00:58:45:24

I mean, we've been considering in huge amounts of detail the sort of traffic and transport matters. Um, and in many cases, this is in circumstances where there isn't going to be what we would consider a significant increase in road traffic. This is where this is about the management and mitigation measures that are important. So I think the applicants have very clearly, through the environmental impact assessment process, through the outline management plans, demonstrated how impacts have been identified and assessed, those conclusions reached and appropriate mitigation secured.

00:58:45:26 - 00:59:16:27

So I think that is all there to be drawn on. And as I say, perhaps that guidance from the approach, the the Mona examination took, and we did have those discussions on the Mona application, um, were maybe helpful. Um, I think the sort of final point I'd make is that, uh, perhaps when the department introduced the critical national priority infrastructure test, what they didn't want was for projects to say we're critical national priority infrastructure. Therefore we don't do anything.

00:59:16:29 - 00:59:31:14

We don't do anything to mitigate our impacts. We don't do anything to address those things. Um, that isn't the case here. The applicants have demonstrated how they have done those elements in terms of of mitigating and managing the impacts of the project.

00:59:31:23 - 01:00:07:24

Thank you. Okay. Thank you. And just going back to what you said about the significant effects, obviously understand what's said about minor adverse, significant effects. Um, I think this is reiterated in your what is it, the mitigation hierarchy document. It's in response to that question, isn't it, where it says in accordance with the AIA regulations, that, yes, identifies likely significant environmental effects for the purposes of the decision making process, it's not reasonably possible or practical to

compare all residual adverse effects in brackets those with minor adverse, significant, or worse during the construction, operation and maintenance.

01:00:08:11 - 01:00:41:13

Uh, Phases. Obviously, landscaping. We've had the debate before about moderate moderate effects, which, uh, the applicants, uh, considered not to be significant. But then should those effects, for example, be ones that have to be shown to meet the met, the mitigation hierarchy and the one to add in would be greenbelt effects, which I don't think is included in your mitigation in the note, in terms of the residual effects notes as one of the ones that is included in your your table.

01:00:41:15 - 01:00:49:03

But just to get sort of clarification, would you agree that those do need the actual hierarchy should be applied to to those or shown to be applied to those.

01:00:49:13 - 01:01:22:18

I think in respect of, um, landscape impacts at the substations, we're very clearly identified. And we talked about it for a probably two hours yesterday around the mitigation that is being applied to the substation sites, uh, in order to, um, to provide mitigation for those impacts. Um, there is a there is a difference of opinion, I think, between the parties as to the effectiveness of that mitigation in terms of reducing the scale of impact. But the point is there is mitigation and it is being applied.

01:01:22:20 - 01:02:00:07

So, um, whatever the conclusion as to the extent of that impact, I suspect will need to be a matter for the examining authority, having having considered the representations, your own site visits and the representations are made by both parties. Um, so there will be matters where the applicants have identified a residual significant effect, and those are there. There'll be others where perhaps we've identified it's not a residual significant effect. Um, and the examining authority disagrees, in which case you will apply the weight that you consider needs to be applied to the extent of that impact.

01:02:00:14 - 01:02:08:05

Uh, just finally, sorry, on Greenbelt, it's a policy matter, not a mitigation matter. So that came in through the site selection work.

01:02:09:06 - 01:02:17:08

Thank you. Does it need to be shown? Does it need to be shown that the mitigation hierarchy should be applied, though, to the residual effects on the greenbelt?

01:02:17:29 - 01:02:28:27

Uh, lays done on behalf of the applicants? Uh, I think the greenbelt test comes in in respect of, um, of, uh.

01:02:31:02 - 01:03:08:13

We've discussed it through the site selection process. Um, and I think where we get to, um, is the position that it's not necessary. And I think there's case law to support it. So I don't have the all the documents in front of me at the moment. But we don't have to demonstrate that there's no other alternative site. Clearly we have a greenbelt in itself. Is is to you have to look at the greenbelt tests,

which are about, uh, whether it's bringing together of um, of, different settlements or those matters to consider that.

01:03:08:15 - 01:03:22:01

And it's about the harm to greenbelt. That's the that's the test that needs to be considered, uh, in respect of, um, considering the location of the substations, which we've set out quite clearly in the greenbelt note.

01:03:22:20 - 01:03:23:12

Yes.

01:03:24:07 - 01:03:34:12

But do you agree that the mitigation hierarchy should be applied to those greenbelt effects? Whatever we decide that they are, they are obviously in our consideration. But in terms of the context of CLP policy,

01:03:36:08 - 01:03:46:12

I think I think reading from your response, I think you probably do, but just to sort of clarify the screenshots, one of these ones, it's not sort of strictly an S topic, for example, is it? It's a sort of lies outside of that.

01:03:48:09 - 01:04:18:21

Uh, lays down on behalf of the applicant. I think because Greenbelt from a policy perspective comes out as the consideration of very special circumstances. And then within the CMP, I think it is taken slightly separately. I think you need to consider the landscape context and the landscape and visual impact. Um, and that those are the matters that are the focus, because greenbelt in itself is a spatial designation.

01:04:18:23 - 01:04:21:18

It's not a landscape or a visual designation.

01:04:23:12 - 01:04:30:22

I'm not I possibly should have asked Mr. Kraft about that yesterday, but that's certainly my interpretation.

01:04:30:24 - 01:04:51:03

Okay. And by all means, clarifying a post hearing in a post hearing note. If there's anything further you want to ask, obviously we've got to come to our own. We may have to come to our own view on this if it's necessary to. So that's why I want to just rehearse these things with with the parties to make sure that everyone has their has their view and they want the other point in terms of the, um,

01:04:52:26 - 01:04:56:00

I think in your note in response, it says that

01:04:57:21 - 01:05:20:15

it would be expected that Secretary of State is entitled to consider Whether, viewed as a whole, the mitigation hierarchy has been appropriately applied, rather than introducing additional tests for CMP projects requiring forensic analysis of the approach to mitigation on every impact, even if not significant in AI terms, and notwithstanding what you've said about the significant effect. But in terms of this viewed as a whole,

01:05:22:09 - 01:05:29:13

it didn't actually say that in the policy does that they want seems an extra sort of layer of interpretation going beyond the policy. Can I just explain that.

01:05:29:16 - 01:06:00:24

The applicant's I think that's where the reference to the Mona decision, I think, is helpful, because that is, as I said, um, this policy hasn't been applied, therefore it hasn't been tested. And, uh, you're clearly grappling with how to apply it. I think everybody has had to consider, uh, how to apply it because, as I said, I'm not sure it's entirely clear in terms of of how it should be applied and and where it comes to. But I don't.

01:06:01:25 - 01:06:33:14

My interpretation. My the applicant's interpretation of the policy is that it doesn't create a different planning balance than the one that would be undertaken in any other event. It's it again, it's that point about is it that critical national priority is just giving you that extra weight in particular circumstances? Um, where, um, where you, um, where, where you might otherwise or the Secretary of State might other otherwise.

01:06:33:16 - 01:07:17:26

Um, consider that actually that weight was so great as to, um, as to override the, um, the, otherwise the, the, the planning balance. I think what's helpful is paragraph 4.2. 17, um, which effectively there are four, uh, there are four specific circumstances which are written in there, Um, which I think is, is aiming to provide guidance around where you have those sometimes quite difficult judgments as to where, where the where the balance falls around consenting or not consenting, a project that it's saying, the policy is saying, actually, you can put a tick in that box and say it's met.

01:07:17:28 - 01:07:52:06

You can't just go straight there. You have to have gone through the the mitigation hierarchy or the site selection process or whatever it is, but those for being where greenbelt requires very special circumstances, um, where development within or outside of triple C requires the benefits to clearly outweigh the impact on the features of the triple C, where development in nationally designated landscapes requires exceptional circumstances, and where substantial harm or significance to heritage assets should be wholly or exceptionally sorry, should be exceptional, wholly exceptional.

01:07:52:08 - 01:08:10:26

So it's giving for very specific circumstances where perhaps there is a high well, there is a high bar to say. Should this development go ahead. And I think what the what the policy is saying very clearly is that test can be met as long as you've shown you've gone through the mitigation hierarchy to arrive there.

01:08:12:06 - 01:08:49:03

Okay. Thank you. And my last question, and obviously this is completely without prejudice, but going following off the discussions earlier on with BA about the bird strike effects, etc., in terms of the exceptions to the presumption of consent, which it's listed in, it's 4.25 of MPs and one, uh, residual impacts onshore, which presents an unacceptable risk to or unacceptable interference with human health and public safety, defence replaceable habitats or unacceptable risk to the achievement of net zero.

01:08:50:04 - 01:09:11:10

Were the Secretary of State to decide that there were unacceptable risks from bird strike on Bay Warton, for example. It's a hypothetical example, but based on what's been heard in examinations, something that obviously is being considered. Would that amount to an exception to the presumption of consent? Would it fall within? Uh.

01:09:13:27 - 01:09:16:15

I'll let you answer, but defence is probably the obvious one, which it.

01:09:17:16 - 01:09:59:12

Certainly is done on behalf of the applicants. I think you also have to read the whole of N1 together. And if if the Secretary of State was to consider that any of those elements of paragraph, um, uh, which one it was, you just read out, um, 42421542.5 are not met um, or would not be met. I think you then have to look at the specific wording of the sections of of the policy to determine whether actually that's the conclusion you arrive at, because there is no mitigation that's available.

01:09:59:14 - 01:10:34:04

And I think I would go back to the point that we were considering this morning and refer to paragraph 5.5. 60 in that aviation context. And this is really important in terms of this wording, 5.5.6 says, provided that the Secretary of State is satisfied that the impacts of proposed energy developments do not present risks to national security and physical safety, that's important. But then it goes on to say, and where they do so in circumstances where that is potentially and we're not saying that's a situation here.

01:10:34:06 - 01:11:13:10

You've heard our evidence on that point, and I think it is actually really important that that message is understood, that this is a risk that can be managed, has been demonstrated through the work with Blackpool Airport, that it can be appropriately managed through a process that there is there is no outstanding risk there. But even where there is, even where they do in paragraph 5.5. 60, provided that the Secretary of State is satisfied that appropriate mitigation can be secured, can be achieved, or appropriate requirements can be attached to secure those mitigations, consent may be granted, and I think you have to read those two together.

01:11:14:24 - 01:11:16:28

Okay. Thank you.

01:11:18:03 - 01:11:45:21

I think that's probably enough late afternoon policy analysis for everybody. But thank you. I wanted to raise these points because obviously, as we've said, it's new policy. And if anybody wants to add any further points to what they might have already said or new points, then do so at deadline six on the matters that have been discussed and the responses to the questions that were referred to earlier. Okay. All right. Thank you. Uh.

01:11:52:03 - 01:12:02:15

Yes, we got the favorite last item of action points. Uh, we probably should just add them very quickly. Or your list very quick.

01:12:02:17 - 01:12:06:16

We've got 46, 46, 46 over the last two days.

01:12:06:18 - 01:12:07:03

Right.

01:12:07:05 - 01:12:14:04

I can talk quickly, um, and go through them. Um, yes. Shall we?

01:12:14:06 - 01:12:23:05

We really probably should do, because last time we didn't do, I thought parties might have. We not here won't be able to party, so we here might. It's probably fair to everybody that they are very quickly listed.

01:12:23:08 - 01:12:56:23

Yeah. Okay. So, um, uh, the first agenda item was on introductions and arrangements. Uh, and Fylde Borough Council were to provide the full statement as read out, where they suggested that the environmental statement wasn't complete and where the mitigation hierarchy hadn't been followed. This should highlight where Fylde have already made these points in writing, including detail on specific areas where the ISS claimed to be insufficient and that was to be provided as soon as possible to the applicants to respond by deadline six.

01:12:57:11 - 01:13:14:23

The second one was in respect of noise, and this also was unfilled. Um was to confirm that the statement of Common ground, submitted on the 6th of October, includes confirmation that the updates to the outline Noise and Vibration management plan at deadline five.

01:13:14:28 - 01:13:21:29

So actually, I think I'm changing my mind because it's probably it's probably not fair on you at the end of a long day, but actually.

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

I'm happy to continue.

01:13:23:11 - 01:13:48:27

Our parties happy, given that it's the end of a long day and we're having to go through 46, it probably is a little bit unwieldy, if in the way I think we did last time, that the applicants will submit a copy to the Planning Inspectorate, will put on the website, will obviously be checking them, and if anybody sort of sees them and thinks that, gosh, that's wrong, then they will let our case team know accordingly and we can relay that to the applicant. Is that probably.

01:13:50:05 - 01:13:52:28

Uh, Liz Dunn? Yes. On behalf of the applicants. Yes.

01:13:53:00 - 01:13:53:28

Happy with that? Unless there's any.

01:13:54:22 - 01:14:31:15

Number. There are quite a number, though, that require things to be done before deadline. Six. Particularly the provision of information to the applicants where that hasn't been provided in order to take matters further so that that position can be provided at deadline. Six so, um, we we are happy to extract those, to send them to the relevant parties as soon as possible. I, I'm concerned, I think that, um, the these don't get lost in the weeds because they are very absolute in terms of and some of them are, are as soon as possible and before they're clearly before deadline.

01:14:31:17 - 01:14:32:02

Six.

01:14:32:04 - 01:14:50:27

Absolutely. If you could do that with the relevant parties that they get an advance copy, we will publish it on our website as soon as we possibly can, which I think can be pretty quickly after they've been submitted, so I think there hopefully will be sufficient time if everyone's happy with that. I think it just curtails having to go through everything now.

01:14:53:28 - 01:14:58:08

What will befall you as far as counsel? Okay, was our counselor?

01:14:58:10 - 01:15:30:03

Yes. I think that's probably the better approach because the those action points have been worded quite specifically. We might have a couple of comments on the extent we don't want to be alleged to have not complied with the action points. They there is perhaps detail in the way that they've been worded, which we perhaps would not actually be complying with in our anticipated response, even to action point number one. Um, so we're quite happy to receive the draft, to get on with the work. And then if we've got comments on those, the way in which they've been drafted, we can we can deal with that separately, because ultimately it's responding to those action points which are the most important.

01:15:30:05 - 01:15:31:12

Yes, absolutely. Yeah.

01:15:31:14 - 01:15:50:16

Uh, so sorry, on behalf of the applicants, I think ultimately it's for the Planning Inspectorate and the inspectors to determine what you considered the action. I've we've been acting as a secretarial service. So ultimately I think it's for the inspectors to confirm. And we we will which those are.

01:15:50:18 - 01:15:51:03

We will do.

01:15:51:05 - 01:15:52:17

That based on your notes as well.

01:15:52:19 - 01:16:08:25

The only snag is timewise, obviously we're not going to get to do that until Monday, and by which time the parties might be able to be cracking on with dealing with some of them through the other route. It sounds as though it's a practical way through. In this case, if we carry on too long ago, you might have got through the 46. So.

01:16:11:11 - 01:16:44:16

Is that is everyone happy with that, with that approach? Um, yes. Good. Thank you. So that is item 13. And then item 14, we at the close of the hearing, unless there's any final point anybody wishes to make. Uh, thank you for everyone's submissions and comments throughout this hearing, which is useful as usual, has been very helpful to our examination just in terms of next steps, because I'm aware that not everybody might be in attendance at the compulsory acquisition hearing tomorrow.

01:16:45:03 - 01:17:18:04

And the final deadline of the examination is deadline seven, and this is for closing submit. And this includes the deadline for closing submissions from any party. Comments on responses to the changed application and any further information that may be requested under rule 17 of the examination and the closing submissions, is an invitation for any party to provide closing submissions if they wish, and these are to summarise their cases as it stands at the end of the examination. But it is not an opportunity for new evidence to be submitted.

01:17:18:06 - 01:17:28:04

So it has to be a summary of the parties cases, rather like final closing comments in a planning inquiry, for example. Um.

01:17:30:05 - 01:17:42:07

Following this, the examining authority will have three months to prepare our recommendation report to the Secretary of State and who then has a further three months to make his or her decision.

01:17:43:24 - 01:18:22:11

A summary of the evidence presented all at this hearing should be submitted at deadline six, which is Wednesday the 22nd of October as part of post hearing submissions. And that deadline is also the deadline for any comments on the recently adopted changes to the application and and the full list of submissions to be received for that date is included within the examination timetable, as it is for deadline seven. As I mentioned, tomorrow morning is the final compulsory acquisition hearing commencing in this room at 930 and it's not expected that that will continue beyond 1:00.

01:18:22:13 - 01:18:30:04

So thank you again for everyone's contribution in the last two days and throughout the examination.
This issue specific hearing is now closed.