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00:01

Good morning, everybody and welcome today's issue specific hearings, one for East Anglia, one North and East Anglia TWO offshore wind farms. This is the first issue specific hearing in these examinations. Before we introduce ourselves, I'll deal with a few preliminary matters. And I check with the case team, please, that you can hear me and that the recordings and live streams have started.

00:24

Yes, I can confirm it started. Just

00:26

thank you. I will introduce ourselves. Thank you, Mr. Williams. I am Jessica Powis, a member of this panel, which is the examining authority briefs and applications application. And another panel, which is the East examining authority for the East Anglia to offshore wind farm application. I'm in the chair today will lead the questioning irrespective of agenda items, two, three and four of our agenda. I will now ask my fellow panel members to introduce themselves starting with Caroline. I'm just waiting for my colleague, Mr. Smith to join.

01:16

Apologies. Yes, I have joined we just had a little glitch with the sound there. And good morning, everybody. I trust you can hear me My name is Rynd Smith. I'm the lead manner member of these panels. I'll mainly be observing and taking notes in this hearing today, but may ask questions if they arise. And I will also be taking a note of any actions that arise from this morning's hearing. Thank you very much.

01:39

Thank you.

01:41

If you've been involved with or watched any of our previous hearings, you'll note that the full panel is not here today. This is to allow the other two members of our panel to work on preparation for the rest of our hearings this week. However, if needs to be for contingency purposes, our colleagues can join us and also introduced our planning Inspectorate colleagues working with us on these examinations, some of whom you will have already spoken to and Ray Williams is the case manager leading the planning Inspectorate case team. I know you would have met him in the arrangements conference this morning and raise company today by two case officers Kj Johansen and Caroline hope Well, hopefully the

published agenda papers. But these hearings provide a clear explanation of our and your reasons for being here this morning. That is to hold an issue specific hearing on the topics of biodiversity ecology and habitats regulations assessment. Issue specific hearings are different open floor hearings that we held in October and November, in issued specific hearings is the examining authorities to determine the topics to be discussed and decide who it wishes to invite to give oral submissions to assist our examination of the applications. Now you know who we are and why we're here. I will hand over to Mrs. Jones, who will ask our participants to introduce yourselves.

02:53

Thank you, Miss Powis. Good morning, everyone. Again, this is Caroline Jones, and Amanda's speaking. Shortly I'm going to be running through our list of participants and asking them to confirm who will be leading their contributions this morning. Before I do just a few things to note. Today's hearing is being live streamed and recorded. The recordings that we make are retained and published. Therefore they are public record that can contain your personal information into which the general data protection regulation applies. Does anybody have any questions about the terms

03:19

on which I did some recordings or maybe

03:24

any raised hands or hearing anyone so we'll move forward on the basis that this is all understood. Tending to this morning's meeting and will now ask participants to introduce themselves. If organisations attending today have a number of representatives attending? Could I ask that you nominated each representative to introduce your team on behalf of your organisation? Because I know for a number of you we have several different individuals that may wish to contribute during the course of proceedings would

03:49

also be helpful at this

03:50

stage. If you could let us know at which point in the agenda you anticipate participating. In the first instance, could I check the name of the meeting? Can we have representing the applicants today, please?

04:06

Yes. Thank you, madam. Good morning. My name is Colin Ennis, and I'm a partner in the law firm of shepherd and Wedderburn. I will be instructed by both applicants in respect of all the hearings. This week. I'm instructed by Fiona Carla's SPR legal in terms of session this morning. I'm supposed to just introduce who we have present for items two to five in the first instance and then probably await the onshore introductions at that stage or otherwise the numbers probably get too great if that if that's acceptable. kick off with the like the main participants on behalf of the applicants in respect of matters two to five leading mobile Paolo Priscilla, who's a technical director at Royal for sconing. He has had a role of Project Director for the AIA in the consenting of both East Anglia, one North and East Anglia

TWO and perhaps given the number of representatives that are appearing on behalf of Royal sconing, as perhaps worth recognising that they are one of the leading EIA consultants working in the offshore wind sector, and have to date supported a consenting of over 15 gigawatts of renewable energy projects in the UK. In terms of supporting paler in respect of the early phases of the discussions, we also have Dr. Mark trender, who's a principal ornithologist at MacArthur green. He again is an individual who has extensive experience and dealing both with the assessment and the post construction monitoring of offshore wind farms. And this has given him a very strong grounding in the analysis and modelling of CBRE population data and the methods of assessing potential impacts of offshore wind farms. In terms of other parties who I have in relation to the offshore sector, they're less likely to be playing an active role in today. And allegedly here, monitoring matters and they are based in my London office. And the first person I highlight is Gero Vela, who's the lead a project engineer and offshore team, rescue group. He has performed the role of the offshore consents manager in respect of both the projects, and this is a critical role and liaising with engineering technical environmental, and also liaison with various groups. Mr. Vela has an extensive experience in working in the offshore sector, and was a founding member of the renewable UK offshore consents and licencing group and also participated in many inter industry stakeholder and government liaison groups. He also had a background a degree in marine biology.

Also in my London office is Stephanie mill. She is a senior associate with shepherd and Wedderburn, and she has been actively involved throughout the development of both of these projects through the whole site selection and EIA process, Stephanie has had played a particular role in also drafting matters such as the DCO and the green licence conditions, she may have a role in discussing aspects of those that may be relevant to the hearings today. And finally, my London office is Mr. Gregory Jones, of Francis Taylor building. He has been giving advice in relation to interpretation matters associated with the HRA directive, and he's likely to be watching today. But these are matters that have been raised and may be relevant at future hearings. That concludes those parties who may participate on behalf of the applicant in relation to items two to five.

08:32

Thank you very much.

08:35

Thank you Good times on

08:36

antec the name of the main speaker that we have representing the marine management organisation today, please.

08:44

This Good morning, ma'am. My name is Mark Qureshi. On the case manager for the East Anglia one north, rd sangli. To case I have with myself

08:57

to kind of just flag up I have major sound problems this morning. The significant sound delay, I'm hearing twice. So I'll do my introduction and then I'll log off and log back in again. my two colleagues are Rebecca Reed, and Jack Co. We will be attending for agenda punch three, four and five.

09:24

Thank you.

09:27

Next good.

09:27

I have the name of the main speaker that we have representing subjects Suffolk County Council.

09:39

Good morning on my name's Graham Gunby. I'm a chartered town planner 30 years experience and also a resident of Suffolk and joining me today I've got Andrew Murray Wood, who is an ecologist and Karima Graf is from our legal department. Thank you,

09:58

Mr. Gunby.

09:59

any item that you anticipate participating in today?

10:04

I think I just will just take it take as it comes to the agenda.

10:08

Thanks very much,

10:08

very much.

10:10

Good morning to you all. Okay, next, could I have the name of the main speaker that we have representing East Suffolk County Council, please.

10:23

Hi, good morning. And

10:24

so my name is Sumner Gold. I'm the senior energy project officer. He suffered counsel. And I've got with me today Doug and James Mayer, who's the council's ecologist, he will primarily be speaking on the items, particularly on agenda item six, and potentially agenda item seven.

10:46

Very much.

10:49

I have the name of the main speaker that we have representing the Wildlife Trust this morning, please.

10:59

Good morning mom.

11:01

Christina Platts, I'm

11:02

green planning officer at the Wildlife Trust.

11:07

And with me, I've got Tanya Davy, who is the scene Marine, senior marine planning officer at Wildlife Trust. And we will be commenting on agenda for

11:19

agenda item four.

11:22

Good morning to you, bro. Thanks very much. Okay, next, do we have the means we can hold the Suffolk coast in

11:31

partnership.

11:35

Good morning. It's Simon Amstutz from the Suffolk coast in his area of outstanding natural beauty. I'm here to represent the partnership of around 26 organisations. I was asked to come to this meeting because for personal reasons, I can't make issues specific hearing too. And so I was invited to attend. And I wonder whether I can make some amb comments at item seven. Do they?

12:07

It might be possible we are tight for time this morning. We have a lot of business to get through in this hearing. And it may be when we get to that point where time is tight that we will be asking people to put any comments or any of the business in in writing deadline three, which is 15th of December. So it really just depends, I think on how time is going this morning, but certainly if we have time, then we may be able to allow that. Okay. Okay, next on my list, I have substation action save is civic to have the name of the main speaker that we have representing. Do we have anyone from the same CCN this morning?

13:00

No, move on.

13:02

Did you say? Yes? Is that? No?

13:05

No? Okay.

13:09

I'll go away.

13:10

Yeah, that's fine. Are you are you representing team?

13:13

Yes, I am. And I have also Fiona Gilmore. me.

13:20

Are there any agenda items that would speak participated? durricks? Um, yes,

13:25

yes, there are. But I am sensitive to the fact that we might be pushed for time. So if you're happy with me raising my hand and if you apply your judgement as to whether we can fit in or not. Otherwise, we'll submit in writing.

13:39

Absolutely. That's fine. Thank you very much. Okay. And finally on my list, I have Segata foundlings. Could I check the name of the means we give up we have represented this morning, please.

13:51

Yes, good morning to my name is Paul Chandler. spokesman for Save Our sandlings. We also have Peter Chadwick, who is chairman of Save Our Sandlings and Richard Reeves, who is also a member of our group. We will be commenting specifically on agenda item six. And Richard will be leading with us for us.

14:16

Thank you very much. Good

14:17

morning to you all. Okay, that is the list of speakers that I have. Anyone who is not participating directly in this session, but is observing is welcome to set out any observations about what they hear this

morning in writing by deadline three, which is the 15th of December. The introductions are now complete, and I'm going to hand back to my colleague, Perez, who will lead the next session.

14:45

Thank you, Mrs. Jones. So this morning, we're holding issue specific hearings, one for both of the projects in parallel. There's a single agenda for both hearings, which was issued on the 24th of November. Whilst the agenda is designed to enable us to hear all submissions for the Two applications in parallel, we do have the discretion to consider each project individually during proceeding proceedings if necessary. We've seen from our agenda to say that we plan to start by looking at the headline position in respect of habitats regulations assessment, and then we'll move on to explore in more detail topics of offshore Anthology, marine mammals, ecology and then move onshore to consider terrestrial ecology, including onshore ology. A focus on habitats regulations assessment this morning. But taking that topic based approach that I just outlined means that we will also be discussing environmental impact assessment matters. We have a number of participants this morning, as we've just heard, whose primary focus is likely to be the onshore matters on Driton six. And and I think as the message has already started to become clear, we're going to have to take a high level approach to terrestrial ecology today, but we do plan to hold a further issue specific hearing in early 21. Still with the onshore biodiversity matters in more detail, and next week, we hope to be announcing precise dates. There are also some biodiversity topics that are not included in our agenda today, but that we know are live issues in the examinations. One such example example is fish and shellfish fish ecology.

We plan to continue to examine these matters through our recent questions at this stage, and we retain the option to use that further issue specific hearings and our timetable if oral examination is required. As we go through our topic areas, we will be asking some questions about the cumulative and in combination effects of the two projects with other projects and proposals. But I would also just note, there is time allocated to cumulative effects within issue specific hearing to starting tomorrow. And that is where the more general cumulative assessment issue should be heard. We have a compulsory acquisition hearing scheduled this afternoon starting at two. So we expect to conclude this morning's hearing by about 1pm. And as we've heard, our agenda is quite full. So we will need to keep pressing on to ensure we can cover as much as possible. But if we do need to revert to writing on anything that will let me know. And that will be all the deadlines range the 15th of December. And we also as I've mentioned, half a second by diversity issue specific hearing, as additional time to consider matters arising for move on to the main business then in this morning's hearing. Does anyone have any questions of a preliminary nature about how today's hearings we run? not seeing any hands raised. So I think we'll go straight on to item two, which is the applicants approach to habitats regulations assessment. This morning session, we'd like to start by focusing on areas where the conclusions in respect of habitats regulations assessment that the applicants have reached or not supported by agreement from natural England as the statutory nature conservation body will widen our discussion to hit more parties by topic. From item three onwards, we have the version one statements of common ground and which came in at deadline one largely. And we are conscious that discussion discussions will continue since then. So this item is not intended to be a long one. It's just a checkpoint to ascertain whether we have shared understanding between the examining authorities, the applicants and natural England about whether disagreement remains and therefore where we need to be focusing. So as set out in our agenda, we'd like to begin by asking the applicants for each of the proposed projects. to

present a brief summary of its understanding of the European sites features and nature of potential effects for which its conclusion have no adverse effect on integrity is currently not agreed with natural England, we will move into the detail of the areas yet to be agreed from item three onwards at this stage is just a headline session. So as to make sure we have a complete picture before we get into that. If I can then ask the applicant before we go into this exercise. And do you think we need to take two projects in turn? Or do you consider the issues to be so similar that we can actually do this process? quality project in parallel?

19:08

Great looking gormless solar, for the applicant? No, we will deal with projects together. I because all of the issues are largely in combination issues. So there's there's nothing really that separate from, I'll just obviously, we'll get into the detail of the out of time destiny, SBA displacement, of red throated diver when we get to that in the detail, but otherwise, it's pretty much the same case for every project for each project.

19:37

By that that's what I expect you to say. So that's good. So really, at this stage, and what I'm asking for, is it's almost as the checklist so which European site which feature or features and the nature of those potential effects or displacement effects or collision, mortality, etc. And so over to you then please, if you wouldn't mind, taking us through.

19:58

Okay, I'll be solo again. For the applicants, we'll start with plumber and finally coast IPA with Kittiwake. No project alone effects the only outstanding effect is in combination collision risk, where natural England's position is as per the final position on Norfolk Boreas, the eo a a 80, I cannot be brought out. And we may want to Gannett, again, no project alone effects in combination collision risk again. And we are awaiting natural England's comments on our deadline one updates to the the collision risk modelling that we provided to get an opinion on what their position is. Raise a bill again, no project alone issues in combination displacement and guillemots the same. And again, we're waiting awaiting natural England's comments on the materials we provided at deadline one, filling in some of the information in the cumulative information that we provided at that stage.

21:13

Just before you move on on Gannett, is there also a displacement issue outstanding or is it simply down to collision?

21:23

I don't believe that displacement is an issue for that. Leave, we've covered that one off, as I say we're waiting. Natural England's position on Garnett is not clear. Mark trender. Do you want to come in at that point?

21:38

Is it from the applicant

21:42

trender for the Applicant I just wanted to paint there on on the displacement comment for Gannett. Combined displacement and collision, I believe is something that natural England are still raising mostly down to the collision come component of that. But But I don't think that was completely resolved.

22:01

Thank you. I think that I think what the deadline was on grounds as well, I didn't know whether things have moved on. Oh, and so that's fine. That's clear. Thank you.

22:11

Sorry to interrupt.

22:15

No problem. All the rest Yuri, then less a black back goal. And

22:20

sorry to interrupt again, before we move off the planroom file, yes, and SPI the seabed assemblage there. I've also got that kind of on my list of things without a resolution yet is that something so again, combined the combined effects of collision risk and displacement organically to get them out and raise a whole lot.

22:41

I'll pass it over to Mark again for seabird assemblage, please.

22:45

Sure. Mark Fender here again. Yes, I believe natural England has still have outstanding concerns largely down to the individual elements of all of those again, so it's because if there are question marks over at the individual species, then then those those carry over into the the assemblage aspect as well.

23:13

So again, for the applicant, or s3, then let's have black back Go and again, no project alone impact effects, in combination collision risk, outstanding, same natural position that they are at the same position as they were at the end of Norfolk Borealis of AIA cannot be ruled out. For the outcomes of SGS PA. So, potentially, here, again, we'll need to we're waiting to environment of natural disposition at the moment for East Anglia, one North we have project alone and in combination displacement risk for East Anglia to believe it's only in combination displacement risk. We are we're providing and have been, will discuss in the next point, the work we've been doing since the relevant representations were provided. beginning of the year, we are providing an update to the analysis deadline three. We've already briefed natural England on that, and we were having a workshop with them next week on the analysis. And we'll hopefully have a better position of that by deadline five when they have indicated that they will provide their opinion on what we have done. And it addition of this, they add those naturally and have looked have raised issues with the cabling effects on supporting features of the SBA. We've provided information on this twice to date. We are providing an update now that natural

England has provided us with habitats information that was previously not available. And we provided update for that deadline three

25:01

And as we asked him vestry SBA.

25:04

Yep, that's the supporting features of the Thames Estuary SPI. Finally offshore, we have the southern North Sea sec. Four and we have outstanding disagreement on behavioural effects from underwater noise on the hub porpoise feature. Again, we provide an addendum to the HRA at deadline one. And we believe naturally, we're not providing comments on that at deadline three.

25:36

Thank you.

25:38

Then the onshore the sanderlings SPI, where we believe the only outstanding issue is in relation to the SPI sporting features. Again, given the seasonal restriction, there is no disturbance on the night john would like because the work will not be occurring in the period when those species are present. So it's only down to the cabling effect. And that is a matter of unknown going discussion through the cspa crossing method statement that we submitted at deadline one and have continued dialogue with natural England RSPB since then. So that is the I think that's some position of the the HRA issues at this moment.

26:29

Excellent. Thank you very much. I'm conscious, I've got a hand up.

26:34

I'll come to you in a moment.

26:35

I just

26:35

wanted to say that, that is pleased to say a good reflection of what I had on my list as well. So I think we have to have a shared understanding, obviously, I would have come to natural England at this point to check with them that this isn't so their understanding of state of play. Unfortunately, they're not here today. Does someone limit our ability to reach key positions on some of these matters as we go through this session, but we'll do what we can and in the interest of making progress and to avoid unnecessary delay, we're asking natural England to review the recording today's hearing, and to respond in writing, but to the points raised by deadline three, which is the 15th of December. And we'll say taking that same approach to any other sort of the key interested parties that aren't attending the hearings today and tomorrow, and next day. And so for the benefit of the recording, I will invite natural England to respond to those issues they just had by deadline three, and I can see that would like to come in.

27:37

Yeah, just to say obviously, we did share that position with natural England last week. And they were they had some comments on it. And then we've revised it to the position I've just read out. So I think we are in agreement on what we are in disagreement upon.

27:58

by natural England. Thank you for that day. And I will come to is Dr. Horace and has a hand up on behalf of SASES.

28:06

Yes, thank you very much. I'll keep this brief because I'm aware we're under pressure. And I can add things in writing. But one thing that's been missing from this inquiry so far, is there are already three Kittiwake populations in close proximity to both a n one and a two arrays and to the literal developed developments. So there's two significant populations in Lowestoft that's about 19 miles away from the array and a substantial population at size well, within a few hundred metres of land for now, these are the only populations in Suffolk they're the most suddenly call it colonies of Kittiwake in the UK, and they use sort Neff thorpeness cliffs as the migration point and for bathing and loafing. So I would argue they're at grave risk from their development. And I did notice that it was suggested that Lowestoft could be mitigation for horn c three. Well, I find that a bit astonishing that on the one hand, we don't know kitty wakes there. And on the other hand, we do so the kittiwakes have been thrown out of one frying pan and into a different fire. So perhaps, the applicant might like to consider how they'll protect these existing collard colonies. And I would also like them to consider evidence based solutions as to how they will modify their arrays to reduce the collision risk rather than data projections. Thank you.

29:41

Thank you, Dr. horex.

29:42

Would the applicant like to respond to what you just heard before we move on?

29:48

I'd like Dr. Brenda to speak to that point, please, Mark.

29:54

Sure. Mark, Brenda here for the applicant. So there are a few different points. I think. race day. So I will forgive me if I don't manage all of them. But please remind me of any of them. So I will go through with respect to the list that my colleague Paolo just went through there that was very much in with respect to the Jura 2000, protected special protection area populations, which are the ones that have the highest level of protection afforded to them. And the reason that they're the number one agenda item here is a reflection of that these are the ones that are for which the legal aspects apply most strongly. And so those that's where naturally, the statutory advisor focuses their attention, and consequently, when we put a lot of attention on them as well. There are of course, many other colonies for all of these seabirds around notably in the southern North Sea, not that many of them because the suitable habitat for

nesting is not present in a lot of places. There are these colonies in Lowestoft, Sizewell, and I think there was another one mentioned there. However, they do not have the same degree of protection. Now, that obviously doesn't mean that those individual birds are at no, no less risk. But they're not afforded the same level of protection. And hence, they weren't covered in that, that rundown that Paolo just gave. Those ones are considered within the wider population. And part of the assessment that was conducted on those grounds. So that's the standard EIA level of assessment. And so those individuals will have been considered within that larger population and the effect they're on. So they're not they've not been ignored by any stretch of the imagination, it's just in terms of how the process works for impact assessment, we naturally focus in on these these special protection areas. So so that I hope addresses that they're not being ignored by any stretch, they are just being considered within a separate part of the application. We can pause there, or I can carry on to the next

32:16

now because we are still haven't quite got into the detail on those. And I know we're gonna come up to each of those sites. And just to reassure you, that certainly, those EIA effects are part of our considerations, and although they may not feature largely today, they may come up in Mason hearings, Oregon, certainly that part of our our examination. And on the point at the point that you raised about the Hornsey three potential and compensation sites, we will come on to that Andre some free Okay, and then just a quick point of clarification, if I may, with the applicants about state of common ground and so we know where we are at deadline one we received a statement of common ground between yourselves and the RSPB in relation to onshore and authority matters. I noted that I think there's an offshore ontology setting Common Ground due at some point I was wondering if you have an update about when we might get that.

33:18

My understanding is or we're trying to get that in for deadline three RSPB.

33:23

Excellent. Thank you. Obviously RSPB have an interest in all of this. And they don't they've made the decision that they're not attending these hearings. And they're resourcing reasons and are facing their effort into those statements of common ground and written submissions. So just trying to keep her keep an eye on that, even though they're not represented here today.

33:41

And think, oh, Dr. Hearts, you still have a hand up. Is that intentional? Dr. Horrocks? Can you hear me?

33:56

Yes, I can. I do beg your pardon. I'll take that data

34:00

to make. Okay, and we've now reached the end of those matters that we wanted to cover under item two. So we'll get moving on into item three and start looking at the effects on offshore ontology. And if there's anything else that anybody wants to raise about the general approach to habitats regulations assessment this morning. Okay, in that case, we'll move on. Okay, so, item three are going to set out

the main topics that we would like to cover in relation to offshoring and quality, which are generally areas in which findings about effects are not agreed again, and I think we'll move straight on to 380, which is the read through to divert the outer Thames Estuary special protection area, and we'll be talking about SEPA, Laughlin that longer term. As you've just heard, the disagreement here relates to whether or not there would be an adverse effect on the integrity of the Thames sbsta as a result, displacement effects and red throated diver during construction And operational stages of the projects. And the statement of Common Ground these talks about project learning combination effect for both projects. But as you've just outlined, that made it there's actually a differential approach here because of the locational difference and how they relate to that SPI. And the applicants are committed to producing an update the deadline 3d note that to take into account natural England's advice about the appropriate buffer distance from any array for consideration of displacement effects on read through to cyber. We note from the applicants deadline to submissions that preliminary findings from that work and draft reports were being shared in natural England and the RSPB boxing. We haven't seen any of that yet, during on the 15th of December. So could you just start by asking the applicants to provide a brief update and any progress on that work,

35:47

I'd like to

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show Paralympic solar for the applicant. So as we highlighted we, we've been undertaken analysis on this. So this goes back to the the relevant representation where natural England revised deposition to a more conservative position on the displacement. We we started working on that from the earliest point this year, but were unable to engage with natural England until the summer when, due to the lockdown restrictions, they were able then to engage again properly. So we had a workshop in July with natural England based upon our initial analysis that we have done, and a comprehensive literature review of the issue. They discussed what they would like to see further from that analysis. So we went away and undertook that that work, which Dr. Tender will explain to you. We had a workshop in September, to go through the preliminary findings of that and where we've got what we have done and what we've found. And we were able to share that once we'd got feedback from both the RSPB and natural England on any elements that they'd like us to include in that when we supplied that to them, which was particularly around uncertainty and, and some of the modelling elements in that. So we've supplied that as of the 16th of November. So natural England have had that analysis for the best part of a month now. And they have got contractors looking at the modelling behind what we have done at the moment. So they've got that we are having a workshop next week on the eight with natural England and RSP. And I believe MMO may be attending as well, to go through that game, to discuss findings and give them another opportunity to discuss that prior to it being submitted at deadline three. So that's the status of where we've got to work, if you'd like an explanation of what we found. Dr. tender, so mark, do you want to pick that up? Thank you, that

38:07

would be helpful.

38:09

Thank you

38:10

think about it, yeah, Mark tender for the applicant. Yeah, so, this was a pilot panel sort of set out the introduction there and on the back of the request from natural England, we went away and basically the changing position from natural England came about on the back of studies that have been conducted on diver distributions around offshore wind farms in the German bight and the results of this work have shown that the birds appear there appears to be a signal and a detection of displacement at distances up to 10 to 12 kilometres. And natural England obviously, have some concerns about this and asked us to apply this to our work and looked at what the implications of that would be for the atoms s jsipa. And so, we went away and we got hold of the various datasets that have been collected for for the SBA. So this includes the surveys, the aerial surveys that were conducted in order to designate it in the first place and define the boundaries of the SBA and then followed that with monitoring surveys conducted in 2014. And repeated again in 2018. I should just say that the analysis of those data data what was done was was very similar to the the approaches taken in the German bight very similar approaches. So there wasn't myself that did that. Analysis. We actually a colleague of mine, who is a professor of spatial ecology at Glasgow University, Professor Jason mathy, opolis. He actually undertook that analysis and basically, this is a wave of the spatial modelling is looking at ways of trying to explain the distribution using appropriate explanatory variables. So things like the sea depths, the distance to coast distances, shipping lanes, factors that you would expect to explain why you get places with more or fewer divers. And then within that modelling framework, the presence of the existing wind farm, so Qantas flats gunfleet, sands and London array which are within the SP a boundary itself, you can include those in the analysis, they appear during the process of the data collection, which spans 2002 to 2018. And so you can you can see how the presence of those wind farms when they are constructed how that affects the distribution within this modelling framework and make predictions of what it would look like with and without those wind farms.

So this work was undertaken as palisade. Initially, we were presented this in a in a workshop, and now they have that preliminary report. This is natural England and the RSPB. We're awaiting their comments and responses which we should be getting next week in this workshop. The headline, I suppose results from that was that within the wind farms, we were finding a displacement effect of up to 33%. So a third of the divers within the wind farms were not there. So if you compare this we have a sort of a counterfactual situation. So identity surface in the Thames area, which is constructed with wind farms, and then another this counterfactual without the wind farms. And when you look at the difference in those two, you come up with this estimate that about there are 33% fewer divers, as a consequence of the wind farms. And then you can look to see how that displacement effect propagates out from the edge of the wind farms. And at what point does it do the return to background levels, if you like back down to the baseline, and that takes about seven kilometres from the results of this analysis. So that seven is a is comparable to the 10 to 12 that they were finding in the German studies. But obviously, it's smaller. But it's offer very similar sort of, sort of nature. And and in fact, this, the London array, wind farm has been has recently completed its post destruction monitoring. And we have had early saw a report from that that work, which has found a very similar effect, although slightly further in the case of that one that so that wind farm is part of our analysis. We've included the other sites and the rest of the SBA as well. They were finding that they're the the displacement within the wind farms around 55%.

And that extends out to about 11 kilometres in that case. But there are, I think, I think, fairly straightforward reasons as to why they get slightly different. One thing is they're looking at a smaller scale. And so you tend to pick up finer scale differences.

43:09

The other is that, in fact, in their case, the distribution of divers actually looked quite similar before the wind farm existed. And so what they really done is and the wind farm was built, actually not in a in a core area. And so what has happened is the presence of the wind farm has just sort of enhanced that effect a little bit. And so if you actually look at the pattern, when there was no wind farm, you would say displacement was happening at nine kilometres despite the fact there was nothing there to displace them. So that that effect has become a bit stronger. But essentially, it's showing a very similar patterns. So that that's the kind of the the headline result, I guess, from the modelling. And then the other thing to look at is what does that actually mean in population consequence terms? How many birds are we talking about? And again, if you compare this before and after, bearing in mind, the the SBA population is currently estimated to be in the region of about 18 to 20,000 individuals over the course of the winter. And what our analysis is showing is that between 1000 201,400 are being displaced as a consequence of the wind farm. So that's about six to 7% of the SBA population is being affected by the presence of the wind farms. And we would assume they're being accommodated elsewhere within the SBA boundary.

So and then taking that to the next step with us so that's looking at the existing with farms. Obviously, what we're focused in on here is what the predicted effects of East Anglia one North might be. And so we can use that model surface to to make those predictions so we can we can look to see how many birds would be there. With wind farm and without, what we find is that within the buffer from the edge of the wind farm, obviously the East Anglia, one north is not within the SBA. But it is close to it. And within that buffer area that extends out from it, we're predicting that a maximum of 37 individuals might be displaced as a consequence of the of the presence of the wind farm. And then taking that to the next stage, which is to apply a consequent mortality effect on those displaced birds. This is the way the assessment works, you work out how many might be affected and what the consequences of those in terms of the additional mortality might be, naturally the device between one and 10% mortality for those displaced individuals. Well, if we take the worst case of 10%, that implies that four individuals might die as a consequence of East Anglia, one north from this displacement effect. But if it's down at the lower end of that 1%, and we have colleagues of mine at MacArthur green, Professor Bob Furnace is a seabird ecologist of great evidence, has undertaken an evidence review and found that actually is more likely to be in the reason of 1% mortality. So that would suggest that half a bird might be at risk of an effect as a consequence of the wind farm construction. So that, that's the kind of the predictions and that's where we've got to the modelling. And that's the work that's in front of natural England for their their review. Just really, I suppose the final thing to say is, even though we're not finding any great effect of significance, the project has actually been able to withdraw the band, excuse me, we draw the boundary slightly from from the the SBA. And so we now have a two kilometre clearance. So that's a two two kilometre gap from the edge of the wind farm to the SBA, I will allow some of the the project team to give some background to the process that went into to achieving that. But what that does is it further reduces this effect by about 8%. So we're kind of bringing down the number of individuals to around 34, that's the maximum there might be affected as a consequence. And since we're also here to

discuss East Anglia to I should just say it, it is more than seven kilometres from the edge of the SPI. So on the basis of our modelling, we would not expect there to be any effect on the distribution within the SPI.

47:41

Thank you for that very helpful summary and useful to hear a bit about what what's before and it's limited at the moment and what might have been what hopefully will make its way to us eventually. And so when you plan to meet on the eighth of December next week that will be to discuss that that basically that explanation you've just set out about relating to your seven kilometre buffer and the science behind it. And do you expect to be able to use it we'll hear much from naturally and by deadline three about their response to that, or do you think it's all going to by deadlines? We're only going to get you're basing your presentation of the situation? And we're going to be

48:19

waiting?

48:21

I guess, four or five or

48:27

sorry, here we go. Yeah. I think it's a 730. We're meeting with him. I said it was the eighth, but that's fine. I I suspect we won't have anything from natural England in writing by deadline three, we will obviously have their feedback ourselves. And that might, we might be able to inform some of what we submit. But But I will actually have greater power because I think he's got a better handle on the timetable of when things are due to be submitted to England.

49:01

Thank you.

49:05

Yeah, no, I've got no better handle on it. Unfortunately, we obviously have to say we've done our best to provide this information well in advance of deadline three so that natural English could prepare for that without having to wait until the deadline. So we'll just see what what their responses as you say, we'll have some initial feedback on the day, but we'll we'll need their written responses before we get to that we have already communicated to them about the two kilometre buffer, which has received been received positively. But as I say, well, we'll need to see better next week. What their what their position is and what else they're requiring from us.

49:49

Thank you to two things that jumped out and what Mr. just said just this morning. I wonder about the London array and sort of emerging data London re monitoring is not going to fall part of the evidence that comes in on your submission.

50:06

And then we have referenced that within the report that we've done, it is publicly available on the MMO website. We can submit that alongside our report, if you wish,

50:19

I think it would be helpful to have it. Thank you. And then secondly, on this on this change to the buffers to kilometre, and would you be able to say a little more about exactly, or how that's being? what you're proposing is? Are you proposing a move to the array every boundary setting backed by by the two kilometres? And if so, what is that going to look like in terms of their consent order? And something like a structures exclusion zone? Or is it maybe,

50:48

you know, sorry, palpi. So for the African? No, we were not, we haven't, we haven't thought about doing a structures exclusion zone or anything like that is simply a buffer from the SBA. So we've redrawn the boundary to be two kilometres away from the SPI entirely. So there'll be no infrastructure there will be providing the revised boundary at deadline three, as well, as part of our information.

51:16

Thank you, but how will that boundary be secured? So obviously, we haven't we have a decent open set of plans? Do you're proposing to update your plans or that so

51:27

we'll be updating the plans? We'll be updating the DCA with the coordinates as well. Okay.

51:32

So it's natural changes about directives limits or structure? Yes,

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it'll be a change to the order limits.

51:38

Fantastic. And do you consider that to be then a non material change?

51:43

The site is getting smaller. So yes, there will be a non material change within the existing order limits.

51:50

Okay. Thank you, if you could make sure you set that out so that we can deal with it appropriately, when that comes as it was that that will be your deadline through submission?

51:59

Absolutely. As part of the project update note that we'll be producing with any thing like that, that we've, we've changed that will be in as part of that be described in there.

52:10

Thank you. And so that to Columbus is just as I understand it, how does that incorporate the seven kilometre buffer that we've talked about this morning? Sorry, yeah, go for it easier for the room together with me.

52:27

Sorry, so yes. So the initial analysis that we've done in the report was based on the existing boundary, we've then added in the two kilometre buffer to that. So effectively, the seven kilometres would be at five kilometres from the old boundary, if you like.

52:50

Yeah, yeah, that's got some stairs. Thank you. And I don't, I don't think I need to go. Any further on that, other than to ask question, I suppose if you are reducing your order limits offshore, and shooting there is sufficient space left within those order limits to accommodate up to 67 turbines that are within the DCR. So you've got to do your project with your turbine spacing, etc, getting that you can still still commit an entire project within days, which equals minutes.

53:25

Probably something that can Yes, I mean, one of the questions we've been asked by natural England, obviously, and what I think we may cover this later in relation to other in relation to collision risk, etc is a stew obviously, as part of the assessment of alternatives is to demonstrate why we cannot or we can or cannot do certain types of mitigation. And the one thing that we have for these sites is in particular is that they are very small in compare in comparison to the Norfolk Boreas is or the Hornsea projects, in terms of the megawatts per kilometre, for instance, as a as a as a as a yardstick. Our projects are about 3.9 to four megawatts per kilometre squared Norfolk boreas is around two megawatts per kilometre square. So, we have a lot less space to play with in these locations because of the constraints that are around them, which have shaped the the order limits as they are. So, obviously, this has been something that we have had to have a lot of consideration of, because we don't have a lot of space to play with. So, that has led to the work that's been ongoing over the last year to get us to that point of the reduction in the size so it has not been a trivial matter. First, gosh, power to commit to that. Naturally. We have been asking obviously saying for a long time, can you give us a buffer Give us a buffer Well, it hasn't been a simple process simply because you say those sites are not as we don't have as much room to play around with the flexibility as as some of the other projects in the southern North Sea half. So the two kilometre has been a hard fought game, if you like,

55:20

understood, but you think that you're saying that the projects that didn't Maxim generating capacity that you had as the proposed projects and is still able to be delivered within the remaining 40 limits?

55:31

Absolutely. One of the things also will be providing a deadline three, as part of the HRA interrogating case is a document, which explains the rationale behind the changes we have made, why we can't make some so this comes into explaining this buffer change but also explaining the two metre change to the draft height with respect to collision risk. So what we've tried to do is put all of that into one place. So we can explain why our project is not like the other projects in the southern North Sea, that we have

our own project specific limits on what we can achieve. So that will be in there. So alongside the analysis of the red throated diver, and we will also be putting in obviously, the order limits changes, the changes to the DCA, and the rationale for why we have been able to make the changes that we have as one package. So you can see the complete suite of thinking as to how we've got to our new position.

56:29

Thank you. And so are you saying then for in for the industry that we are looking at then going on to stages three and four of the of the HRA regs and going into the derogation tests.

56:44

On the basis of the assessment that Mark has outlined to you, you can see that the the numbers described are obviously very small. In terms of our displacement effect, we have no change in our conclusion that from the from the one we put in and the application in terms of what that effect is, in fact, what's interesting is that the modelling that mark and Dr. Matthew place has done actually mirrors the sort of rule of thumb approach that was advised by natural England prior to this project. So we have very similar numbers of displaced birds from the detailed modelling that we've just done to the rule of thumb approach that we took that went into the applications. So we've not changed our project alone comes conclusions on that basis. In terms of the in combination conclusions, that are I think, fundamental here, we would still question whether or not it is valid to include particularly gunfleet, sands and Kentish flats in a displacement effect when those projects were built and operational prior to the designation of the SPI in 2010. Or London ray which of course was consented prior to the designation of the SPI in 2010. And the fact that the pop the designation population of 2010 was recorded to 6000. It is now based upon surveys done in 2013. In 2018, considered to be around 18,000, a three fold increase in the population, which has occurred whilst those all of those wind farms, which natural England saying are in combination projects were actually fully operational, we do we believe that those projects actually form part of the baseline and therefore should not be considered as in combination projects. Therefore, if we take those out, the large numbers that natural England are talking about, of potential in combination effects actually fall away and we get back to a project alone effect which is very small. We've also got a discussion in our paper of natural England's approach to this and considering that this is not an effect on individuals, but an effect on the area of the ASPCA, which we also believe to be the wrong approach to take.

59:18

Okay,

59:19

thank you. Obviously, it would be really helpful to Lindland at this point and ask the person views on what they've just had. But we will, again, I'll put that down as an action for deadline three to respond to some of that information. And I've just wanted to also quickly touch on the project environmental management plan. And if I may, I don't know whether you plan any changes as part of what you've just presented, and whether I should just go ahead and what I was going to ask you anyway. Do you do you have planned any changes for that?

59:56

Um, we're not planning to provide an Outline project environment management plan, simply because if natural England's concern around this is the text regarding the vessel protocol for red throated diver disturbance for during construction or operation, we can provide that without providing the whole of the outline pen which will cover a whole host of issues which are utterly unrelated to this issue. So, we can provide protocol which is currently in place for East Anglia, one and was agreed for East Anglia three, we can provide that we prefer to do that then then provide yet another certified document that will be of great length, and most of which would be irrelevant to the concern, we believe natural England have.

1:00:44

Yeah, understood, and I appreciate the pen has this best practice protocol was a small part of that larger document. And so I understand your argument you set how about not providing that this stage. And although the there was still a discrepancy between the wording in that DML condition about I think it talks about details of procedures to be adopted within vessel transit corridors to minimise disturbance to resurrect a diver compared to this best practice protocol that's discussed in some of the HRA material. And I suppose it's still a question there about whether the current drafting in the DML conditions is sufficiently clear and precise, so as to secure that commitment of a best practice protocol. If you have any views about that, whether it's something that you could take away, perhaps look at in your d3 edca,

1:01:32

a kind of pass to Stephanie, Mel, please. And you Yes,

1:01:37

this nail.

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Those definitely well, for the applicants here on a party. And that's my take away, I think that was perhaps a little bit of an inconsistency in the wording. And I think we may have responded and to the I think you may have asked a question on that. And we will, we will look that out and double check. I think it was just perhaps a small error in the in the wording of the in principle monitoring plan. And and we'll we'll double check that, though, and we'll confirm it deadline three.

1:02:12

Thank you.

1:02:14

I think it's, I understand the point being made that that, you know, there isn't necessarily that need for the for the pimp during this consulting stage. But I do think that if natural England is saying or indeed if you are relying on the best practice protocol as part of the HRA mitigation, then I think we need to be clear that it's properly secured. And I think we do need to potentially see or what I do think need to see that the draft of that or an outline of that as you discuss pulling out just the Best Practices parts and putting out for us and before natural England.

1:02:51

And

1:02:54

I think I just wanted to question quickly before we move on to the Flamborough case, just a quick one on the principal monitoring plan. I've noticed we're expecting only a deadline three, an update to this one. And also for those proposed instructions, and preconstruction ontological monitoring, I think, updated in the d3 version of the CCA. So I won't get into the details again, but I wanted to check that we are still on track for that to coming in on the 15th of December.

1:03:29

Probably Yeah. That's that will be in both of those documents. So that will be updated.

1:03:35

I've got a handout from Rebecca read. Hello.

1:03:41

Yeah, it's Rebecca read from the MMO. And it's I don't want to go into too much detail we do tend to defer to to natural England on HRA and on ufology. And I just sort of wanted to say we welcome the buffer. And we will review the updates of all the documents. And if the the red throated diver document as well. And we can review that. And we'll have a look and see if that's secured as well. And if we're content with the wording on that and review the updated decio DML is as well. One question I did have with the change of the buffer and the boundary, would there be any impacts on other areas of concern, and have those being highlighted and set out, such as noise and marine mammals? It was just just a question. Yeah.

1:04:36

Thank you very much for your contribution. That's

1:04:38

very helpful. And I suppose that I broaden that out to say any other impacts. So I'd imagine as part of that submission, you're going to be submitting something that looks at intentional sorts of byproducts of that change, in terms of other effects.

1:04:54

Probably sort of the applicant so the only effect of changing the area because as you point out, we're not actually changing Anything else associated with the Rochdale envelope, we're not changing the numbers of turbines. In relation to that we're not changing any cables in relation to that. So the only change is changing the red line to move it away from the SBA, the only effect that actually has on any of the impacts that we've looked at is to change slightly, the distribution of the birds that are within the collision risk modelling. So because currently the distribution on which the collision risk modelling is based, that that density surface that the modelling is based upon is based upon the 208 kilometre squared area, it's now about 203 kilometres squared. So Dr. trender is revising the density surfaces of the of those of the bird datasets to update the collision risk assessment, which I think will go in a deadline for we that's probably the earliest to get that in, it will make very little difference because it is

200 nights 203 kilometre squared, it's not fast in terms of that, but in terms of making sure that the numbers that we are presenting are correct, and up to date. And of course the the densities may have gone up or down. We want to make sure that that is the absolute final position in terms of what those numbers are. And we're not relying on on it being. It's, you know, a rule of thumb from the initial stuff. So we are updating that. But that's the only way this changes because nothing else in the Rochdale envelope changes as a result of this. It's not changing the cable corridor or any of that stuff. So that's the only change that will need to be made.

1:06:47

Okay, understood. Thank you. And I think we'll move on because we're looking at time and to the Flamborough body coast SK unless anyone wants to quickly raise a hand and jump in on the Thames Estuary. I can't I think we'll move on. Okay, so the disagreement here we've talked about already, but it's about it's about religion. Mortality for Kittiwake and Gannett potentially offer displacement effects on Canada gamma rays bill and combined effects of collision mortality and displacement on the seabed assemblage. We know that the additional assessment work undertaken by the applicants to address the concerns have been raised including the offshore ontology cumulative and in combination collision risk update at deadline one. And we've had natural England's response in response to that deadline to and we've also had the cumulative Walker's placement and seabed assemblage assessment and ganic population viability analysis work since the deadline to something we haven't had an opportunity for others to comment on that yet. But we do welcome the ongoing efforts of both the applicants and natural England with other parties such as the MMO to move forward towards these matters. And is there anything else you wanted to update on at this stage are from the applicant side? Mr. zoila?

1:08:03

I guess the question and I think you've covered everything we've we've done to date. There is there's nothing further, obviously we've made a two metre change to the draft height. And in relation to that, obviously, that's fed into the collision risk updates we've done for deadline one, and we'll feed into the comments to go alongside the without prejudice HRA derogation case in terms of the assessment of alternatives and what we're able to achieve with draft it. So I think that's the only additional element to that with regard to unless you have any further questions on collision risk of those species,

1:08:49

we do have an idea of a few things just to run through. And it's been what it sounds like you're saying the and that kind of without prejudice derogation case is going to also cover this site and species that correct.

1:09:05

The the without prejudice case is going to cover a gigantic kitty white, lesser black back gull. And red throated diver, given the experience of the previous projects going through the examination, and having derogation matters, like raised late in the day. We want it to be belt and braces on this really and put as much in as early as possible so that all parties had an opportunity to actually look at the materials we were putting forward. And it wasn't a case of us putting forward just the species, we thought we could you know that what we thought was absolutely necessary, because we know we just then have to go back and provide the same information again for other species. So we're trying to do it up front. Again,

this is without prejudice analysis. In relation to obviously the changes we've made to the draft tie which have had an A deep A positive effect on our collision numbers. And of course, the the commitment of Scottish power to the non material changes for East Anglia one and East Anglia. Three, we've actually offset our impacts on Kittiwake from these projects, we're gaining an extra whatever it is 1800 megawatts for no additional kittiwakes. In this case, no additional less of black box in this case. So it you know, we are very much of the opinion that, as we were application, that there is no likely significant fact there's no adverse effect on integrity from these species. But we are obviously mindful that we don't do not want an extension, such as bore hassle, or Vanguard or Hornsey suffered in their examinations. We're trying to get everything on the table during this this process as quickly as possible.

1:10:51

Thank you. That's much appreciated. I was you've probably seen from the agenda planning to come on and talk a bit about that. So I'm, we will be very pleased to see that you are engaging with those derogation testimony without prejudice basis. Now that's obviously in line with the Secretary of State has them as clearly said in those in those decision letters Vanguard and there might have to approve letter 443. So and then we all want to be in a position where we have as much information in front of us that we are able to make a clear recommendation on HR rate as accurately and that the Secretary of State therefore doesn't need to go off and do things that take more than three months in the decision making stage. So that you know, you have that that certainty. And we all we can do that with with the information in front of us a couple of quick questions if I can and on your updated collision risk assessment. And that you mentioned about the non material changes to East Anglia, one in East Anglia, three and the sort of savings that can be made by the reductions resulting from those kind of the tightening of the Rochdale envelope on those two, two projects. But we are conscious that those whilst one of them has been submitted into the Sangha three not to change application is with the Secretary state at the moment, it hasn't been decided. And the East Anglia one knology will change request hasn't been submitted at all. I think it's due early 2021. So I suppose I just like to respond really to the view that it would be an appropriate to rely on those in combination collision mortality reductions, when they haven't yet there's a patient's have not yet been decided.

1:12:30

at parties if they happen, I don't think we are relying on them. I mean, but as we stated, you know, the impacts from this project are very small. If you look at the kittiwakes, for instance, we're down to three or four and a for the farmer and finally case when horn when we're Norfolk Vanguard was consented on 20 odd as being de Minimus. So not to mention Hornsea 3, we are orders of magnitude in our numbers lower than these projects. So that our starting position is that we do not get ourselves into adverse effects on integrity. The one of the things that natural England has been requesting for the last few years is more certainty in the Rochdale envelope of those projects that have gone through the process and more certainty over their position of how they have been built out. So what scottishpower is doing with the non material changes is actually responding to that request. So the East Anglia, one non material change is simply to take the consented position to the as built position. So present externally, one has consented to be up to 750 megawatts, it's been built out at 714. And the non material change will simply reflect that and allow the future in combination assessments to take account of those actual numbers with certainty and no more uncertainty over whether or not extra turbines that will never be built could possibly been built in terms of the non material change for East Anglia three, of course,

that's already been submitted and is a reduction in the numbers again, from quite substantial down to I think is 121 turbines from 172 miles that we can send it with back in 2017. So these are these are real changes. We are responding and scottishpower is responding as a responsible developer to the requests from natural England to provide this kind of information to give greater certainty to the in combination assessments in which there is a great deal of certainty uncertainty. So we a we're not relying on it and be that been presented in the first case to respond to what stakeholders are actually asking. To do so we think given that these are both reductions in, in ink capacity, and there is very little doubt as to it's certainly in the case of East Anglia, one as to what that will achieve in terms of the thing is already operational in the water. It isn't being built out further on, I think it's, it's reasonable to at least take that into consideration, even if we rely on it.

1:15:27

Understood. And I do wonder, then whether there's a slightly different approach needs to be taken, we're looking at, as you say, Thank you, which is there, which is, you know, I think we do have, we can rely slightly that there is some certainty about what, you know, it's not going to be added to, but versus extended year three, which is, you know, obviously not not yet at that stage. And I think my colleague, Mr. Smith would like to just come in on that point, please.

1:15:52

Thank you very much, I suppose Yes, I mean, essentially, this to a degree is a is an accounting, but it's about making sure that there is clarity about the reductions that have taken place or are proposed to take place in the case of East Anglia three. And then it's about providing sufficient security, so that we can take account in combination of those reductions, and in our recommendation to the Secretary of State. And so there's a timing point to its security reductions in a way that we can take account of and place wait on if we need to, and the Secretary of State counting the decision at the right time. Now, I'm conscious of the non material change process. And I guess my question is a twofold one, and Firstly, about the timing of the maturation of that. And secondly, about whether there is a possible alternative solution if timing is a problem, namely, is it possible to enter into a form of legal agreement or indeed a planning obligation, and between the applicants for these projects, and the beneficiaries and The Undertaker's in the order for East Anglia, one and East Anglia, three, in which the beneficiaries of those two orders specifically bind themselves to surrender the additional potential construction capacity created by their original orders. So notwithstanding, whether the non material change applications are finalised, you have essentially entered into a process that provides legal certainty about the reduction in scale. Now that gives something that is secure prospectively and waiting, if it needs to be before the Secretary of State. And it's potentially something that could be done fairly rapidly, and without relying on it on an external process for want of a better description. And now, I, I'm throwing that onto the table, because I'm very conscious here that, you know, you are in new territory, and you probably want to make progress. We equally want to be in a position to be able to provide the clearest and sound advice that we can to the Secretary of State.

1:18:21

Probably sign up for the applicant. I think we did that on East Anglia, three with East Anglia, one at the time, and naturally,

1:18:29

that being discussed.

1:18:31

Yeah, I think we did do that. Um, I'm not sure what natural England's opinion on it was. It was a time I think, obviously, they still don't agree now. Mr. Ennis, do you want to chip in on the legal documents until I've got qualified to answer that question, but

1:18:49

yeah, there's there's probably two matters, the issue about the planning obligation is an interesting one, given that the actual controller matters would be offshore. Indeed, yeah. Check it out with jurisdiction. And it might lead to some question marks over the vineries of entering into such an agreement. And other agreements look more like a unilateral undertaking, or some sort of agreement, prior to the Secretary of State exercising of discretion. Now, the the issue here is obviously, really, as you've identified, the position that you as a panel have relative to the position that the Secretary of State may have, because the secretary of state may well have either determined or have live applications before him or her at the time, and therefore, in reaching a final decision on these applications, may have prior to doing so have actually agreed to those variations, and therefore could take them into account. So the issue is, you're asking us to really go and explore Can we give you as a panel, the certainty which may actually ultimately be before the secretary of state at the time of Off determining the these matters. So, we will go when we have given some thought about and hence why the application and the other application is imminent that we have given thought as to how we can secure it in a way. And obviously, the other thing about this is it is it has to satisfy effectively, other bodies as well. So, whatever we come up with has to be, in a way, also meets the concerns of those bodies, but we will go give consideration to any other form of agreement we might be able to consider or undertaking, which would give the panel the security that might well be half workgroup before the sector is the ultimate decision making point.

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I guess, you know, my rationale for pursuing this point is simply that if we are strongly desirous of providing recommendations to the secretary of state that have as few contingent stroke for consultation, or reserved, or unsolved matters as possible, because as we've all observed, over a number of recent cases, in central banking periods, and the decision making period has expanded as a consequence. And so essentially, what we're looking for here is a holistic analysis of the entire end to end process and trying to make sure that by managing down the number of uncertainties, the decision making process that takes place within the original timetable time can stick to that timetable time, if at all possible.

1:21:45

Thanks, Mr. Smith, and Campbell, move on. I'm conscious of time. And I just wanted to quickly talk about and we've talked about this draft, I increase, and so that was an increase of two metres. For the draft, I have the turbines from 22 metres above me in high springs and 24 metres. And we can see from the analysis that that two metre increase could reduce your risk estimates by up to 15%. In some cases, and in other cases, it would be a bit more modest. And it would help us given what we've had

from natural England, which is talked about projects, reducing their contributions, because you're missing combination totals as much as possible, it'd be helpful to explore with the applicants little how they've arrived at that two metre figure. Whether it is, you know, whether it is as much as possible can possibly be achieved on these projects, and how it compares to some of the reductions that have been committed to on projects such as North Korea's and Vanguard. Thank you.

1:22:56

Policy silo for the applicant. Yep. So the stuff we will be putting in a paper, as I said, which explains the rationale behind this, so it will be followed up in writing. The key point really is that the no wind farm is the same as another one and the southern North Sea is not heterogenous across its extent. So we, each wind farm has to deal with its own site specific problems. If you look at Norfolk Borealis, for instance, that site is not only being much larger from East Anglia, one north or East Anglia. Two, it's also much shallower. of the of the Prophet Borja site, only 5% of that area is greater than 14 metres depth is only a one north is 98% over 40 metres. What that means is that before you get to the sea surface, you have 40 plus metres of foundation, then you have the tower and the turbine etc for another 200 to 50 metres, whatever that is. So that's an awful lot of metal. If we're talking about raising the turbine heights above the water level, so increasing that draft height, what we're effectively doing is adding a massive amount of steel to that tower a massive amount of weight that has 10 ramifications for how big that foundation needs to be and how strong it is and how physically you can make that. So if you're dealing with something that's in less than 40 metres and if you're dealing with something in 60 metres, there's a bit of a difference there in terms of the amount of steel and the physical size of that. So that's relating to just the physical attributes of the foundation that is required to support something like that. You then need to look at the ground conditions and work out actually physically if the ground can do can take that, and with her on to develop what your foundation type is, from that point, you then need to look at Okay, well, in engineering Anything is possible if you can pay for it. But the question then lies to be okay, well, how much is the difference between those those solutions? And this is where the, what is possible for Norfolk Borealis to achieve on quite a shallow site is fundamentally different when trying to consider ultimately what your CFD considerations will be than something like North South East Anglia, one north or East Anglia to achieve in very much deeper sites. So, you know, that is the fundamentally the rationale that we've looked at in terms of what we can achieve. And it isn't a like for like of saying they could do that, why can't you? we've explained why we can't do that. And it's and the sites are very, very different in their actual site specific characteristics, which means we can only achieve the two metres

1:26:04

and help one and help would hear that that case, because and, you know, we do need that all of us that all set out for us so that we can and deal with the representation. Remember, we are getting representations from people saying exactly that, you know, 30 to 35 weeks has been committed to other projects. Our job is to bounce that evidence. And so we do need to set out and do set it out from first principles, because we need to be able to report on that and and say thank you. Will that be the package? It comes in at the next deadline?

1:26:34

Yes, we'll be presenting that deadline to me.

1:26:41

I think,

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I think just come on to a final point about this key to a compensation measure from one to three, and then I'll open it up in case anybody else would like to contribute on this on this matter. But we did put into our agenda about the recent Secretary of State consultation in the decision period for the Hornsey three project where they identify two coastal search stones for the siting of artificial nest structures, as part of its proposed QA compensation measures. And one of those areas of search as being the case between them Stockton, Oprah. And given the potential proximity of those compensation sites. And obviously the strong caveat, the final decision on those sites, and indeed on the development is not being made and asked you about any potential implications for these projects. And those those sites being taken forward. compensation.

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Obviously, we're following our conclusions at the bottom, we're forming a position on potential compensation measures. And we'll be looking very carefully if there are any implications for us. But I think we have to wait until that project gains consent before we know if that compensation is a reality. Before we can go any further on that. I don't know if Dr. tender wants to add anything at this stage.

1:28:04

Hi, there, Mark tender. No, I think I think that sums it up. There's really nothing much to do we can we can do about that until Do we have a decision?

1:28:16

Okay,

1:28:17

thank you.

1:28:19

Then in case there's anybody else here, like the MMO or anybody else who'd like to contribute on the flambeau invitee, coast SPI considerations that we've just heard about. not seeing any hand Oh, I am seeing Mr. Chang black from Sabre sanderlings. To Good morning.

1:28:40

Good morning. Thank you very much. Can I just make the comment that talking about artificial structures of the colony at sizable is is on the inlet and out four towers from science play, which obviously says generation 2005. There is a move well, obviously they can't move that that colony because they are protected. But obviously they would like them to move before the structures themselves actually collapsed into the sea because obviously they haven't to be maintained at the present time. Has any consideration been taken that if the colonists are displaced and they either move

northwards towards Lowestoft or further south towards the London array as to whether that will impact although be any increase in inclusion factors and death of those colonists.

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Would like to come back on that.

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Mark, thank you.

1:29:49

Hi, Mark trendy here for the applicant. And it's a very interesting point. I don't think we've got the level of surveyed data or the ability to kind of model those fine scale movements of how those colony changes would would affect the birds out at sea? I think that's probably beyond us at this point. But it but it is something that we're aware of that that that colony there is, there are question marks over its future. But But beyond that, I think it's I think it would be speculative to make any further comment on it. Really.

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Thank you.

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Thank you when lowering your hand if you've finished that point. Thanks very much. Okay. I'm

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conscious of time. And I know we're going to need to take a break soon. But I think what we'll try and do is just reach the end of the the orthology. max, if we can, offshore at least

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moving on then

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to theodorus jsa. I don't have an awful lot to say about this other than to ask me again, I know we're expecting. Well, a little we've had your, again, cumulative and in combination, because of this updated deadline one we've hadn't naturally deemed response to that. But I think we're probably going to get more at deadline three, especially in light of what we've been told this morning. So with the applicant light provide any further update today.

1:31:26

I don't think we have anything else to say on this. Unless, Mark, you've got anything, but I don't I think we're we've said everything we need to say. It's all in the it's all been submitted

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and agree where we're waiting to get natural England response on the latest submissions now.

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I think we've talked already. So

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moving on, then, I think Part D of this item we I think we've already covered now we're talking about derogation test, we know that you're planning to give something that deadline three about that. And I don't think we'll dwell on it again. And equally on monitoring. And just a quick one to cover. We've covered pre construction

1:32:09

and post construction, assurance logical monitoring.

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Just note the updated version of the offshore and principal monitoring plan is due at deadlines three, we've got the update DML condition wording, also due bands will be keeping an eye out for that. And anything else the applicants or indeed the MMO would like to raise with us today about those, those monitoring measures. The applicants

1:32:45

as we said the the the DCI will be updated for deadline three, the IP MP is going and again. And we've we've made a note of the likelihood of that monitoring being geared towards red throated diver, that being the main matter of concern for this project. And the fact that Dogger bank, etc, are currently doing very large schemes in relation to kitty wakes. So that we would think that the sensible place to focus any attention on monitoring for these projects will be on their own the red straighter diver.

1:33:18

Thank you see that I have read from the MMOs hand up. Thank you. Hello. And yeah, it

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was just a quick one. Really, we'll just review all the updated documents and DCO and provide a updated deadline for

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thanks very much.

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Okay,

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and is there anything anyone else would like to raise then on offshore astrology because I do have my camera here as well from the MMA Hands up.

1:33:45

Like your mom gets my cushy mug, just to agree with my colleague, Rebecca read, we will review those documents for deadline through but also just to highlight that I believe we will be attending the orthology workshop next week. And we look forward to further engagement

1:34:03

with all parties.

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antastic. Good to hear that. Thanks. Okay. And so I think unless the Applicants wants to have a final word on what we've covered today under offshore mythology, I think we will no go ahead shake from not saying thank you and Mr Qureshi used to have your hand up if you wouldn't mind lowering it. I think what we'll do then is We'll take a short break now for about 15 minutes, and then we'll come back and when we come back, we will cover marine mammals which I don't expect will take the amount of time that we've spent offshore and ufology that was the big ticket item for today. And then we'll come on to the later items in our agenda. So if we break now, then it will be 1150 when we return. Thank you very much, everybody.