

# EA1N&EA2\_ISH1\_Part2\_01122020

Wed, 12/2 9:40AM • 1:16:31

00:02

Good morning, everybody. And welcome back to this morning's issue specific hearings, one, can I just check with the case team that you can hear us on the livestream has started again?

00:13

Yes, Jess, I

00:14

can confirm that I can see you. And you perfectly fine

00:19

Fantastic and apologies. We've had some issues this morning with people in the meeting, being able to see the examining authority. We've made some changes here. And I think we've managed to fix it. So hopefully that will help us for the rest of this morning. Right. I think we'll move straight in to agenda item for them this morning, which was on the effects on marine mammals. And our agenda sets out the main areas that we would like to cover, and this principally relates to the harbour porpoise of the Southern North Sea special area of conservation. As we heard in item two, the discreet agreement here relates to whether or not there would be an adverse effect on the integrity of the Southern or CCE special area of conservation, we'll call it the SAC as a result of underwater noise disturbance effects on harbour porpoise during the construction, operation and decommissioning stages of the project. The deadline one statement of common ground between the applicants and natural England indicates this concern relates to both the project alone and in combination effects. And we have app deadline one from the applicant had the addendum to the information to support appropriate assessment report for marine mammals, which sets out an updated assessment and revised project commitments rate the potential for concurrent piling or unexplored unexploded ordinance clearance activities. We note that the applicants intend to submit an updated draft decio and draft marine mammal mitigation protocol and in principle site integrity plan into the examination at deadline three. And again, we're taking the view that we can deal with the rebels issues for the two projects together as we did before offshore and ufology. But Could I just check that there's nobody here who thinks that we should be looking at the projects in turn for marine mammals? I'm not seeing any hands raised. And so could we please just start then, by coming to the applicant, as we did before, and just to ask the Applicant s to provide a brief update on any progress on discussions really relating to this site, please.

02:25

I palpate. So, for the applicant, in terms of updates, obviously, we provided as you say, the HRA, at deadline, one. And based upon that, and the and the changes that were made in terms of interpretation of the guidance for impact assessment, we've, we are updating the triple MP and the in principle, CIP, as you said, and those will both go in at this deadline. They I don't think there's been any update in

progress. We haven't had any discussion in natural England other than what we've seen, through their, their written responses, and our and the various back and forth with regard to comments on written responses, etc. So I don't think there's anything thing to update you on. With regard to that, at this point.

03:25

That's fine. Thank you. Just in case you were to flag anything additional, I wasn't expecting you to have anything particularly at this point. But I will, then in that case, turn to the marine management organisation first and just asked whether they have any comments they would like to make today about the position or the sub naughty sack.

03:43

Thank you, Mark. Mark. Qureshi, MMO. First of all, largely, we would defer to natural England's on an HRA and technical matters on in that regard. We do acknowledge that there will be an updated triple MP marine mammal mitigation protocol and in principle set to be submitted a deadline three. And we look forward to reviewing that. And there's a couple of things that I was going to pick up in some of the other sub points on this agenda, your Excel, but I guess if we can just come to those. Yeah, but on stage, like,

04:20

that's fine. Thank you. Yes. Um, in terms of the agenda, I'm I'm kind of, I think, going to take this just all together, but I will come to you. I know there are some specific points I know that you've made in your deadline to submissions, and I'll come to you on those, I think when we when we get there. And is there anything that the wildlife trusts would like to say at this stage?

04:42

I'm Christina Platt, for the Wildlife Trust. And I think a lot of our comments as them in Mossad have come into interrelated with some of the other sub points so I'm not really sure if now's the the right time to To raise them.

05:02

That's fine. That's fine. I'll bring you anywhere when we move on to those later. Thank you. Thank

05:08

you.

05:09

Okay, um, I just if I could come back to the applicants, and we noting, in your agenda and your deadline, one agenda on, on HR re, the updated project commitments you have in there now, which sets the limits around concurrent piling and Oxo clearance activities between the two projects. And you take the decision that they don't they won't be secured on the face of the of the D marine licence, they won't be in conditions, but that they will be therefore in those in the in the triple MP? And will those realise project commitments, therefore featuring what we get at deadline three on the remote mitigation protocol? And also the in principle site integrity plan?

05:53

Absolutely, yes. So they they've been updated in the fandom. And we'll carry that through. And in addition, obviously, we seen some of the comments from various parties that came in at deadline to in particular, because the way we changed the wording for the for the winter stuff was to say that there would be no, that would only be one unmitigated event, either piling or you EXO, which I think is seen as caused a bit of confusion with the wording around what we mean by a mitigated, what we mean by unmitigated is not it is in relation to at source mitigation. So either to noise attenuation of the piling or the UX activity, what we are not referring to is embedded mitigations, such as one of the provisions of the triple MP, which would be in place anyway, such as soft start, etc, etc. So the use of ad DS, so all of that stuff will be there, we're not talking about suddenly throwing out the out the out of out of contention, it's literally just that around, if you look at the Winter area is clear with the with the interpretation of the guidance. Now, within a day in terms of the thresholds being in a day, not at any one time, that the winter area is single, a detonation or a single piling event would have a 16% spatial coverage of the of the SEC. So clearly, you cannot have unmixed on an app to source mitigated events during the single day for the winter periods. So that's why we've revised those those commitments in line with the revised interpretation. So we will make sure that the wording that goes in in the CIP and the triple MP when we submit them revised from the version that appeared in the agenda, because obviously, this has caused a little bit of confusion. And we just wanted to clear that up today.

07:56

Thank you very much. I will bring the MMO in there, because that was one of the points raised in your deadline to submissions. I don't know whether that's Mr. Qureshi or miss Reed. But yeah, this question about the without mitigation that was involved in that in that denden. Does that satisfy you now? In terms of your deadline to submissions?

08:14

Yes, thank you, Mark. Yes, we don't Yeah, looking for providing that clarity. And we do look forward to the updated documents that learn through but thank you for the applicant for that.

08:26

Thank you. And just following on from that, and in in within that end up committing to what more than one xo destination in the same 24 hour period of the winter area during the winter period has been removed unless it can be demonstrated that effective mitigation can be provided. And I suppose how and to whom would that effective mitigation need to be demonstrated? Presumably that is then therefore through the CIP. And that's why you've except you're expanding it to include project alone. And rather than in combination, only effects Is that right? Absolutely.

09:06

So the CIP was originally developed to deal with purely in combination issues. But because of the location of East Anglia, one North and East Anglia two, so fully within winter area, it and the change in the in the re or the understanding of the guidance, and what that is saying means that we're wanting to clarify exactly what we're doing with that. So the the CIP, as submitted at the application was simply for in combination, but we recognise the the with the 16% issue in regards to the threshold I've just

discussed, is a project alone. So the CIP would be updated to look at both of those. We consider the CIP is the correct vehicle for that because what it is providing is an adaptive management framework to achieve that and there's no reason why that framework cannot be used for in combination or project alone. And it seems the most sensible place to put everything so that we're dealing with all of those things within the one mechanism, particularly when obviously, we're potentially got a sip for piling on a sip for UX, so and the different the two different licenced areas and DMS for each one. So having one document that covers both cases, and the fact that the project alone case is fundamental to our in combination management anyway, it seems a sensible place to, to have that and to update the CIP that is covering all cases.

10:43

Thank you, I can see a couple of hands up and I will come to you in a moment. And just, I just accepted it is that a novel approach to have a CIP that covers the project only affects

10:55

the SIP was invented by our team on a staggering three. So the SIP itself is pretty novel. It's only been around for four years, and has been accepted as the mechanism by which the MMO will manage this, this effect across the southern North Sea. So it's a novel anyway. And it's a novel approach for this project. Yes. Previously sips have only been in combination. And that's largely because of where specialty projects are in relation to the southern North cspa. And their interaction with that with regard to the effective deterrent radius of the 26 kilometres.

11:31

Okay, thank you. I will come. I will ask if the FMO would like to come in on that because specifically because it was a point, again raised in their deadline to submissions about this question of whether it's appropriate for a CIP to deal with Project alone effects with anybody from the MMO like to comment on what they've just heard.

11:49

Thank you my mic . At this stage, we would like we're looking forward to reviewing the updated CIP and what it will cover glide three, I would like to have that we are aware of that discussion and other organisations, positions on that, I think also, potentially, I believe, the Wildlife Trust. So I think at this stage, we've just acknowledged that and look forward to reviewing it any further comments at a later stage? Okay,

12:22

thank you. And I know, Dr. Horrocks, you had a hand up class there.

12:26

Dr. Horowitz,

12:27

would you like to come in?

12:29

Yes, thank you. I have a fairly simple question, which refers to under unexploded ordinance. Parliament recently debated this and was particularly encouraging exploration of low order deflagration, which has been used successfully for about 15 years. I understand this is kind of under review at present. But wouldn't it show goodwill? If you did that? SPR? Thank you.

12:57

Thank you very much. There's contributions and my understanding of my reading of the MMP is that there is the the ability within the kind of the scope of what can be permitted as clearance that that does feature but and perhaps I could ask the applicants to respond to that point conductor x. Yes,

13:17

so the the point of the triple MP and the CIP they're both outline management documents, they are not precluding any management measure at this stage, the whole point of them is that they are adaptive management to deal with the conditions we find at the time. So we're not ruling out the that the measure, the defibrillation measure, we're not ruling out, pulling together multiple destinations at same time. That's that natural English Jesse, we're leaving that all open, it is literally that we have we will have a suite of management measures that we can take to choose from at the point and agree those with natural England, the MMO and in consultation with Wildlife Trust.

13:59

Thank you very much.

14:01

Could I could I just say that it all sounds a little bit. This will all be explained later, you know, like an old doctor whose script. And I feel that that's really, we're getting a little too far along the line for that to continue for much longer. Thank you.

14:18

Thank you for those submissions, Dr. Horton. And, and there is a theme around that and about about, you know, that's why we're talking about what goes on to the face of the of the DCR itself, which is ultimately the consent and the legal mechanism. We'll talk about what what's appropriate to be fixed in that in that consent and in the Marine licence that comes within it as deemed by it and then what is appropriate to be held in documents which are certified by the DCA and therefore, with with with which the applicant must question cord. So that that's part of this discussion. And what we're talking about here is just an exploration of what the applicants have put forward to us so far. And again, if you've got further submissions on that, you're very welcome to put that In a deadline three, thank you. And I've got Miss Platt as well. Would you like to come in now from the wildlife trusts?

15:09

Yes. Christina. From the Wildlife Trust,. I would just like to say that we haven't, we will be submitting our response to the addendum deadline three, and we haven't had a chance to discuss it yet where the the natural England or SPR. But in principle, I would say from initial reading of the document, we would agree with natural England's initial comments that they submitted at deadline, one that piling in you

should be limited to one on any given day to ensure that the thresholds are not exceeded. Yeah, I'd say opposition would still stand on this case.

15:55

Thank you. Hopefully, what you'll see from the applicants agenda met deadline to make clear that the position has changed slightly. And hopefully, yep. If you could put your comments in response to that that would that would assist? And, and if you wouldn't mind, Miss Platt, putting your hand down. If you don't have any further, please say thank you very much does the applicant wish to come back on that,

16:17

just that the point of the CIP is to have an adaptive management mechanism. And the idea of there is no point in having at source mytek. So the Wildlife Trust, many unnaturally, etc, are looking to have at source mitigation where possible, so things like bubble curtains, things like the blue hammer, things that will attenuate the noise, there is no point having that if you're limited solely to a single activity in a day, because if we if we have noise attenuation that source then was that will with those not though, you know, if we won't attenuate if those if there's no reason to do that, and if we're limited to one, we won't have that the noise attenuation will come as a result of having the CIP and having the management measures. Otherwise, there's no rationale to do that, because the set the thresholds won't be being breached.

17:14

Understood, thank you.

17:17

And

17:21

I think we, I think we've now had, I think, just looking at what I wanted to make sure we cover I think we've covered the Wildlife Trust point there as well. And there was some talk, obviously, we've still got a petition for natural England and I, I know, it's it's also a Wildlife Trust position, that overall the adverse effects of integrity, that that cannot be ruled out unless you have this coordinating mechanism for the sips for the combination. effect, and therefore, you know, until we have that witness is a long standing issue, until we have that coordinating mechanism, and then an adverse effect can't be ruled out. And there was mention of sudden we'll see regulators group, I wonder if the MMO able to provide any more kind of comfort or progress on on that sort of mechanism for managing multiple sips from multiple projects going forward, that might give any any comfort are within the timescale of this examination, these examinations?

18:23

Yes, Mark Hershey MMO. Yes, the MMO are part of the Southern North Sea regulators forum. And as part of that forum, we are looking at how noisy activities can be managed. We are looking to device management tool, which, unfortunately is not in place fully yet. What I can say is that, at the last meeting of the forum, was agreed that naturally will be involved in the development of that tool, just to give them assurance as well that that will that will be the tool will be used to show the be no adverse

effects on integrity. And we hope to be able to give further update following the next forum meeting and natural England's input.

19:17

Thank you. And so within the timescales of these examinations, which are due to run until the very beginning of April, do you think we're by that point where we will be in any any better position in terms of having some comfort about how the management of multiple sips is going to happen?

19:33

Thank you, Mark. Hersey MMO I would like to be able to give you an assurance on that point, ma'am, but I can't today. But certainly we're you know, we're looking to put something in place as soon as possible noisy activities are ongoing, and we'll be happening in that area next year, and we look forward to working with all the other regulators ensuring that they're properly managed.

19:59

Okay. You and I can see that we are calling Miss Reed has her hand up to.

20:04

Hello, it's just to add there is a meeting before Christmas, just to clarify a few points with the regulators as well. So we may have an update deadline for on how on the progress as well.

20:16

Thank you. And just always it is an area of interest for us, because for various reasons. So if you wouldn't mind just whenever there is an update, please feed that into our examination at the next available deadline. And whilst we have the memo, I'm noting from the statements of common ground that there's kind of ongoing discussion with the applicants about the wording of the DML conditions in respect of the marine mammal mitigation protocol and science and technology plan. Also on hammer energies in respect of piling activities, and Do we have any update on that? So when we when we see your deadline 3d data, go of the applicants is that are we going to be closer to agreement on those on the wording of those licence conditions? Mmm.

21:02

Thank you, Mark Hershey MMO. If I may ask, Is this in relation to piling, piling monitoring and noise activities? Just

21:16

I think your statement of Common Ground basically says that there's that is not agreed about the actual security for the the remount mitigation protocol, the CIP and our energies in respect to so it's conditions 1617, and then 12 and 13.

21:33

Okay, yes, I will mention it a couple of things, if I may, and may not necessarily answer your question. But I think first of all, in relation to what is one thing I was going to mention, I don't think this is out of place. But in terms of you xo clearance, we have the mo have asked for that to be controlled via a

separate marine licence, rather than to be controlled by a deemed marine licence condition. And the applicant is of the opinion that they should be controlled, they can be controlled by the DEA marine licence condition. Just as an update, we are having an internal discussion on that within the MMO as to our preference as to how it should be properly controlled. And we'd hope to give our position on that deadline three

22:36

antastic. Thank you, obviously, we know that it's a novel approach. And but we've got in writing, you know, the positions of both parties on that and and say any any progress on that from the MMA side at deadline three would be much appreciated. That

22:53

Yeah, sorry. Sorry,

22:54

Mark, question, if I may, just to touch on condition 16, which is related to relating to Marine, specifically marine mammal mitigation, and monitoring, which I think you referenced before ma'am. We are currently content with the condition on the deemed marine licence review, if there are any updates to that deadline three.

23:21

Great, thank you very much. They had a point you wanted to add at this stage.

23:27

I think Mark Quereshi mo, the only thing specifically in relation to well knows the activities and in relation to marine mammals was in relation to the monitoring of noise levels, there is a requirement for the first four piles to be monitored. And the draft condition states at the moment that if those noise levels are exceeded, then piling should cease immediately. So the next explicit requirement for piling to cease as soon as they've been shown to be exceeding what was predicted. The applicant stated that there's no need for this explicit statement within that condition, because the GMO or we have the existing powers for enforcement to stop that activity within the marine coastal access act. And I just wanted to flag up as we have already flagged up deadline to we don't see that quite the same. There is a potential for a delay in the pilot to cease. The key mechanism for enforcement to take place is that knowledge that the piling the noise levels have exceeded and without us therefore, if we wait for the report to come, which is due to be submitted, believe six weeks after the piling has ceased, then there is a potential for delay. They, therefore, for enforcement to take place.

25:04

Thank you for that, that that points well understood and we have your position on it and natural England I know. And both, both of you now referring to that as a sort of what you consider to be a standard condition for for offshore wind farms and with the applicants like to come back on that specific point and is your position as your position remain the same that this cessation of piling condition is not necessary having heard that from the MMO about their their powers under the moon coastal access act? Probably. So

25:33

if the applicant, I'd like to bring in Miss Mill, please on that point.

25:37

Miss Mill

25:39

Stephanie Mill for the applicants here, and our position still does remain that the the enforcement powers under the marine and coastal access Act would be the appropriate mechanism. And to control this. And we will however, take away the comments that the MMO has made. And and we will, we will look at this and again in more detail and provide an update. And but as I say at the moment, our position is still that the powers are there.

26:03

Okay, thank you. Yeah, we would appreciate you having another look at that in light of what we've had from both our study advisors, mmm, around natural England on that. Okay, I'm conscious of the time and I'd want to leave enough time for us to talk about agenda items five and six. So I think I'm going to leave it there unless there's anything burning on marine mammals that anybody else wants to raise this morning. Okay, I'm not seeing any hands coming up. So I think if unless the applicant has any final contributions they want to make on this topic, I'm going to suggest we move on to item five, I'm getting a head shake. Oh, I've got a tiny baby Hands up.

26:51

Thank you, and apologies, my Hi there from the Wildlife Trust. And my colleague, Christina is having some technical problems. So and I'm just going to summarise from the Wildlife Trust just that. And in relation to the last discussion on the cessation of piling and we'd agree with natural England and the MMO. And there are a number of other points, that once we've received the documents, the new documents that will be produced for the next deadline and will happily put further points in writing and in terms of especially the the loan impacts on the face of the decision we'd welcome some discussion with both the applicant and natural England on this because it has it is a change the site integrity plan, although, as polos said that they are fairly new, they have been traditionally just used for in combination impact. So I think there is a discussion to be held with both natural England and the MMO probably as well on the applicant, on on what is what what should be the use of the site integrity plan. And but we will we will mull over this and return comments to you at the next deadline.

28:08

Very helpful. Thanks very much.

28:09

Thank you.

28:11

Okay, and I'm going to move on then. Okay. So, thank you very much for all of your contributions on on that topic. And I'm now going to pass to my colleague, Miss Jones to deal with the ethnic ecology under item five. Miss Jones, are you there?

28:35

Oh, geez. Yes, sorry. I have no need to thank you, miss. Thank you. Carolyn Jones panel members speaking I'll go straight to the first item within within benthic, which is the outer Thames Estuary special protection area as a supporting habitat for qualifying features. And the outstanding areas of disagreement between the Americans and natural England relates to the emission of the impacts from Soundwave levelling and cable protection being screened into the HRA. And that as there is an impact pathway due to changes to support in habitat, natural England believe that there is a likely significant effect. Now we do know that the applicant has now received detailed mapping from natural England for the supporting habitats of the SP and does intend to provide an updated assessment it's deadline three. Given that natural England's main concern is the supporting habitats of the interest features of the SP eight they have requested that any assessment ensures that the impacts relate to each of the supporting habitat types, and how installation operation and maintenance activities may alter the structure of the function of these habitat types and in turn the SP features Can I just ask the applicant if you intend on including all of these matters in the updated assessment?

29:55

So we've provided we're providing the completely revised assessment at deadline Three, we haven't gone for updating the appendix five, we've produced a new assessment of that based on the sporting features information that we've got now. So that is all in there. And we've done that according to right down to the conservation objectives and the and the attributes, according to them in the supporting the supplementary information that's available on for the, for the SP a conservation objectives. So that's all in there, the it doesn't change anything materially because it's still a very small area. And obviously, the in relation to the structure and function of the HPA and those supporting features, those supporting features are only relevant and seabed, to the red track diver in the shallow waters anyway. So it's a small subset of the area which we would be affecting with the cables, that area within 20 metres, which is, which is like, which is relevant, really to the assessment. So that that is all part of the revised information we're putting forward at deadline three, we've not had the opportunity to share that with natural England at present due to resourcing issues on their part. So that will be going in at that at that deadline. And that will be we may raise it with them in the workshop next week, if we have time, if the birds give us enough chance, but otherwise, it'll be going in then for them to respond to.

31:31

That's great. Thank you very much. Is there anything further you would like to to raise in relation to that matter today? No,

31:40

that's fine. Thank you.

31:43

Does the MMO have any comments to make on that?

31:48

Hello, Rebecca Maria, the MMO. And we don't have any comments at this time. We do defer to natural England from as HRA but we will review the documents and work together with them through the statement of Common Ground process to see if there's any impacts on any DML conditions or relevant plans.

32:05

Thank you very much. Okay. In that case, then I will move on to Item b, which is several areas spin your losa. Could I just ask the applicant if they could provide us with a brief update on any work ongoing to address outstanding areas of disagreement on the outline several area reef management plan.

32:30

So we've obviously had a look at the comments that have come in from natural England at deadline two and we're putting in responses to those clarifications to the points they've made. At deadline three, we will be responding to those comments in detail. whether or not there is a requirement to update the outline sub area reef management plan in response to that we'll assess after we see what natural England's position is on our clarifications. So potentially an update to that plan to take account of anything that it's come up in the in the comments from natural England, but it seems like most of that seems to have been resolved now.

33:12

And with the MMO like to comment on the outline, separate area reef management plan,

33:18

Rebecca read the memo. I think we only had minor comments out in deadline two. So we welcome the applicants clarifications and natural England's comments on that and we'll provide an update as required.

33:32

Thank you very much. And that covers all of the matters that we wanted to discuss today in relation to benthic ecology. Are there any other matters that anybody wishes to raise? Before we move on to discuss the effects on terrestrial ecology? Mr. Koshi?

33:52

Yes, thank you, ma'am. Mark Qureshi ever Mo. I've just like to highlight that the applicants have extended an invitation to the MMO for a statement of Common Ground meeting the week before Christmas, just after the deadline three, and we really look forward to further engagement with themselves and hopefully to get some of these issues clarified and resolved. So with that the applicants for that invitation. Great, thank

34:17

you for letting us know that. Okay, well in that case, we will turn to item six of our agenda which is effects on terrestrial ecology and turning first to nature and good luck of the sanderlings FPA. And the outstanding disagreement here is that natural England contest that considers further information is required to rule out no adverse effect on the integrity of the sanderlings FPA. Mainly in relation to the dissection of the SP and two and the potential for this to stretch over multiple breeding seasons. And they turning first to the applicants Is there anything you can update us on in respect of any progress of discussions with natural England since deadline to. Um,

35:06

thank you. Well, if I could just colonists and half the applicants, just to say that there's some three more people attending on behalf of applicants?

35:15

That's right. Yeah, no worries.

35:18

So I'll be very quick. We've got Fraser McDermott, who's a principal environmental consultant, rather scanning. And he's got extensive experience in coordinating onshore environmental impact assessments. We've got Claire Smith, again, from rusconi is a chartered ecologist, and would be able to advise on matters relating to the onshore ecology matters. And finally, in this session, I've also got Brian mcnellis, who's the onshore consensus manager. So he's the onshore version of Jerry Vela. And he essentially is that interface between the consenting team and the applicants, engineering team and external parties in coordinating those particular aspects. And in terms of some of the questions that may be a bit of a mix and match, but I thought it was appropriate just to sort of got a handle on who might be speaking what what their backgrounds are.

36:14

Yeah, very much. Would you like to meet to repeat that question in that case? Oh,

36:31

Hello, friends have done it for the applicants? And yes, that's correct. I think it's understood that natural England would welcome further detail on the proposed approach, and RSP. RSP is in agreement with the proposals and on the provision of some minor further details. And we're writing a response to natural England's deadline to submission. And we'll submit that that deadline three.

37:03

Thank you. So, where the projects are constructed sequentially, the works associated with the SP crossing within the SP itself and the SP buffer, are anticipated to be completed within two separate nonbreeding birth seasons. However, the SP crossing method statement does say that those two nonbreeding birdies and seasons may not be consecutive, and there may be a time lapse between the two projects. Correct.

37:35

That may happen? Yes. If they're constructed sequentially,

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all likelihood be sorry,

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what would the likelihood of that of that? What would the likelihood of that be?

37:47

And instead we can't we can't say this at this time. There's a number of factors at play. But obviously, your applicant has now confirmed that and where they are constructed where the projects are constructed sequentially? installation of the onshore cable docks for the second project would take place during construction of the first project, which would noticeably reduce the amount of construction and disturbance within the FPA.

38:18

Do you have any idea how many non breeding seasons it could span potentially?

38:25

Not at this time? No. But I mean, I think that would be Yeah. To breeding season would be what we're considering at the moment. But then a friend McGrail it wants to add to that.

38:40

Yeah, hi Brahma girls for Dale Perkins. Just to reiterate, reiterate the submission deadline to the doors commit the applicant to installing the ducting for the second project at the same time as the first project is being constructed. So that will remove the the time lapse and the time gap that natural England were concerned about in the sequential construction period where perhaps there could be a few years between construction of project one and construction of project two. We have also committed to not installing and a drunken bass within the SP a boundary itself. So that means once doors docks are in place for the second project, we don't need to go back to jspa to instal those jointing bays or indeed to pull the cable the cable is simply pulled from either end of the SP and pulled pulled through the through through the ducting. There is a difference between the open trench installation technique, which is the applicants preferred method of installation. That's the the objective would be to instal the ducting for both projects within a single nonbreeding bird season. So I'm not that non breeding bird season that's been agreed between ourselves on natural England as being first February through to the And of penguins the end of August correct me if I'm wrong I know that there there may be things outside our control such as COVID issues such as unknown features within within the sub grind that may prevent us from achieving that, but that is certainly the the the the objective and engineering are quite quite confident that we can instal the open trench solution for both projects within that single nonbreeding bird season. But the dots just need to be like caveats and there may be things outside your control that may push us on to that second non breeding bird season. For the trenchless technique, crossing detect trenches technique is very different prospect to do trenching. Each project would require 10 HDD bores as an example to the board under the SBA. And that in itself takes takes takes time. So our expectation is that that would would span over to non breeding bird seasons, should the entry and exit pits of the HDD works be located within 200 metres of the ASPCA boundary. Again, that's for both projects, again,

like that commitment that we made a deadline to but also apply to a trenchless technique cross enough to hitch to be in nuts. We would be installing 20 bores 10 bores per project and not as right up that's installation period takes a longer period of time compared to the deal potential solution.

41:34

Thank you and a deadline to you did say that if if you were to use the trenches technique, then you wouldn't be able to stick to the seasonal restriction from the first of February it would have to be the 14th February. Could you elaborate on why that would? Why those two weeks?

41:53

Yeah, sure. So they from the first of February that applies to the open trench crossing. And that reflects the the confidence that we have, and been able to deliver both projects open trench solution within the FPGA within nonbreeding bird season, where we go into the horizontal directional drilling operation for as an example for the trenchless technique crossing of the SPI. We were then talking 20 bores being installed that is a much, much longer duration. There's higher risk associated with that simply because of the nature of the of the HDX operations. There's higher risk in terms of the the delivery aspects, there may be additional holdups that we encounter, if we do something 20 times rather than open trench and say four times for for trenches. So it's really about delivery risk for for the HDX solution. It's a technically sound solution, but it does have inherent delivery considerations that we need to take into account. And that's why that that extra two weeks, when you apply that to the two seas, non breeding bird seasons, that equates to a one month period, and that one month period could be very valuable in terms of delivery of those 20 HD bores under eight trenchless techniques solution. Thank you.

43:18

Dr. Horowitz,

43:19

I can see you've got your hand raised at this point is there something you would like to to read? Just please

43:26

I'd like to refer to the biodiversity metric which I know that Nash and lastly important infrastructure. Projects are not necessarily guided by but it does give us a good thing to to measure this against. There are sort of five main points habitat distinctiveness, which is species richness, diversity, some Rarity, which we certainly have habitat condition, which is lack of human interference driving habitat and species richness, the spatial risk which is the ecological risk from removal of a habitat, and this temporal risk, which is the mismatch between loss of biodiversity and offset mitigation, and delivery risk, which is a specific terrestrial areas at risk from this development. So this comes from Dr. Sarah Scott, the National biodiversity advisor to Defra and EA. So we have we have all these bells done here, I'm afraid because we are not dealing with just is only a one and two and three years construction work will result in disturbance, it will bring in all the risks of temporal displacement and loss of ecology. But when we're actually talking about eight projects in all, and then you're talking about replanting when you finished so how long will it take to restore An ecology that has taken about 300 years to develop. You

can you can fake it, of course, but maybe the birds will have gone by the time you get to that point. So we're talking eight to 10 years, and then replanting on top of that. So really, we're not giving this habitat back until the latter half of this century, which I think is not really acceptable. In in terms of special is at triple si Sorry, I'm feeling quite angry about this triple Si, es SPS and so on. And so I would really like to address this at this point, that we're dealing with cumulative effects from multiple developments in inverted commas in the same area. And that is because first it has been chosen as a site, and then getting there has been left as an afterthought, and the only way you can get there is by going through sites that should not be dug up in any shape or form. Thank you.

46:13

Thank you. Thank you very much. Dr. Dr. hikes. Mr. Ellis, is there anything you would like to respond to there?

46:21

Yes, please brown girls for the the applicants. The onshore cable routing is certainly not an afterthought from from an applicant's perspective. It forms an essential part of our sancte selection alternative process, which was reported in chapter four of the environmental statement. If I could ask Emery to perhaps call up figure one off the SP a crossing method statement that's on our EP one flash zero for free.

46:56

Just give me a minute to

46:57

get that actually figure figure three if the SP crossing method statement the same reference.

47:03

Sure. Figure two. Yes.

47:20

So just while that's been being called up, just in terms of our sites latched on turned dispersed last week, we made a strategic decision at the at the at the early stage of the application process to cross the SPI at its largest location. So this is not the most direct route between landfall and the substation site, the onshore substation occasions, but it is the largest point within the SP and as you can see from the figure that's been being shown, you can see the order limits there on the red line. But, but they are the order limits which accommodate both the trenchless technique crossing undoable, trenching crossing the purple area, the side to the area with the diagonal hatch, so that covers both the purple and the green area within the centre of the figure, that is the SP a boundary so in crossing the jsa at the Norris points but that is that's around about 114 metres and with looking at the open trench solution, the eastern side of that crossing is currently a horse paddock area which is considered to be a blue ecological finding the triangle arranged 30 you can see with the dark red lane, our claim that is that's our horse paddock and there's another hotspot access to the north northwest. And then the remaining green area is scrub area which which is a fire ecological finding. But but you can see with just with this, configure the file you're selecting the Norrish point in the FPGA and the work that we

have done to understand the current land use and the ecological value within that FPGA in using a crossing point which is probably around about 50% if not slightly more. Currently a horse paddock buffalo ecological funding the impacts within within that SPI associated with as an example the trench crossing solution are minimised officer with the trenches technique solution, we do not disturb the hot tub within the SP at all. And just jumping back to the D open trench solution should an open trench solution be developed. We have we are proposing a new work number work number 12 A which is just over 11,000 square metres of mitigation land that we would manage. We would establish that the year before construction was in this area commences and we were monitored for a period of five years from completion of construction of the owner. Short cable quarter in this in this particular section. So that that delivers ecological announcement off this area over that period. And we're confident that we would leave the SP eight at this section off an A a better ecological condition buyer diversity condition than than it currently is.

50:21

Well, I think I think natural England actually has requested a bit more information on on habitat reinstatements, including justification as to why and what function it will provide and over what timeframe Are you intending on on submitting that to deadline three.

50:38

So we are discussing with natural England through the similar common grant process. We're we're not intending to submit an updated staple to common ground with natural England that deadline free but we are targeting deadline for for about to be to be provided. There, there are some points on the natural England that link to submission that we we we consider to be addressed on the back of our deadline to commitment to instal the doctrine for the second project at the same time as the first subject to typical projects securing consent. But that's something we will continue to discuss with natural England fans agreement on during that statement of Common Ground process.

51:16

Okay. Thank you very much for that.

51:18

And Dr. Horrocks,

51:18

you still have your hand raised. Is that intentional?

51:21

Oh,

51:22

I'm sorry. I'll take it done.

51:24

Now. That's it. Thank you. Okay, we're conscious of the time and do want to briefly touch upon onshore ornithology and terrestrial ecology. So before we move on, is there anything else that any parties wish to raise in relation to the SBA crossing? Does any hands raised so I will move on. And given we are short on time today, and that we do plan on dealing with terrestrial ecology matters in more detail at a future hearing in the new year, we do not intend on going through these do these matters in turn. So instead, what I'm going to do, I'm going to ask each of the parties if there are any headline matters that they would like to bring to our attention today. And I'll start with east pacific counsel in the first instance, please.

52:17

Thank you, Mam and James miracle just East Suffolk Council. And so just going back to step one, your SBA question, I don't think I've got my hand my hand up fast enough. And the one outstanding point we had, which means that more information is coming at deadline three is in relation to the air quality impacts and non robot non road mobile machinery. And they're just to say we're expecting to see more. That's all we've got an issue with the current assessment as presented. And yeah, so just moving on then to sort of the headline points that we've got that that remain outstanding. And I think a particular concern is how and construction impacts on bats have been treated, and particularly foraging commuting bats, and the effects that the construction the cable we're going to have on those. And again, we're expecting more information in an updated Oh limbs as part of deadline three, so we should be able to provide you with more comments at that stage. And we've been in discussion with the applicant in relation to additional mitigation can be provided. And, and then we've also got an outstanding issue around noise and impact, particularly on bats again at the operational substation. And, again, they'd like three, we're expecting to see some more assessment of that. And we've got five more comments in writing at that stage. But for now, I think that probably covers it unless you have any questions for us.

53:51

Now, that's fine. Thank you very much. Can I ask Suffolk County Council if they have any headline matters they would like to raise today?

54:05

Often I'm Sandra, my wood Suffolk County Council ecologist. No. Thankfully, James mayor, for me suffered because then has covered the points that I'm concerned about. I think specifically there is this optimistic forecast of regrowth of hedges afterwards. But I understand that the applicants are putting together a mitigation to deal with bat foraging and navigation. But obviously, like, like Mr. Ma, that still remains an outstanding concern of ours.

54:41

Thank you very much. Um, could we hear from CS, Dr. Horrocks? Dr. Horrocks, do you have anything you would like to raise? Yes. Can

54:56

you hear me?

54:57

I can hear you now. Yes, sorry.

54:58

Thank you. Yes, sir. I have a number of headline points. And can we look at the hundred river crossing from the assessments of the area and a whole riparian woodland has not been considered at all. You will remove it or that SPO will remove it and it's about two acres. This is a rewilded mature woodland broadleaf. And it's it forms an essential connectivity corridor with the woodland on the other side of the B 1122. Which is the west side of the one one to two where there's going to be another two acres of woodland removed plus an ancient parallel hedgerow. And so there is actually no mitigation possible for this within 150 years or so, maybe 50 years if we're lucky. The point is that the woodland because it is part of the river hundred links the word woodland in Oregon, which is also riparian, on its northern side, to the s, triple Si, they all grow laced and triple Si, and the wetlands of the North Warren bird reserve, which are home to a number of important species. So that connectivity will disappear, which is in complete contrast with the aims of where we're trying to go with the preservation of nature at present. The other thing is, the assessment also pointed out that there were no interesting or insects of interest. This may come as a little shock, but it's actually designated by natural England's bug life as a special area of interest for insects, and it's part of the two major and oldest bug lines, which go north south, east west from Norfolk to Essex, and then across eventually across East Anglia. And the cable corridor is going to bisect this and it's quite astonishing to me that the the the surveys that have been done haven't picked up anything about this and actually haven't found that it is such an important area for invertebrates, which also has a huge impact on the indicator species like the bats, the nightingales, the night John's, the turtle does and so on. Because I was if there is if the insect population suddenly disappears, so will they. The other thing that hasn't been addressed is light. ordering them is a very dark area. And that's why we have so many darkness loving species and including insects like glow worms and so on. And the the use of lighting in in the construction has not been addressed. And again, the cumulative sequential construction has not been addressed. So that I think within three years if there is no alternative habitat for the migrating birds, it doesn't matter if they return in the season, they will have no habitat, they won't have anywhere to breed, and they will be short of food. So we're looking at local extinctions, not just three years but 10 years and possibly even beyond. And I would very much like that address. Thank you.

58:31

Thank you very much, Dr. Horrocks.

58:35

Do you see BIOS and things have anything they would like to raise into this agenda item? Mr. Chandler

58:53

Can I defer to Richard Reid I see his put his camera I do wish to speak but I know Richard has more important things to discuss.

59:00

Absolutely mystery Would you like to speak first? It's really bad. Mr. Chandler, perhaps you'd like to speak.

59:22

Hello. Can you can you hear me?

59:24

Yes, I can hear that.

59:25

Thank you. Sorry. I'm bearing in mind there's so little time left just under 10 minutes. Now I'd like to raise as a headline issue really that needs development at different parts of this process. The significance of an area which comprises three dwellings, the wardens very important disabled people centre and the associated territory which covers plot 10 and plot 12. This isn't the context not of the work of wardens itself but in the fact that the trees and woodland here and the protected species are very significant indeed and have not even been mentioned. As indeed wardens has not yet been mentioned or noted in the book of reference itself. It's as if we have not existed yet. However, because wardens were started by the Ogilvy family who had a large natural history museum here which became the centre and has then been curated and developed by the jimson family over certainly the last four decades, an extensive archive of records of wildlife and protected species and flora and fauna in this area exists. And this in particular, covers the period covers the the territory that runs west from nest house cottages and I'm one of the residents there. I'm a wardens volunteer, I've been living here for 14 years down the track towards plot 10. This is obviously very, very near to the cable corridor as it's projected to be and the table corridor itself runs along the very margins of the driver wardens itself. Now, part of what wardens has done and what the family has done over all these years begins with tree planting. And tree planting started not just to give the bird somewhere nice to nest and be. But it started to protect the very structure of the land itself because we live here in one of the driest areas of Suffolk. And the actual context, the physical context, physical content of the land here is extremely friable, very, very liable to subsidence and actually dust storms, without the support of all the extensive and reassuringly expensive planting that has gone on throughout these four decades. This includes all species of broad leaved deciduous trees as well as conifers. In particular there are copses in plot 10 and plot 12 and plantations throughout the fields, which specifically have held this ground together. As a result of that, it has been the springboard for massive diversity developing both along the track and in the fields which are inhabited and very fertile horse paddocks for rescue and protected horses. By the way, they're not just derelict fields, as many of them are described around here. But it includes over 40 species some protected of wildflowers along the hedgerows there, it includes a bird species, which are absolutely in their scores, which had been recorded for all these years by wardens records. And this is the territory which is part of the proposed set down area and No means no level of rebuilding on mitigation will allow trees to be replanted in this territory, he can only plant pushes on top of cable corridors. So this entire patch of ground this entire footprint really will be devastated by these works. I know times getting on there's an awful lot more detail One could say it has been included in submissions from myself and some of the other people who live here and the work of wardens itself, which is also going to be destroyed by this project I would like to discuss later in the week when we get on to the effect of these works on people and the things that people try and do and achieve during this

area. But really, I must urge you I would request you to do proper surveys of the actual wildlife that is present here. And the reasons why that wildlife has grown up over all these many decades which has been decades of care of this environment. Thank you very much. I tried to be as quick as possible we

1:03:47

had Thank you isn't sorry that we are pushed for time, but there if there is anything else that you you do want to raise then do put that in deadline three for us in writing.

1:03:57

certainly be delighted to that with all the detail and we will come on I know later in the week to other aspects of what happens at this centre for disabled children, particularly particularly vulnerable disabled children and young adults.

1:04:11

Thank you very much. Thank you, Mr. Chairman.

1:04:19

Thank you, Mr. Jones. The pictures of the search was displayed earlier the purple area and the green area. The purple area which is the horse paddocks described as low quality land which I suppose in some respects it is but of course, the quality of that land. By the very fact that it's horse paddocks. Anyone who has ownership of a horse knows how difficult it is to actually get paddocks, especially in this area. There are extremely rare items to get in the process to displace people from those paddocks. will cause a great deal of distress not only to the owners of the horses but their horses themselves. But the other point I wish to make is the green area is predominantly shrubs and some trees. If they're looking if the applicant is looking to do open trenching through that particular area or displace, not only the nightingales, and the turtle dams which have inhabited that area over the last 10 years, but also a number of other species as well, and it will be a great would be a disaster to this area, should they decide to do open trenching, rather than horizontal drilling, which is certainly our preferred method of, of making bringing those cables across that particular area. That's really the point I wish to make. I'd be we're going to bring this up later. But as the drawing has been previously displayed, I thought it was a good time to bring up issue.

1:06:01

Thank you very much, Mr. Chandler. I can also see that Mr. Chadwick has his hand raised.

1:06:08

Yes. Somebody said that, that that there were no insects of importance. Can you hear me? Yes, I can hear you. I just like to point out that, that my mother who wrote this book in search of Heath Lund, about this area that she collected on one clump of haver in the sand Ling's area, I'm 15 different species of bees and wasps. So from one clump of heaven, there were 15 important species of insects collected. So to say that there were no important insects in in the area is, is completely untrue and sort of suggests that only desktop studies have been done. And that person in depth and an in depth search is much more accurate. Thank you.

1:07:32

Thank you very much for your contribution. Could I just ask that yourself and Mr. Chandler? Take your raised hands off. Thank you. Thank you very much. Okay, I think that's everyone who had had requested to speak on this agenda item given that we are extremely tight on time now. I'm going to suggest that the applicants reply to any of those points raised under this feature at deadline three. Is that acceptable to you? Yes, ma'am. Thank you very much, Mr. Ennis. Okay. In that case, we will move on to item seven of our agenda, which is any other business? I am conscious that we have had the amb, eo and B partnership throughout this here, and you did say that they would like to raise something in this section because they can't attend issue specific hearing, too. Could we hear from them now, please?

1:08:39

Thank you very much. And I'll be very, very brief. I'm Simon and I represent the partnership of around 26 organisations. And I think the main things that we wanted to say we're about the the impacts of the offshore development on the IOM B. And we appreciate that some mitigation measures have been put in place around the design of the of the layout and the and the turbines themselves. But I think the OMB partnerships is still of the view that there is significant harm to the purposes of the designation of the OMB and the characteristics of the AONB. I'll give more detail in a response but deadline three, so now we're very short of time.

1:09:38

Yeah, absolutely. And of course, there will be recordings of issues to the hearing t will be available on our our website. So if you can't attend then obviously please do do watch them and and respond to deadline three in writing to us. Thank you. Thank you very much. Mr. Chadwick. Could you just turn your camera off, please? Thank you very much. We will at this stage there are no other matters, which the examining authorities wish to raise. And given that time is tight, I'm going to suggest that if there are any other matters relevant to the topic of these hearings that participants considered, it should be examined by the examining authorities if they could put that in writing by deadline three, so that we can take that into consideration for further hearings that we do intend on holding in the new year. So I'll hand back to Mrs. Powisnow who will take you through the remaining items on the agenda.

1:10:35

Thank you, Mrs. Jones. Okay, so we're on to a giant agenda item eight now, which is about any procedure decisions and a review of our actions from this morning. And we haven't identified the need to make any procedural deadlines this morning. So that's a quick part. And but I am going to pass to my colleague, Mr. Smith, who has been keeping a note of the actions arising this morning just to run through days briefly. Mr. Smith.

1:11:01

Thank you very much, Mrs. Powis.

1:11:03

Now I will run excuse me, I'll run through these very briefly. Principal action is that absent parties are requested to review the hearing, recording and respond in writing to all matters that are relevant to their

interests, and that is particularly relevant to natural England where there are matters raised as agenda items 2345 and six. And there is an action on natural England in relation to the status of agreement on HRA findings. Natural England are asked to review the position set out by the applicant system the status of agreement on HR findings under item two, and confirm whether or not it reflects its understanding of the position and the without prejudice derogation case the applicants are asked to submit a deadline three a without prejudice derogation case in respect of Gannett Kittiwake less black back girl and red throated diver effects that's the deadline three these are all at deadline three by the way. The Thames spsp a red throated diver, and there has been a monitoring report published on the effects of the London array in operation on that species. And the applicants are asked to please submit that report by deadline three, and the same SBA as Thames Street and red throated diver again, for natural England, the applicants are in disagreement with natural England's assessment of the RTD baseline. They proposed as a number of constructed wind farms which have been operational loss to population rise has been observed should not be included for in combination impact assessment purposes. Natural England is requested to set out their position in relation to the spy deadlines three. The hours attempts f jspa. Again, and the project environment management plan the pimp provisions the red throated diver, and if the applicants there are relying on best practice protocol for minimising red throated diver disturbance, then a draft of that should be submitted into the examinations, the applicant should review the drafting of the relevant DML conditions to ensure that it's sufficiently clear and precise. So as to secure the commitments made as a best practice protocol for minimising disturbance to red throated diver. And that again is by deadline three. And there's an action on natural England and asking for comments on deadline to updates natural England is asked to respond in writing by deadline three to the cumulative book displacement seabird assemblage assessment and Gannett population viability analysis work presented by the applicants deadline to so that's a response by deadlines three, and then finally, the old or estery sspa unless a black bank go the applicants offshore ornithology cumulative and in combination collision risk update was responded to by natural England a deadline to natural England's response expresses some satisfaction with the revised approach but also some areas where they seek clarification and goes on to state has an adverse effect on integrity cannot be ruled out for in combination collisions. elaboration of the position set out in that document is sought natural England, deadline three. We will aim to publish this list as soon as we can. And by the latest next Tuesday, but we're aiming to get these lists out sooner if we possibly can do so. I'll hand back to Mrs. Paris.

1:14:52

Thank you, Mr. Smith. And assuming that nobody's identified another action that we haven't mentioned. Then I'm going to go Move on just to say that this has been issue specific hearing number one, our next hearings, and these examinations will take place this afternoon. And that's compulsory acquisition, hearing one. And tomorrow, we've got issue specific hearing two, in terms of biodiversity and ecology matters. We are planning on the basis that there'll be a second issue specific hearing in January with precise dates to be announced next week. And that brings us to item nine of our agenda. And I would like to thank all of our speakers this morning for your attendance and contributions. We do appreciate that many of you would prefer that this hearing could be held in person, but we're trying our best in the circumstances to conduct these domination safely. I'd also like to thank our case team led by Mr. Williams for supporting these hearings. So I'm going to have a final check. There isn't anything that

anyone else wants to raise. I'm not seeing any raised hands. So then I will ask my colleagues to just say their goodbyes, starting with James.

1:15:55

Thank you. Thank you, everybody for your contributions this morning.

1:16:00

And indeed, for the panel aid thank you very much for all the contributions that's been made. We'll take them very carefully into account. Thank you

1:16:08

and the time is now 107. And these issues specific hearing one are closed.