

# TEXT\_ISH3\_Session2\_19012021

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00:10

Good morning everyone. And welcome back to these issues specific hearings, three police Anglia, one North and East Anglia to offshore wind farm applications. Could I check with the case team that you can hear me and that the recordings and live stream have started?

00:26

I can confirm that the live stream has started and again, Yancey.

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Thank you very much, Mr. Williams. Okay, we're going to move on now to item four of our agenda, which is the effects of marine effects on marine mammals. And our agenda sets out the main reasons or the main areas that we'd like to cover. And there have been a number of exchanges between the applicants natural England, the MMO, and the wildlife trusts, which have been documented deadlines three and four. In the interest of time, I won't rehearse them in detail, but there are some key themes in those later submissions that we would like to ensure we cover today and headline terms, they are the overall ha ha position and the project commitments on underwater noise. The scope of the in principle site integrity plans, the inclusion of unexplored unexploded ordnance clearance in the Marine licences, the cessation of piling DML condition and underwater noise implications of the project update note that came at deadline three. So to start with the first of those in terms of the HRA position, and the disagreement here relates to whether or not there would be an adverse effect on the integrity of the Southern North Sea stack as a result of underwater noise disturbance effects on harbour porpoise during the construction operation and decommissioning stages of the projects. Since deadline for has passed so recently, and is quite comprehensive on these matters, I don't think we need to request a general update on the current status of agreement unless the applicants would like to draw to our attention any specific areas of new agreement since deadline before?

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Perfect, so look for the applicant, no new agreement. I can't do

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that. But since we have had discussions with both the MMO and natural England in the last two weeks. And needless to say, notwithstanding any of the arguments we've previously made, we understand very clearly the position regarding the project alone case for the in principle CIP. And they request to

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have a DCA a DML. condition. So we've we've heard that and we are looking at the wording of how we might be able to, to put that in an MMO provided us some wording from the word haunted to non

material change that's recently made in order to help us with how we might actually put that into the DML. Okay, thank you. And so might that be basically inclusion of these project commitments in some form in within the, the DML themselves, but that's what we're looking at. I mean, obviously, the

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that they are version, if you like to putting them on the on the face of DML is because it student encompasses a lot of detail in terms of reference to conservation objectives, and guidance, etc, etc, if you look at the way that they wanted to stuff is done. So we are looking carefully at how we can put those together in a in the simplest way possible. And obviously, given the amount of interest like around this, we'd like to be able to workshop that with natural England MMO before putting in anything into future d&d decio submission. So it's unlikely that would go in the next decio submission, which is deadline five, because that seems little point until we've had that discussion. And we can make sure that everybody's comfortable with the general format, if not all the commas and colons, etc. Okay. All right. Thank you that sounds like good progress, and with natural England like to come in and we might mind standing is that you're not currently able to agree to no adverse effect for projects alone and in combination for both projects. Is that correct?

04:19

It is correct. Although, I think a large part of our our concern relates to the use of the CIP and to the well, it's the use of a Grampian condition to to effectively, which I'm assuming you're aware that a common condition effectively defers the full decision to to post consent and we we are actually comfortable with that being used for in combination and we understand that the the the issue there is more question on the mechanism, which we still haven't seen from the regulator's group which is

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not on the applicant to provide but

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We're aware that a mechanism is in the offing, but we still haven't seen it. So it's difficult for us to say, we agree to it until we've actually seen a mechanism. And when it comes to project alone, this is something we weren't expecting a previous projects of all have used just the tip to cover in combination effects effectively. And again, by putting the project alone and

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effects into the the set that they're bringing that into the Grampian condition and effectively,

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again, the full decision on that is going to be made by the MMO. Pose consent, is the effect of Grampian conditions. So we have some concerns of that, because we don't think that that's appropriate at this stage. And that really, the decision on project alone effect should be made now by recommendation from yourselves and their decision by the Secretary of State. Thank you. And so yes, that that's the submission we've had loud and clear from, from your sales and natural England from MMO. And from the Wildlife Trust about the about the scope of in principle six, and it sounds as if the outcomes are taken, taking that on board and seeking to address that particular concern. And

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I think

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to see if there's the Wildlife Trust, want to come in on that point before we move too far away from it.

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Christine, Christina Platt from learning Wildlife Trust morning.

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Yes, just to echo what natural England have already have already said we would have concerns with the project alone impacts being deferred to post consent. That's, that's our main our main concern around these issues. Yeah. Thank you.

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And

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to the MMO. We've, in terms of in combination effects, there's an ongoing issue isn't there about

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naturally lends ability to be confident about a mechanism for coordinating sets for multiple projects. I wonder if there was any update on the sudden we'll see regulators group or the group that has been referred to in previous hearings. Good morning, Miss Reed. Good morning, Mrs. Paris, Rebecca, read the marine management organisation. And there isn't an update today. And we do have a meeting tomorrow and schedule. So we will provide an update at deadline five for that.

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Yes, I've got no further update on that

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very much.

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And

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just before we move off that there was some of the submissions and that from natural England deadline for have highlighted some changes to some of the draft document all of the version two documents. So the in principle, CIP and the remember mitigation protocol was changed that had appeared not to have been explained. And also they've mentioned some Track Changes in track change version documents where there haven't actually been highlighted as such. And one example being the wording relating to projects or effects in the CIP with the applicant like to respond to these submissions.

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Probably solely for the applicant, in terms of the

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it was, in particular, the project alone, not being picked up in the CIP for the track change version. We're looking at that, because obviously, that was the whole one of the points that we flagged in previous discussions and a been raised in questions. So there's no

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question that we were trying, something was going on there. That's a failure of either the version control of the documents or the software that was used for the compare. So we're going to do a spot check of other documents to see if there's anything else that's not come up. So. But that, yeah, it's funny, there's something odd with that particular point there. So we were not sure about what how that came. So say we're gonna look and see if we can find anything else. In terms of other changes. Again, we

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did not suck to have a meeting with natural England to discuss marine mammal issues. And I think we probably ought to have done in order to go through some of these changes. I think they were flagged previous eight, they were flagged earlier, because they would be indications of changes we've made to the HRA and done them, but we never we hadn't actually had a workshop to go through those. So again, they were all they're all tracked. And again, we've seen the comments and

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we'll see where we get to with the discussion around the condition etc. But those documents will need to be updated in any case, again, in regard to any of the changes that come about and in regard to how we deal with this either through the DML. So there will be a further iteration of those documents.

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Okay, thank you. And so just on the point of sip and and using STL, including project alone effects within that, is that a position that you're still you're you're willing to keep under review and pending that that conversation with the other these parties, philosophically? Yes, practically, as I say, we're looking at how we can practically implement this through the DML condition. Okay.

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Thank you very much. And

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I'll come on then please to the question of unexploded ordnance clearance in the DMS. And this is something where we've had conflicting opinions put to us for some time now for this examine these examinations, about whether it's appropriate to include unexploded ordnance clearance activities within the deemed marine licences, which is what the applicants are proposing, or whether they should be dealt with in separate marine licences. And we've heard the arguments on this, I think I'd like to confess the MMO, if I may.

10:57

And Firstly, thank you to the MMO for your deadline for submissions, which are very helpful. And we note that you maintain the position that the unexploded ordnance clearance should not be part of the DMS it should be controlled by a separate marine licences. And you've set out your reasoning for this. But we do welcome your engagement with the decio drafting on without prejudice basis, which is helpful in keeping things moving forward. And close check with me, though, is this the latest position, as set out in your deadline for submission?

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Rebecca read the MMO. And yes, we still believe that UX activities are best suited to a separate memory licence just for the larger the higher risk

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activities and the uncertainties. And I think I mean, we did set out a lot of reasoning within deadline for but the main reason is the project alone adverse effect impacts and how that works. So we are working with the applicant, on if we can,

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with with that without prejudice response, if we can come to an agreement that if everything is secured, and then we would be more content. With that being included. Yeah. So that there is ongoing discussions with with the applicant and natural England in relation to that. So we're hopeful that if we'll either maintain opposition, or we might concede that if if everything has been clarified and secured appropriately, thank you,

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as has been rehashed before but as a counterbalance to the supposition that that you would have to have separate marine licences for this activity is, comes back to the sort of the reasons for establishing the planning regime in the first place, and the ability to streamline multiple consents

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to try and make consenting these major infrastructure projects more streamlined. And I suppose we are trying to get to the bottom of whether your position derives from it being administratively more straightforward to deal with these matters in the standalone separate marine licence or whether if, for example, you've talked about the way that the licences appear on the on the MMO project register, or whether there are substantive planning or legal reasons why the approach before by the applicants would be unworkable or unacceptable? I can I can, I can see from what you're saying that perhaps you'll be able to move to a way position of acceptance, if those other projects alone effects and limits and restrictions and are secured on the basis of dmls themselves. Is there anything else you'd like to say on that? MMO? Rebecca, read the MMO. Yes, just with further discussions with the applicant, and and looking at the decio process and why it was was but we do believe that it does make sense to include them. And from that consent and process, I think it's because it's a new,

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it's new to to dmls, for offshore wind farms especially. We had a number of concerns. And so we are working with them to see what we can do to to include it to satisfy our concerns on there. So yeah, it's more administrative, how it would work in the long term process. And if everything is secured,

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thank you very much.

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And we come back to the Atkins then we've had some submissions about the amount of time that would be allowed to the MMO to discharge some of these DML conditions about yuexiu clearance related to the triple MP and the CIP. So I'm talking here about conditions 16 and 10. And the MMO have suggested that six months rather than three months would be more appropriate to discharge those conditions. That was their default position. Does the Africans have any response to that today?

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pelvic solid for the applicant. Again, we were discussing this just yesterday with the MMO.

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Actually, I'll let Jerry I see Jerry Velez got his hand up. So I let Jerry cover this. Thank you

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In the villa

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Jerry Villa for the applicant. Yes, I was just going to say exactly the same thing as Paolo, we did discuss this this matter yesterday with with the MMO. And we have taken away some actions to look at

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whether we could increase the timescale over which we submit information, pre commencement. The main reason why we made the points regarding timescale, which is in our deadline one and deadline, two responses relates really to the the timescale at which you xo clearance would be undertaken,

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which would almost certainly be in advancement of commencement of construction and the volume of information that the regulators and other stakeholders will be looking at. And also the programme for actually collection of the information that will feed into the UX Oh, clearance work. So we have taken away some actions to look at whether we can increase the time scale. And certainly whether we could look at different time scales for different documents, with sort of front loading of the ones that are going to take the longest to review. So that's in hand, and we hope to be able to update you at the next deadline. Thank you. Thanks,

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Jake, and

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does not ringland have any views before we move on to this particular topic about the question of whether or not it'd be appropriate to include you xo clearance within DMS

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we sort of support the MMOs position

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as the authority on the DML. So we will defer to that decision on whether it should be on the DML. We would also say that we we support the six months for turnaround of the CIP.

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So just just to say, again, that we were I think, I think our deadline for submission as well, that we we think that six months is an appropriate timeline for for the CIP. Thank you, I can see that Miss Reed has her hand up as well.

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back and read the memo just in relation to timescales, we do welcome the applicants

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view and action points taken away to see if we can amend the time scale.

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And if it has to be specific documents, our main concerns are that are the safe and the triple MP and methods related to that. So we are in discussion with the applicant on that. Thank you. That's good to hear.

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And Mr. Gibson, just have a hand up because you want to speak again or have you just have you left it up?

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I'd left it up sorry.

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And I've got Mr. Mary wood on the screen. A female left, that's okay. I'm just going to say

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we'll just keep the people who are speaking on screen for now to keep it simple as possible. And we'll move off this then the wildlife trusts. And do you have any views on this about whether it would be appropriate to more appropriate to keep your xo clearance in a separate marine licences? Or are you

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leaving that one to natural England to discuss with the applicants the MMA?

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Christina Platt, the Wildlife Trust? And we're still reviewing the submissions from deadline for so

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not sure

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exactly sure whether discussions have progressed on this, but we can provide a response to that deadline. Yeah, fantastic. It's I think it's section five of the MMOs response, a deadline for which provides quite a comprehensive set of reasoning. Brilliant, thank you. Thank you. Okay.

18:55

I think then we'll move on looking at the time to the question of the cessation of piling DML condition. And I'm hoping this will be short because it looks as though we have now the condition that was being requested by the MMO natural England about a construction monitoring condition that meant that piling with need to see if noise monitoring found that different effects were being put were arising as a result of piling and MMO. Your deadline for submissions indicate that you're still having internal discussions about the effectiveness of the condition has been put forward in the deadline three DML

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condition wording. Do you have any further update today? The Rebecca Rebecca Razia memo.

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It is in relation to the word significantly and what this means. So we just want to make sure that it meets the five tests fully. We welcome the applicant include now we understand ourselves on natural England did request it. It was a standard condition. That's

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come from previous

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offshore wind farm vcos. So we're continuing in terms of discussions, and we believe it's a, it's a minor issue that could potentially be dealt with by just just clarifying further things and the principal monitoring plan. But we are continuing those discussions with our scientific advisors and natural England, and we'll continue discussions with the applicant, once we've got an update and a final position on that. Okay. Thank you very much, but the applicant like to add anything

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palpi. So let the applicant know. We'll wait and see what we get. And then we'll, we'll comment on it at that time. Thank you. Thanks very much. The Wildlife Trust Miss Platt, do you have anything to add? On this condition? I think it was something that was raised previously in some of your submissions, but I don't think there's a direct response to it.

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I just wanted to check with you still got any concerns? Christina Platt, the wildlife trusts,

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I think we would defer to the MMO on this and just believe that as long as they have the powers they think necessary for this. That's what the opposition, thank you.

21:16

Okay. And I just wanted to move on then to the project update note that came up deadline, three from the applicants, and which was the note in which there was some updates made about the scheme of Sure. And including increasing the flexibility in the project parameters for the types of foundation that may be installed for offshore platforms. So essentially adding into the Rochdale envelope with the option of using monopile foundations for the offshore platforms. And just wanted to explore the north node implications of the inclusion of that monopod foundation option for offshore platforms. And so to the applicants first, you've concluded on that, in that note, that including that maximum 15 metre diameter monopile Foundation option would not exceed the worst case assumption that you've originally assessed. I just wondered if you could elaborate on that a little more the reasons for that conclusion.

22:11

So the 50 metre monopile was the worst case assessed for the monopiles for the turbines. So they noise modelling and the assessment already covered that. And of course, in terms of the seminal CS, a sea, we're using the effective deterrent radius anyway. So the size of the monopile is kind of irrelevant, because it's a 26 kilometre

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disturbance range irrespective. So, obviously, on that basis, then we thought we'd already done the noise modelling for that the EDR is covered. And in terms of what it actually means, practically to the project,

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the what we had assessed as the worst case was eight pin pile. So that will be eight piling events per platform, this would reduce it to a single monopile per platform. So if you're looking at the if you're looking at the EDR effects, that's an eight of the impact, because we've only got one piling event as a base to eight. So that was the basis of that conclusion. Obviously, we also elaborated in terms of benthic footprint and all the rest of it, which equally we'd have one foundation rather than eight. So there would be a

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proportionate reduction in the amount of footprint, impact etc, etc. Thank you. So clearly going from what could be a total of 40 piling events for the foundations down to a maximum of five.

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And I can see from now that the total piling time for all platforms would be much reduced. But the maximum Hana hammer energy would be greater with it would be 4000 kilojoules, whereas it would have been an Ellen you're saying because of the EDR, then that has no effect. There's no effect. It's irrelevant. So obviously, we've already as I say we've already modelled it in terms of the noise modelling for the EIA side of it in terms of the

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HRA, it's irrelevant, because it doesn't do the noid the maximum energy isn't taken into account in the way that we've done that assessment, as per the guidance, and did your assessment. Obviously, the Rochdale envelope and when you do that assessment for those monopiles for the turbines, you looked at the maximum number of turbines that you would be that would be piled.

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Are you confident that the whatsoever It also includes for that low 67 tablet turbine foundations as well as five foundations for the platform? So the the if you do all of these things at the worst case scenario still covers? Yes. Yeah. Because I think if you if you look at the way it was done it It depends on which part of the assessment we're doing as to whether or not we consider pin piles or monopiles. Yeah, so I think if you look back at that, and we provided the logic for that in the project update note last time, so we're we're calling

25:00

And I think MMOs suggested to us that they would like a bit more understanding of what we proposed. So we're happy to provide a bit more information, but it's clearly a beneficial change if that's what we, if that's what the way it goes, it's a beneficial change because it's less impact to most receptors. Thank you. I can see I would like to come to the MMO. But first, I can see a hand up for Mr. Gibson, please.

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from natural England,

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Alan Gibson, natural England. I had one minor point to make on on the hammer energy, which was just to say that I think the DML will need to be amended. Because I think it refers to a maximum hammer energy for the transmission of as a 2700, not the 4500, which would be for the monopile.

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Other than that, we actually were relatively content that the assessment is within the roster envelope. So we didn't have too much more to add. I just thought that was a an important note to make and a change that needs to be done. Thank you, Mr. Gibson, I my standing was that that had actually been implemented in the deadlines, three DMS, but I will definitely double check that. I've got a hand up for Mr. Vela for the applicants.

26:18

Jerry Vela for the applicant. Yes, I was just going to confirm that we did update the transmission DML showed you 14 as well to include the 4000 kilojoule hammer for monopiles on the offshore substations.

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Thanks for confirming that. And so just the MMO because this was kind of touched on in your deadline for submissions. You flagged that there's a potential issue here. And the applicants have just also said that they you've also asked for a little bit more information. Could you expand on on your concerns here, Rebecca read the MMR and yes, for benefit and coastal processes. There is no concern for underwater noise for both marine mammals and fisheries. We do have a few concerns, which I think we'll be able to be covered for marine mammals covered with some further justification and and a map of the offshore platform locations. We only got this information recently. So we we mentioned it to the applicant, and we will request this from the applicant. And I know this isn't fisheries, but touching on fisheries. It does link with the the outstanding issues on fisheries. And so we may not be until that's resolved, there still may be an outstanding issue here.

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But yeah, we will continue discussions with the applicant and provide an update. Thank you. And Mr. Bhalla would like to come back on that

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jury, Vela, for the applicant, just in terms of managing expectations, we won't be able to provide a map of offshore foundation offshore substation locations at this stage, because that would be contingent on the detailed site investigation that's undertaken pre construction at the moment, they could be anywhere within the within the wind farms site. And presumably that's what the worst case scenario has assessed. Yeah. Thank you. Okay. Thank you. So very clear with any of the other parties like to come back on this on this matter.

28:18

Okay, I'm not seeing any hands up. So yeah, it does sound like that. If there was going to be some additional information on that provided for the MMOs purpose, I'd ask that's also submitted into the examination. So if it's things like referring back to specific parts of the environmental statement where the impacts have been assessed the West, you know, to demonstrate this is all within that worst case, envelope, I think that would be helpful for us as well as for the MMO.

28:43

Okay, and then that really just leads me on to any other marine mammal matters that anybody else wants to raise, because I'm keen that we leave enough time here for the other parts of our agenda, most notably the terrestrial ecology. And so if there's anything else that wants to be out there anyone needs to urgently add on marine mammals? Could you just let me know now?

29:07

And otherwise, then we'll see everything that can come at deadline five, I can see I've got Mr. Smith on the screen. Did you want to contribute Mr. Smith? Not immediately, I'm arming myself in relation to the next agenda item was passed. Okay, thank you very much. Okay. In that case, I will. I will move on and pass it over to Mr. Smith. Right and five of our agenda, which is fish and shellfish quality. Thank you. Thank you very much was Paris now, as was Paris has made clear we have the pressure of time

against today. And so in discussion with my colleagues, I decided that we're not going to proceed with item five orally today. And we'll reserve as much of it as we can to the next round of questions. The excuse to necessary may need to return to briefly in the next biodiversity issue specific hearing, but I hope at this juncture to keep everything

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In writing, and on that basis if we can then move to my colleague, Miss Jones for agenda item six effects on terrestrial ecology.

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Thank you, Mr. Smith. Yes, sir. Just before we move into this agenda item, I did say I would come back to Mr. Ennis, to introduce members of his team in relation to this topic.

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Mr. Ennis, would you like to introduce

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Mr. Ennis, you're on? You're on mute. Mr. Ellis?

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Yep. colonists on behalf of the applicant? Yes, we've got a different team that deal with the onshore matters. And I'll take them very relatively brief because quite a lot of them have already spoken or tissue specific hearings. We've got Brian McGregor, who's the onshore consensus manager for East Anglia, Tunis donvale, at North North projects, and he's been involved a lot of the interface with other parties on shore. He's got 23 years experience in the energy sector and holds qualifications both in engineering and environmental matters. We also have Fraser McDermott, who's a principal environmental consultant at RAF has spooony where he coordinates EIA matters and advises on consents. We also have Claire Smith, who's a chartered ecologist and a full member of the Chartered Institute of ecology. And finally, we've got Rafe Jura, who's a principal ornithologist at MacArthur green with over 50 years experience in working in the ecology consultancy sector as a fields surveyor and technical expert. And it's likely that those parties would be able to to contribute to the to the agenda matters. Thank you. Thank you very much, Mr. Ennis.

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Okay, good to start in the first instance, with Nigel and woodlock of the samplings and fspa. Just to start us off, I wondered if the applicant could update us on any outstanding areas of disagreement between themselves and natural England?

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Yes, Brian Macross for delta. Good afternoon. So

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so just to set some some context before we go into the areas of disagreement. It's important to note that the Delta consists of select dinars section of the SBA in order to lay the the onshore cables, It comprises of around about 140 metres length of the SP

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it's currently used the western portion is currently used as a horse paddock. The wet the southeastern portion is currently used as a hotspot and the western portion is of higher ecological value, typically, typically scrub area.

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And it's recognised both by ourselves and by natural England, that the the crossing area itself is not supporting habitat for the species of jsps. Namely nightjar or woodlark.

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We have produced an SPI crossing method statements that was submitted a deadline one that has been prepared in consultation with both the council's a soft Council and Suffolk County Council, also natural England on the RSPB. We have incorporated comments relevant comments from the from the council's and we believe we have a rehab agreement with the council's in terms of their their procession and not their favourable or supportive of an open trench crossing solution of the of the ASPCA. RSPB supposition is that they essentially defer to natural England they would be supportive of a transition subject to approval by natural England.

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In terms of mother side standing with natural England, there are a few a few points to run through natural England have sought further information to relate no adverse effects on the SPE beyond all reasonable scientific diet. It's Tompkins position that a comprehensive assessment of the potential impacts upon the qualifying features has been undertaken. And that's presented both within the environmental statements and also within the habitat regulations assessment. The assessment includes that for each project alone, and in combination with each other in combination, and with other known developments, there would be no adverse effect on the integrity of the SBA.

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Further Mater, natural England would welcome more detail on the open trench operations within the SBA, including details of all plants and machinery required for the excavation and backfilling works on advice that such impact should be considered as much as possible during the consenting phase to avoid some yet to be identified. Likely

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affects

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it, in essence, requiring further help taught regulations assessments to be undertaken. We dobkins do not agree with that statements and not some yet to be identified likely significant effects require further hedge Ra. It's our position that we have undertaken a full impact assessment as presented within the

ies on the information to support the appropriate assessment report and any works undertaken at the SPF crossing will fall within the envelope that has been assessed.

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Furthermore, napkins note that vehicles and the construction operations within the SP itself the work will be undertaken outside the breeding bird season and that that in itself coupled with the the the recognition of the SP a crossing area,

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not being suitable for our SP species reconsider, to be to be key factors in in the in the suitability of the deal potential issue at the SP

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natural England also consider the additional mitigation offered by the applicants should extend beyond the five years this is mitigation area proposed area 12 A, which was identified within the SBA crossing methods statement

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that is provided that's to be established one year prior to the construction works at the SBA crossing commencing on will be maintained for a period of five years on completion of the construction works within the SP a crossing area. So that's Lincoln's position is that that five year period isn't sufficient. And there's no consideration of how long the habitat would take to recover and what monitoring would be undertaken during that period.

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Now outcome considers that the mitigation works at proposed work number 12. Eight would provide functional habitat for breeding Nightingale within the timeframe considered and particularly given the establishment in the calendar year prior to the start of construction within the SBA.

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This preparation will involve and primarily defending of scrub and breaking brackin which is currently in in situ.

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And this is considered to achieve a suitable level of ecological functionality for Nightingale prior to the commencement of construction of the SBA crossing.

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The mitigation area itself will continue to improve both during the construction period itself and also during the five year post construction management period.

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The however, doubt Canada is mindful of the need to return the land to its current order. And therefore, we do not believe that it's justified to extend that habitat management period beyond that five year period that is currently proposed.

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We will update the outline SP a crossing method statement during examination to include provision of annual monitoring of proposed work number 12. A and indeed work number 14, which is management for triple A. And that will allow a process for feedback into the management and maintenance of that habitat management area to be to be formalised.

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The most significant point yet to be agreed with natural England is the actual means of crossing the SP should it be trenchless technique or should it be an open trench technique.

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The application the outcomes await confirmation from natural England particularly in light of the day up can significant commitment at deadline to to instal the doctrine for the second project at the same time as the first project is being constructed subject to both projects securing consent. That's a that is a significant commitment by the outcomes it means we are in essence only active constructionwise within that SP at one period at the target being that that is a single non breeding bird season. There is a very high probability that that that is able to be achieved. We do have a caveat, however, in the SP a crossing out that statement that in certain circumstances that may carry across into a second non renumbered season. But all the information we have today

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is that we have a high probability that it will be a single renumbered season.

39:27

So the the commitment removes the need to re enter the SBA boundary to facilitate the construction of the second project at a later date. Should the project be constructed in sequentially? an applicant's talk to us that address natural England's concerns that have been expressed on the SBA crossing?

39:48

And should natural England be supportive of the open trench solution? Should this be confirmed dobkins we're progressing open trench technique through to the detailed design sometimes

40:00

Construction stage, thereby reducing the extent of the onshore cable corridor accordingly.

40:07

That's, that's our summary of the matters yet to be agreed with.

40:13

Me. Thank you very much natural England, would you like to respond to quite a lot of points raised there? Would you like to respond if you can?

40:24

and Louise Burton, natural England? Yes, there were a lot of points that

40:29

from natural England position,

40:33

as highlighted, that there was a lot of changes and commitments be made by the applicant in relation to the SBA crossing.

40:42

I think it would be appropriate for natural England to take away an action at this time to go back and consider our position because at the moment, I note our comments for deadline for are in response to comments from our deadline three response. And I feel that we haven't appropriately concluded where we're at. So I, if it's okay, with the examining authority, I will take an action on behalf of natural England

41:14

to pull together opposition for deadline five. Yep, that would be most helpful. Thank you. And just if I could ask the applicant, is it still the intention to only progress, one crossing, one crossing method by the end of the examination?

41:38

Regardless for the outcomes, should we get natural England's agreement that an open trench solution would be acceptable, then that's the solution that we were progressing? Yeah. And when you when would you be hoping to achieve that by by deadline? Five?

41:54

I think depending on the timing of natural England submission, possibly deadline six would be more appropriate.

42:02

We would need to attend at that point.

42:06

The the open cuts method you said would result in a reduction of the order limits. So at that point, you would be applying for that. Is that correct? Correct. We would need to confirm the deadline six timing.

42:20

But it would be deadline six or around that length six, possibly deadline seven depends how quickly we could update the drawings, broker references, etc. There's a knock on effect on the documentation and the DCU that we would need to reflect but certainly we can make the commitment at that point for

progressing that solution only. Okay, thank you. I'm just looking at the most up to date information we have in terms of the SBA crossing if we are looking at a trenchless technique, you are referring to a trenchless technique rather than specifically HDD whereas chapter 22 of the environmental statement only refers to HDD could you go through what the other techniques might be and whether these would have the same impact or have they been assessed as part of the worst case scenario?

43:16

Yes, Brian grounds for the outcomes. So, the the use of the term trenchless technique is primarily related to horizontal directional drilling. There are a few variations of HDD technology such as direct pipe method microtonal, and etc. But they are all substantially HD technique to different provider names or different different site different variations on that HtD technique. The approach we adopted within the environmental assessment was to assess haich D as as the proxy for trenchless technique. Any other any other translates technique work that we would do would sit within the footprint and within the environmental envelope of the horizontal directional drilling technique technique has been assessed within the environmental segment.

44:05

Thank you atmospherics, I can see that you have your hand about come to you in just one moment. And just finally on this matter to the applicant. And obviously at the last issue specific hearing you You said that the cable ducts would be installed for the second project at the same time as the first and is your intention to incorporate that into a revised outline. SBA crossing method statement.

44:34

Brian Morales are the outcomes I believe that has already been incorporated within draft DC who I refer back to Stephanie Mills. Stephanie's online. Yes, yeah, it has it has been put into DC. I can't confirm that myself. I'm just wondering if if that information would be put into the method statement as well. Oh, yes, absolutely.

44:56

Thank you.

44:58

Miss Horrocks.

45:01

Good afternoon. Thank you for letting me speak. I just have a quick question really for SPR. If you do decide on, you're going to trench through the SBA. Is it possible to preserve the top layer and reinstated when the trenching is finished?

45:25

With the applicant like to respond to that.

45:30

Brian mcnellis are the outcomes. We will have a soil management plan that we will prepare for all the onshore onshore cablecard or onshore capable earthworks and that will require the separation of topsoil and subsoil and the reinstatement of said topsoil and subsoil back into the back into the trench and work in areas. So yes, they The intention is absolutely to reinstate like for like,

45:56

thank you. Thank you,

46:00

Mr. X. If you could just lower your hand for me, that would be great. Thank you.

46:07

Okay, um, in terms of the 100 River again, could I just ask the applicant to present a brief update on areas of any outstanding disagreement they have with natural England?

46:25

Brian grace for the offence. So we have produced an outline watercourse crossing methods statement that we submitted a deadline fee. We have received comments on that from natural England at deadline for and we in preparation of the heartland document itself. We received comments from the consoles, which were incorporated within the dark lane watercourse crossing method statements. We also saw comment from natural England, the time constraints meant that natural England re agreed with natural England to provide comments through the examination process rather than through a draft version of our pipeline plan. The one area of natural England have come back to us on a deadline for is the

47:10

knock on impacts or potential consequential impacts within the SP itself should be considered within the art lane watercourse crossing statement. And we will certainly do lots we are targeting deadline six for an updated outline what of course crossing method statements that will find out information.

47:28

We are the mitigation measures that we've incorporated within that lane. What Of course crossing method statements or slits to we're confident that we will not have an impact downstream. But we will certainly confirm that within the updated document.

47:44

I just did natural England. Does that. Do you agree with with that statement?

47:50

Louise Burton natural England. Yes, that is opposition.

47:54

And just just while while I have you miss Burton, and appendix four of that statement and talks about why HDD is not possible. Are you satisfied with the justification that the applicants given on why HDD isn't possible at the 100 river?

48:12

Natural England sorry, Louise Berta, natural England. And in relation to the justification that's been provided. Natural England has no queries in relation to that.

48:23

Thank you very much.

48:26

And just one more thing on on on the outline, watercourse crossing method statement, the applicant says that there is potential for temporary indirect impacts, for example, and disturbance or pollution, but that these will have no impact on the qualifying features of the SBA. Can the applicant elaborates on on what you mean by temporary, and why that that would have no impact on the qualifying features of the SBA?

48:55

All right, yeah, that's the subject, the information we'll provide within the updated document.

49:01

At deadline six, we'll provide further justification for that statement. The temporary measures that we refer to are the mitigation measures that we adopt within the watercourse crossing itself such as the domino of the river, the tradition of compensation flows, the the treatment of fish or wildlife within the river during the dominant operation and primarily the maintenance of the flow with a nod to the river. We will we will certainly expand on that at our mission. Okay, so my understanding is then that the revised outline watercourse method statement will address both the effects on the qualifying features of the SP and, and the temporary indirect impacts that you've referred to in the original.

49:49

Correct my understanding

49:52

correctly. Thank you.

49:56

Miss Horrocks, would you like to raise the point on this matter?

50:01

Yes, thank you. I'm not at all convinced that an adequate survey has been done of the river 100

50:11

there is an interesting point in natural England's

50:16

comment about the hairy dragon fly. scottishpower responds to that, that says there's predominantly arable lands which is not a likely habitat for the larval stage of this species. And it's ploughed and it shows a photograph. Well of course that is not anywhere near the river 100 and if I'd been allowed to show the photographs that I took this weekend for you, you would see that the riverbank of the notch of the river 100 on one side is and lush Meadow that has not been ploughed for a very long time. There are some archaeological features in it and and magnificent oak which was also missed from the survey. And what in fact you've got on the other side is a wet riparian woodland which is classed as a priority habitat. So um, and the wet repairing woodland is going to be effectively sacrificed because there is no mitigation for it in the plans. So we do we disagree that direct effects can be avoided as the the wet riparian woodland which is lined with older which is good against floodings, you know,

51:39

will actually be completely taken away because you plan to trench.

51:45

And so if this, I think is quite a serious admission that the wet repairing woodland has not been mentioned at all. It doesn't appear on the very first plans. And the mitigation area that is suggested for woodland is actually work area 24, which is a compound so it cannot be planted until after construction is over. It's much too small, it's around two by about two thirds too small. It's only married as it stands adjacent to a mixed manage covered which is TM for 393660201. But the characteristics are a drying Sandy store soil rather than alluvial and wet. So the connectivity and diversity afforded by the wet repairing woodland which connects the woodland on the other side of the B 1122 to the SBA and the triple si will just disappear without any mitigation whatsoever. So I suggest that the surveys as they stand of the area cannot be safely used as a basis for organising the cable crossing of the B 1122. north of 100, north of the woodland.

53:06

There, I was accompanied by Kenan Mosley

53:12

to look at the woodland at the weekend. And she assured she agreed with me that it's a particularly rich area. And with many species groups, the high humidity faders bryophyte growth, there are a large number of invertebrates associated with it. Because it's rich in all older birch and Willow. There are several monolith trees there, their habitat, I mean, bear in mind, we're looking at this in the middle of winter at the habitat is ideal for many different at risk species, including as we know, the otter and the water through and the water bowl.

53:57

And I have sent you images of this and I will of course

54:02

add this in the written report, actually miss Horrocks at 14 Today we didn't put other terrestrial ecology on on the agenda because we were very time limited. And we did just want to deal with the impact on the soundings sspa. Obviously, what you have put to is there we have listened and

54:22

I will invite we would like to respond to anything that you've said by deadline five rather than take up the time today. But what I would suggest is if you could put those photographs that you are referring to if you could put them in at deadline five because it is our intention to deal with other terrestrial ecology matters at the next hearing rather than this one. Okay.

54:45

First, and then

54:47

I just want to draw attention to the fact that I think that the study is flawed and incomplete. And I also wanted to ask if microtunneling could be considered as a means of getting under the under

55:00

tile, wood and the river. Because I think that the river really needs to be preserved. The woodland and the river really need to be protected and preserved if possible. I think we've all we've all heard your points if you could have them prepared perhaps for the next hearing that would be most helpful and send us anything that you would like us to have a look at. And in preparation for those hearings that deadline five. Thank you. Thank you very much.

55:27

Okay, I'm going to move on to the outline landscape and ecological management strategy.

55:34

If I could ask natural England in the first instance, if they have had the opportunity to look at the most recently submitted version of deadline three, and whether there are any parts of that which they still have concerns about.

55:49

Louise Burton, natural England, as set out in our cover letter to deadline for natural England hasn't reviewed the outline landscape and ecological management and strategy in full. And we'll be providing our response to deadline five.

56:11

If I could also just ask, and while we're talking about the ecological majority, if the applicant could provide an explanation of how they see the pre construction surveys being secured, and and working, whether that's the requirement or whether that's through the ecological management plan, if you could just take me through how you see them being secured.

56:41

Would I be able to

56:44

defer to Stephanie, Mel on that? Not me, okay.

56:48

It's fine with me. Hi, there, Stephanie. Well, for the applicants, and I'm smell. And so requirement 21 of the DC or sets out the requirement for an ecological management plan to be submitted. And that obviously needs to be approved in consultation with natural England. And as you as you know, we've submitted an outline and landscape and ecological management strategy. And that and forms outline ecological management plan and, and that document itself sets out the pre construction surveys that are that will be undertaken, and the land the ecological management plan that must be submitted in accordance with requirement 21 must accord with the all items and therefore, and the pre construction services are outlined within that document will need to be carried through into the ecological management plan, and they will be the surveys that will be undertaken. So our view is that the and it's the requirement for pre construction surveys are secured through the plan and by reference to the plan through the requirement.

57:50

Thank you, could I just ask if natural England

57:54

considered that that's a satisfactory way of securing those pre construction surveys.

58:02

With better natural England, this is still under review. Unfortunately, due to COVID. As you can gather, we are struggling to get specialist input into terrestrial matters.

58:16

So this is something that we will further considered for deadline five, and we can only apologise for that. Thank you very much. And it's good the Council also responds to that matter whether they're satisfied with the content of the ecological management plan within the irlams pre construction surveys being secured in that way.

58:42

Can I defer to my colleague Andrew?

58:47

afternoon, I'm just struggling the technology.

58:51

The devils in the detail with this.

58:58

So Mr. Mohammed, could you repeat that, please? Yeah, so sorry, Angelo was Suffolk County Council. I think the devil is going to be in the detail with this and would very much look forward to seeing

59:12

the full detail.

59:15

Okay, so could you elaborate on that a bit more what what what, what further detail would

59:20

be number of proposals for we're talking about the general mitigation on

59:27

these things.

59:29

And we still have some outstanding concerns regarding things like growth rates, for example for for hedges, and we know that the applicants are looking into this, these questions and we look forward to hearing more detail from them on that in due course.

59:49

Thank you, Mr. Mayor. So you put your hand raised. Thank you mom, James Murphree Suffolk Council. And just just on this point, I think whilst we don't disagree that the

1:00:00

specific nature of the survey should be set out in the islands. We do feel that requirement 21 needs to make reference to the need for pre commitment surveys. that's currently worded. We felt that it put the onus on the EMP being based on the ies surveys, which obviously could be a number of years out of date by the time we get to production of EMP. And so that was opposition. Well, yes, like so it was we didn't agree that the detail is is appropriate in the limbs, the actual needs care pre commencement.

1:00:34

In the ACA? Yeah, thank you. Could the applicant respond to that they knew that that those preconstruction surveys have have been secured and requirements and in other gcOs.

1:00:47

Could the applicant respond to that, please? and present data for the applicant? So you put the handle there to respond to that?

1:00:55

Smith? Hello, yes, Claire Smith, on behalf of the applicant. And essentially, just to summarise the as already mentioned previously, the OEMs at the moment is based on the information from the surveys and and the outcomes of the ecological impact assessment that's been undertaken to date, it is acknowledged that species don't play by the rules, as it were, and therefore are mobile. So in terms of

the pre construction survey effort, or the species specific surveys that were covered currently in the old lens is purely based on those that have been identified as being present from the surveys completed to date, by no means is that list exhaustive and exclusive event of anything else that will be the requirement to do you know, as Mr. Meadows already mentioned, there, that things can change. Time does pass since the surveys were undertaken. And therefore, that is the section in the old lens is purely the starter for 10. That's fine. And would the applicant consider including the pre construction surveys within the requirements, as Mr. Mayor has requested?

1:02:10

I will defer to Stephanie. That's okay. Thank you, Stephanie mill for the applicants. And our view is that the most appropriate place for this is through a plan and through an approval of a plan. And given that the requirement for specific surveys, and may vary depending what's what's happening at the at the time. And so obviously, we're requirement 21. And I mentioned that that needs to be that ecological management plan needs to be submitted prior to construction. But there is also provision within the requirement 21 and that it must also be submitted prior to pre commencement activities. And pre commencement activities can include surveys and whatnot. So

1:02:52

in that regard, the plan will need to be approved by the Council in consultation with natural England prior to those pre construction surveys being carried out. So they will be detailed within that plan. And then the final plan prior to construction will obviously reflect that the position at that time.

1:03:12

Okay, thank you very much. I'm conscious of the time and we do have a another hearing this afternoon. So I'm going to finish on terrestrial ecology. Is there anything that somebody would like to say urgently before we move on? Otherwise, I would ask if people could put any further responses to anything that we've discussed this morning in writing by deadline five misperton for natural England, Louise Burton, natural England. Thank you for hearing me on this one. And natural England is still undecided whether we're attending any other issue specific hearing, specifically, issue specific having sex. But we note that there are discussions that are happening this afternoon and on other days that also cover natural England's remit. We are not participating but if you or any interested parties have specific questions for natural England, we would be happy to receive them through examiner's written questions. Thank you very much.

1:04:12

Okay, then in that case, I am now going to move on to item seven of our agenda, which is to briefly cover the changes to the habitats regulation. I'm going to hand it over to Mrs. Pallas.

1:04:26

Thank you, Mrs. Jones. I'll be quick because I'm conscious of time but I just wanted to flag here today.

1:04:32

There have been changes to the habitats regulations, and on the first of January, Defra published a policy paper entitled changes to the habitats regulations 2017, which explains the changes made to

those regulations by the EU exit regs that came in in 2019 and came into effect on the first of January this year. So the policy paper does state that it doesn't cover offshore waters beyond 12 nautical miles but that does state the similar processes are expected to be applied.

1:05:00

There. And obviously we know that part four of the 2019 regs cover amendments to the original conservation of offshore marine habitats and species Rex 2017. Given the time and the need to give everybody a break before this afternoon, I'm going to ask that this item is dealt with in writing. So I'd like to record the following as an action for deadline five, which is for natural England and the applicants to comment on the extent to which the changes to the regulations may have implications for our consideration of these projects. And of course, any other parties wishing to contribute on this question may also do so by deadline five

1:05:37

will now move on to item eight far agenda which is any other business and as I've said, because of the limited time I'm going to suggest that any other items are actually brought to us in writing for deadline five, I can see a hand up but unfortunately, I can't see who that is.

1:05:55

And Mr. Reeves, Mrs. House, Mr. Reeves mysteries, is this something that you'd like to raise before this hearing closes?

1:06:09

Mr. Reeves,

1:06:12

I can go to

1:06:14

assume that might be an error. And we'll crack on. And so

1:06:24

I was just going to ask before we review our actions and next steps if there was anything burning that anyone needed to raise today. The hands gone down, so I don't think I've got anybody asking for any final urgent matters. I do. Mr. Chandler.

1:06:40

This thank you very much for your indulgence. I think what Spirit wants to bring up is about the southern chalk aquifer which is below the SPI

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briefly, pricey what Richard was going to submit the works are these these

1:07:01

preconstruction surveys? The works are proposed to commence in February March of this year 2021 and continuing to 2022 including 36, deep trenches and deep boreholes in the paddocks, tracks and fields directly adjacent to this house. And this house cottages and the warden centre, and these will have a serious detrimental effect on the underlyings suffered aquifer, which is a body of underground water that underlies the whole of the East Anglian region, not unconnected private wells and boreholes as characterised on the applicants. So the two questions, has the applicant presented a pre commencement archaeology execution plan to the relevant planning authority, as is required by law? And if so where can it be examined in which your authorities have been applied? And what measures of mitigation have been put in place with regard to the Archaeological Survey regarding reptiles, amphibians, the rare and protected flora and fauna that are long standing inhabitants of the Archaeological Survey area? Thank you.

1:08:07

Thank you. And I think we'll ask for any response to that in writing, given the time and the need for our colleagues to prepare for this afternoon. Okay. That does bring us thank you very much for your submissions, Mr. Chandler. That brings us to agenda item nine. And I can confirm we haven't made any procedural decisions this morning identified that need, and we have been recording actions and we have

1:08:31

a couple of pages worth of actions. And given the time, what I'm going to suggest is, we won't read them out here because I think most parties will have noted the actions that fall to them. And we will endeavour to get that list published as soon as possible within the next few days.

1:08:46

Okay, Mr. Smith, did you want to add anything there?

1:08:51

No, I think that's a very wise cause back and I shouldn't be ready for publication as soon as reasonably practicable. They are in good order. Thank you. Okay. And then in terms of

1:09:05

next steps, and this finishes specific hearing number three, and we obviously have issue specific hearings for this afternoon on a different topic relating to onshore construction and environmental effects. And we are planning on a basis that will hold a third issue specific hearing on biodiversity and ecology matters on the 18th of February. It's what our timetable says, with our agendas to follow in due course. And I think we will be reviewing some of that, especially as it relates to offshore ornithology following what we've heard today and we will of course communicate as soon as we have a way forward on that. I wanted to note it's natural England how valuable your input has been today. It really has helped to move things forward and help us to make progress. So I wanted to note that your time is appreciated as is the time of everybody else who's come today. And quick questions natural England whether you have any, if you're able to tell us what you'd be able to attend any future biodiversity

1:10:00

these earrings is Burton.

1:10:04

There is Burton natural England.

1:10:07

Good question natural England's default position is one of not attending issue specific hearings. And in order to focus on trying to resolve matters, in workshops, and through discussions with applicants and interested parties,

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in terms of attending the issue specific hearings that we would have to pay and see where we have got to in terms of progressing, and the issues, and also agenda items that the examining authority would like to put forward. From our perspective, I would like to thank the examining authority for having specific questions rather than running through updates on our position, that has been really helpful in ensuring our attendance and getting the most benefit out of the issue specific hearing. So thank you for that. Thank you. Thanks very much. And we will take note of the fact that that helps you to decide whether or not to attend future hearings, I can only stress how helpful it is to us. I appreciate the pressures, your thunder and I will mention that on the matters of offshore and astrology and marine mammals, I am anticipating that most of our questions will be going into the next hearing or hearings, rather than into our written questions, excuse to at least just because of the weight. I think the pace of that some of the things are moving, I think it's going to be better that we keep it to all events at the moment. Obviously, if you can't be there, we'll have to, we'll have to deal with it. Those things in posting submissions. Okay, that is recognised. Thank you. Thank you. Okay. And

1:11:37

I think that brings us to a closed position that we can close this, this hearing. So I would like to thank all of our speakers this morning for your attendance and your contributions. And I'd also like to thank our case team led by Mr. Williams, who are really keeping this show on the road virtually. So thanks very much to them. Unless there's anything else that anyone wants to raise, and I'm not seeing any hands up then I will just ask my colleagues to say their goodbyes, starting with Caroline.

1:12:05

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

1:12:09

And indeed, for me, thank you very much to everybody for your contributions and much appreciated.

1:12:16

Thank you again, the time is now 1:02pm. And these issues specific hearings, three are now placed