

TEXT_ISH14_Day1_EA1N&2_Session2_1603 2021

Tue, 3/16 1:29PM • 1:20:38

00:01

Welcome back, everybody, and welcome to today's issue specific hearings 14 session. Before we restart, I just checked with the case team that you can hear me and that the recordings and the live streams have started.

00:17

Morning, Jess, I can confirm that the recordings have started, I can see and hear you. And at the moment the live streams have started with the captions are just

00:27

fantastic. Thanks very much. I'm ready. Okay, so finally, if the applicants will say to come back onto camera, before the break, we just concluded item three. And so we're moving on now to item four, which is to look at the Flamborough Valley coast, SBA. Thank you. And so as we did with the red throated diver, could I just ask the applicants? Well, I'll just I'll just quickly mention, of course, you've you've put your position at the the methodological issues are not a point of contention. So that was something that came out of a review of our resources. And you've also confirmed and updated in combination, the cumulative collision risk assessment will be submitted at deadline eight, just take account of some of the issues such as their great black girl matters and the absence of any updated assessment data from quantity three and Hornsey four. So I will hand over now to the appeals just to give us an update on the latest position in terms of agreement with natural England on in combination effects on the those four features well, five or fewer received by the assemblage of the Flamborough and finally coast SBA. Dr. Brenda?

01:35

Thank you. Yes, Mark tender for the applicant, I think it'll take me rather less time to answer the question that needed for you to ask it. I'll be in essence No, there's been no change in natural England's position that we're aware of at least since deadline five. And as you hinted, they're the only remaining caveats are the figures to use for Hornsey for which are currently still the preliminary environmental information report ones. I don't anticipate that we're going to get those numbers in a time that we'll be able to include them in any updates for the combination and cumulative totals. And there are no other changes that we're intending to make. So know that that's it.

02:23

Okay, thank you. Just have a question on the approach to Kittiwake and noted in your deadline six submissions that the Hornsey three collision effects are compensated for. So that's your approach.

They're compensated for by that these that may dceo. Now, and therefore they're not included in the in combination totals? This is a question we'll ask naturally indirectly, but it's your understanding that they can agree with that approach.

02:50

I don't think we've had confirmation one way or the other. But Paolo is agreeing that that seems to be the case.

02:57

I agree that it isn't the case. They've not provided an update on their position with that. I think it was deadline five. But there's been no update. Okay, yeah,

03:08

I've got i've i've that's one of the questions that we'll be going back filling in as to ask them their view on that approach. Okay. There was something on Gannett, which has come out from the drafting of the Reese's as well just wanted to again, this will be something we'd really need to ask natural England but we'll ask you because you're here. And that's a kind of the the question about in combination operational displacement effects on Gannett. So it was a matter raised by natural England in the early stages of the examinations, it wasn't explicitly sustained as a concern deadline five when there was a sort of summary of the situation on ontology but and that is the position that we reported then in the Reese's. However, it deadline seven from natural England, we can see again, that they're saying they can't advise, the adverse effects on integrity can be excluded for in combination displacement effects on Gannett, or for what they're referring to was collision plus displacement effects in combination, and I remember we discussed this back in is h1. So we will ask Netflix to put there the reasons for their advice, but can I just ask for the applicants what your understanding is of the position in respect of in combination operational displacement effects on Gannett of the flag providing coast SBA?

04:19

so, so sorry, is that mark to a different applicant? Is that our position or our understanding of natural England's position? I

04:26

think we're clear on your position is just whether you can shed any light on why natural into sustaining this particular area of concern.

04:34

I can only assume that it again, it relates to the Hornsey inclusion of Hornsey four, I'll be honest, I don't I don't have any further insight on that.

04:44

Okay, that's an area that will spill seeking some more clarification on them from deadline eight. And on monitoring them wants to come back to the offshore IPM PDM principal monitoring plan. Because there is a new, I think it's a new deadline six a new provision for collision rates. Now this isn't tied to any specific sites or features, but in the kind of effort to cover it somewhere on this agenda, I just wondered

if the applicant could explain how that new monitoring commitment has come to be included. It's so it's the second provision in table five of the offshore I PMP. I think it's best if you can see it in either either version, EA one, North Korea two, but doc trend, are you the right person to answer that question?

05:39

For the applicant heading very quickly, ever develop, it's all over the

05:43

Thank you Gero may welcome an Italian double act on this one. So, I mean, this was really in the obviously in relation to ongoing internal discussions that we've been having. And not externally, a three is at the point of developing their monitoring plan for that project. And so there were obviously discussions going on about what they were doing. And so it relates to those internal discussions, but also really the comments on the IP MP, that natural England produced and their comments on, you know, on monitoring going beyond those elements where we consider there to be significant impacts in EIA. So it's really addressing that point. In terms of expanding that, and I think if Jarrod has anything to add on that, I'll pass it over to him.

06:37

Yeah, I think just Jerry Bennett to the applicants, sorry. I think also, you know, capitalising on trying to be a responsible developer, there isn't a huge amount of data are available on collision conditions with turbines. work was done under the audit scheme at summit, which has been very insightful. But there has been a bit of a request to the industry, from the statutory nature conservation bodies, and others that we do need to get a handle on this. There has already been discussions with natural England and I believe the MMO through East Anglia, three, looking at collision detection systems, such as cameras or technology that detects collisions. So the commitment from the business really to address both the comments from natural elements and sort of the wider industry issue was to extend that programmes both East Anglia, one North and East Anglia to to provide a more holistic picture of what happens around the East Anglia zone separations East Anglia zone East Anglia projects with respect to collisions.

07:52

Okay, and what would it be done? This is more in the in the realms of the sort of strategic monitoring that has been discussed previously, by natural England, but some things

08:02

were generally better for the applicant. We've included it in the in principle monitoring plan. So this would be project specific, there would be units and programmes developed for each of the projects individually, which would feed into a more strategic picture. And maybe a more succeeded picture if other developers were to adopt similar monitoring programmes as as East Anglia project as well. And is actually it this would be conditioned into the has been conditioned into the monitoring time for essentially one off the sanctity.

08:40

Okay. And is it identical to what's then being developed for EA three?

08:46

I'm being completely honest, I think, you know, there have been discussions with regard to what this programme would look like. I think it's developing the technology is very new. I don't think there are concrete plans to exactly what would be implemented on the projects that subject because either discussions with MMO, natural England and other interested parties that will be done during the pre construction period and confirmed in the final monitoring plans. Okay.

09:22

Thank you. So can you just tell me a little bit more about what a collision risk monitoring system how it actually works? Is it is it technology that's fitted within the wind turbine wind farm itself?

09:33

Jerry Vela for the applicant, I probably couldn't give you the best answer here. But certainly at at the sonic project under the audit scheme, they had, I think, several different technologies. They had something that detected collisions through vibration detection. And then they had several types of cameras. One type of camera that picked up macro avoidance beds, sort of avoiding the entire wind farm and second type of camera, I think looking up at the turbines that detected micro avoidance or collisions. Okay. Dr. trender, could tell you a bit more about the technology.

10:16

Team, did you have anything to contribute?

10:20

Like Tinder for the applicant? Not an awful lot more to be honest. I mean, essentially, yes, this is a developing field. And so there are various systems that are trying to automate species identification, because that's a pretty, pretty crucial part of all of this. And then how you detect a collision, whether you have sensors within the turbine blades themselves and various other sorts of things that are being looked at. But we're still at a very, I mean, onshore, this is developing a bit more offshore raises a whole load of extra complications and challenges. And this is still a very active area. And yeah, I don't think there isn't an off the shelf option right now. So it's still quite sort of experimental.

11:01

Okay.

11:02

Thank you. And my understanding is that that security for that, that part of the RCMP has three conditions, the post construction monitoring condition that set out in 22, two e and 18, t of the DML tdms, respectively. So I think we're clear on how that one would be secured. So unless the MMO has anything that they'd like to come back in on at this stage.

11:28

Thank you, Mark, you know, just to say that the MMO welcomes the up commitments to this monitoring, we do recognise that it is developing technology. And I think it's fair to say that the detail would follow pre construction as to how it would actually look. Thank you.

11:49

I just asked Mr. Gregory. Is that is that is it something you're seeing being committed to on other schemes, whether that's DCs or other standalone green licences?

11:59

Yes, Mark, correct him? Yes, we are looking to and encouraging the use of particular I think that, you know, the camera use of the cameras, which Mr. Trump has touched on. So yes, it is something that we do, we do encourage and we help to include it in future projects, and specifically offshore wind farm projects.

12:25

Very much okeydoke I think, if anyone has anything else you'd like to raise in relation to the Flamborough And finally, coast SP, I think we'll move on to item five. Before we do, I'm having some slight technical problems. We're seeing people on the screen, so I'm going to very briefly just dip out of the meeting and rejoin it shouldn't be no more than 30 seconds. That's okay. Mrs. Jones, I'm going to leave you just and then we'll come straight on to item five. Okay.

13:16

Thank you, Mrs. Jones. We'll see if that helps. It's much easier when we can I can see people who are talking. Okay, so moving on to it by then. So here we have concede up to 200. That's a good start. We've got less black back Girl of the old or history SBA. We've noticed your comments that you've made the beginning of today's hearing about the release and an error there about relationship made with Ponzi three data, which I completely accept. So we will then just come on to the Atkins to ask if you could just provide summary of the current status of agreement with natural England.

13:57

Thank you, Mark, Jr. For the applicant. Same answer really, as we go for Flamborough Friday, close, no change in natural England position that we're aware of since deadline five, and the same caveats with respect to other projects. So just do it. And obviously, when you've just mentioned the Hornsey ones that don't have a link, the whole new project are involved in the EIA well, cumulative side of that, obviously. And so that's where that kicks in. But know the distance is such that they're not included in the HRA aspects.

14:29

Okay. Thank you for clarifying that. And I'm just going back to things right back when the histories of deadline two and three, just to confirm a point that came up through our recent drafting in regard to the apportioning methodology that you've used for the less black bag gala that SBA, do you consider that the response he responded at deadline three to something that was raised by any deadline to about the portioning methodology and that was in the form of responses to comments on their responses to something. I think your submission was Rep. 3070. I wanted to check Is that your final position on the

apportioning methodology points raised by natural England? Or are you planning to do anything else on that?

15:17

Mark tender for the applicant, in as much as that has been raised again, and we were still considering it know that that would be the final position? I'm not aware of any, any further developments on that. But I see Paolo might be about to chip in

15:34

puppies out of the applicant? No, I think, again, I don't think the wording was as clear. But I my understanding was that natural England were content with the position on the apportioning in their final version.

15:49

Okay. And again, it's something that hopefully will come out through the wreath responses as well, at deadline eight. So thank you for that. I don't we've got monitoring on the agenda, but I don't think we need to go there again, because we've covered. We've covered it under the previous items. So unless anybody else wants to raise something specific under monitoring here, or indeed anything else in relation to less back back to the old or history. I think we'll carry on. Thank you very much. And we'll move on to item six then. So we'll cover item six and seven. I'd imagine that this is now going to struggle, the lunch break, but we'll do some make good start on it now at least I think. So, we've got here the application napkins derogation cases and compensated measures reports. Obviously, we acknowledge the applicants in principle position that there would be no adverse effect on the integrity of any of the European sites as a result of either East Anglia, one north or East Anglia two. And we accept the derogation and compensation material that has been submitted into the examinations is without prejudice to that position. So on precautionary basis in examining this material, we need to imagine that we're in a situation in which it is not possible for us to make recommendations in support of the applicant's conclusions about the adverse effects on integrity for any of the European sites and features in question. None of this questioning should be viewed as having formed a view on this yet, because we haven't. But in the same way that we discussed the drafting of the decio. Without Prejudice to our overall decision about whether or not to grant consent, or consent should be granted. Then here we'll discuss stages Four, three and four of the HRA process without prejudice to our overall decision about whether they will be necessary. So we have the immigration cases that have been updated at deadline six to respond to the comments received and matters raised in our second round of questions for which we're grateful. With noted that the scope has been expanded version two. So for both projects now, it includes the in combination displacement effects on guillemots, and raise bill of the land refining coast, SBA, and also that the EIA to scope has been expanded to include in combination displacement effects on red throated Diver of the outer Thames Estuary on a proportional basis following natural England's continued advice. We've had some further matters raised by natural England at deadline seven in their Rep. 7071, which we obviously the applicants have not had the opportunity to respond to in writing yet, but we will try and cover some of those points today. And I think you've told us that we're getting another version of that, why aren't we getting a further version of the derogation case and compensation measures document at deadline as that was one of my first questions to you. But before we go into the questioning, is there anything or any remarks that the applicant would like to make about

the derogation cases that you've submitted? or indeed the changes that you're planning for deadline? Eight?

18:48

pretty solid for the applicant? No, I mean, just to obviously, we made the changes deadlines six, really to incorporate the the, quote the responses to the questions in the second round of questions into the document, because again, probably more helpful to have that there than an audit a paper trail of where things are. So that's the extent of those changes, that won't be any further. And the only further changes we anticipate are obviously the update for the policy side of it. So mostly to capture the white paper commitments. And obviously, we'll we'll pick up on the the different 24th of February points that you raised for us. So thank you for that. But there's I'm not anticipating any further changes in that the arguments are pretty much pretty well set out already in terms of the wider policy and there's very, very little change. Okay,

19:44

thank you. Okay, so they're just having a look at the derogation case. And I've put on the agenda there about alternative solutions. We've had a further reassertion at that deadline. from natural England about it's advice that before progressing to derogation tests, it should be demonstrated that every effort has been made to avoid, reduce and mitigate the impact. So the states that we know, have you done everything possible before moving into stage three? How do you respond to that?

20:17

Perfect solid for the applicant? I mean, we it's the same response we've given previously, effectively, obviously, we discussed how, you know, layout doesn't matter in terms of what the is the effect the effects are here. But also in terms of the scaling these impacts that for these projects, to date, the kinds of changes that have been seen on other projects are simply out of proportion, with the effects that we've got. And, you know, effectively, to get it, you know, if we're talking about a 50% reduction in collisions for Kittiwake, we're talking about going from three to one and a half, you know, more or less that's, it's those kinds of scales. We it's so that we feel that we've exhausted what we can do with regard to the project envelope to get any kind of material gains, but given the already low starting point that these projects have.

21:18

Okay. So you would say that you have you have demonstrated that every effort has been made to do that avoiding reducing mitigating the impacts from the to your projects before we have to move on to these these derogations cases?

21:32

Absolutely. I think the we had discussed the other day, obviously, we need we will probably need to incorporate the changes to the retro diver protocol actually, in those studies, one change that we would need to capture. But aside from that, no, I think we've we've we've managed to go as far as we can do.

21:52

And one of the particular obviously, in particular areas natural England our our flagging here is about red throated diver. And talking about should an alternative what one of your incentive solutions be delivering an array with a smaller generating capacity with a smaller array for EA one north. As a suitable project level alternative solution in your derogation case is quite clear that this alternative would meet the project need, but it would not meet the project objective ID four, which is about delivering renewable energy from from offshore wind in time to contribute towards the 2030 target. So to follow that logic is on that basis, it hasn't been progressed as an alternative solution. Does it follow that any reduction whatsoever in the overall genuine generating capacity of EIA one North means that it would fail against that that project objective?

22:48

Yes, I think I think that's the case, we're trying to obviously maximise the output of these projects, and any reduction in that devalues the overall contribution of the projects to the wider goals.

23:04

Okay, and the generating capacity for EA one North just to confirm that's it. 800 megawatts? Yes. Okay.

23:12

Can I just briefly check on that as well, because obviously, in relation to ID four, there's essentially a scalar component, which is enough renewable energy, and then there's a time component, which is, in order to meet the 2030 target. I just want to be clear, when you're talking about any reduction, that it's the scale of the generation that that you're concerning yourselves with in terms of the target not being met? There's no, there's no time implication here that you're taking into account.

23:50

I mean, it's a scale from our individual projects meet to meet those targets set for 2013. Yes.

23:56

So it's not your times times not a factor, there's nothing. There's nothing that would flow from this logically, that would affect timing alone?

24:07

I don't think so. I'm not. I'm not entirely sure what the angle is on the question. So if

24:18

the angle is the just looking at the dimensions of meeting project, objective ID four, and just being clear. If it's being argued, it's not being met, it's hot. It's only being argued that it's not being met as a consequence of not getting enough renewable installed generating capacity by 2030. And that's,

24:40

that's correct. And I think and I think it's in the wider context of obviously, already. You know, we identify shortfalls in meeting those targets as they are and the great challenges in getting to where we

need to be in 2030 as is never you know, never mind if we're if we're actually reducing the capacity of these projects further.

25:01

That's clear.

25:02

Thank you, Mr. Smith. And, okay. I suppose then a further point raised by natural England at deadline seven, and I think it's paragraph nine of that their submission is a view that proposed compensated measures of red throated diver are not fit for purpose. I mean, we're going to come on to compensation properly in a minute under item seven, but that because compensating for the impact will be highly challenging, then it's imperative to exhaust potential sources of mitigation to avoid adverse effect in the first place. Because you respond to that, please.

25:41

Yeah, again, sorry, perfect. So for the applicant, again, looking at the it, this comes down to, to some degree that the the the effect that natural England is talking about, and the only sort of meaningful, I think, from their point of view, compensation for this would be removing infrastructure from that is causing an existing effect within the IT industry SPI IE, you know, decommissioning a wind farm, which seems massively out of proportion to the effect that we've discussed here, already, and of course, again, is in conflict with the the wider targets of meeting those, you know, the numbers for the 2030. So it's, yes, it's we the only viable option that we can see for this in terms of the the approach that is currently being pursued with compensation measures, which is this like, for like approach is that we would need to reduce displacement and disturbance somehow. And the only way that we can do that is by what we can control, which is our traffic. Okay.

26:51

All right. Just sticking with this, this question in particular, and alternative stations and the outer Thames Estuary. Thank you for your responses to our second round of questions. And I know that's also included adding the plan, at the end of both of the derogation cases, it's indicative, and we totally accept that. And we do understand, as you've explained in that in your ex q2 responses, that the layout of structures within the offshore limits is not a factor in the assessment of ontological displacement or collision risk, what's behind our question really was an attempt to understand the constraints on the array area sites, particularly EA one north, and basically how much space there is within those sites relative to the eventual built footprint of the array. And the principal reason we're interested in that, of course, is because we're still being advised by natural England and a much bigger buffer between the array area boundary three a well north and that of the average ancestry, SBA is necessary as mitigation to exclude adverse effects on integrity. So whilst in some examinations, it's possible to accept that there's the watershed approach, as long as the worst case scenario have effects arising within anywhere within that order limits offshore have been assessed and mitigated, that can be an acceptable approach, I think in in the case of East Anglia, one north in particular, its proximity to the SBA. And naturally, when the sustained position that there needs to be a greater buffer, we do need to just test that probably more rigorously than we might do in other cases. Because ultimately, we'll we're going to be it looks like a position of adjudicating between the two positions. And we just need to know

that we have a robust basis for doing that, whichever way the recommendation goes. So just a couple of questions, if I could about the plans. I know, I know they're indicative, but just so that it's clear what we're looking at. Do you have the plan is but I'm looking at the year one North plan here is the figure I think it's bigger one, it's the only plan in the document. Do you have that one up on your screen? Mr. Pizza talk Mr. Bhalla?

28:47

Dr. Ellis to the applicants. Yes, I have it up on the screen.

28:50

Just a couple of quick questions of clarification, which might help to tidy up in the deadline eight version. So the key you've got in there, the EA three preliminary export cable and then an alternate export cable three, a three, but the key is not differentiating between the two cables. So it's difficult to understand which is which. Can you see what one's a dashed line on the plan? I think one solid line. Yeah, I think that's the case. And so can you can you just tell me which is which

29:20

the Jheri curl for the applicants, the EIA, three preliminary export cable that that has the buffer either side of it running through the centre of East Anglia. One north is the primary export cable, the dashed line that doesn't have a buffer on it that runs around the outskirts of East Anglia. One north is the alternate export cable.

29:45

And what is what's meant by those two terms? What's up?

29:52

Jerry Vela for the Africa so if I take a step back, one of the difficulties with with answering the questions from the exam No authority. And sort of the wider question here is that in the absence of detailed site investigation information on East Anglia, one North East Anglia, two and indeed East Anglia, three and their cable routes, it's very difficult to be absolutely concrete as to what space is available in the right within the array area, and how we might address spatial issues. So at the moment, the principal cable route that appears to be more successful, that has a high rate of success for installation for East Anglia three is the one running through the centre of the site. And alternate route that was identified as part of the EIA three consenting process is the secondaries that runs around the outskirts and the sites.

30:50

Okay, so the, the preliminary one is the one with the buffer of the exclusion zone. Sorry, but because that's like that's looking like most likely capable to actually be laid?

31:02

Among? Yes, my understanding is that it's the preferred one at this stage, the fact that the alternate doesn't have a buffer on it is, I would say it's probably an error. Okay, buffer on it as well, given that it goes through the sites. So we probably shouldn't have an air buffer on that as well. I think because

they've applied a buffer to one cable, because they'll only be one. And the one running through the site is the preliminary export cable route. So they've applied a buffer. Okay, that one,

31:34

I can understand that reasoning in the sense that it's you've, you've got a buffer on the west on the longest cable route through the site. So if it's not that, and it is the other if this is an alternative, one or the other. If it's the other than the other, then the space would be slightly

31:47

with a little bit of space.

31:49

Yeah, yeah. Okay. That's, that's helpful. And we've got on the EAA, one North around the outside of the Bay Area, there's a the orange line, the buildable area line, the buffer, I imagine that's for allowing for the over sale of blades. So it's where the the maximum limit of the structure of a turbine could go, allowing for the sale of blades to the edge of the order limits. Is that correct?

32:18

Jerrica for the applicant? Yes, that's correct. They can't spin outside the order limits.

32:23

Okay. And so that isn't shown on the EA two plan. So again, I don't know whether that's something that needs to be tweaked on the EA two version, there isn't a there isn't a buildable area, orange line on the comparable plan. So that's Yep, got that one. Just a question on how water depth the cemetery data is shown on these plans, obviously, again, these aren't meant to be detailed, yes, plans out the indicative ones. Is there a reason why you didn't include data in the finer grained detail below? The 50 metre water depth? So like the I think we've got a symmetry I think it's to pick a 7.2 of the ies shows that that data in sort of regular five metre intervals from 33 metres below lowest actual astronomical tide. So is there a reason why you drew that line at 50 metres and then just showed us deeper than that?

33:23

Giovanna for the applicant? The main reason for that is because the most buildable area is the water depth that's covered by the green colour between sort of up to 50 metres. But as per the point we made in the offshore commitment document, which is I can't remember the rep number sorry. Probably the the buildable area limit really is about 48 metres. Yeah. So that's why we we shade just sort of green for the area down to 50 metres and then amber and red for deeper waters. Okay,

34:05

thank you. I think that is implied from the text. So, that does make sense. And then just finally, on those plans, so they're indicative and we know that understand the scale is also not to be relied upon, but these illustrative layouts from looking at the scale bar and looking what we have here is it It suggests that the that they did layouts presented are not using the minimum spacing requirements between each wind turbine that are in the DCS at that 800 by 1200 metre spacing is that is that correct? This is actually showing greater spacing and the minimum

34:45

for the applicant? Yes, actually, if you notice in the in the title block at the bottom of the drawing, it has indicative layout 67 wind turbines associated infrastructure at 20 1060 metres by 1000 metres, three rows and within rows. So yes, this is what we would call the nominal spacing. As per the point we laid in the in the project description, the minimum spacing, the inclusion of minimum spacing within project descriptions and within vcos and dmls has really been driven from a historic point from round one where it was important that the minimum spacing was understood. With regard to how it might affect shipping and navigation and safety at sea. It's very difficult to give a minimum spacing without having the detailed geophysical data and site investigation data. So it's usually based on the minimum requirements that wind turbine suppliers will rate their turbines at so so that's the reason why we have a minimum spacing of 1200 metres between turbine rows and 800 metres between turbines themselves is is to ensure that that minimum spacing allows for activity within the wind farm, such as fishing but principally navigation safety of navigation.

36:15

Okay, thank you. And you've shown on there the up to five offshore platforms and the Met mast. They are they are spaced? Aren't they like the other structures? But actually the DCA doesn't I don't think contain any minimum spacing, those structures? Are there any reasons relating to sort of the construction and operation of the platforms that mean they would normally need to be subject to similar spacing from other wind farm structures? or could they actually be, for example, quite close to others?

36:46

Jerry better for the applicant. I think the I'm sure there is probably some some regulations that govern it. But I'm pretty sure that under MGM 543 the marine navigation guidance, there's a requirement that the infrastructure, the supporting infrastructure is orientated with the turbines, in order not to present a risk to navigation or search and rescue activities and things like that. So they I'm fairly certain on all recent wind farms are orientated with the rows of turbines and don't sit, you know, in the middle of between space between two rotor turbines. Okay,

37:31

thank you. Okay. I'm going to move on, then to Section five, which is the ropey section of the derogation case. We've got natural England as a response to one of our x x q2, our written questions, they've stated that their remit doesn't allow for them to make a comment on our AP cases. So on that basis, is it fair to assume that the natural limit has also not been in a position to engage with you directly on the detail of your IEP case, either

38:04

palpi soulfull applicant, that's the position they've always maintained with regard to this. So they would comment on the mitigation elements of that in terms of this discussion we've already had about, have you done everything you can do. And they will gauge again on the compensation, but the actual arguments in favour of the project, they say is entirely one for us to make in terms of the policy case. And that's not really for them. So they'll they'll deal with it either end but not with that part. So we've not had, and we don't expect any comment on that from them. Okay,

38:35

thank you very much. We have got questions that will go to them on the public interest aspects. I don't need to raise that with you. And then just on to this specific test of overriding public interest and this question of overriding your clear that your position remains that there would be no adverse effect on the integrity of any of the sites in dispute. And therefore, you're derogations cases made without prejudice to that position, just focusing on that test of overriding public interest in which the public interest of the development outweighs the harm or the risk of harm to the integrity of the European site that's predicted by the appropriate assessment. More ordinarily, when a derogations case is presented, the starting point for Nairobi case is an accepted position that there would be an adverse effect on integrity. Whereas in the cases before us, we have a starting point, that is a position that there would only be a minimal effect on the bird features in in question. So, on this specific test of overriding public interest, how would your assessment of the extent to which the reasons for undertaking the project are overriding be altered by an acceptance that there would be an adverse effect on integrity? Would it be altered? The reason I asked this is because, you know, you're coming at it from that way. Whereas if the secretary of state as the competent authority does have to come to assess the Iraqi case here Then he will be doing that having already drawn the conclusion that there would be an adverse effects of that balancing exercise between the public interest and the development versus the public interest of the conservation of sight would potentially be slightly a subtly different exercise to the one that you're presenting. So I'm just wondering whether you're confident that your derogation case provides all of the information that Secretary of State would need in incoming about exercise exercise from that slightly different starting point.

40:25

Perfect. So I have the applicant, I think I would like to follow up in writing just to give it a bit more of consideration. But my my initial comment would be that it doesn't change anything, because as we've discussed previously, the effects that we're talking about are all very small, I won't I won't say de minimis, because that's a loaded term. But that that is not in doubt. And I don't think of any of the discussions that we've had, you know, the actual, you know, the numbers for a lot of these, they are not in doubt in terms of the scale of the effect of this project. So I don't think it would change any of the arguments, none of the impact, none of the impacts here, even if they are considered to create be creating harm, really go into that balance where it's wrapped. It's fundamentally changing the arguments that we would be making there, and we've made, so but I'd like to give it a bit more thought, if you will, and, and we can respond to that question.

41:27

Thank you. Yeah, that would be appreciated. Again, it's just something that's kind of exercising us as we, you know, have to consider how this will be reported and dealt with by Secretary of State. So thank you. I'll put that down as an action for deadline eight for the to consider that question. That'd be helpful.

41:45

So

41:47

then section six derogation case moves on to talk about some compensator II measures, and I think we'll cover all of that under item seven. Next, before we do before we move off the question of the derogation cases, is there anybody who'd like to raise anything with the check with the MMO has been particular that we don't have any contributions from them on this topic. And then back to the

42:08

Thank you Mark. Russia, remember no VMO would defer to any environmental matters, in particular relation to the HRA matters.

42:17

Thank you, Mr. Qureshi. And does the applicant wish to come back on any final points on the derogations? case?

42:24

I'll be sort of the applicant. I've got nothing further to add. Thank you.

42:27

Thank you. Okay. In which case, I think we will move on into item seven then and look at the compensator II measures.

42:38

Briefly, missus pass just before we do, I think it's probably just worth observing a brief technical hitch, there will have been a short period during that session in which the live stream broadcast dipped for a number of recipients. What is worth noting is that the internal recording did not. And so if there is anybody who needs to comment or comment on any of the elements of the discussion in the last immediate session, then what we suggest they do is go to the published recording, which should be available at some point tomorrow. And they will then be able to go back to the minute or so that they would have lost when the livestream failed. So hopefully that puts everybody back in the position that they need to be in. Apologies, Mrs. parasol returned back to you.

43:33

Thank you.

43:35

Okay, so item seven, then we have a deadline to fix the without prejudice compensation measures document, which is rep 6045 and an annex with rep 6046 that accompanies it, which is an updated version of some of the compensation measure material that had already been submitted, but is a version one document in its own right. So we've also had responses to the second round of questions on this topic and deadline seven. We've also received some comments on the compensation plan from natural England in particular, at Rep. 7071. We've heard already from the applicants that you do intend to submit a further revision to the compensation measures document before the examination is closed. I think that that deadline date, was that correct, Mr. Vela?

44:27

jury, to the applicants? Yes, that's correct.

44:30

Thank you. And so I think we'll just plan to cover item seven under three broad headings. I think we only have two in the agenda, but we wanted to make sure that we cover Firstly, the approach to identify and compensation measures. We've had some read comments raised about the devil approach. Secondly, to look at the proposed measures by species, so that's looking at the appendices of that compensation report. And thirdly, then to look at security. So how the decio secures the company without prejudice, compensation measures. And I think then starting with the approach I've got some comments from deadline seven from natural England, stating that the applicants approach of using the mean or the central prediction in terms of impacts to determine the required compensation may not fully compensate for the actual impact due to the level of uncertainty associated with the underpinning assumptions. So natural England's advising that the applicant uses a range based approach and should estimate the degree of compensation potentially required using the upper 95th confidence estimate of mortality instead of the mean figure. I just wanted to ask how the applicant responds to that advice.

45:40

job to the applicant, we're going to make best endeavours to, to address that point from natural England. I don't know if Dr. trender wants to add something in there.

45:52

Mark gender for the applicant? Yes, I mean that that's absolutely fine, we can do that. It, it doesn't actually have a very big effect on what we've proposed anyway, because, as has been stated previously, the impact is small. And so in fact, it will be extremely difficult to compensate precisely for such a very low numbers, so we're already going to overshoot by a considerable margin. So it accommodates all of that anyway. Okay.

46:21

If I may, I wanted to give a brief overview of the compensator II measures document and a workshop that we had recently with natural England and the MLA on the 20 seconds, which I think might cover some of your point one.

46:39

Okay. be useful, so that that works. But then it sounds like it happened very shortly before a deadline, or I'm sure I work out with

46:47

Oh, hang on. Sorry. Got the date wrong. It was it was Wednesday the 10th last Wednesday.

46:55

Okay. Yes, please do. Yeah.

46:57

So the outcome submitted the offshore mythology without prejudice compensation measures. Document Rep. 6045. At deadline six, which preventive measures for us gay sites and features, for which natural England has completed adverse effect on integrity or is unable to rule out adverse effects on integrity. The measures included for provision of nesting structures for Kittiwake and Gannett radication for Razorbill, and at reasonable and Guillemot colonies and predator fencing at the old or estrie SBA for less flatback goals. Additionally, metal routing measures for red throated diver in response to Rep. 6045 natural England provided comments and advice in the rep 7071 document. Following this, the applicants MMO And naturally, England discussed each of the proposed measures at a workshop on the 10th of March. Excuse me, in addition to the direct measures that are included in in rep 6045. The applicants also presented several indirect measures. And it was agreed at the workshop, that the applicants would update the compensation measures document to address the comments made by natural England in their deadlines seven submission as far as we can. And actions taken in the workshop as far as possible, in addition to further exploring a new indirect measure to reduce all of the logical bycatch of birds in some types of fishing game. So that's an additional measure that we're categorising as an indirect measure because it would be to support Defra and JCC programmes to reduce all of logical bycatch of diving birds in our deadline eight submission. And the other commitment we made was to address the points that natural England have made in their deadlines submission as far as practicable for deadline a as well as actions taken at the workshop.

49:06

Okay, thank you that that point about reducing ornithological bycatch, is that for any in relation to any specific species or features,

49:16

Giovanna for the applicant, so there is there is some evidence to suggest that certainly fish feeding divers kitty Wait, Gannett left the black back goals the orcs are caught in in fishing gear, mainly long lines and fix nets. There is also some evidence that red throated diver as well although the issue for red throated diver is a displacement issue, of course. So it would really be to address how we might be able to contribute to reducing ontological bycatch

49:54

and how might you be able to

49:58

Well, I think we're going to come For those in your in your second round of questions, but what we discussed with natural England and the MMO last Wednesday was that the so this is something that we call a wider measure, it's helping to support a wider programme that would be driven ultimately by Defra. And therefore, it's something that's not really within our control to implement, and was really about identifying a measure that we could lead on, that we could own that we could deliver, irrespective of, of, you know, the timescales and implementation success of of the wider programmes, and would really be to in the sort of first step to look at the evidence gaps, the scope of the issue. In the second step, it would be to identify potentially replacement fishing gear that could be used by fishermen, in areas where there is all logical bycatch, that would reduce that all of the logical bycatch undertake some trials on the success of that fishing gear. With a monitoring programme to record its suitability

practicality and success. And then, potentially a further stage which might be a sort of replacement gear programme. They are ideas that we are in the process of putting pen to paper and adding the detail tea Now, in addition to discussing them with natural England and the MMO. On the 10th of March, we've also discussed this measure with Defra at a couple of meetings as well. And I think I probably can't say a huge amount more than that at this stage. But but we'll be including a implementation appendix in the updated compensation measures document a deadline.

52:02

Thank you. And so that would basically be in addition to ficci feature specific compensation measures, it would be, as you've described it a wider measure.

52:12

So the applicant Yes. And it's really trying to address feedback from natural England and others that we should be presenting a suite of measures. Should we fail the HRA? The aim would be to have a suite of measures there from which secretary of state could pick the most appropriate measures. Okay.

52:38

And that was my next question. So Mr. Patel, did you want to come in on that before I

52:43

asked how we solve for Africa? Yeah, I mean, just, Jerry, I think covered most of that point, really, in the debate over the last few years has been very much focused on on this kind of concept of, of like flight measures and compensating at the site. And I think the the general direction of travel is recognising that that might have limitations on what it's possible to achieve. So this work and as Jerry said, we've had a couple of meetings with Darfur now, it's really trying to explore that. And it's, it's along the lines of what policy three we're doing with their parallel piece of work in terms of the pre availability work. And it's looking at that kind of measure, and trying to be a bit more pragmatic, while recognising that obviously, it isn't a direct, like for like compensation. And that I think, will be shudder to say in a post Brexit world, we might be able to have a bit more flexibility in the way that we deal with these types of issues and actually deliver more ecologically sensible and wider ecological benefit than some narrow measures that we might be restricted to on on the current reading of things. So it's very much a work in progress. approach.

53:56

Thank you. And But will we see some detail at depth policies on detail a deadline eight, will we Yeah, thank you. Okay. That's that's useful update. Was there anything else that you wanted to update on this developer as part of that? Those kind of opening remarks to this item? Or is that everything?

54:12

jirga for the advocate? No, that was the overview.

54:16

Thank you. Okay. And so yes, that point about the single you've probably answered this question this any natural England's deadline seven statements about presenting a single compensator e option for

each of the potentially affected species as you've done. And then they've got this this position of which again, you may have may have slightly subtly moved on since you've had that workshop with them, but about about the, you know, the asking for the most ecologically effective compensated measures to be presented. However challenging setting out all of the, you know, all of the options and all of the things that would be required to deliver them to kind of give the secretary of state that all the information to make a decision on and also we've talked about more strategic options there. obviously something that they've been flagging sounds like you've already followed up on this. But is there any, is there any further response you'd like to make to that statement?

55:11

Jerry Bella, for the applicant? I think one very interesting point natural England's made at the workshop on the 10th was that they are they've been having discussions with Defra about dapra potentially taking the lead in delivering strategic compensation at sites where a number of developers have provided a number of developers have proposed compensation should it be required? And that would be partly to address the concerns around what project will deliver what compensation? And how would it be demonstrated that the compensation being delivered, reflects the potential adverse effect on integrity associated with a project, which sounded very interesting. We understand natural England are meeting with Defra very soon and have promised to feed back the outputs of those meetings, which hopefully will be in time for us to consider in our deadline a submission of the updated compensation measures document. I think the only other point I would make is that a few a few additional wider measures were discussed. But it was agreed at the workshop, that they wouldn't be progressed they were either very low on hierarchy of compensation in natural England's view, or were wider measures for which identifying a component that the applicant could deliver itself. And, and lead on would be challenging. So the key one that was agreed to take forward on and provide further details related to reducing ontological bycatch.

57:06

Okay,

57:07

thank you very much. Just then, again, we've I think we've touched us to touch on this but the question of Fisheries Management and as an alternative, compensate we measure and we've got other types of alternatives being suggested or mentioned by naturally the basically saying you can't, although they have sympathy with the view that some of these measures are way beyond the scope of what an individual developer has control, and has the ability to do, and need some sort of government leadership, that they continue to advise that there could be a compensator II measure around increased fisheries management through increasing prey availability. So something like one of the things they put forward is, for example, purchasing, fishing vessel licences and not using the quota. We've got some questions for natural England about that, but I just wanted to ask for your response to that particular point. And if I can see you on screen as well, good morning, good afternoon.

58:14

Good afternoon. Perhaps I should comment on that. Before I retired from Glasgow University, I was professor of seabirds and fishing interactions. I have worked for the sandeel fishing industry and I've

shared ICS assessments of sandeel stocks. So I have some background from the fishery side of it, as well as being a seabird ecologist. I would personally agree strongly with natural England that the best compensation for kicking legs would be a reduction in the fishing mortality imposed on kittiwakes. That on Sunday was because sandeels are a key food for kittiwakes. And we know that breeding success of kittiwakes improves if you leave more sandeels in the sea. The problem from a developer's perspective is that unless you have a strategic approach to this, where governments somehow defines where it's not possible to harvest sandeels, it would be very difficult for a developer to come across a measure that they could implement that would achieve that. So for example, buying quota. First of all, there doesn't seem to be any evidence that the current Danish sandeel fishing vessels would be interested in selling their quota. So it may or may not be possible to buy any from them, but I suspect not. But even if it was possible to buy quota, the way that the Sandhill stock is managed, the intention is to harvest as much sandeel as possible from the stock, leaving behind enough spawning adults to reproduce to produce the next generation of sandeels. And the evidence from looking at the relationship between recruitment of young sandeels in relation to spawning stock biomass is that you can afford to go down to a very small biomass and still expect to get recruitment so So the deliberate intention of the management of sandeels is to reduce the abundance of sandeels down to a very low level, a level, which is well below the threshold where we start to see really failure of getting legs. So good management of sandeel, stocks will reduce the stock down to a very small spawning stock biomass. If it was possible for a developer to buy quota, that would allow the spawning stock biomass to be a little bit larger. But next year, the quota would be bigger, because you would still be aiming to get down to that very small biomass, regardless of who owned the quota. So buying quota would simply mean that the quota would continue to go up as the spawning stock of sandeels, the bigger it wouldn't actually achieve getting the stock up to the sort of threshold levels that's needed to support high breeding success academics. So it's not a practical measure, even if it was possible to buy the quota, which it doesn't seem to be.

1:00:58

Okay, that's really interesting. Thank you very much for that. Again, we will give Nash Linden the opportunity to respond to that in the action points to this hearing. But that's that's very helpful insight into that particular question. We've got just a question about additionality is it? Again, we're still talking here about the overall approach to this to the identification of compensator II measures here rather than diving into the detail of specific measures in the plan, but we have EC guidance about compensatory measures having to be additional to the actions that are normal practice under the habitats and birds directives or obligations laid down in EC law. So do you consider that the measures in your the compensator II measures plan adequately addresses the question of how the proposed compensation measures demonstrate that additionality over and above the normal measures that are required for the protection and management of European sites?

1:02:04

Jericho for the applicant? I'm going to ask Mr. Pitts sailor to respond to this, please.

1:02:11

Thank you.

1:02:15

Thank you, for the applicant. Yes, I mean, I think that we've we've obviously been through the mill to some degree with with what constitutes additionality. And clearly adding the extra habitat for for new colonies, we would see that that is clearly additional. And that's not to do with site based management. The I think that management for the lesser black black gold proposed is outside of the SPI itself. So therefore, it's not it isn't possible, then in terms of the other measures in terms of the eradication proposed, then that is a that would be dependent on where the sites that we actually identified that that could be undertaken would be, and it is obviously a grey area. And again, I think it comes up in this discussion and the discussions we've had we've actually been in debt for about this point. Because it is it's kind of a point of law as opposed to a point of common sense in terms of terrorism measure that we could undertake that is not being done, then surely that should be should be pursued rather than ignored on the basis that it just you know, it's this additionality point. So, yes, I think that the the eradication one is the one where it would be dependent upon the sites that we actually could put forward. Again, I think the in terms of the vessel management, we would argue that that is additional because it's not to do with anything that is currently being managed within the industry SPI.

1:04:03

Okay, yeah, it's the it's the kilowatt razorbills as you flag that that's the one that I think is the potentially that the one that needs fellas consideration on this point. Professor fairness, would you like to come in?

1:04:19

Thank you. Bob furnace, McCarthy green on behalf of the applicant. Just to talk a little bit about additionality. I think the key point about seabird populations is that they're not small, individual closed populations. So Flamborough and finally is not a biological population. It's part of the biological population. And that biological population includes lots of other colonies. The young birds that are fledged in one colony are more likely to end up breeding in a different colony than they are to end up reading of the colony where they were born. So measures that applied to other colonies will also influence the dynamics of Flamborough And finally, so whereas the impact Here as being a portion to flambeaux. And finally, the compensation measure could be carried out at other colonies, increasing the production of young birds and therefore increasing the number of potential recruits that can come in to fund it. And finally, and we know that in the vast majority of cases, these colonies interlink with each other, and young birds move from one site to another. So, for example, there's a case of guillemots that was ringed as a chicken Shetland, that was subsequently found breeding in a colony in Arctic Norway. So these distances of linkages are potentially very big. Something like 70% of the young Catholics that fledge end up breeding in a different colony from the one where they were born. So the majority of birds do move sites. And there was a paper published in 2017 by Stanbury at our which looked at sites around the British Isles, where it would be desirable to remove invasive mammal predators. And they listed the 25 sites that in their opinion were the most appropriate. And most of those sites include breeding guillemots, razorbills, some of the colonies, guillemots, amazeballs, may be breeding on ledges halfway up 1000 foot cliff, in which case rats are not going to get there. But in most of these colonies, some of the guillemots and most of the razorbills nest under boulders at the bottom of the foot of flitz, which is open to rat predation. And there's very good evidence that removing rats from that sort of Island increases the breeding success of guillemots razorbills. So that's well established, and it's been well established that you can remove rats relatively easily from these sites. So the potential for

compensation by eradicating invasive mammals is very strong. And there are many sites which have already been identified by the British Isles where that would be possible to do

1:06:58

and whether it might be useful to have a copy of that 2017 that standard and etal article that you've referred to there, which mentions those slides just as a way of demonstrating you know, the evidence around the size of I know there's there's reference to Lundy isn't there and their compensation. And that sort of that distance would be could be good. Could be a deliverable site on that basis. Could it for rat eradication for as compensation for gamma rays bill? I'm sorry, you're on? You're on silent.

1:07:34

My apologies. Medication has been carried out in a number of sites at Lundy the chance at Cana at Elsa Craig, and all of those sites have shown very positive responses of some seabird species, but usually including guillemots razorbills. The Steinberger tar paper, I can send a PDF of that if that would be useful.

1:07:56

That'd be very helpful. Thank you. Thanks very much for that. I think I wanted to quickly touch on monitoring as again, as an overarching point natural England has talked about, they want confirmation that any monitoring related to the compensation measures is included in the compensation packages rather than the IPM. P i think we're okay on this because the updated DCA was updated draft if there hadn't been submitted at the point that they made those comments. And now having seen sheduled 18. There is there are some hooks in there. So is the applicant have the view that the schedule 18 drafting covers that point sufficiently that they're monitoring related to compensation measures would be secured.

1:08:40

Yes, we believe so. Yes.

1:08:43

Okay. Thank you. adaptive management. I think this is nearly nearly the end of my overarching questions. And so we've got statement in the compensation measures document. That allowance for adaptive management will be planned for, although by its nature, it can't be defined in detail in advance. Should monitoring establish to any of the desired outcomes from the compensation measures that are steady? Let's say that if the monitoring establishes that compensation is not being achieved for any of the relevant species through the initial compensation measures package, could you talk us through what the process would be for review of the monitoring data and agreement for the implementation of alternatives? So that that's how that adaptive management process works? I can see you've got something in your schedule 18. I was just wondering how it would actually work and whether there's anything to prevent other measures being brought forward if the primary measure doesn't work.

1:09:44

Out itself, the applicant? I don't as highlighted Yes, the the decio shedule allows for that. And it's it's quite it's drafted to be brought brought to allow for all of those processes of adaptive management and

and it would it would have to a feedback mechanism in terms of the types of monitoring that we're doing. And then and how that what kind of steer, you know, whether it's a steering group or a monitoring or whatever group is associated with that, which would be MMO, natural England, whoever is advising on that site, and it would be to go to them and to look at what was happening. And and I guess it really would depend on what the measure that we're talking about is, in terms of obviously, with the proposed habitats that we were creating for kitty white, for instance, that could be a measure of, of looking at the design, and whether that is functional or whether or not, you know, there is the potential for interaction of predators. Certainly, there's been indications at lower stuff that that might be an issue. So it would very much depend on the measure as to what so it's a hypothetical on a hypothetical, I'm afraid in terms of what we would actually do, that the intention with the way we drafted the decio is to be as inclusive as possible rather than exclusive so that it maintains that possibility for that to be determined at that at the appropriate moment.

1:11:11

Okay. And shedule 18 for each so we've we've obviously it's in six parts, one for each of the compensation proposals. There isn't for the Guillemot, there's not a provision about adaptive management, and alternative compensation measures which which is present for the others. Hi, Mrs. Male. Is that something you've already picked up? I wonder if it's an admission or deliberate decision. Okay. Sorry, Stephanie, male for the applicant. One thing that I actually picked up in preparing for this hearing, so I was going to take that and when we come on to that, but that would be corrected. Okay. Thank you. Okay, let's slip through rounds we wanted to cover wants you to quickly come on to funding and financial viability and demonstrating that things can actually be delivered. It's all part of our, you know, consideration of of how deliverable the measures being put forward are. So firstly, really, how can we and the Secretary of State is the competent authority be satisfied that that the undertaker has all of the necessary funds to cover the costs of the measures being proposed and to retain them in perpetuity? Or for as long as they need to be in place?

1:12:36

For the applicant? This is definitely not my answer. So either either Jarrow or miss mill, I think would need to answer this one. So I'll go off. Thank you.

1:12:43

Thank you.

1:12:49

Jerry got us to the African. I can't respond to that question. Specifically, actually.

1:13:00

I'm going to ask whether, whether Colin or Richard Morris, Mr. Ennis, or Mr. Morris can respond to this point, please.

1:13:12

Can I make a brief suggestion whilst those inquiries are being made back of house sizes, weakness, Mr. Vela? And, and that is that we may well sensibly be able to have this conversation in the decio.

Issue specific hearing later this week. In that, at least part of this was bad down to a question of both the finance necessary and the security for that finance. So it, it's about making sure that if security is something that needs to be provided in the order, it is clearly provided in the order. And or alternatively, if it's argued that it isn't necessary to provide it in the order. How alternatively, is it being provided to a point where Mrs. Powers is in principle question, which is how can we and the Secretary of State has competent authority be satisfied that it is secured? How can that be addressed? Now, of course, if there's somebody ready at hand with an immediate answer to that, brilliant, I just thought I'd provide a roadmap to the way forward if if there isn't. I would just chime in as well. We

1:14:31

asked a question that touched on the funding in X q2, and I know at that point, the applicants pointed us but I think responded to say that they would be funded and unlike manage the remainder of the projects and then provided a pointer to the funding statement, but that, to me doesn't necessarily seem the appropriate mechanism for demonstrating in funding statement is quite a defined role in ca terms, and I'm not sure that is the appropriate place. To provide that reassurance on funding in funding of compensation measures. So again, just throw that into the mix as well.

1:15:10

to benefit the applicant. If we could pick this up on Friday, then that would be helpful, please.

1:15:17

I'm more than content to take that on Friday, Mrs. Parrish if you're happy, or would you? Well,

1:15:25

I'm not part of Friday, but I will just throw in, you know, other things that I'm interested in about, obviously, the transfer of benefit provisions allow this any consent to be passed on. So it needs to be there needs to be a consideration also of any future Undertaker that was to take on responsibility for these consents would also be able to be capable of funding the compensation measures. So just just throw that in as well. Thank you. And also, I suppose just Well, in that bundle of stuff, you know, on other schemes, mechanisms, like section 106 agreements have been used to secure compensation or mitigation, akin to compensation. Clearly, you need land using the what the land is going to be. And in almost all of the cases here, we don't, although potentially on Orford Ness, and then the less black background, we there might be a little more certainty, but it doesn't sound like we're going to be in a position where there's land that can be tied at this point. So again, it's just that whole range of measures. How far do we need to go? How much information do we need an order to be satisfied that these measures can all be delivered? So I'll leave it there. And you can take that forward on Friday, Mr. Smith?

1:16:40

Certainly, we will do that.

1:16:43

on that.

1:16:48

Surgery. So the applicant? Sorry, I missed that.

1:16:52

I just had to ask if there was any final remarks you wanted to make about that?

1:16:56

No, no final remarks. Thank you.

1:16:59

Okay. Before we move on on this, I mean, the critical dividing line, I think, between stuff that we absolutely need to surface here is anything, essentially, biological stroke, ecological. And in relation to the evidence, there absolutely needs to be drawn out in this hearing. Whereas, you know, once we're into forms of security forms of legal agreement, and mechanisms of enabling the Secretary of State to accord Wait, then, absolutely, that can roll forward to Friday.

1:17:37

Thank you, Mr. Smith. Right. It's one just gone one o'clock. And I'm just looking at what we've got left to do. And I wonder whether it might be I think, one more question on this, then I wonder whether you might be asked to then break for lunch and come back to cover a little bit more about each of each of the species species specific measures. So and then we can fill it for I think, then we probably will finish off the rest of the day in one final session, which will be starting again this afternoon, rather than rather than following any further leads. Now, the final question I had, though, was just about, again, on that point of deliverability and necessary consents and licences of Steve mentioned that some of these measures might require planning permission under TCPA provisions. Do you foresee that any of them would also require additional marine licences? I'm thinking of things in there, obviously, in the marine environment, or in that intertidal environment, like with artificial nest sites, be entirely outside of the marine licencing regime or not.

1:18:48

I mean, nothing sorry, palpates. All of that good, nothing that we've put forward, I think in the, in the submissions to date. We're requiring a marine licence. The potential for having artificial habitats on offshore structures, obviously, would relate to that. And I think we're gonna have a bit more discussion about whether or not that will go in to answer in part natural England's comments on having multiple options for clearly that would require, you know, additional licencing, but that assuming it was a new structure, etc, etc. So there's, again, there's quite a number of assumptions to go with that kind of consideration.

1:19:32

And that would be something like the nesting rafts for red rated diver along those lines with

1:19:36

it, or if you were having a Kittiwake structure that wasn't based on land, and it was based on a platform as well, some of the early proposals for Vanguard were for instance.

1:19:45

Okay. Alright. Thank you. Well, I think what we'll do is we will, we will break and we'll break for lunch, I think until 2pm. Now, and we'll when we come back, we'll we'll talk about some of those speeches. specific measures and I think just a flag that we'll probably find it helpful if we get the applicants to. We'll go We'll go through and turn those those six parts of the six dependencies of the compensation plan and just maybe ask the applicants to start by talking us through each of the main compensation proposals. And also if there's anything in the offing this may change as a result of your conversations with natural England. And then if we've got any questions, we'll ask those as we go through. So just so you know, how we're planning to approach that after lunch. Okay, so the time is now 105. And we'll break for lunch until 2pm. Come back at 2pm. Thanks, everybody.

1:20:33

Thank you very much.