

TEXT_ISH14_Day1_EA1N&2_Session3_1603 2021

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00:01

Good afternoon, everybody. And welcome back to today's issue specific hearings 14 for the East Anglia, one North offshore wind farm and the East Anglia to offshore wind farm. Before we restart, can I just check with the case team that you can hear me and that the recordings and live streams have started?

00:21

I just I can confirm that the recordings have started internally. I can see a new perfectly fine. the live stream is just starting the captions are working as well. So all good. Excellent. Thanks, Emery. Okay.

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So before lunch, then we were just finishing off part one. Well, an inserted new part one, actually, or item seven. And now we're moving on to what is in our agenda, part one, which is relating to the content of the compensation measure, report the applicants, so if we can have the applicants representative back on to the camera as well, please.

01:03

Good afternoon, Mr. Traynor.

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Hi. Okay. So as I mentioned before the break, we'd find it helpful. We've obviously got your compensation measures document.

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But we would find it helpful if you could briefly just talk us through each of the main compensation proposals. And we'll ask any questions that come up. There is a lot to consider for each of these compensation proposals in terms of their objectives and their effectiveness deliverability security, and obviously, we have the six of them.

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Given that we haven't had them before us for very long since deadline six, we've obviously only had that for Lincoln's comments since deadline seven. And I'm just flagging now that we may have additional questions in writing that have to follow after today. But we'll do what we can today

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with the time available. And I also ask if you're, I mean, it sounds like because you're going to be preparing a revised version of the plan anyway, for deadline eight, you should be able to scoop up lots of the comments from natural England but just make explicit really that we'd like you to be able to comment or respond to those comments from natural England and their Rep. 7071 comments about specific compensation measures for each species or feature because we're not going to be to go through those line by line today.

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Okay, and so he will take them in the order of the compensation measures report. And if you would be able to so starting with Kittiwake of the flat provided coast SBA, and if you could just give us a summary of the compensation that you're proposing, why you've selected it and any revisions or additions that we should be expecting a deadline as a result of your ongoing conversations with natural England.

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Okay, he'll try to remember all of those. You may have to prompt me monitoring for the applicant.

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Okay, starting with Kittiwake, then. So the impact in question here is collisions.

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And for the sake of brevity, I'm not going to split it out into the two separate projects, I'll just give the sum across both of them.

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So we've got a predicted total mortality of two and a half birds. And that's the average. And then if you take the upper 95% or denied 5% limits are actually one to 4.3. So that's the range that we're talking about. And so that's that's the total across the two projects that we were looking to compensate for if necessary.

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The compensation that

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we have proposed is artificial

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nesting habitat structure in located in places where they don't otherwise have natural habitat.

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And

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this is after reviewing the range of options that

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my colleague Bob sent us, who is still with us and will chip in at various points during the course of the afternoon.

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The review he led on for us for Defra,

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which considered a range of options.

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fisheries management we've already considered

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Adia Should I continue or do we think though you're muted as well, we're in I think apologies. Yes, please do continue. And I'm sure Mrs. Paris will be back with as soon as she may reasonably and if she isn't, I'm afraid he will be in my tender hands. You're you're married from here on. Fair enough. Okay, so yes to continue. So we've the fisheries considerations, which we touched on this morning as the sort of wider issues

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which we've not pursued for the reasons discussed earlier.

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various

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possibilities for invasive predator management, none of which are really rad.

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To Flamborough, nor, indeed for Kittiwake at any colonies really around the UK.

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And that leaves on that list of this provision of artificial structures. And the reason this is this is a good candidate is that because he works are known and are well established as a species, which is

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quite happy to do this and to make use of structures where, well, natural ones, but also ones produced provided for them. Sorry, natural as in artificial ones, but not for their benefit. I guess I just to be clear, so they will take advantage of other structures such as bridges, and so on.

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So that's the proposal we've put in, we

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haven't gone and we've presented various lines of evidence as to why this will, we think will operate as compensation in terms of whether this would

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generate additional habitat, and therefore additional birds. Welcome back.

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Thank you for having internet problems. But yes.

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Yeah, having just in case you haven't seen what preceded that, up to tender is just passing through his introduction on Qt lag measures. So we haven't yet moved to specific questions to the applicant. So

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Dr. Ender, please do continue. Thank you.

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So all I did there was quickly run through the longest and why we've selected on the artificial nesting habitat one as the best option.

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We've presented evidence in support of why we consider that will be

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additional

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breeding site opportunities that wouldn't otherwise exist for this species.

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And therefore, they would be contributing to the the population. As

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Bob was talking about this morning, the fact that birds recruit to other locations and the ones that they fled from. So so that all kind of feeds into that.

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So we've looked at these various points, and given some consideration as to where we might place this, but not going into specifics on that location at this stage. And I think that's very relevant here with respect to this question of scale, and we touched on this at our previous hearing, I think didn't weigh that.

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Because the numbers that that are going to be required to be compensated here are extremely small, no more than four and a half percent per year, that that gives us.

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And that's the 95% upper limit. That gives us a certain amount of time, if we require it, post consent award to finalise details of the of where this might go and whether or not it's shared with other developers and all of those sorts of issues. Because each year that, that we might be delayed by we're only accruing a mortality data four and a half individuals, which is very different from the situation, for example, with Hornsey three, where then their figure equivalent figure was 73. And in fact, 73 was their mean, wasn't their upper confidence limit. So So arguably, it's higher still. And that's one reason and that this applies across the board to all of the compensation that we'll be discussing is that the impact is small, and therefore, the need to go into extreme levels of detail at this stage and the justification for it. We don't think the case is very strong for that. And therefore we will we're we're not ignoring this question by any stretch. But we do think that there is a proportionate degree to which we need to, to manage these things right now.

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Excuse me.

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JOHN, I think if there are any other key aspects of this,

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that I haven't touched on, dude, so I mentioned the fact that we would look to, and we are going to look into options for how this could be more strategic. And by that I mean, as in how this could be shared between other developers facing the same requirements.

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And so that that is something that is I can't comment on as the ornithologist, but obviously the project team will be able to provide any updates if the if there's any aspects of that.

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And then these these questions of adaptive management and how that might add again, we touched on this this morning, but I think you'd be looking at a sort of a hierarchical approach approach to this. So in the first instance, are there small things you can do to just make your existing new structure colony

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operate more effectively and produce more young or grow faster, and then gradually scaling up as to whether that needs to be a larger colony?

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Whether in fact an alternative consideration needs to be made all of these would be sort of steps along the way. And in the first instance, so again, this would be a, it would be very is very nature need to be reactive to the situation as it presented, I think.

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I think that was all that I was going to summarise on this. I will just ask Bob, if there were any other key considerations he would like to chip in at this stage?

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Thanks, Mark. No, there's nothing I want to add Bob furnace.

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I'm happy to try and answer any questions if they're already there. Jess, thank you very much, I think thanks for that explanation. Dr. Brenda. I think the main area of questioning is

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this the justification

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for not allowing time for the measures to be implemented and become successfully colonised, etc. Prior to opera? Basically, this is where it departs from the 123 approach. And you've you've explained a bit there. And I know it's also in your competence.

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Measures report about obviously, if so, for Hornsey three, those those kitty nesting sites need to be in place for full breeding seasons, don't they prior to the first operation of the wind farm. And that's to allow fledged chicks from the first cohort to reach breeding age and therefore, to be able to recruit into the ff c mspa. population.

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You've talked about because of the scale of implicate of impacts here being so much smaller than in the case of Hornsey three, and you've given us some numbers that are about the overall kind of mortality debt of not leaving those for for breeding seasons is so low as to, you know, be very insignificant, which I think is your argument. So I'm just interested in the justification around that. And why what whether it's robust, basically, to deviate from that approach that has been

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implemented or has been

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secured for Hornsey three.

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And whether that is that that small level of mortality debt that you've referred to as low as it may be, whether that's acceptable?

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And whether it's acceptable nurse, I suppose is a that's a subjective one, just to answer that, in the first instance, in terms of the rationale behind that, is, so so I suppose I should qualify this and say, we're not talking about many years of delay, while we

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decide exactly what we're going to do. The point is this, this four year, so the four year figure is down to the time it takes for a fledged bird to reach breeding adult age. So at that point, they then recruit into a new colony, and, and start to produce young themselves. And so the target for this compensation is to produce enough chicks that those that survive, and that's roughly 50%.

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So, so our aim is to have so in very simple terms, nine fledged birds each year, that will mean that in four and a half years, or four years time, you'll have four and a half.

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Well, obviously not quite. But anyway. So let's say 10. In order to get five just to overcome, we take slowly.

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So those five birds are available to recruit into the Flamborough population, and thereby offset the mortality for the project. Now, if we delayed by 12 months in getting a structure, in a situation where it's able to start, you know, being being used, and the first cohort of checks are being produced. So we have a 12 month delay, well, that means we in the first year or two, we just need to overcompensate to the tune of

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10 extra checks in each of those years. And that's a very modest number. And so it's on that basis, and it gets so we're all we're really talking about is saying that, okay, we've got a month or six weeks till the end of the examination now

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providing the level of detail that would satisfy all of these different requirements and securing land rights for where this might go is not not very realistic. But if we if within 12 months, these things could be achieved. And all we've accrued is a requirement for an extra 10 checks. And and in all fairness, I think this our compensation, it will be very hard to produce only that many to produce a structure that could only accommodate 10 pairs because they produce roughly one check per pair to have a structure that small is completely unrealistic anyway, so we will be overcompensating simply through the practicalities of building something that is

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meaningful lender will attract kittiwakes to use it. And therefore all of this will get completely lost in the mix within a year or two of its operation. Can I just

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apologise? Okay, so just quickly follow firstly on that you talked about one two to 12 months delay there, but aren't we talking more about a four year delay in terms of the time between getting? So if you if you're felicio

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ation? So by the worst case scenario, you could have it in place the day before you first start operating turbines, then you could you were saying it takes four years to get those checks to be in a position to read themselves? So are we not talking in more in the order of four years from the point of first operation in that, in that worst case scenario?

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Yes. Okay. So

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I guess what I'm talking about is the difference between providing that information now. Yeah, and immediately post consent situation. And so we're, it would obviously need to be ready, and if required, ready and operational as soon as it could be? Yeah, because of this, this lag between him. But again, the same points about it, overcompensating would still apply.

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And I don't have the dates for the projects sort of timeline to hand. Jarrod was here, and perhaps he will chip in at this point, but but I would imagine it's in the order of three to four years before operation would begin anyway. And so again, we're only talking about a little bit of mismatch in timing of when those those birds become adult unable to recruit, and the actual first operation of the wind farms, okay, suppose I'm coming at it from the angle of like, accept what you're saying there about, obviously, we're not, you're not going to, if you get consulting, I'm going to go out the next day and build, build the thing, but you but you know, in terms of what the DCM allows you to do,

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it allows you to do to implement nothing in terms of the artificial structures until the day before you first start operating the wind farm, you know, so like coming at it from that angle, is not to say that you are going to there's nothing to secure the fact that you would, you know, a sensible approach would be to start work on that straightaway as soon as you can and to get it implemented in place. But that's not that's not secured as such as it.

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I'm going to let Gera wasn't caught on this. Jerry Avella for the advocate. And I was just going to say, should Secretary of State require us to implement Kittiwake

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compensation measures? It would be an absolute priority. I think the point that Mark was making was because of the low numbers that we need to offset. There's maybe a little bit more flexibility in the time, but I can assure you it would be an absolute priority to to implement a compensation measure. Thank you. And just to follow up on that point about overcompensation because of the small numbers here.

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Presumably, I don't know an awful lot about the actual structures, but presumably, you wouldn't be providing something that would be in the small numbers that we're talking about. It would be potentially quite a large overcompensation if you were to build a structure just simply for these schemes. But there is a I guess, and I think it's in your in your statement that there is the ability to actually join forces with other developers to tag on something that exists and therefore it wouldn't be such an overcompensation? Is that is that correct?

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We've left that. that possibility open. In essence, yes. I mean, there would still be I think we would not look to just tag on if we end up in a tag on type scenario. I don't think we will be looking to tag on enough just to accommodate four pairs. It would be a question of still building in that overcompensation. It's just that if if this is a property

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structure for the project or loan, as it were, it would it would be of a scale that would very much overcompensate.

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But But yes, I mean, these are all questions that would need to get resolved. And and as Jared said, we're not it's not that we're delaying those. It's more that we have a little bit of breathing space here in terms of finalising those plans. Thank you, Mr. Smith. Sorry to interrupt, you know, that the point that I was actually going to ask has just been addressed by by Dr. trend design on content. Okay. Thank you.

19:32

Okay. Just

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just on the kind of evidence about the existing artificial nest sites that we have, that we know about, I mean, it sounds like there's there's some evidence there about this success and, you know, feasibility of of these structures to perform the function that you want them to perform.

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Is there evidence is there some solid evidence from the portabello stuff examples in the game

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He's had examples of these Kittiwake structures being being successful.

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So is there direct evidence for those structures? You were breaking up very slightly on me. But

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yes, there is

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not as compensation because they have never been monitored specifically with that purpose. But in terms of the numbers of pairs and their productivity, as in, so the number, the average number of checks per pair,

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those things have been monitored over

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quite a number of years. And some of those structures that have been used have been around for quite a while.

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And so there's very good evidence that

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not all fractures are equal, some appear to be better than others.

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But that Yes, very much so that they are a successful, successful thing. Okay.

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Now, have we lost the virus? No.

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Sorry, I've just switched back over to the more reliable Wi Fi.

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Okay. I think that I mean, we

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perhaps not. Oh, yeah. That you dropped again, Jess, I'm afraid.

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Can you see him and hear me now? I can hear you

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and see you.

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Okay.

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But you have frozen again.

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Think I'm having problems?

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Give me a moment. Indeed.

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How's it looking now? Like, see out here. So you're, you're moving and you're speaking?

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Okay, that's fine. Go forward on that basis. So it's not ideal. Okay.

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Yes. So that concludes everything that I wanted to cover under Kittiwake. So unless there's anything else that you wanted to raise them to keep you awake. I think we'll move on to Gannett.

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Not from me. Fine. Okay. So could you please do another quick summary of your compensation proposal for Gannett and waves? Let's get in anything you're planning to change going into the deadline eight version of the of the compensation measures plan.

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Okay, so again, this is a collision impact that we're looking to provide compensation for.

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And, excuse me, the combined average number for the two projects is 25. And the confidence interval around that is eight to 52.

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The I think the first thing to say about Gannett is that the case for requiring compensation, we think is much, much less established

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than for the other species here.

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And that's basically because

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all of the UK and more widely populations of Gannett are increasing and have been doing for

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as long as the records go back,

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which is about 100 years, and they're all in favourable conservation status. This includes notably the population of Flamborough, which is increasing among the highest of those because it's a relatively small one compared to some it's got more potential to expand.

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And it continues to do so.

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And so, on that basis, we also have very good records for it because most of the birds actually breed in sbas. And so we've got a very good handle on it. And so we're well aware that they're doing very well.

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And so, so we would say in the first instance while there isn't really a strong case for this, anyway,

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in terms of the options that were identified in the

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the review that Bob finesse carried out for Defra

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the

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reducing or stopping the the harvest of chicks from Sula scare in northwest Scotland was, was one of them. establishment of new colonies was a was a second and reducing bycatch in fisheries now we talked about bycatch a little this morning. So that's sort of a wider measure which is being looked at by the project team.

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The harvesting of ticks is an extremely sensitive issue and it has cultural sort of connotations and a long history behind

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Did and is not really something that I think there's any sort of stomach to take on. Maybe that's not a good expression for eating Gannett chicks, but anyway,

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in terms of them, so that that leaves the establishment in new colonies. And that's the measure that we have set out to do this. Now it is fair to say there is less precedent for this.

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There are examples from related species of Gannett from around the world where they have used decoys to encourage birds to come and begin to set up new colonies in new places. It's not, it's not established definite definitively that this would work with the northern Ghana that we have in the UK.

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However, it is still something that we can look into.

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And then one of the other challenges being Of course, that the species is currently setting up new colonies itself in various places. And so as these colonies get larger, they are already starting to bud off new ones. So

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it would appear to be existing opportunities for them to do this, and therefore attracting them to a structure that we build would obviously be a bit of a challenge.

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So there are issues with it. But as I say, we're not convinced that is required in the first instance.

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Following further conversations with natural England at the workshop we had last week, we are looking into other measures, one that has recently sort of come to our attention as a possibility is

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seeing if at some of these colonies, we can remove some of the waste plastic which the birds collect their nest sites, which do trap birds, it seems to be that so many individual will get their feet caught in these old nets and things that they're building up for their nest. And as a consequence, they are then stuck and they die.

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So this is still quite preliminary in terms of looking into it. But we are considering this as a possibility. various issues notwithstanding such as whether it can be done safely,

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making sure that you don't in fact make things worse by just revealing more layers of plastic underneath that sort of thing. And obviously, the root cause would be an even better solution. But that's not really a realistic one. So

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but that's where we're at with Gannett, I think,

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again, I will just look to colleagues and say if there are any other considerations that I have missed and they want to chip in.

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It would seem note.

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Thank you. Yes. My main question was about the how tested this is as an approach, as you said, Is it so you're saying it's not been used as compensation before in this country at least northern Gannet? No. Is it to your knowledge? Is it included in any compensation plans schemes currently in the planning Rousseff? Not to my knowledge, I think this is the first projects that have considered this to date. Any Kittiwake and lesser black pack goal of Yeah, through this process. Yeah. Okay.

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And so you've I think, in your report, you're referring to some examples from some global examples of other Gannett types of Gannett. But if there's, is there any evidence then of the successive of these artificial nesting sites for Gannett in the marine environment? Is there any solid evidence about how successful they are at attracting you?

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There aren't there are some studies that have been done and a few papers.

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I haven't done an exhaustive search to see how have many of them will be classed as successful. Again, they won't have been undertaken on the same basis, as we're talking about here. And so the level of monitoring is unlikely to have been in quite the same way that the examples will be from places where

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introduced, invasive mammalian predators have probably been cleared from an island, and they're trying to get the birds to recolonize places where they used to breed. And so it's a question of trying to draw birds back in, but there's going to be a range of factors that will influence the degree of success of those schemes. Yeah. Okay. And then is there also a timing issue here again, as we discussed with the Kittiwake and the fourth for breeding seasons, some of your material refers to a five year period of time for ships to so it again is that is the same argument being made about because these are small effects that basically you future overcompensation would deal with the fact that you might have a bit of mortality, what you referred to as mortality debt for the first few years. Similar arguments would apply. Yes, there would be an

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Extra, there's a slightly bigger owners because this is a five year to breeding age species. But yes, the same arguments apply. Yeah. And in those conversations and that workshop you've had with natural England in the last week, how are they? What's their view on this as Gannett mitigation, or compensation?

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Sorry, I was muted there briefly.

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I think it's fair to say that

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natural England, and their support for the compensation schemes as presented across the board is is

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not as positive as we would like.

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And that applies to get out as much as one as well as with one or two notable exceptions, I guess. So to know that, I mean, they haven't been

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massively supportive of this proposal.

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Yes, we will address what we can in the subsequent submissions. Thank you.

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Geragos to the applicant. I was just going to say that I think natural England position at deadline seven is fairly indicative of the concerns that they've raised. They expressed those at the workshop, we did take some actions on how we can improve the measures that we

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the updates to the measures that we include a deadline a Yeah. Okay, thank you. So deadline eight, I think what we need is either for these for your compensation measures, documents to be updated to directly address the issues being raised by natural England, or where it's not appropriate to put it in there. For you, I think you need to provide a document that sets out your response to natural England's deadline seven points. So that we have the men taken in turn something that really helps us then to, to see the arguments on both sides, because that's where we really are, isn't it? And you know, three weeks left, so

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yeah, that would be helpful action to take. Thank you. Should we move on to get them up? And Wait, do we want to take these two together? Get them out of bed? Or should we take them in turn? Do you think?

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I think it probably makes sense to do them together? Okay. That was my sense. Okay. So if you could, if you could, then please just provide a summary of what you're proposing there. And why. Okay, you can do so for these species. This is displacement, impact of the non breeding

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component of the SBA population. So these birds obviously will disperse and migrate away from their colonies over winter,

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and

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are distributed fairly widely in the southern North Sea at that time. And so we have

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the numbers are a little bit less well established, if you like, because I guess there's a displacement question is, is not quite as

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clearly mechanistic in terms of a collision model with our displacement model comes up with a range, if you take the absolute worst case,

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combined numbers. So that's saying that 80% of birds are displaced 10% of them die as a consequence, we'd be saying 157 guillemots and 24 razorbills. But, but we would argue that that's an order of magnitude higher than a realistic number, which is probably more like 1% of them would die. So we'd be looking more like three razorbills and 16 gigawatts. So as you can see, there's quite a range of potential impact sizes. But equally, the populations that we're talking about are substantially larger. And so that's distributed amongst a much smaller population.

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The challenge with these pieces, again, is that

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there are no direct measures at Flamborough that can be considered.

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And furthermore, they're not species. So we can't roll out the artificial colony idea on these because this these are not species for which that it has been established as a as a potential.

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And so it again comes back to the fisheries management, so we'll not dwell on that.

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And then, if you can control invasive species, specifically rats, on islands where they're breeding, then this becomes an option for how you can improve their their productivity. And so that's the one that we are focusing on because that seems to be the one with the most potential.

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Really, I think the key

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feature of this then is identifying suitable locations. And so we're in the process of doing that. There was a paper that Buffett has mentioned this morning, the Stanbury hotel,

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there's a second one as well, that also kind of considers through some of these aspects. And we are going to start the process of narrowing down again, working out where things might be appropriate to do and how they might, how they might be undertaken.

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And in terms of it as a, as a effective

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means for species conservation, very much. So this has got a very well established track record throughout the world. For in places where rats have been introduced by shipwrecks and whatever other means, clear the routes, often the birds almost instantly, certainly the next season, start to bounce back. And their productivity is a very, very rapid recovery that you often see in these cases. Okay. And so that exercise now, of narrowing down options for actual locations for this offshore Island.

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It sounds like if we're, if by the time we close, we're probably not going to have any further,

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you know, any further information on the location? Or would you be closer to uBf? I think we would hope to have a shortlist at that point of suitable locations that

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possibly with some degree of ordering, in terms of effectiveness, practicality, etc.

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So I think that that's the position we are aiming to get to.

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Thank you. And we and we heard this morning that these these, these location could be quite distant from the glamour of it coast SPI because of the way that the species work.

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It a case that if you were then looking at sites and you would you would making an order of preference that you would you would select ones closest to the source, closest to the to the lumber and poly coast SBA work backwards or not necessarily is not the way that the networks work. I think I think all else being equal, given that it's Flamborough that we're looking to try and compensate for I think you would you would look for ones that were closer if that was the only thing that there was separating to in terms of the the effectiveness.

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But I suspect that there will be Ill, Ill need to weigh up more than just that.

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So so it won't be it won't be a simple distance calculation.

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Okay, all right. Well, thank you. We'll look forward to if there is more evidence coming in before the end of these examinations, then we'd welcome it. Before we move off the number of Valley coast SBH, the thought on obviously, we have still a concern from natural England about the seabird assemblage and is your understanding of their position that if all of the those four composite parts where they see a problem, so these are those four features we've just talked about, if each of those are addressed in terms of compensation, is your understanding their view that therefore the assemblage is, is no reason that is compensated? While there are no, you know, remaining adverse effects on the assemblage as a whole?

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I, it's not been explicit in terms of making that that statement,

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that would certainly seem like a logical conclusion to draw.

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Although I guess it's fair to say, I mean, the the assemblage feature almost as easy is a challenging one in this this context, because it is not, it's not well established exactly how you define that assemblage, and whether it's to maintain each species individual proportion of it, how that how that manifests, because there are natural changes that are going on in these populations anyway, over and above everything else. And so

39:14

it's, I think it's a very difficult one. And I guess the simplest thing is, is as you say, that if if you've compensated your individual components, then that should should deal with the assemblage point. I think that might be there might be an actual question to come through our actions just to any any as well, just to clarify their position that Thank you. Okay, should we move on to the old or history SBA and less black back girl compensation, please? Certainly. Okay. So,

39:46

again, so we're back to collisions for less black black girl.

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And the combined

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average mortality across two projects is two birds. And the confidence range is from naught point four, two

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4.6

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summed across both.

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So as you can see, again, we're talking about an extremely small number, although the in combination total is in the order of 50 to 60. So, that that has some some relevance here obviously,

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similarly to the other species. So in terms of the potential compensation that was identified in the review for Defra,

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there was control of predators at

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places where there that's a problem. This is not so much rats, in this case. Now, it's more things like mink and foxes,

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fisheries measures again, and, and the time

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the, among the largest species of gold, they could be controlled in urban settings large Well, I mean, wherever you felt that there was an issue with them, but there were there were, it was relatively straightforward to obtain a licence, which didn't require you to record how many you were controlling, or various other things so

41:11

and so closing that loophole was identified that that is subsequently been closed. So there isn't that same same feature,

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or the old or the, there are various issues which have been identified in terms of the trend in that population over time. And the likely reasons for the declines that have been seen, which have included Fox predation,

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changes in the habitat that have reduced the areas of

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habitat suitable for them to breed,

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changes in the agricultural practices in new the surrounding area. So the various different features. But much the simplest and straightforward

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option is to control the fox predation, which does seem to be a concern at this SBA.

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And so that's the one that we've gone for. And, and fencing, again, to exclude

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registers on this basis is an established method. So there are clear precedents, and we can be confident in terms of the the outcomes from that.

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The next question then becomes where you do this within the SBA, or, indeed, adjacent to the SBA. And this is an aspect which natural England have been very supportive of. And they informed us that they're having conversations with Defra over some of these aspects, and I think some of the, the old or stakeholders. And so we're expecting an update from them, following the meeting that they're going to have shortly.

43:02

And so, again, this is another one where there will be a pretty considerable degree of overcompensation because you couldn't nest, you couldn't find out an area suitable for

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six pairs or whatever it would require. So so there will be a much larger area of predator proof

43:23

habitat available to them. And so the compensation will be of a several orders higher than required.

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I'll bet you've talked about all fitness in your, in your documents. Are there other

43:37

options, offshore wind developers looking to compensate similar effects using the similar sites? So is it possible that you would you could join forces basically, and fence together a bigger area? Yes. Or approaches from a couple of different angles. And so as well as fencing, perhaps have predator control going on elsewhere for other offshoots of the colony? Because I don't think they all nest in a single place necessarily, or they wouldn't necessarily choose to so. So yes, a combined combined approach seems very relevant to this particular one.

44:15

In terms of other developers that we're aware of, for this, the only ones that are old, the only one that we know of that is currently

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potential is for Norfolk Borealis. And that project is due to be determined in the next month, I think, at which point they will know whether or not they're ever required to compensate for this. And that was the final draft DCM I think, wasn't it.

44:41

from them, we the final version

44:45

was that they would undertake compensate. Yes, yes. So yes, and I guess then we've also got other schemes in potentially in the offing and the extension is to gather from Greta Gabbard and I know that the timing is probably going beyond the time you're looking at here.

45:00

But I'm just thinking about I think what you're saying about natural England welcoming this and talking to Deborah about it is about potentially a bit of more strategic and a strategic approach to this site, I believe. So I think that I mean, this, this site has a long history of, of these issues going back to greater carbine, and galloper and the section 106. And all of the rest of the situation. That's, that's evolved over time there. And so this, hopefully is one that is ripe for getting resolved in the near future. Yeah. Thank you. In that respect, can I just just ask, in terms of the scope of potential measures at Orford Ness? Are you envisaging the fencing of an area of land on the nest in inverted commas? Or are you possibly even thinking of something as generally applicable as a neck fence that would essentially isolate almost all of the gravels bit from that from the mainland because that that latter measure would actually be physically probably quite easy and cheap to deliver.

46:08

But of course, it may have additional effects over and above those that you need to deliver.

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The there's obviously an appeal in what you describe if you can cut off at the neck of land, and therefore I clear out any predators, the other side of it, then then yes, you have a very simple means of achieving this. The problem is, if any, any animals managed to get inside again, then your your motors

are completely lost. And I don't know the details of the waterways there to understand whether or not it would be something that a fox could readily swim across. But my suspicion is that they probably would, especially if there were lots of juicy gold chicks out there. So I think so I think that so my suspicion is that that probably appealing, is it easiest, probably not not the right solution.

47:10

But I defer to anybody that has better knowledge of the site to me. And if that if that does work, then you're brilliant.

47:16

There was made an observation based on a site inspection that we conducted. I mean, the separation of the gravel spit itself

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from

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other land is quite substantial in the water bodies are large.

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Yes, I'm not sure. I don't know exactly of the the nature of where it is, you're suggesting. But I do know that there is a large bit that is almost effectively an island did it good. Yes. And I'd like to, I suspect that it would be too straightforward for birds for animals to get back in, or even just or even just make their way around the end of the fence.

47:55

And so so I would imagine this is an enclosure that we're describing.

48:05

Thank you. I'm just just fine on that on. Is it natural for us to manage? Who would be this sort of being pleasant to engage with there in terms of managing the mess?

48:16

My understanding of the the the ownerships there are of the the spit of land is I think, shared between National Trust and the RSPB or possibly that's the separate Island base, maybe let's have a gate Highland.

48:32

And then on the other side, there are various private landowners. So I think there's a there's a question of, of having to work with all of them to a greater or lesser extent.

48:42

And, and as I say, this is something that natural England is actually pursuing themselves. And so I don't have the full details of where they have in mind for this at this stage. Okay.

48:54

Thank you.

48:56

I think we'll move on then to the final of those six sections. Let's expand the seas and onto the the Thames Estuary.

49:05

Could you just run us through the proposed measures here and how you've arrived at that? That solution?

49:13

Yeah, absolutely.

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So well, as we've discussed in quite a lot of detail already this morning, the impact is a displacement one.

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And

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there is dispute over the magnitude of that effect.

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But because of the nature of natural England's concerns, that immediately rules out

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all of the any sort of measure that is about

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maintaining the population, because as far as natural England concerned, this is not about the population, per se, it's about the displacement from areas of the SBA. And as Paolo mentioned this morning, there

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My response to this is that you need to remove infrastructure, which is having that effect within the SBA in order to offset any further changes within it.

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And so

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that immediately makes this a extremely challenging prospect. And the the approach that we're proposing is to manage the degree of other disturbance resulting from vessel traffic through the SBA. And there is a considerable amount of that

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most of wages have clearly outside of our control.

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But the project is able to projects are able to put in place various measures in with the vessels relating to the wind farms. And by changing the routes that they take to avoid the SBA as far as possible,

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that will reduce the degree of displacement around around those vessels, and thereby provide some compensation for for the effects that the natural England is suggesting. We will have.

51:13

I will.

51:15

I think that Gero is maybe in a better place to discuss some of the details of the shipping routes, and so I might hand over to him on this aspect of that. Okay. Yeah. Thank you.

51:25

Very Vanilla for the applicant

51:28

starts to trend.

51:30

Yes, as we've highlighted in the compensation measure, we appreciate the rerouting measures for East only one North and East Anglia to a mitigation and would not form compensation. However, should it be required. The business has made a commitment to rerouting measures being applied to the East Anglia three project during its construction and operation and maintenance phase over 25 years. So currently, the project is consented. As with the east, only one North East Anglia two projects, it also has a red throated diver best practice protocol. But as I outlined this morning, we feel that the measures that we've proposed the rerouting goes some way beyond the

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the commitments made within the best practice protocol. So in the case of East Anglia, three vessels would be routed from Great Yarmouth and from lower staff to go north around the northern component of the SPI in order to access the EIA three sites.

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The

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the area over which the maximum area over which displacement could occur on East Anglia one is 106 kilometres squared. And if you apply the graduation or graduation of effect,

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over which displacement occurs between wind farm sites and the maximum extent that area is reduced to about 19 kilometres squared, so as we've stated in the measure, on page 62, we would need to be compensating against sort of 19 206 kilometres squared.

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The width of the Northern component of the SBA is about 20 miles wide, 20 kilometres wide, and applying a two kilometre impact range either side of a vessel route that works out to about 80 kilometres squared

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based on vessel movements

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for East Anglia, one North and East Anglia, two, which are similar to East Anglia, three, we're looking at

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for single trips today during construction out to East Anglia, three and 3.6 trips per day during the OEM phase 365 days of the year. So we think that the rerouting measures that we've identified would significantly reduce the vessel traffic pressure on the SBA, and as Dr. trender stated, would provide some measure of compensation.

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Clearly, we need to do a bit more work on this measure ahead of deadline aids and we will be doing a bit more to provide more detail.

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But that's the the crux of it. Thank you can't just ask

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on the EAA three, commitment, how do you plan to have your data consented scheme, have a separate legal and commercial entity? How would you secure that commitment? So how would you ensure that happens? Yeah, we're we're still, we're still thinking about that ahead of deadline eight and there are some options

55:00

is an update to it. Red throated diver best practice protocol within its project environmental management pilot, for example.

55:09

Okay, so not something like a non commercial agreement or something like that between the companies themselves. I can't comment on that at this stage. Okay. And what about

55:22

does would with the measures you've just talked about, would they still stand true if the benefit of those orders of the DA three order or indeed a fees orders was transferred under the provisions of the decio to a different ratio, different Undertaker and future? But those commitments still be? They still stand with the

55:45

project environment of sorry, Jerry Bennett, for the applicant? I think the project environmental management plan and the best practice and all of those documents are transferred. They they remain with the project? They do. But that's the hemp isn't

56:05

compensation document. Is it? So it's again, it's just as we've talked about earlier, it's the line between the mitigation which I understand and understand security of that, and then how you is there compensation security that I'm a bit more interested to understand and standard that you're also working on this still? And then I do think it's something that we need to adopt the idea of using a three

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wrestle movements, you can be able to commit those, it seems like something sensible, what we did need to see how that would actually be secured. And then Am I right in thinking that the business does that was kind of the primary compensation measure. But there's a secondary one about looking into how more general navigation in the SBA could be controlled and managed to reduce impacts. That's correct. We did include for a secondary measure, which would be to investigate and see how we might implement similar measures at local ports elsewhere and the SBA. We haven't progressed that much further. To be honest, we may provide some more details at deadline eight, I think it will stay in there but not probably not be progressed much further than what we've already seen. I cannot just briefly ask a question on that point, because it's essentially here to move to forming a view about the utility of this as a measure,

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we need to understand essentially, the aggregate shipping disturbance impact on

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the SBA, we then need to understand the fraction of that that you will directly control through the removal of the EA three component, and what that leaves and actually form a view about the degree to which that reduction is a material reduction,

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which, and there are a range of ways, and I'm sure you've been thinking very hard about these and, of course, a range of ways of demonstrating that to be the case, including

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aggregate utilisation data of those waters, and then, you know, applying an understanding of the fraction of that, that you control and then working out what's left.

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I, I guess my take on this would be the depth, if the removal of the EIA three utilisation of the waters would give would would take, say, 50 50% of the shipping movements out of the relevant waters, then, you know, you're probably in a place where demonstrating a relevant effect is going to be relatively easy. If it's down to sort of 3% it might be a little more difficult.

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I do get the sense that if we're going to place reliance on this, we're going to need a little more detail that deadline aid. If that's achievable.

59:02

Is that something to the applicant? Yes, that's that points mated. Okay. Thank you very much.

59:10

Thank you, Mr. Smith. Yeah.

59:14

I can see that you're all already thinking through the same questions that we have reading it. One of the questions about it was to do with the temporal scale. So you've talked about, again, this restrictive period and that kind of core winter period of first November to the end of February, is that is that

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is that agreed by natural England that that would be an appropriate time, seasonal

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restriction or time for which to

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apply

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this restraint. Jerry, Jerry, Jared, Melissa, the applicant? That was the timescales that were in the best practice protocol originally.

59:57

Yeah, which is agreed with natural England.

1:00:03

Durga for the African, I'm not 100% certain. Yeah. Okay.

1:00:09

Thank you. And can I just ask the question that about the timing of implementation? So as we've already talked about, in terms of some of the other features?

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From what point does compensation need to be effective for red throated diver? So what is the earliest point at which displacement effects could arise for the feature?

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Obviously, the way that decio is worded is is so that compensation measures need to be implemented prior to first operation. Does that does back cover is that the earliest point at which a displacement effect could arise?

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Because he's thinking if there's it may not be operational. But if it's there, does it not still have effect and effect?

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So I tend to swing Jerry,

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thank you,

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for the applicant.

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Well, since the effects that natural England is, is prescribing is one of displacement from the operational wind farm.

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that would that would suggest that it is following installation of the turbines.

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I don't think I don't think your red throated diver is particularly bothered as to whether the blades are spinning. So once they've been installed

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within the effective distance of the SBA, then I guess that's the point at which you would you would look to compensate for the effect? Yes, it does come back to your question about whether the current drafting in shedule 18. Is, is is going to do the job then, isn't it? I think, I mean, obviously, there's a realistic, there's a commercial reality to the fact that you're not going to have a wind farm, that they're not that's built but not operational, you know, for any amount of time that you don't have to have it.

They're not generating electricity, and we accept that. But again, it's just about making sure that that that test about having a compensation in place prior to the effects of rising or if you're not then justifying, why not? I think that needs to be just explained a bit more, I would just follow that up Mark gender for the applicant with a comment that, again, we need to, so

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there is no population effect being ascribed to this. And so

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arguably,

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there is no time delay.

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Either way, you know, that goes that goes in both directions, you simply have to

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offset that, that displacement, that you're the effect you're having, but but if the delay, it's a sort of a time invariant sort of thing. Okay. All right. Except that makes any sense.

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Explain that very well. He does. Thank you.

1:02:46

Okay.

1:02:49

I think that there's a mention about further detail coming up on completion of some further shipping routing analysis, is that still something that we should expect as part of deadline? I think that's part of that secondary compensation strand here. So about looking at the routing of other vessels outside the control of the applicants and outside of the East Anglia zone. And it also directly addresses the concern that I was seeking to explore around the degree to which this is a significant component of vessel disturbance as a source of

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disturbance in the area. Jared velyka, the applicant, when no, we're not doing more routine studies for vessels that we don't control,

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though I take that point that you've made about the proportion of our shipping compared to other shipping activities.

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I think the routing measure question wasn't that related to whether we were using other ports

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possibly I picked it up from the

1:03:57

can provide further details the examination upon completion of that shipping routine analysis that's on page was parrot 244. EA one North compensation measure. So it's just a question of whether that's still happening. Terra Bella, for the applicant? Yeah, my apologies. I think at the time of writing, we were still doing the routing measures work with anatec that was only operated into the best practice protocol. Okay. Okay. there's anything else from that work that anatec did for the best practice protocols any any more of that detail need to come through into the compensation measures plan.

1:04:32

So I'm not sure it's in there. Is it? Yeah, the BPP came at D seven

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jerrika for the applicant. Yeah, that's correct. We do need to add some more detail to see the measure for deadline.

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Okay.

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Okay, thank you.

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I don't have anything else to cover under this specific

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I sub item on the features go through Mr. Smith. Do you have anything else you want to raise before we

1:05:00

Moving.

1:05:01

Okay. All right. So then we'll move on to the part of this item, which is called DC DML. Security.

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We won't stray too far into what will probably need to be part of ish 15, which is the decio on Friday, but I just want to pick up a couple of things about the general approach to drafting. So obviously the last time we talked about this in the hearing, we talked about

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possible approaches to securing this compensation within the decio. And we looked at the Hornsey three major decio was the only

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made DCA that contained something comparable. And I can see now obviously, we have shed, we have an approach that that follows the general lines of Hornsey threes made decio, we have

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the article 44, which is the secured that kind of compensation provision, and shedule 18, which is in six parts for each of those species that we've just discussed. And so that does follow the general model. We had that was the cabinet deadline seven, so we haven't had parties comments on it. And we have put some questions that we will put in some questions to natural England, in our rule 17 about it sounds like people say have continued conversations with them.

1:06:16

Could I ask the applicant just to talk us through their reasons for taking this overall approach to drafting the decio for security of these compensation measures? Class Name is Mel. Hi there, Stephanie mill for the applicants? Yes, so you rightly point out that deadline seven, we did include a new article and schedule 18, both of which are obviously in square brackets at this point in time. And so given that the potential impacts relate to the operation of the generating station, and which is obviously to be Authorised by the decio, we consider that it was appropriate that any requirement for compensation is secured as part of the DCR rather than in the dmls. And that was on the basis. And it was also considered sorry. And it was also considered appropriate that any further approvals in respect of compensation, and would fall as well to the Secretary of State, and obviously with appropriate prior consultation. And so that's why we've taken the broad approach with an article and under schedule. And as you have rightly pointed out, where the shedule is separated into six different parts, and each part secures a submission and approval of a species specific implementation and monitoring plan. And that plan obviously has to be in accordance with the relevant appendix of the offshore ornithology without prejudice competition measures document a bit of a mouthful, that one, which was submitted at deadline six, and which will be a certified document in due course, assuming that it is obviously required.

1:07:47

So the applicants position, as has been mentioned a couple of times today is obviously that there will be no adverse effect on integrity of any European site. And so that can submit that the shedule should be removed wholesale from the decio as made. And but obviously, we're here today to discuss that on a without prejudice basis. And, and so the structure that we have proposed would allow the compensation measures for one species and to be changed or removed without affecting the operation of the compensation for for other species. And so that's obviously why we've separated them out into different parts. And, as you pointed out, it's it's very much based on and it's very similar to that approved by the Secretary of State for Hornsey three, and which is obviously the only offshore when DC or to require compensation to date. And so,

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in terms of the drafting in our submission, it strikes an appropriate balance between detailing the required compensation, whilst also leaving room and a very clear mechanism, and for further refinement and development along with the relevant discussions with the relevant stakeholders. And so that's the train we try not to be too prescriptive at this stage, because obviously, as a lot of the discussions today have alluded to, there is still some further discussion to be had. And, and, you know, some of the measures, and there's a bit of refinement to be made, and that can be done in due course, but obviously, ultimately, everything needs to be approved by the Secretary of State.

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And so, the schedule, then, if it was incorporated into the decio, would secure the delivery of compensation measures and in advance of any possible contribution for an adverse effect on integrity from the projects and this is in terms of the implementation, prior to operation of the turbines, which again, we have spoken about today in terms of the timing. And, and each part then, just as a very general overview, requires the establishment of a steering group prior to commencement of the authorised development and then obviously requires the preparation and approval of the implementation and monitoring plan, which obviously needs to be approved by the Secretary of State

1:10:00

Which is required to be based on the relevant appendix of the compensation measures document.

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And it will also obviously have the benefit of input from the steering group in the plans preparation. And I guess just one point of flag, we have discussed a couple of points today.

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And one of those was in terms of the the timing of compensation. And I know, you had some hesitancy and concerns around the, you know, the implementation or the provision within the schedule, requiring implementation prior to operation. But obviously, that the plan itself does require for each species implementation plan to be set out within it. So there will be scope to, to set out details of the timing of the implementation of the measures. And again, as we've looked at that all has to be approved by the Secretary of State. So if when we come to preparing the detailed plans, it is considered that certain measures need to be in place a little bit earlier, that can obviously all be dealt with through the approval process. And, you know, which obviously also needs to be approved by the Secretary of State. So whilst we've put in that ultimate have dropped dead date in the in the DC or for implementation part operation, there is obviously scope for having specifics set out within the plants themselves. And, and just also in the vessel routing for red throated diver, I guess, just to point out again, that the, the part that deals with red throated diver does also have specifically some text in there about the details of agreements, demonstrating how the vessel route diversions under exclusions will have been secured, to deliver the development objectives, that requires to be set out in the plan for approval. So again, whilst you know, we weren't, we're not able to specify exactly how that will be dealt with, from a commercial perspective, or, or whatever, at this exact moment in time. That is a requirement of the plan that needs to be approved in due course. So we would hope that that gives you the

1:11:55

the certainty of security that there is a mechanism in place to get that agreement approved, and by the sector of state in due course. And so that's kind of just some very brief details on the implementation monitoring plans themselves. And, you know, for each part, we've got a few specific sets of details that need to be included within the plans. And then obviously, as we've mentioned, already, there is a prohibition on the operation of the turbines unless and until the implementation of the compensation measures as approved under the implementation and monitoring plan. So that's the kind of broad structure of it, and again, on timing of delivery. And, you know, again, we we consider that we've identified the appropriate compensation for each adverse effect. And, and the shedule secures the delivery of that compensation, and because of the relevant approval mechanisms, and whatnot, and obviously, we have also talked about the timing, probably in quite a bit of detail to the already, so I'm not going into that again. And so that was the sort of general rationale behind the the drafting. And but I'm also conscious, and you'd picked out this specific point about m gilmont. And the fact that we had forgotten to read omitted the reference adaptive management, so that will be added. I also noticed noticed again, when I'm preparing for this hearing that there are a couple of points in the Razorbill, sheduled that differ slightly from guillemots. And they should be aligned. So I will be picking that up. And I guess one point that we haven't actually discussed today, now, we obviously submitted an updated DCF deadlines seven, which was essentially meant to be the final version of the decio. But given that there are a couple of amendments that sheduled to me, and we obviously had hearings last week, and further hearings this week, where there may be some other amendments that require to be made. Am I right in thinking that you would be looking for an updated DC to be submitted at the deadline? it as well? I think, I think it would make Mike I can't see any reasons to not do that. And, Mr. Smith, do you have a view, I do have quite a strong view, which is that whilst in the, I guess the normal run of things, we would have been seeking a final draft set of draft and consent orders before now in an examination.

1:14:14

We are the place where we still haven't held a concluding development consent order issue specific hearing. Unless that passes incredibly smoothly, there will be some inevitable adjustments that emerged from that. So it is by definition, I think inevitable that you will need to make a deadline out submission. And then any parties wishing to comment will will have the opportunity to come in to deadline nine. So I think I think that's where we inevitably are that's fine that absolutely lines with with our thinking as well. And we were planning to to propose submitting that a deadline anyway. But I guess I just wanted to read that because I'm conscious we we still have that issue specific hearing on Friday. So I just wanted to flag that so it does mean that we can pick up those those minor and

1:15:00

tweaks in the shedule at that point in time. Thank you very much. We'll record that as an action as well.

1:15:06

Just to pick up on the question, thank you for that explanation. That's really clear. And I think as a framework, it does make sense what you're describing makes sense. And obviously, we still have a fair number of questions about the actual kind of the workings of it. But you'll have seen that natural England at deadline seven

1:15:26

have said, basically, because they would have told us before, haven't they that they didn't have input to what happened with Lindsay and their final decision, and the way that that was secured and dcma wasn't something that they were actively involved with. And so they are now acting as a lot of the parties are to what they've seen in the honte three approach by the Secretary of State.

1:15:46

They have set a deadline seven that they are at the at the point that the Secretary is at the point of decision, the Secretary state should be provided with sufficient confidence that appropriate compensation measures measures are available and have or have been or can be secured. And so noting that your approach body follows the approach adopted within the made Hornsey three decio. How do you respond to the view from natural England that the Hornsey three approach leaves a level of outstanding detail that raises significant challenges to implementation?

1:16:17

Yep, I guess, the very Stephanie mill for the applicants. And at the moment, we were obviously having to draft this as without prejudice basis, and we don't know the conclusion that the Secretary of State we'll come to. And so as I think Miss Dr. trender, alluded to earlier, as well as, as you can see parallels on the screen there as well. Now, I'll hand over to you in just just a moment, because of that level of uncertainty. And I think putting too much detail on the face of the DSU at this point in time, is disproportionate to what might be required in due course, but I will just hand over to Paolo,

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on this matter.

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Thank you, pal. I mean, I wasn't gonna add too much more apart from I mean, we have tried to labour so what the point from our perspective of the proportionality of this, and obviously,

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you know, you'll see, obviously, the the home see decision did come on the 31st of December, that this has been a moving, you know, moving feast for years. Now, this isn't this isn't just about us. This goes back to Vanguard, Hornsey Borealis etc. So, we are all working, you know, to try and learning how to make this work effectively. And I think we do need that level of flexibility and natural England needs to be pragmatic in recognising that it's simply impossible at this stage to nail down the kinds of information that they are, they seem to require, and that we need to have an approach that allows for that flexibility. So the secretary of state can understand that we have a direction of travel, but we don't actually have all the details nailed down at this stage. It's simply unreasonable to expect that given the fact that everything is in flux, seemingly on every project that we you know, and we're operating in an environment of vacuum from direction from bays, and Defra. Although they have set up a unit, Defra has specifically set up a unit to discuss compensation measures since January, unfortunately, January 2021, not 2016, like they should have done, we're in that we're in that space. So we need to have a pragmatic approach. It's the only thing that makes sense. And I don't think we can we should be an

expectation management about the level of detail we're going to be able to achieve as part of this process.

1:18:48

Thank you.

1:18:51

Okay, just know, was that everything that you wanted to cover on the decio?

1:18:57

I think largely, yes, I guess the main point to flag is obviously the the shedule. And, you know, it doesn't require the full details to be submitted and approved by the Secretary state, once it has been determined that an adverse effect or integrity or sorry, if it is determined that an adverse effect or integrity arises, and so

1:19:16

are sufficient is that is secured and through the inclusion in that shedule if the sector of state considers it appropriate to include such a schedule, in due course. Thank you. Can I come to the MMO and ask whether you have any views about the applicants overall approach to securing this Sam without prejudice, compensation within the DCA?

1:19:37

Thank you, Mrs. powersmart, crashy mmo. I'm just taking in the current conversation as well. mindful of that, in my response, I think first of all, to acknowledge what Stephanie mill mentioned earlier in terms of that the schedule is in the DCR itself, and its size, you know, corrected is the sector states disease.

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I'm also thinking about that, you know, aware of mindful of

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what Paolo mentioned earlier about, you know, being pragmatic and about the amount of information as this time given up the whole d3 decision was just a couple of months ago or so.

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What I would like to do then is just to acknowledge that demo will be submitting our comments on schedule 18. In our deadline in response, as well as

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our comments, I believe, on the hongji. Three, I believe it you a deadline date, as well as the understand

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just to clarify our comments in relation to schedule 18 will be focused on these projects.

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In other words, we will look at that schedule in relation to this project. There is an overlap, obviously, it's it's based on the three

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schedule, but our responsible will be in, you know, in relation to, you know, this these projects. Thank you. That's what we need.

1:21:14

Can I ask whether you have any views today about

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about the DML? And so for this, whether there needs to be whether you consider the needs to be anything in the DML is that refer back to the to the detail provisions for habitats compensation. So for example, if the dcfc says that certain things like construction or operation of certain elements of the project must not commence until certain compensation is provided? Are you satisfied that in any event those works could only be done in accordance with the restrictions in the decio? So there would be no need to add anything into the DML? Or conversely, do you take the view that it would be prudent to have a condition in the DML, which expressly states that those words cannot be commenced until the article and the shedule have been satisfied?

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Again, Miss powersmart, crush MMO. That's something that you mentioned earlier. And it's something that, you know, I'm thinking about our we're still formulating our position, and

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to be quite honest with you, you know, where things should sit

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in relation to actually kind of securing the mechanism itself

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is out, I would prefer to get some internal advice before responding to that, but it is very much I think, a valid question is, is there any prospect to that advice being sought before Friday? I go, because I mean, this The sooner we can land some of this stuff to a degree, the better.

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And, and so if you're in a position to explore that around the table with ourselves and the Africans at issue specific hearings, 15, then, you know, that's yet another thing that isn't being kind of kicked off down the road to deadline eight with a response by deadline nine, it does does help to kind of land things a little spot correctly, hammer mill. Thank you, Mr. Smith, I acknowledge that and I'll look to discuss with our case team to hopefully be able to come to Friday with something really a bit more solid to discuss.

1:23:15

But I was just sorry, I was just mindful. I didn't want to, you know, give it a set position that I wasn't particularly comfortable with, given kind of the discussion today. But we'll look to do that on Friday. Thank you very much, Mr. crushy. Miss mill, did you want to come back on that at all? Like you might do? And yes, definitely well, for the applicants. And I guess the only point I would flag is that, including the text within the shedule to the decio, there would be no need for it to also be reflected in the DML. Because that would essentially just be duplication. And the sheduled at the moment, are drafted in a way that means that the authorised development may not commence, and that may not operate in due course. And therefore if it can't be done under the dcl, so there wouldn't be any need for a similar provision to be in the DML. So I guess that was why we drafted in the way that we have and why we haven't proposed to put anything in the DMS because we didn't consider it to be necessary. Yeah. And I take your point about duplication. I think that would that wouldn't be helpful approach is more about whether you've had something that just referred a course reference almost from the DML. Back, but this this is a question that will be guided by what the MMOs viewers as well, because but ultimately, I do take your point about the approving body being Secretary of State for this, and therefore to the decio appearing to be the main the place where it needs to be.

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Thank you.

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I just wanted to share, I think I covered most of the points. Mr. Smith, is there anything else you wanted to covered under this item before we move on? Not directly on just querying whether there was any need to flag RSP be in this at all, or are you content that that I've done

1:25:00

Matt, thanks. Yeah, that was that that was I think we've dealt with that earlier. Thanks. Okay. I will just mention about the I think, you know, you mentioned about Mel about putting in the another version of the decio. At da, obviously, we had the one we had from you at D seven, I think was that was the one that needed to be in the SI validation template. So just to add that, if it comes in again, we're going to need to find a question to be okay.

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We can do that.

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Okay, we'll cover all such niceties initially, if

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you lucky things. So I think that's everything I wanted to cover under the under item seven, actually. So is there any if there's any further points anyone wants to raise under item seven, then please raise your hand now? Otherwise, we'll move on?

1:25:44

Okay, I think I think Well, I mean, I've only got a couple of queries. In fact, maybe only one Under Item eight. So I think what we will do is push it on and see basically see the rest of today's agenda out before rather than taking a break and resuming afterwards, even though we're approaching break time. So if everybody's content with that, I think we'll move on now. And quickly cover item eight, which is any other offshore lithological matters. And this is an opportunity for anybody to raise any other offshore lithological matters for our consideration today.

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Then a couple of points of clarification clarification for natural England, which will be in our rule 17 questions and that relates actually to ies conclusions and where exactly where we stand with all of the applicants conclusions in terms of the EIA.

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The only other matter I had aarya was in connection with a comment from the MMI are actually in the deadline seven submissions

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in deadline a deadline seven MMO. You've referred to some ongoing discussions in relation to a completion of construction condition and or condition that may arise from the the crown estates all of the logical headroom discussion group. I just wondered if the MMO could elaborate on that statement? And if there's anything we need to know about from from that?

1:27:05

Yes. Mark Hershey. Mmm. Yes, Mrs. Powers, that's really in relation to,

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as I understand it, sort of allows built report,

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which is in aid of the crown estate, sort of sponsored headroom project, which is, you know, closing out a project, setting the output parameters and allowing other projects to take forward. So that's what it's in relation to that, if that answers your question, now. Well, it clarifies it. So I'll actually then just come to the applicants if that's okay. And just ask whether that is a condition under active consideration for these DCIS

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for the applicant? Yes, it is under active consideration.

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Okay, so it might be that that what we get at deadline eight would include conditional on

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Jovana for the applicant? Yes. Yes, we are still considering this and discussing it with MMO. So hopefully we'll be able to provide you more news on Friday, if not a deadline. Fantastic. Okay.

1:28:21

Thank you. Well, we look forward to hearing about that on Friday, then.

1:28:25

Okay.

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I think that brings us to the end of the matters that we wanted to cover in relation to offshore and mythology today. So is anybody else got anything that they did want to raise?

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I know. And then they will have more to say tomorrow in relation to marine mammals in particular. So and we welcome you attending today nonetheless, and being here because it's still helpful to have your input when we as and when we need it throughout the day.

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Okay. So on that basis, I think we'll move on then, to item nine, conclude today's hearing. So obviously, on behalf of the panel, I'd like to thank all of our participants for their contributions. And tomorrow, obviously, we're planning to move on to day two, which will look at the marine mammals aspects and terrestrial ecology, or terrestrial HRA matters. Actually, it's quite a more limited scope than the terrestrial matters we covered last time. Mr. Smith, there's some comments that you wanted to make this day. Not all I was merely standing ready to take out and nine if you if you wish to have a rest, but you feel happy to move on and close.

1:29:31

Okay, okay. So I thank everybody for their time today. And we will see you again tomorrow. So 920 for the arrangements conference and 10am for the continuation of this hearing. And so the time is 330. And these issues specific hearings, 14 are now adjourned. Thank you. Thank you very much, everybody.