

TEXT_ISH7_Session2_17022021_EA1N&2

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00:03

Hello and welcome back everybody to today's issue specific hearing seven for East Anglia, one North and East Anglia to offshore wind farms. And before we start, can I just check with the case team that you can hear me and that the recordings, live streams and live captions have started.

00:23

Hello, Mrs. Jones, I can confirm the recordings live stream and captions have started and we can see and hear you. Thank you very much. So while

00:32

Okay, returning to the agenda, we were up to trees and hedgerows again we have covered some matters under this topic. So I am just going to ask for a show of hands if anybody wishes to raise any further items under this matter.

00:56

Okay, as I see we've got two hands from sees that Dr. Horrocks and Miss Mosley. And if we could begin with Dr. Horrocks, please.

01:07

Thank you, again for allowing me to speak. Yes, trees and hedgerows, I've been concerned about the emissions. In the surveys, I think I've mentioned several times. Now the OIC in the the middle next to the river 100.

01:25

The other thing I'm bothered about is fiches. Lane because the last survey that was done, they described it as species poor. I have provided an image of fiches lady man, which is image nine in a sec, right 38078.

01:43

It has, because it just alone is a very old, parallel set of hedgerows. And it has a lot of biodiversity not always visible above ground. But the fact that it is a rich environment for a lot of invertebrates, and also for the indicator species that that feed on them. Like nightingales is significant and the hedge row goes alongside an arable field and arable fields in this in the study so far been discounted as being not important. But they actually are a lot of the arable fields along pitches lane and to the south of fiches Lane

02:29

have are in some form of stewardship. So for instance,

02:33

my nearest bit of it has pollinator strips all around the edges. It has a new hedge row, I have collected a number of photographs, which I will provide for you, because I have the advantage of being here all year round of Skylark, woodlark Marsh area

02:53

and buzzard and hares, and ringler kinglets in the in the fields, field fairs, variety of endangered and protected species which are reliant on the arable fields. So I would like to formally request that these that there are proper studies of the arable fields and also of the

03:18

hedgerows that link the the mosaic of this area together. Because scottishpower has very cavalierly said we'll go through this hetero because it's species poor, and it's an arable field. I don't think that that is a good explanation at all. I don't think that the surveys have reflected adequately what is around so we'll return again to fiches Lane because also the last survey, tellingly said at one point apart from looking at

03:52

the son of one of the owners, bicycle tracking the wood, said that they couldn't penetrate further because of the scrub or the scrub is ideal Nightingale habitat. And in my written report, I will provide a satellite photograph of the varied canopy and clearing which shows its Nightingale habitat. And in fact, for as long as living memory there nightingales return there every every spring will shortly be returning in fact in about about the time of the end of these hearings. So I don't think that the the service have adequately reflected the the protected environment around here. Just because they're not in the triple A size I've been saying or in nspa It doesn't mean that there aren't protected species and they they do need protecting and I would be much more confident in the in the preparations if these things have been already brought up. And incidentally, badges

05:00

There are budgets around I must tell you that beekeepers in this area have to protect their hives against budget in the winter, because otherwise they have the honey.

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I think that is what I would like to say for now. Thank you.

05:14

Thank you very much, Dr. Horrocks.

05:17

Miss Mosley.

05:22

Hello, thank you. Kenny Mosley foresees just two second everything. Joe, Dr. Joe Horrocks just said, but also to reiterate that what Suffolk council we're confirming that this is all priority habitat, the river and the trees, no matter which way it's classified. And also to second all the evidence which had we brilliantly put forward earlier with the amount of birds and wild flowers and significant biodiversity that we have in this area, which is to be honest, so important that I just am baffled as to why this site is considered even at all, for this place. So thank you. Thank you very much, Miss Mosley. Mr. hallford, I can see you have your hand raised.

06:18

Thank you, Bill health and for spaces. And just following on from Dr. Horrocks.

06:25

I'd like to refer to

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one of the documents in the examination library, not instantly, but it's one that's called important hedgerows or important hedges and tree preservation audit plan. That's a PP pi from zero to zero.

06:45

And that really highlights for me one, one hedge in particular, there, there are many that are affected. But one in particular, which on sheet five of 12.

07:01

Is, is given the number 21. And that's I believe that's one that is alongside fiches Lane. And that is destined to be removed. And in fact, it's all destined to be removed, which is rather peculiar. And

07:18

then I don't understand all the detail of Scottish powers, plans for,

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for building whatever they're going to build there.

07:27

But I would really hope that it doesn't all have to be removed. It's actually I think it may have been the one that's been described as of no particular value, which is crazy. I mean, I I've used that footpath all the time, instead of other people. And it's really an amazing, amazingly

07:48

sort of historic and natural path with the hedge absolutely adds to it both sides. So I just don't see why it has to be removed.

07:59

I think that's the main point I want to make. But of course, I'm, you know, I'm representing satanist today. And there are many other hedges, I mean,

08:09

and footpaths, but particularly hedges as well, elsewhere that are going to have to be moved removed, or sections of the removed to make way for these cable corridors.

08:21

And I suppose that's all I want to say except that to refer to the relevant representations and other submissions that have been made in writing on this subject. It is an important subject. Thank you.

08:35

Thank you very much, Mr. Helford.

08:39

And vanity and fever foundlings.

08:48

Nothing really to add to this little thing called what's being discussed and submitted the next deadline.

08:56

Thank you very much. Just before I returned to the Africans, Mr. Alford, could I just ask you to lower your hand please? Thank you very much. Okay. On that basis, then I will return to the applicant to see if they would like to come back on any of the points raised there.

09:19

classmates for the applicant. And so I'll just I'll touch on the ecological protected species sides of the of the comments that have been made picking up on the comments around the oak tree within the area around the 100 River. So and equally was the updated site visit was undertaken earlier this week. an appraisal has been undertaken off that tree in terms of potential cracks, crevices, suitability, for roosting bats, findings of which will be submitted at deadlines six that I mean, equally across the entire onshore development.

10:00

area as part of the surveys undertaken to inform the application and daytime inspections were undertaken of trees and other structures such as buildings and so forth that fell within the order limits and for their suitability to support roosting bats, subsequently by qualified ecologists and in accordance with the BCT guidelines, and assigned whether it be a negligible to a high potential for their suitability to support roosting bats. Subsequently were identified, excuse me.

10:34

Those features having suitability to support roosting bats, the required number of surveys in terms of emergent re entry, and survey efforts were subsequently undertaken.

10:46

And then from the headrow perspective, from an ecological view as well, those hedgerows were surveyed again for their suitability for origin computing bats subsequently surveyed, were falling within the order limits for those species. And that as I mentioned earlier, similar to the onshore substation approach included monthly walk transect surveys and the deployment of static back detectors.

11:15

Outside of the ecological side, but equally around trees and hedgerows, the full agricultural survey was undertaken, subsequently reported and supported the application. And then equally post consent pre construction, they'll be as already mentioned, the commitments made for the pre construction surveys for bats, again, across the entirety of the onshore development area, and will include updated checks on hydro conditions, classifications, any amendments or alterations to what has already been reported will be identified at that point and subsequently, were required mitigation measures, if different to those already embedded in the project and or committed to by the applicants to date will be identified and subsequently implemented.

12:07

Thank you. Yeah, opt ins wish to respond to any of the points raised by Mr. hallford with respect to Hydros.

12:17

Climate grellus for the outcomes, yes, just as an example, Bill helzberg mentioned or missed out Miss Alford mentioned he were 21.

12:26

Just to illustrate, you use the century as an example. So head over 21 is roughly 250 metres in length, it is identified within the decio. And within the the hedgerow plans as the

12:42

head you're subject tree removal, it is not the removal of the entirety of that hedgerow it rather it is the removal of the control cable route as it passes through that hedgerow. The reason the entirety of the hedgerow is identified is that we do not know at this stage exactly where the control cables will pass across that dotted arrow. But that would be a a restricted crossing in any event,

13:11

not to the 16.1 metres because it's it's not perpendicular to the cable crossing. But the onshore cable card or as it approaches handle 21 is restricted to 27.1 metre width for both projects. And so a lot would continue through the hedge rule until we get into the the field to the sci fi they don't have to work number here. But once we answered the field to the safe lending on vocabulary, it would then expand to 32 metres per project.

13:38

Thank you very much.

13:41

Okay, we're to move on to the next two items, ecological enhancement and ecological management plan and take them together actually.

13:51

and would like to come to the applicant in the first instance just to undo some of the comments that natural England made in their deadline five submission with regards to the ecological management plan.

14:02

In the first instance, wondered if the applicants could comment on naturalism as assertion that wording within the irlams is generally not in a form that would be legally binding. For example, where such as word and could are used in place of will also where possible or where practical or practicable, are added to statements which the state lessens the commitment to carrying out the described action. Could I have your response to that please?

14:41

freshman for the applicant just to confirm that. Yes, we have done an updated over lunch that we're submitting a deadline six and we have

14:51

edited that red beam through the whole document and edited it to make the wording monumental in direct response to natural England's request.

15:00

Thank you for that.

15:03

Another point raised by natural England was section 6.3 point 4.1

15:11

where further details are provided on the mitigation to be provided for the standings SP birds, naturally that have stated that they expect this mitigation area to be available and used by the birds prior to construction. Can I just ask for your comments on that matter, please?

15:31

regiment done it for the applicant would Brian magaliesburg take that question, please?

15:39

Ramakrishnan spar, delicates. Apologies for instant just not done before me.

15:45

With regard to the SBA crossing, we are in discussions with the landowner with regard to the potential extension of the habitat management duration around work number 12. A, we are looking to increase that to a 10 year period which but that would exclude the horse paddock area, the horse paddock area

would be managed for a period of five years, but the remaining work area within the work number 12. Eight would be monitored for a period of 10 years.

16:12

In terms of ensuring the habitat is suitable prior to commencement of construction. We do not believe that's a viable condition within the DCU. Whilst we can ensure that the SPN crossing method statement that is approved by development planning authority and consultation with with

16:33

natural England was making sure that that document contains the methods that we and the methodology and the techniques that we're going to deploy to make the land suitable for species, we cannot guarantee that that land will actually be used by the species, they may have simply better territory elsewhere with an SPF to choose to go to. So to have the determination of significant infrastructure projects prevented to be prevented from starting construction until birds are evidence to use that area we believe to be totally on unacceptable. But we will absolutely make the commitments within the methodology to ensure that the area is in the best possible condition that it can be also worth just pointing out that in terms of the preparation works, it is primarily about management of the existing vegetation in the area, it's about thinning of scrub management of that scrub area within Mark number 12 a. So we don't we don't need to grow new woodland areas or grow new new scrub areas that may come through the 10 year management plan. But in terms of making the area suitable for the species in the first instance, prior to the start of construction, it's about managing that the existing growth that some of that that's an area, which is a reasonably straightforward process for us to undertake. And just following on from that naturally, and have also said that surveying for five years as detailed in the woodlands, and doesn't appear a sufficient length of time considering how long the mitigation is likely to become favourable for the bids. And when coupled with the full construction period,

18:08

could a longer length of time be considered

18:12

prime across for delicates apology? I preempted that that question and higher the response. So this is where we are speaking to the landowner to a hopefully agree at 10 year management period for work number 12. A, but that would exclude the horse paddock area, which is located on the eastern section of work number 12. A Given the importance of returning out to the landowner for for continuation of its 16 years. And would the post construction surveys check that the beds are actually using the land

18:44

browse for outcomes? Yes, within the art lane SP across method statement or annual surveys Do we have committed to

18:52

annual surveys will identify any areas of improvement that we need to deploy within work number 12. A in order to improve its effectiveness for or as mitigation land. So any any action points for what the

better word that comes out of those I know surveys will be fed into the maintenance cycle for for coming years. Do you think that alternative mitigation should be considered if the birds aren't using that land?

19:18

Brian Morales for the Africans, we do not consider that that would be appropriate given the the the the spatial distribution of the of the species that have been recorded. There are no SBA species that have been recorded as nesting within the DSP and crossing area itself. Our focus is really about getting the work number 12 A entry a an improved condition over and above what it is currently to try and encourage the species to use that area more than they update they currently are.

19:51

And, and and following on again from that and despite arable land to be within the application side effects of farmland beds haven't been considered

20:00

In the lowlands within the ornithology section have Can you confirm whether any ground nesting birds other than those associated with the samplings. mspa such as Skylark, for example, have any of them being found and during surveys,

20:18

opera Macross for outcomes for a lot I will pass across to your

20:28

classmates for the applicant. And in terms of recording other species during the bird surveys have been undertaken to date they have recorded but not in vast numbers. But any observations for non HSPA birds such as Skylark would have would have been picked up through the surveys and that in order to address the natural England comment, the Olympus has been updated to, to bring in that information were relevant to do so. Okay, thank you very much.

21:00

And on a final point in relation to breeding birds, and naturally going to consider that the text regarding avoidance of the bird breeding season needs to be more robust, and they've requested that works to avoid the breeding bird season or work should cease in that area until such time as the birds have fledged Clintus asked the applicants opinion on that request by natural England.

21:34

Regardless, for the applicants, we consider the seasonal restriction it's been identified for the for the SP a crossing of

21:42

the area of the question is directed, is robust. We've identified from the heart lane SBA crossing method statements, what that seasonal restriction will be. And we have strengthened that seasonal restriction based on the initial discussions with with natural England, we've committed to firm dates within the within the calendar year where those

22:06

seasonal restrictions will apply, where you can find further details on our deadline six submission in direct response to the national income. Yep, that would be very helpful. I think it might have been a more general comment, actually, because another point that they've raised is that the five metres is very close to potential NES. And why five metres is thought to be suitable in this context, if you could just expand perhaps on that.

22:32

Yeah, again, I'll pass to you, Claire Smith,

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classmate for the applicant. So in terms of the reference made to five metres, that's purely on

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experience industry sort of guidance for want of a better expression, but by no means is that the ultimate only implemented distance it will depend on species by species, and all the activity and observations that are made at the time. So in terms of the pre construction surveys, and if nesting sites are confirmed, it will be subject to confirming what species is using that nest where that is, and subsequently its immediate surroundings. So for instance, it wouldn't be

23:20

it may be more than five metres, it may be less than five metres, but typically No, you know, around the five metre

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buffer distance, but it will be species specific. So for therefore, for species such as barn owl, if a barn owl is found to be nesting, then a subsequent larger distance may be implemented. But it's purely, you know, a guide. Sure. Is that made clear in the

23:47

updated URL? And that's due to be submitted classmates for the applicant? I can confirm? Yes, this is. Okay. Thank you very much for that.

23:56

Okay. And in that case, I'm going to move to east pacific Council and to see if they have any, any response to anything that's been raised there or any further points they would like to raise either in response to ecological enhancement or the ecological management plan.

24:16

Thank you, ma'am. James, metric free Suffolk and nothing particularly to add on what we've just heard on the islands. We've made a number of written representations on that. And we'll do the same as the version that will be coming at deadline six. We did just want to pick up a point on ecological enhancement side that we had previously raised around how

24:35

weather enhancement is going to be achieved by this project was going to be what was presented. And we will see

24:44

I think there is some confusion in terms of gap can making a response to our early comments on that. Just to let you know, we've reviewing what they submitted it deadline five. In response, I think it's our deadline to comments and we'll get you some and get deadlines six just on that point. And just

25:00

To highlight they hadn't been missed and lost in lots of changes and paperwork.

25:05

April, thank you for letting me know. Thank you. Auntie Sam, Suffolk County Council have anything

25:12

he would like to race on on these matters. thank thank you very much my Woodstock county council No, just pretty much looking forward to the updated limbs. Thank you. Thank you, Mr. Murray wood,

25:24

containing two CS.

25:28

Hello, Joe horsy. Here again, for CS. Thank you again, for letting me speak. I've got some one or two points to mop up with really. And I'd like to start with the badges again, actually, because

25:42

in the course of this

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hearing, and it's been said that there are no budget sets on the substation site. And there are, they were in sasses deadline for submissions. And again, I submitted a photograph this morning of a second one on the site. So I just want to make that point and would hope that it gets

26:08

dealt with appropriately at the appropriate time. And one thing that bothered me in the whole of this is that habitat that is available for protected species is plainly plainly visible, and yet it's not taken into account. So it seems to be that if the surveyors see Nightingale, for instance, then there's a nightingale, if they don't see them, then there isn't one, which is probably not adequate in terms of of a survey. For instance, if you then decide that, I don't know, if you come across a Robin's nest, and you decide that you'll give them a five metre buffer zone, they'd be fine with that, and it go not. And if you haven't been able to say, there are likely turtle dogs and nightingales here because their habitat is here for them. And because local people say they're there, if that is not allowed, then I think we have a rather grim free

future ahead for our protected species in this area. And the other question I would like to ask is, I haven't been able to find the alternative route for the crossing of the river 100 in any of the plans, I understand there should be alternatives presented and would anyone please correct me as to where the alternative route for the cable trenching at the river 100 is so that we could avoid this ecological car crash of of destroying fishes Lane, our, the repairing woodland, the automobiles and so on. Thank you.

27:52

Thank you, Dr. Horrocks. And would cc's like to raise any matters in relation to these agenda items?

28:02

Thank you, mom. Thank you, Mom, Bill health, it will say says

28:07

yes, but not not too much. Not too long. I just want to

28:12

just to finish by saying that the river 100 Valley is a very special area

28:19

occurred to me to say actually, the book books have been written about the wildlife Natural History of the river 100. I'll be happy to supply reference.

28:28

If I can for deadline six. Unfortunately, the one that I have that I use, very well illustrated book is out of print, but I see what I can do.

28:41

In fact, I describe it as a as a sort of secret natural garden. No, no need to very few people are people who've lived for a long time.

28:52

The access by road is non existent, as I think you probably realise.

28:59

And even some of the local people are surprised when they when they walk down

29:04

Gypsy lane and allowed to see the full extent of the river 100 beyond where scottishpower are planning to put the cable corridors.

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So it's I think it's probably made it quite difficult for our ecologists even to fully appreciate the richness of this particular area.

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And of course, as I'm repeating what others have said, but surveys have happened at certain times.

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And midwinter is certainly not a good time and possibly mid July is not a good time to actually see the wealth of of ecology.

29:46

And finally, I just want to say thank you for listening to me today. And I'll depart after this agenda item if that's okay. continue watching and listening. Thank you. No problem. Mr. hallford. Thank you very much for your time.

30:00

contributions

30:03

Miss Mosley, I can see you've got your hand up I'll just ask if sable sandlings have any comments and then return to you'd say by fundings.

30:13

It's like he was Jones coach on the sidebar Sunday's. On the topic of skylights, I can confirm skylarks are currently in work area 13.

30:26

heard them early this morning.

30:29

As to areas 1011. Occasionally receiving this depends upon what crops or what use the land is being put two at the time.

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On another matter, I mentioned the horse paddocks. They are

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forces produced done on a regular basis, and they are a prime source of insects, they love it. And obviously the birds that feed and the insects that feed on them.

30:58

This is a prime food source for them. We still have our concerns over the crossing of area 12, we would still prefer a trench technique as opposed to open trenching, because we feel this would be absolutely devastating for that particular area. I know we'll be covering all ground will obviously continue to make this you know that submission for deadlines. Six. Thank you.

31:24

Thank you very much. Mr. Chandler, tend to miss Mosley. Now, please.

31:31

Thank you. And it was just very quickly to say that in terms of the woodland next to the river 100. In my professional opinion, I don't believe this to be a place that can be sufficiently mitigated in five years, let alone 10. Because many of the trees are nearly summer up to 200 years old, and because it's been wilded for such a long period of time.

31:58

There are with the low, mid and upper canopy all present and such an abundance of wildlife and all feeding into the triple si protected area. So close by I just don't see it can be sufficiently mitigated. Thank you. And I too will be leaving after this agenda. And thank you for your patience. Absolutely fine. Thank you very much for your contribution. And thank you.

32:24

In that case, I will return to the applicants to see if they would like to respond to any of the points raised their

32:36

classmates on behalf of the applicant. Sorry, Brian,

32:41

I'll just pick up on some of those points, if I may, just in terms of badges and at the substation, and by no means has the applicant discounted or not reported the presence of badges. In fact, we have and and those set locations, activity signs, proposed mitigation is all detailed within the budget, the draft budget mitigation licence that's being submitted to a natural England through the letter of no impediment process. And equally, touching on an additional comments around the timing of surveys or surveys undertaken to date I will just reiterate has been done. So in accordance with industry guidance by suitably qualified ecologists, and at the appropriate time of year. And then the more recent surveys ie the ones this week, have a different aims and objectives. But certainly all species surveys, habitat surveys have been undertaken, as I say, at the appropriate time of year, and touching on points around birds and observations that are made. And the surveys themselves and the objectives of the surveys that have been undertaken, and this doesn't necessarily just apply to birds, but when the surveys are being undertaken, if species x is is noted, then that is recorded. And by no means is if species isn't recorded. it you know, it's not noted, but it is the habitat is subsequently assessed equally. So it's just that the surveys themselves have to show the picture in time as as to you know, what was actually noted during those surveys and across the seasons. And especially, I would just like to add that the applicant has ensured that all surveys have covered the required period of such survey. So for instance, bat surveys having have covered where access permitted, and the full, the full survey season for for those species in question.

34:46

I'll hand it to Brian if he has anything further to add. But that's all for me. Thank you. Thank you very much.

34:55

parameterless for delicacies just pick up on the question of the 100 River crossing.

35:00

alternatives. I would direct the reader to chapter four of the environmental statement, which is document appc. Five two, that sets out the depression with regard to the older roads crossing, given the proximity of 200 River to the old road that is taken and earned, as it were, and essentially demonstrates that there are no alternatives to the crossing off the road and therefore 200 River authored on through the area that we have identified.

35:34

Thank you very much. Miss mcgillis. Okay, in that case, that brings us to the end of agenda item two. And I'm going to hand over to my colleague, Mrs. Powers, who is going to take us through agenda item three.

35:50

Thank you, Mrs. Jones. And I think we will go we will plan to go on until about 115. This morning session because we had a slightly later break and just so that we can get make a start on marine mammals and then I suspect we'll take a break for lunch and come back and continue with marine mammals and the rest of the agenda after lunch. And I I'm whether the applicant said that they would like to introduce their offshore team members. Once we move on to the offshore aspects. Could I ask the applicants now is this a good time to introduce the other members of your team?

36:28

Thank you, Madam Yes, coins on behalf of the applicants in terms of the offshore team. Paolo Casella, who has appeared directly in front of the panel from raw scanning projects for three IAA for these projects, and extensive background and marine ecology and survey, and Jerry Vela, also the offshore consents manager. And again, it he has extensive offshore experience, and a particularly significant licence up with a background in marine biology and animal behaviour. And finally, Stephanie mill of my office senior associate, is has been heavily involved in a number of the drafting matters relating to these offshore matters. And that completes the team. Thank you. Thank you very much. And we don't have natural England today. And we don't have the wildlife trusts. But we do have the marine management organisation who've been waiting very patiently during the previous item. So what we'll do is if there are questions that to those invitees that aren't present, we will include those in our action list. And we will ask them to respond in writing by deadlines six, if we can just on the basis that if it if it goes on any longer than that, that we start to get behind. We have a bit of a delay to the ability for people to comment on each other's comments. So we will do that. And so coming to the agenda item, a then, in terms of the HRA position, I think we'll go straight to the harbour porpoise and southern North Sea sack. And, and of course, the disagreement here relating to whether or not they'd be an adverse effect on the integrity of the sack as a result of underwater noise disturbance effects on the hub porpoise, could we first come to project alone effects, we've had quite a long conversation at ishs. Three about the root of concerns about project load effects, and that really coming down to the use of the site integrity, Pam to secure mitigation for project loan effects, as well as the kind of more traditional use of

using them for in combination effect mitigation. And we were told by applicants that issue specific hearing three, that while they maintain that view that it's a robust approach, they were talking to natural England an MMO, about approaches to securing some of the project commitments on the face of the de marine licences. So perhaps the first thing then is to come to the Africans and ask if there's any update you're able to provide about this particular issue.

38:54

Good morning, Madam politic cider for the applicant? Yes. So

38:59

as described, we've we've been through the various discussions over sip or not to sip. We had a multi party workshop yesterday with natural England and the MMO. To discuss our proposed wording for a potential condition.

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We have broad agreement on parts of that. And for other parts of that, we have got, I think, a good understanding now of where naturally, we're now on the MMO stand on the points. So we are taking the wording away from that from yesterday and

39:37

looking to amend that

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to get something that we will be able to go back to those parties with in the next week or so. So we have another work meeting with a memo on the 22nd. So we hope to have something to put in front of them then. And the aim would be to get something that we can put in a deadline seven on that

40:00

So I think we are

40:03

reasonably I think we're reasonably close on that. I don't think I think we're at least we're certain of what all the issues are. So we can work through those and get to an agreement on that. And so is that drafting, removing the project alone? mitigation from the in principle sip?

40:20

Yes, that's what we'll be looking back to. Because I think the message is pretty clear. On the use of the SIP, we've seen that through the various submissions. So yes, we've been looking at putting that into the DML convention. So the SIP would revert to its original process. The other changes we would need to make to the CIP obviously, is that once the wording of the condition is agreed, the commitments section within the CIP would need to be updated to reflect the wording of the condition, rather than the way it's laid out at the moment. So those two things will go hand in hand. So when we go got the condition, we'll be able to update the set, but it's the same with the triple MP as well, it will be because the commitments flow through to that as well.

41:06

So just five minutes, so the we've got the kind of those four bullet points, the project minutes within the CIP and the entrepreneur, how much of that text or those commitments? How much of that specifically, do you expect to end up in DML? condition?

41:21

So

41:23

as as it's currently as it is currently drafted, and it is a draft? The the commitment to having no concurrent piling or UX Oh, activity is within that. And then the wording around the day that the single pile only per day within the winter period is within that, remember, so this is not regarding the summer period, this is strictly around the winter period. So we'd expect both of those elements to be within that. That's the way it currently is. The other point on the CIP, which was the condition securing the CIP itself? Yeah, that's one in a minute. Just to follow up on that what you were saying about what's basically what's in the condition, and what will ultimately be still in the CIP.

42:11

So things like that, currently, that that project is about in the summer period in the summer area, potentially more than one use destination could occur. Is that because that's something that is it's a bit less? Well, because your restriction can be needs to be dealt with in a more kind of adaptive way? It depends what what I mean, explain to me why the issue is the winter periods. So because of where the sites are, within winter, seasonal area, they overlap based on the spatial footprint of piling or you xo is such that at one event equals approximately 16% of that area. So the daily threshold is a 20%. So it's very clear that you're going to breach that very quickly. In terms of the summer, they the overlap is less than a percentage. So I'm not saying there'll be hundreds of activities per day, because it's not physically possible. But the number of activities that you would be able to do in a day is not an issue for the summer area. So that's what that's the distinction between those two points. And that's why there was always the distinction within the commitments as they were laid out in terms of distinguishing between the two periods. Because it's, it's, it's, it's quite clear that there's a difference there. Thank you. And there was, at least in the last I've documented positions that we've seen, still an element of concern about this, the director use it in those commitments of the without outsource mitigation that term. And it kind of said that the continued lack of clarity, how would that won't be handled? Again, I think that falls away because

43:53

as as currently drafted, it's it's it that isn't even in the in the wording around that.

44:00

So don't that that won't that shouldn't be an issue and and then that will just fall away. Okay, thank you. Okay. And then you said, deadlines seven for that. And that's presumably because of the what you've set out attend to the workshops and various ongoing discussions you're having with the MMO and

natural England about that. deadline. Seven is before our next set of hearings, isn't that but it is, it really is, you know, we were hoping for this sooner. So

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deadline seven really needs to be the last possible opportunity, that

44:33

that's the next opportunity for the CEO

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under our timetable.

44:41

Okay, and then you Kate, you are coming on to talk about

44:46

remind me Stop talking you remember, thank you for helping sell it for the applicant. The other part of the of this relating to the SIP is the condition that secures a sip itself. So again, that was

45:00

Discuss yesterday, I think there was broad agreement with the MMO and natural England on that MMO said that they were going to under confirm that they were going to provide some minor comments on that wording. But I think the broad agreement on the condition, securing the SIP, everybody's everybody's quite content with that now. Okay. So this is the condition that is taken from the wording used for the review of debate, the base review of consents, I believe so. Yes. Yeah. Could I ask the MMO? Just to comment on that one, please.

45:32

Rebecca, read the MMO. Good morning, Miss read. So yes, we so I've seen your deadline five submissions have talked about bringing the condition wording that we have in the current DML is more in line with what that review of consents basically did for Hornsey two and the Dogger bank scheme. So I just wanted to check with you is that then make it exactly the same as those conditions. Rebecca read the MMR not exactly the same. And I think we've we've tried to do the wording. So it takes what that review of consents condition did. But it works with the current DML. And I think the applicant has reviewed that a bit further and done some minor amendments, which we're just reviewing at the moment, but we are largely content with that. Okay. Thank you. Thanks very much.

46:20

And, and just to come back to the applicants, then just to finish that point off about the project alone effects is your understanding then that if you are able to get to a condition, that's a DML condition, that's agreed that that means that natural England's objection about projects, alone effects falls away. And we're then just looking at in combination effects. Is that the fact that concern? politics are of the opinion, I believe that would be the case. Yes. Okay. And can I ask the MMO? Would you also be in the same position on that?

46:54

Rebecca, read the MMO, in relation to adverse effect on integrities? Yeah, I think we would, would agree that point, thank you very much. I will put that as an action from today for natural linking, just to set out that addition. So if if a DML condition, does secure mitigation for the project load effects that currently sits within the principal CIP then

47:15

asking that for Linden to indicate their satisfaction now on the project alone basis for the southern North Sea sack.

47:26

Just then, turning to an unexploded ordnance clearance. And if I could have a question to the MMO

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Do you have any update on your current position? Last time we talked, you were standing deadline five, you're still

47:43

concerned with the inclusion of UX Oh, clearance activities within d mcbreen. licences, but you even indicated that if certain conditions can be met, and that includes getting projects, loan effects, mitigation, properly secured in dmls, that you may be able to move towards a position of being content with those UX Oh, clearance activities being included in the DML so do the MMO have any update on that please?

48:10

Rebecca read the MMO. And yeah, I think we we welcome the applicants acceptance of the the risk that a new marine licence may be required

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if additional UX or beyond the atss becomes a reality and their comments

48:26

in response to us in rep 5013. So we do welcome the work the applicant has done. And we also welcome the update to the timescales provided Yeah, and believes that this does alleviate the concerns we had. And we are still in discussions with the applicant in relation to a closeout report condition and including that within the you exos section. And then I think the main concerns were support in natural England. So with the adverse effect of integrity for project alone, and and in relation to soleri refund submission documents as per natural England response rep 5085.

49:10

However, we feel that that will be able to be agreed. And we will always prefer that the activities are best suited as a separate relicense.

49:21

But there is only a few issues outstanding still at the moment. Okay, thank you very much for that. And so to the African stand that deadline seven version of the decio that you've talked about, sounds like we will still see your xo clearance included within those emails and system but potentially that will then be an agreed position with with the marine management organisation. Is that correct?

49:49

Okay, so for the applicant, I believe that's the that's the current position. Yes, thank you. We will come back to the question of the timescales for approvals on the annex eight

50:00

under Part D of this agenda,

50:03

can we just quickly turn to the in combination effects, then I think this is something we've talked about a number of times now about the root of the in combination concerns here for natural England and the wildlife trusts, being about the absence of a mechanism to secure the kind of strategic coordination of multiple sips to ensure that the disturbance of harbour porpoise, porpoises and result with a project in combination with other plans and projects can be limited to an acceptable level.

50:31

Presumably, the applicants because natural England aren't here, presumably This is your understanding, still have natural Lincoln's position?

50:40

Power picks on for the upcoming I don't believe that that's changed, no. Okay, thank you. And so to the MMOs MMO, then I know from deadline five that there isn't any particular news or progress in relation to the southern North Sea sac regulators group, I wanted to check whether there's anything, any update you can provide, or any indication in terms of what we may have in the timescales of these examinations in terms of some comfort about how multiple sips may be coordinated.

51:10

Rebecca, read the memo, we still believe that the CIP is the appropriate mechanism at the moment. And we're confident that any mechanism that is added to this as part of the seven RC regulators group will just make it slightly easier. And we believe the process is would be similar to multiple MLA, marine licence applications being submitted at the same time. And just reviewing those activities at the same time for all the different sips. And there is a meeting tomorrow on that the seven Aussies regulators group. So we will provide an updated deadlines six on that. And we are looking internally, if there's anything further we can we can do to provide comfort to natural England, the Wildlife Trust and and the applicants

51:58

as well. And we are unsure if that will be it well, in relation to the southern North Sea regulators group if there will be a full decision by the close of this examination. And we will provide updates where we come. Thank you. Thanks very much for that.

52:15

And acknowledging that question that how the regulator will manage the coordination of those multiple projects in sips it's, it's bigger than the single these two single projects. I do have some questions for natural England and the wildlife trusts in relation to that position, dang combination position. And the things that the you know, that are within the gift of the applicants, I'll put those into actions, but I'll just briefly recall that they're about, you know, does natural England agree that to that, the upset that we have, and that we will have presumably revised within the next couple of deadlines, whether that does provide an appropriate framework to agree the mitigation measures?

52:52

And if indeed, those the scope of the measures are appropriate. And if the F natural is satisfied that can we use the most appropriate measures through the CIP based on the best knowledge, evidence and, and proven availability of technology at the time of construction? And so I'll put those questions into action so that hopefully we'll bring things in, again, the deadlines six, and we can to the extent that we can have any of this control within the scope of these projects that we do that.

53:20

Okay.

53:22

It sounds as if we're heading in the right direction in terms of agreement on projects alone effects. So I'm hopeful that we will, we will have some some progress. It sounds like by deadlines seven on that. And I suppose a question to the applicants about the derogation case that's been provided in terms of some of the bird species and the compensation package. And just a question.

53:48

Obviously, that derogation case didn't include the southern North Sea sack, but we do still have a fair amount of outstanding disagreement. Now, I just wanted to really run by you, because it's not in the derogation case itself. What what what what underpinned the decision to not include the southern North Sea sack in derogation case that was put to us at deadline 3% of the applicant.

54:13

Quite simply the fact that we are confident that this can be resolved at the end of the day, this is this is the easiest way to not have an adverse effect is to restrict yourself to a single pile, the argument is over whether there is flexibility to have more than one event in a day and how that would be managed. So ultimately, if you are restricted to one there is no adverse effect on integrity from the project alone. Therefore, there seems little point in going through the motions of trying to develop a compensation case.

54:44

Okay, okay.

54:49

I think I don't think I have a lot of questions on the actual content of the principles set which is part B of our agenda item three.

55:00

But

55:02

I suppose Well, firstly, napkins when is an updated version of the in principle sip to be submitted to us, please.

55:13

My preference, sorry, politics Allah for the applicant, my preference would be to do that when we have a condition, as I described, the only change within that to occur is to redact the project alone additions that we put in at the deadline three, I believe, and to update the commitments text to reflect the final condition text. So I think those should be done together to minimise the amount of, of documents flying around and version control, etc. Okay, it does seem to be some other protected potential

55:45

ongoing issues about some of the content, for example, as a clustering of your destinations, and that issue has been raised. I followed it, I don't particularly I just asked where that lands really

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popular for the African I think issues like clustering, and deflagration. To my mind, these are in principle documents and their outline. And so we have included in principle and outline measures that may be taken. So

56:13

I don't see those as being critical, because they're examples of methodologies that could be used to mitigate impacts, they are not set in stone at this point. And the whole point of the document is to,

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to work towards an agreed position post concern with the most appropriate techniques at that time. So, for instance, there's there are ongoing discussions on deflagration. We discussed that with the MMO, yesterday and a lot of debate around that technique. And obviously, there is some promise with it. But there is also

56:45

key, practical difficulties with it. So it's not the kind of thing that we can commit to now, because there are still a lot of uncertainties around that. So the idea is to is to not rule out those kinds of techniques, it's more inclusive than exclusive at this stage for the wording of the the set. So again, there's been some comments on that, we'll make sure that we reflect

57:08

any comments that have come in on those to make sure that the broadest range of measures are discussed. But at the end of the day, the CIP itself, it states that I think there's a section in there that says plus any other measures that may come forward, that was what we drafted in the original one, five years ago, to cover the fact that there was a great deal of uncertainty of where mitigation may be going. And we didn't want to exclude anything, just because it wasn't on the face of that document. Fine and understood. And we will come back to the question of declaration under the triple MP in I think on the agenda item, just parts of this agenda item. Okay. Just fine one on on the sips, and particularly on DML condition, while it's condition 25 in schedule 13. It's condition 21. And schedule 14. So this is the cooperation condition. And just having a look at it. I've got question.

58:02

It seems to require cooperation on the triple MP and the CIP in terms of UX Oh, clearance, but only on the triple MP and not to the CIP in terms of piling under 17. Two or 13, two of the of the DMS. I just wondered if that's an intentional difference, or whether that's just a potential oversight.

58:21

PowerPC solid for the applicant? Can I ask Stephanie mill to respond on that, please? Thanks.

58:30

Stephanie mill for the Lincoln's

58:33

Yeah, yeah, indeed. And I think that's one that we will take away and we will respond at deadline six, if that's okay. I'll just double check the the wording and we can come back to you in writing on that one. Thank you. If I could just kind of just follow on that while I while I have you. And I was just, again, that cooperation conditional. And we I know we have satisfaction from MMO on it.

58:56

But having read it again, is it possible, bearing in mind that the transmission assets are at some point going to be transferred to an off toe? Is it possible, then we're not just talking about cooperation between two Undertaker's the two gentlemen into two offshore wind generating stations, we're talking about potentially cooperation between four Undertaker's. So two generators and two off toes is, is that a correct? scenario? That could happen depending on of course, what what model is used for this sort of the when the auto was created? Yes, definitely not for the applicants. And yes, I think that that is a correct scenario, although I would anticipate and I think the intention is that the projects will be constructed and then transferred to an offshore so and under such circumstances it's the undertaker that we'll be dealing with all of the the plans and approvals. And I think the intention is that it'll be one, one sip one triple MP that will be submitted for for each project as a whole. Although Paolo or Jarrod, I'm sure will come in and correct me if that's incorrect.

1:00:00

So in that regard, there should be a coordinated approach. Okay. And so that is presumably, that's at that decision about how things will work. But is that secured anywhere? That's the fact that it will be a generator build

1:00:15

sort of model.

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That that that then? Sorry, I think No, no, definitely for the applicants. And that's not secured, because I think the, the flexibility needs to be there in terms of what will be taken forward. And, but in terms of the the cooperation, obviously, both marine licences are under the DCR. And the, you know, the MMO will have the relevant plans in front of them at the time that they need to, to approve, and then discharge the conditions and under each green licence, so given that they're all captured within the one development consent order, and and within dmIs, in that regard, it's anticipated that the MMO will have the control in terms of the approval process to manage that. Yeah. Okay. And then just in terms of the kind of operability of that condition.

1:01:04

I'm just wondering what the intended effect really of this of this visit, and this was a new conditioner, I think it did like three, what can you tell me what the intended effect of that condition is? Because I'm a bit worried we're missing, we're missing something in there. In terms of what what you know, obviously relates to the pre construction sign off of, you know, we have to, I can completely understand the reason to have it that it's important that information is shared between two potential and different Undertaker's in terms of what's being submitted for pre construction. sign off. I'm just wondering where the teeth are in the condition really. It's definitely for the applicants. It Yes, the the condition was obviously requested by the MMO. And I think my understanding from the MMO's perspective was really that they wanted to see that the applicants for the undertaker for each dceo would share information with the other, and that if they felt that meetings were required to ensure that there were no issues, then the respective Undertaker's would attend those and, and they would obviously be facilitated by the MMO. So I think it was really the condition is there to, to provide the MMO with that comfort, and, and absolutely appreciate the the comment you're making regarding teeth as such, and but given the principle behind that condition was really just the liaison and ensuring the provision of information and sharing of information. And we felt that we're distracted in its current form was, was sufficient. And as you noted them, they're more comfortable with that. So and hence why we went with that wording. Thank you. I will come to the MMO. Then if I may, on that question as well. Thank you, Miss Mel.

1:02:45

Rebecca, read the memo. And our main concern was was in relation to the cooperation and the overlap of the current order limits, there is some overlap and in relation,

1:03:00

they are separate projects. But because they are working closely together or could be built in tandem potentially. And it was just to make sure that there was was that view between the two projects and that discussion prior to ourselves getting the doctor, the MMO getting the documents.

1:03:19

So that was the main reason for Thank you. And you talking there about the the export cable, but in terms of the overlap of order limits, presumably it's just confined to that area of the offshored limits? Where the export cable is shared? Potentially? Yeah, that was the main concern. Yeah. And when in that in that condition, where it talks about one Undertaker providing comments on the plans that it that was shared with it, those comments, presumably, would be to yourself the MMO.

1:03:51

Rebecca, read the MMO. And I think the applicants would discuss together and then provide the comments with the documents. And so we were aware of when the when they're submitted, we would be aware of the comments in any issues that would be highlighted there at that stage. And so the the condition is, at the moment doesn't require the MMO, or indeed the licence holder to do anything with those comments. It strikes me it's more of a notification condition than a potentially than an actual agreement to commit to to operating if you're in what was it for example, what happens if one Undertaker doesn't? Like, what's the other Undertaker is putting putting forward?

1:04:34

Rebecca read the MMR and yes, we will take on board those comments and see if we have any. We'll have internal discussions. If we have any further

1:04:44

comments in relation to what you've raised. We'll take that away. It's just one perhaps that may roll forward into our decio hearing at the end of the week as well. Perhaps we'll pop it on the puppet onto the A ob there if if that's a good way to deal with it. Okay, um,

1:05:00

Looking at the clock, it's 115. And I was about to move on to Part C of our agenda. So it's probably a good time to take a break. And so I think 45 minutes is what we're going for. Is that right Miss Jones? Yeah. So we're gonna get we're gonna, we're gonna head for coming back here then at 2pm and we'll continue with marine mammals then. Thank you, everybody.