

## ISH 3\_26 April\_Session 1

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FULL TRANSCRIPT (with timecode)

00:00:05:20 - 00:00:36:20

Good afternoon. The time is now 2 p.m. on Tuesday, the 26th of April 2022. On this third issue, specific herein in relation to the application made by Allstate Hornsea Project four limited for the proposed Hornsea four offshore wind farm is now open. At this afternoon's issue specific herein, we will be considering offshore environmental matters comprising the offshore historic environment, commercial fishing and fisheries.

00:00:37:10 - 00:00:53:09

Other infrastructure and uses. Aviation and radar and shipping and navigation. Before I proceed any further, can I just check that everybody can see and hear me. And if you cannot, please use the raised hands feature on teams.

00:00:57:01 - 00:01:01:06

Not seen any raised hands. And therefore I shall assume that you can all see and hear me.

00:01:02:28 - 00:01:35:25

Can I check with Mr. Johansson that the live stream and the recording of this event have commenced? I can confirm that the hearing and recording has started. Live captions are up and running and the livestream is functioning. Thank you, Mr. Johansson. My name is Gavin Jones. I'm a planning inspector and a chartered town planner. I have been appointed by the Secretary of State to be a member of a panel of inspectors to examine this application. I would now like my colleagues to introduce themselves to you.

00:01:37:04 - 00:01:47:00

Afternoon. My name is Steven Bradley. I have a background in capital project management and I'm a chartered architect. I've been appointed by the Secretary of State to be a member of this examining authority.

00:01:48:23 - 00:01:57:06

My name is Joe Downing. I'm a chartered town planner, and I have been appointed by secretary of state to be the lead member of the panel of inspectors to examine this application.

00:02:00:12 - 00:02:08:27

Good afternoon. My name's Rod McArthur. I'm a chartered architect and I've been appointed by the Secretary of State to be a member of a panel of inspectors to examine this application.

00:02:10:14 - 00:02:31:28

Thank you. Not present today. We also have Mr. Andrew Mann and together we form the examining authority. There were other colleagues from the Planning Inspectorate here today. You will all have spoken to Mr. Johanson, the case manager for this project, and join in the conference. And I would also like to introduce Caroline Hopewell and Trey Reyes, who are here from the case team.

00:02:34:03 - 00:02:42:00

If you have any questions regarding the application process in general, could I ask that you please email these to the case team who will be happy to help?

00:02:44:18 - 00:03:09:19

Now I'd like to deal with a few housekeeping matters which are specific to a virtual event. Firstly, can I ask that all audible notifications for electronic devices be switched off? And remember to make sure your microphone to switch to mute unless you are speaking. No requests have been made for any special measures or arrangements to enable participation in this hearing. But I would just like to confirm that this is correct.

00:03:13:06 - 00:03:43:18

I've not seen anybody raise their hands, so I shall proceed on that basis. Please note that the chat function in teams is not being used this afternoon, so please do not send any messages via chat as it is not being monitored. If at any point in the meeting you cannot hear us or wish to speak, can I ask that you turn your camera on? If it's turned off and used a raised hand function in teams, there may sometimes be a delay before we can acknowledge you, but we will get to you. Mr.

00:03:43:20 - 00:04:16:00

Johansson will have explained what to do if you lose your connection and we are able to adjourn for a short period if there are any more significant connection problems. Imagine for a short break at a convenient point this afternoon. Usually no more than every hour and a half or so, if a medical or other reasons anyone requires a break at a specific time. Could you please let the case team know and we can hopefully adjust the program to meet your needs for the purpose of identification and for the benefit of those who may listen to the digital recording later.

00:04:16:15 - 00:04:32:22

Could I ask that at every point in which you speak, could you please give your name? And if you're representing an organization or an invitation or an individual, please say who it is you represent. Does anybody have any questions or concerns about the technology or the general management of today's event?

00:04:38:13 - 00:05:09:12

And not seen any raised hands for questions, so I'll proceed. There is a digital recording being made of this hearing. This will be made available on the project page of the National Infrastructure website. If you take part in the hearing this afternoon, it's important you understand that your comments will be recorded and that the digital recording will be published on retained usually for a period of five years from the Secretary of State's decision. As such, the Planning Inspectorate is subject to the General Data Protection Regulation.

00:05:10:02 - 00:05:45:14

We would encourage you, therefore, not to put any sensitive personal information into the public domain this afternoon. However, if for some reason you feel that it is necessary for you to refer to sensitive personal information, we would encourage you to speak to our case team in the first instance. Please bear in mind that the only official record of the proceedings is the digital recording that would be placed on the project page of the National Infrastructure website. Tweets, blogs and similar communications arising out of this meeting would not be accepted as evidence in the examination of this application.

00:05:46:22 - 00:05:47:07

Thank you.

00:05:49:01 - 00:06:04:20

Should I turn to the purpose of today's issue specifically in this afternoon's issue specific here is being held at the request of the examining authority who wished to explore a number of matters. All relate in respect of offshore environmental matters, excluding offshore biodiversity.

00:06:06:05 - 00:06:44:02

I would also like to remind you that the examination is a predominantly written process. The examining authority has already asked a number of questions on these matters in its written questions. Furthermore, as you will have seen from the examination timetable, there are further rounds of questions and opportunities for hearings proposed. I would like to reassure you that we are familiar with the documents that you have sent in. So when answering a question, you don't you do not need to repeat at length something that has already been submitted. If you want to refer to information already submitted, we would be very grateful if you could please use the appropriate pens examination library reference number.

00:06:45:01 - 00:06:59:14

Furthermore, could I please ask that the first time you use an abbreviation or an acronym that you give the full title as there may be people here today or listening to the digital recording that may not be as familiar with the application or the documents, if you want.

00:07:01:25 - 00:07:37:03

Whilst we accept that the majority of the discussions will be undertaken by those parties if requested to speak, this is a public examination and therefore, if there is a point that you wish to make, please feel free to raise your hand and switch on your camera at the relevant time that you wish to contribute. The hearing today will be a structured discussion which will be based on the agenda that has already been published. The questions that we are going to ask today will be focused on those areas where we but we feel further information or where we think the issues would benefit from examination or ruling are required.

00:07:38:10 - 00:08:10:26

Finally, I would like to remind everyone that this is not an inquiry. And therefore, unless the examining authority has specifically requested or agreed to it, there would be no formal presentation of cases or cross-examination. As such, any questions that you may have for other parties need to be asked through the examining authority. Rule 14, two of the examination procedure rules requires that at the start of the year in the examining authority shall identify the matters to be considered at the hearing.

00:08:11:18 - 00:08:40:13

These are set out in the agenda for this hearing, which has the exam library reference number Evie 026 And this is available on the inspectorate website. For the sake of expediency, I do not propose to read out all the separate agenda items. Nine. Please note that today's agenda is for guidance only. Should the consideration of the issues take longer than anticipated, it may be necessary to privatize matters and defer others to written questions.

00:08:41:29 - 00:09:00:10

If we need to take any short breaks, then you can stay logged on into teams throughout the break for please ensure you switch off your camera and your microphone is muted. If you do you. If you do lose connection, use the same link that you use to log on this morning and the case team will endeavour to reconnect you as soon as possible.

00:09:02:26 - 00:09:40:16

Finally, it is important that we get the right answers to the questions that will be asked. Therefore, if you cannot answer the questions this afternoon or you need time to get the information that we have requested, then rather than giving a restricted or potentially incorrect answer, can you please indicate that you need to respond in writing? We can then defer the response either to an action point to be

submitted at deadline for or to the next round of written questions or later hearing. So before we move on to deal with the items detailed in the agenda, are there any questions at this stage about the procedural side of today's hearings on the agenda?

00:09:45:04 - 00:10:08:08

Not seeing any hands up for questions. In which case, I would not like to take the names of those who wish to speak at this afternoon's hearing. If you are a representative of an organization, please state whom you represent. And also, please state the manner in which you'd prefer to be addressed. For example. Mr.. Ms.. Mrs. or Doctor. I shall begin now with the applicant's.

00:10:10:09 - 00:10:12:17

Good afternoon. My name is Gareth Phillip.

00:10:12:19 - 00:10:15:06

I ask who was representing the applicant this afternoon, please.

00:10:18:21 - 00:10:49:04

Good afternoon. My name is Gareth Phillips. I'm a solicitor and partner at the firm Pinsent Masons, and I'll be advocating on behalf of the applicant today to my right in the are a number of individuals. But I'd like to introduce David King, the Offshore Consents manager with Orsted, and he might wish to speak on some points, too. But we have a number of experts in the room with us, and I will invite them to introduce themselves when called upon if that's acceptable. Thank you.

00:10:49:29 - 00:10:59:07

That's acceptable, Mr. Phillips. If I could just remind them to, if they can, please, when they first talk straight, the manner in which they prefer to be addressed as well. Please, for our benefit. Thank you.

00:11:00:28 - 00:11:05:09

Next on my list, I have the Maritime and Coastguard Agency.

00:11:09:07 - 00:11:15:05

When we're sharing some seltzer, I'm interested in seeing and point.

00:11:17:18 - 00:11:20:15

Thank you, Mr. Salter. And is it just you from the media today?

00:11:22:25 - 00:11:26:29

Thank you. Next on my list, I have Trinity House.

00:11:32:04 - 00:11:43:11

Good afternoon, sir. I'm Darren Harris representing Trinity House, the General Lighthouse Society for England and Wales. And a way to address this. Captain Harris, please.

00:11:46:06 - 00:11:47:19

Thank you, Captain Harris.

00:11:50:26 - 00:11:56:04

Sorry my camera went off and thank you, Captain Harris, again. Is it just you today from Trinity House?

00:11:58:05 - 00:11:59:01

Yes. Just say.

00:11:59:26 - 00:12:00:17

Thank you.

00:12:04:15 - 00:12:05:14

And now.

00:12:07:07 - 00:12:14:19

Can I ask? Do we have anybody from BP Exploration Operating Company Limited today?

00:12:26:24 - 00:12:33:08

I'm not seeing anyone from BP and I've just been told that we don't. I should move on. The next on my list is.

00:12:38:12 - 00:12:43:20

An eco energy. Do we have anybody representing any energy today?

00:12:45:29 - 00:13:07:00

Yes, sir. It's Katherine Nolan. I'm a solicitor at CMS and I am appearing on behalf of Neo Energy S.A. Ltd. And just to note, as I made the case team aware, I had hoped to be joined by a technical witness today. She is unfortunately unwell, so I suspect the vast majority of technical questions might need to be deferred to further submissions.

00:13:07:26 - 00:13:09:07

Thank you. And Ms.. Nolan.

00:13:12:00 - 00:13:13:12

Yes, it is, sir. Thank you.

00:13:15:16 - 00:13:22:09

Thank you. Next on my list, I have the Holderness Fishing Industry Group.

00:13:27:00 - 00:13:32:13

Good afternoon. My name is Dr. Mike Roach. I'm holding this fishing industry group

00:13:33:29 - 00:13:34:25

to drop the doctor

00:13:36:12 - 00:13:42:05

to refer to me as Mike is fine, and I'm the only representative for Reg today. Thank you.

00:13:42:18 - 00:13:43:12

Thank you.

00:13:46:03 - 00:13:58:29

I do have the next on my list is somebody from East Riding of Yorkshire Council, but I'm not sure if they're coming in now, today or not. Can I just make a call to see if there is anyone for me AIC today?

00:14:02:24 - 00:14:08:26

No, I'm not seeing any hand, so I'll move on. So the next I've got is a representative from Nats.

00:14:10:27 - 00:14:16:28

Good afternoon, sir. Sir, I struggled. I'm a retired engineer and I'm on my own representing that today.

00:14:18:13 - 00:14:27:22

Thank you, Mr. Old. And the last name on my list is the Ministry of Defense. Anybody for the amount today, please.

00:14:29:15 - 00:14:41:18

Good afternoon. It's John Wilson. I'm from the Defense Infrastructure Organization. I'm senior safeguarding manager and I'm representing the Ministry of Defense this afternoon. I'll be the only person representing the minister of defense this afternoon.

00:14:43:00 - 00:14:51:21

Thank you, Mr. Wilson. Those are all the names on my list. But I will just do a call out for show of hands if there is anybody else.

00:14:55:00 - 00:15:08:11

Not seeing any hand. So I shall assume that is all of us present today, in which case that completes. Agenda item one. I'm now going to pass over to Mr. Bradley to lead on item two of the agenda. Thank you.

00:15:10:09 - 00:15:36:18

Thank you. I think two is concerning the historic environment. Now, historic England had hoped to attend this hearing, but has sent apologies that it's unable to be represented this afternoon. So we propose to dispatch this agenda item very largely by means of action points, and they will all be fought deadline for starting with the

00:15:38:06 - 00:16:17:15

progress on the statement of common ground. Note I note from deadline three responses that she has now received an updated SOCOG for review and discussions are ongoing. I also note that comprehensive responses have been given by the applicant to achieve written representation. However, I note that as that deadline one there were no matches in the SOCOG which were shown as resolved. So I'm hoping to see significant progress on an updated SOCOG at least two weeks before the date for issue of the further written questions, which will be on the 30th of May.

00:16:18:14 - 00:16:58:13

So the first action point for Historic England is to produce by deadline for at the latest, a written reaction to the applicants responses given at deadline three indicating satisfaction with each point or if not satisfied. Why not? And the second action point for H.E is to respond to the updated SOCOG with the applicants in sufficient time for a further updated search to be submitted at deadline for. If this is not possible, it should be submitted as soon as possible thereafter, and the essay will make a procedural decision whether or not to accept it as a late or additional submission.

00:17:00:01 - 00:17:25:00

Now, concerning the intertidal zone in regard to archaeology, the essay appreciates that both the MMO and East Riding Council and its advisor would have to be coordinated post consent and this would be in consultation with historic England in regard to both onshore and marine written schemes of archaeological investigation.

00:17:26:27 - 00:18:04:27

Now the applicant has stated in response to my concerns that systems are or can be put in place to govern enforceability. I quote The memo says It cannot confirm satisfaction with this until and that quote an agreement is in place. So as a further action points, I'd like the applicant to clarify by deadline that I'm for what systems to government enforceability would mean in practice. And what it

understands the memo to mean by an agreement to be in place such that the memo can confirm its satisfaction with the systems to be proposed.

00:18:05:07 - 00:18:08:11

Sort of something of a circular discussion here.

00:18:10:16 - 00:18:18:22

Would the applicant like to make a comment on that action point now, or is it sufficiently coherent to take that away?

00:18:22:18 - 00:18:24:14

Mr. Phillips, perhaps you'd like to comment.

00:18:25:29 - 00:18:31:20

To the applicant? No, we understand the point, and we'll take it away and respond as you've asked. Thank you.

00:18:32:06 - 00:19:09:20

Thank you, Mr. Phillips. Now, another action point for both historic an England and East riding of Yorkshire Council to clarify by deadline for if there are any outstanding concerns regarding impacts the historic environment of the intertidal zone and if so, to elaborate the concerns. At this stage, we're not certain whether there are any concerns that would have been raised at this hearing, but the time is now to raise these if there are any outstanding concerns.

00:19:11:03 - 00:19:11:19

So.

00:19:13:10 - 00:19:20:00

But are there any other questions before we move on from the applicants? Is that all satisfactory so far?

00:19:21:29 - 00:19:24:21

Garrison. It's the applicant. No further questions from us. Thank you.

00:19:25:12 - 00:20:06:25

Thank you. So let's move on now to item three, commercial fishing and fisheries. So firstly, on anticipated progress on the statement of Common Ground, this is a joint CCG with both NFF National Federation of Fishermen's Organisations and Holderness Fishing Industry Group. I note that the SOCOG submitted DEADLINE three has made good progress, but a few points are still under discussion and notably item CRF oh three on requesting a specific breakdown in the EIA of the putting fleet for under ten metre vessels and over ten metre vessels.

00:20:07:21 - 00:20:30:27

Secondly, item CF 12 on the consideration of fishing activities in the navigational risk assessment. This is still to be discussed at the next meeting. So can the applicant comment on progress and the likely timescale for resolution of the outstanding matters of common ground?

00:20:33:27 - 00:21:02:19

Garrett for the applicant. Yes, good progress has been made on the statement of Common Ground, which broadly falls into the two areas of commercial fisheries and then fish and shellfish. I understand that the next meeting is proposed for the 9th of May, and the hope is that an updated statement of common ground could be submitted the following day. Four deadline for. In order to give you a more detailed summary. I'm going to pass over to Miss Nemo.

00:21:03:20 - 00:21:04:05

Okay.

00:21:06:11 - 00:21:45:27

Thank you. Must feel for the applicant. So in relation to your question about the differentiation of the fleet components and the differentiation is to distinguish based on vessel length categories and that was to look at the under and over ten metre categories. We consider that the assessment does take this into consideration by the fact that assessments are separated for the export cable corridor and the Hornsea four array area in that vessels both over and under ten metres are active within the SCC and vessels over ten metres are active within the array area.

00:21:46:07 - 00:22:02:12

This is something that can be updated with a simple sentence to clarify that also in relation to your further point for the navigational risk assessment. No further progress at this stage has been made and that will continue at the next meeting.

00:22:04:12 - 00:22:06:16

Thank you. That seems clear. Would.

00:22:08:10 - 00:22:16:06

But you perhaps turn your microphone off. Thank you. But would Tim Holden's fishing industry group like to make any comments on that?

00:22:22:03 - 00:22:22:26

Dr. Roach.

00:22:24:00 - 00:22:27:12

Thank you to the delay. Turning camera on apologies

00:22:29:06 - 00:22:56:20

by correction Holderness Fishing Industry Group. So I appreciate Whitfield and in those comments. However, we have vessels of both over and under ten meters operating along the export cable corridor is not a defined delineation between the two oh, but operating the array and understand operate in the FCC. That's something that we can discuss at the next step in congratulating.

00:22:58:25 - 00:23:03:18

Do you feel confident that this is likely to get resolved at the next meeting?

00:23:04:13 - 00:23:15:08

Absolutely. I'll start have been extremely productive with these meetings. We appreciate their effort. They're going to address our concerns to best. So I feel we can come to some resolution moving forward.

00:23:16:07 - 00:23:16:22

Thank you.

00:23:19:11 - 00:23:28:05

I think that completes that particular item. Is there anything else that the applicant would like to raise before we move on to the agenda item for.

00:23:30:02 - 00:23:31:22

Guarantee it's the applicant. No, thank you.



00:23:32:17 - 00:23:39:24

Thank you. So other infrastructure and uses including local aviation and radar effects

00:23:42:27 - 00:23:44:10

in regard to the.

00:23:46:27 - 00:24:29:20

Information provided at deadline three, which added to the applicants summary of the oral representation at issue specific hearing. One has confirmed that there would be no jackup vessels or other vessels and or ancillary structures engaged in construction and or maintenance of Hornsea four. Located within the gap between the proposed development and Hornsea two. Now do note that there was a written representation from the UK Chamber of Shipping, seeking a commitment that construction or maintenance vessels such as jackups would be positioned within the order limits.

00:24:30:21 - 00:24:35:20

Can the applicant confirm how this commitment is or would be secured?

00:24:40:16 - 00:25:00:24

Gareth Phillips for the applicant. The applicant's position is that there is there is no requirement for that commitment in the DCO. We essentially take a steer from the MCE on this matter. They have found that the gap, as we are all referring to it,

00:25:02:20 - 00:25:37:04

they have made a finding that all risks have been reduced to as low as reasonably practicable. They have also talked about the potential for a recommended route, which is a guidance that can be issued in due course, but certainly not a traffic separation scheme in that area. And for those reasons we are satisfied from our risk assessment that there is no mitigation required in respect of the gap. So we weren't going to propose a commitment or condition in a marine licence to do otherwise.

00:25:37:06 - 00:25:38:13

Essentially. Thank you.

00:25:40:05 - 00:26:00:27

If I understand it the way it perhaps shouldn't be switched off. Again, as I understand it, the intent is that all construction plant jackup vessels would be operating within the order limits. So therefore don't in in that

00:26:02:15 - 00:26:29:08

positioning whilst undergoing construction or maintenance encroach on the gap? Is there any mitigation that should be considered for vessels maneuvering within the gap or is the is essentially the answer you just given? Covering both those scenarios for vessels underway and vessels that are stationary.

00:26:31:03 - 00:26:55:09

Garrett through the applicant? Yes, it covers both. The applicant does propose that those vessels would navigate their way to the array area within the order limits through the gap. So they will use it like other vessels. But essentially my previous point still applies that that's being taken account in the navigational risk assessment and has been considered by the MCI.

00:26:56:03 - 00:26:56:21

Thank you.

00:26:58:07 - 00:27:08:29

Just a point of clarification. Would all vessels maneuvering in that sea space between the arrays have active air is at all times.

00:27:11:24 - 00:27:14:16

Gareth Phillips, the applicant. I'm instructed that they wouldn't.

00:27:15:18 - 00:27:16:11

They would not.

00:27:17:03 - 00:27:21:01

Not all vessels would have active is understood.

00:27:22:09 - 00:27:31:08

Now what other age the navigation then would be deployed deployed to identify the presence of service vessels in the sea space between the high rise.

00:27:38:19 - 00:27:42:03

The applicant just conferring with colleagues on that. Give me an thank you.

00:28:19:02 - 00:28:28:18

Gareth to the applicant. Sorry, just, just discussed that with some of the experts in the room here. I'm instructed that all vessels associated with the project would have.

00:28:30:00 - 00:28:32:25

Thank you. It's. That's much clearer.

00:28:34:28 - 00:28:45:29

I think just let me just ask if Trinity House or the CIA have any other comments or questions to add in regard to this? Let's start with Trinity House, if we may.

00:28:48:03 - 00:28:48:24

Captain Harris.

00:28:51:13 - 00:28:53:26

John Harris, Jersey Harris and

00:28:56:14 - 00:29:35:27

Richard Besser both comment on the air vessels maneuvering within the gap. The majority are likely to have a yes, in our opinion, and the best vessels are less than 300 tons may not have the air spots. However, many of them will be in the vicinity, mainly be around the fishing side or the recreational side during operations. What was constructed during construction there is likely to be the construction area marked with both edges, while for the areas which would be partial mitigation as well for the gap.

00:29:36:10 - 00:29:58:08

And again, they went into the operational phase. Any aides to navigation that are deemed necessary for the project will take it so far where the gap narrows and likelihood of vessels operating in that which we were to see from the traffic monitoring during the construction phase.

00:30:00:21 - 00:30:05:03

Thank you, Captain Harris. Don't miss the Salter. Is something you'd like to add.

00:30:09:11 - 00:30:37:01

And it'll do anything to add to it. Mr. HARRIS. So this is in relation to the construction vessels you're referring to earlier. There is a preference that if it is possible for any construction vessels within the narrowest point are situated north of the turbine. So in other words, not encroaching on the one on the space between Hornsea four and on two.

00:30:38:11 - 00:30:41:27

As effectively the pinch points of the so-called bow tie.

00:30:42:17 - 00:30:43:05

That's right. Yeah.

00:30:45:27 - 00:30:47:15

But they are like to respond on that.

00:30:48:26 - 00:31:22:24

Gareth Phillips for the applicant. Yes, I think we need to draw a distinction between vessels that are maneuvering and vessels that may have more dropped, anchor, jacked up, etc.. The applicant's position is that the vessels will only be in the gap if they are maneuvering to another location, for example, where where they're going to position a turbine or foundation or something like that. So it's not our proposal that vessels would would be moored, anchored or jacked up within the gap, particularly within within the narrow gap.

00:31:24:00 - 00:31:42:20

We still don't believe a commitment is required to this essentially that those vessels will be within the order limits. That's all we're allowed to use them for in terms of construction and maintenance. And so it's essentially already captured within the development area. Thank you, Gareth, for it.

00:31:44:12 - 00:31:52:24

I suppose the sort, sir. Do you think that is a satisfactory answer for that? Would you like a further comment?

00:31:53:27 - 00:31:56:13

I think for them to know that such surgery. Thank you, sir.

00:31:56:26 - 00:32:09:12

Thank you very much. Now, I'd like to move on in that case to item 4.2. Any energy had indicated that it wish to make a representation at this hearing

00:32:11:17 - 00:32:18:23

on bearing in mind the introduction just now that the technical representative is not here. Is there anything that

00:32:20:09 - 00:32:30:13

I've get the name of the representative. Ms.. Nolan, is that right for any. Would you like to make your presentation as planned?

00:32:32:24 - 00:32:41:14

I. We do not need to make a representation, sir, at this stage. It was more if there were any specific queries that the examining authority had. But if there are none.

00:32:43:09 - 00:32:43:24

But

00:32:45:12 - 00:32:52:06

I know that the deadline three there are a few points of disagreement remaining in relation to navigational risk.

00:32:53:26 - 00:33:10:10

One, particularly one concerning the installation of air monitoring equipment on the Babbage platform and the potential for effects from and to future neo projects. But there's no information yet available on these projects.

00:33:12:01 - 00:33:17:01

Will any O.B. intending to submit further evidence on this at the next deadline?

00:33:21:13 - 00:33:31:04

We do not intend to do to submit further evidence on those two points. The the main piece that is still outstanding, sir, is on the helicopter operations and the buffer zone.

00:33:32:02 - 00:33:34:04

We'll turn to that in a moment

00:33:36:07 - 00:33:48:18

with the latest comments. Or will it make a further representation or response? A deadline for of progress on concluding an agreement with NGO.

00:33:50:11 - 00:34:32:27

Mr. Phillips guaranteed it to the applicant. Very helpful confirmation then in respect of the elision, risk and future use. That's great. Thank you. We had understood that the focus now was on health access and that's something that that we have responded to by submitting some draft protective provisions at the last deadline. Those being for the benefit of Neo. In order to move those discussions forward, we require an indication from NEO of the extent of Buffer that they require around their assets.

00:34:33:14 - 00:35:02:06

Our assessment has led to the offer of 2.7 nautical miles and those that's that's confirmed in the protective provisions. And those protective provisions are with Neo for comment. So the next step really is, is down to Neo, please, to respond to those protective provisions and confirm if different to 2.7 nautical miles what size of buffer they desire. Thank you.

00:35:03:17 - 00:35:04:05

Mr. Phillips.

00:35:05:27 - 00:35:12:10

Nolan are you happy with that action to take away and respond by deadline for.

00:35:15:07 - 00:35:24:00

The service is all in for Neal. We are happy to take that away and I do have instructions that should help us to resolve that by the next deadline.

00:35:24:24 - 00:35:25:09

Thank you.

00:35:26:21 - 00:35:47:29

So before we move on completely from that item, would the applicant also likely like to comment on the likely timescale for submitting position statements with Parang, Ko Harbour and Bridge in particular, and on the remaining letters of no objection with other operators. This

00:35:50:04 - 00:35:58:02

slight lack of clarity to my mind on how much percentage progress there is on these.

00:36:02:02 - 00:36:02:26

Mr. Phillips.

00:36:05:21 - 00:36:07:24

Gareth is the applicant just taking instructions?

00:36:25:00 - 00:36:55:23

It's the African. Thanks for the time. So with regard to Perenchio, there are two outstanding issues that we're working with them on. We await comment from Franco in relation to the position statement that has been submitted, which you'll note essentially is the applicant's view on life. We've also provided some draft protective provisions to Franco for comment, and we haven't yet received comments on those.

00:36:56:05 - 00:37:24:07

But our intention is similar to Nico is to offer a set of protective provisions at deadline for in the same way as we have done at deadline three for NEO in the hope that this will move forward what we consider to be the main outstanding point. But it would be great and helpful for the examination if it is and if there's an action point for Parang Ko to respond to the protective provisions and more generally. Thank you.

00:37:24:28 - 00:37:34:22

Yes, I agree. We'll take that and included in the action points. But Mr. Phillips, would you suggest that some action point for deadline for or is that a deadline five.

00:37:37:15 - 00:37:38:00

Okay.

00:37:38:08 - 00:37:53:17

Gareth relates to the topic and I think deadline for would be a good time. That's that's over a week away and the protective provisions are quite short so we should be able to move forward to some degree. Thank you.

00:37:54:06 - 00:38:02:15

Okay. Thank you. So that deals with Current CO. Is there anything that you need to comment on in regard to Harbour Energy and Bridge?

00:38:03:12 - 00:38:32:29

Thank you. First, the applicant with Harbour and Bridge. We're essentially moving forward on commercial terms with those two parties. We don't we as in they and the applicant don't anticipate that being a position statement. But the negotiations are going well and we expect to be able to provide an update. Certainly, you know, I wouldn't have thought by the but maybe by deadline five, we can provide an update as to how well we're going with those negotiations.

00:38:35:01 - 00:38:44:02

Is it right then to characterize you you're confident that these commercial matters are going to be resolved by the end of the examination?

00:38:45:22 - 00:38:47:19

Guaranteed to the applicant. Yes.

00:38:48:21 - 00:39:01:23

Okay. So, Dale five then. Update on progress. Thank you. The next points I should .4.3

00:39:03:10 - 00:39:37:27

risk of addition with existing infrastructure. Now the specific angle here is to do with the duration of the effect. I would just like clarification on the answer given to a written question and a .1. 13 one three on the assessment of minor magnitude of impact due to short term duration and the risk of collision with existing infrastructure. Now this is with specific reference to the diversion of shipping to the west and south of the proposed array.

00:39:39:24 - 00:39:58:19

Would the applicant clarify what is meant by short term duration? Is this essentially short term duration in terms of the the the the time spent passing the the infrastructure or what is actually meant by that?

00:40:00:11 - 00:40:03:12

Gareth the applicant. I'll just take some instructions, please, sir.

00:41:04:04 - 00:41:16:19

Garrison. It's the applicant. We'll have to take that question away, please. But we've got a note of the question you've referred to and the response. So we'll have a look back at that and provide a comment in writing.

00:41:16:21 - 00:41:51:19

Thank you very much. Now item 4.4 can be very quick. Viking link. I note from submissions that deadline three that sensible but unique and the applicants are making constructive progress. NGV therefore decided not to make representations at this hearing. The matters outstanding then will be examined in writing following further submissions. That is anything that the applicant wishes to add on the Viking link discussions.

00:41:53:05 - 00:42:11:13

I guarantee it to the African. Thank you. Not really, other than to say that from the applicant's perspective, this is no longer a consenting matter. Our view is that similar to the points I raised earlier, that in navigational risk assessments has shown

00:42:13:04 - 00:42:46:25

the vessel traffic through the gap to be acceptable in terms of risk. The MCI has confirmed that in its deadline two submissions and so we don't anticipate that from a consenting perspective, mitigation is required in respect of Viking Link. We are continuing to consult with Viking Link as I sort of come from a best practice or commercial neighbour perspective to understand if they have any further concerns.

00:42:47:16 - 00:42:54:26

But from the applicant's perspective, from the consenting perspective, no further action is required. Thank you.

00:42:55:20 - 00:43:16:17

Thank you. I think once we have Turkey House and MSA here, my understanding is that that from the written submissions that both MCI and Trinity has concur with that opinion. But I should just ask for clarification and confirmation. Firstly, Captain Harris.

00:43:27:20 - 00:43:30:13

I think it's the Harrison Trinity because

00:43:31:29 - 00:43:32:19

it's really

00:43:34:06 - 00:43:53:12

coming from the NCIS. Tony Harris cannot really comment on this. And now as the really the only times that we could see conflict could be, if there were life in the cable at the same time as they were built in the wind farm, there might be conflict, but from our perspective, I'm sorry, so I can't make any further comment.

00:43:53:21 - 00:44:03:09

That's fine. Thank you. Mr. Salter. Really just to to to see whether you like the applicant see this as being

00:44:05:00 - 00:44:21:17

with consenting matter. It's essentially the concerns from Viking Link that were expressed earlier in the examination were that of potential hazards to the cable resulting from navigational risk in the gap.

00:44:24:18 - 00:44:47:09

And if we do speak with England can do recognise there is a change in the risk profile and as part of our response we recommended additional conditions be placed within within the DCO HTML attached email confirmation of one of them, which was for a hydrographic survey of the of the Gap and its entirety.

00:44:48:24 - 00:44:51:20

I'm not anything further in writing from the applicants.

00:44:53:08 - 00:45:05:12

If this is if the Hornsea four is approved, we will then give consideration for any I'm overreaching afterwards. But other than that, we're. We're content.

00:45:06:21 - 00:45:13:01

Thank you, Mr. Phillips. Last word on that matter. Is there anything further you want to add to this?

00:45:13:12 - 00:45:26:08

Just to say we concur with what was just said and have included a commitment in the last version of the DCO deadline three. In terms of the survey and vessel traffic monitoring.

00:45:28:26 - 00:45:29:18

Thank you very much.

00:45:30:05 - 00:45:30:20

Okay.

00:45:31:04 - 00:45:35:25

I am now going to pass over to Mr. MacArthur to lead on item five of the agenda.

00:45:38:20 - 00:45:42:10

Just before Mr. MacArthur starts cancer. Can we just check.

00:45:43:10 - 00:45:43:25

The.

00:45:43:27 - 00:46:05:18

Agenda, copy of the agenda that the applicant has and appears to be the most recent one on the planning inspectorate's website. Only had two matters under under the heading of other infrastructure news, there was a 4.1 and a 4.2. Mr. Bradley referred to, I think, up to 4.3 and 4.4 potentially. We got through it, don't worry. But we.

00:46:05:20 - 00:46:06:09

Were just worried.

00:46:06:11 - 00:46:10:17

In terms of the other agenda items is there is are we looking at it's a different agenda.

00:46:11:14 - 00:46:29:07

Now. I suspect this might be down to my might be an apology Joe on my part but the essentially item what I refer to as item 4.4 is 4.2 on the agenda. Update on discussions between applicant and GPO.

00:46:31:26 - 00:46:35:27

Thank you, Mr. Bennett. We kept up with you. We just wanted to check for further items. But thank you.

00:46:36:10 - 00:46:37:18

Thank you for keeping the terms.

00:46:42:03 - 00:47:14:00

Thank you. Then, Mr. Bradley, I will move on to hopefully bring us back in line with the agenda item 5.1 update on agreements and discussions. That's not some administrative sense. If I can come first to the applicant, if I may, in response to the Examining Authority's written questions and they are 1.17, the applicant notes that it continues to engage constructively with Notts and that it is anticipated that all outstanding matters will be resolved by those on site, which is Monday, the 20th of June.

00:47:15:04 - 00:47:32:17

Examining authority notes of the applicants not submitting an update statement of common ground with Notts DEADLINE three. And I therefore just clarify with the applicant whether the timescale put forward for resolution of all outstanding matters is still achievable and I suppose more importantly, whether it be achieved.

00:47:35:02 - 00:47:38:02

Thank you. It's the applicant. Just take instructions. Thank you.

00:48:16:25 - 00:48:50:07

It guarantees to the applicant. Thank you. The position at the moment is that in terms of Nat's apparatus is that the applicant is focusing on mitigation for the Class B radar, and that involves essentially putting in place a contract which is referred to in requirement 28. So requirement 28 is there is the backstop for consenting purposes. But negotiation of the agreement that's needed in terms of mitigation is ongoing.



00:48:51:22 - 00:49:03:08

We would hope that that can be resolved during the course of the examination. But even if it were not, that's the purpose of Grampian, the Grampian condition, that requirement 28.

00:49:05:05 - 00:49:35:28

In terms of statement of common ground, that is something that's been started and is something that can be worked, is going to be done in parallel to those contract negotiations, and one would hope that would fall within the examination too. I'm not sure we're able to commit to deadline five. I think that was more of an aspiration that we'd be very welcome to hear the position from Nats on this point. And maybe we can agree something in the course of this hearing as to an appropriate deadline.

00:49:36:00 - 00:49:36:15

Thank you.

00:49:38:03 - 00:49:51:06

Thank you, Mr. Phillips. We'll come on to that in a moment. It is the case at the moment, is it not, that the statement of common ground, which has been submitted, has no matter the grades? Am I correct in saying that?

00:49:52:29 - 00:50:02:17

Garrison is the African. Yes, that's right. It was just the template to start things off way back when. But things have moved on in terms of contract negotiation. Thank you.

00:50:03:06 - 00:50:12:10

That's it. I will. I will hand over to knots now and ask if you had anything that you'd like to add. And I'm hoping that what Mr. Phillips said.

00:50:13:27 - 00:50:40:23

Nothing unless they're all for nuts. And the abacus doesn't say much for Greece, but my understanding, we we believe we know what the end game looks like. We're we're working to put together the contracts required to get us. There was consent and as they said, working on the statement of common ground in parallel. Yeah, I don't think it's particularly contentious. It's just as these things do, taking a bit of time.

00:50:43:23 - 00:50:56:12

But thank you. So I think just coming back to you, Mr. Phillips. If there's anything you'd like to add. But I suppose that the the important question for the examining authority is

00:50:58:06 - 00:51:18:08

if you need to resolve your, as you call it, your aspiration to to resolve things by deadline five, please let us know and also give an indication of when you do expect finally to resolve these matters. If you can give us some thoughts and perhaps provide an update design for us that reasonable.

00:51:20:08 - 00:51:54:19

Character is the applicant. Yes, we can certainly do that. I would just like to emphasize, though, from from a consent perspective requirement, 28 deals deals with this issue effectively. I'm not suggesting this would be the case, but if contract negotiations stop now and there was no statement of common ground, the protection for that is in requirement 28 as as drafted, but certainly will endeavor to keep the examining authority updated. And when we respond, we will try and work out that deadline with not confirming that.

00:51:54:28 - 00:51:55:13

Thank you.

00:51:56:02 - 00:52:04:20

Thank you, Mr. Phillips. Can I just go back to Notts on that point then? Do you agree that the 28 is sufficient as it stands currently?

00:52:06:14 - 00:52:18:25

Yeah, we believe. We definitely believe that the development of the impact of the development on the collapse crater is definitely mitigated. So accompanying condition that required those mitigations to be in place prior to

00:52:20:19 - 00:52:34:20

pair, well prior to blade hanging on the turbines, not necessarily prior to turbine construction, but as long as the mitigations are in place prior to the blades being attached to the turbines, that would be happy. So I got to be a condition that states that would be acceptable to us.

00:52:36:09 - 00:52:40:03

Thank you, Mr.. Mr. Phillips. Anything further you'd like to ask for on.

00:52:41:16 - 00:52:42:06

No, thank you.

00:52:43:01 - 00:53:00:12

Thank you. So coming on then to the statement of common ground between the applicant and the Ministry of Defence. It's it's noted that the statement of Common Ground currently contains four outstanding matters which are indicates it does not agree with the material impacts.

00:53:02:03 - 00:53:24:03

Using applicants, I think, except the sanitation district and from Rome. These are not two months. Three more, five on March nine. Excuse me, it's again noted that an update signal from Grande wasn't submitted by three. Could you provide any provide any further updates at this stage on the progress of this statement? Condensates.

00:53:30:25 - 00:53:47:17

Gareth Phillips, the applicant so far as the applicant is aware and of course the committee representative can confirm, the only outstanding matter is the particular drafting requirements of requirement 23.

00:53:50:14 - 00:54:00:18

Once that is resolved, we believe that all matters have been resolved with the Ministry of Defence and could then update the statement of common ground accordingly. Thank you.

00:54:02:06 - 00:54:26:15

Thank you, Mr. Phillips. You've teed up my question to the Minister of Defence. Very well. I will. I will come over to the Ministry of Defence. Now, ask if there's anything that you'd like to add, but also if you can provide an update from, on behalf of, from the perspective of the Minister of Defence on when the revised wording of comments 93 of the draft DCO may be agreed.

00:54:30:15 - 00:54:53:27

John Wilson Ministry of Defence. So firstly, on the status of the statement of Common Ground, I would have to agree with what the applicant has stated. The only material matter outstanding is the wording of the requirement 23. In terms of progressing that, there is constructive, ongoing dialogue. The applicant has provided further information to. Most recently.

00:54:55:20 - 00:55:01:28

We will need to continue that dialogue, and I would anticipate we will be providing an update for nine five.

00:55:05:04 - 00:55:08:26

Thank you, Mr. Wilson. Mr. Phillips. Anything you'd like to add?

00:55:10:09 - 00:55:11:28

Gareth Phillips for the African?

00:55:12:04 - 00:55:14:06

Yes. It's more just to give.

00:55:14:24 - 00:55:26:07

Some context too, to the amendments sought to requirement 23 deadline three really to feel for all of your knowledge of why we're doing what we're doing.

00:55:28:17 - 00:56:13:00

The requirement that's been sought by the Ministry of Defence, it's fair to say, does feature in the more recent offshore wind discos, for example, nor for Vanguard, Piraeus, East Anglia, one, North and East Anglia two. What has happened since the examinations for those projects closed is quite material in that there's been published some guidance by sort of taskforce between the OIC and the Ministry of Defence that essentially sets expectations as to what what is, what can be achieved or what should be required in requirements on DCNS for offshore wind.

00:56:13:23 - 00:56:56:16

And that essentially talks about there being an interim and an enduring solution. And it's accepted that at the time of consent, there may need to be an interim solution that the Mod may deem quote tolerable quotes. And then as the negotiations of a mitigation contract continue, then the fine detail of the mitigation would evolve and you'd end up with an enduring solution that would be secured under the contract.

00:56:56:18 - 00:57:39:17

It's the same contract, we're calling it a rate mitigation scheme, but in practice we understand it's a contract and it deals with the interim and enduring solutions. It can also be the case that if no alternative solution comes forward, that the interim one can evolve into the enduring one. I.e., what is agreed early on is, is what is agreed as the the future scheme. So when we were looking at the requirement wording for it to say that any significant adverse effects would be mitigated, we're looking at the definition of appropriate mitigation under 23 Subparagraph two.

00:57:40:00 - 00:58:29:00

So 23 separate to appropriate mitigation definition, the requirement was for the mitigation measures to prevent or remove any adverse effects. Well, we think that's too broad. And in the context of the guidance, we felt that actually we should adopt the wording of the guidance, which is to prevent or remove any intolerable adverse effects. So that's the reason behind the first change. We then wanted to confirm, rather than have adverse effects identified in a defence rate mitigation scheme, we thought that actually those those effects that require mitigation should be set out in the radar mitigation scheme, that contract that I've just been talking about.

00:58:29:02 - 00:59:01:03

So we all know what the end end goal is and it's set out in the contract. So that was the Second Amendment. And then the Third Amendment in the same definition was really about grammatical structure of of the sentence so that it's clear that we are only required to mitigate the effects on the

defence surveillance and control operations specifically served by the air defence radar at remote radar head Thaxton World.

00:59:01:18 - 00:59:50:05

The way the sentence was originally constructed, the and associated air surveillance and control operations in the Ministry of Defence seemed like it was an additional requirement. So not only do we have to mitigate on the radar, but then some other associated air surveillance and control. And that's not our understanding of the negotiations to date. So so that's the context of the three amendments we put to the Ministry of Defence for them to comment on. And the point is precedent in the last four decades, it has limited weight here because the guidance that's been brought out, as I said, was published after the examinations closed for these other projects and no submissions were made in respect of those projects after the closure of examination on this point.

00:59:50:07 - 00:59:56:25

So we think the guidance is a new material consideration that has some bearing on the drafting of this requirement. Thank you very much.

00:59:59:02 - 01:00:08:02

Thank you. Mr. Phillips That's a comprehensive summary and appreciate it, Mr. Wilson. Is there anything that you'd like to add, having heard what Mr. Phillips just said?

01:00:10:09 - 01:00:16:20

John Wilson, Ministry of Defence. But I recognise the comments and points that have been raised by the Opposition and that's certainly something.

01:00:18:05 - 01:00:48:20

We can say that we need to discuss with them in detail on the point that's raised about the requirement for a interim and an enduring mitigation, that is all which accounted for the current condition that the committee has identified. And that isn't changed by the outputs that have been recently produced by, I think. The images involvement in its work with other departments progressing their defence radar mitigations to allow future offshore wind farm development.

01:00:52:27 - 01:00:55:01

Thank you. Thank you, Mr. Wilson.

01:00:56:24 - 01:01:10:15

My line cut out a little bit when you when you were talking there. Can I just come back to you, Mr. Phillips? Can I check whether you were able to hear everything that Mr. Wilson said and whether you have anything to add that happen?

01:01:10:17 - 01:01:40:21

Yes, we heard Mr. Wilson was saying he was essentially saying that the when I was giving the context of the interim and enduring mitigation solutions, his point was that that's already covered in the in the drafting of the requirement. I agree with that. I was really just setting out the context for you to understand why we were looking for the inclusion of the word intolerable, because that relates to the guidance which relates to the interim and enduring regime. So we're aligned on that.

01:01:40:28 - 01:01:41:18

Thank you very much.

01:01:43:21 - 01:01:54:18

Thank you, Mr. Phillips. Before we move on, then, I will just ask if anybody else has any points that they would like to raise on this agenda item before I answer back over to Mr. Barkley.

01:01:56:11 - 01:02:03:24

And seeing no hands, which I will take a resounding no and I will pass you back over to Mr. Clinton face.

01:02:07:13 - 01:02:12:24

Thank you. I am six. This is shipping and navigation in more general sense.

01:02:14:27 - 01:02:48:05

Before we get into 6.1 on the progress on statements of common ground with MCI and Trinity House, I just want to pick up on something which was discussed in issue specific hearing number one, which was the use of low cost astronomical tide versus highest astronomical tide as a controlling dimension for essentially for turbine blade clearance above sea surface.

01:02:48:10 - 01:02:57:22

And there's been quite a lot of saying and froing on this. The applicant has made a robust defense of its position on the use of LHD as a data

01:02:59:13 - 01:03:06:05

in its response to relevant representations and at is one in particular

01:03:07:20 - 01:03:34:01

now. Natural England requested in their relevant representation. That's appendix a point for that in schedule one part three requirement two brackets two brackets C of the draft DCO. The value of plate clearance related to HRT should be provided in order to allow comparison with other developments.

01:03:36:24 - 01:04:32:21

Before we can consider this issue completely resolved. I understand that the N.S.A. at H.H. one both expressed a preference for use of HRT with regard to declaring minimum draft. It's not clear to me yet whether the MMO and Natural England are pursuing their request for the use of HRT to be used as a datum level. And I wonder whether the applicant can comment whether it's yet come to an agreement with essentially all four of these groups on whether the current proposal for use of LHC is agreed or indeed whether the draft minimum blow clearance, whichever is appropriate to be stated in the context, will be defined against one only or against both of these datum levels.

01:04:34:24 - 01:04:46:03

And as a consequence that will be updated. So CCS in due course reflect the agreements that have been made on this. So, Mr. Phillips, sorry, a long question.

01:04:48:14 - 01:04:52:17

Is the matter resolved with any or all of these four IPS?

01:04:57:03 - 01:05:20:01

That guaranteed it's the applicant. I'm not sure it's resolved. It's probably one that's been left out there since each one. But but it's a short point from us, really. There is only one reason why we use a lot and that is because it's an internal is think of it as an internal accounting tool at Allstate that all of their documents refer to late.

01:05:21:16 - 01:06:00:09

If if it is a significant problem for the other interested parties, then essentially we can either convert the measurements in the DCO to the alternative or we can provide a commitment that when we submit a condition discharge applications or information related to conditions in the DMO, that that we will provide the conversion essentially. It it really doesn't matter in practice because as long as the

measurement of unit remains the same throughout the DCO, then everybody can use a conversion chart to work it back up.

01:06:00:11 - 01:06:08:09

But we do not want to be difficult. So it's we're happy to go with with what ever those solutions work best for interested parties.

01:06:09:15 - 01:06:18:13

Thank you. I mean, my understanding is essentially it's it's a matter of just adding four point whatever it is, seven something meters to the

01:06:20:03 - 01:06:50:21

the LTE data. However, I'm going to pass on to Trinity House and MCI to ask if really this is a follow up on is H one, would they like to take the applicant's offer that the use of HIIT should be used? Or would they be content with having a dual measurement, effectively a dual datum? Firstly, Captain Harris took it.

01:06:54:00 - 01:07:26:26

To Harris fraternity house and he said he broadly agreed with the applicant. As long as the data is standard throughout the document, then it should be correct. And I think said it is literally a case of having a set number normally nowadays within international guidelines, reuse H 82 sort of for heights and we use 90 if we define index. So but as I said, it is one what we will be quoting from the international guidelines.

01:07:26:28 - 01:07:48:26

We will be using HIIT in that a lot comes down to how trained under the halo process for like just during the whole operational progress process, how people monitor the data so long as the types of concerns and people know what the correction factors are, it should be fairly standard to. Work.

01:07:53:06 - 01:07:53:21

Thank you.

01:07:55:11 - 01:08:00:26

Can I pass to Mr. Salter to establish what the FCA line on this is?

01:08:03:17 - 01:08:04:02

It fell

01:08:05:22 - 01:08:23:24

through with Mr. Harris having to normalise it, that makes it too tight. Reason being so you know exactly what your minimum appearances and it will never drop below that distant. They happen to have both decent preference.

01:08:26:06 - 01:08:42:24

So if I understand that it was not terribly distinct on sound, but my understanding is that you'd be you'd be happy to have both datum referenced. Having said that, passing back to Mr. Phillips for the applicant,

01:08:44:12 - 01:09:07:11

I think that the the point now is to reach agreement with natural England, who again, it's a simple conversion factor between the two. But I think that the natural England do need to be satisfied on this point. How would you suggest that the the action is phrased? Mr. Phillips.

01:09:17:03 - 01:09:18:02

Just taking instructions.

01:10:10:22 - 01:10:45:07

Kevin, thanks for the time. A solution we've just thought of, because there's something to bear in mind here that it's not only the DCO that refers to late, but it's all the application documents that have been put in. So one wouldn't want to have to change all of those. But perhaps a compromise solution is that we include in the DCO a definition of HRT and confirm the adjustment factor that's required in relation to references to LTE dimensions.

01:10:45:21 - 01:10:59:14

So essentially one can look in the DCO and say, you know, if you want HRT, you times it by that factor and that's where you get to. And that should then be easily interpreted by anyone using the DCI. Thank you.

01:11:00:00 - 01:11:20:24

Thank you. Well, that seems to be eminently sensible. I think it just remains. Can I just ask the microphone to turn off? Thank you. It seems eminently sensible, but I think it just remains for that proposition to be agreed by both natural England and the MMO.

01:11:22:12 - 01:11:28:03

Can we then have an action point to both of those two organisations to.

01:11:30:06 - 01:11:51:27

In fact, I think what we should do is to say that the suggested change to the draft DCO is made by deadline for if that would be satisfactory to the applicant. And then we ask for a response by deadline five from Natural England and the memo. Mr. Phillips, would that be satisfactory?

01:11:52:20 - 01:11:53:10

Yes. Thank you.

01:11:54:10 - 01:11:58:02

Good. Now, moving on.

01:12:00:11 - 01:12:17:14

I notice that from the deadline three submission updated step of common ground, with Trinity House teachers seeking a consistent reference in the draft DCO and the DMS. Today's rather than working days

01:12:19:18 - 01:12:27:10

with the applicant. Well, firstly, I should just ask if I've characterized that correctly. Captain Harris, would you like to comment on that?

01:12:29:13 - 01:12:51:05

Infrastructure high security house. There are several conditions that we're requesting within our state and it's common ground. The applicant has agreed to. Any reasonable statement of common ground that hasn't been updated as we were just waiting to see are all in the latest version of the draft DCI and it is all there. So that has all been agreed with that particular.

01:12:51:24 - 01:12:55:15

So we can move on from that. Thank you. Good. Next.

01:12:58:06 - 01:13:02:15

There are a number of other points still under discussion.

01:13:04:17 - 01:13:16:18

Would they have gone to a self-confessed to just comment on what is thought to be the likely timescale for getting the statement of common ground to completion?

01:13:18:16 - 01:13:25:13

That's mostly the points that are still under discussion. So what's the best estimate of time for completion?

01:13:27:20 - 01:13:47:27

Constitutes the applicant. Our view and hopefully not one that's corrected by others in the examination. We believe that having taken in the drafting changes to the last version of the DCO, we believe that concludes all outstanding matters. I'd be I'd be grateful for confirmation from the other parties, please.

01:13:49:09 - 01:14:04:14

So if I could just add Rodgers that will both Trinity House and the MCE be in a position to respond by deadline for on the new drafting of the these draft eco.

01:14:06:10 - 01:14:07:27

First the captain has.

01:14:14:01 - 01:14:44:11

Yes. Yes. I believe we should be able to put in the south. We are making this round the next wave on the same stumping ground. We expect that to progress really rapidly. Now, pedestrian problems have been decided. Majority of the other comments on the layouts and that was also very progressed to a stage where we can virtually agree them and just now expect maybe one will come in and it'll make a change. So, you know, light saber. That's about it for us.

01:14:44:20 - 01:14:48:09

We are progressing really well without the assistance of the common ground.

01:14:49:00 - 01:15:01:04

But thank you. So the action that is is is clear, which is that response by deadline for to the revised draft DCO

01:15:03:14 - 01:15:06:05

Mr. Salter and say your position.

01:15:08:13 - 01:15:40:16

Other than that, we still need to review the updated DCI conditions. As a brief outline, nothing. That's still some items for discussion. Nothing. There's still some amendments. Require some tweaking.

There is. We do have some staff on leave next week, so we'll do our best to try and meet the the deadline for. But hopefully there is some flexibility in providing any comments later because I think there's a search and rescue aspect which I need to discuss with the search and rescue colleagues.

01:15:41:05 - 01:15:55:12

Understood. So there may be minor points. I'm not sure about the the impact of the points, but there may be a small number of points still outstanding after the deadline for.

01:15:56:12 - 01:15:57:08

So it was crazy.



01:15:57:22 - 01:16:05:08

Okay, so the action. Same as for Joss, which was best efforts by deadline force. Thank you.

01:16:07:20 - 01:16:08:05

This.

01:16:12:28 - 01:16:20:20

No representation from the MMO today. I think that if I could just ask the applicant to take the action to

01:16:22:23 - 01:16:23:09

the

01:16:25:01 - 01:16:48:06

event, let me ask a question first. Mr. Phillips, to the applicant, is there any likelihood of further discussion with the MMO on the draft DMS before deadline for. Is there any way of expediting the the response from the memo?

01:16:50:06 - 01:16:51:28

The Council is just taking instructions.

01:17:16:20 - 01:17:35:04

The applicants. The applicants position is that all matters that were capable of being accepted from our point of view were taken into the draft at the last deadline. So we're waiting to see how the MMO responds to that, to see if there's any outstanding matters.

01:17:36:19 - 01:17:37:04

Thank you.

01:17:37:28 - 01:18:05:12

Thank you. So I think we'll take an actual point to the memo in this case to clarify that or before deadline for if there are any matters of concern or outstanding meeting the resolution. It's from that perspective as a response to the applicant's revised draft DCO. So thank you on that.

01:18:08:01 - 01:18:20:05

That concludes everything that I wanted to cover on shipping and navigation. I'm just going to pass back to Ms.. Dowling to cover any other business and closing of the hearing.

01:18:21:28 - 01:18:23:26

Thank you very much, Mr. Bradley.

01:18:25:14 - 01:18:37:11

We've not been notified that anyone wishes to raise any other business that is relevant to this hearing. But I'm just going to check before we close whether there are any other matters that any parties wish to raise.

01:18:39:19 - 01:18:46:06

Can't see any raised hands and I can't see anyone switching their camera on.

01:18:49:12 - 01:18:50:03

Okay.

01:18:52:02 - 01:19:06:25

I'm not going to summarize the action points now because there's quite a few. So rather than go through them in detail, they will be published on the project page of National Infrastructure website in the next day or two. And I just like to advise you that the action points

01:19:08:13 - 01:19:39:06

from this morning's hearing have just been published. So we hopefully will be able to turn this afternoon's action points around as quickly. So if there are no other items that are relevant to this hearing, may I remind you that the timetable for this examination requires that parties provide any post hearing documents on or before deadline for, which is Tuesday, the 10th of May 2022, may also remind you that the recording of this hearing will be placed on the Inspectorate's website as soon as practicable. After this hearing.

01:19:40:19 - 01:20:17:12

The next virtual event for this application will be the issue specific hearing, which will be examining matters in relation to the marine environment, excluding ornithology. This hearing will be held tomorrow, which is Wednesday, the 27th of April, and will commence at 9:30 a.m. with the Joining Conference starting at 9 a.m.. The agenda for this hearing is available on the project page of the National Infrastructure website. Please do note that it's not a continuation of today's hearings, so you will need to use the new joining link that you have been sent by the case team.

01:20:17:21 - 01:20:50:24

If you haven't got a link for tomorrow and wanting to attend, then can you please notify the case team as afternoon and they will send you with the relevant joining instructions. So before we close on behalf of the Examining Authority, I'd like to thank all four shows for your participation and time and assistance. During the course of this hearing, the exam authority will consider all of your responses carefully, and they will inform the examining authority's decision when further written questions and or a further round of hearings will be considered.

01:20:51:08 - 01:21:06:24

So I'm just looking at the time. The time is now 1521, and I'm going to close this hearing. So we'll see you tomorrow. Who are attending issue specific hearing for thinking.