

ISH 4_27 April_Session 2

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00:00:05:27 - 00:00:34:07

Okay. So let's resume this hearing and we're reached. Agenda Section five. Agenda item 5.1. Before we do it, could I just ask the applicant, I know you are in the same room together and having been having some difficulty with the recording on your microphones. I was still getting some echo. Could you just please ensure that you don't have any of the microphones on and that you're actually speaking at the time? Thank you.

00:00:36:17 - 00:00:37:24

Is that okay, Mr. McGovern?

00:00:41:02 - 00:00:46:15

Game napkin? Yes, sir. I was endeavouring not to turn on my microphone before you finish your sentence. Well.

00:00:47:21 - 00:00:54:23

Yes, it's that it is a bit difficult to interact. I want to really say over and out, but I think that's the the intention behind it.

00:00:56:10 - 00:00:58:00

Okay. Item 5.1.

00:01:00:03 - 00:01:36:03

This is the pilot maximum design sale scenario for mono tiles and the memos inquired. I originally inquired if the maximum rate has a single monopole for every 24 hours, or if it could be more than one monopole 24 hours. Mr. McGovern, the applicant, submitted a clarification at deadline three. It reports on some additional underwater noise modelling to identify the impacts of two monopole foundations being installed sequentially. And again, that can be found at Rep three over 33 in the examination library.

00:01:37:23 - 00:01:44:27

Sir, can we conclude in practice? If this was to be constructed, there could be two monopoles installed sequentially.

00:01:50:09 - 00:02:01:00

Gary McGovern for the applicant? Yes, sir. The maximum design scenario is that there could be up to two foundations within a 24 hour period. It could be simultaneous, concurrent or sequentially.

00:02:03:04 - 00:02:06:16

Thank you. You're now happy that it's the worst case for the assessment.

00:02:08:25 - 00:02:11:16

Yes, sir. We're satisfied that we've covered all our bases.

00:02:13:08 - 00:02:15:19

Thank you. How is our controls with the DCO?

00:02:31:03 - 00:02:41:03

Get him government for the can so condition 13 five of the marine licences imposes a restriction on limits as to the two foundation pilings within the 24 hour period.

00:02:43:00 - 00:02:54:17

Give me some very technical information in the report, and I think it's going to take the party some time to assimilate it. So there is much point in trying to progress any further today.

00:02:56:26 - 00:03:21:09

And it would helpful, perhaps, if you could very briefly update us some of the additional modelling and the implications of the findings of the Environmental Impact Assessment. I'm particularly keen to understand how the report relates to proposed mitigation measures that are already included in the commitment register, whether these are allowed for in that report and whether additional measures might now be considered necessary as a result of that modelling.

00:03:26:15 - 00:03:35:03

Guy McGovern for the applicant. So it's beyond my fairly simple mind to it to walk you through the modeling. So I'll pass you to

00:03:36:18 - 00:03:49:06

my colleague Tim Mason, who undertook the underwater noise modelling. His focus as the modelling itself as to impacts on receptors. That would be other people that would need to be taught. Sir Paul Patrick is you, Mr. Mason, in the first instance.

00:03:49:25 - 00:03:50:10

Thank you.

00:03:53:21 - 00:04:14:23

I'm more inviting to Mason for the applicant. Yes. My colleagues. Correct. These are modeling has been done to take into account two piles being installed simultaneously at the greatest extents, which can potentially give the greatest geographical separation and the largest impact ranges. So that's what makes it the worst case scenario.

00:04:16:24 - 00:04:27:10

In terms of mitigation, we have not considered that at this stage. My understanding is that in terms of technical mitigation, then that is something will be considered further down the line.

00:04:30:16 - 00:04:43:14

Of that in terms of the type of mitigation, in terms of the quantum of mitigation that might be required, is there anything additional as a result of this additional monitoring? Clearly, the additional monitoring does produce some

00:04:45:06 - 00:04:52:00

in simplistic terms, greater underwater noise. And does that actually result in any greater requirement for a quantum of mitigation?

00:04:55:20 - 00:05:26:00

Gary McGovern for the Arctic. And so we don't, in our view, believe it changes the basic approach to mitigation, which is to address not through the means or mechanisms of the outline. Marine monitoring. The triple MP on the site integrity plan. And so both of those plans outline the potential for mitigation and those options will be determined in due course once a range of factors and variables have been clarified post consent.

00:05:26:18 - 00:05:30:22

So it doesn't change. The basic approach will remain as it's been described.

00:05:33:15 - 00:05:38:11

We'll come back to those very shortly. Sorry. There's one final part of my question.

00:05:41:14 - 00:05:47:23

The additional noise modelling take account of the mitigation measures the group included in the commitment register.

00:06:12:12 - 00:06:35:11

To Mason for the applicant. Apologies for the delay. We take into account mitigation so much as the ramp ups. So the soft start, the duration of the soft start, the strike rates. During the soft start, all of these items reduce the potential exposure to to the relevant receptors and that has been taken into account in the modelling.

00:06:37:14 - 00:06:45:24

So the so I may call it the solar industry. Standard mitigation measures have been included. What allowance will have been made for any

00:06:48:01 - 00:06:51:07

any mitigation of the noise at the source?

00:06:55:00 - 00:07:11:06

To Mason too. Mason for the applicant at source mitigation has not been considered in the modelling at this stage, but where is going to be necessary in the future that can be taken into account once the once any potential mitigation measures have been identified.

00:07:12:29 - 00:07:14:27

Thank you. That clarifies it for me.

00:07:21:08 - 00:07:22:13

Give me one moment.

00:07:26:09 - 00:07:33:00

Okay. Is there anything else from anybody on Section five in terms of the tiling maximum design scenario?

00:07:35:21 - 00:07:43:16

If not, I'm going to move on to Section six of the agenda, which is the control of impacts on marine mammals.

00:07:47:18 - 00:07:52:27

Item 6.1 is the outline marine mammal mitigation protocol, which we've already referred to.

00:07:54:14 - 00:08:26:06

And I'm going to start with some further noise questions in relation to underwater noise. The proposed mitigation focuses on instantaneous SPL peak pets. For the purposes of those listening in that don't understand that it's sound pressure level, permanent threshold shift and the onset ranges for that. The MMO has suggested that the assessment should also look at SDLC. Um, that's the cumulative sound exposure level impact ranges.

00:08:27:15 - 00:08:51:09

I note the applicant's position set out in its response to our first written question, so no further modelling is necessary in response to this suggestion. I also notice that England natural. England was unaware of the most rationale for this request and it hasn't expressed a view in relation to that in and in response to the first written questions. So this does appear to be an MMO issue.

00:08:53:16 - 00:09:05:07

Again, it was something we would have asked to promote to date who go into the background off and the notes they provide. Do not explain that rationale for the request. So I'm not actually sure we're in a position to take it forward today.

00:09:07:13 - 00:09:26:17

Nevertheless, could the applicant. Explain to us and give me a brief comparison of the approach that's been taken to this with that accepted by the Secretary of State for the recent East Anglia Offshore Wind Farm HRA. I don't know whether that's even Mr. McGovern or whether you want to bring in Mrs. Sinclair, Mr. Mason, on that.

00:09:32:05 - 00:10:03:00

Got a McGovern for a napkin. It certainly wouldn't be for me or it would not be in safe hands if I would endeavor to explain the difference between the two approaches. That would be for others to talk to. Your question, however, is I suppose, less about the difference or the science behind our approach, but relates to precedent and whether or not approach has been adopted in each area for East Anglia. I do not have that information at my fingertips, sir. So that might be something that we take away in an account. Come back to you if you don't mind.

00:10:03:21 - 00:10:22:20

I would be very grateful if you could do that. Clearly, you've got an approach that's been suggested, which doesn't appear to have been questioned by naturally and the parties appear to have been questioned by a memo. And so I would be interested to see the comparison that you made between that and the the approach used in the East Anglia offshore wind farm raised by the Secretary of State.

00:10:27:23 - 00:10:45:21

Okay. I think we can leave that one, though, given that we don't have that memo with us. So less anybody has anything to say on that. Can we move on to item 6.2? And this is returning to the issue of mitigation at source for underwater noise to marine mammal and marine mammals.

00:10:48:07 - 00:11:23:20

I'd like to explore this a little bit further and how detailed we should be dealing with mitigation and source at this stage, because we certainly have differing opinions on that from a lot of different stakeholders. I'll push to come back to the HRA implications on Friday when we will deal with the HRA, including the Marine Mammal Mitigation Protocol and the second process and I do acknowledge we have the applicant's clarification note on underwater noise abatement systems, which was submitted at deadline to script two and 50 and the examination library.

00:11:26:01 - 00:12:08:20

At deadline to the AFP can confirm that any specific mitigation measures required during construction will be determined in consultation with the statutory nature conservation body. Following the confirmation of various factors such as finer Final Hammer Energy Foundation types, survey data, noise monitoring data and so on and so forth. I believe that as such, the applicant remains of the view that it's not necessary to include commitments in detail at this stage. However, also DEADLINE two natural England maintained its position that at source mitigation must be secured through the DCO as it is relied upon to avoid significant impacts in the environmental statement.

00:12:09:09 - 00:12:19:29

And the MMO concurred with natural England's view in this case. And MMO also notes it should be specifically included as a condition in each of the deemed marine licences.

00:12:21:21 - 00:12:40:02

So. Mr. McGovern to Tuesday, I can remain of the view that it would be appropriate, not be appropriate to outsource mitigation. And could you explain why it's not considered appropriate despite your apparently encouraging clarification that there was provided?

00:12:42:25 - 00:13:20:24

Gary McGovern for the applicant? Yes, sir. We remain firmly of the view that a specific and firm commitment to such measures at this time would not be appropriate and indeed is not necessary. And to go further on that would be out of step with the approach that's typically been taken across offshore wind farm projects to date. And we have reviewed the position across other recent offshore wind farm projects and the position that the applicant is taking is aligned in this regard with the position that was adopted, for example, in the Hornsea three project on the Vanguard and Boreas, and he signed the project.

00:13:21:06 - 00:14:25:09

And this is not a novel or unique issue that applies solely to the Hornsea four project and the range of uncertainties and matters that need to be determined in due course and final Hammer Energy Foundation types. And there'll be further survey data that will be gathered to inform a final design. And all of those variables mean not. And there are multiple scenarios and the need for mitigation in the first place. And then further to that, the specific type nature of mitigation simply cannot appropriately be determined at this time and is therefore napkins from position that that additional knowledge will inform decisions on that at the consent stage and ensure that the mitigation that is deployed is the appropriate measure given all of those factors that I've outlined and that is secured from your perspective and through the outline triple MP and the context of the EIA and the Site Integrity Plan.

00:14:25:11 - 00:15:01:23

And I note that sanitary matter that we may return to on Friday, but the possibility of source mitigation is something that's expressly acknowledged in the outline plan. At this stage. That's certainly something that's that's an option that's not excluded at this stage. And indeed, as you've

noted, the applicant has gone further than some of the projects and submitting the clarification note and released that source noise, which hopefully give some reassurance that that option could be deployed should it be necessary, given the specific site circumstances for Hornsea four.

00:15:02:04 - 00:15:08:09

And but that is an option and it's not something for the reasons given that we can commit to at this stage. Thank you.

00:15:09:27 - 00:15:25:01

You mention you've reviewed and a number of other recent offshore wind farm approaches. You mentioned the Norfolk Sea, East Anglia and Hornsea three. To what extent is that information already being put before us?

00:15:31:17 - 00:15:41:24

Kind of government for now. And so that's not been the subject of a submission. We haven't submitted those documents, but we would be happy to do so. Submit the relevant elements of them, if that would be helpful.

00:15:42:23 - 00:15:45:20

Are they extremely helpful? Could that be done for a deadline for.

00:15:47:10 - 00:15:47:25

Yes.

00:15:48:28 - 00:15:53:18

Excellent. Thank you. So my colleagues could look at that as an excellent point. I'd be grateful for that.

00:15:55:29 - 00:16:08:04

Given that I'm quite content on this, anybody else's got anything else I wish to raise on marine mammal impacts and noise? I'm happy to move on to section seven unless I hear from anybody else.

00:16:13:12 - 00:16:28:21

Silence. So let's move on to Agenda Section seven. So we're moving on to impacts on herring and particularly herring spawning. And item 7.1 is a mitigation for herring spawning.

00:16:32:14 - 00:16:59:09

This is to do with piling disturbance and following the memos deadline. One Comment. The applicant produced a revised version of a clarification note a deadline to and this has been updated in response to those comments. Whilst we note the applicant's response to our first questions, it's an issue being addressed to the statement of Common Ground with MMO. I would like to know what progress has been made and what, if any, remains to be made.

00:17:01:04 - 00:17:14:25

Mr. McGovern. I don't whether you or Mr. New, but can you briefly summarise the changes made to the clarification note four deadline two and tell us if these have changed your conclusions about the peak season and the dates of the proposed seasonal planning restriction.

00:17:19:15 - 00:17:24:15

Guy McGovern for now. Yes, you're correct. So. That's not one for me. I'll pass you over to Mr. New.

00:17:33:15 - 00:17:36:06

Fill me for the applicant and say.

00:17:36:08 - 00:17:38:15

The the requests.

00:17:38:17 - 00:17:45:23

For changes from the deadline one were to include additional conservatism within the

00:17:47:12 - 00:18:24:24

assessment which we we undertook and say these were to include to increase the length of the allowable catch size that was assumed, i.e. increase it, which would then increase the required growth time to reach the cap size. And then we also included another a number of other scenarios in terms of the level at length that was included in calculations and to provide a further range of potential and dates which could be and could be used where the peak spawning period could commence

00:18:27:10 - 00:18:51:17

in terms of so this this provided these various scenarios included create first dates which could be used to indicate the start, the peak spawning periods and the deadline. One submission had the 5th of September as the earliest start date. The deadline to submission had the earliest start date is the 30th of August and however

00:18:53:08 - 00:19:21:12

that is including multiple conservatives, all of which add up on top of each other to create something is greater than the sum of the total say. And so therefore the applicant's position very much is that the 30th of August is excessively conservative and in terms of when the peak spawning period would commence and therefore the 1st of September is still appropriate for the start of this.

00:19:25:01 - 00:19:46:12

Okay. Thank you. We'll come back to you shortly about some of the science and statistics behind this, if I may. But I just have a question as to the clarification. There, therefore concludes the peak spawning is the 30th of August at the 10th of September. As you just said, you consider this to be a conservative estimate

00:19:48:11 - 00:20:03:10

because the peak period from 1st of September to 16th of October remains appropriate. Can you explain why the restriction proposed in the deemed marine licence does not directly accord with that peak spawning for you that's been identified?

00:20:06:12 - 00:20:38:10

Fill me for. So the this the range from the 30th of August and September is the potential start date for the peak spawning period. We haven't attempted to define the end of the peak sporting period because the data isn't available to do so. And as such, we've aligned with the precedent set on previous projects in terms of the proposed sporting periods and with regards to the dates which show up the start of the peak sporting period

00:20:40:02 - 00:21:17:27

from the 30th of August between either the 30th of August and ten September. And the fact that the applicant's position very much is that the Conservatives included in the original submission deadline

one, which gave a date, the start date of the 5th of September, is very much still appropriate. And I would say that having the sporting peak sporting period and the restriction associated with that starting from the first September, provides additional conservatism into the and seasonal restriction to ensure that there are and there is no possible potential for population level impacts.

00:21:19:26 - 00:21:23:27

Very useful clarification. Thank you. Much more understandable.

00:21:26:03 - 00:21:34:09

Can I just ask you if we could talk in simplistic terms, the sort of statistics and analysis that's behind this matter?

00:21:35:24 - 00:21:51:26

My assumption is that the disagreement relates to the temporal pattern of when the individual herring spawn and over what time period. I think we all agree on that. So I assume in theory there's a single peak day being the day on which most herring spawn.

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Is that correct?

00:21:55:17 - 00:22:12:09

But I don't think there's any evidence to say either way about that. As far as insofar as and it's it's quite difficult to actually monitor when the herring themselves are spawning. And you can only really infer from the presence of the larvae, for example.

00:22:12:24 - 00:22:32:19

So yeah, but if we think about it in practice, what's happening on the seabed, there's a at the herring, a gathering, and it's the spawning going on. And would it be true to say pocket there's a thick it builds and then there's a peak period and then it dies down again. So something like a normal distribution through the spawning season?

00:22:33:06 - 00:22:34:14

Yes, that would be correct.

00:22:36:01 - 00:22:36:17

That's correct.

00:22:37:00 - 00:22:37:15

Yeah.

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Okay. And so would it be possible to apply confidence limits to that distribution so that you could define the percentage of the population that would be spawning within your proposed restricted period?

00:22:52:10 - 00:23:23:12

And I don't believe that it would be possible to do so on the basis of the data that's available through the IEC surveys, the actual data, which is what we've used for that calculation, because I think that would require an incredibly extensive survey. And kind of with that, I certainly have on multiple days

and over a few months covering a very, very wide area and it would be probably very proportionate to an individual project.

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And it's the density of data is not there to undertake that level of statistical analysis.

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No, no, it's not.

00:23:31:12 - 00:23:56:09

Thank you. That's very useful. Thank you. The notes that the MMO provided for this hearing suggested that they will get commenting on that reported deadline for. So I don't think there's much more we can do with that today. I'm sure we can take it any further, but that has provided a lot of clarification, which I'm very grateful. Have there any other comments on?

00:23:58:06 - 00:24:02:01

7.1. The herring spawning and the piling.

00:24:06:00 - 00:24:12:06

In which case I'm going to be going to 7.2, which is still about herring. And this time it's about some sediment effects.

00:24:14:18 - 00:24:28:14

In case this in the case of this one, this was something which was worth discussing, seems to have happened. But it seems to me that the difference between the applicant and the memo is probably best addressed through ongoing discussions around the statement of common ground on this one. Would you concur with that?

00:24:31:29 - 00:24:37:17

Got him, McGovern for now. Yes. So that's a matter that we'll continue to engage, hopefully through the statement of common ground.

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Okay. Well, we will continue to monitor progress on that, obviously, and we will return to it at a later stage if we feel sufficient progress is not being made.

00:24:49:17 - 00:25:30:21

And also, I'm aware you've responded to some of the concerns raised by the Holderness Fishing Industry Group and the National Federation of Fishermen's Organisations in relation to fish and shellfish ecology. And we heard from management on behalf of the applicant on Tuesday and issue specific hearing three that there's going to be a further meeting with the hopeless fishing industry group on the 9th of May. Could you just confirm this will be seeking to progress the unresolved concerns on fish and shellfish ecology matters as well as the fishing matters, because there's still quite a few of these outstanding issues in the updated statement of Common Ground, the submitted deadline three.

00:25:31:26 - 00:25:54:01

I think they include data collection methods, the weighting assigned to non site specific data, the data used for impact assessment including cumulative impacts and the monitoring program in relation to

crabs. Again, I'm sure these are probably best addressed through ongoing stream to common ground negotiations, but just some comfort, please, that they're going to be addressed at that meeting.

00:25:59:01 - 00:26:05:18

Government for now. Yes. Will be seeking to address all the unreserved unresolved issues through those meetings.

00:26:07:09 - 00:26:16:12

Thank you very much. Again, we'll monitor progress on that through the statements of common ground, and we will return to it at a later stage if that proves necessary.

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If there's anything else on herring or fish, now's the time to raise it. Otherwise, I'm going to move on to Agenda Section eight.

00:26:32:23 - 00:26:49:09

So Section eight relates to the baseline surveys and modelling. 8.1 is biotech modelling. I think it's fair to say that had been some fairly clear differences of opinion between some of the key parties about the use and the interpretation of the biotech modelling.

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Mr. McGovern, maybe Mr. Packer coming back to me here, but could somebody briefly explain the background to this, what was done and why?

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Got him for that? Yes, you're correct. Mr. Burke will address this item.

00:27:12:06 - 00:27:36:18

Mrs. de Boer On behalf of the applicant, the applicant emphasizes that the primary purpose of creating the predictive habitat model was to address the data gaps at PVR in relation to the benthic communities across the export cable corridor. The survey of the river corridor had it had not been completed for inclusion into air, which is why the model was developed at the time.

00:27:38:03 - 00:28:14:00

Essentially, the model collated all available physical and biological data across the area of interest to build a picture of the order limits as well as the wider study area by data was not collected and focused on the on the export cable corridor. Further to that site, specific data was collected across the export cable corridor for inclusion in to the EIA, EIA and baseline characterisation, which was then prioritized in the model. So the real data supersedes any model predictions across the order limits

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set. So yes, site specific monitoring was well designed and provides the detail needed to characterize it with limits as confirmed through the evidence plan process. However, the model was generally well received by Consultees, who remained in the DCO application, despite the data caps being felt as it provides useful contextualization and wider understanding of the benthic environment.

00:28:46:23 - 00:29:08:14

Mr. Mayor, are you involved in the negotiations behind the scenes, as it were, natural England and is progress being made towards agreement? I think being an appropriate approach? And are you able to

provide anything further in relation to MMO and Natural England as to whether they believe have put it becoming more reliable or are they getting a greater understanding of it?

00:29:11:00 - 00:29:11:15

But.

00:29:12:12 - 00:29:27:00

We have provided feedback to the AMA to natural England regarding the points that I made, and I think that understanding is becoming better understood of the actual and the reasons for the model.

00:29:28:14 - 00:29:28:29

Thank you.

00:29:29:12 - 00:29:37:09

Sorry, I can't really ask you to speak on their behalf. My apologies, but we will be following that with them. That's quite clear. Thank you very much for that.

00:29:39:21 - 00:29:42:25

Is there anything else on the biotech modelling anyone wishes to raise?

00:29:45:23 - 00:30:23:00

And I'm going to move on to agenda item 8.2, which is both military and marine and coastal processes baseline. And there's two matters. And the first one I want to come to is Smithy Bank and the coastline. This has been raised in relation to what has been called a potentially incomplete and inadequate bathymetry and coastal processes baseline by MMO, natural England and others following discussions I believe, between the parties. The applicant submitted a new scope of new work at deadline one and an update report on that at deadline three.

00:30:23:19 - 00:30:31:15

And my understanding is we can now expect the final reported deadline, for which I understand is an independent report by Professor Mike Elliott

00:30:33:00 - 00:30:48:25

and cooked up can provide us with an update on the expected submission please. And as far as possible, I understand it's not complete, but as far as possible, a brief summary of the findings and highlights so far. Mr. MCGOVERN McGovern's going to have me to. Mr. Cooper, I think.

00:30:52:08 - 00:31:22:24

Got him a government for the applicant in relation to the supplementary work that's being done. Is still the intention to submit not an examination at deadline for and I understand that work is on track to do that. That particular report is being prepared by Royal Hosking and it's drawing together a range of sources and using different methods to hopefully present the information and that will resolve the concerns of the more natural England.

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And I don't want to

00:31:26:26 - 00:32:02:16

keep you waiting, but it would be premature. I think it would possibly take more time than you would wish in the meeting for me to go through what that me and what that may show in due course should

be with you shortly and hopefully that's sufficient. Professor Mike Elliott, just for clarification, as an expert in this field who has been separately appointed so he's not involved in authoring the report, the Royal Hosking are preparing, but he will be asked to review that information alongside the parallel review that will be undertaken by Natural England and more.

00:32:03:07 - 00:32:11:15

So the objective there is to get his views on that material and on his endorsement of that material in due course.

00:32:12:29 - 00:32:17:06

Okay. That's useful clarification. Thank you. And that will happen after deadline four, presumably.

00:32:18:07 - 00:32:26:23

Yes. Yes, we would hope to do that as quickly as possible. Whether that can be done by deadline five, I don't want to commit to that, but certainly it would be done this swiftly as possible.

00:32:26:25 - 00:32:56:24

So thank you. Can you. Are you able to tell me whether I mean, one of the one of the questions raised particularly by natural England, was that some potential receptors and including protected sites had been emitted originally. And they quoted sites such as the Holderness Inshore Marine Coast Conservation Zone, Hemlington Cliffs, SSI as possible receptors. Do you know whether these have now been included or whether that the applicant still believes they don't need to be?

00:33:01:11 - 00:33:27:01

A government for the arts, so the receptors in question were never excluded as far as we were concerned. They were addressed through the original Environmental Impact Assessment. What seems to have driven this is a difference in methodology. And. Whereas, the applicant's approach as followed the source pathway receptor approach. What natural England on their more wish to see is

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an analysis of these issues. If I can put it looking at these through a different end of the telescope, so to speak, to focus from the receptor. And so it's not that these receptors were were omitted. They were addressed to the benthic and ecology assessment through the mix and assessment and through the the radar on those three assessments all relied upon and took into account the processes and conclusions that were in the marine processes chapter. So all of that material, an assessment is already there.

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And what this report is doing is bringing all of that together, hopefully in one useful report, presenting it in a way which is more accessible, hopefully, and will satisfy the comments that been raised. So we don't believe there were any gaps in the original material, but we hope that this additional work will clear all of that up.

00:34:19:18 - 00:34:35:24

Okay. Well, we will wait with interest to see the response from anywhere and any on those. Thank you for that. That's useful. I think we're going to have a very similar discussion on the Flamborough front, a similar state of limbo or incompleteness, I suspect.

00:34:37:28 - 00:34:41:17

Again, this is all going to be included in the report. A deadline for as you.

00:34:44:02 - 00:35:00:19

Got him covered for that. Yes, sir. I don't want to rush you through your own agenda, but I think the position is the same four items eight two, eight three and nine of your agenda that that the supplementary work that will be submitted the deadline for is the key document allows those matters to be progressed.

00:35:02:02 - 00:35:32:15

Yeah. Thank you. Thank you. One thing I will say is that you will have seen that the Marine management organizations submitted quite a lot of technical advice on the location sensitivity of the FLAMBOROUGH front in its deadline three submission, and that's a wrap 352 in the library. And I note from that that the MMO is also intending to go on to look in more detail at its own interpretation of the possible implications for turbulent weeks and the deployment of gravity based structures.

00:35:34:05 - 00:35:45:07

You will no doubt look at that in due course anyway, but I just wonder if we're getting a lot of information, particularly submitted to us on the FLAMBOROUGH front, and it's getting a little bit difficult to

00:35:46:23 - 00:35:57:24

to collate it all mentally. I just wonder whether the that the report that we can be expecting at a deadline for will bring together all of this information and analysis or whether it will be just completely standalone.

00:36:00:12 - 00:36:21:27

Kind of MacGuffin for the applicant. Thank you. So we have noted the helpful submission from the MMO in that regard and all of the information that we provide in analysis will be considered done on the addressed and the work that's being done. So the objective is to try and bring all of that material into one place, both for your benefit and the other stakeholders. So we hope it will achieve that.

00:36:23:01 - 00:36:31:24

Yeah, that would be very useful. We've learnt a lot about Flamborough during this examination and that it would be useful to have it all synthesized in one place.

00:36:34:14 - 00:36:35:00

Does anybody.

00:36:35:07 - 00:36:36:08

Like Reeser and.

00:36:38:21 - 00:36:44:18

Does anybody else have anything else on Agenda Section eight Before we do, briefly look at the agenda Section nine.

00:36:48:19 - 00:37:00:01

In which case we're going to move on to the identification of marine and coastal process receptors. And I agree with McGowan we can't really progress this very far until we've had this additional work.

00:37:02:17 - 00:37:17:03

The one question I will ask is the natural England and the MMO both specifically raised the these the cases of the hills and they have the silver pit. Is this something which falls into the same category as we've recently discussed?

00:37:20:00 - 00:37:41:02

Gary McGovern for the applicant, I think this item might be slightly different in that those receptors are not considered to be affected and because in our view there's no pathway there. But this is a topic area where I'm not qualified to speak. And Mr. Cooper actually has been waiting patiently maybe to explain things for for you.

00:37:41:18 - 00:37:42:21

Thank you, Mr. Cooper.

00:37:50:07 - 00:37:58:04

Yes. It's still creepy here. Brain processes specialist on behalf of the of the applicant.

00:38:00:17 - 00:38:03:12

I'll try and take a little step back to.

00:38:05:11 - 00:38:11:12

Some context to this to find a study area that included all of the features that have been.

00:38:14:09 - 00:38:33:29

Discussed. Our study area includes the hills. It includes a silver pit. We consider. The possible relationship of those features with activities due to the development of the wind farm. And I'm making just one.

00:38:36:11 - 00:38:39:22

I mean, the hills and artichoke pits,

00:38:41:07 - 00:38:44:24

features that are marked on charts. And they are.

00:38:47:18 - 00:38:54:00

Different types of features. They're not designated features, but the Hills is a group of

00:38:55:15 - 00:39:18:10

sand ridges. They're not individually named Sam Banks, but they are a collection of Sam Bridges. They are northwest of the array and they are up drift in terms of the sediment pathway. So the.

00:39:20:03 - 00:39:57:23

Effects that you might expect from the array that we've considered are typically weights. The effect of those weights on the seabed, which might create scour the fact that scant protection is proposed which mitigates the scouring process. And the fact that the reach between the array and the hills is over such a distance that we're not seeing any pathway that connects to the hills that is attributed to activities in the red, to the hills.

00:39:57:25 - 00:40:34:09

Distant effects within the array wouldn't reach. The hills quakes wouldn't reach the hills, scouring wouldn't reach the hills. We recognize where the hills are. We recognize the sorts of effects in the

right. We recognize the type of pathway that would link. And we identified that there is no relationship between sort of effects a pathway and the health act a pits. It's a geologically formed tunnel valley. It's not maintained or developed by contemporary marine processes.

00:40:35:08 - 00:40:46:18

It is seaward or too the further to the east of of the right area. And again, the proximity to the array is recognised. It

00:40:48:03 - 00:40:59:11

finds the boundary to the right. But proximity does not mean that there is a connection to the relationship between the array and access of a pit at. It's.

00:41:03:28 - 00:41:04:13

Not.

00:41:06:06 - 00:41:32:07

There is no direct pathway that the tidal effect within the array would run parallel. The after silver pick. There is there is no connection that takes anything into access into the silver pit. If there was a sort of a plume, it would go to the northwest and southeast. It was it would follow the same sort of direct trajectory. Scouring isn't

00:41:34:04 - 00:41:36:16

an issue because because of scour protection.

00:41:38:06 - 00:42:01:10

There is no link between the developments proposed. The right area, that would have an effect. Or impact on accessible pet so it can't receive an impact. So it physically is not involved with those development activities. It is separate. And that that's our thesis.

00:42:03:23 - 00:42:06:05

Okay. That's very useful. Thank you, Mr. Cooper.

00:42:07:27 - 00:42:16:17

Are you in continuing dialogue with natural England and others in relation to the disagreements? And do you believe you can bring those to a conclusion through negotiation?

00:42:20:03 - 00:42:32:05

There are further iterations between us and between the applicants and both parties, so we're always working on that on that basis.

00:42:34:21 - 00:42:41:07

I cannot be very useful again. It sounds to me. Mr. at like this is something which could actually be progressed to extend to common ground.

00:42:44:06 - 00:42:46:09

Kind of McGovern for that? Yes, that's correct.

00:42:48:05 - 00:42:53:17

And kids as anybody else have any comments in relation to the coastal processes before we move on.

00:42:57:13 - 00:43:03:10

Thank you and thank Mr. Graham and thank the team for all that useful clarifications we've just had.

00:43:05:06 - 00:43:29:22

That takes us to item ten on the agenda, which is a couple of minor points, I've got to add. And any other business anybody else wishes to add. My first one is 10.1, which is the maintenance cleaning of turbines. Very simply, I think the applicants acknowledged that the cleaning of turbines during the maintenance period was an emission. And has it or will it be added to the impact register, please?

00:43:44:26 - 00:43:55:16

Sorry for the slight delay. So I'm going to pass you to Mrs. Diba, who can explain why it's not proportionate to the impacts raised on you.

00:43:57:10 - 00:44:36:12

Angela On behalf of the applicant, I believe that the MMO wanted us to consider this in the assessment that it's our position, that it's in terms of the bank. Thus it's not an impact that will need to be assessed, and that is because the marine growth and bird waste will be physically brushed off turbines by hand, and this will be followed by high pressure seawater washing. So the cleaning off would only incur natural materials and to enter the marine environment are very, very small scale.

00:44:38:20 - 00:44:51:21

Furthermore, technicians and equipment will be deployed by sea vessels or similar vessel. So there needs to be no impact of carrying on the events from the work of jackup vessels or anchoring.

00:44:53:24 - 00:45:00:20

As such, it's not necessary to assess the works directly, but rather consider them under the general impacts from operations and maintenance works.

00:45:03:00 - 00:45:18:21

So you consider it to be included in the impact register already under that heading? Is that my only? The reason I ask is you did acknowledge in your TED time deadline to submission that it had been omitted and I do appreciate it was described as a minor issue, but I just want it to be overlooked.

00:45:33:13 - 00:46:09:00

Can govern for the applicant. And I think some the clarification may cause some confusion. It wasn't explicitly mentioned, but it is referred to in the description of the operation and maintenance. And so apologies for any confusion that may have been caused. There isn't a new impact that needs to be added to the impact register, as is our position and as it was described to me. Essentially, you have natural substances that would be entering the environment via slightly slower mechanism of and turbine and being washed off.

00:46:09:13 - 00:46:12:07

There's no nothing give rise to an impact there.

00:46:12:09 - 00:46:16:29

So now you know that it's covered in the existing definition of the maintenance.

00:46:17:12 - 00:46:17:27

Correct?

00:46:18:15 - 00:46:19:16

Thank you. It's hard

00:46:21:18 - 00:46:31:05

to say. Anybody else got anything on that? And 10.2. Can we go to the definitions of magnitude that are used in the environmental statement

00:46:32:28 - 00:47:03:16

this week? This goes back to natural England's concerns. In response to our first written questions about the S methodology and the descriptions of magnitude of change, and specifically the benthic fish and marine mammal ecology sections of the environmental statement. And they're concerned about the lack of a what they called a suitable incremental step between minor and moderate, which of course, has knock on implications for the subsequent assessment of significance.

00:47:03:18 - 00:47:05:03

If you use the Matrix

00:47:06:29 - 00:47:40:24

naturally and suggested that the lower end of the possible range of significance is also drawn from the matrix in each case, which inevitably always leads to a slight significance. I do know you've included a comment on this second point in your response to natural England's relevant representations. But is there anything you wish to add today as the applicant about these concerns? And in the absence of natural England, could you briefly summarise your response to Natural England's advice, which was to review and amend the approach to make clear the difference between the definitions?

00:47:44:17 - 00:48:25:05

Got McGovern for the Atkins? Yes, sir. A position, as I was explained in a response to this issue is, is that we simply do not agree with the issues raised by natural England, and we do not agree that the definitions are too broad and we do not believe that there's been anything inappropriate in relation to the use of the range and the application of. As you will know and the matrix on the definition that category set out are agreed a framework which ultimately informs professional judgment that will always be exercised by competent experts.

00:48:25:13 - 00:49:08:05

And so these matrices inform that process. They do not dictate the end result. And we stand by our conclusions and the framework that's been used. And Hornsea four is the well and widely used the MRP design manual for Roads and Bridges framework, and that's widely used for EIA purposes. It was used for the HORNSEA three offshore wind farm. EIA on issue was not taken with its use in that context. And we have also reviewed other environmental impact assessments undertaken for other offshore wind farms and we can see no material difference in terms of the categories and definitions that are being applied by other offshore wind farm developers in this regard.

00:49:08:07 - 00:49:16:16

And so we do not understand the criticism on why natural England are raising this issue in the context of this project. So.

00:49:19:03 - 00:49:30:22

Despicable. Is that something you'll be trying to come to terms with them on behind the scenes, again, a statement of common ground negotiations. Or is it just going to be a does it appear to be something that is going to be a difference to the end of the examination?

00:49:31:18 - 00:49:42:00

McGovern For the applicant. So we'd always welcome common ground and compromise on this issue. But the two parties positions seem to be firm on this and you have our submissions.

00:49:43:13 - 00:49:47:09

Yeah. I think we'll it's probably best for us to pursue that with natural England.

00:49:48:05 - 00:49:48:20

Thank you.

00:49:50:21 - 00:49:59:03

Okay. That's the end of my minor points. Does anybody else have any points under any of the business they wish to raise that are related to the subject of today's agenda?

00:50:02:11 - 00:50:10:27

No hundreds raised, in which case I will hand over to Mr. Bradley to do the action points before Mr. McArthur closes the hearing.

00:50:16:06 - 00:50:25:24

We have identified 19 action points. And I suggests that if that is acceptable, that are other than reading them out.

00:50:26:05 - 00:50:27:27

We will aim to have.

00:50:27:29 - 00:50:30:27

Those firmed up and issued on.

00:50:30:29 - 00:50:34:09

The website by the end of today.

00:50:35:18 - 00:50:37:11

Mr. McMahon, would you.

00:50:37:20 - 00:50:41:21

Agree with that process? Yes. I'm very happy with that.

00:50:42:22 - 00:50:43:07

Okay.

00:50:50:03 - 00:51:12:26

AQ Mr. Bradley, if there are in that case, no other items that are relevant to this hearing, may I remind you that the examination timetable requires parties to provide any post hearing documents on or before deadline for, which is Tuesday, the 10th of May. May I also remind you that the recording of this hearing will be placed on the Inspectorate's website as soon as practicable after this hearing.

00:51:14:12 - 00:51:48:00

The next virtual event for this application will be the issue specific hearing in five, which will be held tomorrow, Thursday, the 28th spectacle at 10 a.m. with the arrangements conference at 9:30 a.m.. The

agenda for this is available on the project page of the National Infrastructure website. As with previous events held this week, it's worth noting that tomorrow's hearing will not be a continuation of today's team session and that you will need to log into that event using the specific link provided to you by the case team. Before we close, we'd like to thank all of you for your time and assistance during the course of the Syrian state.

00:51:48:17 - 00:52:03:05

We will consider all responses carefully, and they will inform the examining authority's decision about whether further written questions and further rounds of hearings will be necessary. The time is now 11:57 a.m. and this issue specific hearing is not closed.