

ISH 4_27 April_Session 1

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FULL TRANSCRIPT (with timecode)

00:00:06:06 - 00:00:15:10

Good morning. Before I begin, can I confirm that everyone can hear me clearly? And can I also confirm with Mr. Johansson that the live streaming of this event has commenced?

00:00:19:18 - 00:00:21:08

Good morning. I can confirm.

00:00:21:10 - 00:00:26:09

That the live streaming have started. We have light captions and there is a recording being done.

00:00:26:11 - 00:00:27:03

On the hearing.

00:00:30:01 - 00:00:46:10

Thank you, Mr. Johansson. The time is now 10 a.m. on this fourth issue. Specific hearing in relation to the forms project for offshore wind farm is now open. At today's issue specific hearing, we will be considering marine environmental issues, excluding ornithology, which we will continue tomorrow.

00:00:47:25 - 00:01:05:01

My name is Robert McArthur. I'm a chartered architect and I've been appointed by the Secretary of State to be the member of a panel of inspectors to examine this application. Today I will be managing the events and introductions and my colleague, Mr. Bradley will be taking notes of any actions. I would now ask my colleagues to introduce themselves face.

00:01:14:01 - 00:01:15:18

I think Mr. Bradley's on mute.

00:01:18:11 - 00:01:21:13

Apologies. My name is Steven Bradley, and.

00:01:22:00 - 00:01:22:28

I, too, am a.

00:01:23:01 - 00:01:27:20

Chartered architect and appointed by the Secretary of State to be a member of this examining authority.

00:01:29:04 - 00:01:34:15

My name is Julia, darling. I'm a chartered planner, and I've been appointed by Secretary of State to be the lead member of the panel.

00:01:36:05 - 00:01:36:23

Good morning.

00:01:36:25 - 00:01:40:17

I'm Gavin Jones on the planet, Inspector. And I'm a chartered time planner.

00:01:46:21 - 00:01:56:08

Morning. My name is Andrew Moran. I have a background in ecology and Environmental Impact Assessment, and I'm a chartered environmentalist and a chartered landscape architect.

00:01:58:24 - 00:02:22:16

Together we form the examining authority. There are three more colleagues from the Planning Inspectorate here today. You will have spoke you will have all spoken to Mr. Johansen, the case manager for this project in the arrangements conference. These assisted today by Joseph André Reyes. They are also from the case team. If you have any questions regarding the application process in general, could ask you, please email these to the case team who will be happy to help.

00:02:24:18 - 00:02:52:06

I would first like to deal with a few housekeeping matters, though I will be brief as those of you actively participating today have attended previous hearings for this examination. Firstly, can I ask that all audible notifications for electronic devices be switched off? And remember to make sure your microphones are switched to mute unless you are speaking. Now 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 still correct.

00:02:55:20 - 00:03:24:04

And I've seen no hands raised to indicate that that's not correct. So I will move on. Mr. Johansson, will it explained what to do if you lose your connection and we are able to adjourn for short periods if there are any more significant connection problems over the course of the hearing. If for medical or any other urgent reason anybody requires a break at a specific time. Could you please let the case team know and we will, if possible, adjust the program to accommodate you. We will otherwise hold short breaks throughout the course of today's hearing.

00:03:25:29 - 00:03:45:08

For the purpose of identification and for the benefit of those who may listen to the digital recording later. Could I ask that at every point at which you speak, could you please give your name? And if you're representing an organisation or individual who it is that you represent? Does anybody have any questions or concerns about the technology or the general management of today's events?

00:03:49:05 - 00:04:13:07

And again, I see no hands raised, so I will move on to the digital recording. 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, it is important that you understand that your comments will be recorded and that the digital recording will be published and retained usually for a period of five years from the Secretary of State's decision.

00:04:15:00 - 00:04:32:09

The Timing Inspectorate is subject to the General Data Protection Regulation. Examining authority will not ask you to put sensitive personal information such as email addresses and economic, financial, cultural or health related matters in public into the public domain. Indeed, we would actively encourage you not to do so.

00:04:34:04 - 00:04:48:29

Please bear in mind that the only official record of the proceedings is the digital recording that will be placed on the project page of the national infrastructure. Websites, tweets, blogs and similar communications arising out of this meeting will not be accepted as evidence in the examination of this application.

00:04:51:04 - 00:05:16:09

Coming on. That's the purpose of holding this hearing. Today's hearing is being held by the examined by the examining authority to explore a number of matters orally in respect of marine environmental matters. This is a public examination, and if there is a point that you want to make, please raise your hand using the team's function. Switch on your camera at the relevant time that you wish to contribute. But please wait to be invited before speaking.

00:05:18:03 - 00:05:42:24

The hearing today will be a structured discussion, which Mr. Mohn will lead based on the agenda that has already been published. The purpose of this discussion is for us to ask questions and to seek clarification on the matters listed on the agenda to ensure that we have all the information that we need to make our report to the Secretary of State. The questions that we're going to ask today will be focused on those areas that we think would benefit from examination. Orderly.

00:05:45:01 - 00:06:03:24

Since the agenda and ever since the agenda and invitations were issued, we've been informed that the marine management organisation Natural England and the RSPB will not be with us today. We will never run through the agenda as issued and will be seeking written responses from those organic organisations in lieu of their participation.

00:06:06:05 - 00:06:40:05

Rule 14 to the examination procedure rules requires that at the start of the hearing, the examining authority shall identify matters to be considered at the hearing. The agenda for this hearing was placed on the websites on Wednesday, the 13th of April 2022. The main items for discussion today are marine processes, marine geology and geomorphology, oceanography, marine and coastal ecology, including benthic habitats and species. Fish, shellfish and marine mammals and marine underwater noise.

00:06:43:00 - 00:06:50:15

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 hearing or the agenda?

00:06:54:28 - 00:06:59:23

Again, I'm seeing no hands raised, so I will move on to introduce today's participants.

00:07:01:08 - 00:07:13:22

I would now I'd like to take the names of those who will be speaking at this hearing. If you are a representative, please state who represents and your role within the organization or group. And I will come on first to the applicant, please.

00:07:17:26 - 00:07:38:27

Good morning, sir. My name is Gary McGovern. I'm a partner and solicitor with Pinsent Masons. Appearing today on behalf of the applicant. And we have a number of speakers and potential speakers with us today, given the range of the topics. Six in total and depending on your questions, would you like me to introduce all of them now, or would you prefer that we introduce potential speakers as we run through the agenda items?

00:07:41:10 - 00:07:52:21

I think, Mr. McGovern, if you introduce the potential speakers now and they can then make themselves known as as and when and if necessary, they throughout the hearing.

00:07:55:06 - 00:08:23:09

Thank you, sir. And so today I have with me Dr. Julian Carolan and who is the project manager for the applicant, Angela Debar and of Gorby and Mr. Phil New also of Gorby. Rachel Sinclair from SM. Are you two missing from some acoustic and Bill Cooper from Cooper Consulting who's joining us remotely. Thank you.

00:08:25:10 - 00:08:32:18

I miss him. Even if there are no other participants from the African side, I will then move on to the east riding of Yorkshire Council. This.

00:08:38:02 - 00:08:45:12

Morning. My name is Jennifer Jones, representing East Riding of Yorkshire Council as a local planning authority. And I'm joined today by one of my colleagues.

00:08:51:14 - 00:08:58:12

That colleague from East Riding Wiltshire Council is myself, Neil MacLachlan, senior coastal engineer with the East Riding of Yorkshire Council.

00:09:01:20 - 00:09:18:04

Thank you, Mr. Jones and Mr. McLachlan, before I move on. Whilst we haven't been notified that there are any other participants who wish to speak today. Can I just. Confirm that that is the case. Or if we have inadvertently missed you off our list, please make yourself sound.

00:09:21:24 - 00:09:31:06

And again, I'm not seeing any hands raised, in which case I will not hand over to Mr. Martin, who will lead us on items 2 to 10 of the agenda. Thank you very much.

00:09:41:21 - 00:10:20:19

Thank you, Mr. MacArthur. Shortly before the introductions, Mr. MacArthur listed the main issues that we intend to examine today. The agenda mixes and matches the is to try to adopt a sensible thread through these related topics to break the mind of marine environment subject matter into more manageable bite sized chunks. We have spread what are quite closely related matters over three days. Though we appreciate the distinctions may prove to be a little blurred in places. I'd like to deal with baselines on the Environmental Impact Assessment today and tomorrow, then going to look at the habitats regulations assessment and its associated tests on Friday.

00:10:22:08 - 00:10:56:09

Inevitably, we are likely to touch on marine and coastal ornithological issues and the HRA today. But these will be looked at in detail in the issue specific hearings to be held tomorrow and Friday respectively, just for clarity as well, in terms of fish and shellfish. We will cover any effects on their ecology and populations today. Noting that issue specific hearings three yesterday afternoon provided a forum for discussing impacts on the commercial fishing and shellfishing of some of the species. From the perspective of human activity, again, some overlap may be inevitable.

00:10:58:29 - 00:11:10:00

Cannot highlight the agenda for this hearing was published on Wednesday, the 13th of April 2022, prior to deadline three, which was Thursday, the 21st of April 2022.

00:11:11:19 - 00:11:53:23

Some of the submissions that we received the deadline three relate to items on the agenda today. All of these have been read and taken into account by the examining authority. By way of further context and reasoning behind the detail of the agendas for the hearings over the next three days. I would like to acknowledge the development of the various statements of common ground between the applicant and interested parties in relation to the matters that we will be examining. And I strongly encourage continued progress with these. These have been read as well, but we may nevertheless refer to matters within them in the interest of ensuring that all relevant parties listening into these hearings have a chance to understand, to make their views known on some of the issues being addressed.

00:11:55:22 - 00:12:11:16

While it's natural, England will not be participating over the next three days. We do have the benefit of a very detailed risk and issues log that was updated and submitted at deadline three and that can be found in the examination library. A rep three who 54.

00:12:13:10 - 00:12:36:06

Similarly, the MMO has prepared a written submission in lieu of attendance to summarize that organisation's position on the agenda items today. And we have accepted this an additional submission which again is available as has zero three to. These have both been read and I will be referring to them in relation to a number of the agenda items over the next three days.

00:12:41:26 - 00:12:50:29

So moving on to section two of the agenda. And item 2.1, which is the access ramp.

00:12:52:21 - 00:13:09:15

Now, there does seem to have been some progress on the matters around the location, assessment and monitoring of the proposed temporary access ramp on the beach adjacent to the landfill. But we would just like to check the situation to clear up any misunderstandings and to ensure that the effects of the ramp have been fully and properly assessed.

00:13:11:17 - 00:13:27:06

At the compulsory acquisition hearing before Easter, Ms. Brodrick explained that the ramp carriage track from the Clifftop land down to the beach and I believe this was said to be for emergency access only in the event that the proposed horizontal directional drilling in that vicinity failed.

00:13:28:22 - 00:13:44:11

So turning to the applicant, Mr. McGovern, can you confirm this is works number nine on the works plans which is shaded and a crosshatch of orange and emerald green and I think described as a temporary construction ramp in schedule one of the draft DCO.

00:13:47:16 - 00:14:02:05

For anybody who's not familiar with the works plans, who's listening in, you can find them in the examination library, gain up to 11 and up to 12. And you can see the latest version of the draft developer consent order. There also is grep 307. Sorry, Mr. Goodman, I interrupted.

00:14:04:03 - 00:14:19:01

Thank you, sir. Got him covered for the applicant. I can indeed confirm that your reference to number nine is correct. My colleague is just pulling open the works plans just now so that we can confirm that your observation on the colorings of that is also correct, but that's my understanding. Thank you.

00:14:20:00 - 00:14:20:23

Thank you very much.

00:14:23:09 - 00:14:34:10

Could you could you please briefly describe the purpose and construction of the ramp and perhaps what would be done to create it and what it would look like once it was built?

00:14:38:26 - 00:15:17:03

Gary McFadden for the applicant. The purpose of the access ramp is, as you've described and was indicated by Mr. Broderick and the previous hearing, it would be used for emergency access to the beach in certain circumstances and the method on each of the ramp is described in the project description chapter. That's AP zero ten, paragraph four, one 915 and paragraph 16 that follows on there also some useful figures 415 and 416, which also helpfully illustrates the method of construction as well.

00:15:17:24 - 00:15:44:24

Essentially, it would involve the lowering of bags filled either with sand or rock onto the beach in order to get to a level and level with the cliff as it's as it's being described. And then that would be surfaced over in order to provide a ramp down onto the beach, there would be no excavation into the cliff face and no lowering of the cliff face involved in any of these works.

00:15:48:07 - 00:15:51:15

Essentially there would be no intrusive, intrusive walks into the cliff.

00:15:52:17 - 00:15:56:25

To know what material that would be used for the sand bags. And so it would be derived from.

00:16:04:03 - 00:16:04:18

Since.

00:16:08:14 - 00:16:18:01

Gary McGovern. Gary McGovern for the applicant. If I could bring in Dr. Julian Caroline, he would be able to explain to you the sourcing of those materials. Thank you.

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

Thank you.

00:16:22:16 - 00:16:41:08

Morning, Mr. Mont. Dr. Jim Halpert, the applicant. The aggregate that will be filled within the SACS will be taken on the site and be placed in the in the landfill compound and then lowered from the landfill site onto the beach where it be placed against the top of the of the cliff.

00:16:43:27 - 00:16:46:04

It's just not satisfactory.

00:16:46:23 - 00:16:50:27

So that's that's basically brought in general aggregate from a normal supply.

00:16:51:11 - 00:16:51:26

Yeah.

00:16:52:25 - 00:16:53:15

So what about me?

00:16:54:03 - 00:17:09:00

Whenever we do that, the soil strip and the set of the compound of the landfill, then part of that aggregate will serve to protect the cliff. So we will not be winning the material locally. We'll be bringing it in.

00:17:10:00 - 00:17:16:20

And I think Mr. McGovern suggested that the sand bags would be surfaced with something as well. Could you explain what that would be? Yeah.

00:17:16:23 - 00:17:50:04

So on Figure 415, there's a number of insights A, B, C and D, I believe inset shows the running boards. So it would basically place the sacks against the top of the cliff. On top of that would be placed some running boards. And then on top of that, we would place the bridge so that the top of the bridge on the Lombard site would be within the compound. And then the main body of the bridge would go across from the the landfill down onto the beach and the tow onto another running board on the upper intertidal beach.

00:17:51:23 - 00:17:55:12

So there's a solid, premade materials problem. And I think that might be a reputable.

00:17:55:28 - 00:17:57:13

Yeah, that's correct.

00:17:58:00 - 00:18:08:15

Okay. And just as confirmation that you have said this in your submission, but you suggest that the construction of the ramp will not have any impact on the existing cliff profile. Could you confirm that?

00:18:09:06 - 00:18:25:22

Yeah, I can confirm that. There would be no. As alluded to by Mr. McGovern. There would be no excavation and no intrusive works to the cliff. And everything is above the active sediment transport zone. So above main high water springs.

00:18:26:16 - 00:18:34:01

Okay. I'm going to come back to you on that, if I may. I just noticed Mr. McLaughlin's got his hand raised with that to do with the materials we've been discussing. Mr. MACLACHLAN.

00:18:35:02 - 00:18:53:06

That's new. MacLachlan Australian Council. Yeah, it was really to ask whether the structure would be within the title zone, which I hear it's outside that. It's been our experience that gravel bags, rock banks don't withstand wave action. So it wouldn't be appropriate if it was in the tidal zone. But if you're if you're above that, then it should be okay.

00:18:54:03 - 00:18:57:17

Yeah, I was just going to come to that. So if I may actually continue with that.

00:18:59:06 - 00:19:12:25

My understanding is that the Environmental Impact Assessment has made that similar assumption that they, in the entirety of the ramp would be located to be above mean high water springs. Can the applicant confirm if that is correct as well?

00:19:17:07 - 00:19:20:00

Gary McFadden for the applicants? Yes, I think from that is correct.

00:19:21:18 - 00:19:38:07

Again, the. Exactly in. You're sorry, Mr. McGovern. Here's the location and the extent properly secured by virtue of the boundaries shown on the works plans. And can you explain what delineates the eastern boundary of that particular work? Number?

00:19:43:11 - 00:19:50:16

Got him covered for the applicant. Yes, we believe that is properly secured through its identification and assured on the watch plans and.

00:19:58:17 - 00:20:06:06

And it's my understanding that the eastern extent is above I high water springs. And underpinning the assumption that we've just been discussing.

00:20:07:11 - 00:20:20:10

There's no label on the map as I understand in the works plans to actually get in the mean high water springs. I'm I'm I'm making the assumption that that is what the line is shown, but it's not actually marked on the ponds.

00:20:35:08 - 00:20:36:24

Okay. We can produce. What?

00:20:42:09 - 00:20:46:10

Go on govern for the African apology. So we're just conferring on this. If you could give us a minute.

00:20:46:12 - 00:20:47:16

Thank you. Yes, that's fine.

00:21:04:11 - 00:21:19:12

Gary McGovern for the applicant apology. So we were just trying to establish if there was a plan easily at our fingertips that we could direct you to. But it appears not to be the case. We're very happy to submit an examination plan marked with the high watermark to assist the exit.

00:21:20:17 - 00:21:46:16

I think. I think we have worked. We understand where it is. It's just not actually labeled as such on those works plans. And I think it would be clearer if it was. Could you also explain and given the mean high water spring changes according to the peach profile in practice on the peach itself, if the peaches eroded, for instance, then the the line would move westward again. Is this a satisfactory way actually delineating the works?

00:21:54:01 - 00:22:33:07

Dr. Jill Ireland on behalf of the applicant. The main high water spring mark was used within all of the application documents as satisfactory use and can be relied upon. Coastal erosion along the area is monitored by east riding of Yorkshire Council and that has been factored into the baseline characterisation for future baseline consideration, including climate change effects on coastal erosion. So while there may be long term changes, sort of decadal scale on within a three year period or the construction works will be at the landfall where you can rely on the prediction of main high water spring to remind us what it is.

00:22:33:16 - 00:22:34:01

Yeah.

00:22:35:11 - 00:22:35:26

Okay.

00:22:37:13 - 00:22:39:12

Mr. Clapton, did you have any comments on that?

00:22:41:07 - 00:22:42:05

Yeah, I would share your.

00:22:42:07 - 00:22:56:26

Concern on that, Andrew, as the possession of that mean high water spring tide line will be dependent on beach levels, which in that area can vary by over a metre with gradients on the beach that would that would have a big impact on the position of that tide line.

00:22:58:07 - 00:23:04:18

If you have any suggestions how it could be more accurately, more permanently delineated in terms of a works plan.

00:23:06:02 - 00:23:19:24

There is no way to confirm where the tide line would be. I could give a band based on our monitoring highest expected and lowest expected position for that tide line. But where it actually is at the time would be impossible to say at the moment.

00:23:20:15 - 00:23:21:00

And

00:23:22:06 - 00:23:58:19

so. Mr.. So, Mr. McGovern, could you me we take on board your offer of producing a plan which naturally shows labeling of that main home or spring. Could you give some further thought or catching some further thought as to what would happen if there was a change in speech levels? I understand Dr. Carolyn Sams, Dr. Carolyn's submission, that erosion and so on will change much more slowly over time. But it is possible, as you just heard locally, for the beach levels to change, which would actually change the actual mean high watermark.

00:23:59:28 - 00:24:11:07

I guess there's a concern that if. The area, suddenly the area of intertidal effectively changes and that's not been assessed whether that would have a material impact on the outcome of the assessment.

00:24:13:15 - 00:24:14:13

The reports from.

00:24:17:27 - 00:24:32:27

Gary McFadden for the applicant. So we're certainly happy to give that some further consideration, although as Dr. Conlon said, the coastal erosion processes have been factored into the maximum design scenario. But we'll see if we can provide some further assurance on that.

00:24:34:25 - 00:24:55:03

Yeah, I understand that. But I potentially this year I'm not sure whether it is or not. So I'd like to hear from it is that the impact assessment has assumed that ramp is never in the intertidal zone. So there's been no assessment of intertidal process. So if the beach levels do change, what would be the impact of that is my question. So if some thought could be given to that,

00:24:57:04 - 00:25:28:29

I'm moving on also to the area of works 980, which is the the part of 980 shown on the foreshore. This looks as though from the work's plans, it's from mean high waters springs down to mean low water

springs. But again, there's no labelling of the two boundaries on the works plans schedule. One of the draft DCO shows this to be temporary vehicular access tracks. I'm assuming again, this has to do with the vehicles responding to any potential failure of the HDD in this area.

00:25:30:02 - 00:25:34:14

Can you explain what these would be on the ground and if any assessment has been made of their impact?

00:25:45:06 - 00:25:50:02

I got him covered for the applicant. If you could give us a minute. I'm just conferring. That's fine.

00:26:55:03 - 00:27:27:18

Got him covered for the applicant and I believe we can provide some further detail on that matter, which we can do in writing. But my understanding is there would be no tracks laid on the beach surface. The precise location of where access may be needed is unpredictable, given the nature of when it would be required. Which is why we have the large areas, as Mr. Project described in a previous hearing. I understand it would be light vehicles or light excavation vehicles, but we can provide further detail just to confirm what we know.

00:27:28:09 - 00:27:30:26

I'll be grateful for that. Are you happy with that as well, Mr. McLoughlin?

00:27:33:28 - 00:27:35:17

Yet. No more talk to an Israeli. Yeah, that would.

00:27:35:19 - 00:27:37:11

Be fine with me. And you?

00:27:40:26 - 00:28:11:29

Mr. Goodman, can we move on to ask you to comment on Natural England's submission in response to our first written questions that the impact of the intertidal access ramp on cliff stability and cliff erosion has not been fully considered. Natural England has asked for details of cliffs, slope regrading, cutting into the existing cliff, face surfacing of the cliff face and the storage of any remove cliff material. I think you potentially are about to tell me that you've answered all of those questions. But in the absence of natural England to date, could you just respond to that?

00:28:14:18 - 00:28:24:06

Gary McGovern for your intuition salary. Well, sir, and indeed my answer was going to be, and is that we've addressed those matters who are confirmations to you today.

00:28:25:01 - 00:28:26:28

Thank you. I just wanted to cover that. So.

00:28:30:06 - 00:28:38:28

Could you also tell me in relation to this intertidal area. So works 90 and potentially parts of works 90 of the big shifts

00:28:40:15 - 00:28:47:27

will fall within the intertidal area. Which authority authorities would be responsible for any monitoring and enforcement and how would this happen?

00:28:56:24 - 00:29:40:07

Got a megaphone for me. There is overlap, as you will know. And the title zone. As Dr. Caroline mentioned, East riding of Yorkshire Council already monitors the coastal erosion rates annually. I believe that's done twice per year in spring and autumn and they're responsible for monitoring the erosion rate and the code of construction practice and code of construction practice, which is document one. Dash 027 describes the temporary access write, underline for works and outline code of construction practice will of course be a document that's finalized and approved under the requirements with East Riding of Yorkshire Council.

00:29:43:06 - 00:29:43:21

Thank you.

00:29:45:13 - 00:29:46:16

Are you happy with that?

00:29:48:08 - 00:30:03:08

I particularly I notice your local impact report requests monitoring of the beach during construction. So in addition to what you tell me, you're happy with what you've heard today. Can you explain what he'd be required to be monitored and why you'd require that to be monitored?

00:30:04:17 - 00:30:39:21

Yeah, I knew that. And he started council. It's been our experience. The only construction on the beach that interrupts sediment transport can impact on erosion rates elsewhere. So that's what we'll be looking for was monitoring of beach levels during the construction period. I'm thinking in connection with any access arrangements for the directional drilling or the ramp that we talked about earlier. We would probably ask for that to be done on a monthly basis over an agreed area of the foreshore.

00:30:41:09 - 00:30:44:22

If there's anything else you wish to comment about on this matter.

00:30:46:08 - 00:30:47:29

No, that seems to be everything for the moment.

00:30:48:12 - 00:30:52:18

Q Mr. McGovern, you've heard from Mr.. And there is that what you were expecting?

00:30:55:09 - 00:31:18:12

Guy McGovern for the Afghan and I'm afraid say not. So we're still, I suppose, unclear as to what purpose such monitoring would serve. Appreciate the past experience of East Riding of Yorkshire Council in this regard over the nature of the works. In this case with the HDD directional drilling and the temporary nature of the access that would be required to the beach

00:31:20:09 - 00:31:29:22

alongside the location and nature of the ramp, and lead us to a position that we don't see that such monitoring would be serving any useful purpose in this context.

00:31:31:00 - 00:31:42:21

But I'd ask you to take that discussion away. Clearly, it was raised in the local impact report by the East Riding Yorkshire Council, so it does need to be addressed. Perhaps it's something you could continue to discuss through the state common ground.

00:31:46:09 - 00:31:56:05

Karen McLoughlin from the yes was certainly happy and will continue to engage with the Council through the statement common ground process and hopefully be able to align our positions on that so very much.

00:32:00:22 - 00:32:39:19

Okay. Which case? If we've completed that particular topic, I'd like to move on to item 2.2 on the agenda, which is the location of the HDD exit pits. And I believe we have similarly progressed the situation with with the location of these exit pits and the assessment of any intertidal habitat effects. But just to check, really. Mr. McGovern, with the proposed change of wording set out in your response to our first written questions, will you now contend that the HDD exit pits could not be constructed in the intertidal zone? And can you very briefly summarise how that will be controlled?

00:32:55:06 - 00:33:26:26

Got him covered for the applicant and yes, we hope that matters has now been cleared up through the amended wording and that was set out in response to written question PDS. .1.5 that the project description would be amended accordingly and the environmental statement to make that clear as to the location of the exit pit. So we hope that will satisfy yourself and the other stakeholders in that regard. And of course, environment statement is one of the certified documents that's listed in the schedule to the DCO. So we consider that to be appropriately identified through that amendment secured.

00:33:27:23 - 00:33:33:13

But can you just clarify has not been done yet, but you intend to do that within the environmental statement, is that correct?

00:33:36:13 - 00:33:47:00

Yes, that is correct. That will be updated. I don't believe that we've actually specified in a response a deadline, sir, but we can confirm that after this hearing to see you have visibility on the timing of that.

00:33:47:16 - 00:33:49:10

I would be grateful for that. Please.

00:33:51:12 - 00:34:05:22

Thank you. Unless anybody else got any other comments, I think it's probably best to move on from that one onto an item 2.3, and that's the nature and effects of the cofferdam. So the HDD actually pits.

00:34:09:04 - 00:34:33:16

Natural England's rather than representation, suggested there's a lack of clarity around the three month period of cofferdam placement around the HDD exit pits. The applicants responded at deadline one to say that the three month period refers to each set of three coffer dams. So in theory, there could be three periods of three months to account for the up to eight HDD exit pits.

00:34:35:04 - 00:34:57:08

I think I understand that there were a lot of figures and it wasn't particularly clear at the time. But Mr. McGovern, in your response, applicant's response noted that any DCO DML powers would be limited to what has been assessed in the Environmental Impact Assessment. And you therefore said that a DML condition would not be required as it is inherently secured.

00:34:59:15 - 00:35:33:24

I understand the theoretical accuracy of that, but what track, what reliance in practice can be placed on it being inherently secured? And does the restriction on a DML condition need to be explicit to avoid any misunderstanding now, or perhaps more importantly, at the time that any DMR was implemented? So natural England. And I requested a demo condition. He felt almost not necessary

because it was inherently secured. But is that still your position? Because it does seem to me that there is an opportunity of misunderstanding there.

00:35:33:26 - 00:35:39:19

I'm not sure I would appreciate an explanation as to why you could not be conditioned in the demo.

00:35:41:25 - 00:35:42:10

But.

00:35:44:06 - 00:36:18:22

Game governance for the applicant. So our position on this remains as set out in our written response, and we believe that the project description on the here are clear on this matter. And the need or the potential need for the coffer dams leads to particular methodology of the HDD. So they may or may not be required, but the maximum design scenario is clear that the HDD could involve up to three HDD operations at one time, each of which could be three months on.

00:36:18:24 - 00:36:55:02

It therefore follows on from that that there would be up to three entry pits also for a similar duration of time, three months, and to extend the cofferdam so needed they would be deployed over that same time period. So we feel that that is as clear as it can be through the project description. It's been assessed, unlike all of the other aspects of the project description which have timescales attached to them. That is all inherent to the assessment. And if we were to go down the road of trying to capture every line item and the project description and the details, and that would be a very onerous and in our view, unnecessary exercise.

00:36:55:04 - 00:36:55:26

So thank you.

00:36:56:29 - 00:37:06:27

I cannot understand and the unfortunate absence of natural England today. We will go back to them and the other parties to raise this for a specific view on this going forward.

00:37:10:12 - 00:37:37:24

So is there anything else anybody wishes to raise in relation to section two of the agenda before we move on and perhaps comes down to Mr. McLoughlin? But saying we're now moving offshore and effectively out of your jurisdiction, you're most welcome to stay with us for the remainder of the agenda and to please feel to feel free to leave if you wish that it would be helpful to collect the case team know so that we will hear why you have disembarked intentionally.

00:37:41:25 - 00:37:43:08

Stance if you wish to comment.

00:37:45:28 - 00:37:49:17

Pneumococcal administrative council. I'll take my leave. If that's okay.

00:37:49:19 - 00:37:50:26

Then it's fine.

00:37:51:11 - 00:37:54:06

Then potentially, I can cancel. I shall join next to my apartment.

00:37:54:22 - 00:37:57:07

Thank you. Thank you. Thank you for your help this morning.

00:38:00:12 - 00:38:08:19

So I'm going to move on, in which case to section three of the agenda, which is around trade sampling, characterisation and monitoring and the disposal site.

00:38:10:06 - 00:38:29:02

And I'd just like to check where we are with matters around the sampling of the dredged sediments, along with the decision on the disposal site and any ongoing sediment monitoring requirements. So the first 3.1 item was sampling and characterization of sediment samples. And Mr. Gardner.

00:38:30:22 - 00:39:11:05

Mr. McGovern, I'm sorry. I was I was going to start with this quite positively this morning, because I understand that some of the relevant information that was required by the memo they didn't originally find because they hadn't looked at the correct documents. And so that was the reason they weren't able to judge the suitability of the trade settlement for disposal. And I believe you signposted that relevant information and produced a helpful collation for them. However, the most recent submission a couple of days ago, which is Rep three over 52, introduces a new problem in that they say neither of the laboratories they've used to test the machines have had some validated and that they cannot accept the results.

00:39:12:17 - 00:39:29:27

I further understand from the submission that the MMO has requested further information from you about this, but due to time pressures, there may be a number of weeks before this information is forthcoming. Could you please provide an update, explain the problem, and tell us when we can expect a resolution.

00:39:33:15 - 00:40:05:11

Got him McGovern for the applicant? Yes, I think we are nearing end on a solution to this. I can reassure you in that regard on my understanding is that the issue relating to the validation of the labs is an error in terms of information that was put on a written form. But I will perhaps pass this 1 to 1 of our other speakers, Angela Barra, who will be able to update you on item C one and also item 3.3 on your agenda. And then I can confirm the position in relation to item 3.2.

00:40:05:13 - 00:40:08:13

The disposal sites are attached to my colleague now.

00:40:14:14 - 00:40:35:07

Hello, sir. And to the debate on behalf of the applicant, I can confirm that Gary is correct, that the lavatory details that was omitted on the form were input incorrectly, but that will be updated and resubmitted to the MMO by deadline four.

00:40:38:26 - 00:40:43:27

We also note that the eight lab certificate analysis

00:40:45:12 - 00:40:51:15

haven't been submitted at present, but will be submitted for completeness by the same deadline.

00:40:52:03 - 00:41:02:12

I'm sorry, can you just clarify that? What's going on behind the scenes and we're going to get the outcomes of all of that. The deadline for all will be going to MMO deadline for.

00:41:04:16 - 00:41:06:20

You to be going to MMO deadline for.

00:41:07:17 - 00:41:11:09

So have you any idea by which time this may be put before the examination?

00:41:13:16 - 00:41:14:10

At the same time.

00:41:15:06 - 00:41:20:11

Okay, so it's coming to us. We'll set a deadline for and MMO will have seen it before. DEADLINE for.

00:41:21:25 - 00:41:22:14

That's correct.

00:41:23:00 - 00:41:23:15

Thank you.

00:41:27:05 - 00:41:35:19

I have nothing else on that one. Then I look forward to the resolution of that word. A deadline for. So back to Mr. Lew and item 3.2.

00:41:38:00 - 00:41:46:24

Background Mr. Dutton progress was reported at deadline two in response to our first written questions in relation to the definition of a preferred trenching disposal site.

00:41:48:14 - 00:42:02:01

We rented David Marine licence in the draft. DCO has been updated to exclude the Dogger Bank A and B disposal sites and the different disposal sites for this proposed development so as to avoid an overlap.

00:42:04:04 - 00:42:19:24

MMO deadline to respond seems a little less conclusive and in their absence are quoted saying the MMO are in ongoing discussions with the applicant and will aim to provide an update on the status of discussions on the disposal site at a subsequent deadline.

00:42:21:26 - 00:43:03:07

Mr. GORDON The Schedule 12 definition of the cable corridor disposal site in the draft EEC has been changed. I note, and I also note that the Dogger Bank Disposal Area Plan has been added to schedule 15 of the show, but I can't find that plan itself in the deadline. Two documents. I can find a plan called interaction between Hornsea four and Dogger Bank three back to the old limit, which is in there wrap to 48. But whilst the title of that plan refers to a disposal where it's not immediately obvious on the plan itself, can you please clarify how the various pieces of this jigsaw are fitting together to achieve the intended goal?

00:43:16:22 - 00:43:49:29

Gary McGovern for the applicant and the overlap area is excluded from our disposal area by virtue of the revised drafting, which is and you've correctly noted in the discourse the coordinates that we didn't add to the DCO and define, delineate the overlap area and exclude it from our disposal area. So we think that's clear. My understanding in relation to their memo is that they wish to double check that our good coordinates are correct and aligned with their own understanding of the Dogger licence area.

00:43:50:01 - 00:44:09:04

So that that's the work that's being done by their member at the moment. So we're hopeful and we expect that they'll come back and shortly to confirm that we have our coordinates correct in relation to the plans, we think the issue might be with labelling of plants. Well, we'll look into that for you. So endeavour to clarify the position released the plan's deadline for.

00:44:10:27 - 00:44:12:09

And that really sunk.

00:44:16:01 - 00:44:32:13

I also know that you have an intention to revisit the potential impacts of driller risings and to produce clarification. Noted DEADLINE five. So taking that into account, to what extent you otherwise believe this matter about sediment disposal has now been addressed?

00:44:36:07 - 00:44:52:14

Got him for the applicant. So from our perspective and the submissions that we've made and will be making by the data in four should address all outstanding matters. Of course, in the absence of the other stakeholders, you'll have to wait till they're confirmed possession writing. But from our perspective, we've addressed the issues.

00:44:53:24 - 00:45:05:00

We I think you are correct. I think we did hear from a memo they intend to respond about the Gordon's deadline for. So if we don't hear that, we will be chasing them from their side as well.

00:45:06:27 - 00:45:14:26

Thank you for that. Is there anything else from anybody on the matter of the Dogger Bank overlap on the definition of the sediment disposal site?

00:45:17:01 - 00:45:43:29

In which case I think it's back to Mr. Palmer and item 3.3, which is the memos request for ongoing monitoring of sediment samples which we understand the applicant doesn't believe to be necessary. And I hadn't actually intended to pursue this today, given the circumstances. And with that memo, not here and lead you to progress progressing through the statement of common ground. But if you wish to add anything else, Mr. Perry, be happy to hear it.

00:45:46:02 - 00:46:16:06

Thank you, sir. Angela Byrne of the Applicant. You have the recommendation from MMO is that sediment from the proposed dredge area is to be sampled and analysed every five years in line with the ISPA guidelines as currently planned. All offshore construction will be completed by 2029, so within five years from the commencement of offshore works and as such, sampling of the dredge area is unlikely to be quite required.

00:46:17:13 - 00:46:42:12

Furthermore, it is worth noting that details of the dredging disposal activities will be provided in both the Construction Methods Statement and the construction projects, environmental, environmental Management and Monitoring Plan. And the applicant considers that this mechanism will be ensure that regulators can approve details in relation to the dredge and disposal activities.

00:46:45:11 - 00:46:52:09

That's great. So thank you very much. Could you just confirm you'll continue to pursue that through the statement of Common Ground process with MMO, please?

00:46:56:17 - 00:46:59:02

Yes. I can confirm that and kick.

00:47:01:26 - 00:47:10:08

Does anybody else wish to raise anything else about the dredge sampling and characterization before we move on to the agenda section for.

00:47:15:03 - 00:47:51:29

Which case we shall move on to Agenda Section four. The background to this just briefly. We would like to understand further the various parties positions around the additional geophysical surveys which were carried out in 2021 and any requirement for further pre-construction surveys. We do have the applicant's response to relevant representations and their answers to our first written questions. So we don't need to go into too much detail on what's already been submitted. Kyle also have a look at in more detail at the question of maximum design scenarios that was originally raised by Natural England,

00:47:53:14 - 00:48:00:28

a deadline three. We received a clarification note on these maximum design sites from the applicant and that's wrap 335

00:48:02:13 - 00:48:14:02

I appreciate that not all parties have maybe listening into their at full opportunity to review and comment on that so far. So we will be carrying this matter forward and seeking further views on the parties on it.

00:48:16:02 - 00:48:35:17

So first to Mr. McGovern. You will be aware that the MMO had no further comments on the additional geophysical surveys to report in the deadline. Three submissions. Other than they clarified that any such surveys to qualify as an exempt activity would not require regulatory signoff prior to work union notification

00:48:37:10 - 00:49:06:08

and the applicant's deadline to submission. In terms of pre-construction geophysical surveys, the applicant says that appropriate consideration will be given to these surveys in the context of the Marine and Coastal Access Act, the habitat regulations, current guidance and best practice. Are you actually making the same point? Is the memo that in any future surveys may prove to be exempt activities? And if not, can you explain what you meant by your deadline to statement?

00:49:08:24 - 00:49:17:17

Got to McGovern for the applicant. And you're quite correct, sir, and how you've read our respective submissions, we're essentially saying the same thing as the memo and get.

00:49:19:26 - 00:49:32:09

We're all on the same page on one. Can you tell me how likely it is that there'll be further geophysical surveys and how likely, if there are, they will be exempt activities?

00:49:36:15 - 00:49:38:09

Got him a government for the applicant and

00:49:40:09 - 00:50:21:07

further geophysical surveys are a standard part of the post consent for the design and engineering process for offshore wind farms. It would be typical for offshore wind farms at that stage to go through a further survey in order to further refine the design assumptions that's addressed and a number of places, including in the outline marine monitoring plan, which refers to the standard surveys that would be undertaken at that stage. That's an entirely normal practice. And it's also

reasonably common for those for the geophysical surveys because of the nature of the surveys to benefit from the exemption that the marine management organisation have.

00:50:21:09 - 00:50:30:13

Draw your attention to on the basis of the nature of those surveys are not of a nature that would give rise to significant effects for any of the relevant receptors.

00:50:33:00 - 00:50:40:18

Can you can you confirm whether or not those almost inevitable services were included in the Environmental Impact Assessment?

00:50:57:15 - 00:51:34:12

At Ghanim government for the applicant, yes. Further surveys have been described unacknowledged and the application documents have been submitted. We're not actually seeking and consent or the Marine license for those activities on the basis that the assumption, working assumption is that they would be exempt on the way that the exemption regime operates and is not. In order to benefit from such an exemption, you need to be able to satisfy a range of pre conditions, prerequisites of the exemption, which includes amongst other things, and that you're able to demonstrate or be satisfied.

00:51:34:14 - 00:51:43:24

That would be in all likely significant effects. And so that the logic and assumption underpinning that is that such service would be exempt do not require further assessment.

00:51:45:29 - 00:51:48:15

Okay. So sorry. Just to check my understanding of that.

00:51:50:24 - 00:52:00:23

The likelihood is that they're going to be there's going to be no likely significant effect as a result of these surveys. So there was no reason to include them, specifically an environmental impact assessment.

00:52:04:12 - 00:52:05:04

That's correct, sir.

00:52:06:03 - 00:52:06:18

You.

00:52:10:08 - 00:52:10:23

Okay.

00:52:14:28 - 00:52:41:10

Reading on similar related topic and its answers to our first written questions. Natural England has queried whether these geophysical surveys are likely to include supporting profilers, and, if so, that high level assessments should be presented with as much detail is available at the time. And here's what you've just told me. Excluded the use of symposium profilers in these.

00:52:51:25 - 00:52:58:21

Got him covered for that. If you could give me a minute just to check with my team and can make sure I give you an actor answer. It was like you.

00:53:41:07 - 00:54:04:21

Got him government for now. Support and profiles are not excluded. They may be used. Oh. My understanding is that there are different types of support and profiles and the nature of the affects that

they have are different. But the typology that would be likely to be used in the context of wind farm surveys would not be a type that would give rise to the effect and the natural England are concerned about.

00:54:08:17 - 00:54:18:07

And in the circumstances where it happened is one of the bottom profiles that did have likely significant effects, which is one with the bid process you'd go through at that time.

00:54:20:24 - 00:54:52:28

Got a McGovern for the napkin. So this goes back to the earlier discussion we're having about benefiting from an exemption on the nature of the support and profile of a clearly informed decision as to whether or not an exemption applied. And so if the typology was such that you could not satisfy the prerequisites of the exemption, then you would go through a marine licensing process and any noise effects would be considered as part of that process. There's also, of course, the parallel regime in relation to European protected species and on the licensing requirements which would be engaged if there was a risk of disturbance to such species.

00:54:54:14 - 00:54:57:15

Okay. I think that's clear. Thank you.

00:54:59:27 - 00:55:11:18

So we'll be leaving it to if in circumstances one of these no easier so Boston profile as we see is we would be leaving at the moment to deal with through conditions on at that time.

00:55:13:20 - 00:55:14:13

That's correct, sir.

00:55:15:17 - 00:55:16:02

You.

00:55:17:20 - 00:55:26:02

Okay. Can we move on to the clarification note? He submitted a deadline three for the justification of offshore maximum design scenarios.

00:55:28:16 - 00:55:51:08

In summary, I think of the maximum design salary overlaps that were reviewed. Is it correct that you are suggesting a reduction in two in response to concerns, especially from natural England? And I think these are probably a reduction in the maximum design scenario volumes for better foam clearance of cables and for the Smith Bank cable protection requirement. Is my reading correct on that one?

00:55:53:15 - 00:55:55:22

Got him government for the. Yes, sir. Your reading is correct.

00:55:56:24 - 00:56:07:25

Thank you. And has this been discussed with natural England? Clearly would have been something I would like to discuss with him today. And we will be seeking a response. But has this been discussed in advance with Natural England?

00:56:10:23 - 00:56:25:26

Got a McGovern for napkin? No, it's not been discussed in advance with Natural England and our desire to submit the information to the examination at the earliest possible time. It's been submitted to the examination passed in England at the same time. So we're waiting here for the comment, sir.

00:56:26:23 - 00:56:45:03

Thank you very much. Sorry, I didn't expect these things clear because some things appear to be discussed in the background in natural England. And sometimes I'm not always clear which stage some of these documents are coming to us at, and we're not discouraging you from continuing that process, by the way. It's very good they should be continued in the background.

00:56:49:13 - 00:57:12:02

So in terms of these two changes, when will you capture these two changes by adding the clarification to schedule 15 of the draft decoded document to be certified, along with updating the volumes stated in the draft TCO Project Description Pro Rata Annex. I think going to be some changes to those documents within that you have to actually capture those proposed changes.

00:57:14:03 - 00:57:21:03

That's correct, sir. We plan to capture those changes through amendments to the DC in the emails. Four deadline for thank you.

00:57:22:11 - 00:57:23:18

They're watching those.

00:57:26:15 - 00:57:32:20

Does anybody else have anything else on section four? The geophysical survey is.

00:57:37:28 - 00:57:49:19

Which case I'm going to suggest some of you have been on an hour and a half. So can I suggest we take a short break and can we start again, please? 11:05.

00:57:51:13 - 00:57:51:29

Thank you.