

## ISH 5\_28 April\_Session 2

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00:00:06:05 - 00:00:33:24

Okay. So hopefully we are all back and raring to continue. We're up to item six on the agenda, which is indirect effects on bird populations through impacts on prey species. I'm hoping this is going to be quite brief because it is agreement from natural England early in the process with the basis on which these indirect effects on seabirds as a result of impacts on prey species were assessed.

00:00:36:05 - 00:00:55:13

So the applicant reported you were giving further consideration to possible supplementary work on indirect effects. So said this was confirmed in a deadline to you said this would now be submitted to deadline. So I'm really just looking for an update on this position and confirm what's likely to be submitted and to confirm it will be deadline five.

00:00:58:28 - 00:01:06:24

Got him on for the applicant. Yes, sir, I am. I will pass you to Dr. Julian Cullen, who will be able to produce an update on that item. Thank you. And keep.

00:01:09:13 - 00:02:04:27

Good morning, sir. Dr. Children called on behalf of the applicant. Yeah. That is a piece of work that will be delivered on deadline five. The purpose of that work is to draw together work from the marine process, a scope of work, deliverables on the flamborough front. And once we have established the spatial and temporal variation of that feature, then to bring that together with other aspects of the marine environment, notably bathymetry benthic habitats, fish distributions, seabird distributions, and then to look predominantly at our post-treatment dispersal distributions and to bring all of that information together into one coherent document, a standalone document addressing a number of key stakeholder concerns in relation to indirect effects, functionally linked habitats and post breeding dispersal of all species.

00:02:05:25 - 00:02:23:13

And the key input to that is the marine processes deadline for input, which will form the basis of all of our information, which is really just the same posting of indirect effects assessments that are broadly being taken in the respective chapters. So yeah. DEADLINE five.

00:02:26:00 - 00:02:28:27

Sounds like it's going to be very useful. Thank you, Dr. Cohen.

00:02:30:21 - 00:02:31:06

And

00:02:32:18 - 00:02:45:02

Mr. Cohen, can I take you to your response to relevant representations, which is REP 138? It's a small matter, but there's an entry in there which appears to be blank.

00:02:46:25 - 00:02:53:29

His entry. AH oh 29 AP the XP Dash 11.

00:02:57:01 - 00:03:01:23

If it's a fair question, if you can find out, is it possible to let me know why that is a blank entry?

00:03:03:08 - 00:03:05:10

As relate to this matter, I believe.

00:03:11:06 - 00:03:16:07

Guy McGovern for now. So we're just trying to find that particular section of the document, if you bear with us.

00:03:16:26 - 00:03:21:07

Oh, yeah. Sorry to throw that. When I turned up in Pittsburgh. 11 Appendix B 11.

00:03:57:19 - 00:04:07:10

Got him on foreign policy, sir. It appears to be an oversight and not providing that response. We're happy to provide a response at length for addressing that specific point.

00:04:08:03 - 00:04:14:02

Thank you very much. I suspect it may be a similar response that you included for 510, but just to check really for completeness.

00:04:16:05 - 00:04:20:05

Thank you. Is there anything else anyone wishes to raise on this particular matter?

00:04:24:05 - 00:04:25:02

We're happy to move on.

00:04:25:04 - 00:04:30:21

So thank you. That case, we move on to agenda item seven, which is impacts on goals.

00:04:33:03 - 00:04:55:05

This relates to the draft statement of common ground between the applicant and natural England, where the seems to be remaining outstanding disagreement in relation to Great Black Park, Leicester, black bat and herring gulls, including the collision risk assessment and their assessment as part of the Flamborough and Filey Coast Special Protection Area Assemblage Feature.

00:04:57:00 - 00:05:16:06

I suspect we'll pick the second one up tomorrow, but in relation to the first point, I note that that deadline too, that the applicant would tell us we're going to get a document to clarify the PD maps, the biologically defined minimum population scale. That is a deadline three and waiting for clarification from natural England.

00:05:17:25 - 00:05:29:27

So first, can I take you to your response to representations again and to your comment at Appendix B 23? It's the same document to be 23.

00:05:31:24 - 00:05:38:24

The issue that's raised relates to gulls, but their response seems to relate to Gannets. Can you clarify that for me, please?

00:05:43:26 - 00:05:48:28

Got an account for that yet? Yes, I will try and look at that quickly. If you give us a minute.

00:05:49:17 - 00:05:50:04

Oh, yes.

00:06:13:07 - 00:06:34:07

A short video on behalf of the applicant and apologies. Yes, we will be happy to provide clarification with regards to any of the gold species news. It may well be something missing from our response with regard to Gannet, but we didn't understand that it was obviously this topic was around gulls, so not on organics.

00:06:36:04 - 00:06:39:15

And. Q Can you provide clarification a deadline for on that?

00:06:42:28 - 00:06:46:24

Shortly after now. Yes, I can confirm we can do such and.

00:06:46:26 - 00:07:05:13

Q In terms of this topic, I mean, as I say, I think it's probably best to leave the implications for the S.P.A until tomorrow. But is it possible, just to summarize what you see is the difference between the parties in terms of the focus on the project and the cumulative collision risk assessment for goals?

00:07:09:07 - 00:07:40:28

Chelsea on behalf of the applicant, yes, I can provide a summary of the applicant's position with regards to the three species, and we are happy to discuss HRA matters regarding the Plum Green Valley Coast SBA within the HRA here issued specifically tomorrow, sir, with regard to great. But that goal still remains the position that there is no significant adverse impact both alone and and cumulatively for that species. We welcome the additional

00:07:42:15 - 00:08:53:09

methodological approach provided by Natural England with regard to compiling the BDM piece and or the greatest medium piece values. We will be forthcoming in updating our assessments for that, sir. And with regard to the cumulative approach to both having go and less of like that go, it would be what we presented the what we consider to be non material contributions to certainly negligible adverse impacts for both of those species being herring gold being approximately wandered around them with regard to the collision mortality rate and less of like that girl being significantly below one bird per annum in terms of the collision mortality rate, it was throughout the scoping of this particular project the intention to take a proportionate EIA approach whereby we look to try to reduce the efforts required by both consultants, the applicant and the statutory conservation bodies in reviewing the data sets.

00:08:53:11 - 00:09:23:02

And at that point in time, it was our recommendation that species, particularly lesser black bat gold, which is found in next to negligible numbers within the array area as no colonies all within its foraging range, particularly during the breeding season, did that species should have been scoped out for assessment? It was on the request, the request of that treatment. We included that and we obviously then therefore did so to include it and provided that evidence that a minuscule

00:09:24:21 - 00:10:12:24

impact on that particular species, been it being significantly lower than one bird per year in terms of the annual more collision mortality rate. Therefore just I said that both the proportionate approach to EIA but also just to provide in a good and in acknowledgments of that no material contribution did to following the same sort of guidance on what you than they take through from project alone through the cumulative assessments. It wasn't felt appropriate and following that guidance it isn't appropriate to then therefore provide, you know, full cumulative tables of impacts from more distant projects or projects which are of I suppose we just provide a misrepresentation of the potential impacts and contribution from this project.

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So.

00:10:15:07 - 00:10:21:05

It is the intention to continue negotiating with natural England on that in terms perhaps to the statement of common ground or whatever.

00:10:24:00 - 00:11:03:25

And shortly for the applicant. Yes, we will continue to in our discussions in our training on this topic. We do note also that the recent submissions from Natural England into the East Anglia, one North and East Anglia two projects and therefore that work which was agreed by the examination, the examining authority and the Secretary of State for those projects, that there was no that they agreed that there was no issue at risk mischief issue with regard to her angle, including 24 at that point and the data relied upon it, that was actually slightly higher numbers.

00:11:04:13 - 00:11:30:13

We also note the project alone for less of that goal was agreed is no key to effectively understand the addition of, you know, the contribution of Hornsea four to any of those committed values. Again, for the settlement that goes acknowledged as being don't know material contribution to those. So therefore the contribution from Hornsea four to either those species cumulative impact levels would be no material, non material or other.

00:11:32:19 - 00:11:34:20

It is clear if you can

00:11:36:06 - 00:11:52:29

include those sort of matters in the conversations you are having with Natural England, an uptake, the statement of common ground that would be very useful for us. Otherwise we're going to have to bring that back up with Natural England and the RSPB going forward. Is there anything else on Gulls before we move forward?

00:11:55:04 - 00:11:59:12

Which case we're moving on to common sense and right through to deliver

00:12:01:15 - 00:12:16:02

and hopefully a on again natural England's representation and the statement of common ground with the applicant still highlights a few ongoing disagreements about displacement mortality rates for retro divers and common scoter

00:12:18:02 - 00:12:24:09

twin. Is this a matter to be of relevance to the Environmental Impact Assessment, or is it only material to the aid who believe?

00:12:27:27 - 00:12:38:22

A short, seemingly opinion in regard to the responses from Natural England land standards and specifically to the great wash. SB So I hate matter.

00:12:40:08 - 00:12:52:27

It's discussed that on tomorrow. Move on. If I may to agenda item nine. And that's the Hopkins conclusions on project and cumulative EIA effects.

00:12:55:12 - 00:13:26:03

I guess this all goes back to the perceived problems with the application of the original application of the MRC model and baseline characterisation. But the relevant representation from natural England is unable to rule out significant adverse effects on various species under a reserve judgment in respect of several potential cumulative effects. Clearly, we are still waiting on natural England's response to the rerun of the model, so we are not in a very informed position here today.

00:13:26:25 - 00:13:40:21

But it would help me if we could pull together some of the threads to reach some sort of summary of the current state of play in relation to the likely significant effects on seabirds, both in respect of the project alone and cumulatively.

00:13:42:16 - 00:13:56:00

So is it possible for happening just to briefly summarize your current position in relation to the likely significant effects in EIA terms on seabirds, both for the project alone and cumulatively?

00:13:59:23 - 00:14:32:14

Shouldn't we need for the applicant? Yes. I mean, I can confirm quite, quite quickly. I mean, napkins position for all sea bird species that were offset were assessed both for the project alone and cumulatively that we still maintain our position that there is no significant adverse impact based alone and cumulatively on those seabird species. So including Gannets, Kittiwake, Guillemot, Rosa, Bill and Puffin as well as let's go back go untangle and great part by gull that form part of these applications.

00:14:34:15 - 00:14:38:06

And if I can very unfairly ask you to look into your crystal ball. Sweeney.

00:14:40:06 - 00:14:51:04

Given that we're still waiting for some input from Naturally and the RSPB you think this is likely to be a final position given that further work is underway on some further work beyond that may become necessary?

00:14:54:09 - 00:15:26:05

Shrewsbury If you have, again, I'd like to reiterate back to you the confidence we have within the Baseline Sensitivity report, which suggests that the MRC datasets underline the impact assessments for this project are accurate and certainly no material difference to that which we presented at the point of application. Therefore, our position is highly unlikely to change and we would maintain that position. There is no project or cumulative level impact that would be significant for any of those species.

00:15:27:18 - 00:15:35:20

Thank you for that. Clearly, we're going to be following that up with requests to natural England down to the RSPB for their views. Similarly,

00:15:37:11 - 00:15:39:15

are there any further comments on that?

00:15:42:19 - 00:15:46:28

In which case my final substantive point relates to the lighting and

00:15:49:02 - 00:16:10:15

artificial lighting in hours of darkness that I'm referring to. And I'm considering lighting of all of the offshore infrastructure and any potential adverse effect on birds. I'm aware that the applicant is offering supplementary information on this following further consideration and that the proposed submission was delayed from deadline three to deadline for

00:16:12:26 - 00:16:36:07

natural England. Travel and representation recognises that while the proposed development must meet the regulatory requirements as a minimum, that there are various design solutions that would meet or exceed those requirements, some of which could have more severe effect on birds and others. Could you comment on this and indicate the sort of information that you intend to submit a deadline for in this respect?

00:16:40:19 - 00:16:46:25

Got him government for the African? Yes, sir. I'll pass it to Dr. Julian Cullen, who can provide an update on that. I thank you.

00:16:50:18 - 00:17:21:03

Doctor on behalf of the applicants. Yeah, that is something that we're currently reviewing unfortunately and not be ready until deadline five. In Nature England's issues log, they set out a number of additional lighting requirements that they would like us to consider, not minimising light emissions change in the light spectrum. Looking at light shielding, the intermittent use of lighting on turning offshore wind farm lights off at certain sensitive periods.

00:17:22:07 - 00:17:52:26

We're giving due consideration to the legal and consenting requirements for lighting of the offshore infrastructure, and we will submit them our report. DEADLINE five Setting out what the legal requirements are for those various different considerations. While our technical considerations are. So what we need to do from a project perspective to meet those legal and consenting requirements and what degree of flexibility we have in offering up mitigation. And then we will make some conclusions and recommendations. And that's something that we're looking into.

00:17:52:28 - 00:17:58:16

And if there's something that we can do that's within our path and will hopefully bring something forth a deadline five.

00:18:00:12 - 00:18:00:27

Thanks.

00:18:01:13 - 00:18:07:22

And I mean. I understand all of that. And would it be safe to assume that

00:18:09:27 - 00:18:19:20

there's probably nothing within your capability that's likely to change the assessment as set out in the. Yes? Is it likely to cause any further impacts or is it likely to reduce impacts in your view?

00:18:21:20 - 00:18:51:14

Dr. Kelly has the upper hand, and it's not really within our gift to offer up significant changes to the lighting requirements that's stipulated by legislation and the assessment within the upper for

ornithology. Variety concludes no obvious fact, but it's something that we're looking to see. Is there something that we can do with regards to shelter and intermittent lighting? On if there is something within our power, then happily offer it for it. But yeah, it's not dictated by us, unfortunately.

00:18:52:05 - 00:19:03:00

Thank you. And would it be possible that in your deadline five report, if there are changes which you're accepting or intending to implement, could you also indicate for us how they will be controlled through any DCO?

00:19:04:24 - 00:19:07:29

Dr. Extremely happy to do that. Yeah.

00:19:08:17 - 00:19:14:29

That would just shorten the process because clearly we'd be getting quite late into the examination by that time. And I would say this coming back to ask.

00:19:16:18 - 00:19:17:03

Thank you.

00:19:20:21 - 00:19:29:21

Okay. I've reached the end of the system. Two points on the agenda today. Does anybody else have anything they wish to add before we move on to in terms of any other business

00:19:31:21 - 00:19:34:09

or any other points relating to the agenda items today?

00:19:35:27 - 00:19:38:21

Yes, sir. And Gary McGovern for the young kids?

00:19:40:26 - 00:20:17:23

Yes, sir. So I just wanted to return to your opening remarks in relation to timetabling and concerns raised in relation to submissions. Just to reassure you, sir, that we are very mindful of the timetable and we are working swiftly and proactively to try and address all of the comments. We move very quickly when the issues are raised in relation to the MRC and modelling to try and address those issues. We believe those issues have now been addressed as explained earlier by Mr. Sweeney, and we've been very transparent and clear as to what material will be submitted and to examination and when that will be done.

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And we hope that been useful to you and to the other stakeholders. And leaving aside the MRC issues,

00:20:26:21 - 00:20:57:21

the Hopkins position is that although natural England and other stakeholders are asking for new material. You have before you or will have no later than deadline five before you all of the material and evidence that you and they will need in order to assess the effects of the project and wish ornithology. And we're really keen to narrow down the issues now, and we would encourage natural England and RSPB to try and focus on the material issues. And with, as I say, all of the material information before you and then by deadline five.

00:20:57:28 - 00:21:21:09

And we believe that sufficient time for that to be considered and leaves enough time for that to be considered so that there can be further discussion if there needs to be on any residual issues. The next set of issue specific meeting scheduled for the 18th of July. I'm going to very much encourage natural

England and maybe something that they wish to consider encouraging them to attend the next set of hearing so that we can hear their position on all of these issues as well as the applicants.

00:21:22:19 - 00:21:24:17

Thank you for those points, Mr. McGovern.

00:21:26:12 - 00:21:48:21

Yeah, we will be following those up as and when and if. The same point as I was going to make with DEADLINE five is the final opportunity for any new information before the next set of hearings and also second written questions. So it's quite critical to the efficiency of the examination that we do hit deadline for all of that substantive evidence.

00:21:50:24 - 00:21:52:23

Was there anything else anybody wish to raise?

00:21:54:09 - 00:21:57:24

Know that I'm going to hand over to Miss Dowling to deal with today's action points.

00:22:02:06 - 00:22:04:17

Thank you very much, Mr. Mann. We've got several.

00:22:04:19 - 00:22:07:06

Action points from today which are probably too long and too complicated.

00:22:07:08 - 00:22:17:18

To actually read out now. So our aim is to publish them as soon as possible after this meeting. So I'm not going to hand over to Mr. Jones to close the meeting.

00:22:27:05 - 00:23:03:23

Always helps if I turn my microphone on. If there are 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 inspectors website as soon as practicable after this hearing. The next virtual event for this application will be issue specific here in number six, which will be held tomorrow, which is Friday, the 29th of April 2022.

00:23:04:04 - 00:23:34:23

The arrangements conference will commence at 930 and the hearing starts at 10 a.m.. The agenda for this is available on the project page of the National Infrastructure website. I can confirm that the examination timetable reserved date for hearing on the 5th of May 2022 such the second of the two reserved dates will not now be used. We will consider whether we need to use the reserved date of 4th of May 2022 at the close of its H six tomorrow.

00:23:35:21 - 00:24:03:01

Before we close, we would like to thank all of today's participants for their time and assistance during the course of this morning's hearing. We will consider your responses carefully, and they will inform the examining authority's decision with a further written questions and a further round of hearings will be necessary. So thank you very much, everybody. The time is now 1149. On this issue, specific hearing number six five is no close to.