

## ISH 5\_28 April\_Session 1

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FULL TRANSCRIPT (with timecode)

00:00:06:18 - 00:00:30:19

But morning. The time is now 10 a.m. on Thursday, the 28th of April 2022. On this fifth issue, specific herein in relation to the Hornsea project, four offshore wind farm is now open at today's hearing. We will be considering marine and coastal ornithology issues. Before I began, can I confirm that everybody can hear me clearly.

00:00:36:02 - 00:00:37:21

We can hear you clearly, sir. Thank you.

00:00:38:06 - 00:00:50:06

Thank you. Can I also confirm with Mr. Johansson that the livestreaming of this event has commenced? I can confirm that the livestream has started. We were able to start our intended recording and.

00:00:50:09 - 00:00:51:21

The live captions are on.

00:00:53:01 - 00:01:18:00

Thank you, Mr. Johansson. My name is Gavin Jones. I am a planning inspector and chartered town planner, and I have been appointed by the Secretary of State to be a member of the panel of inspectors to examine this application. Today, I will be going through the management of the event and introductions, and Ms.. Jo Dowling will be taking notes of any actions. I would now like to ask my colleagues to introduce themselves.

00:01:20:01 - 00:01:26:16

Good morning. My name is Joe, Darling. I'm a chartered town planner, and I have been appointed by the city state to be the lead panel member.

00:01:28:26 - 00:01:30:16

Good morning. My name is Robert McArthur.

00:01:30:18 - 00:01:36:29

I'm a chartered architect and I have also been appointed by the Secretary of State to be the member of a panel of inspectors to examine this application.

00:01:38:21 - 00:01:48:06

Good morning. My name is Andrew Mong are the background in Ecology and Environmental Impact Assessment. And I'm a chartered environmentalist and a chartered landscape architect.

00:01:49:29 - 00:02:20:07

Together with Mr. Steven Bradley, we formed the Examining Authority. There were three more colleagues from the Planning Inspectorate here today. You will have all spoken to Mr. K Johansen,

the case manager for this project in the arrangements conference. He is this he is assisted today by Joe Suffer and Drag Race who are also from the case team. If you have any questions regarding the application process in general, could I ask that you please email these to the case team that would be happy to help?

00:02:22:00 - 00:02:50:01

I must first deal with a few housekeeping matters. Although I realize that a number of you will have attended hearings during the course of this week, so I shall be as brief as possible. 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. No requests have been made for any special measures or arrangements to enable participation in the hearing today. But I would just like to confirm that this is correct.

00:02:53:03 - 00:03:18:18

Not seeing any hands up. So I should presume that that is the case for the purpose of identification and for the benefit of those who may listen to the digital record in later. Could I ask that at every point at which you speak? Could you please give your name? And if you are 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?

00:03:24:11 - 00:04:03:28

Not seeing any hands up, so I should move on. 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 today, 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. The Planning Inspectorate is subject to the General Data Protection Regulation. The Examining Authority will not ask you to put sensitive personal information such as email addresses an economic, financial, cultural or health related matters into the public domain.

00:04:04:13 - 00:04:34:24

Indeed, we would actively encourage you not to do so. Please bear in mind that the only official record of the proceedings is the digital recording that we placed on the project page of the National Infrastructure website. Tweets, blogs and similar communications arising out of this meeting will not be accepted as evidence in the examination of this application. Today's hearing is being held by the examining authority to explore a number of matters overly in respect of marine and coastal ornithology.

00:04:36:09 - 00:05:07:29

This is a public examination and therefore there is a point that you wish to make. Please raise your hand and switch on your camera at the relevant time that you wish to contribute. But please wait to be invited before speaking. The hearing today will be a structured discussion, which Mr. Hammond 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.

00:05:08:28 - 00:05:32:21

The question, as it were we are going to ask today, will be focused on those areas that we think would benefit from examination orally. Since the agenda and invitations were issued, we have been informed that natural England and the RSPB will not be with us today. We will nevertheless run through the agenda as issued and will be seeking written responses from those organisations in lieu of their participation.

00:05:34:12 - 00:06:05:21

Rule 1412 of the examination procedure rules requires that at the start of the hearing, the Examiners Authority shall identify matters to be considered at the hearing. The agenda for this hearing was placed on the website on Wednesday, the 13th of April 2022. The main purpose of this issue specific hearing is to examine evidence relating to marine and coastal ornithology, including populations of seabirds that may nest, faint or winter in and around the area affected by the proposed development.

00:06:09:26 - 00:06:19:00

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?

00:06:23:03 - 00:06:46:02

Not seeing any digital hands up so should move on to the introduction of participants. On I would like to take the names of those who wish to speak at this hearing. If you are a representative, please state whom you represent and your role within the organizational group. And please also state the money by which you prefer to be addressed, such as Mr. or Mrs., Mrs. or Dr.. If I can start now with the applicant, please.

00:06:48:27 - 00:07:08:04

Good morning, sir. My name is Gary McGovern. I'm a partner and solicitor with Pinsent Masons. I'm appearing today on behalf of the applicant. I'm happy to be referred to as Mr. McGovern. I'm pleased to say we've got a smaller group of speakers here today, and so slightly easier to recall everyone's name. I hope I'm allowed to introduce themselves now.

00:07:11:22 - 00:07:28:26

Good morning, sir. I'm Sean Sweeney. I'm representing the applicant for offshore and in so long established ornithology today as leader. Delia Mair, associate director and head of Ornithology consultancy from APM. And then I'm happy to be referred to as Mr. Sweeney.

00:07:30:00 - 00:07:30:15

There.

00:07:33:12 - 00:07:42:00

Good morning, sir. My name is Matthew Bower. I'm a senior. All apologies represent in the applicant today, and I'm happy to be called Mr. Bauer.

00:07:44:13 - 00:07:55:27

Thank you, Mr. Bauer. Good morning, sir. Dr. Julian called Concerned Project Monitor on behalf of the applicant, hoping to be referred to as Dr. Carter. Thank you.

00:07:57:18 - 00:08:03:14

Thank you very much. Those were the only four names on my list. But just before I move on, a final shout outs.

00:08:04:29 - 00:08:06:13

To see if there's anybody else.

00:08:08:09 - 00:08:15:23

Not seeing anyone, in which case I'm not going to hand over to Mr. Morgan to lead on items 2 to 11 of the agenda. Thank you.

00:08:18:10 - 00:08:48:24

Thank you, Mr. Jones. As Mr. Jones highlighted, the main purpose of this hearing is to examine environmental issues relating to the assessment of the likely impact of the proposed development on coastal and marine birds, including populations of seabirds that may nest feed or winter in and around the area affected by the proposed development. The agenda follows what I hope will be a sensible course through a series of interconnected topics from baseline data, through assessment parameters to impact assessment outputs.

00:08:49:18 - 00:08:53:14

I intend to look at both project and cumulative effects as relevant.

00:08:55:03 - 00:09:24:18

We looked at the other marine ecology and environmental topics yesterday, and we will no doubt be referring back at times to some of the issues that arose then. And inevitably we are likely to touch on the habitats regulations assessment. But I'd like to defer our detailed discussions and questions on that to a few specific hearings. Six, which will be held tomorrow. I know that's a slightly artificial distinction, but if we focus on EIA Today, an HRA tomorrow might help us with the separation.

00:09:27:03 - 00:10:07:26

Before we start on the agenda, I'd like to acknowledge the concerns of some parties to the examination that fundamental information and assessment in relation to seabirds and the HRA has had to be revisited immediately prior to and after the start of the examination and that some of the revised baseline data and assessment is yet to be submitted. Not only might we be facing late submission of baseline information while into an already constrained six month period. But of course that is potentially just the beginning of a chain of events that could affect the subsequent environmental impact assessment requirements for mitigation with all the feedback loops that could necessitate and ultimately the shadow HRA and compensation considerations.

00:10:08:27 - 00:10:33:29

And therefore like to have the Environmental Examining Authority's concerns to those expressed by the parties to the examination and urge the applicant to ensure timely delivery of accurate information to allow due consideration of new submissions by parties to the examination, particularly those that may have resource constraints, and to do whatever is possible to facilitate their forward resourcing plans and to avoid any inconvenience to them.

00:10:35:26 - 00:10:45:15

He will be aware that 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.

00:10:47:03 - 00:11:06:03

Some of the submissions that deadline three relate to items on the agenda today. All of these have been read and taken into account by the examining authority. But are some parties listening to this hearing may not have had the time to fully review them. I will be inviting summaries and signposting where I consider is necessary today.

00:11:08:15 - 00:11:18:19

So having said all that, can we move on to section two of the agenda, which is the application of the MRC model baseline ornithological data characterization.

00:11:22:24 - 00:11:47:04

We need to discuss the application of the MRC model that we used to analyze and characterize the ornithological baseline data. I understand this was discussed at a technical panel meeting on the 17th of February 22, 2022, and that the applicant has rerun the model for Gannett after further discussions with the model developers, the Centre for Research into Ecological and Environmental Modelling.

00:11:48:19 - 00:12:13:12

The first section of the Gannet Baseline Sensitivity Study Report was submitted at deadline two, and that can be found in the Examination Library at Rapport two zero 46. The full report, including parts two and three, was then submitted after discussion with Natural England at deadline three. And again that can be found this REPP three zero 29.

00:12:15:14 - 00:12:25:18

Mr. McGovern has been without natural England at the RSPB today. Could 2018 tell me if the documents submitted at deadline three was actually seen in advance by Natural England?

00:12:30:15 - 00:12:43:13

Sean Sweeney representing the applicant. Yes, we can confirm that. We scheduled had a consultation meeting with the final results and went through the outputs of part two and three with natural England.

00:12:44:22 - 00:12:49:26

Thank you. And were any amendments made to that report subsequently and prior to its submission? DEADLINE three.

00:12:51:24 - 00:12:58:22

And it shows relief before the applicant again. No can confirm said no further additions or amendments were made to that report.

00:12:59:22 - 00:13:00:07

Thank you.

00:13:03:04 - 00:13:15:26

I understand from the RSPB written representations that they were not involved in that technical panel meeting. So is it fair for me to assume they have not had the opportunity to review that report in advance of its submission? DEADLINE three.

00:13:18:23 - 00:13:31:07

Shortly for the applicant. Yes, sir. I can confirm that the Irish people involved in the latter consultation. Elements of the MRC reporting. They said they will have seen that at first glance during deadline three.

00:13:32:10 - 00:13:32:25

Thank you.

00:13:34:21 - 00:13:36:11

That's useful background for me.

00:13:38:06 - 00:14:05:12

Okay. Can you please go back to the original comment from Natural England? They commented that you had three options in light of the perceived weaknesses in the original modelling. I think I can probably paraphrase those as defend, revise or revert to design based on estimates. Could you explain what those three mean and which course you're following? And what would design based estimates involve?

00:14:08:27 - 00:14:54:12

And shortly for the applicant again and quite happy to give you a sort of broad explanation of what the three options would have been. But the first was to defend the use of the what we now refer to

within the baseline or the MRC baseline sensitivity report for Gannet as the main CV one would DCO, MRC and it was to defend and not the actual removal change anything from the DCO application. The second option was to review the comments that were received by Natural England from Cream and the additional notes submitted going through Natural England's relevant representations to review those comments and take on additional guidance and revise the model to create a better fit model.

00:14:54:27 - 00:15:13:03

And the third option was to ignore any of the modelling outputs and revert back to the design based abundance estimates, which is a more simplistic method to undertake or to inform baseline to actually find independent and density estimates.

00:15:15:11 - 00:15:21:22

Thank you. That's very clear. Is it fair to say in which case you've started down the line of the second option of revising?

00:15:23:17 - 00:15:53:15

And she also. Any follow up to the game? Yes, sir. It's very fair. Yes, we reviewed the comments and we took option B, which was to go down further for the great species of gannet, which had a more simplistic way of that review process for for this instance. And so we agreed, if we remodeled following the guidance that we'd received from both natural England and Cream, that if we reran Gannet, which is what we have done, that that would then be agreeable.

00:15:55:21 - 00:15:56:06

Yeah.

00:15:57:14 - 00:16:08:27

Would you then go on, please, briefly to explain perhaps in lay terms the background to the model, the way we used it, and a summary of the differences between the first and second rounds.

00:16:14:04 - 00:16:17:03

She also developing apologies. Could you just repeat that again, please?

00:16:17:06 - 00:16:32:06

Yes, certainly. Could you explain in lay terms for the benefit of people listening in who perhaps are not quite so familiar with the detail, the background to the model itself, the way you've used it, and a brief summary of the differences between the first and second runs.

00:16:34:29 - 00:17:06:24

She also give the and yes, apologies and think he can repeat the question. And yes, you get quite, quite happy to explain in layman's terms effectively when you using the MLC model, it includes and brings into the modelling method to provide abundances and spatial distribution of species of seabird species. And it also brings those important additional environmental parameters that help to shape the model can include, for instance, water depth, distance to coast, distance to a colony.

00:17:07:03 - 00:17:40:04

He can look at the data, the X, Y access points and my birds all within the actual walk out data in spatially as well as the amongst all biases. And so it takes on board a number of different elements that are useful components for the biology of particular bird species to try and make connections between those parameters and then fit a model to present where they may be and give a better spatial distribution of those species within a given area of study.

00:17:40:17 - 00:18:18:21

So in this instance, we used the data available from the 24 months of aerial digital surveys, which we actually from a wider area than the array area plus four grams per vessel is the original and found Mary Fleece area plus four kilometre buffer which allowed for a wider dataset to be provided to provide increased strength in the model outputs. We then discussed and ran to find the best model fit, so in the V1 if you like, which was consulted on back in the summer of 2021 with Natural England and the RSPB and agreed to be fit for purpose of the application full baseline at that point.

00:18:19:18 - 00:19:04:24

And then. But since then, obviously an additional review was done externally by Cream, who are the developers of the MLC tool? And some questions have been asked about whether additional model runs could have been undertaken, which might have a better model fit, I think better spatial fit. So the process which we did have undertaken for the MRC V2 since the relevant Reps has provided that additional modelling in close consultation with CREAM to ensure that each of the models that natural England and Cream advise to be run would then run and then to determine which of those outputs or which the models would run to provide the best spatial fit to i.e.

00:19:05:01 - 00:19:35:19

the spatial fit being the outputs of the model. So you can see where the distributions of species are from a month to month basis and how they correlate with the raw dot density information from the aero digital survey counts and recordings. The second element of that is whether the model actually fits and how each of those environmental parameters, when they are used and utilised together, actually allow the model to work. And which of those environmental parameters, when run together, provide the best model fit.

00:19:35:21 - 00:19:54:17

And so that model fit is the one that was selected for the MRC two and agreed with Natural England and Cream as being the best model fit for Gannet, which is within the part one, two and three of the Baseline Sensitivity Report as issued that deadline three. So.

00:19:56:10 - 00:19:56:25

And. Q

00:19:58:13 - 00:20:16:09

The conclusion presumably of the MRC version to the Iran is based on comparison to a full 12 months. And I think the conclusion that my correct is that the remotely output is a pretty good spatial fit and provides a good match for the raw observational data sets.

00:20:18:04 - 00:20:49:03

And she was waiting for the outlook again. Yes, that's correct. Yes. Then I'll explain that latter point in the final outcome, the MRC the to provide evidence that the both the special threat and the Model X are superior, if you like, to the original MRC dcom mrc v one. But it is worth adding the point here that in comparison of the two datasets, it would be the least followed. Crews are working example for Gannett within the area assessments.

00:20:49:05 - 00:21:01:10

Then the outcomes are minimal difference between the two datasets in terms of the output, in terms of impact assessments. And we can discuss that when when requested to at a later point for you, sir.

00:21:02:06 - 00:21:02:21

Thank you.

00:21:04:06 - 00:21:15:21

But that's some of the detail involved in running the second version, the model or the second run of the model. What was the rationale behind the definition of the buying seasons used?

00:21:20:12 - 00:21:23:12

I'm talking about return migration period. It's migration free.

00:21:23:16 - 00:21:48:14

And so of course, yes, I'm sure. And we for the model runs for the both the MLC, the one and the MRC v2 followed those within the first 2014, the portfolio that defines by seasons therefore providing, you know, a breeding season, a return migration and post breeding season. So three separate by season.

00:21:48:16 - 00:21:51:26

So you said they were the same for both runs as a model.

00:21:53:17 - 00:21:55:12

Sure. That's correct, sir.

00:21:56:04 - 00:22:00:08

I'm just sorry. Just for the clarity of the recording that's based on the fairness published a paper.

00:22:01:14 - 00:22:04:03

Just translated the applicant again. Yes, sir, that's correct.

00:22:04:15 - 00:22:25:17

Okay. Can you explain the difference? The original outputs, as we see set out in the environmental statement, were for each survey. Well, the outputs for the remodelling are for each calendar month, and there's a reason for the difference. Is there any other any implications for making this and drawing comparisons between the two runs?

00:22:29:09 - 00:22:35:19

And Justin, if the applicant again and is quite happy to explain I suppose this was a

00:22:37:16 - 00:23:25:29

a you know, it would be it would be fair to say that the outcome of the model outputs from the MRC v2 is perhaps a surprise in how it provided the data as 12 outputs rather than what people would expect to 24 outputs. But that's merely the consequence of following the guidance and the instructions that we received from Natural England and agreed with Natural England and CREAM as they defined the model, the best model fit to run the MLC process. So the table seven within the appendix of the Baseline Sensitivity Report provides the outputs and the scoring system, all the scores from the across the cross validation exercise, which is to test each of the models before to correct the best fit model is selected for you.

00:23:26:01 - 00:23:28:26

So the one which we selected for final use,

00:23:30:12 - 00:24:00:00

the candidate model that we selected then ran with a mean depth and month, rather than increasing that for survey month if you like. So survey month would have been 24 months whilst month two was 12. So the relationships and the way that the model run fit best with the use of the month within that, which is why then the spatial smoothing then provided 12 data sets or 12 months and once the outputs from that.



00:24:02:19 - 00:24:07:04

So effectively you are following the guidance provided to you by the model developers natural England.

00:24:09:03 - 00:24:16:15

And shortly from the applicant? Yes, that's correct, sir. Yes. And those outputs were agreed as the best model fit by both.

00:24:20:00 - 00:24:47:01

Okay. Moving on. I note that in terms of moving forward, I know your response to the deadline, two submissions, your intention was to consult on the version to report and then seek agreement on the most appropriate data set to inform any revised assessments following consultation with natural England. I think originally suggested this would happen before today, but could you tell me what the situation with that consultation and plans for going forward are?

00:24:50:23 - 00:25:21:03

It should sit with the applicant again. Yes, I can. I can confirm following a consultation meeting with Natural England. There was agreement that the best model fit had been found and that the massive data that was produced and provided within the Baseline Sensitivity report submitted to deadline three is the best model fit and we understand natural. England are now reviewing in more detail that report and that they intend to submit a deadline for the full response with regards to this.

00:25:21:06 - 00:25:21:21

So.

00:25:23:02 - 00:25:27:28

Yeah. I'm sorry to ask you to speak on their behalf, but that's the best we can do today.

00:25:34:09 - 00:25:34:24

I think.

00:25:36:23 - 00:26:09:05

There's also a suggestion that any updates to the wider assessments will be submitted into the examination a deadline for an An Ornithology Assessment Sensitivity report, and you also intended to provide updated population via probability analysis results once the dataset has been agreed. Again, originally I think that was intended for deadline for but then updated for deadline five. And in the full sensitivity report, again, what you just told me. What's the implications for the examination timetable for any further work that you'd be carrying out on this?

00:26:12:23 - 00:26:59:03

Shortly for the applicant again. Yes, quite, quite happy to confirm that. And we we do intend to continue to or we intend to submit the first part of our assessment. Sensitivity. Reporter A deadline for with the full version of perhaps the final part within deadline. Five submissions on that. The we hope to have a worked example from the EIA level for Gannett to be included within the deadline for submission, which would show how the data from the revised dated MRC v2 is flows through the impact through baseline and into the impact assessment process for for yourselves to see as well as natural England and the RSPB to have in front of them at that stage.

00:26:59:12 - 00:27:23:19

And it shows and what we are confident with the outputs the MRC v2 do demonstrate that actually the differences were quite well I suppose non-material changes in terms of the end impact assessments and that provided confidence that the the actual DCO MRC v one was still fit to inform the process of impact assessments at EU level.

00:27:25:16 - 00:27:36:25

Sorry. Can I just check? So deadline for we got the full version of this reassessment the idea for Gannett. What's going to be happening with the other species.

00:27:44:07 - 00:28:22:02

She was revamping again. And yes, I mean, the intention is to provide that information within the assessment sensitivity report and the update. And it worked through example for Gannett. We are awaiting the full response from Natural England with regards to the baseline sensitivity reports of the MRC results from V2 before we consider any further progression. As I say, I stated before and we are confident within what we found from the model fit between the V1 v2 with the MRC results that we are confident that the the outputs from the original are not materially different.

00:28:22:12 - 00:28:28:00

So it would not constitute any materially different impacts through the EIA skill ISA.

00:28:29:16 - 00:28:41:15

So righteously. Sorry to belabor this one. So depending on how naturally I would respond to the Garnett study, once they've seen it in full, you may or may not be going forward with reassessment on the other species.

00:28:44:14 - 00:29:16:00

And sure enough, the applicant yes, I can confirm that that is the case. We we are awaiting the further detailed commentary on the MRC v2 in comparison to the MRC, the one before we decide to progress any further on this. And the hope is that obviously for the sake of both the examining authority and other interested parties on this project, that confidence within the results. NI And we'll see the two that we have provided if again it can be understood to be, you know, no matter what change we do the species as well.

00:29:17:08 - 00:29:28:26

Your position is that you will not be undertaking any assessments. Reassessments of the other species on the basis of what you've produced began to be not materially different.

00:29:32:16 - 00:29:33:15

Yes, that's the case.

00:29:35:03 - 00:29:48:12

He started the beginning by saying the gun it was new chose of because it's one of the most simple ones to approach. Are you confident that there will be the same for each species? Or if you were to go through the process, that would be the same for each species.

00:29:55:22 - 00:30:13:12

Sean Sweeney for the applicant. And at this stage, having been the model and looked at the model, Fitz, I mean, we're confident that shows that the instance is organic. The difference is immaterial, so to speak, and we have no reason to believe that the model output would be any different for the species. This said Yes.

00:30:14:28 - 00:30:15:13

You.

00:30:17:16 - 00:30:21:04

I guess depending on where depending now on how natural England come back

00:30:22:27 - 00:30:36:18

a deadline for. But clearly if they do come back and they're not as confident as you are that the rest do not need to be rerun, then we could be looking at deadlines six reading deadlines seven presumably before this could be sorted out. Is that correct?

00:30:43:06 - 00:31:08:19

And she wants up again. And I would say that we will review natural England's responses to the MRC v2 and the outcomes of that today implications the third one down the line and then would confirm on which deadline we we may be able to undertake additional modelling if that was required. But as iterated earlier, sir, you know, we are confident then the differences should be immaterial from the modelling process.

00:31:10:14 - 00:31:20:10

And if I'm if I remember correctly, I think right back at the beginning, naturally they agreed it was a good choice or a good term, a good example to rerun the model for that. Correct.

00:31:22:17 - 00:31:53:09

A shortage of the applicant again. Yes, the selection of Gannett for the rebranded model was listed for several reasons, for various reasons. If you like one, it is a species that's not prone to being misidentified. So the raw data from the surveys mean the gates are all against all gametes and there's no other birds, is no unidentified have to be apportioned from the original survey datasets. So it means that you have all the data that can be run throughout the model.

00:31:54:03 - 00:32:19:11

It was also to try to help that stage to reduce any compensation derogation as we felt that if we could gain agreement on again, it was one of the species that was considered in natural England to know the species from HLA perspective, which we might touch on tomorrow in terms of no adverse effect on integrity, the hope was that we might be able to gain that agreement from rewriting the model ahead of the examination.

00:32:21:07 - 00:32:46:12

Yeah. Yeah. I think we will probably touch on that again tomorrow, as you suggest in terms of particularly the schedule, the examination timetable implications, if depending on how we go forward on this, I don't think we can take this any further for it without natural England, the RSPB said. I'm very grateful for all that clarification. Unless anybody else has anything to add on that model. I'd like to move on to item three on the agenda.

00:32:51:07 - 00:32:56:20

I don't hear anything. So let's move on to item three, which is about regional breeding season populations.

00:32:59:05 - 00:33:25:10

There still seems to be a difference. There seem to be differences between the applicant and other parties over the approach taken to calculate regional breeding populations. And I noted as a deadline one the applicant offered to follow this up with natural England. I haven't noted any progress or any notes of progress towards an understanding of this issue or a narrowing of the differences between the party. Is there anything the applicant can tell me to bring me up to date?

00:33:30:12 - 00:34:17:15

A shortage of the applicant again. Yes, quite happy to provide a clarification and an update on the situation. We have since received via email the notes from Natural England. It provides an explanation as to the compilation of their updated BD maps values which correlate with the additional, well, I suppose a calculation of the breeding season, which would then be the maximum

population size that they put forward for useful EIA assessments had to be the MP scale is noted and was acknowledged, and we would welcome in fact the data that was received as two examples to be replicated by ourselves for the species.

00:34:17:25 - 00:35:27:02

I must notes, and it's worth noting for 4 to 2 year olds in the examining authority that those new values are greater. So in every instance that those values would be greater than that which was assessed within the original DCO application within our EIA assessment for all seabird species said it. In fact, the outcome of that would mean that all alone and cumulative assessments are precautionary in nature. We'd also like to make one final note is that the inclusion of just breeding season birds within those revised dated values from natural England, we feel that that could still be a final tweak as the the reason or the rationale behind this is to look at the is to assess the annual impacts on birds through the use of the largest PDMP values, to then assess the annual total for alone and cumulative impacts and by not including non breeding season birds, that would be a slight error if we were to rely on just those.

00:35:27:04 - 00:35:51:13

We have just requested a further clarification as to the addition of not just breeding birds but with the addition of non breeding birds to those revised and updated. Be the values that natural England put forward as we see that that would actually be the most robust or take would be the most robust account or approach for annual impacts to be assessed against.

00:35:52:29 - 00:35:57:10

Which you have a timescale for understanding that additional need.

00:36:00:07 - 00:36:14:07

And she was really for the applicant. And we don't have a timescale from feedback from natural England on this at this point yet, but we hope it's perhaps something may be submitted a deadline for natural England for us to take on board.

00:36:14:21 - 00:36:15:28

Thank you.

00:36:21:08 - 00:36:34:29

Nobody has anything else on that. We're not moving on to Section four. Don't say anything. So we're moving on to item four on the agenda, which is the definition of seasons for Kittiwake and Gannet.

00:36:37:12 - 00:36:44:09

This is going back to the definition of season used in the Environmental Impact Assessment for Gannet and Kittiwake.

00:36:46:23 - 00:36:55:20

Mr. Sweeney Again, I suspect in terms of materiality to the outputs, would you say this is principally an HRA rather than an EIA issue?

00:37:00:21 - 00:37:01:21

Sean Sweeney if the applicant.

00:37:02:09 - 00:37:02:24

And.

00:37:03:00 - 00:37:25:20

I suppose it matters for both, I suppose in terms of the, you know, the review of what those impacts might be during the breeding season when assessed against breeding season populations and during the non breeding season or migratory or non breeding season wintering populations. And these assessments during a season I think really probably does matter for both you.

00:37:25:22 - 00:37:31:25

In that case, explain your rationale for using the migration free breeding season involved in the full breeding season.

00:37:33:10 - 00:38:13:03

And shortly for the applicant? Yes, of course. I mean, we followed as is as is advocated by natural England to utilise site specific survey data findings where appropriate and in this case not too dissimilar to other hornsea projects such as the Hornsea Project. Three. The findings within this within the survey data in the 24 months, the survey data that was used for to define the baseline clearly shows that birds within those migratory months are orientated in a north south direction during those migratory periods.

00:38:13:05 - 00:38:52:28

And then it's clear that during the migration free breeding breeding months as defined by Furness, that those certain species in particular Gannets and Kittiwake have a more easterly westerly orientation within their flights, which suggests that during these migration free months those birds are commuting to and from their colony, whilst during the migratory periods it strongly suggests the evidence is supporting that, that birds are moving predominantly in a north south direction, which suggests that they are moving birds or migrating birds during their post breeding or return migration period.

00:38:53:00 - 00:39:06:11

So this is can be clearly seen within the rows that rose diagrams that were within the appendices to the baseline technical report which was presented or submitted as part of the DCO application. So.

00:39:08:05 - 00:39:08:20

He.

00:39:11:01 - 00:39:24:23

And second part of that I suppose is the RSPB observation that birds seem to be remaining on the continent because they are still RSPB birds. But I guess that really is more of an HRA issue which we should look at tomorrow rather than today.

00:39:27:15 - 00:39:36:29

And shortly for the applicants. Yes, yes. I'm quite happy to postpone that particular question and dance until tomorrow's discussions on HIV.

00:39:37:02 - 00:39:38:12

So again.

00:39:40:14 - 00:39:45:03

There any other anything else I would like to say about the definition of the kittiwake and its seasons?

00:39:51:04 - 00:40:23:05

Ed Sweeney for the applicant. If I could just perhaps make a point that I missed in my response to the the your questions on these points actually was that it was just to reiterate that not just them reliance on our own findings for Hornsey fall, but during the Hornsea three projects and the examination and then the outcome of that examination in consent decisions, the examining authority as well as the Secretary of State, were both in agreement that the migration free breeding season was appropriate.

00:40:23:07 - 00:40:42:01

In this instance, the Hornsea three due to the nature and scale of migratory birds and the evidence within the migration periods and the evidence supporting migration free periods that those by seasons were appropriate for the impact assessment. The EIA.

00:40:43:09 - 00:40:45:24

Thank you. Very useful. Thank you, Mr. Sweeney.

00:40:47:18 - 00:40:48:24

Was there anything else when it.

00:40:52:06 - 00:41:27:15

In which case can we move on to item five on the agenda, which is subdivided? And the background to this is that the relevant representations from Natural England and the RSPB includes a number of concerns in relation to the application of baseline modelling and assessment. I suggest we take these one at a time. I appreciate the all linked to the assessment methodology. We need some way of tackling them. I believe, unless uncorrected, warn of natural England's concerns, which was the use of a theoretical, generalised, stable age structure to apportion impacts to adults.

00:41:27:17 - 00:41:57:28

Most critical of these relates only to the HRA. So I intend to deal with that tomorrow. I think we've just covered another of the RSPB and Natural England's listed concerns in relation to the seasonal definition of a kittiwake breeding and the associated displacement. So I think that leaves us with the six concerns that were listed by both of those organisations. And these are the items you can see as 5.1 to 5.6 on the agenda. I hope that's clear.

00:41:58:00 - 00:42:09:01

And we'll go through them in order, if I may. So item 5.1 is the assessment methodology in relation to all displacement and mortality.

00:42:11:08 - 00:42:24:15

I think the background to this is that natural. England and the RSPB raised concerns about the approach to estimating local displacement and mortality, and I can see that birds in flight were originally excluded from the analysis.

00:42:26:10 - 00:42:37:01

A revised version of the Offshore Ornithology displacement analysis was submitted by the applicant's deadline to following consideration of natural England's relevant representation.

00:42:38:19 - 00:43:01:15

This sets out a revised displacement analysis for all three species to include all behaviours. And whilst as a summary table has shown the difference, there doesn't seem to be any interpretation of those differences. I understand the applicant is intending to provide updated assessments once the baseline data have been agreed and that was originally intended to be at or before deadline five.

00:43:03:07 - 00:43:14:27

I also know the disagreement about displacement and mortality rates, and I've seen natural England suggestion that a range of displacement values between 30% and 70% be used.

00:43:16:23 - 00:43:39:04

DEADLINE three The applicant has referred back to the Orca Displacement Huq Displacement and Mortality Evidence Review, which was submitted a deadline one and maintainers a view that ranges

of up to 50% for displacement and up to 1% mortality provide more precision. Sorry for the long preamble, but if I could ask the applicant firstly.

00:43:40:26 - 00:43:59:12

Just by way of introduction, I noticed that the RSPB has pointed out that the statutory nature conservation body is an interim displacement advice note within and updated in January 2022. Can you confirm if your approach has had regard to this update and have you updated your assessment as necessary?

00:44:03:00 - 00:44:44:29

It shouldn't be finished. But yes, I can confirm that we've received the updated interim guidance. Yes, I believe that the draft was finalized in January, but it wasn't published until March, sir. But we did receive it in March. We reviewed that document and the updates are regarding retro drivers in the main for that specific piece of guidance. So there is no need for any additional modifications to what we put forward for the assessments within this, because it's in regard to retroactive drivers and in particular those which may be within array areas from offshore wind farm assessments.

00:44:46:10 - 00:45:09:11

That's very useful. I know it's a suggestion, your response to relevant representations, and that's in the examination of diabetes rep one of the three eight that you've already rerun the assessment on the basis of the existing baseline data. Is this your is this a reference to report Prep 2003 which you submitted it based on a deadline to?

00:45:17:28 - 00:45:42:01

Insurance we need for the applicant. And if you're referring to the displacement annex, is that correct? Yes. And then, yes, it did not include it based on the original datasets. So the MLC, the one datasets which we relied upon for the EIA that this application faced, and that now includes both flying and sitting birds within those assessments. So.

00:45:43:15 - 00:45:44:00

Okay.

00:45:45:26 - 00:46:06:07

And you seem to be suggesting that the inclusion of the flying ox would lead to material changes to the final abundances and the impacts are therefore likely. Can you expand on the nature and scale of these likely impacts to provide us with some insight and comment on what we might be faced with with revised calculations and reports once the baseline data had agreed?

00:46:09:27 - 00:46:44:14

And shutting it down. Yes, I can confirm yes, that there are some differences within the monthly counts and differences between those submitted in the application which relied upon sitting valid only and those which were updated for the sitting and flying on a monthly basis when transferred into by seasons then and then through the assessment process the the outputs and actually very minimal. So. So only once we have agreement upon the original dataset has been confirmed is appropriate for use which we have confidence in.

00:46:45:01 - 00:46:53:09

Then we can provide that updated assessment and as worked examples for both the examining authority and for other interested parties.

00:46:55:25 - 00:47:03:01

I have not quite previously a suggesting that there's not likely to be material change or there is likely to be material changes to the abundances.

00:47:07:14 - 00:47:26:27

Apologies if I wasn't clear enough. Yes, just the the world example. I mean, we have undertaken the assessment centre to the impacts and the final outputs of the final impacts would be of no material difference to those which were part form part of the EIA assessments. That's why I'm sorry, trying to provide you this information.

00:47:27:22 - 00:47:35:03

I think that's what I understand you to say. But I was just a little confused at the actual response to our representations suggests there will be material changes.

00:47:44:10 - 00:47:45:28

So if I could move on.

00:47:49:10 - 00:48:03:10

Are you intending to defend your position therefore in relation to the original analysis and simply provide a parallel assessment for comparison? Or will you concede that orcs in flight should be included and that the updated analysis will be the definitive one?

00:48:05:18 - 00:48:29:12

And shortly for you. Yes, sorry. We have conceded the points on the inclusion of both sitting and flying birds for the purpose of assessments and on agreement of the baseline data. Then we will provide an updated full assessment for those species concerned with displacement analysis that rely upon those datasets. Yes.

00:48:29:26 - 00:48:31:21

Is that still intended for deadline fact?

00:48:34:13 - 00:48:39:00

Yes. Yes, I should. So every applicant. Yes, I can confirm that that's the case.

00:48:39:27 - 00:48:40:12

Thank you.

00:48:42:19 - 00:48:50:23

And you just clarify for me your current position on using the weighted mean rules than the mean peak density in abundance during the breeding season.

00:48:54:10 - 00:49:32:14

She wants every everything again. And yes, yet we can confirm that it would be our intention to continue to use the wasted meat approach. The wasted meat approach was selected and developed in this purpose in that there is a that the four species such as guillemots, which is where this was applied. There is considerable difference between a several months of data where there are larger numbers of birds with larger abundances of birds within the array area, whilst the remainder of the other six or seven months that make up that extended non breeding by seasons, there are relatively few birds.

00:49:32:24 - 00:50:16:12

So by taking the standard mean peak approach that would prefer present yourselves as the examinees or as in other interested parties with an over inflation of the potential impact value when considering the birds are only pulsed during a smaller period of time within their biases. And so the idea was to more heavily wait the the periods of time when birds were a greater abundance towards particularly for nature 8.3 tomorrow but to to weight to those who include those birds within those pulses but also to reflect a wider sort of balance of the overall displacement effect from Hornsea four on all



populations, or particularly in this case where the weighted mean approach was put forward for Guillemot.

00:50:19:09 - 00:50:19:24

Yeah.

00:50:21:05 - 00:50:34:15

Can I also just check ask, have you taken into account similar issues that have been discussed in the examination of other offshore wind farms and the consequent decisions and reasoning of the Secretary of State and his decision letters in this respect?

00:50:38:14 - 00:50:57:27

Short sleeve napkin. Yes. We we consistently review the development application processes. Those decisions are still made and the outcomes from decisions made or writing decision from the of the examining authority, especially nature conservation bodies and under the Secretary of State.

00:50:59:07 - 00:50:59:22

You.

00:51:01:26 - 00:51:12:21

Okay. I think that deals with orcs unless anybody wishes to add anything else. I want to move on, if I may, to gannet displacement and mortality

00:51:15:05 - 00:51:32:20

natural England's relevant representation and requested that rates from 1% to 10% be used again at this place and mortality. And I have read the applicant's report for deadline two which goes into some detail and analyzing the research into this matter at Operation of Wind Farms.

00:51:34:07 - 00:51:47:06

We will, of course, be seeking natural England rights under those views on this going forward in the examination of the applicant. Just briefly tell us, how have you responded to this concern and briefly summarize the findings of any revised assessment?

00:51:50:24 - 00:52:22:19

Actually for the. Yes, I suppose the history behind this would be that during the early stages of the assessments for Hornsey Fall, it was agreed between all parties that 1% was the appropriate level or the ceiling, which assessments for the very diverse and successful species that utilises wide areas of sea and a variety of forage fish within its diet would be no less prone to consequent mortality above 1%.

00:52:22:27 - 00:53:07:09

That was what was put through the peer submissions, and it was it was only within the latter stages that a change in stance was received by the statutory nature conservation bodies. In this case, natural England. For Gannet, we noticed that that stance has been from other projects as well more recently. We still, you know, with our undertaking of the evidence in support of against displacement of mortality rates, which was submitted at deadline three. Multiply by ourselves is the strongest evidence yet to put forward, both to analyse the the effect of displacement or the potential difference in displacement effects for gannets and therefore what the consequent mortality rate might be.

00:53:07:22 - 00:53:31:05

We still stand firm on that. This is the best evidence ever put forward or collated on this species, which does suggest that at most that would be a 1% potential up to 1% mortality rate for gains. And as

is widely accepted, I mean, even when looking at colonies such as Helgoland, which are provided as an example within the report that have been

00:53:32:24 - 00:53:55:11

subject to displacement from operational wind farms over a period of time, that those colonies are still must be increasing at that particular location. So that is certainly no evidence that we suggest rates of up to 10%, which would be very much noticeable at that particular colony in terms of its productivity and its ability to expand its population. So.

00:53:59:08 - 00:54:11:26

I'm getting the impression that's going to be your definitive position going forward. I think it's fair to say we're going to stand both positions. And would there be any benefit, do you feel, in presenting both sets of calculations alongside each other?

00:54:16:08 - 00:54:49:07

Shutting it down again. And yes, within all our displacement analysis, in terms of the technical reporting in the annexes, is there are displacement matrices which present the datasets of the abundance within specific by seasons of gannets. And the range of displacement rates can be selected within matrices as well as a range of mortality rates within those matrices to undertake assessments from consider and within all baseline sorry abolished within our assessment sensitivity report.

00:54:49:20 - 00:55:16:25

The first part which will be submitted at deadline two with the final policy deadline five, we will have the additional analysis and rationale which will provide and present how different instances of precaution when added on top of the more realistic scenarios, can skew and overemphasize and overly inflate to potential impacts. And in this instance, we see a tenfold increase in potential impacts as a consequence of this displacement. So.

00:55:18:11 - 00:55:32:20

They said to summarize that sorry, information is already there and we will be there for people who wish to choose a different percentage. But you will continue in terms of your assessment and analysis of the 1%.

00:55:34:25 - 00:55:38:05

And shortly, if nothing again. Yes, I can confirm that is the case.

00:55:38:28 - 00:55:39:13

Thank you.

00:55:40:25 - 00:56:03:12

I connected to this in some ways. I suppose in your deadline to submission, you suggest that the statutory nature conservation bodies have identified some double counting from collision and displacement, and that further work is underway to address this. You suggest that the revised approach may reduce predicted impacts significantly if you want to make progress, which you can report back to us on that.

00:56:06:11 - 00:57:04:07

Sure anybody can. We are we have been involved in the earlier workshops which were facilitated by Natural England contractors for a piece of work where they are intending to revise and update the guidance on how to undertake assessments to incorporate or amalgamate, if you like, the potential risk to gannets from offshore wind farms with regards to collision, risk and displacement. And part of that, we understand from being involved in this workshops and there would be some variation between the breeding season and non breeding season with regards to displacement and also an acceptance that

where birds are displaced and fundamentally they are not available within that space, therefore to collide with a moving turbine so that the booth densities to be implemented and placed in as input values within the collision with model would therefore be subjected to a revision.

00:57:04:09 - 00:57:39:18

And no doubt these revisions would be correlate with or to some extent correlate with the displacement levels. So if on a simplistic level you were to take to assume a 40% displacement level was to be accepted, then 40% would not be available to go into the collision risk, thereby reducing overall collision risk by value. So we do appreciate that this point has been now taken on by natural England and the statutory organisations around the UK and the guidance is forthcoming and we do understand and believe that the risk to gain it would therefore reduce.

00:57:39:20 - 00:57:44:23

But for projects being considered alone and cumulatively, which is most welcomed.

00:57:46:10 - 00:57:49:23

That seems to make a lot of sense. Do you have any timescales for that?

00:57:53:12 - 00:58:02:15

And short sleeve napkin. I'm not aware of when the draft and final submissions will be circulated. Presence.

00:58:03:23 - 00:58:14:28

Thank you. And no question it'll be an action point for ourselves to us natural England at the end of this hearing for an update on progress on that particular piece of work.

00:58:17:25 - 00:58:22:02

Is there anything else on the planet displacement or mortality issue?

00:58:23:28 - 00:58:31:24

In which case, let's move on to 5.3, which is the use of the collision risk model to produce a stochastic output.

00:58:33:13 - 00:58:54:28

And it's written representation of the RSPB raises the issue with the way that the band collision risk model has been used, and whilst it welcomes the use of the modelling principle, it suggests the applicant has used the stochastic version but only applied it in a manner that provides deterministic outputs. It suggests that the therefore does not give a full account of uncertainty and variability.

00:58:57:27 - 00:59:22:23

I'm aware of the opinions provided in response to this and the deadline three Responses to DEADLINE to submissions. And I can say there's been a long history of engagement with the RSPB and Natural England during which it says there was agreement that the deterministic output was acceptable. And indeed the applicants provided references to evidence evidenced by meetings and the minutes of those to support that agreement.

00:59:24:21 - 00:59:48:15

I can see that the rationale for not running the collision risk model sarcastically relates to there being no stochastic stochastic avoidance rates that the statutory nature conservation bodies were confident in advocating for use in the modelling. Could I? In the absence again of natural England, ask the applicant to have any more information about why the RSPB position appears to have changed and of course we will follow with them as well.

00:59:53:00 - 01:00:26:08

I should leave the applicant and I wouldn't like to second guess or represent the RSPB. I understand obviously that their preference who they would like to see somebody at least trying to utilize the CRM will discuss the inclusion of this model in the manner that it was originally developed for to use stochastic outputs until such a point of agreement on the avoidance rights is presented to those who use the tool, then that's not being the appropriate way forward.

01:00:26:10 - 01:00:32:06

But we would prefer to allow the RSPB to come back on this point. If I'm being honest, sir.

01:00:32:25 - 01:00:43:16

That's very fair and it's done that completely. So is there anything else you need to explain as to why that full functionality wasn't used? Or is it just the case that there isn't the input data to use it?

01:00:46:16 - 01:01:06:17

And shortly before the happening again. And we understand we see the differences of opinion surrounding the leader's rights, really regarding the use of the most appropriate range to go in to provide those stochastic outputs. Was the intention for a paper that was published at the latter end of 2021

01:01:08:21 - 01:01:37:05

by Cook and his cook from the BTO, which the paper was since pulled from submission decision to match some areas within the datasets. We understand that there is a revised note. We are not aware of the timetables of when the new guidance on avoidance rates is to be received and whether it will or will not include guidance that the model or the avoidance rates to be used against the ELISA.

01:01:39:09 - 01:01:41:11

I got a screening. It's very useful.

01:01:46:01 - 01:01:58:26

In terms of agenda item 5.4, this is about the use of a range of confidence intervals in the collision risk assessment. So it is this the same issue? This has been raised by natural England rather than the RSPB. This is effectively the same issue.

01:02:02:19 - 01:02:36:22

A shortage of applicants. And no, it probably refers to a different topic, if you like. Still, with regard to condition, with modelling that a different import parameter, if you if you if you a police officer one is in regards to the overall avoidance rates which are input as one input parameter. So the parameter which measures or outputs forward how birds avoid consider offshore wind farms and then you know, which has three different elements of you to micro and macro avoidance from, you know, try to avoid the turbines themselves.

01:02:37:12 - 01:03:10:10

The latter is with regard to the 95% confidence intervals surrounding the seabird distribution from the Johnston et al paper from 2014. So that's looking at the flight at which or the flight height at which birds are and and the percentage of birds that may be within what we turn the PCH to the potential collision height for with the wind swept area if you like, where birds may be prone to collision if they are to enter those areas of their space within an offshore wind farm set.

01:03:11:29 - 01:03:14:08

Thank you for that clarification. I do understand that then.

01:03:15:24 - 01:03:20:14

Pretty just summarize for me where we are in terms of the difference between the parties on this then.

01:03:24:12 - 01:04:04:23

Short sleeve napkins. Yes, quite, quite happy to provide clarification. And it is our position in the applicant's position that we do not see it is appropriate to make use of the the difference, if you like. We we have provided the I suppose the outputs or the input process we use for that more are reliant upon the datasets that have the greatest confidence, which is the flight and distribution provided within the Johnson little paper should be, or it's not our intention to use or revise our assessments for using 95% confidence intervals.

01:04:05:13 - 01:04:54:24

Essentially, the reason for this and the reason it's not just our own opinion on this, but it's the opinion of the applicants and other ecologists and ornithologists looking at collision risk modelling the float fly kites used within the flight, the main flight type distribution show. There is a strong skew or weighting towards the sea surface for the majority species and there's a very strong model fit for that spatial and flight height distribution that we utilize that provides the risk profile for different species, for collision risk, the use of the 95% confidence intervals, whilst the dataset that would be skewing or providing these additional ranges in the variations, they are really referred to as the sort of outliers.

01:04:54:26 - 01:05:30:05

So the very unusual behaviours of bird species whereby they could be interacting or behaving in response to other aspects and certainly not general risk if you like. So to provide an if, if we are all people to put them in, then you would find in a species either extremely low to the sea surface or extremely high from an away from the sea surface, bringing the assessments to sort of unrealistic levels. So the the slightly distribution that is most confidence in within that paper, it is defined as the best model fit within the fly distribution.

01:05:30:07 - 01:05:37:10

Those are the data that we as well as those consider to be the most appropriate and reliable for estimating collision with.

01:05:39:15 - 01:05:41:20

My kids are in school.

01:05:44:21 - 01:05:50:14

Okay. There's nothing else on. The confidence limits point from natural England.

01:05:52:06 - 01:05:55:06

5.5 is callous avoidance rates.

01:05:57:18 - 01:06:12:25

This is the RSPB and it's questioning the kind of surveillance rights that were used in the collision risk modelling. The RSPB has provided evidence to the examination that it suggests Gordon's use of a lower avoidance rate during the breeding season.

01:06:14:21 - 01:06:21:17

It suggests that the avoidance rate currently used by the applicant underestimates collision mortality in the breeding season.

01:06:23:09 - 01:06:35:16

Mr. Sweeney, again, I suspect, I believe have used an avoidance rate of 98.9%, which is in accordance with the statutory nature, conservation, body advice. And I have seen your response to the RSPB concerns.

01:06:37:13 - 01:06:51:15

Just looking at the Secretary of State's decision letters for the East Anglia Offshore Wind Farms, it would appear to me that 98.9% has been accepted that I, the competent authority in the HRA is this that this is your understanding to.

01:06:56:06 - 01:07:08:28

Insurance we need to free up. Mean we can double check on that, but we. We didn't. We don't believe that there is any difference between the insurance we've used and not obligated. Gladius and cbz. From that which we put forward.

01:07:10:10 - 01:07:18:14

Yeah. He would like just to check that. Just confirm one line's fine, but just confirm in your post hearing submissions. That would be very useful for me.

01:07:22:00 - 01:07:24:02

And the find will only leave.

01:07:25:27 - 01:07:57:00

Under Section five of the Agenda 5.6 is the matter of the inclusion of counterfactual, a final population size and population viability analysis. The mouthfuls are getting bigger. Moving on to the population viability analysis. Does the applicant believe that to be any dispute about using natural England's seabird PVA model in this assessment? Or in other words, do you believe that there is agreement that the most appropriate model has been used?

01:08:01:20 - 01:08:07:20

I Sean Sweeney for the. If I could pass over to my colleague map of these points. Thank you.

01:08:08:07 - 01:08:08:22

Thank you.

01:08:11:00 - 01:08:32:14

Makhubo on behalf of the applicant. The applicant agrees that this is probably the most appropriate model to use currently as it is and has a shiny app which makes it user friendly. And also the outputs are very clear and can be transparent and shared with us and cbz so that there's a clear audit trail of what has been produced by the consultant.

01:08:34:20 - 01:08:43:05

So that's your understanding in your discussions with Natural England and RSPB and working groups and so on, you believe that to be the agreement to.

01:08:46:13 - 01:08:57:10

Matthew Bauer on behalf of the applicant? Yes. From meetings through the ITG, it was proposed that that would be the model that was run and agreed with SNC, BS and RSP.

01:08:58:17 - 01:08:59:02

Thank you.

01:09:01:29 - 01:09:08:05

My interpretation is that if you used a density independent version of the PPA model. Is that correct?

01:09:10:19 - 01:09:19:27

Matthew Bauer on behalf of the applicant? Yes, that is correct. And that was on the advice of natural England due to concern in relation to mis specifying density dependence within the model.

01:09:21:23 - 01:09:26:22

So that was again the recommendation of the statutory nature case. Nature conservation, body.

01:09:28:14 - 01:09:30:19

Active on behalf of the applicant. Yes, that's correct.

01:09:31:09 - 01:09:31:24

Thank you.

01:09:37:03 - 01:10:08:24

So I'm assuming this agreement and it sounds like there was agreement that the model itself that was used was appropriate. Can I just explore some apparent differences in the way it's been applied and the way it's been reported, in particular in the relevant representations and written representations? Both natural England and the RSPB have raised concerns in relation to the exclusion her counterfactual of final population size in the population viability analysis. Do you have any comments on that?

01:10:12:05 - 01:10:46:13

Matthew Bauer On behalf of the applicant, the applicant considers the counterfactual. The final population size and the counterfactual of population growth rate are not equally applicable when running a density independent model. This is because a density independent model has no constraint on population growth, which means effectively that a population can grow exponentially without any sort of control. And therefore, your baseline on the impact of population and impacts in population will diverge by an increasing amount.

01:10:46:24 - 01:11:17:23

And the fair value model, meaning the counterfactual, the final population size, is time sensitive due to the absence of density, dependence or any control to avert the exponential growth, as is natural in a population. You end up with two incredible outputs as your population size. And then the counterfactual, which is the difference between the two, is therefore unrealistic in terms of what would be the impacted versus the on impacted scenario.

01:11:18:16 - 01:11:53:15

In contrast, the counterfactual of population growth rate is time insensitive and therefore is less prone to these effects of deviation as the time goes past on the model and therefore makes it a more reliable output. Furthermore, another issue that we have with the counterfactual file of population size is the uncertainty in the interpretation of it. This is simply because there is not its highly subjective output and there is no way to validate what the predicted reduction in population size would have as a consequence on the population.

01:11:54:01 - 01:12:19:21

Whereas the counterfactual, the final the counterfactual of population growth right there, a bit of a mouthful. These can be cross-examined against both non-recent and historic populations, not only for a single colony, but you can also compare it against other colonies, both in the UK or even internationally, if you wish. This is why we advocate for the use of the counterfactual of growth of population growth rate only.

01:12:22:04 - 01:12:41:26

These are those several documents that I think the original one just let me check. The original one was as a consequence of following the recommendation from natural England as it tends to independent

version compatibility analysis. It doesn't make sense to include the counterfactual final population size. Is that correct?

01:12:44:01 - 01:12:46:24

Nothing on behalf of the applicant is absolutely correct, sir.

01:12:47:14 - 01:12:49:14

Thank you. And.

01:12:52:06 - 01:12:56:23

In a similar way to the question. I just. Just talked to Mr. Sweeney about

01:12:58:08 - 01:13:04:07

your work. Excuse me. Are you aware whether the sector states or to recent East Anglia offshore wind farm decisions

01:13:06:06 - 01:13:11:25

cast any light on what which of these should which of these approaches should be used or which are acceptable to the Secretary of State.

01:13:15:02 - 01:13:36:01

Nothing on behalf of the applicant for the release of the most recent East Anglia projects, and both were specified. However, in terms of interpreting the outputs from the model, only the population growth rate was used and this has been the same for both Hornsea three and the Norfolk, but Norfolk projects as well.

01:13:38:13 - 01:13:41:14

And is that something you might consider doing for this particular project?

01:13:50:10 - 01:14:04:08

Matthew Ball on behalf of the applicant, we did initially present both, but to avoid confusion we decided to remove DCO application and for the focus to be on the growth rate so that there is no misinterpretation of the outputs.

01:14:10:29 - 01:14:28:15

I asked that you perhaps give some further thought that given what seems to be common practice with more recent applications for the roughly offshore wind farms, whether there might be a way of satisfying the ISP's concerns and presenting that information perhaps as a completely separate annex.

01:14:30:03 - 01:14:35:00

So the information is there if people do wish to refer to it. Is that something you could give thought to?

01:14:37:19 - 01:14:41:09

Matthew Bell on behalf of the applicant. That's something that we can take away and consider, sir.

01:14:42:03 - 01:14:52:10

Thank you. If you could come back to me that deadline for whether we're not necessarily with the outcome, but with a decision on whether you think that might be possible, that would be very useful.

01:14:55:08 - 01:15:13:27



Are there any other comments? Sorry? Are there any comments at this stage about the apparent discrepancies in outputs of the population viability analysis which were identified by Natural England and the RSPB, for example, in table three of the RSPB written representation.

01:15:16:23 - 01:15:46:02

Matthew Bauer on behalf of the applicant, as you have seen in that table three, the values are very, very similar. It should be noted that this is a stochastic model, so therefore it means when you rerun the model, you are not going to get the same result every time. Unfortunately, without RSPB providing their log file, we can't do a comparison, so we therefore can't work out where if there is a major discrepancy between the values, it's unclear to us why this might have occurred.

01:15:47:28 - 01:15:52:21

Thank you. Yeah, I think we will follow that with RSPB, which is the fair way of doing that.

01:15:55:22 - 01:16:20:02

And finally, on this point from me, your response to relevant representations indicates that you'll be looking again at the natural England Seabird PVA model and the validity of both outputs of the assessment. I think that's the point I just raised with you and will you be putting both before the examination? And I think you've just offered to take that away and look at it. Is that correct?

01:16:23:04 - 01:17:03:14

Matthew Bell on behalf of the applicant is correct within the assessment sensitivity analysis and we are considering to be submitting a deadline for the final version at deadline five. We'll be undertaking further interrogation of the natural England PVA tool, which takes into account some of the recent papers published by Katherine Rosewell in 2021, which suggested that model should undertake further validation before running. So therefore we are taking this new paper into account and will, which will look into further interpretation and validation of the models, and that will be presented within the Assessment Sensitivity report.

01:17:07:03 - 01:17:09:12

Can you just give me the name of the three?

01:17:12:07 - 01:17:15:16

Matthew Bauer on behalf of the applicant Catherine Hall as well.

01:17:17:03 - 01:17:17:18

Thank you.

01:17:23:05 - 01:17:42:22

That brings me to the end of the Section five of the agenda and all the mouthfuls that contain. I'm glad to have that behind us. I have to say, I'm conscious we've been on for a while, so I to take a short break and assess anything else in terms of what we've discussed so far that needs to be raised now.

01:17:45:09 - 01:17:51:15

In that case. Could we take a short break, meet back here at 1125, please?