

File Name: ISH 9 - 19th July 2022_Transcript

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FULL TRANSCRIPT (with timecode)

00:00:03:25 - 00:00:45:04

Good afternoon. The time is now 1:30 p.m. on Tuesday, the 19th of July 2022. On this ninth issue, specific herein in relation to the application made by Orsted at Hornsea Project four Ltd for the proposed Hornsea four Offshore Wind Farm is now open. This afternoon's issue specific haven. We will be considering offshore environmental matters, including offshore historic environments, other infrastructure and uses aviation and radar and shipping navigation matters related to fish and shellfish ecology all to be heard at issue specific ten, which starts tomorrow at 9:30 a.m..

00:00:46:05 - 00:00:54:12

Before I proceed any further, can I just check that everybody can see and hear me? If you cannot, please use the raised hands feature on teams.

00:00:57:06 - 00:01:14:07

Okay. I'm not seeing any raised hands, so I should proceed also this afternoon. What do you want? When you are not involved in the discussions, please. Mutual microphone to avoid audio interference. Can I please check with Miss Hopewell that the livestream and the recording of this event have commenced?

00:01:15:20 - 00:01:19:05

I could confirm, Mr. Jones, that the live streaming recording has commenced.

00:01:19:19 - 00:01:45:15

Thank you very much, Miss Hopewell. My name is Gavin Jones. I'm a planning inspector and a chartered town planner. I have been appointed by the Secretary of State to be a member of a panel of inspectors to examine this application. I would now like to ask my colleagues to introduce themselves, starting in alphabetical order with Mr. Bradley. My name's Steven Bradley. I'm a chartered architect and appointed by the Secretary State to be a member of this examining authority.

00:01:47:22 - 00:01:53:11

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

00:01:55:26 - 00:02:04:02

Afternoon. My name's Robert MacArthur. I'm also a trustee architects. And we've also been appointed by the Secretary of State and I believe a panel of inspectors to examine this application.

00:02:05:15 - 00:02:18:27

Thank you. Also as part of the panel, we have Mr. Andrew Mahon. He's won't be present today, but he'll be watching the livestream and preparing for the next three issue specific hearings. Together we will form the examining authority.

00:02:20:24 - 00:02:52:10

There are other colleagues from the Planning Inspectorate here today. You all have spoken to KJ Johansson, the case manager for this project in the Joining Conference. I would also like to introduce Caroline Hopewell and Drey Reyes, 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

who would be happy to help? First of all, I'd like to deal with a few housekeeping matters which are specific to a virtual event. Most of you will have heard these before, so I'll be as quick as I can.

00:02:53:00 - 00:03:12:14

Firstly, can I ask that all order more notifications from mechatronics. As I said, devices are switched off. And remember to keep your microphones on mute unless you are speaking. This helps to reduce background noise. No requests have been made for any special measures or arrangements to enable participation in this hearing. But just like to confirm this is correct.

00:03:14:15 - 00:03:24:15

Not hearing from anybody that any special measures are required, so I should proceed. Please note the chat function in teams is not been used today, so please don't send any messages as it's not being monitored.

00:03:26:02 - 00:04:01:08

If at any point in the meeting you cannot hear us or wish to speak, can I ask that you turn your camera on if it's turned off and use the raised hands function. Mr. Johansson will have explained what to do if you lose your connection and we are able to adjourn for a short period if there are any significant connection problems. As you're all aware, it is exceptionally hot today, so we'll try to incorporate Brexit convenient points. And if you haven't done so already, then please feel free to remove your jackets and keep out any funds or air conditioning and air conditioning that you may require it for medical reasons.

00:04:01:10 - 00:04:30:18

Anyone requires a break at a specific time. Please, could you let the case team know and we will hopefully adjust the programme to meet your needs. The purposes of identification and for the benefit of those who may listen to the digital recorded later. Could I ask that at every point in which you speak, could you please give your name? And if you are representing an organisation or individual who it is that you represent? Before I procedures. Anybody have any questions about the technology or the general management?

00:04:33:11 - 00:04:34:24

No. In which case I'll move on.

00:04:36:09 - 00:05:08:08

There is a digital recording being made to 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. As such, the Planning Inspectorate is subject to the General Data Protection Regulations. Therefore, we would encourage you not to put a sensitive personal information into the public domain this afternoon.

00:05:08:25 - 00:05:35:04

However, if for some reason you feel that it is necessary for you to refer to sensitive, personal information, you would. We would encourage you to speak to our case team in the first instance. Please bear in mind that the only official record of the proceedings is a digital recording that will be placed on the project page of the national infrastructure website and tweets, blogs, etc. Arising out of this meeting would not be accepted as evidence in the examination of this application.

00:05:36:20 - 00:06:10:01

Today's hearing is being held at the request of the examining authority. They wish to explore a number of a number of issues, all relate in respect of offshore environmental matters, excluding offshore biodiversity. I would like to remind you all that the examination is a predominantly written

process. The examining authority already has asked a number of questions on these matters in its written questions. I'd like to reassure you that we are familiar with the documents that you have sent in. So when answering the question, you tell me you do not need to repeat at length something that has already been submitted.

00:06:11:18 - 00:06:24:02

Furthermore, could I please ask that the first time you use an abbreviation or an acronym, do you get that title in full? Is there maybe some people here today or listening to the digital recording that may not be as familiar with the application or the documents that you offer?

00:06:25:21 - 00:06:58:21

Whilst we accept that the majority of the discussions will be undertaken by those parties that have requested to speak. This is a public examination and therefore, if there is a point that you want to make, please feel free to raise your hand and switch on your camera at the relevant time that you wish to contribute. The hearing today will be a structure discussion which will be based on the agenda that has already been published. Finally, I would like to remind everybody that this is not an inquiry. And therefore, unless the examining authority has specifically requested or agreed to it, there will be no formal presentation of cases or cross-examination.

00:06:59:11 - 00:07:31:29

As such, any questions that you may wish to have asked or the parties need to be asked through the examining authority? Rule 14 two of the examination procedure rules requires that at the start of the hearing, the examining authority shall identify matters to be considered at the hearing. These are set out in the agenda for this hearing, which is Avio three three, which is available on the planning inspector's website. And for the sake of expediency, I do not propose to redact all the separate agenda items now. Please note that today's agenda is for guidance only.

00:07:33:27 - 00:07:49:08

If we need to take any short breaks and you can stay logged in to teams throughout the break, but please ensure you switch your cameras off and meet your microphone. If you do lose connection at any point, use the same link that you use to log on this morning and the case team will endeavor to reconnect you as soon as possible.

00:07:50:28 - 00:08:16:07

Finally, it is important that we get the right answers to the questions that will be asked. Therefore, therefore, if you cannot answer the questions that are being asked or require time to get the information requested, then rather than then given a restricted or potentially incorrect answer, can you please indicate that you need to respond in writing? So before we move on to deal with the items detailed in the agenda, are there any questions at this stage about the procedural side of today's hearing?

00:08:20:01 - 00:08:47:18

Not seeing any hands up for questions. In which case I would like to get everybody to introduce themselves. I would like to take the names of those who wish to speak at this hearing. And if you are a representative of an organization, please state whom you represent. And please also state the manner in which you prefer to be addressed. For example. Mr.. Ms.. Mrs. or Doctor. I shall start first with the applicants, and I'm looking to you, Mr. Phillips.

00:08:48:20 - 00:09:04:28

Hi. Good afternoon. Gareth Phillips, Celestron partner at Pinsent Masons. I'll be leading the advocacy for the applicant. There will be others may be called upon to speak later. With your permission, I suggest they introduce themselves at the appropriate time.

00:09:05:23 - 00:09:20:12

Yes, that's fine, Mr. Phillips. Just make sure they give their names of who they represent in their titles, but which they prefer to be addressed. Thank you. In which case I shall move on to British Petroleum Ltd and I have Mr. Take. You say.

00:09:26:03 - 00:09:36:26

Thank you, Sir Andrew Tate QC. Instructed by H.S. F a not for Bridge Petroleum for BP Exploration Operating Company Limited

00:09:38:11 - 00:09:51:05

and I'll be speaking for them on item three. And I've also got Mr. Ben Keck, who spoke yesterday, who's the deputy project director of EPI, if he's needed.

00:09:51:25 - 00:09:56:25

Thank you, Mr. Tate. And please accept my apologies for the incorrect company name. Mr..

00:09:59:03 - 00:10:00:00

In which case.

00:10:01:26 - 00:10:03:25

Next on my list is Harbour Energy.

00:10:10:09 - 00:10:12:26

Do we have Mr. Rug from Harbour Energy with us today.

00:10:16:05 - 00:10:19:03

Phillips, the applicant, I believe Mr. Rowe isn't going to be attending today.

00:10:19:15 - 00:10:37:12

Okay. Thank you, Mr. Phillips. I don't have anybody else on my list. Some of the people initially said they were going to attend live now and I am not attending. So but I will just do a last call for names and organisations before I move on.

00:10:42:13 - 00:10:52:19

Not seeing anybody. In which case that that completes agenda item one. I'm not going to pass over to Mr. Bradley to lead on item two of this agenda.

00:10:56:12 - 00:11:28:04

Thank you. Historic England has sent apologies that it can't be present at this hearing, but has sent instead a written submission for the hearing. This is published on the Pens website for the application as an additional submission as zero for three on 15th July. Historic England confirms that progress has been made to produce an updated associate statement of common ground, I should say, in full. That was submitted at deadline five a.

00:11:28:28 - 00:11:49:24

That's Rep 5a005. So I'd like to move quickly through the agenda item 2.1. Would the applicant like the opportunity to add any comment on reservations still maintained by historic England on the identification of potential impacts and EIA conclusions?

00:11:53:20 - 00:11:56:24

Gareth Phillips, the applicant. No. No further comment. Thank you.

00:11:57:07 - 00:12:19:01

Thank you. And item 2.2, historic England stated in its letters 14th of July alleged that it agrees the substance of conditions in the DMS within the draft DCO to secure delivery of archaeological assessment of geophysical survey post consent and pre-construction.

00:12:21:02 - 00:12:32:04

Will the applicant be updating the ACG to clarify the position, or is the applicant's position that it's already fully documented?

00:12:34:23 - 00:12:40:24

So it's the applicant. The Hopkins position is that no further updates. It's already documented. Thank you.

00:12:41:13 - 00:12:47:22

Thank you. I'll now hand over to Ms.. Dowling to cover infrastructure and uses.

00:12:50:21 - 00:13:21:24

Thank you very much, Mr. Bradley. I note that National Grid Viking Link submitted an email yesterday to the case team confirming this is anticipated that early settlement can now be reached in provision of a suitable commercial agreement and is therefore withdrawing its objection to the proposed development and will not be attending this hearing. We because we received that email fairly late yesterday, I'm not sure if people picked it up, but it's now available on the examination library as an additional submission as at ASIO 47.

00:13:22:03 - 00:13:28:15

I'm just wondering, I'd like to give the applicant the opportunity if there's anything they'd like to add with regards to National Grid Viking Link.

00:13:31:12 - 00:13:31:27

Thank you.

00:13:33:06 - 00:13:53:27

So just moving on to the other uses of sea space in the vicinity, the proposed development. Would the applicant please give a brief update on the state of completion of position statements with regards to the other uses? I don't know how best to do this, Mr. Phillips. If you want me just to name the list that I have here, and then you respond or shortlist them all, and then you come back to me all in one go.

00:13:57:29 - 00:14:03:24

And applicant if we could go through them one at a time, please, if you'd like to name your list.

00:14:04:02 - 00:14:06:06

The first one I have is British Petroleum Ltd.

00:14:07:24 - 00:14:12:15

Thank you. I'll be inviting Ms.. Nicola Allen to speak on behalf of this point.

00:14:22:28 - 00:14:38:26

Good afternoon, Nicola Allen. I'm the oil and gas commercial manager for the applicant and we have protective provisions in the DCO for British Petroleum. I believe these were discussed yesterday and there was a discrepancy with how they had appeared.

00:14:40:14 - 00:14:46:14

The correct protected provisions were sent to British Petroleum originally and we have now resent those.

00:14:48:06 - 00:14:53:25

We are putting a correct version into the DCO for a deadline six.

00:14:56:22 - 00:15:04:20

Thank you. And the next one on my list, Mr. Phillips, is Harbour Energy. I don't know whether that's for you as well, Ms.. Allen.

00:15:06:15 - 00:15:09:02

Thank you, Mr. Flynn. Yes, it is Harper Energy.

00:15:12:17 - 00:15:13:15

So we're at

00:15:15:03 - 00:15:47:26

the late stages of an agreement with Harper Energy. I believe we sent a joint statement into the examination on Friday evening, which was accepted yesterday morning. And that's why Mr. Rowe is not present. We also agreed yesterday that we would, if we have not reached agreement by deadline seven, that we will jointly submit our separate papers into the examination. We sent a version of our piece to Harbor today and we're awaiting receipt of theirs.

00:15:48:11 - 00:15:59:16

In the meantime, as I say, we're continuing to work on the agreement and we do it well. We're quite advanced and we do feel very confident that we'll get to agreement by the end of examination. Thank you.

00:16:00:10 - 00:16:05:10

Thank you. So the next one on my list is Ne-Yo. And he says Limited.

00:16:07:28 - 00:16:08:13

Yeah.

00:16:11:06 - 00:16:31:12

So Ne-Yo energy. We have. I think that we did have a position statement with Ne-Yo Energy, but we didn't receive anything from from their side to contribute to it. We have put protective provisions into the into the DCO at 2.7 nautical miles.

00:16:33:00 - 00:16:58:12

I believe Neo came back and submitted that. They would discuss that with us directly. They have not put their own protective provisions into the examination at this stage. We have discussed with Ne-Yo and set out our position at their request. We also provided them with a draft cooperation agreement, and I had communication from Ne-Yo today that they'll be sending a mock up of that in the in the coming days.

00:17:02:13 - 00:17:05:22

Thank you. And then the next one is Perenchio UK Ltd.

00:17:07:19 - 00:17:40:21

Yes, Perenchio is also mate. So we've actually reached agreement with Perenchio on all matters on the microwave link. And we have signed agreements and you should be receiving a notification in the next day or so to remove the piece. And this will come jointly from the applicant and Perenchio and the helicopter access matters that's also been agreed. This is a joint venture and therefore Perenchio waiting for their partner to sign it off.

00:17:40:23 - 00:17:50:16

It has been agreed, but there's a sign of process to go through. So we would expect in the next week or so to be able to submit notification that that has also been removed.

00:17:51:06 - 00:17:53:12

And that would definitely be done before the end of the examination.

00:17:53:28 - 00:17:55:06

Yes, absolutely. Yes.

00:17:55:13 - 00:18:09:24

Okay. Thank you. I don't think there are any representatives from those organizations present today, but I'm just going to double check just in case anyone wishes to raise any on any points in response to what we've just heard with regards to those updates.

00:18:11:26 - 00:18:33:00

I can't see any raised hands, so I'm going to leave it at that. The applicant reported in 574 that at the time of deadline filing there was no application by the Scotland England Green Link to have been submitted. Can I just double check if there's any change in respect to that?

00:18:39:24 - 00:18:41:01

Question for the applicant.

00:18:44:25 - 00:18:49:00

So the applicant I'm not quite sure at the moment. We'll get back to you on that point. Thank you.

00:18:49:16 - 00:18:59:24

So can we take it as an action point? Can you just advise? Can you also, if you're looking into that, can also look forward. If it's unlikely to happen before the end of the examination, that would just be also helpful to know. Thank you.

00:19:00:11 - 00:19:01:02

Confirm. Thank you.

00:19:01:26 - 00:19:32:03

Okay. I'm then going to move on to item 3.2 of the agenda, which is beep at the issue specific hearing in April. BP, on behalf of any partnership, outlines an indicative timeline for the submission, and granting of the consents would be necessary for them to use the endurance aquifer for carbon capture and storage. And as this was the first application of its kind, there was some uncertainty over how when these applications would be submitted in the timeframe for that determination.

00:19:32:17 - 00:19:50:11

Can I just ask for an update with regards to where BP, on behalf of any PR in this process, what applications have been or will be submitted in the timeframes for that determination and any relevant challenge periods? I'm guessing this may be Mr. Cech that's responding, but our customers to take it first.

00:19:51:01 - 00:19:52:04

First, I think

00:19:53:23 - 00:20:06:18

we set out the position in REF 347, appendix five, and it is as follows in relation to the environmental statement

00:20:08:10 - 00:20:54:28

September 2020 to the submission of that to OP read the Offshore Petroleum Regulatory Environment in decommissioning. On behalf of the Secretary of State. And that's under the 2020 regulations. And then in relation to the store permit application, that is to the North Sea Transition Authority, the new name of the Oil and Gas Authority that is planned for November 2022, under the 2010 regulations, which are the storage of carbon dioxide licensing regulations 2010.

00:20:55:07 - 00:21:28:00

So those are the two key dates. September 22 for the yes, November 22 for the stored permits. Appendix five also indicated the anticipated date for determination, which is in the instance of the Yes May 23 and in the instance of the storage permit June 23. In each case, there would then be a period of six weeks for a judicial review to be made.

00:21:29:13 - 00:21:45:23

And thereafter, whatever time it would take for any judicial review to be to be heard. So the project that's what we said it rep three and the project remains on course to meet those timings.

00:21:46:12 - 00:22:17:03

I think that's what I was actually trying to check because obviously that was deadline 33 and now it coming up to deadline six and often projects can slip. So I was just trying to get an update as to where you are actually in that process. Okay. Thank you. So in terms of the issue as to whether the two projects could co-exist in the overlap zone, as was confirmed at issue specific hearing one, this mainly relates to the ability of BP or the NFP partnership as it will be then to monitor the aquifer in addition to access by rigs, helicopters, etc..

00:22:18:03 - 00:22:48:12

As I mentioned yesterday, I have had very detailed submissions with regards to the different options for monitoring the views of the different parties with regard to the appropriate monitoring techniques for the overlap zone and also whether the two projects could or could not co-exist. I also note that BP, on behalf of an EPA opposing deadline six to make further submissions on the report made by Mr. C. While that was appendix, the applicant's response to the Rule 17 requests was submitted at deadline five, which is Rep five a 75.

00:22:49:14 - 00:23:19:23

As a consequence, apart from a couple of points of clarification and a request for submission of some additional documentation, there's currently nothing I wish to examine orally with regard to this matter. However, before I go to the point that I'd like to make, I'd just like to offer both parties the opportunity to praise me, if anything that may have arisen since the last deadline that I should be aware of, including any future submissions on the matter, with obviously the exception of the DEADLINE six submission, which I'm already aware of from BP. So if I can maybe start with the applicant first.

00:23:21:20 - 00:23:36:03

Gareth Phillips for the applicant. No new points to raise at this stage. We await the submissions from BP at deadline six and we may wish to respond to those, but at this stage, we'll wait and see what comes in. Thank you.

00:23:37:08 - 00:23:43:00

Thank you. Mr. Tate, on behalf of BP, who are acting on behalf of NCP.

00:23:43:15 - 00:23:56:11

Yes. In relation to those technical matters, we gave a full response and REP five 825 as you're aware, to Mr. Cyril's report, but we're not proposing to provide any further technical information.

00:23:59:13 - 00:24:12:05

Yeah. Yeah. Oh, yes. Yeah. Yes. Okay. Nice. Oh, yes, we are. Yes, of course. We are going to provide some further information in relation to deadline six. We gave an indication of that yesterday.

00:24:13:03 - 00:24:45:28

Okay. Thank you. So with regards to the point of clarification, and this is a bit similar to yesterday, it's another without prejudice conversation because obviously I have to look at all options. And as I mentioned yesterday, regardless of my recommendation to the secretary of state, we obviously have to put a recommended decoder attached to that. So should the secretary say that the secretary of state, should they want to make the order, has the order in front of them that we would prefer? So I just want to touch on the potential for the two projects to coexist.

00:24:46:05 - 00:25:43:12

And Mr. Tate feel reassured. I know what your position is on this, but I'm just wanting to know. In the various references in the applicant's document, one of the options seems to be suggested was that the turbines in this part of the array could be spaced further apart. To allow for monitoring, I think was an indication that could be around two kilometers. I'm just the reason for asking the question is I'm just wondering how should we, as an examining authority, come to the conclusion that we do feel that you could coexist in the overlap zone? How would that be secured? Would it need to be through a requirement or condition or, for example, to existing requirements or conditions still with that? Or could they be amended to deal with that? So, for example, requirement two, which is detailed offshore design parameters or condition one design premises or condition 13 pre-construction plans and documentation of the marine licences.

00:25:43:19 - 00:25:51:16

Could they potentially be amended to just secure that spacing in the overlap zone? So Mr. Phillips, do you want to comment on that first?

00:25:52:27 - 00:26:07:12

Garrett's the applicant, yes. Those solutions would work. Similarly, a similar provision could be added to the set of protective provisions that you recommend to the Secretary of State if you're minded to do so.

00:26:09:12 - 00:26:31:17

So on that basis, would you be prepared as an actual point to take that away and consider how if we went round with the two projects being able to coexist in the overlap zone, the details that you put in to demonstrate that the monitoring could occur, could be secured through the DCO four deadline six. Would that be possible or not guaranteed?

00:26:32:04 - 00:26:32:25

Yes, we can do that.

00:26:33:19 - 00:26:54:20

Thank you, Mr. Tate. So again, this is on a without prejudice basis. If, for example, as I said, the examining authority were to decide that the two projects could co-exist. How would you, BP, want the provisions secured that the applicant has indicated to provide the wider spacing for the turbines?

00:26:57:05 - 00:27:04:26

Well, I think we need to see what is put forward by the applicant because as you know, oppositions, that is wholly unrealistic. So it is.

00:27:04:28 - 00:27:07:18

Quite to understand that. But obviously we've got to look at options.

00:27:08:05 - 00:27:13:14

To be drawn into that scenario. But I can just ask Mr. Kemp, perhaps, to assist if that's helpful.

00:27:14:22 - 00:27:15:07

I think he.

00:27:17:21 - 00:27:18:06

Good afternoon.

00:27:19:21 - 00:27:42:06

I think in deadline five. A just just from a purely technical perspective, we just wish to point out our response and also Mr. Silver's report actually stating that the the spacing out is not going to work in either case. So we don't believe that there is any grounds for even a drafting of this in the applicant's prospective provisions, given.

00:27:42:08 - 00:27:44:12

That they are independent expert that they appointed.

00:27:44:19 - 00:27:46:15

Also disagrees with that option.

00:27:48:01 - 00:28:22:14

Okay. But regardless of that, I've obviously got two people telling me two different things. And at the end of the day, we've got to come to a conclusion on which of those, you know, we're going to give more weight to and recommend to the to the secretary of state. So what I'm wanting to know as a senator without prejudice basis, should we consider that the evidence submitted by the applicant has more weight and that we do feel that you could coexist? How would you want those measures secured as it be? Through a requirement, through a conditions or a protective provision? That's what I'm just asking.

00:28:24:09 - 00:28:26:12

We'd like to help, but

00:28:28:00 - 00:28:38:16

because it is an unrealistic premise at present, we can't see any drafting that would be satisfactory to do with something that is simply not credible. So, okay,

00:28:41:01 - 00:28:46:12

the goodwill is here, but not to address a fundamental issue of that nature.

00:28:46:17 - 00:29:06:06

Okay. So I think the way that I'm going to have to leave this in there is obviously the applicant feels that it could be addressed through drafting and you will have the opportunity to comment on any drafting that they put in. But it's obviously clear your some point is, is that you don't feel it can be achieved even if we just even if the examining authority did decide that the two projects could co-exist, that it could be controlled by requirement, protective provision or condition.

00:29:06:17 - 00:29:16:02

Yes, that's right. And what has been suggested by the applicant is unprecedented. And we reiterate it is not realistic.

00:29:16:24 - 00:29:22:05

Okay. Thank you. Mr. Phillips, is there anything that you want to come back on you've just heard?

00:29:24:02 - 00:29:25:04

The applicant? No, thank you.

00:29:25:25 - 00:30:04:06

Thank you. Okay. So then I had to request some additional information. So in terms of the additional information. The Exodus report submitted by the applicant is an appendix to its response to the Rule 17 request, which is Rep five oh 75, Section 3.2. If that report is based on some slides presented by BP at no been workshop in October 2021, what my request is, is could I be provided with a copy of those slides at deadline six in order to be able to fully understand that that section of the report and the details that the meeting notes that the question answers such session following the open workshop in November 2021.

00:30:04:28 - 00:30:29:15

And finally, whilst they might be in the public domain in order to form part of our consideration, I'd also need to have copies of the key 42 and 43 reports for the White Rose Projects, which were also referred to in that report. So I'm assuming this is probably not a action point for the applicant because it's their report, which they're experts report. Well, independent experts report. So I don't think Mr. Phillips can confirm if we could have those documents.

00:30:30:20 - 00:31:01:13

Guaranteed to the applicant. But certainly in respect of the 42 and 43, in respect of the first request, this was actually something raised in HHS deadline five, a response. They queried why the latest sets of slides weren't referred to Mr. Silva's report. The simple answer to that is, of course they don't have them. The slides that they have for the October ones. We understand that there were a subsequent set of slides up updated, but those did is checked and doesn't have them.

00:31:01:25 - 00:31:11:12

So in fact, if if BP could help with that request and provide us and yourself with with those slides that would be really helpful.

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Mr. Tate, would that be possible?

00:31:15:11 - 00:31:23:20

Well, that's a yes. In principle, that seems something we can achieve. But I just need to take instructions on that to confirm.

00:31:23:22 - 00:31:30:13

Okay. Thank you very much. And also, I did ask for the meeting notes or

00:31:32:00 - 00:31:37:20

for the question answer following the open workshop as well, because that's referenced in the report.

00:31:39:22 - 00:31:42:19

That's the applicant. Yes. I'm sure we can provide those.

00:31:43:13 - 00:31:52:00

Thank you. So I'm not going to just double check that there's nothing else anyone wants to raise with regards to BP.

00:31:54:11 - 00:31:55:15

I think the.

00:31:55:21 - 00:31:56:06

Great.

00:31:56:27 - 00:32:41:15

Thing about him, I think the only other matter under this item of offshore environmental issues relates to RET five, a scheme which the applicant provided, which is the no overlap EIA review and you'll recall that is seeking to address the point that BP made at RET 157 in Annex two. And having read that, we consider the sector state therefore has the environmental information consistent with a decision to provide for the exclusion area by whatever means we say through our protected provisions.

00:32:42:28 - 00:33:13:27

That leaves the point that the applicant's assessment in Chapter 11 of the YES still assumes overlap and that any significant adverse impact is removed on the basis that somehow overlap is practicable. And I won't repeat my point, which is that it's that's wholly unrealistic. And you've heard our arguments or rather seen our arguments on that in RET 525.

00:33:15:11 - 00:33:19:16

Okay. Is there anything Mr. Phillips wants to respond on that.

00:33:21:29 - 00:34:00:12

You have no other to thank Mr. Tate for the confirmation in respect of the CIA point, because that was something we were about to raise. There was only one other point in terms of Mr. Sewell's report that I wish to raise, and that was that there was a valid question raised in BP's deal Friday submissions about why that was a change of expert. The reason for that was that the original expert report back in December had been commissioned, but the authors of that report did not wish to participate in the examination.

00:34:00:24 - 00:34:10:24

So it wasn't an avenue available to the applicant to go back to them and ask for a further update, both in respect of BP's technical assessment.

00:34:12:14 - 00:34:49:27

That's been mentioned before and then subsequent matters. So at that point, we needed to go out, find another credible expert that that could look at all of the evidence that had been presented to date and advise us on what was what could be achieved going forward. And we needed to go to an expert that had experience in advising the oil and gas industry on similar developments. And that's why Mr. Seale of Exodus was was instructed in terms of his instructions that they're clarified at the start of the report.

00:34:50:07 - 00:35:26:19

But he was given the objective instruction to assist the examination. So it was, please look at all these detailed submissions, make head or tail of them in frank terms and explain to both Orsted and to the examining authority what can be achieved in this area. And I think it has been helpful. And indeed BP have acknowledged in their submissions that there are some parts of his report that do indeed support their case in terms of how one goes about seismic monitoring. So I just wanted to clarify that point, because it appeared to be an area of criticism that Mr.

00:35:26:21 - 00:35:36:12

Sewell's instruction, but actually it's as plain as the previous expert weren't prepared to participate in the examination, and so someone else had to be found. Thank you.

00:35:37:09 - 00:35:41:15

Thank you for that clarification. Mr. Tate, is there anything you want to respond on that?

00:35:44:28 - 00:35:52:04

No. We have grappled with the substance of what Mr. Cyril says in Iran.

00:35:54:06 - 00:35:54:25

That's frankly.

00:35:55:05 - 00:35:55:26

A tribute that.

00:35:56:25 - 00:36:05:12

Okay, thank you very much. So on that basis, I'm now going to pass over to Mr. MacArthur to deal with item four on the agenda.

00:36:08:00 - 00:36:44:27

Thank you, Ms.. Darling. So we will come on now to general updates on aviation and radar, and specifically updates on the progress of statements of common ground between the Defence and Ministry of Defence. National Air Traffic Service coming to first in a statement of common ground between the applicant's Ministry of Defence and the Examining Authority notes that points. 002003 and 009 remain, as lots of free performances are noted as not great, but with no material impact.

00:36:45:11 - 00:36:52:26

And the latter point appears to have an action resting with the applicant to consider alternate sporting to employment. 23 of the draft DCO.

00:36:54:20 - 00:37:02:12

Now I note that the version of the Draft de Silva I have for me does incorporate some changes to requirement 23. So can I

00:37:03:27 - 00:37:14:11

perhaps starting at that point, ask the applicants, provide an update on these outstanding matters, and we will in addition ask the Ministry of Defence to respond by and action points.

00:37:20:00 - 00:37:37:29

Nathalie to the applicant. The update is that the final main outstanding point will be dealt with by Dale six, deadline six. So you will have an update then. The other matters don't don't require to be addressed as as far as we're concerned, it's all settled.

00:37:39:02 - 00:37:44:00

And the other matters. Meaning. 002003. Correct.

00:37:45:17 - 00:37:46:04

That's correct.

00:37:47:15 - 00:37:55:02

So they they will remain as not agreed, but with no material impact. Is that essentially what you're saying?

00:37:56:00 - 00:37:57:04

Yes, that's correct. Thank you.

00:37:58:03 - 00:38:01:29

And will there be some further explanation as to

00:38:03:24 - 00:38:12:12

what that means in terms of why they're not screened and why there's no material impacts? Is that something that we require? What would be helpful?

00:38:14:18 - 00:38:33:06

Kind of suits the applicant? No, I don't think so. The material point is that that the requirements that need to be put into the DCI were agreed with with those other stakeholders. And so that that that's the that's the final position of both parties that, you know, the issue has been properly addressed.

00:38:34:03 - 00:39:02:19

Okay. Thank you very much. Coming on then to two knots statement from the ground between applicant and Notts and while examining is mindful that the two parties are in the process of bringing a mitigation contract, we would welcome an update on along similar lines towards the resolution of .007 and 008 of the standard of common ground. And can we start there, please, Mr. Phillips?

00:39:16:12 - 00:39:43:01

Counterfeit to the applicant. Couple of points here. First, there will be a final update, a deadline six. What's happening at the moment is the contract is being finalized and when that happens, all matters will be closed out. But the material point for the examining authority is that the drafting of the requirement has been agreed, and that was in the DCO that was submitted at the last deadline.

00:39:44:11 - 00:40:11:01

Thank you. And this this may seem a somewhat pedantic point, but I'm sure you agree the wording is important. Can I can ask you to confirm whether the wording which references the draft DCO and points. 007008 of the statement of common ground between you and Nats should be rewritten to reference requirement 28 within Schedule one Part three as opposed to Schedule 11, which is its current wording.

00:40:16:15 - 00:40:18:07

Gareth DAVIES. Yep. Yes, that's correct.

00:40:18:21 - 00:40:22:28

And and would you mind updating that face? At the same time.

00:40:26:03 - 00:40:26:24

Yes. Thank you.

00:40:27:00 - 00:40:41:20

Yeah. Thank you very much. You mentioned requirement 28 and its current format in the current draft. DCO is is updated in line with the views expressed by Nats. Did I understand that correctly?

00:40:44:15 - 00:40:45:29

That's the applicant. Yes, that's correct.

00:40:46:16 - 00:41:17:25

Thank you very much. I don't have any further questions on a sentence of common ground on this subject. I will just ask that they include an action points or that's to provide a similar updates on their view of progress towards agreement 4.0079008 of their statements Common Ground. And with that, I will just ask whether any other interested parties have any points that they wish to raise on the topic of aviation and radar.

00:41:22:15 - 00:41:29:16

And I'm seeing no hands. So with that, I will move on to the next agenda item and share with you, Mr. Bradley.

00:41:33:19 - 00:41:34:04

Thank you.

00:41:34:16 - 00:42:14:00

Item five Shipping and Navigation. The Maritime and Coastguard Agency has sent apologies that it can't be present at this hearing, but has sent a written submission instead. Published on the project page of the National Infrastructure website on 12th of July as AC 037. A very quick paraphrase of the points in that submission regarding the latest version of the Statement of Common Ground, which is Rep 505321 cannot be amended to agreed, and that is on the wording of conditions relevant to navigational safety within the DMS and item four one.

00:42:14:27 - 00:42:47:08

The proposed locations for an offshore artificial nesting such structure to ascertain any risks pertaining to the NCA is remit. This item should not be recorded. Disagree depending emkay confirmation on navigation risk controls regarding an offshore artificial nesting structure. Yesterday we heard from the applicant that any offshore artificial nesting structure should that arise, would be subject to a separate marine licence.

00:42:48:00 - 00:43:01:07

Does the applicant have anything further to add? And second point question is will the applicant update the status of Common Ground four deadline six accordingly of the applicant?

00:43:02:28 - 00:43:03:25

Mr. Phillips, perhaps.

00:43:24:20 - 00:43:34:03

Interest rates for the applicant. Thank you. Nothing further to to to say now other than we will update the statement coming around the deadline six to do with that point.

00:43:34:23 - 00:43:52:11

Thank you. SPECTER Thank you very much. Item 5.1. Then on the agenda, in regard to layout principles on minimum distances between offshore structures, the AMC has stated its content with the revised footnote to the layout principles

00:43:53:29 - 00:44:15:28

confirming bridging platforms will comply with all layout principles. Now. I note from the Applicants clarification at Rep 5074 that the minimum clear distance between the extremities of two pairs of bridging platforms might be 630 metres now

00:44:18:00 - 00:44:43:21

because of their size the of offshore substations and offshore accommodation platform. I'd like to understand how many of these might potentially be linked and indeed what is the likelihood of two,

two pairs of linked offshore structures being located in proximity to each other. In other words, is this separation distance of 630 metres a realistic prospect?

00:44:46:16 - 00:44:50:03

So would the applicant like to make some comments on that?

00:44:57:12 - 00:45:03:02

Gareth fits the applicant. I'm instructed that there will only be one link. So there's one.

00:45:03:26 - 00:45:15:06

Fine. Very good. So the answering rep 5074, as I kind of suspected, is moot. The two passive linked platforms are not going to be in proximity.

00:45:15:18 - 00:45:16:03

Yes.

00:45:16:18 - 00:45:20:26

Thank you. Very good. That's useful clarification. Now, item five two,

00:45:22:28 - 00:46:03:12

that was resolved yesterday, an action point in issue specific hearing seven. And I would just like to add here an action point to the FCA, just giving the opportunity to comment further on whether any design parameters and or any layout principles need later greater clarity. I, I think that this matter is close to resolution, but first I'm going to ask the applicant if they are aware of anything in the conversations with the MCI that are still meeting resolution in regard to layout principles.

00:46:07:28 - 00:46:13:07

It's the applicant. No, nothing outstanding. The MCI have confirmed they are happy with the layout principles.

00:46:14:01 - 00:46:15:03

Good. Thank you very much.

00:46:16:21 - 00:46:46:06

So we'll just have an action point from this hearing just to ask the MCI to to to clarify that in writing for deadline six. The next point. 5.3 DMCA is confirmed in its content with the latest update of the environmental statement Chapter seven on Shipping and Navigation, which acknowledges its comments on search and rescue. The.

00:46:47:28 - 00:46:50:21

Only matter left outstanding then is.

00:46:53:24 - 00:47:03:22

I think now covert. Which was the navigation risk controls for artificial bird nesting structures.

00:47:06:22 - 00:47:31:15

I think that whilst Mackay thinks they need securing in the draft DCO, can I just repeat the question that was a bit earlier on answered Mr. Phillips, are you going to get to a point of agreement with the MCI that such artificial bird structures will be completely outside this DCO?

00:47:33:16 - 00:47:36:00

It's the applicant. Yes, we are confident that.

00:47:37:00 - 00:47:54:05

Good. Thank you. I don't think there are any other parties. Let me just leave the question open. Are there any other matters regarding navigation that any other party, essentially BP wishes to raise before we move on?

00:47:56:14 - 00:48:03:00

I'm not seeing any hands, so I'm going to pass back to Mr. Jones for any other business.

00:48:06:21 - 00:48:17:25

Thank you, Mr. Bradley. Agenda item six. Any other business? And does anybody have any other points that they wish to raise that are related to any matters that are the subject of today's agenda?

00:48:22:04 - 00:49:03:23

I've not seen any hands go up or nobody coming on screen, so I should take that as a no. Agenda item seven in terms of action points. Did the usual procedure. We will publish them as soon as we can on the website. There are quite a few too many to go through now, so we will publish them a.s.a.p. Which brings me on to agenda item eight, which is the close of the hearing. 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 six, which is Wednesday, the 27th of July 2022.

00:49:05:06 - 00:49:49:10

May I also remind you that the recording of this hearing will be placed on the Inspectorate's website as soon as practicable after this hearing. The next virtual event for this application will be issue specific here in ten, which be how tomorrow morning, Wednesday, the 20th of July, starting at 930 with the arrangements conference beginning at 9:15 a.m.. The agenda for this is available on the project page of the National Infrastructure website. As with previous events held this week, it is worth noting that tomorrow's hearing will not be a continuation of today's team session and therefore you will need to log into that event using the specific link provided to you by the case team.

00:49:50:12 - 00:50:05:23

Before we close, we would like to thank all of you for your time and for your assistance during the course of this hearing today, especially as it has been very hot this afternoon. The time is now. 2:20. On this issue, specific care in nine is now closed.