

File Name: **ISH 10 - 20th July 2022 (Part 2) - Transcript**

File Length: 00:41:41

**FULL TRANSCRIPT (with timecode)**

**00:00:04:02 - 00:00:08:24**

Everyone, just to let you know, the examining authority will be with us shortly. Just having a couple of technical issues.

**00:00:10:08 - 00:00:16:27**

Yes. I'm back. Sorry about that. I think the Heat got to my teams. You know, just make sure you can handle this over.

**00:00:18:21 - 00:00:21:01**

I can hear you and see you perfectly, Mr. Mudd.

**00:00:21:18 - 00:00:47:18**

Thank you. In which case, we will resume. Sorry for that slight interruption. The next item on the agenda is. Professor Elliott's peer review of the governing marine processes supplementary report had just a very briefly from the applicant. Could we have a sort of succinct understanding what the purpose of this peer review was and if were expecting anything further from Professor Elliott?

**00:00:50:24 - 00:00:56:26**

Got him a girlfriend for a napkin. Yes, sir. I will pass you to Dr. Caroline to give you that summary. Thank you.

**00:00:57:09 - 00:00:57:24**

Thank you.

**00:01:01:01 - 00:01:34:09**

Dr. Jane Cowan on behalf of the applicant and the independent review by Professor Mike. It was requested on behalf of Hornsey for early in the examination due to the sort of diametrically

opposed positions of the applicant on the ACB. And we wanted to try and get some independent review of our submission and to see if we could get something, a central position around which we could coalesce and work towards. And the review consisted of three parts.

**00:01:34:11 - 00:02:07:00**

So phase one was really asking Professor Elliott to review our application documents for just in terms of their adequacy and sufficiency of assessment and whether they had any key concerns. Also, as part of that, phase one work was to review the memo and Natural England relevant wrap so they could familiarise themselves with the issues and then make comment to us on the adequacy or otherwise of our application documents. The third part of that was to review that and the Royal has gone in scope of works.

**00:02:07:21 - 00:02:40:16**

So again, the reason gone to Royal has gone in was we were using Marine, we were using Clipper Marine advisers, and we thought it would be beneficial to bring in another party. We had been in consultation with not starting at the moment see phos for over four years. So quite surprised at the level of disparity and divergence in comments very early in the examinations. We want to go to a third party consultant as well, look at it from fresh eyes who weren't tired through the 16 technical panel meetings.

**00:02:41:20 - 00:03:19:20**

So that was done and phase two was to review the royal scoping and supplementary works. And then for Professor Elliott then to phase three was that to draft an independent report and certain outline outlining his comments. We spoke first to Natural England in relation to the independent review early in the examination. At that point we didn't really know who we would go to, which spoke about a few individuals and Professor Arnett was someone that was recognised, respected both nationally and internationally that was then proposed.

**00:03:19:22 - 00:03:48:25**

I clarified at a meeting, expert technical panel meeting with them, obviously safe and not settling and John race welcomed that as did natural England with a clarification on yeah we have them as independent review around which we can coalesce and find balance on a point which we can agree seek agreement should we continue to not reach agreement that it might be a little bit longer than anticipated. But it's very good, thank God. And.

**00:03:50:11 - 00:03:55:00**

Sorry just to. We're not expecting anything further from Professor Elliott that his complete report.

**00:03:57:02 - 00:04:30:14**

So there's just one potential outstanding issue. So that was when I probably submitted the deadline five Monitoring and Mitigation Report. Should we continue to be at divergent positions? There was the possibility that Professor Elliott will chair a mitigation and monitoring workshop around which then we could coalesce and make a deadline saving submission. Hopefully we can get there. It seems that from the comments from CFR in their memo this morning that we're a lot closer to that than we anticipated.

**00:04:30:16 - 00:04:46:05**

So we're very hopeful now that we can get there. So we don't see that requirement but are willing to do so. If they had more to say for us and others feel it would be beneficial to closing out the issues before the end of the examination. Okay. Well MMO will have heard that, so thank you for that.

**00:04:47:21 - 00:05:30:21**

I mean, returning to the peer review from Professor Elliott and what you've just told me, I think accords completely with what we understood from Mr. McGovern to issue specific hearing for that. This was going to be an independent peer review of the applicant's marine processes supplementary report. I think you've got a bit wider there. And I have to say that other than the title, we seem to don't seem to see many mentions at all of that report anyway within his review. In fact, some readers may think it's not even evidence he's even seen it, and his review seems to be focused almost completely on the relevant representations and from other submissions which came early in the examination, particularly those from MMO, natural England and.

**00:05:32:00 - 00:05:39:04**

I just wonder whether matters have moved on since then or whether you believe there's material in there which you think is still relevant to the examination. Mr. Martin.

**00:05:46:23 - 00:05:59:22**

Gary McGovern on behalf of the Afghan. Sorry, sir. If you could just clarify the specific question at the end on what document you were referring to as having information which would be relevant to examination. Apologies.

**00:06:00:05 - 00:06:32:08**

That's okay. Sorry I didn't make it clear. I'm talking about Professor Elliott's peer review of the applicant's marine process supplementary report, which is what we understood from you at the last issue, specific hearing of this nature that it would be about. I'm not reading a lot, if anything,

in that review about that report. What I'm reading is a lot of a lot of reaction and response to the original represent relevant representations from Natural England and the MMO.

**00:06:32:21 - 00:06:42:28**

And my question was if that is the case, is Professor Elliott working on quite old evidence in terms of this examination? Because matters have moved on quite a lot since then.

**00:06:45:20 - 00:06:48:09**

Carol McGovern for the. No, sir.

**00:06:50:02 - 00:07:21:05**

As Dr. Carlin outlined, Professor Elliott was involved in reviewing the scope of work for Olhar scanning. And I've seen the report. So it's not that he has not had access to all of the relevant material. However, as an independent report, we do not see fit to restrict what issues or what matches he may wish to comment on. And I appreciate your observation that things have moved on and certainly the applicant's position has shifted in a number of regards.

**00:07:21:18 - 00:07:44:02**

However, on my reading of the report, quite a number of the issues that he comments on are issues that natural England are still maintaining. And to this point, we feel it's entirely appropriate and for him to comment on matters that natural England may have raised at the relevant representation stage but are still maintaining. Leslie stage of the examination. So we're happy with the scope of what Professor Elliott's done. Thank you, sir.

**00:07:44:19 - 00:08:03:27**

Okay. And so you're happy with its relevance, which is fine. I understand that. In which case, can I say that I found it a little bit difficult in places to distinguish between what's intended to be a summary of natural England's case and what Professor Elliott's personal opinion is as a reviewer.

**00:08:05:19 - 00:08:37:23**

The two seem to flow into one another. He starts off with he starts off sections by stating more natural England's case and then goes on, which I assume in some places is to his own personal reaction to that. Sometimes it's not clear. I can give you two examples, and I don't expect you to read them and come back on this now. But if you were to look at sections two, six, one, two and 2614, those are sort of two examples of where I've had some difficulty distinguishing where natural England finishes and where Professor Elliott begins.

**00:08:40:00 - 00:08:46:03**

Take those who I have a look at. Could you come back to us and let us know if you think any clarification to help with that distinction might be helpful?

**00:08:47:13 - 00:08:56:24**

Gary McGovern For now. I thank you for directing attention to those particular examples. Will certainly take that away and see if there's anything further we can provide you, sir.

**00:08:57:22 - 00:09:00:18**

Yes, sir. I say those are examples. There are others that as well,

**00:09:03:19 - 00:09:30:10**

and we've had something similar as recently. But in terms of references and published papers, I notice that Professor Elliott introduces at least one additional source that's not apparent use in the Marine Processes Supplement reporting. On this occasion, it's Timko et al, 2019, which again is referenced in relation to the Flamborough friend. Again, is it necessary to update the marine processes supplemental report to take account of this published paper?

**00:09:45:00 - 00:10:01:04**

Got him government for the applicant. We do not believe that's an omission on our part. It was again another paper that we were aware of but wasn't considered to be central to the assessment that we were undertaking. But we're certainly happy to take that away as well and provide any update we can.

**00:10:01:21 - 00:10:05:26**

You know, I'd be very happy just to clarify whether it's relevant or not.

**00:10:07:13 - 00:10:08:12**

Noted, sir. Thank you, sir.

**00:10:10:00 - 00:10:37:18**

I mean, my final point is the Professor Elliott addresses the question of the emergency beach access ramp. But I would like to look at that in a little bit more detail when they reach item five

on the agenda. Other than the page ramp, does the applicant believe there are any matters of difference between Professor Elliott's review and its own position as set out in the submissions? And if so, are any updates to the environmental statement required as a result of this review?

**00:10:40:22 - 00:10:50:16**

Thanks Guy McGovern for the approach and we do not consider any updates to the environmental assessment are required as result of surveillance review. Thank you, sir.

**00:10:51:11 - 00:10:51:26**

Can

**00:10:53:09 - 00:10:59:02**

I ask if the MMO had a chance to have a look at Professor Elliott review and if you have any comments?

**00:11:05:01 - 00:11:14:11**

Yeah. Well, will be insane for the money management organization. We have been able to have a review of this document and I will pass to my technical advisor John from CFA.

**00:11:15:00 - 00:11:16:02**

Thank you very much, Mr. Morris.

**00:11:16:27 - 00:11:46:06**

Yes, good afternoon. John Reese from CPS Memo Advisor. Yes, I have reviewed it and I see your point where and natural England's viewpoints and viewpoint do tend to merge in the document in several places. So I've noted that before. Overall, you know, I think it's a very well balanced piece of work, you know, which what I would expect from Professor Elliott. The only thing that we would have

**00:11:47:23 - 00:12:20:03**

any minor issue on is in section 3.6.1.5, where Mike says that there is no change in the light regime with gravity based structures due to camera front. I think he has misinterpreted that as one of the things that the gravity based structures do is they affect well, they could affect cold, deep water up to the surface.

**00:12:20:12 - 00:12:50:18**

And if they are doing that, that particular water body has not been exposed to the light regime and therefore will be have that have the potential to create a bloom of some sort because it's cold how nutrients are not seen the like because it originally was at depth. So it's been brought to the surface. So I do think there is a clearer field potential expression to this front as well. But yet.

**00:12:51:04 - 00:12:54:21**

But that's to be determined by the monitoring.

**00:12:56:21 - 00:13:09:16**

Thank you very much, Mr. Race. APPLICANT Anything to come back on that? I mean, you've heard that suggestion there that. There's potential room for improvement in at least one small part of that. We're happy to take that away and have a look at it.

**00:13:11:22 - 00:13:19:16**

For the applicant. Yes. So we're happy to take that away and have a look and scope to quantify these aspects of the report that's been highlighted to us. Thank you.

**00:13:20:06 - 00:13:25:01**

Thank you very much. And does anybody have anything else to add on Professor Elliot's review?

**00:13:28:27 - 00:14:00:03**

Which case can I move on to? And those of you on the modelling, the cumulative impact of cable crossings. Clearly we talked about the crossing with Dogger Bank A and B earlier. The applicant's position now is that all crossings are in sufficiently deep water. The waves would have no effect on the seabed and the cable crossing effects could not act cumulatively due to the large spacing between them. Again, sorry, I take doing your job for you. Is that an accurate description? Mr.

**00:14:00:05 - 00:14:00:20**

Mcgovern.

**00:14:03:18 - 00:14:09:28**

Gordon McGovern for an Applicant. And yes, sir. And I'm grateful to you for doing my job for me. I'm happy for you to continue.

**00:14:10:26 - 00:14:31:02**

Thank you. So the intention really here was to ask memo. You've noted you continue to engage with natural England and the applicant on this in your rep and your deadline five submission. So could you just summarise your most up to date position on the modelling and cumulative impact of cable crossings for me please.

**00:14:35:08 - 00:14:41:02**

Williams, the Marine Management Organisation. I will be asking John to speak on this one as well.

**00:14:41:21 - 00:14:43:08**

I can't do the race.

**00:14:44:03 - 00:14:52:01**

On race and see past parts of my team and yes, things have moved on a long ways from where we were at the beginning.

**00:14:53:18 - 00:15:24:02**

For instance, you know, we didn't know the location of the potential crossing points. You know, all of that information has slowly come out of the woodwork. And we now know that it's, you know, 2.6 kilometers from the northern one and 3.6 from the southern one for the crossings between Hornsea four and Dogger Bank A and B. So with with now content that there is no potential impact on cumulative impacts between these

**00:15:25:22 - 00:15:33:09**

locations and therefore, you know, don't need to take it any further in this particular case.

**00:15:35:03 - 00:15:39:01**

Excellent. In which case we leave it at that point, unless anybody else has anything else to say on this.



**00:15:43:25 - 00:16:17:20**

Let me move on to 2.5, which I think we've more or less covered anyway. And this was to do with natural England needing an update on their views on the adequacy of the scope of marine processed receptors. We've we've heard from Mr. McGovern earlier about this. So what we'll do here is we'll make we may need an action point for natural England here when we've all reviewed so 48 from natural England last night. We'll see what's in that. And then we may need to make an action point for further information about natural England on the scope of marine process receptors,

**00:16:19:09 - 00:16:21:05**

unless there's anything Mr. McGovern wishes to add.

**00:16:26:21 - 00:16:38:04**

Got him? No, sir. Nothing to add to our analysts the position that we consider all sectors have been identified and assessed and we take comfort from silence report in that regard.

**00:16:38:21 - 00:16:47:22**

Thank you. So before we leave agenda item two and move on to three, is there anything anybody wishes to raise about geomorphology and marine process modelling?

**00:16:50:17 - 00:16:52:00**

Mr. McGovern, you're still on camera.

**00:16:52:21 - 00:16:53:06**

But

**00:16:54:17 - 00:16:57:14**

no, sir. You may have seen me shaking my head if I'm still on camera.

**00:16:58:19 - 00:17:21:29**

Thank you. In which case, can we move on to agenda item three, which is fish and shellfish ecology and 3.1. The first part of this is an update on the regulator views on the proposed seasonal piling restriction to mitigate underwater noise and vibration effects on herring spawning. This is another long running

**00:17:23:15 - 00:17:49:18**

matter through this examination just to try and close something off. To start with the applicant list, no government response to deadline two deadline for submissions. So that was your wrap five over four notes to the 2018 IHS data for the bank stock is not publicly available by the ISIS data portal. So my question simply is, have you made any processing progress in obtaining it?

**00:17:53:22 - 00:18:09:22**

I got him a girlfriend for the army. My understanding is that we haven't been able to obtain that data. We have asked the ICC for that data and but it's not been provided to my knowledge. So I would perhaps just ask Mr. Nu and he's on the line just to give, from my understanding is correct.

**00:18:10:26 - 00:18:11:12**

Thank you. Mr..

**00:18:14:05 - 00:18:29:17**

A felony on behalf of the applicant? Yes, that is correct. And we've been provided with an email address to contact one of the authors of being and will report directly and address and that we have yet to receive a reply from on site repentance.

**00:18:30:08 - 00:18:35:03**

So I'm assuming you don't have any indication of wealth that's likely to be available before close to the examination?

**00:18:35:19 - 00:18:56:20**

No, we don't, unfortunately. However, I would just make note and the back calculation at the moment is based on approximately 14 years worth of data. And I would say the addition of a single year's worth of data is unlikely to make any material difference to the timings or anything that might come out of that calculation.

**00:18:58:00 - 00:18:59:10**

Yeah. I appreciate that. Thank you.

**00:19:05:09 - 00:19:29:10**

So could I ask MMO You submitted a the applicant submitted additional information and evidence reasoning at your request in the its clarification note on peak herring spawning period and seasonal piling restrictions. And that was wrapped five and 49 and also in its response to the deadline for submissions.

**00:19:31:18 - 00:19:38:26**

Q Are you going to make any response to the clarification owed on Herring, or are you still waiting for your advisors to give you some additional information on that?

**00:19:40:22 - 00:19:51:28**

Williamson Marine Management Organization. You've hit the nail on the head there for both agenda items, 3.1 and 3.2. We are awaiting technical advice. However, we believe we should have it for deadline six.

**00:19:54:11 - 00:19:54:26**

Thank you.

**00:20:02:12 - 00:20:17:09**

Which case can we move on to? 3.2 And this is the potential effects of temporary increases in suspended sediment and reedy position on herring spawning grounds. I have an immediate answer on this one. Some are waiting for deadline six.

**00:20:21:18 - 00:20:27:11**

But while Skowronek could I ask the the applicant another question which is related to this.

**00:20:28:28 - 00:20:51:14**

We talked in issue specific hearing eight yesterday about your approach to cumulative impacts. Given these two agenda items. So that's the the disturbance from noise and vibration and the potential for suspended sediments to be deposited on spawning grounds. These were potentially between two sources and pathways to a single receptor.

**00:20:53:20 - 00:21:03:06**

And this is an instance where in project cumulative effects need to be considered and indeed, have they been considered. And if so, can you signpost us where that cumulative assessment is?

**00:21:08:10 - 00:21:34:05**

Got him. Government for the Environmental Statement has a section at the end of each chapter which addresses the topic of interrelated affects, which is how we describe the sort of effect that you're describing, where you have different impacts having an effect on the same receptor. So for each chapter, including the Fish and Shellfish Ecology chapter, there will be a consideration of interrelated effects.

**00:21:39:02 - 00:21:41:02**

We will take a look at that. Thank you very much.

**00:21:44:00 - 00:21:47:17**

Is there anything else anybody wished to add about hearing?

**00:21:50:24 - 00:22:25:16**

Which case can we move on to? 3.3 And this relates to the applicant's proposed shellfish ecology monitoring campaign. Obviously, concerns about shellfish and fish ecology were raised by a number of parties at the beginning of the examination and kind of spoke to provide a summary position with each of these parties, including Natural England, the Holderness Fishing Industry Group and the National Federation of Fishermen's Organisations. Clearly we've read the documentation, we've read the statements of Common Ground, but are grateful for an explanation of the statement.

**00:22:26:06 - 00:22:43:02**

In your reply to or further any questions, are the applicant pleased to have satisfied the info and have Gee's outstanding material concerns pending the statement of Common Ground sign off at deadline five. Despite eight entries still being shown not agreed material impact.

**00:22:48:02 - 00:23:27:25**

I got a McGovern for the applicant. And yes, the applicant maintains its position that the baseline was adequately characterized in relation to shellfish ecology. No further work is needed to be done in that regard. However, we have continued to engage with these parties and as you mentioned, in order to try and reach a commercial agreement with them on in its spirit of industry collaboration. There are discussions which are ongoing in relation to proposed and monitoring campaign which would inform general industry understandings that would be something that would be secured by way of commercial arrangements with third parties.

**00:23:27:27 - 00:23:32:20**

And we hope to have a final position for you in relation to that deadline seven.

**00:23:34:15 - 00:23:39:04**

So can I read from that? The statement of common ground being signed off is not the final position.

**00:23:46:18 - 00:23:50:02**

It's not the final, final possession, but we're not far away, as my understanding.

**00:23:50:04 - 00:23:50:19**

So

**00:23:52:01 - 00:23:57:23**

maybe I can have a mr. Doctorate in a minute. But before I move on to that.

**00:24:00:24 - 00:24:22:27**

If I read between the lines and assume that the satisfaction of the Holderness Fishing Industry Group and the National Federation of Fishermen's Organisations is dependent on the agreement of a shellfish ecology monitoring campaign. Can you give me some timeline for when this will be agreed, how and when it's going to be submitted into the examination and how you envisage it being secured through any DCA?

**00:24:27:07 - 00:24:50:27**

So we envisage reaching a concluded position by deadline seven in order to update the and see on the final position. As I mentioned, these are commercial discussions, so they would be secured by way of an agreement directly with those parties. It's not proposed that there would be any further drafting or submissions and the context of the DC or the emails in which this monitoring can be.

**00:24:54:00 - 00:25:01:18**

Given the in that case the natural England's very similar concerns and some of these issues remain. How would you take the matter forward with them?

**00:25:10:12 - 00:25:22:19**

Kind of McGovern for that. So we do not share those concerns, but we are, as I said at the outset, confident and the adequacy of our baseline characterisation, and we would stand by our position in that regard.

**00:25:24:00 - 00:25:27:17**

Is it something you'll continue to monitor through this time to gain ground process?

**00:25:32:08 - 00:25:47:19**

Kind of a government for the. Yes, sir. It's it's one of the issues which is covered by the statement of common ground. And if we can close it out, have you out mechanism, we will. But as I say, we are confident in our position. So that may not be possible to close that out.

**00:25:48:13 - 00:25:55:03**

Okay. Thank you. Understand that. And Dr. Roach are with us. Is there anything you wish to add in relation to this matter?

**00:25:58:10 - 00:26:19:06**

My grandchildren are fishing industry great. So this is a difficult point because we don't agree that the best time is characterized. However, the applicant has worked with us to address our concerns of this. Early Speaking of Ihf Jeff, not the NFL. Although we have similar thought processes

**00:26:22:00 - 00:26:41:24**

to conduct a monitoring program to address our concerns, that is directly what our members are interested in understanding these effects. So we are satisfied and in agreement that whilst our statement of common ground stance can't change because we

**00:26:43:22 - 00:26:50:10**

we don't agree that the baseline is characterized appropriately, we are content that there is effort made

**00:26:51:25 - 00:27:14:16**

to characterize the baseline and conduct further monitoring, but it can't be done. Retrospectively, we can't change what's in the past. There are limited data available with shellfish ecology in the area, so the commitment to go and gather data and understand what's going on. We welcome. Very much so. Thank you.

**00:27:16:20 - 00:27:20:27**

Yes. Very clear. Thank you very much, Dr.. I think I understand the position now.

**00:27:22:21 - 00:27:29:12**

So before we leave agenda item three and move on to four, any further matters relating to fish and shellfish ecology?

**00:27:32:15 - 00:27:40:25**

Nothing's being raised there. So let's move on to agenda item four, which is the control of impacts on marine mammals.

**00:27:44:06 - 00:28:22:01**

Let me start with the applicant. We understand from natural England's submission to deadline five. And your subsequent response to DEADLINE five that you have come to an agreement that the perceived current limitations on modelling suggest that it is not meaningful to include consideration of how come permanent thresholds, permanent threshold shift zone of the stage, but that in recognising the research is ongoing, you have actually agreed to revisit this when finalising mitigation measures in the marine mammal mitigation protocol should they ought to be made.

**00:28:22:03 - 00:28:23:05**

Is this a fair summary again?

**00:28:26:10 - 00:28:46:05**

Gary McGovern for the applicant. I'm hugely indebted to you for giving that summary because it saved me from tripping over that terminology, technical terminology as well. So my understanding is that that's a fair summary of our position. But I would just invite Mrs. Sinclair, who's joined us today, just to confirm that my understanding is correct. Thank you.

**00:28:46:18 - 00:28:47:03**

Thank you.

**00:28:51:13 - 00:28:52:11**

Mrs. Sinclair.

**00:28:56:24 - 00:29:26:02**

Hi there. Rachel Sinclair on behalf of the applicant. Yes. Just to confirm that both natural England and the applicant are in agreement that any new methods to model cumulative PTSD should be taken into account for the final mitigation measures for the final MMP post consent. And we are intending to submit an updated version of the document f 2.5 the outline MMP at deadline six that just outlines this agreement.

**00:29:29:21 - 00:29:31:06**

Thank you very much. And that.

**00:29:33:17 - 00:29:37:23**

Takes away my second question about when that will happen. Which is excellent. Thank you.

**00:29:39:27 - 00:29:48:29**

Want Mr. to you're happy. This will be because of changes to the outline mitigation protocol. This will then be secured through the DCO quite adequately.

**00:29:51:03 - 00:29:54:20**

Got him government for now. Yes, sir. I am satisfied. Yeah.

**00:29:56:08 - 00:30:00:25**

I know. Have you been party to these discussions and the agreement? And what are your views on the matter?

**00:30:06:04 - 00:30:11:25**

Well, the and the Marine management organization confirmed that you can hear and see me. Okay.



**00:30:12:04 - 00:30:12:20**

I can't.

**00:30:12:25 - 00:30:50:11**

Thank you. Thank you. And so we have obtained some updated technical advice on this, and I'll be providing our comments in full at Deadline six. And with the absence of my goodbyes, I will do my best to provide you with a brief summary on our position, which will be expanded upon in our written submission. DEADLINE six. In summary, the MMO does still maintain our position that although there are uncertainties and some conservatism with estimating the weighted cumulative sound exposure, the requirement to implement mitigation based on the ACL comes to remain, and the Junos noise exposure criteria should be appropriately considered and applied.

**00:30:52:25 - 00:30:57:02**

Okay. Well, we look forward to your full position at deadline six. Thank you very much.

**00:30:59:00 - 00:30:59:15**

Sorry.

**00:31:00:23 - 00:31:01:15**

It leaves me there.

**00:31:02:22 - 00:31:06:04**

Yeah. I think we I think we. I think we got all what you said. Thank you.

**00:31:06:17 - 00:31:25:02**

Yeah, I think essentially it's the we just think that we should use the jewel the jewel criteria, the joy, the jewel, no noise exposure criteria, which I will summarise and provide the sort of extended version of 5 to 9 six. But we support that the noise abatement measures being put into the triple MP.

**00:31:26:21 - 00:31:34:22**

Okay. Well, we'll look at. We look forward to receiving your full position at deadline six. And so will the applicant, I'm sure.

**00:31:37:05 - 00:31:44:13**

In which case I think that probably rounds that one off unless there are any other further points that anybody wishes to raise in relation to marine mammals.

**00:31:49:21 - 00:31:57:01**

Okay. Can we move on to agenda item five and some miscellaneous activities in the coastal and intertidal zone?

**00:31:59:17 - 00:32:32:18**

The first one is again the extent, assessment and monitoring of the proposed temporary access ramp, which has taken a quite a lot of examination time. I appreciate that. In his peer review, Professor Elliot addresses the question of the emergency beach access ramp and its potential for causing sediment build up on one side and additional coastal erosion on the other. You can pick this up in the clarification note, but notes that the ramp remains the subject of some clarifications and ongoing discussion with stakeholders.

**00:32:34:09 - 00:33:20:23**

For what it's worth, examining Authority considers that there is still some uncertainty about the potential effects of the proposed ramp, and whilst it's evident that the ramp is intended to be restricted to the upper intertidal zone, where we also recognise that active coastal processes would be reduced in frequency, intensity and duration, we're still not entirely clear where these potential effects are assessed in the environmental statement. So can we ask the applicant to provide further clarification, please, including how far into the intertidal the ramp could be constructed in the context of the work plans and the draft DCO and ask if it's the applicant's intention to define a maximum design scenario that ensures that the ramp would fall within the parameters that were assumed when the assessment was made.

**00:33:44:21 - 00:34:28:07**

I got a microphone for the applicant. Yes, sir. The position and release of the ramp has become somewhat, I acknowledge, was slightly confused owing to some issues with the offshore works plans which have been corrected, but the fundamental position has remained unchanged and the location and extent of the maximum design scenario for the ramp has been consistent throughout the piece and has been assessed accordingly. And the environmental impact assessment, in particular in the context of marine processes and the watch plan, ensure that the location, the ramp would extend into the upper intertidal area.

**00:34:28:16 - 00:35:10:13**

And so beyond the main high water springs, but no further than the mean high watermark, which is the the line which is shown on the offshore works planned but was more recently modified and the summary of the applicant's oral case and issue specific seating for which is rep for Zero Street and the classification that was submitted post the hearing did show some indicative boxes illustrating the potential location of the ramp, but that is indicative in terms of its location within and what is the larger yellow box which is on that particular figure.

**00:35:10:15 - 00:35:43:25**

And the larger yellow box correlates with the maximum extent shown on the works plans. And so we have assessed this on the basis of the maximum width and length of the ramp. And the ramp could go anywhere within the maximum area which is shown in the offshore work plans. And therefore the location of that ramp which was shown in the classification following for is indicative, but otherwise and the other parameters that have been set out previously are maximum design parameters and those were the parameters that are being considered and the context of the impact assessment.

**00:35:44:15 - 00:35:47:18**

So I hope that was clear, sir, but I'm sure you'll come back to me. If it wasn't.

**00:35:48:03 - 00:35:57:22**

It was very clear. Thank you, Mr. McGowan. And as a follow up, if you could just directors to wear in the environmental statement, this is specifically assessed, we'd be very grateful for that

**00:36:01:04 - 00:36:05:10**

and I have to do it now. You I'm quite content to have the deadline six as part of the Affordable Care Act.

**00:36:05:12 - 00:36:10:27**

Completion rating, just that we can give you a comprehensive and accurate confirmation. Thank you.

**00:36:11:20 - 00:36:13:26**

But your overall I believe your overall

**00:36:15:12 - 00:36:28:13**

conclusion here is that the. Around could be anywhere within that works plan area and its size could be anywhere within that works plan area. But that would be. That would be.

**00:36:30:15 - 00:36:35:07**

It would only be in the open intertidal. It wouldn't go below below watermark. That's what you just told me, I think.

**00:36:36:12 - 00:37:00:07**

Yes. It would not go below the minimal water mark. That's correct. It would only be in the upper tidal area. And in terms of location, it could be anywhere within the maximum extent shown on the works. Plans here for the maximum size of the ramp is set out in the project description. So it would be no more than ten meters wide and no longer than 30 meters. And those parameters have been assessed.

**00:37:00:18 - 00:37:02:04**

That's the I must thank you for that.

**00:37:05:23 - 00:37:21:00**

And do you believe there's any difference between your assessment, your assessment and Professor Elliott's statements in his report in relation to this, and then the potential for coastal erosion downstream, as it were?

**00:37:22:20 - 00:37:44:24**

No, we do not take any issue with what Professor Reeds, Professor Elliott, excuse me, has set out. We acknowledge the fact that the good actors are growing with some sediment upstream and some erosion affects downstream. And those matters are being considered. And our assessment informed our conclusion as to no significant effect.

**00:37:47:13 - 00:37:51:12**

Thank you. Is there anything the memo wishes to add on this matter?

**00:37:55:25 - 00:38:00:15**

Williams and romantic organization. No, not not at this stage. Thank you.

**00:38:01:03 - 00:38:01:18**

Thank you.

**00:38:05:25 - 00:38:18:00**

So unless there's anything else on that one, I'm going to move on and I'm going to move on to the backfilling of the horizontal directional drilling exit pits in the landfall area.

**00:38:22:27 - 00:38:56:01**

And again, we're aware of the applicant's position on retaining the option to use additional materials, including rock, as backfill for the HDD exit pits. And we also aware that Natural England was still considering its position on backfilling and reinstatement whilst reviewing the cable specification installation plan. And we were expecting further comment. DEADLINE five from Natural England. Protecting Natural England did return to that matter. But I think there may be something in last night's update, but we'll have to see that when we get to it,

**00:38:57:20 - 00:39:09:03**

in which case, unless the applicant does have anything to add. And I think all we need here is an action plan for natural England to provide an updated view on the reinstatement proposals for the HD exit pits.

**00:39:10:24 - 00:39:16:12**

That remains, as far as I'm aware, the number issue and it's risk lock, unless that changed overnight.

**00:39:17:28 - 00:39:19:27**

Anything else you wanted to add on that, Mr. McGovern?

**00:39:24:20 - 00:39:43:07**

Get him a government for the kids? Not really. So just to acknowledge that I am aware and there was discussion in the DC heating earlier in the week in relation to updating the cable installation plan, just to include some text touching on this matter. So it was just acknowledged that I am on the action setting with others in that regard.

**00:39:47:24 - 00:39:53:01**

Is there anything MMO wants to add about the restoration around the edge to the exit pits?

**00:39:57:14 - 00:40:08:07**

You're well aware of the Marine management organization. We have no comments to make on the Longwood side of the exit at the exit pits, unless you particularly want to go into the sea wood side of EADS. We have nothing to comment further.

**00:40:08:20 - 00:40:17:21**

But talking here about we are talking here about the seaward side of the HDD exit pit and potential use by the applicant of rock to reinstate afterwards.

**00:40:18:26 - 00:40:22:19**

I will ask John if there's anything outstanding on that matter. Thank you.

**00:40:23:06 - 00:40:25:13**

Thank you. Therese?

**00:40:25:24 - 00:40:54:21**

Yeah. John Reece from the safe on behalf of him. And I have the same concerns as natural England in terms of the additional potential use of rock in this intertitles as well. Subtitle said Because it's material that's not usually in this particular location. Personally, I suspect they'll have problems keeping these exit pits clear of sediments rather than having to backfill them. I think they'll filled naturally anyway.

**00:40:57:00 - 00:41:04:01**

And you share the same concerns as natural England in relation to restoring the profile of the bed? Or is that going to happen naturally as well?

**00:41:05:00 - 00:41:08:24**

That will come naturally in a couple of storms and that will be back to normal.

**00:41:09:29 - 00:41:10:14**

Thank you.

**00:41:13:09 - 00:41:18:18**

So are there any other matters which we need to discuss on proposed activities in the coastal intertidal zone?

**00:41:22:04 - 00:41:26:18**

That brings us to the end of agenda item five. I'm.

**00:41:28:23 - 00:41:34:20**

I'm going to take a five minute break. Can we resume at 1135, please?