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00:00:03:26 - 00:00:34:03

So the hearing is resumed and we've reached agenda item six, which is matters relating to derogation and compensation. And first, I'd like to understand a little bit more about the applicant. I'd like the applicant to expand on its potential strategic approach to compensation. I believe the background to this item includes Defra's consultation on the principles of Marine Gain, which began on the 7th of June 2022.

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At deadline five, the applicant submitted amended compensation documents to refer to the possibility of making contributions to the newly announced Marine Recovery Fund, either as a strategic alternative to the proposed practical compensation measures or as an adaptive management measure.

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In the first instance, could the applicant provide a summary of the relevant parts of the Defra Marine Net gain consultation and the proposed Marine Recovery Fund? Why it believes it would be applicable to HRA derogation and compensation in relation to the Hornsea four project.

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Good morning, sir. I, Sir Randall for the applicants. Oh, firstly, run through a little bit of background. So the. The British Energy Security Strategy sets out the government's plan to introduce strategic compensation, environmental issues. The British energy security strategy is current policy. So it states that the the government will reduce the process to consent offshore wind farms by introducing strategic compensation environmental measures, including for projects already in the system to offset environmental effects and reduce delays to projects.

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The strategy also states that the government will set up an industry funded marine recovery fund to accelerate deployment whilst enhancing the marine environment. The Marine Recovery Fund will first be used for strategic compensation and then for contributions to the marine net gain and also for monitoring as well.

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Alongside this, the Crown Estate have also recognized the need for strategic compensation and the ground for HRA plan that was published on the 19th of July. They state it's clear that strategic solutions are now required to allow the delivery of appropriate compensatory measures and that the identification and delivery of compensatory measures at a strategic level has wide support amongst SNC, B's and NGOs, and therefore the Crown Estate will establish the process for the delivery of compensatory measures on a strategic base basis as the result of the round four plan level HRA.

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In addition to this, DEFRA also consulting on the offshore wind environmental improvement package, including strategic compensation and the Marine Recovery Fund, which they intend to establish next year. It was announced this week that the energy bill will be amended to include the offshore wind environmental improvement package. They want to create a life that therefore want to create a library of strategic compensation. And Defra proposed to introduce the legislation to enable the establishment of a dedicated marine recovery fund that can collect and deploy financial

contributions from developers to meet the costs of compensatory measures identified in the Library of Measures.

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The Fund would also operate as a project delivery mechanism by procuring the delivery of relevant compensatory measures. Therefore, avoiding delays as consenting as the developer's obligation would only extend to delivery the finance for the measures rather than the delivery of the compensatory measures themselves. So there's a recognition that there is much greater benefits to the environment and the designated sites can be provided by much larger scale and often government led measures as well that can't be delivered by the developer alone.

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And so it provides a really great opportunity, therefore to provide this option in the DCO and for the funding of the availability research. We want to be able to have this as an as an option for the overarching measures and also the £500,000 that we were going to allocate for the pre availability met research. We wanted to put that straight into the Marine Recovery Fund. Prior to operation,

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Defra proposed to ensure delivery of the compensatory measures and therefore the statutory obligation to deliver them would be contractually assured as part of the DCO. So all of this reassurance that the numerous parties beyond the applicant are supportive of a strategic compensation approach and for delivering it in the short term.

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Thank you.

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In light of its inclusion there in the British energy security strategy and the Darfur consultation. Clearly, the the second of those is just a consultation. So what weight to believe we should be attaching to this, given that it primarily is still only a consultation stage?

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Dr. Sarah Randle for the applicants. So in terms of the weight that can be applied, we're confident as set out in the energy security strategy is current policy. So we see that there is a clear trajectory from base and after consultation. Indeed, British energy security strategy clearly signposts the short term expectation that strategic mechanism will be available to support project specific measures if needed. And all the indicators are coalescing around the fund as a clear direction of travel.

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And so it will be of benefit to projects such as 24 and as set out in the British energy security strategy. And in addition, our compensation case does not rest solely on the Marine Recovery Fund, as we put it forward, as as an option. And also, we've provided all the very comprehensive compensatory measures. We've demonstrated that measures are viable and can be delivered and secured. So we're very confident in that approach.

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I will return to how this sits with the practical measures you've already put forward, but you made a comment there about whether you. Well, Mr. McGovern, you note you mentioned that this could be contractually secured through the DCO. Could you explain that a little bit further about how that would work?

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Gary McGovern for the outlook and the record, the terminology contractually secured, and it might be slightly misleading the obligation or the ability to do that secured by means of of the DCO and through the drafting that's been included in the updated schedule. And just to return, if I may, and add to what Dr. Randall said and really just the matter of weight and in our submission, clearly this is both a relevant, unimportant matter and at which you're entitled to attach weight to recognising the different proposals.

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Our consultation and the commitment to establish the Marine Recovery Fund is and the published policy and the British Energy Security Strategy. It's the published policy of the sector state for BS and the decision maker and in the case of the DCO for the Hornsea four offshore wind farm. So I should mention that the sector is entitled to be satisfied that you will hold good to his commitment and his public policy, and therefore that's a matter to which. So you can attach and you can attach weights.

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I think it is also important as as Dr. Randall recognised to say that if we were relying exclusively on the MRF mechanism, then this may be a slightly different matter, but it's another toolbox which we ensures in the tool, another tool in the toolbox rather than something that we're relying on exclusively. And the other package of measures remain there. And the event of the Marine Recovery Fund as an in place as swiftly as we believe it will be. So it's an option, but not an exclusive option. So thank you.

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And. Q Can I just drill down a little bit into some of this and how the things might sit together and some of the the detail?

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There was a discussion issue specific hearings seven into the draft DCO about the approach to securing any such strategic measures in the DCM. And the applicant explained that the sum of £500,000 quoted in part three of Schedule 16 of the draft DCO would be paid into the Marine Recovery Fund, as we've just heard again, or indeed an alternative fund with a similar function. And would that be paid whether or not the applicant would be paid, whether or not the applicant ultimately decided to follow a compensation strategy of ethical measures or an alternative strategy for a strategic strategy which would see a contribution to the Marine Fund.

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So it does. It does it does that still apply if you go down a strategic content strategy route is my question.

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I gunning for Lampkin? Yes, it would not. That commitment to make the £500,000 payment would be made come what may, and then the option of using their MRF to fund strategic compensation and sit separately to that. And if we did not available sales of that option, the £500,000 payment would still be made. So the two are not contingent.

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Just exploring that a little bit further,

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that counters that contribution of relate only to the Kittiwake from Flamborough and Filey Cove special protection area interests feature.

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Is it because of that acknowledged adverse impact on integrity or is it separate from that?

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I am a government for now. Yes, that's correct.

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So it's because of the adverse impact that's identified. So if the sector state was to find adverse impact on integrity on one or more other interest features in addition to the KITTIWAKE in combination, would you be opposing multiple payments of £500,000? One for each interest? Each a compensation package?

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Got him a government for an applicant. My understanding is there's only one payment that's proposed to that payment would not be duplicated across all or any other species, and it may be subject to that finding.

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And reference you may reference in draft schedules 16 and part two on Roman numeral one two additional payments to the Marine Recovery Fund, wholly or partly in substitution for the physical compensation measures or as an adaptive management measure. Could you explain a little further what the attention is here in relation to the practicalities associated with your derogation and compensation case?

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Got a megaphone for the American. And the intention, sir, is to try and provide maximum flexibility in order to allow us to provide the maximum ecological benefit. And it's envisaged that it's maybe entirely possible and that there may be measures that are being funded by way of the MRF, which are holistic and more joined up and would therefore be of greater and ecological benefit in terms of ensuring the coherence of the national site network than any isolated adaptive management measure, and that may be deployed by the applicant at project level.

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So it's simply to give that optionality of being able to do what's best in terms of securing the clearance of the National Site Network. So.

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Is that does that indicate that you'd be looking at what sort of programs are going on underneath the MRI under the MRF at the time? You need to come to your compensation conclusions. Or is it possible you could be adding a new strategic project into that MRF to cover your case?

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Got a McGovern for the can. So both of those scenarios are entirely possible. There may be schemes developed independently of the applicant, which it would make sense for us to contribute to equally the applicant at the schemes which it wishes to promote and engage in dialogue with different to include in the MRF. So I think either of those would be a possibility and the detail around this is clearly something that could be addressed and the camp which would be put in place in due course in the context of Kittiwake, and that is something that would be the subject of consultation and approval by the centre of state.

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Did you explain how a situation could arise where only a partial payment was necessary, given that your submissions for each of the acknowledged and without prejudiced measures for compensation say that you have full confidence that you can achieve what would be needed. And we could rely on that.

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Gary McGovern for the applicant? Yes, sir. Again, this goes to the point our own flexibility and for some of the species, as you have noticed, and we're not relying on a single measure and there's a suite of measures. And so it could be determined that it would make sense to implement one of the suite measures. But instead of the other measures that have been identified to make a contribution to the Marine Recovery Fund

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and keep.

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Could you just explain a little bit more about the adaptive management measures that might be addressed through this? Can I assume that the payments relate to adaptive management measures would only be instigated when one of the practical compensation measures that you've relied upon in the HRA derogation case is shown to fail through monitoring.

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Guy McGovern for the applicant? Yes, sir, that's correct. And that would be linked to

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one of the tactical measures that have been implemented, failing in that regard? Yes, sir.

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And would the same apply if that meant potentially there could be an instance when one of the measures you've secured strategically or contributed to strategically through the Marine Recovery Fund might fail to achieve its goals, and it could similarly trigger the need for remedial action. Do you envisage then that additional payments would need to be put into the Fund for Adaptive Management Measures?

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Game governance for the applicant. So we envisage that would be part of the discussion in agreeing the sum of the value of the contribution that would be placed into the fund in the first place, and whether that might need to include contingency and so on and so forth and the camp. And it's also a requirement the camp has to include detail as to adaptive management and triggers and so on. And so all of that could be addressed by way of the camp in due course.

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Are you confident that's accommodated in your drafting?

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Yes, we're confident that the drafting allows for all of that detail to be and appropriately set out in the camp in due course. Once, of course, the structure of the MRF as is known to us.

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Presumably it's a similar answer in terms of when you envisage. When and how any payments will be made for adopted measure that will be part of the discussions.

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I'm covered for that. Yes, that's correct, sir.

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I mean, that's one of the scenario which occurs to me as well, which we probably should just cover off if the secular state was to disagree with the applicant and find no adverse effect on integrity on the Kittiwake interest feature of the Flamborough coast in combination with other plans and projects, does this all fall away? And if so, would the Secretary of State be easily able to remove the relevant article and schedule from the recommended DCO, assuming that they get included?

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Gary McGovern for that. And in that scenario, yes, the relevant provisions would be would be easily removed from the issue and would follow, as you suggest, sir.

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We have obviously seen your report, deadline five, which is also its approach to strategic ecological compensation. This suggests that the earliest date for establishment of the Marine Recovery Fund is late 2023. Should that indeed be the case? And assuming the Secretary of State proceeds with the fund as set out in the consultation that you've described, can you confirm that the necessary procedures could be in place for you to adopt that? The st t strategic approach, when you consider the timetable for first operation of the turbines and the process for payments that would be secured through the draft eco.

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Gary McGovern for the yes. On that timeline that would that would align with the Programme for Hornsea project force. There would be no issue in that regard.

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Thank you.

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Your report also provides a background to what's going on in terms of a rapidly evolving situation in relation to government led strategic approaches to marine environment, net gain and indeed you're the applicant's parent companies support for it. Could you believe your report provides a robust rationale and justification for you potentially adopting an alternative strategic approach to compensation for this proposed development?

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Of my asking, I think is might we benefit from more of a comparison between the physical and strategic approach and the pros and cons of it?

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And got him government for that concern. Yes, we certainly, in answer to your first part of your question, believe that the submissions we've made provide a rational and clear basis for including the option of resorting to strategic competition. As for

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a detailed comparison, that would be, I imagine, difficult to do, given we don't know exactly what the details of the Marine Recovery Fund would be. However, in a general sense, I would refer back to my earlier remarks that the impetus for strategic competition is a recognition that piecemeal competition at project level may not deliver the best environmental outcomes, and that more holistic approach

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and an approach which is government led, allow and measures to be adopted, which are better placed to secure the coherence of the national site network. And so that's the bigger picture message that I would leave with you, sir.

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Thank you.

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Okay. Thank you very much for all of that. I think that explains your position very clearly again and will make the action point for Natural England and the RSPB to respond to the principles of the suggested approach to strategic compensation and also posed those two questions to them. And the first was whether the Applicant Sanctuary Compensation documentation provides a robust rationale and justification for the alternative strategic approach to compensation. And the second one is whether the applicant has demonstrated that the approach could fully address the type and quantum of compensation that is quite satisfied with the derogation case.

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So anything else you'd like to add, Mr. McGovern, in terms of the strategic approach?

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Guy McGovern for the North. Nothing further on the strategic approach.

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And I'm clear there's been some considerable progress in relation to some of the physical compensation measures that have been put forward, including those on a without prejudice basis. So I would like to run through those, if we may. And the first one is the identification of an offshore platform that has the potential for repurposing as an artificial nest site and the applicants updating the kittiwake offshore artificial nesting road map.

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Youth groups use signs reports. They've signed a memorandum and memorandum of understanding with a view to repurposing an existing platform in the Wenlock gas field off the coast of Humberside.

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At this stage you say you are confident this platform could be repurposed, but if technical studies demonstrate otherwise, you will continue to engage with operators to explore alternative platforms.

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Can you say this has potential? What sort of factors or technical studies might make it unsuitable?

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Mr. Brown for the applicant, as you know, this is a very novel approach, repurposing an oil and gas structure. So we do need to keep our options open. But we are confident with this platform being a viable solution for repurposing. It's a relatively new structure. It's a 2006 installation, which is very new for this for this of a North Sea oil and gas platforms. And we have done an initial strategic review of available documentation of the platform.

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And the conclusion of that is that it would be suitable for extending the life for the lifetime of the offshore wind farm for use as a an artificial nesting structure. But we will be doing more detailed structural integrity reviews as part of our due diligence moving forward. And as a result, we do need to keep our options open.

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So in terms of the factors and technical studies you were referring to in the report, those tend to be more to do structural in nature with the actual structure itself rather than the ecological ones.

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This depends for the applicant. That's right. We are very confident with this from an ecological perspective. And we've surveyed this platform again this year and it now has 69 apparently occupied nests compared to last year, which had 57 apparently occupied nests. It is an increasing colony and therefore we're very confident that it would provide the right compensation.

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Thank you. So you have 69. Is there any indication of what's limiting those to 60 NONADHERENCE margin that the increase would grow, notwithstanding whether you adopted this as a compensation measure or not?

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Yes, optimally designed.

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And we would ensure the design of this structure would be optimally designed for nesting kittiwakes. Obviously the platform at the moment is an oil and gas platform, hasn't been designed with kittiwake nest in mind. So there are limitations on it and we would be adapting it specifically for the purpose of nesting to provide additional space.

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So I imagine that would be looking at those areas that are being occupied already and replicating that in other areas where those structures are not suitable.

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That's right. Yes, we are starting a workstream now to draw up some designs, specifically adapting the Wenlock platform, whereas previously we had generic artificial nesting designs. So we will work now to design it specifically for that platform and using evidence from our ecological evidence report showing optimal nesting and nesting depths and sizes and what direction they should be facing and ensuring that predators are deterred and not able to impact the nesting of the kittiwakes.

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Sorry, I may have missed this set of 26 structure. Is it still in use or how long is it not being used?

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First round for the applicant. Applicant is currently in use but is due to cease production in 2023, so the operator has already issued a submitted and a decommissioning application. So they would then amend it to cover this.

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Proposal that time it would work in terms of the upfront years available for kittiwakes to nest as being requested from natural England.

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Exactly. Yet it's actually perfect timing for us.

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Thank you. I also notice you mention it seems to be currently supporting some oaks as well. Do you see that as a factor going forward in terms of your without prejudice case for getting back and raise a little compensation?

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That platform is not supporting or that was other platforms that we survey during the wider offshore nesting survey.

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Okay, so remote misunderstanding.

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DEADLINE three The RSPB raised a question about how the liabilities for any offshore nesting structure would be transferred and managed. Now that we've progressed this matter a little further, is the applicant able to provide any further information on this?

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Got a McGovern for a napkin? Yes, sir. We believe we are. And it is our intention to submit and to the examination and a note which explains the mechanisms for the transfer. And we can do that for you, sir, by deadline seven. And but in summary, there would be two steps. There would be a need for the applicant to enter into an asset transfer or a sealed purchase agreement with the owner of the platform, as you would for the transfer of any asset. And then separate to that, there would be needs and terms of the regulatory framework to transfer responsibility on to end the decommissioning

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plan that's been submitted for the platform. And we've been in discussions with the relevant regulators in regard to that process, and we believe there are no regulatory barriers to that happening. And that is the subject of the note at which we intend to submit to you, sir, so that you can see progress in that regard.

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Thank you very much.

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Notice anything else on the offshore structure? Can we move on to bycatch reduction trials?

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Can applicants in relation to transfer bycatch, bycatch, reduction for all? Your DEADLINE five report promises reports promising results. What's your involvement in this case? If you went down the route of strategic compensation.

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Hello. Fraser Carter. On behalf of the applicant, it's not currently considered as one of the pilot projects, so it's being considered a project alone status at the moment.

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Sorry, sir, that would if your involvement would cease if you went down the route of strategic compensation.

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Fraser Carter on behalf of the applicant. Potentially.

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And.

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On 74 Garnett.

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You say that the deadline five how long can a compensation plan for bycatch reduction would be developed if consent was granted and compensation found to be required? Would you say this is now seen as much less likely in light of the agreed inclusion of macro avoidance factors?

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Fraser Carter on behalf of the applicant. Yep, you're correct. We now see the chances of that materializing any more. Much, much less likely.

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And you?

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Don't think I've got anything else to add on bycatch unless you wish to raise anything further. I'm going to move on to the Predator eradication studies and in particular the future protection of any sites that would be utilized.

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And we've seen all of the applicants updated documents which relate to predator eradication studies as part of the Without Prejudice proposals for compensation for Orcs in response to the RSPB. DEADLINE three and deadline for submissions. You say that part of the memorandum of understanding with the States of Guernsey is legally binding. Could you just expand on that for me, please?

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Got McGovern for the Applicant. And so the Aminu that's been entered into is exclusive insofar as it gives us exclusivity in terms of the ability to implement the measure should it be necessary to do so. So.

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So that's the only policy legally binding as such.

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Yes, sir. That's the part that's legally binding on some confidentiality provisions, which is why the memorandum cannot be selected into examination, sir.

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So in terms of the remainder of, what weight can we give to it?

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Gary McGovern for the I am so I understand that we are going to speak to Guernsey to see whether we can provide a bit more summary detail of the content of the memorandum of understanding, which would hopefully help you in regard to your question as to how much reliance you can place on it. And our submission would certainly be that

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you can't place reliance on the fact that we have secured a legally binding arrangement for exclusivity in relation to the preferred site and for the implementation of this measure. And on reaching that step and takes us beyond progress on other projects have made at this point in the process. So we still feel we've gone further than many other schemes in that regard.

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Yeah, I can speak on that. I guess that gives you a first go guarantee, but doesn't necessarily mean it could happen.

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That kind of governance for the Applicant is not a cast iron guarantee. And so you're right, but it is still another important milestone along the routes. And this is our preferred site. It's not the only site and that we're looking at. So there are contingency options if this one was to unexpectedly and fall away. So we believe you can have sufficient confidence because we have got to this stage also because there are other options still available to us and ultimately our ability to progress.

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The project is contingent on his being able to satisfy the sector state on the members of the EAC and we have all of the necessary rights in place. So so ultimately we will fall back on the fact that the DCO and proviso safeguards in the event that this particular site was to slip away. And but we feel very confident of having the memorandum of understanding that will prove to be the case. Thank you. So again.

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In the same response, you provide further information on the protection that's given to Ramsar sites in Guernsey, which we note and you go on to note that and I quoting here, I believe in addition, cliffs are also protected as sites of special significance and are protected under the land planning and Development General Provisions Ordinance 2007.

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Can you clarify whether this is a reference to all of the cliffs in the bailiwick or just those that fall within the Ramsar convention designation?

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Got him government for an application for that. My understanding is it's all of the cliffs.

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And you know what sort of protection this affords.

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Got to make up for that. So I'm not a qualified practitioner and Guernsey Law, so I hesitate to say too much on this, but my my understanding would be that it would be similar to the sort of protection one would expect for a triplex II site on mainland England.

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I wonder if that's something you could take away, not necessarily as a legal document, but just as an indication to us what sort of protection we are talking about. And just to confirm, it does refer to all of the cliffs in the bailiwick and not just those that have the realms of protection.

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Going up and falling out. And so we'll take that away and certainly endeavour to provide further clarification on that.

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Thank you.

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We heard earlier that not all of the sites that you are considering in the study are covered by the Ramsar designation. Could you summarise very briefly for me or indicate for me the sort of proportion that are covered by Ramsar and those that aren't?

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But Sarah ran through for the applicants. So our preferred area where we are comfortable that we can provide the necessary compensation, all of those islands and islets are within. Protected farms are sites we have been considering in other areas for adaptive management measures if required. But all of the areas that we are preferred site and where we feel that we can provide sufficient nesting space are all within the ramsdale sites and fully protected.

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Thank you. That's clear.

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The Predator eradication roadmap suggests that the number of nesting pairs required to compensate for the predicted impact would be low and refers to table two of compensation measures for the Flamborough and Filey Coasts. Special Protection Area Overview. Could you clarify on which assessment basis this is founded, given the uncertainties and wide ranges that came out of the Ornithological Assessment Sensitivity report? As we discussed earlier.

00:36:51:18 - 00:36:58:25

Fraser Carter On behalf of the applicant, it would be based on the applicant's approach which has been outlined during this hearing.

00:37:00:18 - 00:37:06:10

Not the applicant's approach as set out in the original environmental statement and application documents.

00:37:08:02 - 00:37:10:13

Fraser Carter On behalf of the applicant, yes, that's correct.

00:37:12:01 - 00:37:14:04

So is it possible this would need to be revisited?

00:37:19:19 - 00:37:29:18

Fraser Court on behalf of the applicant again has got the updated numbers as a result of the MRC modelling within that document. So the information should be there to characterise that.

00:37:30:25 - 00:37:38:02

Sorry, just let me clarify that original environmental statement, but has updated by the second version to run of MRC.

00:37:40:27 - 00:37:43:06

Yeah. Yeah. Yes, that's correct.

00:37:44:05 - 00:37:45:00

Thank you. That's great.

00:37:50:02 - 00:38:03:23

The Predator eradication roadmap goes on to say. Consequently, a relatively low amount of habitat would be required to support the number of paths required. Could you just please clarify what you mean by low amounts of habitat?

00:38:05:18 - 00:38:32:23

Fraser Carter On behalf of the applicant. Yet we were referring to the ecology required for Guillemot and Risible to nest. They nested incredibly high densities probably that the highest density of any seabed in the North Atlantic. So therefore you don't actually require that much space in order to have the required number of pairs associated with the compensation population. So it's it's kind of just it details that in in a bit more detail.

00:38:34:02 - 00:38:46:02

So you're making a comparison between seabird nesting colonies and you're saying in terms of guillemots and razorblades, because of the high density, it's comparatively allow alone a small amount of area that's required of.

00:38:47:02 - 00:38:49:05

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

00:38:49:19 - 00:38:50:04

Thank you.

00:38:52:02 - 00:39:04:16

Can we assume that the when you come to if you came to a conclusion about the total area that was required, would this be distributed appropriately between potentially one and three locations, which are things mentioned in the report?

00:39:06:27 - 00:39:41:25

Fraser Carter On behalf of the applicant within our Bailiwick of Guernsey Suitability Document, we outline where that nesting space would be allotted within one of our tables. But as Dr. Randall explained, the focus on the most feasible island at the moment is within the home archipelago and the surrounding islands. So that would be the focus and the eradication would be across the multiple islands that make up the Arctic archipelago. The other locations that we referenced within the Predator Eradication Roadmap refer to the adaptive management options that Dr.

00:39:41:27 - 00:39:42:20

Randall referred to.

00:39:44:15 - 00:40:17:13

Thank you. So in undertaking these calculations and what assumptions have been made about the likely density, I mean, you mentioned density, and I do appreciate the density of these colonies. Well, assumptions have been made about the likely density of individual nests that would become established in the suitable areas have been identified. And I'm particularly would like to know whether any allowances made for hedge effects, because my assumption would be that a large number of smaller areas would have a much greater boundary to core ratio than a large one.

00:40:20:00 - 00:40:50:18

Fraser Carter on behalf of the applicant? Yes, you're correct. In terms of the bodywork and the suitability document that we put together, a number of different approaches were undertaken for us to provide that summary table at the bottom of the report. The focal area there is trying to ascertain from previous examples at what density these birds nest at. And quite often that's from a cliff nesting habitat where they're at very high densities across the islands that have been included within the feasibility report.

00:40:50:24 - 00:41:22:11

A lot of them are low lying border fields and therefore present a different nesting habitat for the species that we know they do inhabit across their range. So we've kind of split it across multiple types of habitat within that process, too, to allow that estimation. We've been rather precautionary within this approach, and we've used an estimate, an estimate of 20 birds per square metre. One of the recent comments that we received from RSPB actually suggested using an even higher density of birds.

00:41:22:17 - 00:41:30:22

But to make sure that we're providing a precautionary assessment and a minimum that we can then rely on, we have we've stuck with a more precautionary value of 20 birds per square metre.

00:41:31:29 - 00:41:38:27

By having used the same presumed density, whether or not you're looking at one large colony or a number of smaller colonies.

00:41:39:21 - 00:41:40:06

And

00:41:41:12 - 00:41:47:09

yes, we have we've broken it across suitable habitat rather than focused on focusing on existing colonies.

00:41:47:29 - 00:41:57:06

Are you confident that the negative factors that are likely to occur more strongly on the periphery of the colony than those in the centre, and that they're not going to be a significant factor?

00:41:58:04 - 00:41:59:13

We don't feel that that would be an issue.

00:42:10:26 - 00:42:27:12

So in the Predator eradication road map, you say that every invasion of an eradicated site was to occur. You would undertake further eradication to remove the target invasive species from the location and continue monitoring and biosecurity measures.

00:42:29:17 - 00:42:47:24

Your document predator advocacy and control opportunities within the bailiwick. Guernsey seems to suggest that even islets and islands in swimming distance can be successfully controlled if ongoing biosecurity is instigated. What is ongoing biosecurity entail?

00:42:50:06 - 00:43:24:20

Fraser Carter, on behalf of the applicant, said the applicant has undertaken site visits and detailed analysis of previous biosecurity measures in order to understand what could be applied at the different locations that are currently within the feasibility study for all items that are being considered. The another point to add in relation to that is that the the companies that are undertaking the feasibility study on behalf of the applicant are also world leaders in predator eradication and therefore have undertaken a significant number of eradication and also implemented the biosecurity measures.

00:43:24:22 - 00:43:54:26

At the same time, a lot of these projects have been on behalf of RSPB, so for example, St Agnes engaged within the Predator eradication roadmap. We've, as you correctly state, we've said that we would be looking to really advocate if a natural invasion did occur and then potentially look to monitor and then deal with a control element to significantly suppress the population. The exact details of what a biosecurity measure might look like will be dependent on the islands we move to.

00:43:54:28 - 00:44:11:23

And that would be something we'd hope to discuss with the offshore engagement Offshore Ornithology Engagement Group, where we would be discussing that with stakeholders and also including the eradication experts, to be able to get a fully encompassing understanding of what the most appropriate measures would be.

00:44:14:10 - 00:44:26:18

When I say biosecurity, I think of prevention of re invasion by ships and so on. But are you extending the potential biosecurity measures here to include things like baiting and trapping?

00:44:28:29 - 00:45:09:26

Fraser Carter on behalf of the applicant. It could include factors such as that the applicant has worked without any wildlife trust to look at kill traps rather than toxic bait traps as well. So they they've looked at a number of options, including some novel monitoring techniques associated with understanding that one of the site visits that the applicant did support was sending ornithologists to the Isles of Scilly to understand their current biosecurity measures and was able to collect a number of bits of evidence associated with that successful eradication project, noting that that project was within swimming distance of known rat populations from the mainland as well, and that that's been a successful project to date as well for a number of for a number of years now.

00:45:10:14 - 00:45:23:11

So the applicant's really confident that they have a good understanding of the different biosecurity measures that do exist and will be able to implement those measures with with the consensus of the Offshore Ornithology Engagement Group.

00:45:25:14 - 00:45:32:09

Okay. Thank you. I'm not clear for how long the frequency would intend to do this. Is this for the full life of the project?

00:45:34:23 - 00:45:43:22

Fraser Carter on behalf of the applicant? Yes, that's correct. It would be for the lifetime of the project. The exact frequency would be something again that we'd hope to discuss as part of the aid process.

00:45:48:06 - 00:45:59:22

And. Is the inclusion of eradication sites within easy swimming distance, perhaps now formerly part of your whole without prejudice compensation proposal? What you just said is an academic study.

00:46:05:00 - 00:46:41:29

So the the applicant's most preferable location of the home archipelago is out with the swimming distance for the species that the target species are interested in. If adaptive management was to be followed later down the line. We've also undertaken some initial reporting as part of those. The control document you mentioned, which would look at how populations could be controlled under always in swimming distance. And there is a large number of academic references within that paper that refer to successful projects that have suppressed populations rather than fully eradicated that.

00:46:42:15 - 00:46:47:02

And we'd also received some some positive comments from natural England on that process as well.

00:46:49:06 - 00:47:23:21

Okay. Thank you very much. That's very helpful. So we have your submission. I think that the secretary state could have full confidence in this. We note the compensation measures. You believe the compensation measure would be effective and could be secured. However, we also note that the Predator eradication implementation study is not expected to conclude until autumn this year, which is

after the close of the examination. And we have heard from the RSPB in relation to this that they have concerns of the study and the nomination of CITES will not be available till after the examination.

00:47:24:27 - 00:47:39:20

We will therefore make an action point for both the RSPB and Natural England to respond to the updated Predator eradication studies and compensation proposals, including your further submissions about the future protection of any sites that could be utilised.

00:47:42:05 - 00:47:47:13

Is there anything else you wish to raise there in relation to the Predator eradication?

00:47:51:09 - 00:47:53:12

So if nothing else on that topic.

00:47:54:07 - 00:48:02:10

And Keith can win that case, go move on to that connectivity of those sites with the Flamborough Filey Coast Special Protection Area.

00:48:04:02 - 00:48:37:28

And could the applicant provide some further comment on the views of Natural England, a deadline for an RSPB deadline five that there is insufficient scientific evidence to conclude that your proposed without prejudice predator eradication compensation measures for Oaks would directly benefit the special protection area network population and including natural England's suggestion that the additional birds that derive from compensation measures must become part of the national site network in England, or at least produce offspring that recruit to it.

00:48:40:24 - 00:49:39:21

Fraser Carter, on behalf of the applicant, said the applicant submitted the connectivity of compensation measures. Annex one, deadline three SO Rep 3033. And the aim of this report was to draw evidence relating to the bill to show the connectivity between the sites being considered for compensation, both the bycatch and the predator eradication, but also with the the other colonies within the UK and the wider biogeographic population. And to the summary of that report was that we were able to show that the Channel Islands is within the correct biogeographic population for the species that we're interested in and also supports the same race, the bonus rates of Guillemot as well, referencing that the natural England comment that you raise when birds disperse from the colony following the eradication, they will therefore be entering the biogeographic population, which is the pool of birds per which farmer and fighting coast and other species within the national network are part of.

00:49:40:09 - 00:49:46:06

So we would be contributing towards the populations that then filter through to those national network populations.

00:49:48:18 - 00:50:20:25

We to take that a step further. The that the colony follow up actually right which we we draw upon in the connectivity report also shows that around 50% of guillemots recruit into their non-native colonies. And as we would be within a prime location within the English Channel for birds to recruit into that wider by geographic population, there will be a significant proportion of the birds as a result of the compensation from the Predator eradication that would then feed into that wider biogeographic portal of that.

00:50:21:11 - 00:50:28:12

So therefore we're confident that we would be contributing towards the correct population associated with this compensation measure.

00:50:29:12 - 00:50:33:12

You mentioned Garrett in that last statement. Did you mean Guillemot just to check and.

00:50:34:12 - 00:50:38:16

Face the customer on behalf of the applicant? Yes, I meant Guillemot. Yeah, I apologize almost.

00:50:38:27 - 00:51:04:11

I'm not getting confused. That's fine. I understand everything you just said, and I have read that in your report. I think my reason for writing this was that both the natural England and the RSPB comments came after they'd read your report. So clearly they continue to disagree with it, and I was wondering whether you'd moved on at all in terms of responding to those particular comments. And I would particularly highlight the fact,

00:51:06:10 - 00:51:40:04

the belief that the opinion that's been put before us is that the habitats regulations require, that the compensation secures the coherence of the national network rather than the wider geographic population. And of course, natural. England is suggesting that there is little or no evidence that guillemots that are being born and fledged in the English Channel are recruiting to the FFC S.p.a population, which is the only one I believe which contributes to the English network.

00:51:40:06 - 00:51:41:08

Forget it, Guillemot.

00:51:44:21 - 00:52:15:24

Fraser Carter On behalf of the applicant, we're aware of Natural England and RSPB comments in relation to this, and the applicant has been very clear within section 3.4 of that report of the limitations associated with the data in the report. Guillemot remains a tricky study species and as a result there hasn't been a significant amount of tracking data or ringing included for this. But what the applicant has done is provided an overview of the data that does exist, and from that there is indication that there is connectivity between those locations.

00:52:16:24 - 00:52:48:12

The ability to actually prove that a bird that disperses from one location recruits into another, particularly when we're talking about an orc species which probably doesn't recruit until it's five or six years old, is almost impossible based on the current technology that's available. There aren't any tags that have a battery life that will last that long to show where those birds will end up. And trying to spot a colouring on a like of a Scottish guillemot on a colony of 50,000 would be pretty much impossible. So we have to go on the basis of the data that exists.

00:52:48:19 - 00:53:07:26

And from that the applicant has been able to show that there is a certain degree of connectivity associated with that and that they were very confident that the larger pool of birds that feed into the national site network all along the coast of England will be supported by this compensation measure as part of that wider by geographic population.

00:53:09:12 - 00:53:09:27

Thank you.

00:53:11:20 - 00:53:38:25

Can we talk about the lifetime of the measures is now in place? We've got submissions from several parties about offspring, hospital implications and what might be a suitable lifetime for the various compensation measures in relation to the life of the proposed development. And we have noted the applicant's response to the RSPB in relation to our spa and the offshore structures in Europe. Five A comments on the submissions received at deadline five.

00:53:40:20 - 00:53:56:06

So can I ask the applicant in terms of the longevity of compensation measures in Aspa, what would be the implication of following the strategic alternative of making contributions to the Marine Recovery Fund as opposed to the practical compensation measures that have been proposed?

00:54:05:21 - 00:54:28:05

Got him. For the applicant and the relevance of all SPA relates specifically to the offshore artificial nesting structure on the principle which is around and offshore structures being left in perpetuity. No spa is relevant to that measure only. I am not so limited to extend the relevance of all SPA.

00:54:29:14 - 00:54:40:05

But I just ask you at that stage a presumably there could be a project within that strategic compensation fund to do just that rather than you doing it directly.

00:54:44:04 - 00:54:46:18

Game on for now. Yes, that's that's a possibility.

00:54:47:21 - 00:54:53:19

how do the responsibilities for ensuring that ISPA is complied with vary between those two approaches?

00:54:56:17 - 00:54:59:15

What do they both belong to the secular state in both instances.

00:54:59:24 - 00:55:10:16

And ultimately they would both belong to separate states in both instances. And it is worth noting in that regard that the obligation to secure compensation under the habitats regulations also ultimately rests with the SEC. Of State.

00:55:11:19 - 00:55:13:28

Thank you. And in terms of timing of measures.

00:55:18:15 - 00:55:21:05

Apology, sir, could you repeat your question on timing of measures?

00:55:21:27 - 00:55:45:15

Yeah, I was thinking about if you go down the strategic route, I mean, I'm fairly clear now, having discussed it today, the timing of your measures in relation to the project and how long that is gone. But if you took it down, the strategic alternative, do you have any idea about the sort of frequency of payments, whether it be throughout the life of the proposed development, whether it be a sort of one off upfront to cover the intended life? Or is that going to be discussed later?

00:55:48:18 - 00:56:00:21

Got him government for the not would be a matter for discussion later with DEFRA and it would most likely depend on the nature of the measure and what the both what the value of the contribution would be, but also how that would be structured.

00:56:09:08 - 00:56:14:29

So is there anything else in relation to agenda item six you want to raise before the middle?

00:56:18:13 - 00:56:20:22

After we finished with compensation derogation.

00:56:21:17 - 00:56:27:08

Came a government for napkin and nothing further that we'd like to add at this stage. So, so happy to move on.

00:56:27:28 - 00:56:28:13

Thank you.

00:56:30:12 - 00:56:48:12

Okay. An agenda item seven was an overall summary of current positions on projects and in combination HRA facts. So the applicant briefly summarized its position in relation to project and in combination nature effects. And do you believe this will remain as your position at the close of examination?

00:56:51:11 - 00:56:54:13

Ken Gillespie on behalf of the applicants. Morning, Mr. Mont.

00:56:55:28 - 00:57:16:20

Yes. The applicants. The applicants current position in terms of HRA is that the applicant cannot rule out adverse effect on integrity in respect to the Kittiwake feature of the Flamborough and Filey Coast. SBA in combination with other plans and projects, and the applicant has provided compensation plans and roadmaps on that basis.

00:57:18:10 - 00:57:33:01

The applicant also maintains its position of no adverse effect on integrity on guillemot, reasonable and gallant features of the Flamborough and Farley Coast SBA alone and in combination with other plans and projects. It's also worth noting, as discussed earlier, that Natural.

00:57:33:03 - 00:57:34:24

England has suggested.

00:57:34:26 - 00:57:50:01

In writing that it is likely to agree with a no adverse effect on integrity. Conclusion for the Gannet feature of the Flamborough and Folly Coast S.p.a. Set up. I expect that will come in hopefully from natural England at its.

00:57:50:09 - 00:57:50:24

Next.

00:57:50:26 - 00:57:51:11

Submission

00:57:53:06 - 00:58:02:05

and the applicant is provided without prejudice. Compensation plans and road maps for the Secretary of State disagrees with the applicant's conclusions.

00:58:04:13 - 00:58:29:26

The applicant's approach to compensation with a suite of measures is flexible and reasonably precautionary, and regardless of the appropriate assessment outcomes, compensation is deliverable, scalable and secure. So the applicant concludes. No adverse effect on integrity for all other EU sites alone and in combination. That's our summary and I don't expect anything will change before the end of examination.

00:58:31:03 - 00:59:03:29

How can this progress be? We make an action point to ask the same question of natural England and the RSPB please and can we just take a little look forward? We discussed about some further information relating to the HRA as a result of today's discussions coming in at deadline six and deadline seven and going back to your deadline five. Examination Deliverables. Summary I noticed this four documents in there which potentially have implications for the HRA.

00:59:04:22 - 00:59:18:15

And can we just update us on whether or not they will still be coming forward? What's going to be in them and their relevance to the HRA process? The first one is the Fish Habitats Enhancement Report, due to be submitted at deadline six.

00:59:21:24 - 00:59:34:23

Glen Gillespie for the applicant. Yes, those reports are still due. As as you understand, as you sort of set out there. And, yeah, you can expect those at the next submission.

00:59:38:23 - 00:59:51:18

Does that also go for the ornithological assessment in combination watching brief report. The clarification note on marine processes, mitigation and monitoring and the endurance overlap EIA and HRA annex.

01:00:14:03 - 01:00:27:14

Got him. Got him. Government for now. I believe we've already submitted a number of the documents. It might be useful if we update the deliverables document so that there's no lag or misunderstandings as to what's told you.

01:00:28:01 - 01:00:36:05

That was one of the reasons I suggested yesterday. Mr. Adams. If he could do that, I think it would be very useful for us, but it would also be useful to some of the interested parties.

01:00:36:29 - 01:00:38:04

Will do that, sir. Thank you.

01:00:39:09 - 01:00:46:24

And if you could also let us know in that statement whether you'd be submitting anything further into the examination that could have a bearing on the HRA process.

01:00:49:10 - 01:00:54:04

I have nothing further on this item. I think. I'm not sure we moved on to any other business.

01:01:02:14 - 01:01:04:20

Got him a gun for that. Yes. Happy to move on to the.

01:01:06:27 - 01:01:25:15

I have a few sort of miscellaneous items which are brought together under any other business. So let's just go through this first. The first one is relating to the marine mammals and the disturbance noise and the salcombe impact range and the pale peak pets on onset impact range.

01:01:27:01 - 01:01:44:04

We did discuss the generalities of this matter with you and with the MMO issue specific here in intent. And I'm not sure that anything material we can out today pending the further submissions to the applicant won't provide any further in relation to the implications of that for the HRA.

01:01:47:19 - 01:01:55:11

Got him McGovern for the OP? No, sir. I feel that might have been covered, but there are no implications for the HRA in our submission.

01:01:56:03 - 01:01:56:18

Thank you.

01:01:58:15 - 01:02:35:17

Second one was a reminder to the applicant about the answer provided to our first written question H.R. 811, where we agreed we'd have a look at fixing the formal citations and conservation objectives for European sites. And I do understand them were considered likely, but the applicant did undertake to provide for the examination a summary of any changes before the report into the implications for European sites was issued. I think this was actually intended originally for deadline five, but certainly we would need it prior to the 28th of July 2022.

01:02:37:15 - 01:02:40:09

Could this be closed off a deadline? Six one way or another, please?

01:02:45:21 - 01:02:51:00

Gary McGovern for the certainly not aware of any update so happy to close out the headline six.

01:02:51:02 - 01:02:55:18

So yeah I think just a statement to confirm that if that is the case would be useful for us.

01:02:57:02 - 01:02:57:24

We'll do that a.

01:03:00:14 - 01:03:39:17

The next section 8.3 is a summary of parties positions on barrier effects. And I raised this because following on from our further written question, HRA 2.5 the applicant's reply deadline five and further information in the Annex and natural England's response of RAB five. There remains some confusion in my mind as to where we are on this. So could the applicant briefly summarise its position in relation to natural England's concerns about the way the barrier effects are dealt with in the HRA process, including consideration of the various stages of the proposed development?

01:03:44:04 - 01:04:15:04

Ed Schultz, we need your food napkin and yes, are happy to provide the clarification in the UN, if I may, I could also point in the direction of the the submission from Natural England this week. It is zero 48 that reference 2.8.3 agenda item 40 Abbey's agenda items and that they will consider that the applicant is now included sitting in flying birds in the assessment of displacement for the potential barrier effects is incorporated into the assessment for the required species.

01:04:15:06 - 01:04:45:03

So as you stated earlier in the application or indeed in the applicants, my most recent submissions, particularly the updates to the baseline, but also the EIA ornithological in HRA annex of the deadline five day. And those matters we believe now are all clarified. And in fact there is a green box ticked there from from that trend in which we hope this is quite pleasing.

01:04:46:19 - 01:04:48:09

It's good news. Thank you, Mr. Training.

01:04:51:09 - 01:05:21:19

Number 8.4 is a similar sort of thing. It relates to the approach taken to the assessment of the seabird assemblage feature of the Flamborough Filey Coast Special Protection Area. And following on from a further written question, HRA two seven and the responses we received and the further information you provided in the Annex. Should the applicant briefly summarise its position in relation to natural England's request that further consideration be given to the seabird assemblage feature of the Flamborough file echo special protection.

01:05:22:01 - 01:05:26:10

And is it your belief this matter is closed or ongoing? Discussions are ongoing?

01:05:29:01 - 01:06:06:29

And surely if the applicant we understand this matter is most likely now closed. So from the more recent submissions on this topic, we're happy to provide further clarification in response to any of your questions on this to put the matter at rest. With regards to the detail in in summary, for the project alone, we concluded both within our original submissions and in the more recent clarification on this matter that the see the assemblage featured the Plummer Valley Coast S.p.a could be ruled out for a loan or an ally on that CBT assemblage feature.

01:06:07:03 - 01:06:53:26

It could be ruled out and as there was no significant adverse effect predicted to be on any of the individual components of the seabird assemblage from the project alone, and therefore with regard to the compilation objectives specified in the conservation objectives and we weren't we are not predicting a reduction in the overall population of all the species combined, which is where that would be for a conservation objective to decline. And also there would not be the loss of any individual species associated with the assemblage feature either as non of the project alone effects would reach those levels as a substrate through the the documents that we've already submitted and with regard to in combination.

01:06:54:08 - 01:07:36:25

And we we also put forward and can clarify that our position as our position for all the species except for kittiwake that the there would be no adverse effect on project load or in combination with other plans and projects and therefore for those designated qualified features. But even with regard and account for the potential for an adverse effect in combination for kittiwake, the the effect on that particular species would not determine that, that we determined alone and naturally we would agree that any such effects would not lead to that species and the FC s.p.a rather losing that species as a qualifying feature.

01:07:37:03 - 01:08:08:28

So therefore, and also the in combination effects on any species would not deter or reduce the overall conservation objective of maintaining the overall population of all the species combined. So we understand our interpretation and conservation objectives in relation to the seabird assemblage, and there is no ally bees for the project alone and in combination with the plans and projects for any of the features and related to the sea assemblage and therefore to see that assemblage itself.

01:08:09:06 - 01:08:11:27

So we hope that clarifies the matter for you, sir.

01:08:12:24 - 01:08:19:16

Thank you. I believe that we also discussed earlier the sector state in a recent decision supported your approach to that analysis.

01:08:23:02 - 01:08:24:25

And she'll say, yes, indeed.

01:08:25:23 - 01:08:51:27

So I think all that remains on that item. I think we still would like an action point to natural England that following submission of the applicant's ornithology EIA Nature Annex, Please could natural England review its position on the applicant's assessment of the Seabird Assemblage feature in the Flamborough and Farley Coast Special Protection Area, and ask whether that provides the information and assessment that was requested in relation to the HRA process.

01:08:54:15 - 01:08:58:12

Does anybody else have anything else to discuss under any other business?

01:09:02:11 - 01:09:24:05

I'm seeing no indication. So can I move on? Can which case can I confirm that? Mr. MacArthur has compiled a full list of action points coming out of today's discussions. And as per the rest of the issue specific items this week, we will publish these as soon as practicable following this hearing. And I'll note with him starting to close the hearing.

01:09:28:25 - 01:10:00:23

Thank you, Mr. Morgan. I just actually had a couple of any other business matters on behalf of the examining authority that I was just going to raise. So I just wanted to reiterate that we are now in the final stages of the examination. And so I just wanted to take the opportunity to highlight some important dates, as has been mentioned throughout this week. On Wednesday, the 27th of July 2022, we have deadline six and as we mentioned, to issue specific hearing seven on Monday.

01:10:00:25 - 01:10:37:04

The exam timetable indicates that the applicant should be submitting a variety of documents, including the updated draft, the development consent order and the schedule of changes to the draft amendment consent order at this deadline. However, as was explained on Monday, the following day is when the examining authority will issue its preferred draft a consent order, proposed schedule of changes or commentary on the draft amendment, consent order. And as a result, given the internal publication deadlines that we have, this will have had to be produced in advance of that deadline. As a consequence, we would not be able to take into account any dates to the draft government consent order that was submitted at that deadline.

01:10:37:14 - 01:11:15:28

And therefore, for efficiency, the examining authority have advised the applicant that it does not need to submit an updated version of the draft volume consent order at deadline six, and instead we suggested that it could incorporate any changes that result from this week's discussion, along with any changes that may arise as a result of the examining, authorities develop a consent order into the final version of the draft development consent order that is due to be submitted at deadline seven, which is Wednesday, the 10th of August 2022. However, in respect to the other items listed to be submitted at deadline six, I can confirm that the examining authority does expect these to be submitted.

01:11:18:05 - 01:11:54:13

At the beginning of the week, we intimated that we intended to issue a Rule 17 letter to cover the matters that would have been examined in the compulsory acquisition hearing that was due to been held on Monday afternoon and any other matters that may have arisen out of this week's hearings. I can confirm that we will be issuing a Rule 17 letter early next week and we will be expecting

responses to that Rule 17 DEADLINE six, unless otherwise stated in the Rule 17 itself. On Thursday, the 28th of July 2022, the Examining Authority will be issuing the report into the implications for European sites or the release.

01:11:55:02 - 01:12:17:23

And also, as I've already mentioned, the Examining Authority's preferred draft amendment consent order, proposed schedule of changes or commentary on the draft development consent order. The response to these is expected at deadline seven, which is Wednesday, the 10th of August 2022, for comments on the Examining Authority's DCO and DEADLINE eight, which is Thursday, 18th of August 2022. For the release.

01:12:20:03 - 01:12:41:05

DEADLINE seven is the last substantive deadline before the close. The examination and as the examining authority cannot consider anything that is submitted after the close the examination, it is very important that we have all of the information that we need to enable us to make our recommendation to the Secretary of State. As a result, there are a couple of documents, and I just want to take the opportunity to highlight.

01:12:42:23 - 01:13:18:06

In addition to the statement of Common Ground, the applicant may use an alternative position statements with a number of organisations that is in commercial discussions with reviewing the documentation submitted to date, we appear to have very few signed and completed statements of common ground or position statements, and in fact a number do not appear to been updated since they were originally submitted at deadline one. It is very important when writing a report that examining authority has a clear understanding of both matters that have been agreed and matters that remain outstanding, including, where possible, an explanation from the parties as to why the issue remains outstanding.

01:13:18:25 - 01:13:31:24

I therefore want to take this opportunity to emphasize to the applicant and all the parties involved that signed statements are common ground and position statements and an updated statement of commonality of common ground need to be submitted at deadline seven.

01:13:33:21 - 01:14:14:23

The Examining Authority notes that you have submitted a guide to the application with the latest version being revision five, which is 5006. However, the examining authority requests that in addition to an updated guide to the application deadline eight, you also submit an index of documents that lists each of your submitted documents by type, with the final version of each being emboldened and with the corresponding examination and library references being provided where possible. For an example of the type of document that the examining authority seeking, please see the Rule 17 Guide to the Application Rep 13 Dash zero 24 that was submitted for the East Anglia one North and East Anglia two examinations.

01:14:15:08 - 01:14:24:26

This document is incredibly helpful to the examining authority when writing the report to make sure that we reference is made, that when we reference a document, it is made to the latest version of a document.

01:14:26:14 - 01:14:59:04

Finally, as I've already mentioned, this is important for all parties to remember that any information submitted after the close of the examination will not be seen by the examining authority and therefore will not be taken into account by our report. So please ensure that anything you require the examination examining authorities consider as part of its report has been submitted in accordance

with the remaining deadlines and in any event, before the close the examination on Monday, the 22nd of August 2022. Are there any questions anyone wants to raise with any of the points I've just raised?

01:15:02:19 - 01:15:18:09

I got a McGovern for the just one question. Clarification question. You indicated that Rule 17 letter would be issued early next week, and I hear you correctly, and that responses would be due by deadline six, which is when the next week? Or did you mean deadline seven?

01:15:19:13 - 01:15:53:27

No, it didn't mean deadline six, but a lot of March picking up stuff that was in the that's been discussed at the hearings, which were in the action points. So it's just to reinforce those points. And with regards the points for the compulsory acquisition hearing, those two should have been prepared anyway because we should have had the hearing on Monday. So hopefully actually the responses will be fairly clear. Quick If there are any problems with that, then if you could indicate in your responses to that Rule 17 letter why you need the additional time, it would be helpful. We've had to use deadline six because we are literally in the last month of the inquiry.

01:15:53:29 - 01:16:05:05

I mean, today's 26 July, it closes in a month's time on the 22nd of August. So we don't really have much room for manoeuvre in sort of shifting things to later on in the examination. Any more, I'm afraid?

01:16:06:15 - 01:16:07:27

No, thank you. That's helpful.

01:16:08:19 - 01:16:30:10

Okay. That's no problem. Okay, then. So I'd like to remind you that the timetable for this examination requires that parties provide any post hearing documents on or before deadline six, which is Wednesday, the 27th of July 2022. And may I also remind you that the recording and transcripts of this hearing will be placed on the project page of the National Infrastructure website as soon as practicable after this hearing.

01:16:32:00 - 01:17:08:02

This is our final virtual event, this application. And as a result, I'd like to take this opportunity to thank not only all of today's participants for their time and assistance, but all those who have been involved with the hearings this week and those that were held in April. The examining authority has found these events incredibly useful, and the evidence that we have heard or that will be submitted as a result of the numerous action points, will be invaluable in helping us to make our recommendation to the Secretary of State. I also wanted to highlight that what are some of the issues? Specific hearings for this project have unusually had limited attendance and that the applicant may have considered that a one party hearing to be of limited value.

01:17:08:11 - 01:17:39:22

This is definitely not the view of the examining authority and in particular the examining authority wanted to highlight that. Sorry, the input over the last three days has been invaluable to ensure that the examining authority has an accurate understanding of the evidence and the applicant's case. Finally, I'd also like to take the opportunity on behalf of the Examining Authority to extend our thanks to the case team, which is made up of JJ Johansson, Caroline Hopewell and Drey Reyes and supported This Week by J. Stephens Drake Stephens.

01:17:40:00 - 01:17:54:24

Without whose support, we could not have held these events. So I'm just looking the time is now 1152 and this issue specific hearing on the habitat regulations assessment for the proposed Hornsea project four offshore wind farm is now closed. Thank you.