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FULL TRANSCRIPT (with timecode)

00:00:05:16 - 00:00:13:15

Welcome back. The time is now. 4:27. And I'm resuming this issue specific hearing for the final session.

00:00:15:07 - 00:00:19:00

Please confirm that everyone who wishes to be here has joined to speak.

00:00:23:20 - 00:01:03:11

Technically, yes. There are no procedural decisions emerging from today's hearing. So I will now take us through the actual points. These actual points will be published on the project web page of the Planning Inspectorate website as soon as possible and no later than Monday next week. We have 18 points recorded from today's meeting and these are as follows. So .12 for the applicant to provide a copy of amendments to the Energy Security Bill, policy statements and draft regulations, which the 13th of January this year and highlight sections of relevance.

00:01:03:29 - 00:01:05:07

This is for deadline one.

00:01:06:22 - 00:01:07:13

In fact,

00:01:09:07 - 00:01:30:28

for brevity, you may not from now on assume that all actions are for deadline one unless I say otherwise. And I should point number two is for the applicant to respond in writing to the questions raised by Mr. Lines representing the fish markets relating to the relocation of sandwich lines as part of the applicant's compensatory measures for that species.

00:01:33:15 - 00:01:47:28

Action. Point number three is for the examining authority to consider the best way for the applicant to provide data on progress of discussions with East Suffolk Council, Natural England and Gateshead on Sandwich Turn from Kittiwake Kittiwake Mitigation.

00:01:50:28 - 00:02:06:05

Actually, point four is for the applicant to provide a letter of support from Gateshead Council to demonstrate the suitability and availability of existing compensation measures for KITTIWAKE within its region. Indicate some process and timescales for securing appropriate sites.

00:02:09:23 - 00:02:27:12

Actually, point number five is for East Suffolk Council to confirm at this day whether there would be spare capacity for Kittiwake compensation measures resulting from other agreed projects that the applicant could, for want of a better expression, piggyback onto if needed.

00:02:30:10 - 00:02:37:00

In the way described during the hearing. And I appreciate that the applicant did not use the word to piggyback any point.

00:02:40:18 - 00:02:46:05

Actually, point number six is for the applicant to provide further detail to demonstrate the feasibility of bycatch reduction measures.

00:02:49:18 - 00:02:55:12

I represent, which represents an effective compensatory measure. It's terribly written

00:02:57:01 - 00:03:03:18

and looks like we will amend the writing the wording of all of these, but I hope that makes some sense to you.

00:03:07:02 - 00:03:28:03

Actually, point number seven is for the applicant to provide technical notes at deadline one about the foundation types, including commentary to justify its approach versus the approach of other developers of proposed offshore wind farms who have been able to provide greater certainty in terms of foundation choice during their examination and timeframes.

00:03:30:02 - 00:03:41:19

Key point number eight for the applicant to provide a document containing all instances of supplementary text relating to strategic compensation measures which may need to be included within the draft eco.

00:03:44:01 - 00:04:07:28

Actually, point number nine is for the applicant to provide technical notes to be provided to the applicant, to provide technical notes about the selection of the horizontal directional drilling methods as described as details at the detailed design stage. So I interrupt Julian, also just on item eight.

00:04:11:16 - 00:04:14:22

When you use the phrase strategic compensation.

00:04:16:13 - 00:04:29:28

Just to be clear, we're talking about without prejudice, compensation. It's not I'm assuming it's that standard to sit next. Is that just to be clear, that's what you're talking about? Yes, that's right. Thank you. Not so

00:04:31:25 - 00:04:50:14

I'll not repeat, actually. Point number nine. So that is for the applicants to provide technical notes about the selection of horizontal directional drilling methods. Acts, detailed design stage, including necessary protection of time frames doing so.

00:04:53:20 - 00:05:02:23

Point number ten is for the applicant to provide further detail, sets up the case that its worst case analysis meets the mitigation hierarchy set out by Natural England.

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This is in particular in relation to the point of discussion around the worst case scenario being that north.

00:05:19:13 - 00:05:35:18

And point number 11 is for the applicant to provide further detail in relation to its consideration of headroom from existing Dutch and from the existing Dutch offshore wind offshore wind farm in the assessment and analysis of effects for set and that.

00:05:40:17 - 00:05:50:21

Action point number 12 for the applicant to provide the document setting out relevant east inshore and East offshore policies and Marine funds and applied proposed development.

00:05:55:01 - 00:06:12:18

Point number 13 is for the applicant and Franco. And this is to say that further confirmation and detail are required to explain the reasoning for their respective safe take off requirements and exclusion areas as set out by both the applicants and of.

00:06:16:12 - 00:06:30:13

Actually point number 14 for the applicant to provide further clarification. It's the question of whether or the extent to which fishing industry operators return to fish in areas between went on wind turbines once they are operational.

00:06:33:03 - 00:06:51:23

September 15 is for the applicants to give clarification of whether the lost fishing areas cited by Mr. Lyons in his repeated representations of the tunnel are permanently lost to the fishing industry and linked to this. A reply on concerns raised about the depletion of stock.

00:06:56:05 - 00:07:08:10

Action. Point number six is for the applicant to provide further detail around the subject of collaboration conditions, how it believes that collaboration between undertakings should be secured within the draft DCO.

00:07:11:19 - 00:07:20:21

Action. Point number 17 is for the examine examining authority to suggest precedents, examples of collaboration agreements it believes provide useful reference on the topic.

00:07:24:26 - 00:07:39:25

Just to clarify clarification, that's the topic number 16. And finally, action points. Number 18 is for the applicant to provide further detail to outline the implications of changes to timescales for the submission of discharge documents.

00:07:46:01 - 00:07:58:17

Before I continue, does anyone have any further questions or comments to those points? Mr. BOSWELL. Yes, General, just on Item 14.

00:08:01:23 - 00:08:27:18

Clearly here the impacts to setting that are on the right, particularly that sort of fishing situation, which is dominated by potting rather than other types of fishing. Is it okay for us to to to limit our response to the relevant type of fishing? Because otherwise it becomes a much broader sort of academic point about fishing more generally.

00:08:32:17 - 00:08:53:29

We at this stage think, yes, that's acceptable. If that changes through the course of the examination, of course it will let you know. But for now, I think that's that's fine, Mr. Buswell. Thank you. And I think the next item 15, in terms of having that be lost, is that what's the difference between 14 and 15?

00:09:23:00 - 00:09:43:09

So number 14 relates to the space debate, the space between turbines for the the access to fishing grounds, if you like, and item 15 that relates to the if the stock is so efficient, stop the fish themselves or catch.

00:09:47:06 - 00:10:11:05

Thank you. I'm sorry. Another fisherman. Bring it on, if I may, All night. And to reference the questions from Mr. Line's relocation of Sandwich. Is that the point about the link between sort of birds in North Norfolk and Scotland? Is that the point? Yes. Thank you.

00:10:12:22 - 00:10:30:27

It's looking to see if anybody else. Of the points ancient. That's all from us. Thank you. Thank you, Mr. Boswell. I hope there is. We have a hand on the scenes. So just go to. To Trinity House to begin with. These.

00:10:33:18 - 00:10:44:15

Thank you. Tom McNamara for Trinity House. It was just a flag that we and we and I think others on the line lost access to the.

00:10:46:06 - 00:11:16:05

Lost access to the hearing at the tail end of the agenda item on the draft development consent order and when it was back up and running, I think you taken an adjournment. So there was one point we wanted to raise on the draft issue. I don't know if now is a good time to do it because things have moved on and the. Perhaps that's a point that Ms.. Broderick is going to make as well as a whole who also has her hand raised. And so when your hands is as to how you like to deal with that, that.

00:11:16:24 - 00:11:26:12

It was just not a good time. If you want to raise it, just go ahead. Okay. Apologies for that technical failure, but at least I in.

00:11:27:01 - 00:11:39:21

Thank you. And so that the point we wanted to raise in relation to the draft DCA and it's it's just arisen today so I haven't had the opportunity to raise it with the applicant prior to the hearing.

00:11:41:20 - 00:11:50:29

And it relates to the navigational risk assessment, just application document reference 198. And

00:11:52:25 - 00:12:32:09

specifically table 21.1. It sets out in relation to each of the impacts which is being considered in the risk assessment. The additional mitigation, if any, which is proposed to be implemented. And in relation to three of those impacts, a displacement adverse weather rating, increase collision risk. We note that reference is made to an navigational management plan. And now from our for my review of the draft deemed marine licence, I couldn't see where that was accounted for.

00:12:32:21 - 00:13:00:13

As it stands, it may be that it's being given a different name or is or is dealt with in different documents. I think it's supposed to be separate to the aid to navigation management plan, which performs, I think, a slightly different function. So it was just to understand from the applicant what the position is in relation to the navigation management plan and, and if any further drafting is needed to to account for it. That was the point.

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Mr. Muscle.

00:13:07:11 - 00:13:13:27

That maybe one more for Mrs. Obama or we can come back to it now. Summary Response.

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The thing that makes hearing action 19.

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Can we just assume

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that the Dutch. Sorry, Mr. Fuller.

00:13:34:01 - 00:13:40:07

I was just going to agree with my colleague Julian. Possible that if we could come back to that one in 19.

00:13:42:18 - 00:13:49:17

As opposed to doing action, as you suggest. Yeah. You can contend with that, Mr. McNamara.

00:13:54:00 - 00:14:02:15

So that the moderator. Anything else? Yeah, that's absolutely fine. We've had a direct line of communication with the applicant, Stephen. That's worked very well. I'm more than happy with that. Thank you.

00:14:08:03 - 00:14:14:00

And if I can ask Ms.. Broderick, representing only three.

00:14:17:15 - 00:14:54:06

Thank you. Clare. Project for Orsted Hornsea. Project three. Yes, we were in the same position as Mr. MacNamara in that we didn't have the audio visual for the end of agenda item nine, so we just wanted to raise one point for the record in respect of the protective provisions that are contained within Part ten of Schedule 14 of the draft DCO, and we note that the applicant has already stated that these are in draft form and discussions are ongoing and they are ongoing.

00:14:54:13 - 00:15:37:00

As I mentioned earlier in the hearing, however, at the moment the draft provisions deal with onshore matters only. So we just wanted to highlight that from Hornsea three perspective. We would want protective provisions on the face of the order to also deal with the offshore interactions, and we felt that it was appropriate to raise that in today's hearing under agenda item nine. We will obviously seek to work with the applicant to reach an agreed form of protective provisions, but in the unlikely event that we do not have that agreement towards the end of the examination, then we would need to submit our own preferred wording should that situation arise.

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Thank you.

00:15:39:28 - 00:15:42:19

I'll look for the applicant to respond.

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I suggest we pick that up as part of the ongoing dialogue. Some projects just reference onshore. We're very keen to reach full agreement with posted on all aspects.

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But could you give me a response, at least in principle, to the point that Ms.. Broderick has raised.

00:16:01:24 - 00:16:16:19

I.e. should it be offshore as well as onshore? I said I know that other. I'd be amazed if we have an in-principle problem if they have a good reason to ask for it. I'm sure we will end up agreed to it and then it will be a question of the detail.

00:16:17:14 - 00:16:31:02

Ms. BRODERICK What I would say is don't wait till the end of the examination and if you have preferred wording presented now either to the applicant or both to the applicant on the examination so that at least we have it in front of us and we can see how negotiations are progressing.

00:16:33:27 - 00:16:41:04

That project for AusAID Hornsea Project three. Thank you. Yes, we'll take that under consideration and put forward a proposed wording.

00:16:42:06 - 00:17:16:15

Okay, thank you. So just there was that addition then to adjourn to Action 19, which was to respond to the query from Mr. McNamara. But this is a this is probably also an action. About protective provisions. Um. Okay. Okay. So we're not going to go through that list again to repeat these two points, but I'm assuming everyone understands, what, 19 and 20 year? Yes.

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Any.

00:17:24:05 - 00:17:55:15

Is that clear to everyone? Okay. Okay. Right before. Before I close the hearing, there's just one point that I want to make on behalf of the examining authority. The four or five areas where the applicant's response was very, very hopeful have basically been that this is progressing and adapting to us. And when matters progress and just for avoidance of doubt, I'm going to tell you what those four or five areas are.

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It's regarding securing no crime as mitigation. It's about reaching an agreement on nesting sites with Gateshead.

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It's about identifying a location in the outline me for disturbance.

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What are the suitable location?

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And there's.

00:18:34:04 - 00:19:22:04

And about the and the kind of similar point, but it's about the foundation type and cable protection. But there will be cable protection or not. And it's just what the panel would like to say is that it's unclear what is happening, when it's going to happen, whether we will see the outcomes during the course of the examination. And if we don't see the outcomes during the course of the examination, then how can we rely on it in our considerations and stay one of the examination? And I just want to

say that we're not content with that response to a lot of these matters, and I'm not going to mince my words, but we're not going to take your word for anything.

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If you want us to rely on something, you have to put it in front of us.

00:19:27:24 - 00:20:00:02

And if you want us to rely on something and not only do we need to see it, we need it secured somehow in the TCO. So it is day one of examination. As we said yesterday, our approach to this examination is to frontloaded so we can maximize the six month period in order to come to resolution in as many matters as we possibly can before our recommendation goes to Secretary of State. So it's just something for you to take away and perhaps progress matters as quickly as possible.

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And for the rest of the hearings, responses to written questions and any requests for further information, supplement all your responses with very clear idea of timescales and

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likely rate of resolution.

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If nobody has any further questions.

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Can I just respond to that?

00:20:29:06 - 00:20:34:04

Julian. Yeah, I think I would want to say that.

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There are.

00:20:39:00 - 00:21:09:25

If you look at the Hornsea three decision, just using that example, it was accepted by the Secretary of State that in that decision the next thing sites were not identified and there was a process to identify them and deliver them. And that was a process was was indicated. So I think. Our project is. It's different because it's that bit later and it's learning from what's happened before.

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But we're we're in the.

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Complicated situation, which I think we explained earlier. So we want by the end of the examination to have nailed down as much as we can. But if we haven't nailed everything down, then recognizing that in some instances we're dealing with third parties on some aspects, we think the the, the approach that we would be expecting you to adopt is to that end, that we would want to support you is to explain where we have got to.

00:21:47:06 - 00:22:20:12

And if it isn't complete now, why you can have what we are going to be continuing to do and why there is sufficient confidence that if you have a Grampian style arrangement, which is what the Schedule 17 proposed, other not a negative condition that says you can't do something unless X, Y, Z

is in place, but you are still in a position to recommend approval. Or if there is sufficient credibility behind the direction, travel to where we are at the end of the examination.

00:22:21:09 - 00:22:43:17

Obviously that is, whilst as a stress, we would like to get everything nailed down by the examination. If things are still in motion, we will we will bring you up to date and make submissions to give you as much confidence as we can that those that there is a high likelihood that those things will happen and that that can then form the basis of the positive recommendation.

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But there will be a further three months before your report passes over to the Secretary of State. And I'm sure you know, on other projects, it's become not uncommon for you to see that just on that on the floor during the process. And the response has just been just been published. And then that would give the secretary state again, things would have been nailed down if they weren't for further further update. So I suppose I just want your state, your position.

00:23:16:29 - 00:23:34:04

I'm just taking out mine in reply, which is yes, in a perfect world we would have had everything nailed down before we submitted. We've had an extensive dialogue with Natural England as has been set out, and we had a discussion with that from England and with.

00:23:36:16 - 00:24:14:01

Let's say nothing in first nine months, the patent spectrum so that we we. We we recognized throughout that that was a judgment call as to when we submitted. And so we got to the point where Natural England was sufficiently content with our approach. They were encouraging us to submit as a previous occasion. Significantly before that, they thanked us for the lighting to allow us to move things forward. So we got to the point where they were content knowing how long things would take. Thereafter, who could take their offer? I should say that we were encouraged to submit by natural England and we wanted this wrong.

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And then on top of that, we made a particular point going to the planning Inspectorate in the run up to the submission to say, We want to brief you on exactly where we are, on what Brian Gates said and

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the position and the other without prejudice propositions, so that you have an opportunity to understand properly from us where we are as opposed to stopping in an application. And then within that slightly curious state acceptance period, there are severe limitations on how they're allowed to talk to you during that period, as you know. And therefore, we wanted to have a completely open conversation with an expert team, as we did at that time, to say this is why we think we are now in good enough shape to submit.

00:25:00:21 - 00:25:34:00

This is what this is where we are with natural England. They are not encouraging us to submit so on. And that was all predicated on the fact that we that things were going to take a while to play out thereafter. I think the foundation type and take protection point is in a slightly different category, as I think you were acknowledging in that there was always that there was always there's only so much that you can do at a point to that location in terms of analysing those issues. We we've done our best to narrow down the, the the, the.

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Possible level of protection, but there comes a point where to protect the project, we do have to have we do have to be taking certain amounts of that and then how it plays out in detail necessarily as a

consent matter. So I think I mean, we'll we'll obviously consider this further in the light of your your remarks you just made. But

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what tends to be the case on the table tension issue in this type of scenario is. Any so far that you can take it and then we have any developer in that situation feels that they have made a good enough case to be given the consents that they're asking for. And then precisely what happens then plays out. Sometimes it turns out that you you don't need as much as you thought you might. And and so on and so forth. And then the precise locations will inevitably vary depending on what you find during service and so on and so forth.

00:26:31:06 - 00:26:58:25

So we are, I suppose, a way of summarizing that is that we are broadly where we expected to be at this point in time and where we were managing. Of the key stakeholders expectations in that respect, yes, of course we are going to press ahead, you know, as as we've indicated in the roadmap that Mrs. Adkins, for example, referenced want to go

00:27:00:10 - 00:27:21:00

and we will want to keep you updated and convince you. If it isn't done by the end of the. Examination, why you can still have sufficient confidence that it's not it is it would be acceptable to grant us a DCO on a Grampian condition, suspension, condition, whatever you want to call it. Basis.

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That's noted and understood. I will just say that convince us of.

00:27:31:13 - 00:28:01:17

The credibility in your direction of travel should resolution not be possible. I think the devil is in the details. Say what you consider to be a credible direction of travel, whether that satisfies us or not. Is something that we have a few months to understand how that works between us. So. So let's I would suggest that you give us as much information as you can to begin with with that, you know, it's an understanding of timescales.

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Milestones,

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as you expect to see them play out over the next few months. And we will not hold back either. We'll tell you what that satisfies us or not, and we'll ask for more.

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Yeah. Understood. Yeah.

00:28:19:07 - 00:28:21:05

Okay. Anything else from anybody else?

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Okay. So

00:28:26:20 - 00:28:39:25

just a reminder to everyone that as far as possible, please give us a summary of your oral submission today at DEADLINE one. This is in the timetable. It's in the draft timetable.

00:28:41:11 - 00:29:05:04

And and with that, I think I'm content to close. It is 16, it is 4 p.m. and 56 4:56 p.m. and I will not proceed to close this hearing. I thank you for participating today. For those of you who are attending issue specific hearing to on Friday the 20th of January, we look forward to seeing you then.

00:29:07:21 - 00:29:11:14

Good evening, everyone, and thank you very much. Okay.