

## **ISH\_18 Jan\_Part01**

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FULL TRANSCRIPT (with timecode)

00:00:05:27 - 00:00:10:07

Good morning and welcome. Can I request everyone to be seated, please?

00:00:19:13 - 00:00:21:09

The time is now. 10 a.m..

00:00:23:24 - 00:00:27:07

And I am starting first issue specific hearing.

00:00:29:01 - 00:00:47:29

For the application made by Equinor Ltd for the Sheringham Shoal and Dudgeon Wind Farm Extension Project. We will introduce ourselves fully in just a few minutes. But before we do that, please bear with me while I deal with a few housekeeping matters. Can I just check with everyone if they can hear me right to the back of the room?

00:00:49:21 - 00:01:20:28

Okay. Um, and could you confirm if the meeting recordings and livestreams started? Super MISHORI Were there any requests for reasonable adjustments? No, thank you. Okay. The no fire alarm drills. So if the fire alarm sounds, please exit the building by the main entrance or one of the exits to the left and right of the room and congregate in the car park in front of the main entrance. Toilets are located to the right.

00:01:21:00 - 00:01:21:29

When you leave this room

00:01:23:18 - 00:01:43:17

right onto introductions. I miss. Hi. I have been appointed by the Secretary of State for levelling up housing and communities. As the lead member of the examining authority to carry out an examination of the above application. I'll hand over to other members of the examining authority to introduce themselves. We start with you.

00:01:44:04 - 00:01:49:27

Good morning, everyone. I'm Mr. Manning and I've been appointed by the Secretary of State to be a member of the panel. Thank you.

00:01:51:20 - 00:01:59:06

Good morning. I'm Mr. MacArthur. I, too, have been appointed by the Secretary of State to be a member of a panel of inspectors to examine this application.

00:02:01:14 - 00:02:10:06

Good afternoon. I'm Mr. Ranney. I was 4.5 as a member of this standing authority, and I will be leading on items five, seven and eight today.

00:02:12:07 - 00:02:19:09

Finally, my name is Mr. Wallace. Now be leading on a number of the items today, particularly the initial ones. Thank you.

00:02:25:08 - 00:02:45:05

Also present today, members of the case team. Our case manager is Mrs. Louise Haraway. Ms. Haraway is supported by Ms. Tracey Williams here at the venue and by Ms. Her prior court and by Ms. Phoebe Challis Online. If you have any questions, please about today's event, please contact a member of the case team.

00:02:47:20 - 00:03:04:24

The audio visual and Internet service today is provided by a team led by Mr. Ryan and by Mr. Ryan Ross. That's the team on our end. Turning to attendees, I want to acknowledge and welcome those who are watching the livestream today. Welcome and thank you for joining us.

00:03:07:09 - 00:03:38:27

I now want to start with introductions from the attendees, in-person and virtually online. When I read up the name of a team, all members of that team present in person, please introduce yourselves one by one, followed by introductions from virtual attendees of that team. My running order will be the applicant East Suffolk Council, Trinity House, Norfolk Wildlife Trust. Eastern Inshore Fisheries Conservation Authority.

00:03:39:19 - 00:03:45:16

Independent Oil and Gas. Orsted Hornsea Project. Norfolk Seaweed.

00:03:48:24 - 00:03:53:03

Is there anybody else that I haven't mentioned who would like to introduce themselves?

00:03:55:22 - 00:03:56:07

Okay.

00:03:58:06 - 00:04:01:18

Right. So can we start with introductions from the applicant?

00:04:04:29 - 00:04:31:29

Good morning, madam. My name is Julian Boswell Press. L I. I've just summoned on this list. And the partner? I've got four people sitting up with me who I'm going to ask to introduce themselves in turn. And one colleague who's virtual who will come on later, if that's okay, that's fine to introduce herself. She is important because she's the lead author of the DCO itself. So.

00:04:32:06 - 00:04:37:29

Okay. Can an actual purchase summon for the applicant?

00:04:42:10 - 00:04:55:19

Good morning. Adam Valero on the project director and technical director working with HIV. We are the lead and HRA coordinators on the project.

00:05:00:20 - 00:05:06:23

Morning. Adams. No. Harry. Eric. Too late for me. Thank you.

00:05:09:01 - 00:05:12:18

Good morning. Sarah Chandler, Development and consents manager for the applicant.

00:05:15:27 - 00:05:19:00

Thank you so much, everyone, from the uptick in STEAM for now.

00:05:19:09 - 00:05:21:00

Yes. In the room unless you want.

00:05:22:18 - 00:05:24:25

Lawrence, you want to introduce yourself? Okay.

00:05:27:19 - 00:05:35:18

Good morning. I'm north of Birch Salmon, also representing the applicant. Thank you. And welcome to.

00:05:37:26 - 00:05:39:18

Key Trinity House.

00:05:43:23 - 00:06:03:15

Good morning. My name is Tom McNamara. I am a solicitor at BdB Pittman's, and I'm representing Trinity House. At today's hearing, I'm joined in separate locations by Captain Trevor Harris and Mr. Stephen Vanstone, who may want to introduce themselves now.

00:06:05:04 - 00:06:06:20

Yes. Good morning, everybody.

00:06:07:20 - 00:06:10:17

I'm Captain Trevor Harris, navigation manager at Trinity House.

00:06:14:07 - 00:06:20:21

Yeah. Good morning, everybody. Steven Van Stone, the navigation services manager at Trinity House.

00:06:24:06 - 00:06:28:23

Can I just confirm? Captain Trevor Harris, How would you like us to address you?

00:06:31:20 - 00:06:34:01

That's what Captain Harris is.

00:06:34:10 - 00:06:36:10

Good enough for Mr. Harris, whichever comes.

00:06:36:27 - 00:06:37:15

Down either way.

00:06:38:24 - 00:06:40:04

Thank you. Welcome.

00:06:42:20 - 00:06:43:27

Norfolk Wildlife Trust.

00:06:45:27 - 00:06:47:29

Thank you. Mike Jones, Norfolk Wildlife Trust.

00:06:54:00 - 00:06:58:15

K Eastern Inshore Fisheries Conservation Authority.

00:07:14:05 - 00:07:15:07

Okay, we'll move on.

00:07:18:17 - 00:07:20:01

Independent oil and gas.

00:07:22:10 - 00:07:22:25

Investor

00:07:24:28 - 00:07:38:04

Philip MacIntyre on representing Independent Oil and Gas PLC, now known as iOg PLC. I'm the regulatory interface manager with the company and I'm representing IAG as an interested parties on the application.

00:07:41:05 - 00:07:41:20

Thank you.

00:07:44:09 - 00:07:45:19

Orsted Hornsea Project.

00:07:49:21 - 00:08:14:10

Good morning. My name is Claire Broderick. BRT. All right. C k. I'm a senior associate at Pinsent Masons Solicitors, instructed by Orsted Hornsea Project three UK Ltd, who are the undertaker of the Hornsea three Offshore Wind Farm Order 2020. I'm joined by Francesca Twitter, who I asked to introduce herself.

00:08:19:21 - 00:08:26:15

Good morning. My name is Francesca Demeter. I am in-house legal counsel.

00:08:27:02 - 00:08:27:17

And.

00:08:27:28 - 00:08:29:06

On behalf of Esther.

00:08:32:19 - 00:08:35:19

Thank you. Norfolk, Seaweed.

00:08:37:18 - 00:08:48:24

Hello. Good morning. My name is Williamsville. That's a t h l and owner and founder, member of Norfolk Land. Thank you.

00:08:49:12 - 00:08:56:09

Thank you. Welcome. I'm just double checking if there's any of the deals, either online or in the room would like to introduce themselves

00:09:00:07 - 00:09:00:22  
for.

00:09:18:21 - 00:09:24:23  
Welcome, Mr. Lance. Thank you very much. Apologies. I don't believe I took introductions from Isa for counsel.

00:09:27:11 - 00:09:38:18  
Yes. Good morning. My name is Graham Stewart. I am the senior energy projects officer on the Energy Projects team. So the council I am also joined today by my colleague James. He will now introduce himself.

00:09:41:18 - 00:09:44:28  
Good morning. James May, a senior ecologist at East Suffolk Council.

00:09:46:06 - 00:09:48:07  
Thank you. And thank you, both of you, for coming.

00:09:50:20 - 00:09:53:10  
I think that completes the introductions today

00:09:55:00 - 00:09:55:21  
and.

00:09:58:22 - 00:10:03:17  
I'm just confirming that the applicant. Did you say there was somebody from your team joining us later during the day? Who?

00:10:06:12 - 00:10:16:23  
Madam. Most of them. Yes. Sorry. Perhaps I should say earlier, we've got different people that will be sitting up at different points in the day. If that's.

00:10:17:02 - 00:10:17:24  
That's absolutely.

00:10:17:26 - 00:10:24:05  
Fine. Makes sense if they introduce themselves. I think we've handed in a list of appearances that includes everybody that will

00:10:26:12 - 00:10:27:10  
that may sit up.

00:10:27:19 - 00:10:36:15  
That's fine. Okay. Thank you very much. So, yeah, that concludes the introductions for today. I'm ready to move on to agenda item two,

00:10:39:22 - 00:11:11:28  
a four points to set out here for the procedure for running the hearing today. I appreciate that some of the attendees who were here yesterday have this information already. Photographs that everyone bear with me. I must repeat this for the benefit of attendees who've joined us today and of course, for the recordings. Just a few words to acknowledge the format of the event. This is a splendid event. It

allows attendance both in person and online through Microsoft teams. It is expected that both blended and fully virtual events will form part of Planning Inspectorate for future operating model.

00:11:13:03 - 00:11:35:00

We'll be examining seat. We are attending from this meeting from launch as a summary for attendees. For those attending online, please be rest assured that you have a full attention at all times, even if you're not always looking at the camera to avoid visual and audio distractions. Please keep your cameras and microphones off unless we invite you to speak.

00:11:37:05 - 00:12:12:17

Secondly, the proposed timings for the day. I will take a 15 minute break at approximately 11:30 a.m. lunch break around 1:15 p.m., an afternoon break around 3:45 p.m. with an aim to finish around 5:30 p.m.. But we will keep things under review. These timings are approximate. If you are joining for a particular agenda item, we recommend that you join at the start of the session of that agenda that that agenda item is in. You can keep in touch with the case team who can tell you if the session is running a few minutes late.

00:12:15:08 - 00:12:29:12

For online attendees, if you decide to leave the meeting during the breaks, then please join back the meeting using the same link in your email. If you're watching the livestream, then please refresh your browser each time you resume the subsequent sessions.

00:12:30:27 - 00:13:03:26

Secondly, I would like to make you aware that this event is both being livestreamed and recorded. The digital recordings that we made make our retained and published. They form a public record that can contain your personal information and to which. General Data Protection Regulation GDPR applies. The planning Inspectorate's practice is to retain and publish recordings for a period of five years. It's unlikely that the examining authority will ask you to put any personal sensitive information into the public domain. Indeed, we would encourage you not to do that.

00:13:04:12 - 00:13:22:00

However, if for some reason you feel that it is necessary for you to refer to sensitive personal information, we would encourage you to speak to the case in the first instance, and we will then explore with you whether the information could be provided in a restricted format which might be redacted before being published.

00:13:24:05 - 00:13:41:10

The third point is about the substantive matter of today's issue specific hearing, which is titled Strategic Offshore Matters. The agenda for this hearing was published on the Planning inspectorate's National Infrastructure Project Web page on Tuesday the 10th of January 2023.

00:13:43:01 - 00:14:16:11

These are the only matters for discussion today. To be clear, it's not intended to discuss all matters relating to offshore involvement. Today, some matters will be pursued through rounds of written questions or indeed through future hearings. It is a full agenda. Mr. WALLACE. Mr. Rennie and I will keep under review our progress, and we may request certain aspects to be held over and addressed as part of your responses to the first round of questions. And those responses are due on the 20th of February.

00:14:18:21 - 00:14:51:13

The fourth and final point is about posturing action should they arise during this hearing. Mr. McCarthy and Mr. Manning will pitch in with questions and comments as we go. But they'll also be noting on hearing actions as they emerge at the close of the meeting. We intend to go through the

entire list of hearing actions which would be issued as soon as practicable. The assumption is that pursuing actions would be expected at the next deadline in this case, deadline one, which is Tuesday, the 24 February. However, acknowledging any resourcing constraint constraints at your end.

00:14:52:18 - 00:15:03:29

If you feel meeting that deadline would be difficult for you, please raise that at the hearing and if possible, we will accommodate that in the deadline set out in the post hearing action list.

00:15:06:01 - 00:15:20:27

Given that the responses to written questions are also expected at deadline one, it's likely that the examining authority will place many of the post hearing actions in written questions if it is felt that that would be appropriate and to avoid duplication.

00:15:23:21 - 00:15:27:25

I hope everything is clear. If you have any questions, please raise your hand or.

00:15:30:00 - 00:15:37:00

With one liner in this room. Okay. That's all for me. Now I'll return to agenda item three. I'm hand over to Mr. Wallace.

00:15:38:01 - 00:16:16:07

Thank you very much, Mr. Holt. We have listed on the agenda today various sections in which questions will be asked. I do not intend necessary to repeat you announce every time that we move on. Want now proceed to the examining authorities questions under this agenda item starting three one. Now the applicant has followed a habitats regulation assessment process and considered in stages three and four that there are no suitable alternatives to the project, and the project has demonstrated imperative reasons of overriding public importance.

00:16:17:10 - 00:16:44:27

What was not clear from the relevant representations were received was there is any agreement from other parties as to whether the imperative reasons excuse me, the buy rope short, we have the right to have actually been demonstrated. Turning to the applicant, is it your understand there is agreement with natural England or others on the case for I wrote whether I write for exists.

00:16:52:28 - 00:17:24:24

Julian Puzzle. It is fair to say the focus of discussions with natural England and other parties has been on the compensatory measures and not on that specific stage. Obviously it's a three stage test, isn't it? And that alternatives are right for and then compensatory measures. So it's not expressly addressed as we read the Natural England submission. So it's safer if they speak to that course. Know that be something to to ask of them.

00:17:24:26 - 00:17:59:24

I just want to make sure that everyone was on the same, same page moving forward. And in terms of the the I wrote the draft development consent order does legislate potentially for a scenario where only one wind farm extension would could go ahead either the showroom show or touch an extension in the case of an individual project coming forward. Can I just get the applicant's confirmation that I wrote? He would obviously, in your view, probably still exist in that in that situation.

00:18:01:23 - 00:18:21:17

Yes, that is our position. Just going back to the previous question. It may be that natural England. I think Natural England's view of its role is focuses on compensatory measures. It may be that they don't feel that it's their position to take a position on the rugby stage. I'll just mention that I. That's helpful. Yes, indeed.

00:18:23:18 - 00:18:29:05

Thank you for that. And sticking with the applicant's overarching

00:18:31:08 - 00:18:48:03

approach to compensation, there is reference I notice, to the Emerging Marine Recovery Fund as part of a national strategic approach to compensation. Now, obviously this is not yet in place and I'd like to be so during this examination

00:18:49:26 - 00:19:15:00

of the examining authority or to assume that the project led measures forming part of the proposed development would be implemented as opposed to contributions to the Marine Recovery Fund, Or is the applicant proposing a similar arrangement to the Hornsea four project insofar as the Marine Recovery Fund would substitute into compensatory maintenance when it becomes available?

00:19:17:08 - 00:19:51:03

Julian possible for the African. So we're in a situation where we're having to hedge your bets. And so as as we've explained in the application documentation, we've got a multi stranded approach with a project level as as the lead position. And then because we're in such a dynamic environment, we're having to provide for different other scenarios. So one of those scenarios is, as you say, that the government is bringing forward Marine recovery funds.

00:19:51:14 - 00:20:02:10

And so we have provided for a scenario in Schedule 70 where that's our election, assuming the fund is set up in a way that facilitates this, which is which is

00:20:03:26 - 00:20:20:25

subject to the evolution of detail of that, our assumption that we would have the ability to shift from a project level approach onto the strategic on to the Marine Recovery Fund approach. Now,

00:20:22:14 - 00:21:04:09

I'm not sure if the panel this is aware or has considered, but things have come out very recently from phase in terms of further clauses in the energy security bill and and so on. So as you've just indicated, this is playing out during the course of the examination. We don't know precisely at this stage how it's going to where it's going to end up. And I think material, new information will come into play during the six months going forward such that we will see how it goes, I imagine, between us and we will obviously take a final position at the end of the examination.

00:21:04:11 - 00:21:06:11

But it might be one of those ones where

00:21:07:26 - 00:21:20:12

even though one wants to avoid this, normally we're having to update things with our position once you've submitted the report. I think it's fair to mention that that might might might be might be the case.

00:21:22:22 - 00:22:12:07

Okay. So for the as you say. And so the hedging, the best kind of position for the remainder of the examination, how would you recommend the examiner go forward to move forward in terms of examining this compensation case? Are we just going to focus the examination on compensation and that and then at the end we'll just take a review of the position? Or how would you suggest we proceed in looking at this issue? Julian possible for the applicant. What we've assumed is that you will want to focus on the project level measures because our obligation as things stand at the moment is



that whilst strictly it's the government's obligation to secure compensatory measures in practice, they always seek, for obvious reasons, to dedicate that to, to the development.

00:22:13:15 - 00:22:49:11

And so our expectation is that you will focus on the project level position, but that we would update as appropriate on where we are with collaborative initiatives and update you in practice passing on public domain information as regards the strategic position, particularly the Marine Recovery Fund, but potentially other things as well, because there's a whole range of activity that's taking place on sort of industry, government level.

00:22:50:07 - 00:23:21:24

And then I think we would have a periodic update and discussion about what additional information may or may not be appropriate for us to put forward and potentially tweaking the drafting that's in the in the DCO as it as it stands at the moment. We've obviously looked at what Swansea for and other projects have have Hornsea three or four and other projects have done that. The other I think milestone is going to be when we get the Hornsea four decision.

00:23:21:26 - 00:23:46:07

So that's assuming it's not delayed, that is due relatively soon and there are quite a few points that are potentially sort of of interest for us arising from from, from that. So in summary, our expectation is that you would be focusing on the project level position and we would keep the other things updated as, as, as well as we can.

00:23:48:09 - 00:23:48:24

Given.

00:23:50:07 - 00:24:23:02

In terms of how compensation as a as a whole is actually managed in the draft environment consent order, Are we potentially or would the approach be to have as much as possible within the department consent order then in effect with the option of striking it out at a later date? Because I notice, for example, that they cannot get a reasonable compensation measure document. Isn't necessarily written into the DCI in the same way as the kids away in sandwich term.

00:24:23:15 - 00:25:07:03

Is it worthwhile at this stage putting everything in the DCI and giving the Secretary of State the opportunity to strike it out? Or whatever reason would that be for keeping that information out of the DCI at this stage? Yes. Thank you for raising that Julian Bond of the applicant. I think it's really important to emphasize that we do not concede that we are having an adverse impact on the integrity of those threatened species. And I know one of the questions in the in the hearing agenda references Gannett And we can go into more detail itself later, but the direction of travel is very much towards that being agreed that natural England that can fall away.

00:25:07:15 - 00:25:39:18

That still leaves guillemots and raise the bill and also the meat position in relation to to the seas and in relation to those. Our position firmly is that we don't think that we are. We have crossed the line for those to be required, but in the light of that is its position on putting forward without prejudice cases in appropriate circumstances. We have had a dialogue, as you can imagine, through the expert group.

00:25:39:22 - 00:26:00:12

Arrangements with Natural England and we agreed a while ago that it was appropriate for us to put forward without prejudice proposals. We were keen not to put that in the DCO and are reluctant to put that in the DCO because it might be seen to undermine our position or to confuse our position that that it is without, without prejudice.

00:26:02:08 - 00:26:06:05

That's a long history. And so as you may be aware,

00:26:07:20 - 00:26:46:21

because I think you were on the committee for examination on that wrong. Forgive me. So sorry. For a long time, everybody was running away from making any kind of concession in relation to adverse impacts on integrity. And it was seen as a very high stakes judgement call to make. We've now moved into a completely different era because of the Hornsea three decision in particular, but also what's happened in Norfolk. Thank God for Norfolk borrowers, which means that we now have a kind of normalised approach where you can concede on some, but you can very much not concede but still put forward without prejudice proposals on others.

00:26:47:11 - 00:26:52:25

And I think we're going to see that as we've tested fully with some.

00:26:54:25 - 00:27:14:23

With decisions as things as they go, as they go forward. So I think just to emphasize that with the exception of sandwich term and Kittiwake, we are not conceding that we have to put forward compensatory measures or mean and we've only done so on the without prejudice basis. We accept that you've then got to examine those proposals and

00:27:17:20 - 00:27:27:00

we need to provide you with appropriate drafting for the DCO or what we say is appropriate drafting for the DCO to deliver those. If

00:27:28:19 - 00:27:57:20

the Secretary State ultimately concludes that they that they should be included. Okay. Thank you very much. That will probably come come back to the consent order and relationship of documents later on in the agenda as we go to the Gannet and Guillemot. Right to build compensation document before we move on. Is there any other views, even here in the room or online on anything that's just been said?

00:28:03:21 - 00:28:12:01

Thank you very much. Then we'll move on to the next section. Item three, free on the agenda.

00:28:14:19 - 00:28:15:04

Now.

00:28:18:10 - 00:29:00:22

In terms of the content ratio, they will guillemot compensation document. I appreciate what you've just said about rights bill and get them. We don't think there's any adverse effect upon them. But in terms of Gannett Natural England have said that they're happy for for Gannett to be dropped as such, but on the basis that there's no significant changes to the collision and displacement modeling results. I guess my question to you is what would you consider our what would you describe to be a significant change to the modeling that would change that view on the necessity for that?

00:29:08:16 - 00:29:11:04

I'm going to ask Mr. Farron to respond to that.

00:29:14:18 - 00:29:18:07

To Adam Farah. On behalf of the applicant.

00:29:19:24 - 00:29:55:03

Yes. Just, just to update them on the situation. So through dialogue with Natural England, we understand that they wish to review and comment on a final damage assessment in order to be able to confirm their position. And the updated assessment was provided directly to natural England by the applicant in an apportioning nature. Updates Technical note dated 21st of December 2020 to Natural England's duty to respond to that note by 15th February 2023.

00:29:55:21 - 00:30:28:02

And so we anticipate being able to record this agreement and the drop on apology compensation statement common ground with Natural England, which will be submitted at deadline. Once and just for clarity, a copy of that reference will also be submitted by the app and apps. I want just for a bit more context. The updated assessment provided by the applicant further reduces the impact on the feature.

00:30:28:15 - 00:30:56:22

So the worst case upper 95% confidence interval for Filey Coast SBA damage, combined collision risk and displacement mortalities have reduced by approximately or that from 10 to 6 adults per year. And so on on that basis, our position is that a conclusion that no effect on integrity on the counted feature can be agreed both alone and in combination.

00:31:07:13 - 00:31:18:08

Okay. Could you just stand up? It would be in the technical know, maybe some in the deadline. Could you just sort of summarize what has led to the reduction, what assumptions been made? Those that.

00:31:21:25 - 00:31:49:09

Yes. Adam. On behalf of the applicant, Natural England have recently updated their advice with respect to assessing the effects of displacement on planet Earth. Our updated assessment takes account of that updated Natural England advice, and it's that which has caused the reduction in the numbers.

00:31:52:18 - 00:32:07:06

Okay. Thank you very much. And just to appreciate this, still the argument over them, a raise the bill. But if towards the end of the examination, it was agreed between the parties that it

00:32:08:21 - 00:32:25:02

did not have the the need for compensatory measures, what changes would need to happen to the compensatory document? Is it just purely a case of striking that species out of that document or whether it be other changes we'd expect on that?

00:32:27:21 - 00:32:29:23

Not a pharaoh. So,

00:32:31:10 - 00:32:47:03

yes, in the situation that we will be able to agree with natural England on the basis that just outlined in such a would be to remove that component, those documents and resubmit those into examination.

00:32:51:17 - 00:32:52:02

Okay.

00:32:53:19 - 00:32:54:22

Thank you very much.

00:32:57:26 - 00:32:58:18

I think.

00:33:15:12 - 00:33:15:27

Okay.

00:33:17:15 - 00:33:23:29

Which case, we'll move on to find some trade for on the agenda. And turning to.

00:33:25:16 - 00:33:31:03

Sandwich terms in the first instance and the efficacy and suitability of Loch Ryan.

00:33:33:04 - 00:34:03:17

Only one. There's a couple of questions under this, but the main one for the examining authority we notice from both the applicants position and from Natural England's position that Loch Ryan is is an agreed site that compensation could take place that. But we notice that there is reference to an historical population of sandwich terms at Ryan. Now if that's historical, it's not current.

00:34:04:09 - 00:34:26:15

And what is concerning is what do we know the reasons why that previous population became historic and why it failed, in essence? And can they afford to be reassured that if a colony was to be reintroduced at Loch Ryan that it would not fail for those same reasons?

00:34:33:07 - 00:34:37:10

And Sarah on behalf of. Yeah. And

00:34:39:02 - 00:35:02:18

yes, sir, as you correctly note that stakeholders, including Natural England, are generally supportive of both this measure and the signs regarding the specific point that you raised in terms of the historical nesting activity

00:35:04:07 - 00:35:42:28

at this location, It's precisely the fact that salmon tends used to nest at this site. But in the relatively recent history, that makes it an attractive proposition for compensation is if we can attract some, which turns back to that site, that would provide the compensation that we would be looking for and would also have the added benefit of restoring the geographical breeding range.

00:35:43:27 - 00:36:14:14

In terms of the reasons for why summers tend to have abandoned that sites, which took place around 2006 that is thought to be primarily on account of erosion of the the shingle bank or or Spit, a feature which historically they nested on. And it had also been observed that there was a

00:36:16:03 - 00:36:48:03

that there was a degree of human disturbance from dog walkers and so on in that area. Now the applicant's proposal in this case is to construct and that group. So the example would would be away from the historical space and therefore not subject to the same issues that led to the erosion of of that bit.

00:36:50:25 - 00:36:56:11

And of course, about the in inland, you could say that's away from human disturbance.

00:36:58:24 - 00:37:13:27

And I'm sorry for the applicant. Yes. One of the key criteria that we have considered in selecting the location is that it is suitably

00:37:15:29 - 00:37:39:20

away from obvious sources of disturbance. Okay. And one question that's probably best for natural England last here as well was from this in natural England's relevant rep, there is reference to, quote, insurmountable issues. And look, Ryan, do you know what they mean by that and what you're looking to do about them?

00:37:57:07 - 00:37:59:25

Adam, on behalf of the applicant,

00:38:01:14 - 00:38:19:04

I'm not certain what that reference is in relation to. That is certainly something that we can follow up on. I think it may be in relation to the secondary proposal alongside the inland port to construct a pontoon.

00:38:22:15 - 00:38:33:20

But just to confirm that they are in Liverpool at this stage in the development of the project is being identified as the leading measure.

00:38:36:14 - 00:39:04:05

And in respect of that. Correct me if I'm wrong, but I believe that an actual site has not yet been secured necessarily at local time for this compensation measure. Now, if that is the case, calls into question the deliverability, the compensation. What comfort and confidence can you give the extent of authority that the estimated costs provided in the compensation are sufficient on this facet?

00:39:07:20 - 00:39:47:18

Julian possible for the applicant. We are in an ongoing and positive negotiation in relation to the land and we've put in a which obviously going to try and secure as soon as we sensibly can. And we've put in a best estimate in relation to the funding state with the for the compensatory measures. So I think that obviously the negotiation includes the commercial position, but it's not our expectation that the funding aspects of this will be problematic in terms of delivery.

00:39:49:25 - 00:40:09:14

Can I just say before we move on to this general topic, we had prepared a sort of introduction, a short introductory piece for Mrs. Adams to deliver, and I slightly cut across that because you went off slightly unexpectedly from our point of view into the very beginning. And I think before we leave this topic, it would be useful for you to hear that piece from the.

00:40:11:18 - 00:40:20:25

Yes, of course. I'll just ask one more question, if I may, about this crime, and then we'll have the the introductory paragraph is what you said.

00:40:23:22 - 00:40:57:10

One of the the issues that comes out in relation to compensation is relation to the national policy statement and one paragraph 5.37, which basically says where significant harm cannot be avoided. Appropriate compensation measures should be sought. Now, I just want to linger on that word appropriate if I can. And because natural England suggested that you should be the applicant should be ambitious in that approach to compensation.

00:40:57:26 - 00:41:17:02

And my query, if you like, is what scope is that within the word appropriate for being ambitious with the compensation as opposed to just being no providing betterment or being just 1 to 1 in terms of what's lost is what's provided again. If you could just help me out from that place.

00:41:30:00 - 00:41:33:00

Adam Farrow on behalf of the applicant.

00:41:35:02 - 00:41:40:11

Yes, I understand that. Natural England's reference to

00:41:41:27 - 00:41:44:03

ambition as such

00:41:45:19 - 00:42:16:01

has mainly been made in relation to the intended scale of the inland pool. So this is something that we have discussed with them very recently, most recently in the last Expert Summit Group meeting in November 2022. And I think that also referenced in Natural England's relevant read.

00:42:16:13 - 00:42:17:12

We we have

00:42:19:05 - 00:42:33:21

agreed with natural England through those discussions that we can make some changes to the size of the in the pool specifically by

00:42:35:23 - 00:43:08:12

including the buffer that's proposed around the pool to help reduce any effects of disturbance and as part of the pool itself so that that area would be available for full or some extent. Next thing. So I think it would be our position that that that change that we have made to our proposals should suitably address that from natural England.

00:43:10:06 - 00:43:22:15

Okay. So so could I just make sure that you understand that the pool is the setting for islands within the pool that's on this course? Yeah. That's appreciated. Thank you for that.

00:43:24:04 - 00:43:30:08

In which case of propose, we unless any my panel members have any questions on on that, I suggest we pause.

00:43:32:02 - 00:43:42:19

So I see a hand raised in the back of the room. I'm so good. Could you come forward to a microphone so that we can see at the end the. So.

00:43:44:20 - 00:43:45:05

And.

00:43:46:25 - 00:43:50:12

The specific point you wish to make in respect of sandwich terms

00:43:52:07 - 00:44:12:13

are I represent the fishing industry, but can you clarify the situation? I just heard that you intend to finance the construction of an alternative habitat. So your sandwich turns so that they nest. They're not like people. Is this the proposal?

00:44:14:07 - 00:44:33:06

First of all, to make sure that we're that accepting the 40 we're not the ones proposing it, that that they are in that respect. But in essence, that is part of compensation. I mean, not that this is cross

examination, but could the applicant maybe it's in your introductory summary, might actually help the gentleman out as well.

00:44:36:12 - 00:45:24:16

Du temples of the Amazon. The short point on your surprise us to be in in Scotland for a project of Norfolk is that there's been an extensive dialogue with natural England and the statutory nature conservation body that advises therefore on the operation of this legal regime and. There are various constraints on what you are and are not allowed to impose by way of compensatory measures within the legal regime. And yes, we have ended up in Scotland because everyone agrees and I agree this is counterintuitive, but that is the best available location to provide compensatory measures for an adverse impact on the economy of North Norfolk.

00:45:26:02 - 00:46:00:16

I'm not the best person to comment on the sort of breathing range of whether it might be the same kittiwake the same sandwich term. Sorry. Get on the brain. Same sandwich terms, actual individual terms that might be in Scotland as opposed to in North Norfolk. But it is the same population that is protected under the the way the operation, the legal regime works. So yes, we realise that that may take a bit of getting one's head around, but that is the position.

00:46:01:10 - 00:46:01:25

Okay.

00:46:03:08 - 00:46:05:11

Can I just add to that? Oh, Dennis.

00:46:05:19 - 00:46:18:09

Oh yes. I'm going to just interrupt you there. So address your questions to us, sir. And if we feel it's relevant to the topic that's being discussed right now, we will address it to the to the applicant.

00:46:19:05 - 00:46:32:21

I've done a lot of work on sanctions like we've done for years, work with Dr. Martin Para tracking birds and building up the profile about who will tell these birds. To relocate to Scotland.

00:46:34:17 - 00:46:49:04

Because they come here, because the food is there and the necessary conditions are there and everything works on the that's where they end up reflecting. But I'll just fail to see. How this is going to pan out. Well.

00:46:50:12 - 00:47:06:15

But it's an interesting question. And rather than ask the applicant to respond to this, what we propose we can do is perhaps take a note of it and ask the applicant for a response, a technical response, as part of the wider questions that are being raised today.

00:47:06:21 - 00:47:07:06

Thank you.

00:47:07:23 - 00:47:08:08

Thank you.

00:47:10:14 - 00:47:20:15

In which case we will pause our current stream of questioning and we'll come across to the to the applicant side for that introductory speech that you are preparing.

00:47:23:12 - 00:47:40:17

Thank you. If I just if I may, just on the not crime and natural England's view, Natural England agrees that not one is the correct location in the circumstances. And therefore we would say that we think that agreeing with us in terms of 80 and one compliance from hand over to.

00:47:42:03 - 00:47:51:17

To Mrs. Adams just to take you through the kind of introductory points that we're going to draw out some more aspects beyond what I said earlier, of course.

00:47:55:12 - 00:47:55:27

And I added.

00:48:00:08 - 00:48:36:21

Just in reference to a point made about the focus very much being on on project LED measurements, we the applicant is pressing ahead in terms of securing the compensation measures for Sandwich. And so in the context of sandwich extent that is being lampooned at Ryan. And so that is a nice workstream that's been progressing since application. So we can provide an update on where we are with that and seen as you ask specifically about land, I will just focus on on that that point for now.

00:48:38:11 - 00:49:02:27

So as Julian mentioned, the applicant has been practically and positively engaging with several landowners within the indicated area offset. So that's figure five. Page 17 the application document 071. And those discussions are focusing on land parcels that we believe have the greatest chance of success in terms of attracting reading sand, which tends to look like

00:49:04:21 - 00:49:29:09

a comprehensive draft. Help to terms was shared with landowners earlier this month. And in the meantime, we are progressing securing access agreements for non-intrusive survey survey works, which we've had verbal agreement from the landowners that they are happy to facilitate recognising that this will inform preliminary designs which they are keen to see as well.

00:49:30:26 - 00:49:31:11

Thank you.

00:49:33:12 - 00:49:52:01

Thank you very much. That's that's useful to know that that's going on in the background for future updates on that as we progress with the examination with them not wishing to to predict if you like, how those engagements go, put any burden upon them. But do you envisage that might be done during the examination?

00:49:55:11 - 00:50:34:05

And Adams Yes, we intend to provide updates during the course of examination. And I say as workstreams mature. And we also recognize there is an important interface between kind of pressing forward with the delivery of these compensatory measures and ensuring that information is fed back into this examination process. And similarly, ensuring that we are consulting not just with relevant stakeholders to the measure itself and the planning applications and local planning authority, but also stakeholders relevant to this examination process.

00:50:35:09 - 00:50:39:19

So yes, we'll be seeking to manage that interface very carefully.

00:50:41:16 - 00:50:42:01

Thank you.



00:50:43:07 - 00:51:03:09

Just very briefly, the I think the statements of common ground supported by technical notes might be the best way to provide some of those updates. Do do you agree with that with respect to the the frequency in which the statements have come and requested in the application, the examination would be the best place to do that.

00:51:07:19 - 00:51:09:00

Julian possible for the applicant

00:51:10:20 - 00:51:30:16

either that work or position statements which may amount to the same thing because obviously things common ground can be presented in different ways. We will be keen to provide information to you in the way that's most helpful to you to understand our position and where we where we can other peoples at the same time.

00:51:30:21 - 00:51:39:24

Okay. So what we'll do is that we'll make a note of the position statement and we processing the post action hearing. Thanks. I will clarify

00:51:41:21 - 00:51:45:11

in discussion with you what the best place would be for this to come through.

00:51:45:20 - 00:52:16:16

Yes, I think, if I may just to emphasize that as you you'll have seen the draft in schedule 17 is providing for. It's it's facilitated drafting. In other words, yes, we're going to make as good progress as we can during the life of the examination. But in practice, the way the drafting works, it doesn't require us to have got to a particular point by the end of the examination or the point of the decision.

00:52:23:25 - 00:52:29:06

Okay, leave that with us and we probably need to think about that over back with follow up questions.

00:52:30:19 - 00:52:54:22

Okay. Thank you very much. We'll move. Unless there's any further points on black rhino poaching moved now on to the next section of the agenda in respect of kittiwakes. And so comes the applicant. First of all, can you confirm the locations of where you are proposing or considering artificial nesting sites and update the examination on whether these locations can be acquired or leased? Please.

00:53:13:09 - 00:53:14:13

Julian Bosworth for the African.

00:53:16:02 - 00:53:25:05

Again, there is a twin tracking approach that we've explained that I can deal with briefly and if there's more points of detail on too. So this is Adam's.

00:53:27:25 - 00:53:31:18

We have been advancing both proposition at

00:53:33:12 - 00:54:03:17

Gateshead on land that is owned by the Council, and we have been separately seeking to take forward a proposal at Lowestoft, which I know is Suffolk Council here. And I think in summary, we are not actively now taking that forward in light of East Suffolk Council's position and the complexities of that general situation.

00:54:04:00 - 00:54:38:08

But we are not dropping it and we are making good progress at Gateshead. That's the sort of summary position. Okay. In which case, I'd like to bring in a Suffolk County man, if I may, because in the relevant rap, it was said that kids who weighed compensation in the district needed to be taken place in a strategic basis because there's already some compensation at Lowestoft and you were concerned about matters going forward.

00:54:38:10 - 00:54:48:19

Could a Suffolk Council just elaborate on their position and why it was felt that more compensation in that area could not be sustained?

00:54:53:03 - 00:55:27:24

But crime study is offered counsel and summarize our position for before you we spoke iterate compensation measures where these are appropriately located with a balance of planning considerations. Are they being given sufficient weight and site selection? We will, however, oppose any additional capacity for nesting within populated, sensitive or urban areas, such as here in the town of most of as we've already mentioned. This is in order to minimize human interaction with nesting kittiwakes and to avoid further exacerbating the existing issues associated with nesting sites such as noise, smell and accumulation of bird nesses.

00:55:29:04 - 00:56:09:10

The introduction of additional listing capacity at existing sites would only burden the council and the owners of buildings on which the birds are nesting. With ongoing cleaning and maintenance requirements, we we are also concerned that kittiwake compensation measures are not being considered strategically. As you say, given the expense expected quantity of projects coming forward in our region over the next decade. Any proposal for artificial nesting compensation of any such work will therefore be required to demonstrate every opportunity for coordination with other projects has been fully explored before any new or enhanced capacity of existing sites would be considered or supported by the Council.

00:56:10:01 - 00:56:40:19

Other developers with similar compensation requirements have been steered away from town centre areas where public interactions with nesting birds are possible and we will be taking a consistent approach with any future project requiring kittiwake compensation in our district. So just to summarize what I've just said, we support the strategic and collaborative approach to compensation measures and we are keen to work with the applicant if that is the route that they wish to take in our region in finding an acceptable solution to future compensation requirements.

00:56:41:00 - 00:57:12:25

However, we will continue to raise significant concerns regarding the introduction of additional artificial nesting capacity within the town of Lowestoft, where such issues already exist. We've been liaising with the applicant on this matter, requesting that an alternative solution to any compensation proposed within the town is identified. Considering the planning concerns discussed and as set out in our relevant representation already reference 030. So every opportunity for coordination between projects must be fully explored before a new or expanded artificial nest.

00:57:12:27 - 00:57:19:10

Sorry is progressed. However, any such proposal within the town will not be supported for the reasons I've just stated. Thank you.

00:57:20:03 - 00:57:51:01

Okay. Thank you very much. And before you turn off the mic, as it were, and could you just help summarize, they mentioned that the burden that other projects are putting on Lowestoft, could you summarise obviously has been a number of recent development consent orders granted for offshore wind farms and compensations included. You able to summarise, if you like, or quantify the, the, the burden that's coming to Lowestoft in terms of providing those artificial nests?

00:57:52:25 - 00:58:31:27

BREAM Scrutiny of the council, as you say, that there are some requirements which have recently been put forward with regards to the that stores or the ports most often off site. We've been liaising with Orsted about it, wants it free and owns it brought and the burdens and fact relate to the existing issues in the town. Which efforts are being made currently to resolve? We're trying to avoid the proliferation of artificial nesting structures in an already sensitive area around Lowestoft, and adding additional capacity to such nesting sites within the town itself would only exacerbate the issues.

00:58:32:21 - 00:58:33:22

That does not answer your question.

00:58:35:08 - 00:58:43:09

Yes. Yes, indeed. Just to clarify position a bit further. Obviously, the focus is on Lowestoft,

00:58:44:27 - 00:59:04:27

though it's not necessarily before us here in terms of a strictly strategic approach. Could an option be other onshore nesting sites, but just not in Lowestoft, but still within your district? Or would your preference be for offshore artificial nesting sites? What where do you think the approach should go?

00:59:06:10 - 00:59:40:24

It's been growing steadily. So the council is very much depends on the constraints. Each site is a very site specific assessment that it would need to be away from any potential conflict with the existing population. So obviously to avoid that interaction with people, for example, the portable, most of the site has no public access, so it is obviously a better option regarding that sort of interaction. Offshore structures is something is a discussion we would be happy to discuss. So regarding any potential offshore options for compensation, we'd be open to discussions with the applicant.

00:59:40:26 - 00:59:54:25

However, no such proposal has currently been discussed today and any any such proposal or option would require careful siting in order to avoid terrestrial planning constraints, including consideration of the seascape visual impacts. Because obviously it's already designated coast.

00:59:56:27 - 01:00:22:06

Okay. Excellent. Thank you very much for that. Now, I'll come back to the application on that point in terms of offshore artificial nesting sites and indeed, regarding onshore and what collaborative efforts are being pursued or are being said to date in terms of providing those artificial nesting sites. And where is the conversation going in terms of provision?

01:00:27:16 - 01:00:28:06

Adams Yeah.

01:00:30:03 - 01:00:47:18

So we've engaged with a number of developers with regards to collaboration. Well, since developer has been very receptive to the idea. There are several challenges around collaboration at this very moment in time.

01:00:49:07 - 01:01:02:24

Just to name a few things of the kind of developers we've engaged with, developers that have gone before us in the content and process, and I'll say a kind of following behind.

01:01:04:10 - 01:01:14:00

Obviously, those projects that have gone before, many of those are still trying to secure their own compensation projects.

01:01:15:15 - 01:01:33:02

And so there is a need for them to focus on on securing sites and and planning permission for their structures to meet their own projects needs first and foremost before they feel able to engage further on a collaborative basis.

01:01:34:23 - 01:02:05:12

The other challenge that is playing out is to separate developers very remains uncertainty in terms of the level of compensation that they need to provide. And I understand that is playing out at the moment with the costs of the projects. And so, again, until there is some certainty there in terms of what capacity they need, it's very difficult for them to understand whether there's any of that you need to potentially collaborate on. So there is a real challenge at this point in time.

01:02:06:10 - 01:02:12:01

The other key challenge is the lack of a delivery mechanism. Now,

01:02:14:00 - 01:02:30:08

we've obviously talked about the progress being made with this with regards to strategic compensation, and you can Boswell, for the applicant mentioned the very recent Energy Security Bill policy statement which was published this month

01:02:32:03 - 01:02:41:18

that actually that outlines the legislative changes that been brought forward to facilitate not just strategic but more collaborative compensation. So

01:02:43:21 - 01:03:13:07

as that kind of comes forward and with time, as more and more projects get considered and structures implemented, the efficacy of those structures is better known and the sector will be in a much better place to be able to proactively engage on a collective basis that at this very moment in time. There are several challenges that that make it difficult to meaningfully pursue those those collaborations.

01:03:14:27 - 01:03:33:08

And I guess the further so provocative question, if I may, on that. If other projects, I think you said, would find it difficult and challenging to provide that compensation or secure it in terms of this examination, this project confidence, can you give the examiner authority that you will not face the same struggles?

01:03:35:07 - 01:04:20:05

Yeah. So just just to highlight the applicant's proposal for KITTIWAKE is not to construct a new artificial nesting structure on shore. It is specifically related to modifications to existing nesting sites. And the focus very much is on Gateshead to the existing Kittiwake Tower at the Gateshead site. Again, that that site has progressed since application, so the applicant has been engaging very positively with Gateshead Council, who is both of the local planning authority for any planning application, but also the landowner with regards to that site.

01:04:21:23 - 01:04:39:15

So we have been engaging in both case and context. Again, we have been developing draft heads of terms which we are hoping to share with Gateshead Council imminently. So progress is being made with regards to Gateshead at this point in time.

01:04:40:02 - 01:05:00:17

Okay. Now obviously Gateshead Council are not a registered interested party on this examination and they wouldn't necessarily need to be. But is there any. Evidence is such that you could put into the examination just to confirm that they are happy that that not raised in the statements you say as they suffer council on that.

01:05:02:07 - 01:05:07:07

Yes, we have requested a measure of support from them and they have agreed in principle to provide that

01:05:08:27 - 01:05:14:24

once that is received will be issued, have to submit that examination. This.

01:05:20:23 - 01:05:33:06

Ms.. ADAMS So does this mean that the conversations that you're progressing with Gates and counsel being that the conflicts that we've just heard about with existing sites,

01:05:35:04 - 01:05:39:04

then they just fall by the wayside that those conflicts don't exist anymore?

01:05:42:21 - 01:06:14:29

Adam's for the applicant. So the site is slightly different to the next context in the sense that it is an isolated structure on top of that that is adjacent to a public right of way, but it's not in the center of town. So in terms of the burdens that counsel were alluding to, it's things like noise and guano from the birds doesn't have the same impact in the way that it's it's having an investment.

01:06:17:05 - 01:06:27:23

And just in terms of all the challenges, well, understand that you collaborating with developers what you've told us with the challenges that you're facing, which I fully appreciate. Is there anything that is being progressed

01:06:29:15 - 01:06:38:07

in these collaborative conversations with the other developers, which you think you can have something to update, something authority and satisfy each of the council?

01:06:47:19 - 01:06:55:20

Kind of advocates for the act. And I think all we can say at the moment is that we are continuing dialogue with other developers and

01:06:57:09 - 01:06:59:24

we feel able to provide an update them as well.

01:07:01:02 - 01:07:32:20

MARTIN Can I just supplement that? Julian Basil, the applicant. As you look at it, we are having to adopt a multi standard approach. But the good news genuinely is that Gateshead gives us everything we need. As long as that happens. We are providing the level of compensation that's required. So our strategy throughout and common with other developers because it's such a dynamic environment, has been to pursue multiple things and not to be reluctant to drop anything.

01:07:32:27 - 01:07:39:27

And so we've absolute ensure we were hanging on something else that was sufficient. And so sticking with Kittiwake.

01:07:41:20 - 01:08:18:01

Then we have got something which, as Mrs. Adams has just indicated, is inherently, you know, pretty persuasive. It's an existing talent that's been there successfully for a significant period of time over 20 years. But it happens to have some design features that can be approved, improved, sorry, the modification that she was referring to. And therefore we say that's an inherently very persuasive proposition. And as she's indicated, we are in a supportive dialogue with the Council, both in its capacity as landowner and planning authority.

01:08:18:09 - 01:08:49:00

So for that reason we are parking in Lowestoft for the time being, and we would only resurrect Lowestoft if. Unexpectedly, Gateshead ran into a problem. It's not that problem would be so. And then, if I may, equally on the on the sandwich transition, we have gone, we think, a highly credible proposition which the thing about sandwich, as you look at that, is that we seem to be the end project at the moment anyway that has a damage to an issue.

01:08:49:02 - 01:09:05:04

So that's. We're the only developer that's engaging with that subject. Not we're not. And I. Our life in that respect is not complicated for any meaningful way by what others are doing. So in both respects, but we have conceded that. We conceded the need for derogation.

01:09:07:02 - 01:09:11:13

We have highly credible propositions that are progressing well.

01:09:12:01 - 01:09:31:19

Okay. So just just to probe a little bit more on that, when you say you're progressing this, is that true, a planning up, would that be through a planning application or is that just a negotiation? How does that progress? What is the letter of support in that? If it is a planning application, for instance, what are the timescales, etc.?

01:09:32:28 - 01:09:38:05

It may be safer going back to Mrs. Adams at this point because she is running this.

01:09:46:24 - 01:09:53:05

Would you like me to step out in the. Sorry, Hannah Adams and say, do you like that in the context of kids you like or

01:09:54:27 - 01:10:04:19

the conversation you're having with Gateshead? If that is with respect to kids, you wake up. That was my understanding. It is. With respect to kids. We can do both.

01:10:06:12 - 01:10:17:29

Yeah. So in addition to land discussions, a site visit was carried out in November to identify constraints and take a visual inspection of the existing tower.

01:10:19:24 - 01:10:49:10

The applicant is in the process of procuring consultant support for the delivery of the design planning aspects, say initial site investigations will be a critical workstream in which the applicant submits progress in the very short term. And yes, your assumption is correct is that in terms of kind of securing delivery, we are very much driving towards submitting a planning application

01:10:51:15 - 01:10:59:23

to obtain planning permission and also secure, secure the necessary land and timescales.

01:11:02:05 - 01:11:13:04

In terms of timescales, you there is an indicative very set out within an application documents application document 069

01:11:16:04 - 01:11:28:13

and that shows the milestones and indicative programme and we can confirm that that progress is currently aligned with that indicative roadmap.

01:11:58:20 - 01:12:00:17

Thank you, Mr. Wallace. I have nothing further.

01:12:02:27 - 01:12:13:13

And you. Before we move off the issue of kittiwakes, is there anyone else here on line who wants to raise anything? Yes, I think that's East Suffolk Council has raised the hand.

01:12:16:04 - 01:12:34:10

Brain study. So the council. Thank you. I understand that the applicants current preference just Gateshead is just to sit out. However, we're interested in what stage a conclusive decision would be made regarding this, as we'd be extremely disappointed for Lowestoft to be brought back on the table in the very early stages of this examination.

01:12:37:23 - 01:12:56:20

Yes. No, I fully understand that at that point that if suddenly at the last minute you were called back in as such. Is there anything the applicant can do to reassure East Suffolk Council on this or how how the sequence in would be is if they suffered came back on the table.

01:12:59:05 - 01:13:00:15

Julian Boswell, the African.

01:13:04:21 - 01:13:35:21

I'm I obviously understand where the council is coming from. I guess the alternative would be that we are pressing ahead right now for the next few months against the small what we hope is a small possibility that Gateshead didn't succeed. I think the only strategy we can sensibly follow is the one that I've already outlined, which almost by definition can't entirely rule out the possibility of needing to resurrect something in Lowestoft.

01:13:35:24 - 01:14:08:05

But as Mrs. Adams has explained, there are there are different things playing out there as well, whereby depending on how quickly some of the points that she flagged are resolved, it might. And it's quite very hard to put a percentage on it. You know, it might. In the worst case that Gateshead, for some reason ran into an insuperable roadblock, which we had to concede and then we needed to resurrect something. But I was still then there are two broad scenarios.

01:14:08:07 - 01:14:19:21

There are. One is that we progress the particular proposition that we had put forward, which I don't suggest we go into the detail of, but it it.

01:14:21:27 - 01:14:23:19

It isn't just a straight forward.

01:14:25:13 - 01:14:58:01

It is it is genuinely different from some of the other propositions and requires a bit of explaining we have found in discussing with different different parties. But then the alternative strand is that happily there might be a situation where another developer has got their proposals home and they have got headroom or spare capacity, which we could potentially sign up to, such that they would have gone through whatever procedures they needed to get through and their engagement with the council.

01:14:58:08 - 01:15:34:12

And all we were doing was signing up through whatever delivery, supporting mechanism, as Mr. Adams was, was referencing, that allowed us to essentially putting it crudely, writes a check to two to participate in on a minority basis. And whenever that other Proposition X, as she has already explained those. Whilst we've had preliminary discussions. It hasn't been reasonable to expect those to go any further given the complications of those two benefits and facing with delivering bad projects in their own right.

01:15:35:00 - 01:15:45:14

So in terms of trying to we can't I'm afraid we can't give a blanket assurance that we won't resurrect this. It seems unlikely at the moment, and as I've just indicated,

01:15:47:04 - 01:16:19:10

if it did come back. My suspicion is it's only a suspicion that the more likely scenario would be that it would come back in the context of us being able to buy into somebody else's proposal, which would have successfully got through rather than us pushing forward with our own somewhat unique proposition. But we're not I'm afraid we can't commit to dropping that, and we won't be committing to dropping that until we know where we stand with sufficient certainty against that, because you're entitled to want to know.

01:16:19:29 - 01:16:51:15

If at all possible, we would like to get that home before the end of the examination and certainly by the point of the Secretary of State's ultimate decision. But even then, as I've already said, the drafting doesn't strictly require that to be fully in place. And obviously Hornsea three, as the first example, didn't have its nesting arrangements, anything like in place at the point that the decision was made. Sorry if that's a long answer, but that is the most straightforward answer when considering that, that's that's understandable.

01:16:52:27 - 01:17:28:23

I'll just ask one more question for Mr. Stewart Leigh from a Suffolk Council. And I'm not wishing to sort of put words in your mouth as such, but if the applicant were to come back and rely on the East Suffolk Council, would the proposal as it is, is your position that you would object to the application stating that, for example, date the compensation measures are not appropriate? I know that's leading the witness somewhat, but would you can you just clarify what your position would be on that, please?

01:17:31:12 - 01:17:59:14

Brave stewards of the council and. I wouldn't add anything other than I've said already. To be honest. We wouldn't support anything within the town of Lowestoft itself for the reasons I've stated. Coordination with other developers is a favourable option and we would be open to discussions further for other sites and things if they were in a suitable location and obviously avoiding any conflicts. I don't really have any further comments on it at this stage.

01:18:00:09 - 01:18:30:23



Okay. No, that's that's fair enough. That's understandable. Apologies for the deviates into that question. But now, unless there's any further comments or needs the matter of kittiwakes there, I appreciate in the agenda that we said we'd have a break at 1130. I just have a couple of questions in relation to the Gannets an orchid species, and I propose that we finish that section before taking a break. So that's press on the agenda item now.

01:18:32:16 - 01:19:09:04

From what you've said earlier, obviously Natural England and the RSPB are both similarly united in saying that there is a case for Guillemot and raised a bill to have compensation provided for that. And as you said, your your your seated in the position of where England said there's no adverse effects and therefore there's no need for compensation. Could you help explain to examine the 40 why there is such a difference of opinion and whether your position has changed in any way from what you've read in the relevant groups?

01:19:19:17 - 01:19:26:07

Adam Ferrer on behalf of the applicants. And I think one of the key points to make

01:19:28:13 - 01:19:29:21

here is that the.

01:19:33:04 - 01:20:17:15

The the impact in respects of killing months and rising below is an in combination one in terms of that big where the adverse effect on integrity arises. And as a result of other recent projects that have been in the planning system that this has arisen as an issue and for us as a as a project that has been especially challenging because that has arisen for us at a sort of midway point of our pre application process.

01:20:18:01 - 01:20:24:19

So I think the sort of a fundamental difference, as you point out there between

01:20:26:20 - 01:20:35:10

our position and some of the other stakeholders, including that natural England is really as a result of that in combination element.

01:20:42:20 - 01:20:56:04

And in terms of the second part of my question is that has your position changed at all from what you've said and from actually the nearest PD, I'm assuming? No, But have you considered or reviewed your position in light of those representations

01:20:57:26 - 01:21:02:00

there on behalf of the applicant? Now,

01:21:03:19 - 01:21:11:27

the position hasn't changed on review the most recent information that we have received. Okay.

01:21:14:11 - 01:21:48:08

Okay. Now, not. Not. Notwithstanding that that position, I fully appreciate your coming from and I've heard your point that if we could just go on to the actual compensation measures, the content of the document itself, those. Reference to bycatch reduction being a compensatory measure. Is there any tangible evidence that you can either speak authority to or provide to us in writing that that demonstrates bycatch reduction is an efficient means of compensation?

01:21:52:00 - 01:22:22:10

And theory for the applicant. Yes. As an update on that issue and in response to the points that were raised by Natural England in the relevant report, I can confirm that the applicant is in the process of undertaking some additional work with the applicant, validating the feasibility of the proposed tax reduction measures, specifically in the Northeast of England.

01:22:23:17 - 01:22:40:15

In parallel to that, we're also investigating options for the implementation of the same or similar measures in another location, and we anticipate being in a position to be able to provide an update on these matters. Acted on.

01:22:44:04 - 01:23:09:26

Excellent, good. And probably in the same vein, and I hope you get the answer. Big deadline one in terms of looming I Boyce, which I understand effectively normal birds that see their eyes are painted on the birds see them and affectively divert or fly away from them. Is there any evidence to support the fairy. Of them working as an efficient compensatory measure.

01:23:15:10 - 01:23:29:20

So on behalf of the applicant. Yes. And that evidence is referenced in a compensation document. Reference AP zero seven for

01:23:32:02 - 01:24:11:01

building on that. We are also conscious of the fact that the the Hornsea four project and also are continuing work trialling those techniques. So we will be maintaining a watching brief on the on the outcomes of of that work. But I would also say stressed that the living eyeball is only one of the essential measures that would be involved in the efforts to reduce bycatch.

01:24:11:28 - 01:24:19:20

For example, alongside training fishermen to safely release entangled birds.

01:24:22:22 - 01:24:26:03

Okay. Um, So did you just come in?

01:24:28:06 - 01:24:42:06

When you say watching brief, it worries me slightly, because what comfort can you give the examining authority about the effectiveness? How much can we rely on it when we're giving weight to that compensation measure and its effectiveness?

01:24:46:13 - 01:25:06:15

Adam there for the applicant. I think all I can say at this moment in time is that this is an emerging area of work. And as always, we will seek to use the best available evidence and to reflect that in our proposals going forward.

01:25:21:01 - 01:25:21:16

Is that

01:25:23:00 - 01:25:34:26

okay? Okay. One final question on this point, and it will be one that I direct towards not showing the written questions as well.

01:25:36:16 - 01:26:01:15

Natural England have said that the compensation documents for the species are not fully developed and therefore cannot be relied upon. Can you just set out for the examining authority what you take to

mean by the term fully developed? What information do you think they are seeking and what could you provide to the examination to resolve this? This consent is.

01:26:13:25 - 01:26:15:29

The so for the applicant.

01:26:19:21 - 01:26:28:18

We would assume that Natural England's reference to the proposal has not been fully developed. Refer

01:26:30:19 - 01:26:43:29

primarily to the concerns that they have in relation to the proposed location of the measures which I have just spoken to. We also are aware that they have some

01:26:45:23 - 01:26:47:27

questions relating to the

01:26:49:18 - 01:27:24:11

adequacy of the measures themselves based on the available measures, necessary available evidence, but which I will say just, just, just spoken to. I can't add anything further to that at this stage and reiterating that we will be continuing to engage with natural England and others in the attempts to address any outstanding concerns that they still have.

01:27:26:17 - 01:27:55:21

Thank you very much. Now, that's fair. That's a fact. Mr. President. Julian. Possible for the applicant. I'm sure you're very aware of the brief you mentioned a while ago. But assuming the Hornsey Ford decision comes out next month, that's likely to have some quite relevant things in it. As regards the Secretary of state's position on getting on a nice bill. Yes, of course, I will keep keep an eye on that. I'm sure you will as well. She

01:27:57:10 - 01:28:15:05

said that completes all my questions and that this agenda item in respect of compensation measures on ornithology. But I'll look around the room and then online. Is there anyone else who wants to raise anything regarding what you've heard this morning or any of the species discussed?

01:28:18:11 - 01:28:39:04

I don't see anyone in the room. I don't see any hands on mine. So that brings us nicely. It's 1128. We said we'd have a break at 1130, so everyone signed that. So if we now have a brief adjournment until 1145, if we could resume. 1145. Thank you.