

**SADEP\_ISH7\_21 JUNE PT2**

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FULL TRANSCRIPT (with timecode)

00:00:05:17 - 00:00:30:15

Hey. Good morning, sir. 1152 And we're looking to open the hearing again. Um, and first of all, um, I'm looking to do is just come back following the discussion so far this morning before we move on. Um, couple of questions that we would like to ask, particularly of the and Mr. Salter if you're there at the moment.

00:00:33:27 - 00:00:35:27

Yes, sir. Yes, sir. Yeah. Good.

00:00:37:10 - 00:00:55:07

Um, so follow the discussion so far. Um, can I ask the particularly with regard to why the considers the ten meters to be an inappropriate depth. Um, when including also the depth of the wrecks.

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That was based on deep drafted vessels requiring more than ten meter water depths to allow for dynamic draught, particularly in adverse weather.

00:01:12:12 - 00:01:23:15

Okay. And, um, but we've also heard as well that the this channel is mainly smaller craft. Um, is that generally true?

00:01:25:07 - 00:01:26:15

Those smaller craft.

00:01:28:24 - 00:01:35:03

That it's not used by the largest vessels. It's smaller than the largest vessels.

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Right. Okay. And what's what sort of depth or draft depth? What are we talking about? The ones that would use this channel.

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I believe the the applicant registered a 13 metre draught vessel and had used that that channel.

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During one of our conversations. One of our meetings. Okay.

00:02:00:09 - 00:02:09:02

And so this is the these this is essentially the reason why you don't feel that the the ten meters as references is appropriate.

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Well, that's right. Mean the deeper drafted vessels will be looking to avoid the wrecks within the channel. Um the supports that conclusion because none of all except one stay within the wrecks and we feel that is justified.

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Okay. They would also point out, sorry, within their deadline five response that the the applicant the applicant agrees that vessels won't transit further west if DEP north is in place.

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And that's because the deeper waters are on the on. On the other side, the deeper on the eastern side, isn't it the channel? You know.

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They tend to to transit that side because it's deeper water and that counteracts the effects of sea state. Okay.

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They turn to the applicant on those points.

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Samantha Westwood for the applicant. So. Just to give a bit more context on draft information. And again, you'll be able to see this in the in the deadline sixth submission. Um, less than 1% of the vessels recorded within a year were a draft over ten metres. So 13.4m was the largest draft that were recorded. But again, safe to say that was a unique vessel going through that area. Around 7 to 8% were between 8 and 10m, and then the majority of vessels were between 6 and 8, about 40%.

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Then we dropped down to 39% between 4 and 6m. And then the last few 5% less than four meters. The average draft is 6.1m.

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And again, to re-emphasise the point. To say that vessels are avoiding the wrecks is simply not true. The vessels are navigating according to the waypoints. They are selecting their course based on where they are going to and from. And in the submission deadline five. They themselves showed a figure with dashed lines of Figure one, I believe it was in that in that submission that showed dash lines of the safe sea room. And if you look to the eastern area of the outer dowsing channel that Mr.

00:04:37:20 - 00:05:17:23

Salter at the refers to, there are actually depths there of 14m where these vessels looking for the deeper water, as the phrase it are navigating in proximity to. So there's simply no case that the 15 metre, 15.3m wreck is a controlling depth and we stand by the position that the ten metre contour, based on the controlling depths and the the depths not only in the area to the west of deep North, but the depths between the dudgeon and Sheringham extensions are within that ten metre range.

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Okay. So essentially when they're looking at routing and they're seeing this this point where they're going to where they're coming from, they're not going to be particularly concerned about the wrecks. They want to look to avoid them because they're shallower draught. And then so it's not these aren't features that they have to look to avoid particularly.

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Month westward for the applicant. Again think it's obviously any vessel proceeding to sea makes a passage plan. It is looking at what its draft is and what its available. See room on the choices or the

area that it chooses to select are and think. The point that I'm trying to say is that the 15 three metre wreck is not a wreck that vessels are using as a deciding factor based on the data that we see of where they're coming to and from. And more importantly, based on the depths further north within the area that's been labelled as the safe sea room within the MCAs submission at Deadline five.

00:06:18:14 - 00:06:53:07

I mean, obviously vessels are looking at draft and they're concerned by draft and under kill clearance. But think this point is really a key point that the 15.3m is not the edge of the channel. And it's certainly not true to say that the applicant hasn't said that vessels could or would navigate further to the west of that point. I think what we've said is that actually our modelling has been conservative and we've modelled the narrow sea area, but there is more room that we haven't modelled available to the west if vessels chose to use it.

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And yeah, could return to Mr. Salter on those points and see if you've got any comments to make.

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Oh, yeah. During the passage planning, a vessel will look at the depths. And we thought there was a there was a reasonable depth or reasonable area of water to look at when, when running through the, through the channel. Um, if the modeling, um, doesn't assume vessels or turn further or transit further west, that is a logical thing to assume because vessels on a southbound course will not turn into the traffic.

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Um, turn to starboard into the traffic transiting south of Triton or wind farm. So it is safe to assume the vessels will not transit further west when using the outer Delta Channel. So that. At that point, that is where we, we placed our, um, western limit of the room.

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Okay. Thank you. Uh, Mr. Harris, do you want to. Comment on these points.

00:08:09:26 - 00:08:11:28

Trevor Harris fraternity house.

00:08:14:01 - 00:08:51:19

I would agree with Mrs. Westwood on the 15.3m wreck from our analysis of the traffic. I would not think vessels are using that as. The control index for the area. I would assume that the traffic is already laid its courses out from earlier on, either passing the dodging wind farm or coming down from about by the eight one for the 18th being big and to come down the side of the channel so their courses would be on.

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What's there now as waypoints rather than that 15.3m wreck. The if proposed order limits. Were accepted and it got made there. The vessels would. Then have to reassess their passage plans if they run in on standard ones. They may move slightly further to the West, but to assume they're not going to move to the west is a safer assumption.

00:09:21:10 - 00:09:48:09

Okay. Thank you. Um, just return to the applicant on, on just looking at your document, the applicant's navigational safety technical note, which is rep 3031 in the alternate library. Um. Your figures in the technical notes show that the collision risk is currently 1 in 9 point six years. Believe, though, this would change to 1 in 8 point five years. Post-construction. Is that correct?

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Adam Foster for the applicant. Yes, that's correct. Okay.

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And would you regard this an acceptable change with regards to navigational safety?

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We would, yes.

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Okay. Um, the sensitivity analysis shows that removal of the north west extent of DEP north results in a reduction of approximately 3% of the collision risk for the overall area. So it's not just the area west of north. That's the wider area, isn't it? Um, which you state does not increase the expected number of collisions over the operational lifespan of set and depth. In other words, are you basically saying that the removal of DEP north would make little difference overall?

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Adam Foster for the applicant. I think just before I answer that question, it's probably worth just setting the context of the navigational safety note itself. So there was the original collision modeling that we undertook within the this was the modeling that we made the large statement on and the conclusion of the the then raised concern about debt north deadline one. And so the navigational safety technical note was designed to assess the findings of the if we were to remove that debt north extent.

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So to answer your question, yes, what we're saying is that if you remove the north west extent of debt north to allow the full width of traffic as it currently stands to be maintained, it doesn't change the findings of the NRC. Okay.

00:11:21:24 - 00:11:44:23

Okay. Um, so what I want to do is just follow on from that and say, would you would you be able to confirm what the collision risk difference would be for the outer dowsing channel west of DEP north only? Um, is it the 23% increase in collision risk for the route west of DEP north as reported by the as being confirmed to them in your last meeting? Is that generally accurate?

00:11:46:10 - 00:12:17:16

I'm Samantha Westwood for the applicant. I'm going to pass over to my colleague, Mr. Foster, to respond to that question directly in a moment. But I just wanted to make really clear that it's really unusual for us to focus in on a specific area like this within a navigational risk assessment. And we have done it at the request of the MTA. And I just wanted to highlight that the guidance does recommend that the or advise that the area where collision risk is calculated as obviously within the study area.

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So I just wanted to put that into context that what we're doing diving down into this detail is specifically in response to the MCAs questions and is certainly not not typical. Thank you.

00:12:29:18 - 00:12:47:02

Adam Foster for the applicant to answer the question around the 23%. It is correct to say that that's the change in collision risk in a localized area west of DEP North. So the MTA requested that we looked at that localized risk at one of the offline meetings that we held.

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Took that away and pulled out the results from the collision modeling that we'd already undertaken in an area that's two directly to the west of DEP north. What that showed was that assuming that north is fully built out, so the assumption we made in the the return period within that localized area is 140 years. So that means in a given 140 year period, we would expect that to be one collision incident. If we then look at the sensitivity analysis, the return period rises to 172 years.

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So it means that over that 100 and over a given 172 year period, we would expect one collision incident and the 23% is then the difference between that 140 years and the 172 years. The key piece of context for those return periods is to look at the operational lifespan of the project. We're expecting that to be 40 years. Yes, both of those return periods. So the 140 and the 172 are notably longer than that 40 year lifespan. So what that tells us, based on the sensitivity analysis and the localized assessment that we've undertaken, is that regardless of whether or not DEP North is fully built out based on the modeling, statistically we wouldn't expect there to be a collision incident over the operational life of the project.

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So no matter that is a 23% increase, the rates are still such that you still wouldn't expect a major incident within the 40 year lifespan of the project, Correct? Okay. Um, turn to Mr. Salter on those points, please.

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And it's also for the NCAA. If you remove the DEP north boundary, then you increase the sea rim. And and we fail to understand why there won't be any difference in the in the navigational risk. If you remove that or you have it or if you remove it. And.

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The other point was. There was a there was a calculated statistical increase of 3%. That was that was calculated for the entire study area, which is why we did ask, okay, so what's the localized study area? And that was the reason for for doing that because we feel it's different in this area as opposed to the rest of them. And.

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Um.

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So.

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So it's just not a it's just not a figure that that that corresponds to our own qualitative assessment on the on the risks that are going to be presented for for collision and elision and groundings. So they did look at the 23%. They did look at a very specific area. But we did later say, okay, what about the further to north and further to the south? So.

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Using a. By using that 3% of the increase in collision risk. We thought just just just disguise the just disguise the collision risk for this localized area.

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Oh, sorry. Just to check, you talked about, um, sort of qualitative data that you've received. And have you have you seen the data that that has resulted in the, the 3% and the and the 23% that we've been mentioning? Have you have you seen the sort of analysis background to that, those conclusions?

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No, we've just seen the results and the and the conclusions results.

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Okay. I mean, would it be useful maybe for the applicant to share the workings out of of to to to come to those conclusions? Because it's clear that from what I'm hearing, that the and convinced by those those conclusions at the moment.

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Thank Westwood for the applicant. And just a couple of points to pick up there. Again, to reiterate that the the methodology which is agreed with the with Trinity House and with Chamber of Shipping and their statements of common ground and is agreed as part of the scoping process, of course requires us to model within the entire study area. So it's certainly not the intention for that to hide anything. But actually what it does show is that the probability of a collision incident in the area of north is actually lower than the entire study area, as we have alluded to in the past.

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This is a complex area. The race bank channel, for example, is also an area which is contributing to that collision risk. I think it's also important to note that when we're talking about return periods, we're talking about a collision event occurring. What we then need to add on to that is the consequences of that collision event. And as we know from accident and incident statistics, the potential for the potential outcomes of any collision vary from minor to major.

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And actually in reality, the majority of collisions, if they occur, are of minor consequences. Um.

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On your point in terms of the modelling.

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I mean, the data that's gone into it has certainly been seen by the MTA, and we've also provided them further detail the submissions. For example, at deadline five, in terms of them being able to visualize what we'd modeled, so think they have had the information available to them. But of course after this hearing we can provide more detail as required. At just another point, just to pick up then as well in terms of think, Mr.

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Salter there alluded to their quality of assessment and really want to touch on the fact that the navigational risk assessment is a balance of qualitative, quantitative and consultation as well. And one of the elements of that consultation that you've heard us talk about a bit today is the Hazard Workshop. And I just wanted to take a moment just to explain what happens that that hazard workshop.

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Basically it's either a half a day or full day and we get everybody in the in the room. It was virtually on this occasion, obviously, because of Covid. And we talk them through the data. We go through it step by step. We show them the study area, we break down the traffic and everybody's there, the regular operators that are interested, the regulators joined, you know, Trinity House, Chamber of Shipping, whoever wants to attend, it's an open invite to anybody that's interested in this project from a shipping and navigation perspective.

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And what we do is we look at that data, we walk them through the data, we answer the questions, and then we discuss the hazards. So that hazard workshop, as we can show within the minutes, um, you know, collision risk was talked about. We discuss the scenarios. So there is qualification, there is quantification and there is knowledge of local mariners. Again, regular operator attended that hazard workshop. So think that's just a really important point to note that you know, to say that we've not discussed or given opportunities for people to look at this data is simply not true.

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It's all in-built in the navigational risk assessment process.

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Um.

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And just one final point is I've been doing navigational risk assessments a long time. And if regular operators have got a concern and, you know, you can quickly flick to any other of a variety of other applications within the process, if they've got a concern, they speak, they say they raise their hand and think it's quite telling that those operators aren't here today, aren't raising their hands and saying that they're concerned. And just to add to that, you know, we have kept them notified.

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We did alert them as to when they should register and they're not here.

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Thank you. Mean, I think it would be a good idea to send those calculations through to the because if they're if they're querying how you've got to those final conclusions the the 8.5 against 8.7 for example and and think for us also if we could unless it's just recently been submitted I haven't seen it. But those the calculations that you were mentioning about the that that localized area um, where you've got that sort of 23% increase, but over those 170 odd years, one major incident.

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So the calculations and the conclusions for that think that we the examiners authority would it would be very useful to see, um, what I was going to ask is to go back to the Mr. Salter and, um.

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Just to ask about the fact that you've obviously mentioned that you're you've got some concerns with the results from some of these these calculations. Um, is there any, um, Clinton risk figures?

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Sir Julian Boswell for the applicant think this is Westwood would just made a point to me that I really think I need to quickly pass on to you. It isn't as simple as they're just being calculations. It's a model. And so it isn't really appropriate for us to provide the model to the. And think the AMCs indicated in a recent response that they're not they're not resourced in terms of modelling. So I just wanted to. Uh, make that point.

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Okay. Um, well, that's similar to what I was just asking Mr. Salt. Now, Now, just going to ask whether it is possible that the MTA would actually provide some sort of modelling yourself to compare in terms of uh, well, the risk, the wider area, but particularly the risk to this, this channel, which, which is the objection from at the moment. Is that, is that is there a calculation that you could or model that you could

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use to, to come up with what you feel is the collision risk as a consequence of DEP north?

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Next. We don't have that modeling in house. What I will say is that there's a wide range of risk assessment techniques available, and these can include quantitative risk assessment, qualitative assessment, expert judgment, good practice simulations, trials. Um, various approaches can be used and a combination of techniques for, for special develop for specific developments.

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Um. The documentation of results. Validation shall include reasoned arguments and evidence of behavioral reasonableness and comparison of real world experience. For us, it's a comparison with, with our own expert judgment. This is a comparison of our own knowledge and understanding of seafaring practices. That is our qualitative, qualitative approach and it is in is compared against the results and conclusions that are presented to us.

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And if they don't, if we feel they don't tally, then then we raise a concern, as we have done in this in this instance. I would just make a note of caution not to to have an overreliance on statistical results because that it can lead into over analysis when from our point of view, a more simple or a simpler qualitative approach is sufficient.

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I think what the applicant was saying, that they've actually used a sort of combination of sort of qualitative and quantitative approach with the consultations also. Um, but I understand your point. Can I just ask Mr. Salter as well, Just, um, I think it was mentioned in, I think it was in your, your submission about the possible increases in allusion and grounding risk also. Um, is this something that should be calculated as well or modelled or is this, is this something which in a way is a sort of associated with collision risk, as in ships diverting off course and that sort of thing?

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Well, it's it is part of the package of navigational risk. You can you can simply categorize them as collisions, allusions and groundings. It is a it is a consideration that must be it must be taken into account. Um, if you if you stick turbines in the water, it automatically becomes an illusion. Risk. Yeah.

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Okay. Thank you. Trust yourself.

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It's about the Westwood for the applicant. Just to quickly pick upon there, of course, we spent a lot of time talking about collision risk because that's where the mca's responses and concerns pointed us to. But just to touch on that, the navigational risk assessment, of course, covers all of the impacts, including collision risk, for example, impacts on emergency response. Everything is there and obviously the methodology and that approach has been agreed by all parties. So yes, we're focusing on collision risk today, but everything else has been covered within the navigational risk assessment as well.

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Okay. So can I just. Take them a little bit further on. Do think the industry will be troubled by what Mr. Salter has just said? Because here we have

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an agreed methodology and agreed process that has been followed consistently as as I've emphasised earlier. Um, which the participated in, uh, and. Yet, we're told. We've just been told that apparently

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the MTA can simply make a qualitative expert judgment and that whole process is put to one side. Of course, there are other expert judgments involved in that process, very much including the operators that Mrs. Westwood was emphasizing a moment ago, were very much part of this. These are experts who know the area much better than Mr. Salter and his colleagues who are dealing with it week in, week out, some of them less less often, which is just as relevant.

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And so we have their expert judgment. We have Anna and Mrs. Westwood and Mr. Foster's expert judgment. We have the expert judgment of Mr. Harris and and Trinity House. And so.

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To have to have a system that operates. We have a system that has a clear process. We have followed that process. And we have, as as Mr. Foster has already indicated, when very unexpectedly in February, the objection landed. We have then we say consistently responded to that in the different ways that we were asked to, particularly quantitatively. We've provided that modeling. We think it's clear and it's made a case, and I'm hoping that we're coming on to the to the document that we were talking about just before the break.

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Um, but we we. There's a lot of offshore wind farms gone through this system and there's a lot of offshore wind farms to come. We really can't have a system where we can go through a process in the way that we have with all the different experts involved. Reach a judgment as it was fairly in the navigation risk assessment and then be in the situation that we're in now.

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Just a couple of points.

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Before we move on. Um, first of all, just for the applicant, it was mentioned about there was a very few, but think a few deep draft ships that go through this particular area. Um. If we're looking at

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the weather, there's it's a tolerable the sort of risk assessment. Um, how does how does that come into play when you've got like this? You're talking about the ten meters, but then you've got a ship which is more than that. What is the consequence of that when it comes to the sort of shipping through the channel?

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Samantha Westwood for the applicant. Think again. It's important to look at the water depth within the area and the water depths that are to the north and to the south of the area that we're focusing on. So it's back to the point that I made earlier that the vessels that are navigating in this area are able to navigate in the range of water depths that are there. And depth north is not taking away any option. It's still leaving options for them in terms of navigating in suitable depths.

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So in terms of does it change? So the the draft vessels that we identified navigating in the area. Does it change their ability to do that in the future case scenario? No, it does not.

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So even with the wind farm proposed where it is, there's still going to be those options for the deeper draft vessels to get through, even if there's not going to be many of them.

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Absolutely.

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Okay. Thank you so much. Um, could I go back to Mr. Salter at the, um, the point about the applicant made about the shipping and the operators. Um, have you got any particular evidence of you sort of spoken to other operators about this issue or got any evidence from that point of view from shipping that might use this area quite a lot?

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In Excelsior. We haven't spoken directly with with shipping operators ourselves. No.

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Okay. Thank you. In that case, could just go over and speak to the Mr. Moles at Chamber of Shipping.

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Mr. Mayor leads the Chamber of Shipping? Yes.

00:32:22:17 - 00:32:47:15

Yeah. Similar sort of point. We're talking about the sort of deeper draft of vessels and such like and also the fact that there isn't any of the operators who are here today who are objecting to raising any concern, whether you've had discussions with particular operators that use this route and if you've got any evidence on that sort of basis.

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Thank you. Yes. So the the Chamber of Shipping has a wide membership, primarily of UK based operators or operators with interests in the UK. Um, the, the applicant went through a good regular operator process in terms of identifying them and outreach towards them. Sorry if I'm unclear. Um, but as, as I know the tech would find and as the Chamber finds, it tends to be those particularly regular scheduled operators who are the most involved and the most vocal, particularly when there are potential deviation or obstruction or collision risk in the instance of the DEP channel.

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I don't believe that any of those operators are using that particular route, although I may be mistaken. Of the 16 or so average vessels transiting the northern DEP route per day as defined in the NRA. 13 of those are tankers now, tankers don't tend to be such regular scheduled traffic. Now, I appreciate that the applicant would have gone out to those operators as and when they have been identified. Um, but because of the less frequent nature that they typically transit in the pooling system which they operate on, they don't tend to be as actively engaged in planning and consenting processes as perhaps the scheduled operator.

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Roll on, roll off operator would be.

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Um, stand.

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And so we as a chamber have been out to our membership, um, and some concerns around the overall cumulative piece were made perhaps as an example of that, as Berger saw within the piece, made a

similar comment obviously around sort of the cumulative picture. Um. And it's thus. Um, and I suppose the last point I should wish to make on that is that many of the vessels transiting that area are not UK based operators.

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They are international traffic calling perhaps at a port or indeed just passing through UK territorial waters or exclusive economic zone between two thirds third countries and as such um would not be within membership of the chamber and open to our outreach.

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Okay. Thank you. That's. That's pretty well. Um, does the applicant want to come back on those points you just heard?

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Samantha Westwood for the applicant and we can provide further evidence of this post hearing. But we did receive feedback from tankers and regular operators, as Mr. Morales refers to their think it's important to note actually that one of the one of the responses that we're going to submit as evidence, as I mentioned earlier, includes a chart of a of a future case route. Um. Uh, post development. That's one of the, the, the Ro-Ro operators, if you like, that Mr.

00:35:55:27 - 00:36:12:18

Merrill's referred to. And that route is actually their adverse weather route. So whilst they don't navigate through there on a daily basis, the evidence that we have suggest they are comfortable still navigating post deck north in adverse weather.

00:36:17:11 - 00:36:50:21

Is it possible as well? Just to pick up a bit of context in terms of the use of the word cumulative by Mr. Mirrlees? And I think he'll agree with me on this, that when we talk about cumulative and shipping and navigation, we're talking about spatial development. So the development of wind farms around the UK, we're not really talking about cumulative in terms of the assessment. Of course, we assess cumulative under the process and within the navigational risk assessment.

00:36:50:24 - 00:36:59:22

But if could just reference Mr. Merrill's statement of common Ground, which somebody will give me the reference for in a moment. Um.

00:37:01:09 - 00:37:42:10

Within that, Mr. Mirrlees makes quite clear that he has not agreed the impacts in isolation and cumulative for the development, but that those that disagreement does not have a material impact on the on the statement of the navigational risk assessment, because Mr. Merrill's concerns are around the spatial planning within within the wider UK and just confirm that's Rep 2047 The Chamber of Shipping's statement of Common ground.

00:37:55:27 - 00:38:20:09

To Wallace. Yeah. So just a quick point, if I can. For the Chamber of Shipping, I seem to recall at the beginning of this hearing you mentioned that you objected when the the third round of leases were originally granted and you objected to the boundary of DEP North. Can I just confirm with you why why did you object? And was it on the grounds of of navigational safety?

00:38:23:27 - 00:38:48:26

Mr. Mireles for the Chamber of Shipping? Yes. You are correct in stating that the chamber to the Crown Estates Round three extension consultation held back in November 2018, objected to the full

buildout of the northern extent of DEP on the grounds of navigational safety. About based on based on the early information that was presented at that time and

00:38:50:16 - 00:39:38:06

given it was at the very early stage, but it was apparent that the northern extent was overlapping and entering into the outer dowsing channel there. If I may if I may then come back into the comments made by Sam. Um, yes. Accepting of the points that the Chamber made within its statement of common ground and accepting that indeed it is mentions of no material impact. The Chamber in its concerns around the cumulative piece, though, is not just looking at the wider Z, it is indeed around this particular area and the cumulative build up of the number of projects with depth, with CEP, with Triton Knoll, and that the overall elevated risk to navigation.

00:39:38:11 - 00:40:00:09

So yes, we have a wider cumulative concern around the the safe and considerate build out of offshore renewables in the UK to ensure maintenance of safety for the shipping industry and the UK economy. But it also within this this specific area and think that is reflected within our statement of common ground within the detailed there. Thank you.

00:40:00:28 - 00:40:20:03

Okay. Thank you. Just a follow up question to the applicant, if I may, Mr. Rennie. Just very quickly on on was the applicant aware of the Chamber of Shipping's objection to the third round leases and did the boundary for for DEP north change in any way as as a result of that place?

00:40:25:11 - 00:40:47:06

Julian Boswell, the applicant? Yes, the applicant was aware of that submission. And no, the boundary didn't change. And as we've explained, the detailed position was considered in the usual way pursuant to the process, and it reached the conclusion of overlap and acceptability in safety terms.

00:40:48:19 - 00:40:49:13

Okay. Thank you.

00:40:51:08 - 00:41:02:28

But, um, maybe it's a good time now for the applicant because I know they want to talk about that particular document.

00:41:06:25 - 00:41:08:10

This is the.

00:41:11:25 - 00:41:14:04

Rep. 556.

00:41:18:29 - 00:41:51:11

Adam Foster for the applicant? Yes, that's correct. It's 550. The figure in question that we'd like to talk through is entitled Comparison and worst case modeling versus prediction of future case traffic. It's page 16, the document. Now, the reason that we wanted to chat through this figure is to make clear that the modeling that we've undertaken, both within the and the navigational safety technical note from our perspective is robust and conservative.

00:41:52:09 - 00:42:23:17

On a general basis, we always take a very robust conservative approach to our modeling. It wouldn't be possible within the time that we have to go through all the minute details around why that is. However, we did want to pick up on a few really key points of conservatism that we have applied, specifically in the area of debt north. It's content that we have presented to the in the offline meetings

that we've referenced and explained to them. We wanted to make sure that that same explanation attached to this figure was also presented to you.

00:42:23:26 - 00:42:26:26

So that you said. Page What was it, 16 or 60?

00:42:27:02 - 00:42:29:15

Page 16 1616.

00:42:29:17 - 00:42:35:04

And this is the vessel passing distances from UK. Wind farms.

00:42:35:07 - 00:42:53:08

No, this is that's a different. Yes. So that's the the document before at the very end of the document, there are three figures that aren't part of the one nautical mile document. So it's the third figure from the end of the document is the one that I have in front. So.

00:43:31:15 - 00:43:39:12

I'll make sure. Got the right one here. So rep five. 050.

00:43:40:11 - 00:43:41:21

Yes, that's correct.

00:43:49:29 - 00:43:59:13

Okay, I've got it here. So this is the figure titled Comparison Worst case modeling versus Prediction of future case.

00:43:59:15 - 00:44:00:00

Yes, that's.

00:44:00:02 - 00:44:01:24

Correct. Okay. Yeah, Got it. Okay.

00:44:02:09 - 00:44:08:27

Brilliant. So essentially what we wanted to do was just chat through on a visual basis. The Conservative. Sorry, just.

00:44:08:29 - 00:44:14:09

Sorry. Just want to check just one second. Just check if the you've got that same document to hand.

00:44:15:07 - 00:44:17:17

We move on? Yes, sir. Thank you.

00:44:18:08 - 00:44:20:22

You've got that available in front of you. Okay. There we are.

00:44:28:10 - 00:45:03:01

So essentially there are some elements of conservatism that we always have to apply within any modeling process. There are simplifications assumptions that we have to make whenever we're modeling a real life environment situation. And for that reason, we always make sure that the assumptions that we're making are very conservative. So any simplifications, any assumptions, we would always err on the side of conservatism just to make sure that the modeling is worst case

essentially. So there's three elements that we wanted to pick up on in relation to the modeling assumptions that we've made.

00:45:03:10 - 00:45:37:13

The first is the width of traffic. So if you see the green shaded area in this figure, that's the extent of traffic that's been modeled within the. So we've assumed a one nautical mile width of traffic. The key point there is that there is plenty of room, as we've already discussed to the West, that we haven't used for the purposes of the modeling. We've marked the ten meter contour line that we've discussed as the controlling depth in this figure, all that sea room to the west. So the space between the ten meter contour line and the green percentile we haven't used in the modeling.

00:45:37:15 - 00:46:16:00

So from a route width point of view, we're very happy that we've been extremely conservative in what's been modeled. That's really key for the collision modeling. Obviously, the smaller the width of traffic that you model, the greater the collision risk that comes out of that model. So from a collision point of view, we've been extremely conservative in terms of width of traffic. The next point is the safety buffer. So how far we've assumed the traffic will be passing the wind farm itself. So if you look down at the bottom of the figure, there's red text and a red arrow that shows a half a nautical mile distance between the edge of traffic and the edge of the wind farm.

00:46:16:15 - 00:46:51:00

The passing distance is then important from the modeling point of view we undertake in the the closer the traffic is to the wind farm, the greater the risk that's going to come out of the models. We've already discussed how those vessels will choose their own passing distance. Half a nautical mile is the minimum under 654. So that's what we've applied within the modeling. From our point of view, it's a worst case assumption under that guidance, noting that we do have evidence of vessels passing those kind of distances from offshore wind farms.

00:46:51:02 - 00:47:23:21

So again, from an elevation point of view, we're very happy that we've been extremely conservative in the assumptions. And then the final point, which isn't actually directly linked to the figure, is just around volume of traffic. So another key input to the model is how many vessels we actually assume will be using this green shaded area. The data that we've looked at in the NRA indicates around 14 vessels a day will be passing DEP north. For the purposes of the modeling, we've assumed a value of 18 vessels per day.

00:47:23:23 - 00:47:45:15

So in excess of a 25% conservative increase in traffic we've applied to our modeling. So those are all three really key inputs to the modeling process, how wide the traffic is, how far it's passing from the wind farm itself, and also how much traffic is there. And in each of those three key points, we've been extremely conservative from our point of view in the assumptions that.

00:47:46:08 - 00:47:53:04

Okay. And what's the what's the current width of the traffic. So I think they've seen that mentioned about two, 2.1, around.

00:47:53:06 - 00:47:55:25

2.5 nautical miles, point five.

00:47:56:27 - 00:48:00:03

And so with this model, you're looking at that.

00:48:00:21 - 00:48:35:08

It's an extreme compression of traffic. Yes. Okay. Noting that actual actual space will allow that route to be wider. And what we will point to in the figure is what we've also shown is the prediction of traffic. So the purple shaded region is based on the input at deadline one. So that's based on the figure they included in their submission. What you can see is that they've assumed a 1.3 width of traffic and a one nautical mile separation distance. So again, compared to the input, we're happy that we'd be conservative in what we've modeled.

00:48:39:15 - 00:48:44:17

Um. Can I get Mr. Salters response on what you've just heard about this figure?

00:48:47:22 - 00:48:48:19

And exalted for the.

00:48:53:06 - 00:49:17:11

The the figures that are being presented mean just on that point just now, it says the current traffic is two and a half nautical miles with where we say it's 3.1. Uh, based on, based on the current traffic levels. The. The width of the width of the extent of traffic they've used is one nautical mile. That

00:49:18:27 - 00:49:23:18

traffic will use the full the full extent and appreciate that

00:49:25:05 - 00:49:28:21

they're taking this conservative view. As they've repeatedly said,

00:49:30:06 - 00:49:46:17

they've used a safety buffer which is closer than to the one we're using. Um, and they use a volume of traffic. But as previously previously said, the frequency of multiple vessels in the area mean we've touched on that point before already.

00:49:48:05 - 00:50:09:07

My only concern is that is that a realistic scenario? Oil vessels actually be transiting in that green, green hatched area. Now, appreciate that. Um, from this conservative view, this is going to be the maximum collision and maximum collision.

00:50:10:23 - 00:50:11:16

But it just.

00:50:13:07 - 00:50:25:10

We're having we're struggling to correlate from our own understanding of of seafarer behavior. Our collision collision risk will be will be an acceptable limit.

00:50:28:23 - 00:50:51:03

Okay. Um. Mean, is there anything that you can see on that figure that you would say that you would just wouldn't disagree, you would disagree with? Or is it or it's just a case that you think in reality it's not going to really, um, not going to transpire to actually look like this when when vessels are using this channel.

00:50:52:04 - 00:51:01:02

No, I don't think that's a realistic picture of what will happen. It comes back to the to the point that they're making about conservatives. And

00:51:03:20 - 00:51:12:24

we don't believe the vessels will transit half a mile from turbines. They'll leave a much wider distance. They'll use the full available serum,

00:51:14:14 - 00:51:33:06

which isn't presented here. But then again, that comes back to their conservatism approach. What we're what we don't agree with is there is the results that the collision collision risk is going to be within acceptable limits.

00:51:35:12 - 00:51:50:12

Mean, is there any data that you could or is there any information that you could get from from the applicant to try and persuade you or to. To give you that. Um.

00:51:52:05 - 00:52:03:05

Sort of safety really, that what they're saying is, is is is correct. And that's what's likely to be. Is there anything that you feel that you're missing at the moment that you would want to see?

00:52:03:28 - 00:52:28:19

What concerns are of the available serum that vessels will be squeezed into it. If current traffic is is transiting in a width of 3.1 or 2 miles wide and we think he'll be they'll be squeezed into into a corridor 1.3 nautical miles wide. Yeah, that is significant reduction of serum.

00:52:30:11 - 00:52:32:04

Mm. Okay.

00:52:34:05 - 00:52:37:00

Uh, Mr. Harris, do you want to make any comments on this?

00:52:41:03 - 00:53:17:15

Trevor Harris. Trinity House. Yes, with the assessment showing when you do modelling. You normally would move the traffic only slightly to the west. You wouldn't spread it out over the whole area in that way. The majority of traffic is now. It would just move that slightly to the west and think, looking at the diagram provided here, the darker shaded green bit in the middle does correlate currently where the majority of the traffic is now.

00:53:17:17 - 00:53:32:05

Yeah. So by actually increasing that within that just that darker shaded area is I would consider and if I was doing the modelling. Acceptable what we would say. This is good enough.

00:53:32:24 - 00:53:41:18

So there was nothing that you would disagree with, particularly on this? You think that's probably what realistically what would probably happen. So it'd be a basically the shift to the west where this.

00:53:42:19 - 00:54:09:14

We could assume if you assume the traffic would spread itself evenly over the area, you are not you wouldn't be allowing for. The majority of traffic as it's come up from the south to go to the north because it's coming over for the whole area, then starting to bring in the traffic, which is going to go to the west of the you and up past the dudgeon but shelves.

00:54:11:13 - 00:54:13:13

In my opinion. Right.

00:54:15:29 - 00:54:22:08



Don't know if Mr. Malis has got the document as well as has any comment that you would like to make on what we've just heard?

00:54:25:27 - 00:54:30:09

Mr. Merrill is there for the Chamber of shipping. Can see the document in front of me. Um.

00:54:32:04 - 00:55:15:07

Looking at the the second one, if you like, which then shows the the actual mean route positions and the vessel traffic under. Yeah. That the um the modeling shows a worst case scenario of traffic moving into a more constrained one nautical mile boundary. Um transiting 0.5 nautical miles off, off the edge. Um, that would be the worst case, if you like, don't the. The majority of chamber members wouldn't consider transiting 0.0 0.5 nautical miles off that would prefer a greater distance, and so would inevitably see a shifting of traffic to the west, um, in the instance.

00:55:15:09 - 00:55:19:25

But I'd accept what was presented here. Thank you.

00:55:20:11 - 00:55:23:13

Okay. Okay. Does the applicant wish to come back here?

00:55:26:16 - 00:55:59:08

Among the Westwood for the applicant. I just want to make really clear there that the purpose of the modeling within the navigational risk assessment is to model the worst case, the realistic worst case, but the worst case. And all of the values that we've been talking about today, excluding those in the sensitivity analysis, the navigational technical note that were submitted are the worst case collision risk values that we're likely to see and think. What we're what we're saying is actually in reality, there is more room to the west.

00:55:59:10 - 00:56:30:02

But that wouldn't have been appropriate for us to model that because then we would have been giving a better collision risk value than the one that was seeing. What we wanted to show you was what the worst case could be in terms of collision risk. And that's why we've drawn that ten meter contour contour line on there as well. Just to make clear what we see actually the available room to be, which is very much different to what we've modeled in the the collision risk and the elision risk assessment.

00:56:30:22 - 00:57:04:08

I just also wanted to pick up on a point there in terms of frequency. Mr. Salter at the alluded to the frequency of multiple vessels being in this area. And again, within the deadline sixth submission, you'll be able to see, as I mentioned earlier, that less than 3.4% of the time or the two or more vessels within half an hour of each other in this area. So when we're following the formal safety assessment process, when we're considering probability versus consequences, that all plays into the decision that we're making.

00:57:04:10 - 00:57:39:03

Again, to reiterate, we're not saying if there were more than two vessels there that isn't acceptable or intolerable. But just keeping it clear in everybody's mind, what we're actually visualizing here in terms of traffic being in that area, in terms of the one nautical mile passing distance. Again, I just wanted to refer to the actual evidence that we've submitted that clearly shows vessels do pass closer than one nautical mile from the edge of an array. And we've got multiple examples and could probably pick out more examples if needed to.

00:57:39:12 - 00:58:08:00

So it's really again. The point of the collision risk modelling is to assess the worst case and that's what we've done. So those when you're thinking about those values from the navigational risk assessment, they are the worst case collision risk results and again, consequence. Well, they're not saying that those collision risk incidents will result in a major incident. It could be minor, could be moderate. It could be major.

00:59:25:00 - 00:59:28:20

Sir. Mr. Morris has an additional point you'd like to make, if that's okay.

00:59:30:20 - 01:00:09:26

Thomas on behalf of the applicant. So I'd just like to bring you back on this point to what the MTA said in their written representation. Um, rep one on one seven And. This work was instructed by the applicant specifically to answer the point in the MTA's initial representation. When we first heard these concerns and what they said about the navigable area was they said that it is likely that 90% of the vessels will be constricted into a navigable space one nautical mile wide.

01:00:10:04 - 01:00:41:13

Now they simply made submissions which are slightly greater than that. But the the point was that we hadn't considered a constriction to one nautical mile. And the mitigation that suggested at the end of that section of their written representation and goes on to conclude that the increase in collision frequency may have been underestimated as a result of us not taking the not considering a one nautical mile constriction.

01:00:42:02 - 01:01:14:22

And in that case, changes to the redline boundaries must be considered. That is the understanding we took away and why we commissioned or asked for the work to be done. To look specifically at this point and think the the reason we've talked you through this, this image is to make clear that that was considered and subsequent questions to the MTA. I think we'll get into detail, but that was the crux of their written representation of this examination process.

01:01:16:18 - 01:01:19:03

At, which obviously should have meant the issue went away.

01:01:21:27 - 01:02:02:17

Okay. Mr. Salter, if I could just come back to you. Um, there's been a comment from the applicant. They're going to maybe submit some further evidence. They're talking about testimonials from. From cargo ship operators, for example. Um, is there any any further evidence that you could supply to to, to back your case? Understand that you won't be providing an alternative modelling, but is there anything else that you feel that you can supply, whether it's, um, testimonials from, from people that, that mariners from the area, for example, or anything else that you can provide at this at this point?

01:02:04:11 - 01:02:26:16

At this point, we feel we've given you our justification about on our assessment on the available seats. Um, that assessment has been done in-house using expertise. And we feel is fully justified and about what the future traffic predictions will be. Um.

01:02:28:07 - 01:02:44:07

We don't have further evidence of of speaking specifically to to shipping operators. We can take that away and discuss if there is any anything further. But we feel what we've provided to date is sufficient.

01:02:44:21 - 01:03:13:26

Okay. If you stay on the line. I'm just I'm just looking to ask, um, you've obviously set out what you feel is necessary mitigation, um, which is basically like an obstacle free area between the two boys on that western side of debt north. Um, other than, than that, is there any other form of mitigation that would help matters and help address your concerns?

01:03:15:29 - 01:03:46:26

We did. We did consider this. And we we haven't come up with any other forms of mitigation, um, that could help. Um, the, the mitigation currently proposed, there is a list of embedded mitigation which are, which are, which are standard across all windfarms in the UK. There is one additional measure which was the navigation management plan, which is to alleviate commercial impacts.

01:03:47:13 - 01:04:12:20

Um, we have considered ammo routing, but we don't think that it's appropriate in this case. And we included a paragraph on that within our deadline. Five response. Yes. Um, we, we haven't thought of any other appropriate mitigation other than, um, ensuring that that sea space is increased.

01:04:14:00 - 01:04:35:29

Okay, just follow up from that. Mean are the alternative routes that vessels traversed in the area could feasibly reasonably take to avoid the route near north if considered necessary? So if it was someone who asked of a ship who was particularly concerned with this route, is there a feasible alternative that could be used?

01:04:38:26 - 01:04:45:28

There are alternative routes to using the outer dowsing channel. I would say they are far from ideal

01:04:47:23 - 01:05:03:29

vessels. So for instance, from a Rotterdam to to Tes, port or Hull could use the south of Sheringham Shoal Offshore wind farm route. That route narrows to 1.4 nautical miles north of the docking shoal, which is south of the race bank offshore wind farm.

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

And that increase of volume of traffic would be competing with space, with other coastal tankers.

01:05:13:27 - 01:05:45:07

It's not suitable for the deeper drafted vessels. Um, it's. The diversion would add, we think, an additional seven nautical miles to that journey, which which could be up to 40 minutes. They could take a route south of Triton. No wind farm. Um, but, uh. That ten meter water depth is is unavoidable and that is a controlling debt.

01:05:45:25 - 01:06:19:29

Additional course changes would be needed to get through the shallows and and the shoals in the area. Again, it's not suitable for deep vessels. And we think the diversion would add up to eight nautical miles to the journey. Again, that increase in volume would just increase the the exposure and frequency of encounter of these vessels using the route with others, using the western boundary of traditional wind farms, including their own support vessels,

01:06:21:22 - 01:06:47:20

they could divert east of the dudgeon windfarm. So there would be forced to stay within the deep water route, which is further out in the North Sea for for a longer time. There would be increased frequency of counter with the large with the largest vessels using the deepwater channel deepwater route, and then they would have to divert through the oil and gas fields.

01:06:50:05 - 01:06:57:00

We think that diversion would add another 11 nautical miles and up to one hour of their journey. Um.

01:06:59:14 - 01:07:17:17

Whichever route they would use, you would see the risks of collision. Collision would increase because the volume of traffic would increase through those routes. Yeah, extrapolated over time, those diversions could be significant to shipping operators and their costs.

01:07:19:21 - 01:07:50:25

Hmm. I'm just sort of thinking if maybe for larger vessels you mentioned in weather. Mean they seem to be pretty infrequent going through the dosing channel where the, um, if that small amount of shipping would take an alternative route. It does seem that maybe it is some possible route, but it would be it would be um, obviously add time and cost to the journey that about-face.

01:07:51:10 - 01:08:03:29

Yeah. Yeah. Cost in terms of fuel and emissions and it could, it could affect the port and harbor scheduling. Yeah. These are all possibilities. Yeah.

01:08:19:11 - 01:08:24:24

I'm can I just go to Mr. Harris on those points, whether you think that, um.

01:08:26:18 - 01:08:34:04

Maybe someone who's Mastership might decide to take an alternative route and whether there are alternative routes available.

01:08:38:22 - 01:08:40:26

Trevor Harris for Trinity House.

01:08:42:22 - 01:09:27:10

I would agree there are alternative routes for the deeper ships and as traffic analysis shows. The deeper the larger ships are very infrequent going through the outward channel. And the most of the deeper draft ships. I'm not don't have the information to hand on for sure. Mrs. Westwood and Mr. Foster could find it. Benchley is the amount of traffic, the traffic that does pass up the deep water route from Europe having come up through the banks and not for the oil fields, but that is the deeper draft ships would take.

01:09:28:01 - 01:09:55:07

Yeah. Yeah. I'm just sort of thinking about, you know, if there are those particular circumstances where someone might be looking to avoid that, where because of the depth north development about those possible alternatives, I'm sort of thinking about those few larger vessels that would use. So it may be the sort of deep water channel is a alternative, although that would have some adverse impacts as well.

01:09:56:02 - 01:10:26:16

It would. Trevor Harris Trinity House. Yes, it would have the adverse impacts of extended journey time and that for that sort of thing, Mr. Salter said. 11 nautical miles difference, but. I think we're trying. Most of the deeper traffic is already using that and. The time. For these vessels on passages. You may even find it. The larger vessels using the outer doors and channel are time constrained.

01:10:26:21 - 01:10:33:15

And they have they have used that to make a deadline rather than using the. Other, deeper water.

01:10:33:17 - 01:11:00:04

It makes sense. Yeah. Okay. Come back to Africa on that. Obviously, you provided a lot of embedded mitigation. And you know, you talked about the the the additional navigational plan as well. Um, but just on those two points, whether there is any additional mitigation that could be put forward that you might think of and those points about alternative routes if someone considers that necessary.

01:11:01:28 - 01:11:32:14

Samantha Westwood for the applicant again. The NRE remains valid, robust. Our last statement stands on the basis of the evidence that we've provided, and that includes the embedded and additional mitigations that are in place. Just to talk for just to talk first on the deep draft vessels agree with Captain Harris there that the point I was making earlier is deep, deep drafted vessels do not use this route in the first place.

01:11:32:16 - 01:12:05:21

This is a complex sea area off the north Norfolk coast with multiple sandbanks to navigate through. And the vessels that are using this area are of the smaller categories of commercial vessels. So. I think it's clear to point out at this point if any of those operators had concerns about having about no longer being able to use this route, they would have said that evidence shows through every navigational risk assessment process, they will raise commercial issues as well as safety.

01:12:05:23 - 01:12:37:10

But they they will also raise commercial issues. So are there options available? Yes. Do we think it's likely that the majority of vessels, if not all vessels, are going to need to take those on turn? No, they are content with what is being proposed. I think. Just the other point there in terms of of mitigation, the navigational management plan is a is a really important point. And Mr. Salter at the alluded it to being a commercial mitigation.

01:12:37:12 - 01:13:13:22

But that's not entirely true. The discussions that we had with that operator were they were concerned about small CCTVs popping out from one side across the channel into the other side and actually requiring them to take collision avoidance action, which they refer to as reducing speed, which would slow them down, which would cost them time. And that's what they were concerned about. They didn't want extra. Vessels crossing the channel, causing them delays. So it's quite an important mitigation and actually a really good mitigation that shows how the navigational risk assessment process has worked.

01:13:13:24 - 01:13:15:02

It's identified the.

01:13:15:04 - 01:13:15:29

Issues.

01:13:16:02 - 01:13:19:19

And has come up with a clear mitigation for addressing them.

01:13:20:17 - 01:13:21:11

Okay. Thank you.

01:13:23:07 - 01:13:28:21

And is there any point you want to make about alternative routes that you've heard?

01:13:30:08 - 01:13:42:14

Samantha Westwood for the applicant. Again, it's something that we consider a part of the process, but it's a path that we'd go down if the operators were telling us that they would no longer use this area. No one has made that statement.

01:13:45:18 - 01:14:17:25

Okay. I just want to move on to the sort of last section, really, is to just talk about what's been put forward by the as this sort of obstacle free buffer area. Um, as what they feel is necessary mitigation. Um, maybe if we could have. Mr.. Salter First of all, just to firstly, um, just for clarity, just explain what you would require, um, in, sorry for what you have termed as the recommended boundary amendment.

01:14:20:08 - 01:14:23:08

Uh, yeah. So. So Nick Seltzer for the for the.

01:14:24:28 - 01:14:43:14

Um, we provided an image at Deadline five, which showed a line running from the mid outer dowsing buoy to the dudgeon buoy, which is where we recommend that the boundary should be should be reduced to as a minimum.

01:14:45:03 - 01:15:14:25

We think there would still be reduction in safe, navigable run to the to what's currently available when safety clearances are implemented. Um, but the distance between the current shipping routes and the amended by boundary. Uh, would be 0.5 nautical miles. Which is the minimum recommended distance in the guidance and the applicant has used that distance in in their modelling.

01:15:16:12 - 01:15:26:05

We think that the reduce boundary would increase the safe navigable serum to 2.2 nautical miles when a one nautical mile clearance distance is applied.

01:15:29:01 - 01:15:41:29

Okay. Okay. Um, Claire, the applicants response, I mean, you've seen, I think it's figure two of the deadline five submission. Have your response on what they've suggested.

01:15:52:21 - 01:16:25:25

Beth Westwood for the applicant. Think at this point what we'd like to bring in is the discussions about the calculation and the calculation of safe room, which all relates into the MCAs submission in terms of where the safety room starts and where the the safety room finishes. And at the issue specific hearing six. You probably recall me saying that focusing on a single calculation, um, does not in isolation answer the question.

01:16:25:27 - 01:16:56:01

And certainly the the MCAs own guidance. Um 654 Annex one states that there shouldn't be a focus on simply a risk number. It should be about the part of the process. But just to focus in on the the. We have a lot of concerns about how that calculation has been, um, has been drafted in terms of it assumes that structures bound either side of the of the traffic route.

01:16:56:03 - 01:17:28:24

Therefore a larger than necessary buffer has been applied to the calculation. It's an assumption that there are four times 195 meter vessels passing at the same time. And we've already heard today that's an exceptionally low probability. We've also touched on where it's measured to and from. And it's, um, as we heard earlier, the the 15.3, um, rec is not a suitable controlling depth or not an appropriate controlling depth to be starting that calculation from.

01:17:29:19 - 01:18:09:24

The the NRA, as I've said, is a risk assessment in line with the formal safety assessment process. It requires probability versus consequence. And again, we feel that that element is not being considered in this calculation. I think it's also in terms of thinking about the calculation. There are a variety of different methods of measuring what is a corridor with and it is a case by case method. It does require intelligent application, but but really just using that to define what is safe area when there are fundamental flaws.

01:18:09:26 - 01:18:14:27

For example, in the starting point, it is just not. Appropriate.

01:18:18:10 - 01:18:19:01

Hey. Thank you.

01:18:22:08 - 01:18:43:10

I move across to Captain Harris and just ask think In your submission, you've sort of suggested the need for a, um, obstacle feedback for areas similar to what the have proposed. From what you heard here, I've heard today. Um, has that changed your mind at all or do you still think something like this is required?

01:18:45:15 - 01:19:07:06

Trevor Harris fraternity house. I don't think I actually said that, sir. Okay. Think within my submissions we sort of said that we weren't sure where the turbines were going to get put. And during the construction phases, safety zones and construction voyages, construction voyage.

01:19:09:05 - 01:19:20:14

Into the shipping lanes that would constrict the shipping lanes even further. But we did not suggest that constructing a structure free area with not said that. Don't think anywhere in our submissions.

01:19:20:29 - 01:19:33:18

So what? How do you feel? Sorry. How do you feel now about what the MTA has put forward as a, um, as a necessary mitigation? Do you feel that would be necessary in your opinion?

01:19:34:14 - 01:19:56:03

Uh, Trinity House would defer would have no comments on the MCAs assessment of the traffic lanes within our remit. When we see the final layouts, we would suggest the aids to navigation as mitigation. And as I said earlier, we may end up having to move some of our own aides to navigation to it. Further assessment could further assist mitigation.

01:19:56:24 - 01:20:14:03

Okay. Thank you. And Mr. Mary Lee's Chamber of Shipping. Um, you'll probably be aware as well of what the have proposed or suggested in terms of mitigation, that sort of obstacle free area. Can I have your comment on that after what you've heard today?

01:20:16:15 - 01:20:50:03

Mr. Barrels for the Chamber of Shipping. The the chamber would be supportive of the position for a structure free zone within that area to increase the area of navigable serum and hence reduce, um, navigational risk. Um, how that arises, whether post consent or beforehand is up for the matter of the examining authority and Secretary of State. But yeah, the chamber would be of supportive of any mitigation which is increasing of navigable serum and this appears to be the primary means of doing so.

01:20:50:23 - 01:20:52:16

Thank you. Okay. Thank you.

01:20:59:28 - 01:21:00:18

So.

01:21:02:24 - 01:21:38:29

Obviously we've still got this issue at the moment where this has been required as far as the are concerned, and it might be that this can still get resolved with communication between yourselves and the MTA. However, if the examining authority ultimately considers that proposed development and the mitigation put forward by the applicant does not reduce navigation risk to allow, for example, and that an obstacle free buffer is needed, we would need to recommend this to the Secretary of State and in our and or recommended development consent order.

01:21:39:12 - 01:22:00:01

And we would need to include wording to secure such a buffer. Um, without prejudice could the applicant and provide suitable wording to secure such a buffer mitigation if it was considered necessary, and also advise where this could sit within the DCO, come to the applicant first on that.

01:22:04:11 - 01:22:18:28

Julian Boswell for the applicant. Before I'd respond to that directly. I would just like to make the point that. When imposing a restriction like that.

01:22:19:06 - 01:22:20:09

The secretary of state.

01:22:20:26 - 01:22:31:29

Has to do so. Bearing in mind the normal sort of tests in relation to conditions. And one of those relates to reasonableness and justification.

01:22:33:17 - 01:23:14:01

We think that this two boy, no build area has been put forward on a fairly arbitrary basis. We've looked carefully at what it would achieve. We don't think that it achieves a material benefit. And and therefore, the Secretary of state really would have to think very carefully about whether he wanted to set the precedent of imposing a no build area, particularly in the light of the points I was making earlier about having the applicant having followed the navigation risk assessment in the way that we have.

01:23:16:00 - 01:23:16:21

And.

01:23:18:29 - 01:23:41:06

I can't. We were a bit surprised to hear Mr. Marelli saying what he was saying, because from our perspective, we think that's inconsistent with where we are on the statement of common ground. We can explain that in our in our summary. So you're asking will we will we put forward without prejudice? So.

01:23:43:03 - 01:23:52:00

Think. Don't have specific instructions on that. So I will say that we will think about that and very carefully. We understand where you are coming from.

01:23:53:25 - 01:23:59:16

Constant. Thank you. Same question for the MTA. Mr. Salt.



01:24:02:15 - 01:24:10:22

Excelsior. I'm sure we could come up with suitable wording. Um, perhaps using Greek coordinate system references.

01:24:11:24 - 01:24:27:23

Okay. Yes. Well, I mean, if you can provide us some in your your as a post here in action just provide us with. Some information of what you would want to see in such a. Uh, a requirement.

01:24:29:18 - 01:24:31:09

That'll be useful. Thank you very much.

01:24:34:27 - 01:25:04:00

Um, just a question to the applicant in terms of the implications of such a requirement and indeed the, um, the diagram that's been put forward by the, um, could you just outline and I'm aware that you've done that already, but could you just summarize your position in terms of the implications to the capacity potentially of the infrastructure? Um, and so on.

01:25:20:14 - 01:26:06:11

Thomas on behalf of the applicant. So there are a number of factors that go into the resource analysis of the site. I think what's clear to say is that Northwest aspect of debt is important because it's an area of clean wind and that it's not in the lieu of the weight from the existing wind farm. It's also water depth, which are suitable for construction. And possibly most significantly, there are challenging seabed conditions in the eastern part of the site due to high density chalk, which may affect foundation options in that area.

01:26:08:23 - 01:26:41:00

Um. So in summary, yes, there could be capacity implications from the mitigation the MTA are proposing and also point out that the developer area is constrained by several other factors on top of this, including the the one nautical mile buffer which we may have to apply to the existing turbines, that if the arrays do not align, that's in line with the um. Standards and our layout commitments.

01:26:41:07 - 01:27:01:01

A one nautical mile buffer for Waveney, which was cutting late today and buffer around the Waveney Durango pipeline as well, which is one kilometre wide. All factor into the develop area we have remaining or the area available for turbines at least. Um.

01:27:03:02 - 01:27:32:12

Having said all that, you know, we take the the concerns raised by the MTA seriously, and that is why we asked for the work to be done. That has been done for an attack to look at the benefit of the position or the mitigation the put forward. I think we've been pretty clear that we don't see justification for that position. Um, I think that's. Yeah, that's his answer.

01:27:32:16 - 01:28:06:28

Could you. That's really helpful. So if I may, Mr. Rennie, I think the hearing action that's emerging from this is probably not just outlining for us the, um, the wording without prejudice, wording for a requirement and indeed how, um, what reference it would make to either a management plan, a corresponding management plan, um, to identify what this, um, structure, free zone or infrastructure free zone would, would be.

01:28:07:20 - 01:28:26:10

Um, but it's also to, to elaborate on the point that you've made about what other implications it would have on the proposed development in terms of everything that's been assumed in the Yes, in terms of output. Um, and um.

01:28:30:08 - 01:28:40:03

Concerns, capacity output concerns and concerns regarding construction and potentially any additional environmental effects.

01:28:44:02 - 01:28:58:06

Union also for the applicant. We will do that. But I do need to manage your expectations on how far one can take that when you pick out a particular area like this.

01:28:59:21 - 01:29:00:19

The red line.

01:29:03:12 - 01:29:05:21

I'll stop myself. I'll leave it at that.

01:29:08:27 - 01:29:21:21

Just so we are absolutely clear. Obviously, none of this is requiring a change in the red line. It is a constraint that is being put forward or it would which would be secured in the DCO.

01:29:23:03 - 01:29:52:20

Correct. We would not be changing the red line boundary if this were to happen or if the secretary of state were to impose this on us, because I don't think there are any circumstances in which we're going to agree to it. Um, then, um, the, it would, it would still allow us to do cabling and other, other things. It would be not including essentially turbines or the offshore wind platform, though that's not likely to be in that location anyway.

01:29:52:26 - 01:30:33:23

And can I just. And if Ms.. Nick Salter would like to come, um, online, um, I'm just, just trying to think about timing. I'm just very aware that Deadline seven is on the 10th of July and then examination closes with deadline eight on the 17th of July. If it is at all possible for this, rather, to come in as a submission and then have responses and whether we could perhaps have a joint statement from both parties. If there is an opportunity for a meeting and for perhaps that to be, you know, all correspondence beforehand and for that to be a joint statement on the 10th of July deadline seven.

01:30:41:14 - 01:30:52:12

Julian Boswell for the applicant. To be honest, I'm not quite sure what that will achieve mean We've joint statement on what on on this without prejudice position or on things.

01:30:52:20 - 01:30:54:24

Agreed wording for the to.

01:30:57:10 - 01:31:03:10

I imagine that. Yes, I'm sure we can do that if we go as, say, don't have instructions.

01:31:04:09 - 01:31:04:24

Um.

01:31:05:21 - 01:31:06:19

Think. I hope.

01:31:07:27 - 01:31:09:28

Madam, you've got the point that.

01:31:10:04 - 01:31:48:15

This very much isn't one of those situations where for a quiet life, a developer gives in to something they really don't think they should have to put it in on or without prejudice basis. See what happens. We are really unhappy about where we are now and we don't think that it is. It is justified. So yes, you're putting us under pressure, for reasons I understand, to consider putting in and without prejudice wording. That wording isn't going to be very controversial. Don't think it's just going to be a case of getting the right coordinates to reflect whatever, whatever that is, and having a form of words that's not getting that right isn't controversial.

01:31:48:17 - 01:31:51:26

What is controversial is imposing it in the first place.

01:31:52:20 - 01:32:22:25

I it's not lost on us that you're concerned about this. The purpose of this hearing was very much on the basis of the concerns from both parties. And as Mr. Rennie very clearly set out, the caveats before he requested the without prejudice wording is that if we were to draw that conclusion, what would we be able to put in our recommended this year? So it's all of that is absolutely understood, but I think it would be helpful to receive.

01:32:23:28 - 01:32:38:25

Wording and any corresponding information that might need to be included in a certified document to come into examination, which is an agreed position between you and the applicant and MCA.

01:32:40:15 - 01:32:41:14

At deadline seven.

01:33:22:03 - 01:33:36:24

Madam, I do just want to reiterate the point that I don't have instructions on this, okay? We're not committing to doing this. We have already used some fairly strong lines. I'll probably stop adding to the list. So we.

01:33:39:19 - 01:33:42:23

If something like this is imposed, that's one thing.

01:33:44:12 - 01:33:45:09

They're coming in as.

01:33:45:11 - 01:34:10:08

A formal without prejudice proposition with you then asking a series of, Oh, well, now you need to satisfy us on the environmental implications of all of this. We don't want this to happen. So if you want to impose this on us or the secretary state wants to impose this on us, that's one thing. But in terms of how much effort we're going to put into facilitating that, that's something else altogether. And I think that's probably as much as I can say at this point.

01:34:20:09 - 01:35:07:23

Mr. Boswell That is understood. But I think if the supporting information is not strong enough, I think what we're trying to just make you aware of is the consequences of us potentially after the close of the examination, not finding in your favour. And so it is to support, it is to support us at that point and to enable us to say to the Secretary of State that, however, with the inclusion of this information, we believe that the the viability or the the benefits of the scheme still add up and the environmental effects of the changes proposed, even though the applicant doesn't want it still stack up in in favour of of the proposed development.

01:35:17:07 - 01:35:18:14

Vera Chandler for the applicant.

01:35:21:28 - 01:35:55:07

I think we're happy to take an action away to think about this. My reluctance I'm very conscious of where we are in the examination and how little time there is left, and I'm very reluctant for us to promise to provide something that we may then decide we don't want to provide. I think our position today is being clear that we aren't minded to provide it. Um, I do think there's a danger with providing something on a without prejudice basis, even if that is very clear that it is without prejudice.

01:35:55:17 - 01:36:18:13

It being provided in the first place can somewhat undermine the overall position. So I think we just need to give that very careful consideration before we can commit to providing that to you. And I don't want us to make promises here for providing something that we may then not. But we will take an action happily to consider it. Yeah.

01:36:18:15 - 01:36:49:11

So take that action away. It would be in the written questions quite clearly set out. But just to reassure you, any information that comes into an examination, including this one without prejudice, the supporting your position and the evidence that you've provided is but it by no mean undermines that position or the evidence. So that you know, and I've said it at this hearing, you know, and it should be understood. Um, and can I just request Mr.

01:36:49:13 - 01:37:13:06

Salter that regardless of the position that comes forward from the applicant, um, whether they provide that wording or not, if you can support, um, if you can support your requirement, the required mitigation with necessary wording for the DCO by deadline seven to the examining authority.

01:37:13:27 - 01:37:17:19

Yeah. And except for the for the. Yes, we can do that. Okay.

01:37:18:17 - 01:37:21:01

Um. Good. Thank you.

01:37:26:22 - 01:37:42:09

That's all my questions covered as well. So is there any final points that anyone wants to make on the issue of shipping and navigation? Um, Gibson hasn't made a comment before anything like that.

01:37:44:18 - 01:37:46:23

Does she want to make any final comments?

01:37:51:27 - 01:37:53:03

Earnings except for the the.

01:37:56:01 - 01:38:14:09

There are several comments which I'd like to make, but that's that's all within the detail. I will just finish with. We believe we've made our justification on on available serum widths and now we've we've given you our position.

01:38:16:15 - 01:38:17:00

Okay.

01:38:18:17 - 01:38:21:16

And for house and house.

01:38:21:18 - 01:38:22:03

Any

01:38:23:14 - 01:38:25:14

house? No further comments, sir. Thank you.

01:38:25:16 - 01:38:26:09

Okay. Thank you.

01:38:29:04 - 01:38:32:14

And is there any final comments from yourselves? Applicants?

01:38:33:13 - 01:38:37:19

Julian Boswell for the applicant. Not at this stage. Thank you. Okay.

01:38:44:27 - 01:39:08:17

Okay. In that case, it's now 130. We will take a break for lunch at this point and we will resume at 215. Um, for attendees online If you decide to leave the meeting during the break, you can be joined using the same link provided in your invitation or email. If you're watching the live stream, then please refresh your browser to resume each subsequent session. Okay. Thank you.