

**SADEP\_ISH7\_21 JUNE PT1**

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FULL TRANSCRIPT (with timecode)

00:00:05:04 - 00:00:31:21

Good morning and welcome. It is now 10 a.m. and I am starting the seventh issue specific hearing for the application made by Equinor Limited for Sheringham Shoal and Dudgeon Wind Farm Extension Project. We will introduce ourselves in just a few minutes. But before we do that, please bear with me while I deal with a few housekeeping matters. Can I check with the case team if everyone can hear me at the back of the room?

00:00:33:07 - 00:01:00:27

Thank you. Um, and could you confirm if the meeting, recording and live stream started? Super. Uh, any requests for reasonable adjustments? No. Okay, great. So there are no fire alarm drills. If the fire alarm sounds. Please exit the building and congregate in the churchyard outside the building. Uh, toilets are located to the right as you enter the building. And, um.

00:01:02:21 - 00:01:04:18

Yes, as soon as you enter the building.

00:01:07:08 - 00:01:26:02

Onto introductions. I am miss the high. 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. Mr. Rennie. Thank you.

00:01:32:18 - 00:01:34:13

Good morning. My name is.

00:01:37:03 - 00:01:50:19

Good morning. My name is Mr. Rennie. I've been appointed by the Secretary of State. As a member of the examining authority, I will be leading on items 3 to 7 today, with the exception of agenda items five and six, which Mr. McArthur will lead on.

00:02:02:19 - 00:02:12:26

Good morning. I'm Mr. McArthur. I've also been appointed to be a member of this examining authority. And as already noted by Mr. Rennie, I'll be leading on items five and six today.

00:02:15:01 - 00:02:21:02

Good morning, Mr. Manning. And I've been appointed by the Secretary of State to be part of the examining authority. Thank you.

00:02:23:06 - 00:02:29:08

Good morning, everyone. I'm David Wallace, and I'm also appointed as a member of the Examining Authority.

00:02:33:20 - 00:03:08:01

I can confirm that all examining authority members have made a declaration of interest or responding to planning inspectorate's conflict of interest policy, and none of us have declared interest to this appointment. Also present today, members of the case team. Case manager is Miss Louise Haraway. Miss Haraway is supported by Miss Phoebe Challis and Mr. Christopher Glaser. If you have any questions, please contact a member of the case team. The audiovisual and Internet service today is provided by a team led by Mr.

00:03:08:03 - 00:03:46:27

Stuart Davis. That's the team on our end. Turning to attendees. First, I want to acknowledge those who are watching the live stream. Welcome and thank you for joining us. I would now like to start with introductions from attendees when I read out your the name of your organization. Could all members of that team please introduce yourselves one by one? My running order today will be the applicant, uh, Maritime and Coastguard agency Trinity House Chamber of Shipping, Perenchio, South Norfolk District Council.

00:03:47:08 - 00:04:07:09

Um, I understand they will join us later, so we might take introductions after the break. Oulton Parish Council, North Norfolk Parish Movement for an offshore transmission network. Mr. Derek Alders, Miss Sandra Betts and Miss Allison Shaw. So if I could start with introductions from the applicant.

00:04:11:04 - 00:04:12:10

Good morning, World.

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

Much more sensitive than normal. Good morning, madam. My name is Julian Boswell. Is this echoing?

00:04:24:23 - 00:04:41:28

Is that okay? Okay. Thank you. My name is Julian Boswell of Burgess Salmon. We are the solicitors for Equinor, the applicant. Um, we've got various people sitting up at the table and I'll ask them to introduce themselves starting at the end on my right.

00:04:43:28 - 00:04:47:13

Good morning Sarah Chandler development and consents Manager for the applicant.

00:04:50:12 - 00:04:54:16

Morning. Tom Morris offshore consents lead on behalf of the applicant.

00:04:56:20 - 00:05:01:06

Good morning, Samantha Westwood. An attack limited on behalf of the applicant.

00:05:02:19 - 00:05:06:15

Good morning. Adam Foster with Anna Tech Limited for the applicant.

00:05:15:25 - 00:05:24:00

Thank you. Could we move on to Maritime and Coastguard Agency? Have they joined us yet? Yes.

00:05:25:28 - 00:05:28:25

Good morning. Nick Salter for the Maritime Coastguard Agency.

00:05:31:03 - 00:05:33:24

Is there anybody else there from your team, or is it just yourself?

00:05:34:02 - 00:05:34:27

Just myself.

00:05:35:12 - 00:05:39:02

Thank you. Okay. Can we move on to Trinity House?

00:05:40:14 - 00:05:49:02

Good morning. Captain Trevor Harris, representing Trinity House, the General Lighthouse Authority for England and Wales. I'm the only one from my team as well.

00:05:50:01 - 00:05:53:13

Thank you, Mr. Harris. You can Chamber of shipping.

00:05:56:21 - 00:06:02:17

Yes. Good morning. Robert Merrill is here from the Chamber of Shipping and am representing singularly for the chamber.

00:06:02:25 - 00:06:12:22

Thank you. Um, the sound on your end, or rather the sound on our end is actually quite unclear. I was wondering if you might just repeat that with apologies.

00:06:12:24 - 00:06:21:07

I'll hold the microphone closer. Good morning, all. Robert Merrill from the Chamber of Shipping. I am here singularly for the chamber. Thank you.

00:06:22:16 - 00:06:30:03

That was a lot clearer. So if you could just use that microphone that way. That'd be great. Okay. Um, Perico.

00:06:32:26 - 00:06:43:04

Their agenda item is after the lunch break. So I presume they'll be joining us then. South Norfolk District Council. I understand they're joining us after lunch as well.

00:06:44:23 - 00:06:47:22

Okay. Oulton Parish Council.

00:06:50:16 - 00:06:55:17

Okay. Okay. Norfolk Parish's movement for an offshore transmission network.

00:06:56:18 - 00:07:01:13

Good morning. I'm Jonathan Betts from the Norfolk Parish of the movement for an offshore transmission network.

00:07:04:19 - 00:07:06:15

Thank you, Mr. Betts. Um.

00:07:08:04 - 00:07:09:03

Mr. Derek. Aldous.

00:07:09:29 - 00:07:13:26

Good morning. Derek Aldous, a resident of Norfolk. Thank you.

00:07:14:12 - 00:07:22:04

Thank you, Mr. Rogers. Um, is Miss Sandra Betz joining us? No. Okay. And Miss Alison Shaw.

00:07:23:20 - 00:07:29:15

I don't see her in the room, so I don't think she's joining us either. Okay. Um.

00:07:32:00 - 00:07:40:07

If I. Um. Is there anybody else present virtually who would like to introduce themselves or in the room would like to introduce themselves?

00:07:42:22 - 00:08:16:11

No, don't see any hands. So I'm going to move on. So I'll move on to agenda item two. I have six points here to set out the procedure of the people running the hearing today and also issue a procedural decision. First, a few words to acknowledge the format of the event. This is a blended event. It allows attendance both in person and virtually through Microsoft teams. It is expected that both blended and fully virtual events will form part of the planning inspector's future operating model for members of the Examining Authority are attending this hearing in person from Norwich.

00:08:17:00 - 00:08:37:25

The fifth member of the examining authority, Mr. Wallace, is attending virtually. For those attending virtually, please be rest assured that you have a full attendance attention at all times, even if we are at times not looking at the camera to avoid visual and noise distractions. Please keep your cameras and microphones off unless we invite you to speak.

00:08:40:00 - 00:09:13:17

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

00:09:15:15 - 00:09:29:27

For virtual attendees. If you decide to leave the meeting during the breaks, then you can rejoin using the same link provided in your invitation email. If you're watching the live stream, then please refresh your browser to resume each subsequent session.

00:09:32:08 - 00:10:11:29

The third point that I'd like to make you aware is that this event is both being live streamed and recorded. The digital recordings that we make. Are retained and published. They form a public record that can contain your personal information and to which general data protection regulation applies. The planning inspector's practice is to retain the publish and publish recordings for a period of five years from the Secretary of State's decision on the development consent order. Consequently, if you participate in today's issue specific hearing, it's important that you understand that you will be recorded and therefore you consent to retention and publication of the digital recording.

00:10:12:10 - 00:10:49:02

It's very unlikely that the examining authority will ask you to put sensitive personal information into the public domain. Indeed, we would encourage you not to do that. However, if for some reason you feel it is necessary for you to refer to sensitive personal information, we would encourage you to speak to the case team in the first instance, and we will then explore whether the information could be provided in written format, which might then be redacted before being published. The fourth point is

about the substantive matter of today's issue specific hearing, which is titled Shipping and Navigation and other relevant offshore and onshore Issues.

00:10:49:19 - 00:11:23:24

An agenda for this hearing was published on the Planning Inspectorate National Infrastructure Project webpage on Tuesday the 13th of June 2023. It was amended and republished on the 14th of June the following day. Those are the matters in the agenda are the only matters for discussion today. It's worth remembering the deadline for the examination was yesterday, which is the 20th of June. The submissions have not yet been published. As such, for fairness, we are not referring to any deadline six documents in our agenda.

00:11:24:04 - 00:11:43:20

However, all attendees are free to include in their oral representation any evidence that is already included in their deadline. Six submissions. To be clear, it is not intended to discuss all matters relating to onshore and offshore environment today. Further matters will be pursued through written means.

00:11:45:07 - 00:12:00:21

It's a full and ambitious agenda, Mr. Rennie, and will keep progress under review. And we may request certain aspects to be held over and addressed as part of your responses to the fourth round of written questions, which will be issued on the 29th of June if we choose to proceed down that route.

00:12:03:20 - 00:12:37:12

Fifth point is regarding post action post sharing actions should they arise. During this hearing, Mr. Wallace will be noting hearing actions as they emerge at the close of the meeting. We intend to go through the entire list of hearing actions which will then be issued as soon as practicable. The assumption is that hearing actions will be expected at the next deadline. In this case, deadline seven, which is Monday, the 10th of July. The examining authority may also place many of the post hearing actions in written questions if it is felt that would be appropriate and in order to avoid duplication.

00:12:41:20 - 00:13:22:10

The sixth and final point is about a procedural decision that the examining authority has made today, the 21st of June in the morning. The examining authority had issued a Rule 13 letter dated the 23rd of May. Examination Library Reference PD 016 and subsequently issued several other procedural decisions on the 30th of May. Examination Library Reference 019. The examining authority had requested notification from additional affected persons and additional interested parties arising from the applicant's change request if they wish to be heard at an open floor hearing and at a compulsory acquisition hearing.

00:13:23:03 - 00:13:53:06

The Rule 13 notification issued on 23rd May provisionally sets the set a date and time for an open floor hearing on the 21st of June, which is today, but stated that this would only be held if the examining authority receives request from additional affected persons and additional interested parties. This is because the examining authority has given opportunity to all other interested parties on two previous occasions to appear at an open floor hearing.

00:13:54:27 - 00:14:14:01

The examining authority did not receive any requests from additional affected persons and interested parties for an open floor hearing at Deadline six. As such, we've made a procedural decision this morning to cancel the open flow hearing. Notification of this has been placed on the project web page on the national infrastructure website.

00:14:16:01 - 00:14:42:03

While the examining authority did not receive any request for a compulsory acquisition hearing from additional of from additional affected persons, there are still issues that we want to test at a hearing and we have decided to hold one tomorrow on the 22nd of June. Notification of this hearing was set. Was sent in the Rule 13 letter on the 23rd of May and the agenda was issued on Tuesday the 13th of June.

00:14:44:15 - 00:14:48:14

Does anyone have any questions about the six points that have just made?

00:14:51:26 - 00:14:58:09

You know, I don't see any hands. So I will hand out hand over to Mr. Rennie to take us through agenda item three and onwards.

00:15:01:20 - 00:15:35:18

Okay. Good morning again. Um, so, yes, first of all, um, the issue I want to discuss is in relation to shipping and navigation. And in particular, looking for an update on the ongoing discussions between the relevant parties. So on this first set of questions, I want to focus on negotiations rather than the details of the issues or the potential litigation. Um, firstly for the Maritime Coastguard Agency or NCA. Um, could you provide an update on negotiations from your perspective?

00:15:37:06 - 00:15:38:24

This. Good morning. Nick Salter

00:15:40:22 - 00:15:54:18

The the applicant had a meeting on the 8th of June to discuss the concerns around the the the Dudgeon north array. But unfortunately, a resolution was not reached and that that still remains outstanding.

00:15:57:03 - 00:15:59:24

And was it was it progress that you felt at that meeting?

00:16:01:06 - 00:16:09:13

Um. I don't think so. No, we didn't come close to to reaching an agreement just on this particular issue.

00:16:11:17 - 00:16:20:17

Okay. Thank you. Um, same question from the applicant and sort of progress in your position regarding the negotiations from your perspective.

00:16:22:03 - 00:16:23:21

Julian Boswell for the applicant.

00:16:25:08 - 00:16:49:26

I'm going to ask Mrs. Westwood to put a little bit more sort of color on on the answer that Mr. Salt has just given, just to take you through how many meetings there have been and just some indication of of the type of content. But without going into into detail. But before that, can I just say how grateful we are that the panel has agreed to hold this hearing? We really are grateful.

00:16:53:00 - 00:17:26:04

Good morning Samantha Westwood for the applicant. So we the applicant, have undertaken a series of offline meetings with the three in total in order to discuss the questions that they have on the navigational risk assessment. And that is at 198 in preparation during and following these meetings, we have answered each of the MCAs questions with technical and evidence responses. In our opinion,

these technical responses have satisfied, satisfied the MCAs concerns and we remain confident that the navigational risk assessment is robust and the statement remains valid.

00:17:26:23 - 00:18:02:26

Just a quick summary. The things that we've discussed are the modeling in terms of route width, which again, as we've already noted, shows a conservative modeling scenario used within the navigational risk assessment. We've also shown details of vessels consistently passing closer than one nautical mile to offshore wind farms and a deadline six. We also submitted a briefing note to cover localized collision risk results in the area around depth north. And again, just to make clear that was at the MCAs request, this was referenced in the MCAs deadline five responses and output of one of the offline meetings.

00:18:02:28 - 00:18:31:29

And it's important to note that this is not new modeling, but it's localized detail of the modeling required as part of 654 Annex one, which obviously requires modeling to cover the entire study area. We've also provided additional detail in terms of vessel numbers, movements and drafts. Um, and as noted at the start, we feel all of this evidence continues to demonstrate our case. Thank you.

00:18:32:12 - 00:18:43:05

Okay. Um, can I just move on quickly to Trinity House and whether you've been involved in any discussions and negotiations with the applicant as yet.

00:18:45:01 - 00:18:59:17

About how is the Trinity House since the inquiry started? All our dealings with the applicant and the have been through the written submissions. We've had no separate meetings on the subjects.

00:19:02:15 - 00:19:09:21

And the same for the Chamber of Shipping has been negotiated or contact with yourselves on these particular matters.

00:19:10:19 - 00:19:18:07

Robert Merrill is for the Chamber of Shipping. No, all engagement and correspondence has been dealt with through the written submissions to the Planning Inspectorate.

00:19:18:18 - 00:19:19:05

Thank you.

00:19:21:17 - 00:19:22:02

Okay.

00:19:24:04 - 00:19:52:27

Okay. Thank you for those updates. Um, so the next question really sort of leads on from that is, is there a potential for negotiated agreement within the examination period to to satisfactorily overcome the, um, objections with the proposed development? And how could any negotiated agreement be secured in the development consent order? Um, so again, maybe to the. Mr.. Salter the first.

00:19:55:11 - 00:19:55:27

Excelsior for the.

00:19:58:16 - 00:20:16:27

We are we are still open to continue discussions with the applicant, but our position is is firm on increasing the width of the navigable serum as as indicated in our deadline five response. That is our position that we feel is required.

00:20:18:21 - 00:20:19:16

Okay. Okay.

00:20:21:16 - 00:20:34:26

And is that from the applicants perspective, is that your reading of it at the moment? That there's there isn't an agreement that is. Being moved towards.

00:20:37:00 - 00:20:38:22

Evelyn Boswell for the applicant.

00:20:40:12 - 00:21:12:06

As Mrs. Westwood has indicated, we have been keen, as we always would be, to maintain a continuing dialogue with the Maritime and Coastguard Agency and to understand their position, which came as a considerable surprise to us. And I think we'll probably be coming on to some revisiting some of that later, or we would certainly like to in February after we after we had submitted.

00:21:13:05 - 00:21:36:00

And so we have been trying to understand so what the what the MCAs position is. And as Mrs. Westwood has indicated, the more we've looked at it, the more we feel that our position is supported rather than rather than theirs. So we.

00:21:37:15 - 00:22:04:28

We will want to continue talking to the because we always would guess we are partly intending to see how today goes. Yeah. As to how that informs conduct thereafter. Um. And. Yes, we're certainly not at things down at the moment. We're not sort of heading towards an agreement. Think that's fair to say.

00:22:06:22 - 00:22:32:21

Okay. Um. So taking into account national policy statement, again three, particularly paragraph 2.6, .165. Without going into detail, as was mentioned, because we'll come on to that with the effects of debt and debt north. Um, pose an acceptable risk to navigational safety based on the current proposed mitigation and could pose that question first to the.

00:22:36:04 - 00:23:10:21

Make shelter for them? Yes. Deadline five We provided our own assessment on the likely serum reductions and provided the appropriate justification to support that with with images. This was undertaken by in-house mariners, um, using their professional and expert judgement on seafaring practices. Our our assessment concluded that the available room would be reduced to 1.3 nautical miles when safety clearances was applied, which is a reduction of 58% of the current serum.

00:23:10:28 - 00:23:26:29

We believe this does not provide enough serum for multiple vessels in the area conducting manoeuvres in close quarters situations, which includes head on, overtaking, crossing and for taking avoiding action as per the Coleridge's Collision regulations. Um.

00:23:28:26 - 00:23:34:19

We believe that this is this poses an unacceptable risk to to mariners.

00:23:37:05 - 00:23:42:20

Okay. Okay. And same question for Trinity House as.



00:23:44:18 - 00:23:46:15  
Trevor Harris for Trinity House?

00:23:46:17 - 00:24:16:27  
Yes, sir. As per our submission at Deadline five, we acknowledge the reduction in the width. Uh, wouldn't go as far as saying it's unacceptable. It increases the risk to shipping. And from a shipping point of view, as much steering as possible would be appreciated. And, uh. Yeah, that's it, really. Think mitigation. There could be possible mitigation. And as we're not sure of.

00:24:17:25 - 00:24:23:11  
What use is going to be used within the proposed order limits and.

00:24:25:00 - 00:24:46:23  
There will be other scenarios like further down the line which will affect the risk which could make it unacceptable, such as it said within our deadline. Five submissions. The use of the safety zones, any voyage put out during the construction phases, and that that could increase the risk to an unacceptable level.

00:24:47:25 - 00:25:07:07  
Read it. And the same question for Chamber of shipping. As I said, just to reiterate, the national policy statement talks about avoiding unacceptable risk to navigation or safety. What would be your thoughts on that based on the current mitigation proposed?

00:25:09:22 - 00:25:41:14  
A Robert Merrill for the Chamber of Shipping. So the chamber submitted to deadline for a written representation to this effect in it referenced the Chamber's original concerns raised to the Crown Estate in 2018 around the northern extent of the death extension, stating that it found it unacceptable at the time and hence position has been been that way for quite some time as the analysis and has has undertaken. Um a lot of analysis has.

00:25:43:02 - 00:26:08:17  
Has mitigated some of the risks there. But nevertheless, additional serum would be beneficial. And as the Chamber put in its submission, should the introduction of safety zones during construction or major phases further reduce the available serum, then in the Chamber's view, that would become unacceptable. Further detail was provided in our written submission. Thank you.

00:26:10:18 - 00:26:24:20  
And then to to back to the applicant on that same point about the the national policy statement and that they put down for an acceptable risk.

00:26:27:07 - 00:26:58:06  
Month. Westwood for the applicant. Excuse me. Um, as per our previous responses, the applicant, through the process, has demonstrated that the project is and we have followed in three guidance in terms of putting together that navigational risk assessment and of course the government guidance, which is 654, and were confident that the risks remain when considered with embedded and additional mitigations in place.

00:26:58:14 - 00:27:30:12  
The statement of considers the outputs of the hazard log and most importantly, the outputs of the Pre-application consultation, which includes consultation with local mariners operating in the area. As part of these consultation meetings, the applicant discussed mitigations for the project, including lighting and marking and the layout commitments which are all included in section 20.2 of the app.

1.98 Lighting and marking is one of those mitigations that's already covered within the marine licence.

00:27:30:14 - 00:28:01:10

And of course we note that is the remit of Trinity House and if can reference back to the first hearing. Trinity House did note at that hearing that the development was within their remit and that remit includes reorganisation of that voyage to mitigate the risk in the area. I don't think any of us disagree over the fact that this is a reduction of crime, but where the errors occur as where that sea room is measured to and from.

00:28:01:14 - 00:28:12:04

And again, just to reiterate, we are confident that our measurements and our calculations are correct based on the navigational safety parameters within the area.

00:28:13:14 - 00:28:33:09

Okay. Thank you. Um, that helps sort of set out everyone's position. Um, with those responses in mind. Um, what would be the consequences if they remained an objection to the proposed development from the Maritime Coast Guard Agency and other consultees at the end of the examination? Maybe I've come to the applicant on that one first.

00:28:42:21 - 00:28:43:06

The.

00:28:47:12 - 00:28:49:13

Julian was the applicant. We've put in

00:28:51:05 - 00:28:55:14

a position in relation to that at Deadline five.

00:28:57:02 - 00:29:32:15

In summary, our position is that it is open to the Secretary of State to grant the DCO in the form that has been submitted and that there is sufficient information and analysis in front of the examination to allow the Secretary of State to do that. In other words, Secretary of State can consider the Mca's position and prefer our position and the position as reflected in the process.

00:29:33:02 - 00:29:39:13

The national sorry, the process and.

00:29:41:17 - 00:30:12:26

Clearly there is another possibility, which is that, um, that the Secretary of State looks at the no build area or a variation on that theme and decides to impose that if relevant wording and documentation is in front of it. And it's not our current position and not currently expected to to change that there that the decision should be made on, on that basis.

00:30:12:28 - 00:31:02:13

But um, again. We think that when you. Oh, make the best use of the next whatever it is. Three hours. Almost three hours. This morning that we are presenting and can continue to present a compelling case as to why the NRA worked and it reached the correct conclusion with particularly the benefit of local maritime experts who are using this si si, si room on on a regular basis, in some cases a weekly or even a daily basis that we have presented a clear and compelling case and that the Secretary of State, even though it is in the face of an objection by the can, properly grant this in accordance with the national policy statement.

00:31:05:24 - 00:31:12:29

Thank you. Um, is there any response to that from the MTA at this point? Thomas you just had.

00:31:14:06 - 00:31:36:07

Uh, Nick Seltzer for the for the. I mean, ultimately, it's the decision is for the examining authority in their recommendations to the minister, but will point out that our only objection is to the north boundary, The remaining, the remaining areas of the project we're content with. It is just this boundary that we were concerned with.

00:31:41:00 - 00:31:42:07

Thank you. Um.

00:32:15:22 - 00:32:34:28

Okay. Yes. What we'll do, we'll carry on to the next section. No, they was talking about a break, but we've. We've gone through that quite quickly. Um, so, um, this is the section now to do with the consideration of the issues and possible mitigation. Um, so think this can fall. Um.

00:32:37:07 - 00:32:59:21

So firstly, a couple of questions, mainly for clarity, um, from the applicant. Um. Although there is no set distances that ship and must stay clear of turbines. And what would you consider from your data to be a typical and safe clearance distance set by vessels passing wind farms, which could or should also apply in these circumstances?

00:33:09:17 - 00:33:43:01

Samantha Westwood for the applicant. I think the modelling that we've undertaken assumes a minimum distance of 0.5 nautical miles. That's in line with 654 that states anything less than 0.5 nautical miles is intolerable. So, um, again, that's the minimum that we've used with the assumption that, um, or with the evidence beg your pardon that vessels do still pass closer than that, but we consider that a reasonable to assume.

00:33:43:18 - 00:33:44:03

Okay.

00:33:44:24 - 00:33:47:09

Yeah. Um, same question for the.

00:33:50:16 - 00:34:24:18

Uh, next also for the. We have used a different figure. We have used a one nautical mile figure as, as a a reasonable distance to to transit from wind farms. And, um, it's important to point out that as you, as you correctly identify, there is no set figure. Um, and each and each distance will be decided upon by the vessel's master or the shipping operators. What is a safe clearance for their specific vessel which we can change in length and size and cargo.

00:34:25:08 - 00:34:30:28

We've used the one nautical mile, um, distance buffer, which is consistent with the data that is presented within the.

00:34:33:23 - 00:34:45:10

And what about the point made that there seems to be some evidence of ships going within that one nautical mile? Um. Suffer, if you like, from existence or wind farms.

00:34:46:02 - 00:35:08:12

Brother, wind farms. There could be there could be differing reasons why they could be different sized vessels of passing that that that close. Um the guidance that was referenced for the 0.5 anything between 0.5 and 1 nautical mile is considered to be high risk. When you go over one mile is considered to be medium risk.

00:35:09:20 - 00:35:17:12

Right. Okay. Um, and, um, same question then for, um, Captain Harris. 20 house.

00:35:20:02 - 00:36:02:27

For Harris Trinity House. Yes. As both the applicant and the have said, there are a variety of reasons for distances ships passing the wind farms and each wind farm will have to be taken. Within a standalone. Scenario, depending on what else is around the wind farm, other hazards or the wind farms, banks, other shipping routes. And as this is Westwood said, half mile seems to be the minimum ships will go towards wind farms, but ships will allow as much distance as possible between them and the wind farm, allowing for what else is around them.

00:36:04:06 - 00:36:16:24

Yeah. And so for the purposes of working at the shipping channel and the amount of space remaining, I think 20 House have said one nautical mile. Is that correct?

00:36:16:26 - 00:36:20:28

We work on the one nautical mile as the average. Yes.

00:36:21:11 - 00:36:27:28

So that's that's not so much a minimum, but that's what you would regard as an average clearance from the turbine. Okay.

00:36:30:14 - 00:36:43:01

And perhaps same question for Chamber of shipping. And what would you regard for the purposes maybe of this of these calculations as a sort of suitable clearance from the husband?

00:36:44:27 - 00:37:21:06

Thank you Robert Merrill's for the to the Chamber of Shipping. The chamber would be in agreement with the guy 654 and around the risk thresholds there and would typically consider that one nautical mile to be the minimum threshold minimum threshold off. It concurs and would agree that depending on the the vessel, the master, the climactic scenario, the differing navigational features that other some vessels may or may feel closer. And indeed when you have regular traffic that are familiar with the area, they would feel more comfortable going closer still, perhaps below that one nautical mile piece.

00:37:21:08 - 00:37:55:20

When, however, you have occasional traffic, they are going to be necessarily more circumspect and more risk averse, perhaps not being familiar with the waters and so may wish to transit a greater distance off, perhaps sort of one and a half, one two miles. And I would just reference that there is a passage planning guide produced by Weatherby Seamanship for the English Channel and the Southern North Sea in which it stipulates or recommends rather stipulates recommends of a safe passing distance of 2.5 nautical miles from offshore wind development.

00:37:58:00 - 00:38:13:18

See. Now that, of course, is just sort of industry best practice as and when is available and doesn't necessarily reflect the reality. But clearly as was said by by Trinity House of best available serum is the best mitigation.

00:38:15:12 - 00:38:38:29

Okay. Thank you very much. Um, just to follow up on that, on same sort of questions really about sort of just clarifying the situation, um, for the applicant, is it accurate that the sort of the development boundary, the red line area, if you like, for DEP north projects approximately 0.8 nautical miles into this shipping corridor? Is that about accurate?

00:38:46:25 - 00:38:51:29

Julian Boswell for the applicant. Can I make a sort of procedural sort of observation here?

00:38:54:19 - 00:39:18:05

This hearing we see as our opportunity to really help you unpick the Mca's position in particular and. I appreciate that. You have to sort of. Hear from all of the parties that are represented. But just using the most recent point as an example.

00:39:20:10 - 00:39:51:28

We would really. Like the opportunity to sort of come back on the point we've just because at the moment the slight danger is that. We've obviously rehearsed some of these points in writing, so we've just had whatever it is ten minutes and we've just rehearsed the same points in writing. And at some point there has to be a bit of ding dong that actually makes a difference. And the real ding dong is between us and the, um, that's clear.

00:39:52:00 - 00:40:28:21

Um, and so just using this an example, I would, I would ask that Mrs. Westwood is allowed to sort of come back and unpick that because this, this, this, this one nautical mile thing we think is a very weak position in a weak point in the MCAs position. And we've submitted multiple counterexamples and it's just not just doesn't do justice to the issue to just say, oh, well, every every case turns on its facts. Yes, that is true. But there is just a huge amount of evidence that vessels are regularly and routinely going closer than one nautical mile.

00:40:29:04 - 00:40:44:18

So guess I'm partly pushing back on that point and partly just making because otherwise we could get to the end of three hours and find that all we've really done is sort of rehearse the stuff that's already in writing. We've got some

00:40:46:06 - 00:41:10:17

obviously don't know how you have prepared for today. We've obviously seen the agenda items. We've tried to anticipate what supplementary points you might have. We have asked ourselves, what do we think, as it were, are our best points that could sort of persuade you the most. We've also asked ourselves what points of clarification do we think, if we were in your shoes coming at this, Um.

00:41:12:02 - 00:41:42:28

Not as navigation experts, not with the benefit of a navigation assessor and so on, that you might be sort of welcoming clarification on. Um, and, and, and so we've certainly got a number of. Sort of set piece points that we're quite keen to get on the record and and sort of the. And more substantively, Ed, and and the same way that we're wanting to push back at the. We're very happy for them to push back at us in front of you, as it were.

00:41:43:07 - 00:42:00:24

I think what we're looking to do at the moment is just what I'm looking to do is just try and find where there's areas of agreement as much as anything else. And just to clarify a couple of points before sort of moving on where we talk about things in a bit more detail. But.

00:42:02:22 - 00:42:03:11

Mhm. Yeah.

00:42:05:00 - 00:42:41:04

Mr. Boswell, when we give you an opportunity to speak, you and Missus Westford, are we really welcome you to provide that rebuttal to the points made by Trinity House and UK Chamber of Shipping, But we will not allow cross-examination at this hearing. So I just want to make that point very clear. But absolutely, if if aside from the questions that the examining authority Mr. Rennie and myself will put towards you, if you want to say something in addition to that, present the evidence that you've prepared, then absolutely, by all means feel free to do that.

00:42:41:06 - 00:42:45:23

But just to make the point very clear that there will be no cross-examination at the hearing.

00:42:46:19 - 00:42:47:23

Understood. Thank you.

00:42:48:14 - 00:43:12:08

So maybe if you want to, well, have an opportunity to come back on the point about the one nautical mile at the same time, if you could also just address that point about the approximate 0.8 nautical miles, which which has been referenced by different parties as sort of things in terms of an encroachment into the shipping lane. If you could address that point as well, please.

00:43:14:21 - 00:43:46:01

Month. Westwood for the applicant. Think The important thing to note here is again looking at the key area that we're talking about. And as you've heard me say previously, this is a complex area to navigate and don't just mean the area in the proximity of Depp and Sepp mean all of the sea area off the north Norfolk coast. It's a complex area of sandbanks and close sea spaces and actually the vessels that navigate through there are smaller commercial vessels. They are shallower draught.

00:43:46:03 - 00:44:19:24

They are not the big vessels that we all see reported in the news. Those vessels, those deep drafted vessels will transit to the east and use the deep water route. They won't come into this area. So what think we need to think about when we're thinking about corridor calculations or available room is actually who, when and how often are they using this sea area? And from the data that we have, the years worth of data, we can see that less than 3.4% of the time are there two or more vessels within half an hour of this area.

00:44:19:26 - 00:44:55:03

So it's simply not being navigated as a as a busy sea area. And I think that's really important for you to visualize when you're thinking about this, that it's more likely than not that there will only be one vessel in this area. Therefore, they are going to be able to choose exactly how they navigate through the sea area if they do meet another vessel, the collision regulations. So the international regulations for the prevention of collisions at sea. And just to confirm that applies to every vessel around the world, are perfectly capable of managing interactions.

00:44:55:05 - 00:45:29:23

They fully detail how vessels should interact and how they should interact. If, for example, a vessel rarely doesn't give away, it doesn't give way as they should do. So when you ask the question, do we overlap the corridor or the available sea room by 0.8 nautical miles, We really need to understand what is the available sea area, what area is available to the vessels navigating in that area. And we've used the ten metre contour line because the controlling depths in that area are actually as low as ten meters.

00:45:29:25 - 00:45:40:06

And when you think about that, when you then measure the corridor, actually the available room is larger than what they are indicating.

00:45:53:13 - 00:45:57:22

Okay with the like to respond on on those particular points.

00:46:00:17 - 00:46:01:20

This thing set sells for the.

00:46:04:07 - 00:46:36:08

Yeah, the area is, is is complex and incidents do happen. The collision regulations are in place to help to help vessels avoid collisions. And but collisions still happen. Incidents still happen. It is not the be all and end all for avoiding all incidents. Um. The point on frequency of multiple vessels in the area. The risks of vessels must be tolerable or acceptable at all times.

00:46:36:21 - 00:47:10:06

It's not acceptable to say that the risks of vessels are tolerable, even for a short time. They're exposed to a highly hazardous area with an unacceptable risk. They need to be acceptable at all times. Um, the point on the one nautical mile, there are various factors which which can indicate why vessels might transit closer to one nautical mile. But to say that just because it happens at one windfarm doesn't mean it can happen at all. Wind farms. There are plenty of examples where vessels stay further away to one nautical mile.

00:47:10:15 - 00:47:24:20

Um. And the examples that that the applicant is used. I could I could provide reasons for for them not staying within one nautical mile because of other navigational features in the area.

00:47:27:01 - 00:47:57:07

Our our assessment on on the on the ten meter contour line. We think that's too shallow. The the. Didn't provide any analysis on the on the draft of vessels. So we've had to use what limited information that we have and we think 10 or 10m doesn't provide enough water depth for the dynamic draft of deeper drafted vessels. There are wrecks in the area and we think that that should be further offshore.

00:47:57:09 - 00:47:58:27

So reduced area.

00:48:01:03 - 00:48:05:21

Okay. Thank you. Um. For Captain Harris. 20 house.

00:48:07:09 - 00:48:40:03

At Trevor Harris fraternity house. So this is a question. Was dreading the start with the 0.8 mile scenario. We when we were doing our assessment, we used our boy to boy line, which is the line that we've placed our boys to mark the banks. And it's approximately 0.8 from that boy to boy line, which in our opinion would mark the edge, ultimate edge of a safe navigational channel.

00:48:40:17 - 00:48:42:15

And that the.

00:48:44:25 - 00:49:26:05

Amount of traffic in the area isn't great. Think. Think. Even in the NRA think it was about 20 vessels a day. Maximum on average about 1314. And that was similar from the data that we had. But as Mr. Salters said, we've got to consider that all the time. So there may be a chance of more than one vessel

being in the area at at any particular time. Uh, the regarding the depth scenario our boy to boy lines when we we will assess that against the traffic in the area.

00:49:26:07 - 00:49:57:14

The amount of traffic that can vary in depth sometimes will mark an eight meter contour. Actually, within this scenario, we are marking the ten meter contour there, which we're considering what we consider to be the control in depth, because actually within the outer dowsing channel there are areas which are 11m, 12 meter depths, Nothing as this is. Westwood pointed out, there is a ten meter, ten meter patch as well within the outer dowsing channel.

00:49:58:07 - 00:49:58:22

Yeah. So.

00:50:03:04 - 00:50:16:02

And sort of following on from that. It's just something I've picked up as well from the correspondence that has come. Have come in is the illustrative charts show the extent to from the

00:50:17:20 - 00:50:58:08

and think from 20 house as well showing the sort of existing and remain and see rooms for the sea route corridor and shows the corridor extending up to the edge of the Canal bank and note there's some wrecks there as well which has been highlighted, I think, by yourself, sir. Um, so I think as 20 House pointed out, the vast majority of vessels seem to be maintaining a distance of one nautical mile from this shallow patch to the southeastern point of Triton Knoll Bank. So I was wondering whether it is actually realistic, therefore, to consider the shipping lane as extending up to this bank or whether realistically.

00:50:59:07 - 00:51:04:03

In effect, there's a buffer from the edge of this bank and these wrecks also. Whether.

00:51:06:02 - 00:51:07:09

How that would affect things.

00:51:08:02 - 00:51:10:20

But Trevor Harris from Trinity House.

00:51:12:16 - 00:52:02:29

The place in the Rex. There's there's a 13 meter rec in a 15 meter patch just to the southeast of the shallowest part of the Canal Bank. Yeah. And for the shipping lanes, I don't think extending them that far would be applicable because shipping coming from the south is already coming up past the dudgeon and Sheringham existing wind farms and they will be making their course assessment on what they've got to meet when they get to the effect of Wide Junction to go either side of the tight and dull green for banks, and by taking a channel that far to the north I don't think would make any difference or would be effective at all in any calculations.

00:52:03:20 - 00:52:04:05

Okay.

00:52:05:09 - 00:52:16:22

Um. Can you just come back to the applicant on that point about those the Triton old bank and the sort of shallows in the air and the wrecks there, and whether that has any sort of particular influence.

00:52:18:12 - 00:52:52:07



Samantha Westwood for the applicant. I think the really important thing here, again to reiterate, is what is the navigable sea room in the area and the data that we have. And think Captain Harris will agree that the data that he's looked at shows that vessels navigate in this area based on the waypoints that they are heading to and from. So I noticed I noted something that they said in their response about the distance that vessels are staying off the wind farm, the existing wind farms in this area.

00:52:52:09 - 00:53:27:22

And that's a really important point to note, that vessels are navigating by the features in the area. Now, think what the underlying question is. Here is the 15.3m rack a controlling depth? Is it a depth that vessels will be looking at and saying, we can't navigate in that area? And that is not true. That defining depth in this area is ten meters. Now, whether you measure and whether vessels use that area, it depends on where they're heading to or from.

00:53:27:24 - 00:53:33:15

But could the majority of vessels use that water depth then? Yes, they could.

00:53:35:24 - 00:53:44:19

So can I just. What Mrs. Westwood has just said is absolutely fundamental. There's a fundamental difference between Trinity House and the

00:53:46:07 - 00:53:55:20

House is supporting the applicant on the controlling depth. Being 10.1m. Controlling depth completely underpins the analysis here.

00:53:58:08 - 00:54:03:04

And Trinity House and this is very much within their remit is supporting our position.

00:54:23:15 - 00:54:35:01

If we go back to the on those points, particularly about the ten meter in depth and your response on those on those matters.

00:54:36:13 - 00:54:37:09

Yeah Nick Seltzer for the.

00:54:38:29 - 00:55:15:25

It's it's very clear from the data presented in the NRA that all vessels are staying within that 15.3m wreck. All except one believe. Um, we took that position because of the any deeper drafted vessels will want to avoid those wrecks, which would also align with the wrecks further up the channel as well. They naturally stay to the east of that channel where there is deeper water. We have used the 15.3 because in in passage planning for a deeper drafted vessel, that's the depth you would want to avoid.

00:55:18:03 - 00:55:29:21

Okay. And what about the points as regards the, you know, the fact that ships basically are going from waypoint to waypoint and and that being an important factor.

00:55:30:24 - 00:55:33:03

Well, that is that is very true.

00:55:34:28 - 00:55:48:26

On a southbound on a southbound route. You're not you won't be turning to starboard into the merging traffic which is passing south of of try to knoll it that's just not something the vessels will want to do.

00:55:50:26 - 00:55:51:13

Okay.

00:55:55:03 - 00:55:59:28

And could just turn to Chamber of Shipping now and see if you've got any comments on what you've heard so far.

00:56:04:06 - 00:56:26:07

Thank you, Robert Mirrlees, for the the Chamber of Shipping. Um. The chamber would agree it is a very complex area. Um. In relation to the, uh, the ultimate edge to edge, the chamber would align itself with the position of Trinity House of the 0.8 of the boy to boy assuming of a.

00:56:26:09 - 00:56:31:15

Sorry to interrupt you a little bit unclear. So I think you might be on your microphone.

00:56:31:29 - 00:57:03:21

With apologies holding up to my mouth. Um, thank you. Um, in relation to the potential encroachment into the channel, the chamber would align itself with the comments and analysis undertaken by Trinity House amounting to around about 0.8 nautical miles there. The chamber is not in a position to comment upon um, contours and depth. It does not have that level of analysis. So it would leave that to to the Trinity House and indeed the, the applicants and their risk consultants.

00:57:04:01 - 00:57:04:16

Um.

00:57:06:28 - 00:57:32:18

The chamber would, however, state that or found that it made this representation in its written submission that it didn't see any analysis of vessel depths transiting the northern area within application document 198 particularly for for tanker traffic and would be appreciative of being pointed towards them if it indeed has been made available since.

00:57:33:00 - 00:57:34:25

Thank you. Thank you.

00:57:37:11 - 00:58:08:06

Um. So just for the applicant. Then just to maybe come back and if you could. Explain for the examining authority how you think this will change the sort of processes or route planning for ships reversing this area after the Deep North is built as proposed? In terms of how they plan to get through this route, whether it would ship the route that they would likely go through or.

00:58:09:25 - 00:58:11:07

What would be the consequences?

00:58:13:21 - 00:58:46:23

Smith Westwood for the applicant. And if I could just pick up there in terms of the drafts first, if that's possible. And um, information on the drafts was provided to the further breakdown of detail. Because one of the things that we do have and we are able to do is look at data and look at data in detail. And that clearly shows that vessels in this area and have an average draft of 6.1m and the majority of vessels, less

00:58:49:05 - 00:59:24:12

the majority of vessels around 90%, slightly more than 90% have drafts of under eight meters. So these are shallow, shallow, shallow draft vessels on the on the scale of what vessel drafts could be. And that's really important to note. Again, to bring myself back to the point that we we discussed on the last agenda item that, um, we have to think about the type of vessels that are navigating in this area. Yes. Um, I think the other point to note and the thing that we're able to do at an attack is look at historical data.

00:59:24:14 - 00:59:55:26

And one of the things that we can see that changed in the area is how traffic navigated post-White and Nol, the wind farm or pre-treatment, what no wind farm should say. And actually the traffic at that time was a much wider route. There were vessels passing with within the range of 15.3m wreck. And then what actually happened post Triton null is the traffic was compressed into the route that we now see. So that's important in terms of what we're saying about vessel planning and how vessels plan and navigate an area.

00:59:55:28 - 01:00:14:21

And what they're actually looking at in this area is again, back to that point of where they're going to from. Yes. Um, in terms of how this impacts vessels, um, moving forwards or what they would do post, um, post the development of DEP north.

01:00:16:11 - 01:00:49:18

Again, it's thinking about this as open area. So, yes, it's it's a narrower area than that exist at the moment, but it's still sea area that vessels are able to choose how they navigate. And one of the points that I wanted to pick up that was think raised by the Maritime and Coastguard Agency is in no way are we saying if there's more than two vessels there, that it's not acceptable that they can't navigate what we're saying is about probability and consequences and the probability of there being more than two vessels there is very low.

01:00:49:20 - 01:01:22:29

However, if there are two or more vessels in this area, the probability that coal rigs cannot deal with the interactions to those vessels is also very low. And that's an important part of the navigational risk assessment process. We're always balancing probability versus consequence. So post development of DEP north vessels will continue to do what they have been doing. Now they will look at the weather conditions, they will consider their type of vessel, they will look at the traffic in the area and they will decide their course at the time.

01:01:23:01 - 01:01:48:02

Is there available sea room, their safe serum for them to choose their course? Yes. And actually, one of the things that we can submit post this hearing, think Mr. Boswell picked up on it earlier is we have actually got um, evidence from regular operators in the area of with charts showing what their course would be post development of DEP north. So if helpful we can submit those as well.

01:01:48:04 - 01:01:49:28

That would be useful. Yes. Thank you.

01:01:54:09 - 01:01:58:05

And come back to the on on those points, please.

01:02:02:09 - 01:02:02:24

And excel to.

01:02:04:18 - 01:02:23:07

We are we're concerned with the scenario that. Where vessels will have to take avoiding action in a closed course situation and whether or not there is enough room in order to conduct any maneuvers to avoid collision, illusion and grounding. And we don't believe there is.

01:02:26:13 - 01:02:37:07

And what about the point about the the the fact that the probability is quite low that there would be two or more ships. Going through this area at the same time.

01:02:39:14 - 01:03:03:15

I would come back to my previous point to say that. The risks have to be tolerable at all times. Um, it's not acceptable to say it's not acceptable to us to say that risks to vessels are tolerable, even for a short time, that they're exposed to to a hazardous area, which is an unacceptable risk. It needs to be acceptable or tolerable at all times.

01:03:05:10 - 01:03:17:13

Okay. And what about the the the applicant was saying about the coal regs and that they should allow for a safe passage even if there is two or more ships in the area.

01:03:21:26 - 01:03:23:19

Sorry, sir, could you repeat that?

01:03:23:24 - 01:03:40:24

The current regulations, basically the coal regs, I think it's called. Where? Where? Would that be sufficient if there were two or more ships in the area to to ensure that it would be safe if they were adhering to these regulations?

01:03:42:06 - 01:03:53:29

A possibly not. If if for if, for instance, a vessel needs to. Needs to to do a 360 turn, there won't be enough room for them to do that.

01:04:21:07 - 01:04:27:21

I'm just returned to the applicant on a couple of those points that just raised there. By the first of all, you said the.

01:04:29:08 - 01:04:43:17

The safety? Well, the safety level needs to be sort of tolerable at all times. Um, would you, uh, do you believe that with dep north then that would still be something that would be achievable?

01:04:50:29 - 01:05:23:24

I'm Samantha Westwood for the applicant. And just to make perfectly clear, in no way are we saying that there's any point that navigation of two or more vessels in this area is not safe, is not tolerable. And I think that's demonstrated by the evidence submitted within the navigational risk assessment, which includes feedback from regular operators operating in this area and including a comment from one of the operators that they navigate in much tighter sea areas than this.

01:05:23:26 - 01:06:09:17

And think in previous hearings, we've also demonstrated that ourselves in terms of the race bank channel that's included within the study area. This type of sea area, even with DEP north in situ, is not unusual. It's not an unusual area for vessels to navigate in and call regs has been enforced since 1972. It is capable of dealing with the collision avoidance action by those vessels and. Whilst I can't say obviously that every vessel complies with coal regs, I think they would say that the majority, if not nearly all the vessels comply with coal regs because that is the regulation, that is the law, that is what they are required to do.

01:06:09:19 - 01:06:24:29

And that's that's a really important thing to think about when we're when we're looking at this, is that the mitigation measures in place to deal with collision avoidance are longstanding tested and adhered to.

01:06:26:05 - 01:06:26:25

Firewall.

01:06:27:13 - 01:06:45:23

And specifically the Mr. Salter mentioned that if you've got a constricted sea room and maybe a larger ship is looking to turn think he mentioned 360 degrees. Is situations like that going to be a lot more difficult when you've got restricted area?

01:06:47:21 - 01:06:48:06

So.

01:06:50:03 - 01:07:26:05

The collision regulations set out various scenarios what a mariner can do in a situation of collision avoidance and what those regulations state. Is the mariner themselves as the prudent, as the competent person on board the vessel at the time. Seeing all the circumstances weighs up what's available to him. So or who should say so? What's available to them and. Is there. Is there a sea room available for a vessel to take a turn out if required? Yes, there is room available to do that.

01:07:26:07 - 01:08:01:26

Might that be the action that they take? Maybe. Might they reduce speed? Maybe this is all part of being a mariner on the bridge of a vessel. You take account of what your circumstances are around you and then you take action as required in line with the collision regulations. So to just to put this on. Um. Just to say just to pick out one possible scenario that could happen that and to try to say that that is the one thing that then makes this not work is not reasonable.

01:08:01:28 - 01:08:19:05

What we have to do is balance up the balance up the process, look at all the varying factors and then weigh the outcomes. Again, it's about probability and consequence. But to be clear, in no way are we saying that any of this is not within tolerable limits.

01:08:19:21 - 01:08:29:26

So can I can I just emphasize the point that we've made in writing and Mrs. Westwood has has already said today. Julian Bosworth, the applicant. Sorry.

01:08:31:26 - 01:09:06:01

Be pretty. It really is extraordinary that the applicant has followed the Mca's own process set down in the maritime guidance note. Over a four year period. Has done everything that it is supposed to do. And has, as part of that process, engaged with operators, as Mrs. Westwards indicated. Who signed on and supported the NRA, which concluded a lot. Concluded that it was tolerable in all circumstances.

01:09:06:29 - 01:09:24:09

DACA was fully part of that process. Despite claims that they've made in their submissions, full service information expected, was involved, was, was available. And I would like to take you through a bit more of the detail of that. Perhaps not right now.

01:09:24:11 - 01:09:24:26

Okay.

01:09:25:02 - 01:09:58:26

We've got to the end of that process and we've made what is a big judgment call for any developer making an application, namely, is that red line boundary in a sustainable position as far as maritime safety is concerned? That is what the process linked to the process is all about. It's been developed over a number of years. It's very well tested. It is not a small thing for a developer to get to that point and then submit.

01:09:59:24 - 01:10:23:02

You only do that. Any developer only does that when they are confident that they have got that red line boundary, right. In this case, there was no material pushback from the operators and there was no complaint raised on this point to push back against the red line boundary as part of the the mca's own process.

01:10:24:21 - 01:10:30:20

And then I do have to pick up a point that Mr. Salter made a few minutes ago.

01:10:34:04 - 01:10:41:08

As I put an apostrophe and an exclamation mark next to it. And he said that we are.

01:10:42:24 - 01:10:43:16

Only.

01:10:45:01 - 01:11:27:06

MCA's only challenging one aspect of the scheme. Yeah, but this is a fundamental aspect of the scheme. The red line boundary is a fundamental aspect of the scheme. It's one of the absolutely core things that you are doing when you go through this process and to have a situation where we've done everything that we are supposed to do. Cluding having the correct survey information available at the three critical points, the consultation, the Hazard workshop and the final draft of the that went to all parties before submission and to then wait for five and a half months without any indication whatsoever that there was a problem with the red line boundary.

01:11:27:17 - 01:11:57:18

And to then have after you may recall me and all of us sitting in that Grand hall, lovely hall in Norwich down the road back, and whenever it was 20th of January and I calmly and completely relaxed saying to you, I recall, well, perhaps it was to miss the high that we didn't need to spend time on the maritime issues because we were well on track to having a full set of signed up statement of Common grounds. And it's there in glorious recording.

01:11:57:20 - 01:12:29:22

Maybe it's still on the live stream. And then the bombshell lands whenever it is ten days later from the NCA saying that they do have a problem, a significant problem with what is a fundamental issue, namely the red line boundary. We can have the discussion that we're having today, and that has played out since that time and obviously we are having it. But, sir, it really, really needs to be understood. Just what a peculiar thing we are doing here.

01:12:29:26 - 01:12:36:00

If we have gone through that process and now this is being raised in a way that it has subsequently.

01:12:39:12 - 01:12:40:13

Start. Finish now.

01:12:40:26 - 01:12:41:23

Okay. Thank you.

01:12:44:08 - 01:13:02:13

Um, at first it could just come to 20 house. Mr. Harris, obviously you've heard a lot now from, from both the and the, and the applicant could just get your take on, on matters at the moment and the points that you've heard and any points that you want to make.

01:13:05:15 - 01:13:07:12

Trevor Harris, Trinity House.

01:13:09:04 - 01:13:25:24

As the are the primary navigational safety body for the nation. We obviously would have to defer to them on anything to do with the channel widths. I do agree with the applicant on their assessments of the depths.

01:13:27:09 - 01:13:58:18

Uh, touched on other mitigations. And earlier in the conversations we mentioned the boys, Trinity House boys that are currently in situ there. If the development goes ahead with the proposed order limits as it is now, when we see any layouts, proposed layouts, turbine layouts of what's going to go into that area, we don't know yet.

01:13:58:20 - 01:14:35:26

The red line boundary, the proposed order limits is the worst case scenario there. We would then reassess our rates to navigation within our remit for the safety of navigation. General navigation. Within the area, we may reorganize both. About other scenarios as well where we may end up having to move our own aides to navigation, either further up the outed housing channel and to try to no bank, not just relying on the applicants and the developers aides to navigation within the wind farm.

01:14:38:12 - 01:14:38:27

Okay.

01:15:24:19 - 01:15:35:10

I could come back to Mr. House again. Obviously, we've got sort of two different arguments from both the applicant and the, um.

01:15:37:22 - 01:16:10:09

What are your what is your judgment about, um, the fact that we're talking about a restriction of. A reduction in sea room in terms of the safety risk that that would pose. Do you feel that using coal rigs and such like that, that could be. Even with the reduced sea room that that that could be navigated safely um for the majority of time.

01:16:10:11 - 01:16:20:07

So understand it might not always be the case. There might be the odd accident at some point. Um, as the probability ratios show. But what is your feeling about that?

01:16:24:06 - 01:16:28:11

Yeah. Trevor Harris, Trinity House.

01:16:29:13 - 01:16:58:21

This is right on the edge of our remit. And for me, speaking as a seafarer rather than within my position as Trinity House, the coal regs within collision Regulation eight be that action to avoid

collision should be clear and apparent. That does include speed, alterations, alterations of course, and any other thing that ship wants to do to try and avoid that collision.

01:17:00:20 - 01:17:33:21

Then an area like that, as has been shown, although using the race bank channel is a bit disingenuous because that is a lot of very regular traffic down there, although it is long traffic and big traffic is some of our largest ferries use in this country and operate out of this country. Use the race bank channel so they know it every day. So an area the size that we're discussing, ships should be able to navigate that safely using the.

01:17:35:16 - 01:17:36:01

Okay.

01:17:36:10 - 01:17:41:12

Very much. And Mr. Salter didn't come back from those points. So your hands raised there.

01:17:44:16 - 01:18:16:04

Yeah. Thank you, sir. Um. Kellogg's is there to try and prevent collisions. It doesn't it doesn't prevent all incidents. And that's and that's an important point. I'd like to come back on the point raised by the applicant on the process and and the and the submissions. The NRA or the provides guidance on the NRA processes the methodology for assessing the navigational risks and emergency response risks.

01:18:17:00 - 01:18:34:22

That is a process that is followed by by developers. And we are not contesting that the process has been followed. What we're contesting is the results and the conclusions. It's the data that's coming out of it and that and that is an important difference.

01:18:36:19 - 01:19:09:15

The the data was collected. This is the traffic surveys were collected. Some was collected pre. Stage. But at the stage the full data set wasn't available, hadn't been collected, and neither had a hazard identification workshop being conducted. So there was limited comments that we could provide and we certainly couldn't provide our final comments until the full data set had been presented. And I think that's a that's a result that all all consultees can have.

01:19:10:18 - 01:19:16:22

So we raised our concerns when the final NRA was presented an application.

01:19:24:10 - 01:19:41:07

And could also ask Mr. Salter, you mentioned about the 360 degree manoeuvre and how likely in proximity to wind turbines would vessel's attempt a 360 degree manoeuvre, for example. It'll be interesting for us to know.

01:19:42:05 - 01:20:17:05

Can't can't provide you a probability figure on that one. I just used it as an example of a close quarter avoidance action. It was just used as an example in our deadline. Three response did provide some further some information on on on this and the room required and also which is based on published guidance. By the World Association for Waterborne Traffic Infrastructure will provided information on overtaking wits as well.

01:20:17:07 - 01:20:23:08

So it was at the time when mentioned it just now is just using as an example.

01:20:23:22 - 01:20:52:16



Okay. I mean, as I think the applicant was sort of suggesting is, is. If. If it. If a vessel was looking to undertake such a maneuver, then wouldn't they? Sort of. I consider all the circumstances first. You know where they are, where they consider alternatives. Is there a situations where such an extreme maneuver would have to be undertaken at that time? Would that be to do with avoidance of a collision, for example?

01:20:53:17 - 01:21:14:29

Yes, it's a possibility. Yes. We're not saying it's the first action, but like I say, it's it's used as a collision avoidance action. And that is why we have safety buffers in place. That is why vessels. Um, I'd like to avoid going close to wind farms.

01:21:16:15 - 01:21:41:07

Okay. Um, could just, Mr. Salter again mean the what you've suggested to us is the approximate even width of this outer dowsing channel would be, from your calculations, reduced to approximately 1.3 nautical miles, which I think you calculated as a reduction of 58% from the current scene room width. Um. The consequences.

01:21:42:26 - 01:22:02:25

For shipping, in your view then, is that would that would result in a situation which is intolerable and and some of these avoidance maneuvers wouldn't be able to be safely undertaken in that area. Is that is that your. Talking about conclusions on that.

01:22:03:27 - 01:22:05:01

Yes, that's correct.

01:22:06:13 - 01:22:08:02

Ask and.

01:22:10:19 - 01:22:11:04

But.

01:22:17:24 - 01:22:19:13

And for the applicant.

01:22:21:05 - 01:22:39:13

I think obviously you're. You're looking at a different approach to see room. Um, and the how would you respond to the when they're talking about 1.3 nautical miles remain in for this channel and that 58% reduction in c C room width.

01:22:54:21 - 01:22:56:09

Julian Boswell for the applicant.

01:22:58:24 - 01:23:30:10

We have drawn together some of the images that have been already submitted into the application into a slide pack, because we think it would assist the panel for us to go through that to make sure that you've understood some of the modeling that we have done. And it would be very straightforward to pick up point that you've just made in the context of that. Um, and possibly to also reference some of the other things that have come up, because having the visual images may or may may assist. Yes. Um, I'm conscious that you've got.

01:23:32:13 - 01:24:03:12

This is West was indicated. There is one point she would like to make. I'm conscious that we may be coming up to a break quite soon. Yes. But also I'm afraid do need to come back on what Mr. Salters

just said about the surveys. We will now, I'm afraid, exhaustively submit to you on writing on this is not correct. So our our position on the surveys is. But at the time of year we had done. 14 days worth of surveys out of the 28 that asks for.

01:24:03:14 - 01:24:34:20

But we had done something better than that. They namely, that there was a year's worth of data which is matching identification system data. So at the point that we think we have provided better data than the requires point of the hazard log, all of the data had been sold to Hazard Workshop, all of the data had been obtained and there were no issues raised on the data that was available at the Hazard Workshop. And we believe that would have been raised if that had been an issue.

01:24:34:22 - 01:25:19:21

And then then it necessarily follows that when we did the draft, NRA, the second draft, NRA, the final draft entry before submission that was circulated for comment that all of the survey data was available. So this is a really easy factual point to check. And it simply isn't the case that the survey information wasn't available at all. Three of those stages, which are crucial, important stages in the overall process. The relevant collision risk information was available. And so I'm sorry to have to challenge the quite so firmly on this, but it's not fair for me to indicate that we hadn't followed the process in relation to survey information in the way that they're doing and they did have the relevant information available.

01:25:20:04 - 01:25:32:07

And if that had been a concern, that would have been raised and and it wasn't. I'm just going to, if I may ask Mrs. Westwood to come in on the point that she she would like to make.

01:25:33:08 - 01:25:35:03

Let's month Westwood for the applicant.

01:26:08:07 - 01:26:21:21

Sorry. Can we just go back? You mentioned about the images just now. Just want to clarify exactly what were you sort of suggesting and showing us images here today or was there something that you were looking to?

01:26:23:03 - 01:26:40:19

Well, it's just it's just a more efficient way of otherwise taking you to different documents that are already in front of the, um. That just. Yes, that the things are already in front of the. The examination. We've also put them in last night at deadline six.

01:26:41:18 - 01:27:08:06

Okay. Mr. Possible because Deadline six has not yet been published. We are not comfortable displaying any images at the hearing. Uh, feel free to refer to them. Um, but if you wanted to display any images, then that request should have come to us well before the hearing. Um, but since we've not received that request, we will not allow the display of any images from yourself or from any other party.

01:27:09:15 - 01:27:13:08

Does that mean that? So can we go to documents that already submitted?

01:27:14:18 - 01:27:16:09

At deadline six.

01:27:16:11 - 01:27:16:26

No.

01:27:17:02 - 01:27:24:29

I did that. Nine five. Yeah. Yeah. Yeah. But not displayed here. We will be referring to them as and when we need to.

01:27:27:28 - 01:27:39:08

Just seems to be. Extraordinary, inefficient way of going to images that we've collected to allow them to be looked at in sequence, to explain certain points.

01:27:40:04 - 01:28:10:11

In the display of material at hearings is very much at the discretion of the examining authority. And it's in fact, almost always it this examining authority has always chosen the material that it chooses that should be displayed at the hearing. So we will we would have definitely would have needed to be consulted on that beforehand or request submitted beforehand before we allowed it. But but yeah, we we will not be allowing the display of any images at this hearing.

01:28:11:26 - 01:28:24:03

Does that include? Sorry, just to be clear. So if after the break. If we identify certain pages on existing examination documents that show.

01:28:25:18 - 01:28:26:03

Uh.

01:28:27:17 - 01:28:35:01

Images that assist are highly relevant to this discussion. Are you saying that we can or we can't go to those pages in the documents?

01:28:35:17 - 01:28:53:27

You're welcome to do that on your devices, as are other interested parties. They will be able to do it on their devices because those documents are published and in the examination library, we ourselves, if we choose to, we'll go to those documents. But what you're doing is presenting that information orally to us today.

01:29:02:12 - 01:29:05:24

Okay. I think there was another point you'd like to make.

01:29:07:17 - 01:29:59:06

But first word for the applicant. I just wanted to make it make sure we were really clear on what we were talking about in terms of the turn out and that and again, it's looking at the the probability or actually apologies. I keep getting too close to the microphone. Um, the probability or the frequency that vessels will take a full turn out. And as Captain Harris from Trinity House alluded to, Rule eight, particularly Rule eight of the collision regulations call regs, as we refer to them, does make differing methods, both adjustment, of course, and adjustment of speed available to vessels should they be in the situation where they need to take collision avoidance action and think It's just really important that we keep clear in our minds how often that that happens and it's not that often.

01:30:00:01 - 01:30:10:29

Well, obviously vessels are always taking collision avoidance action, but actually taking the full turn out is not something that a mariner would be doing on a daily basis.

01:30:11:01 - 01:30:13:27

A bit more of an extreme maneuver. Yes. Yes. Okay.

01:30:21:07 - 01:30:26:22

Okay. Think maybe a good time for a break at this point. What I want to do afterwards is maybe come back and.

01:30:28:14 - 01:30:30:00

Oh, sorry, Mr. Salter.

01:30:34:15 - 01:31:05:02

Yeah. Thank. Thank you, sir. I do. I do want to come back to the point raised by the applicant on the data. Um, because he said that the 12 month data is better than the survey data was collected, that that just isn't true. That just isn't correct. If that was the case, we would not require a 28 day traffic survey data within our within our within the within the survey requirements.

01:31:05:04 - 01:31:12:15

The difference being is that a 28 day traffic survey will collect data or identify vessels that do not carry it.

01:31:14:17 - 01:31:33:01

So as I said in my comments or as said earlier, that our comments were reserved until the full data set was available and was presented. This is the full 28 day traffic survey data. Not based on 14 days.

01:31:37:23 - 01:31:43:13

Thank you. Okay. Thank you. Um, as I was saying, thank you for that. Um.

01:31:49:17 - 01:31:53:01

Two. Does the applicant want to come back on on that point before we.

01:31:53:26 - 01:31:54:16

Move to Brig.

01:31:55:03 - 01:32:29:16

Julian Boswell for the applicant will address the point and why we think what I've said was why I said what I said. As I've already said, the full data was available at the Hazard Workshop and it was available that Mr. Salter is referencing and it was did inform the full draft of the. So those, those points that I made, I notice Mr. Salter isn't challenging. Um, I think the other point to make is that this data, this survey data doesn't really intersect with the case he's making against that North.

01:32:29:18 - 01:33:00:10

So there's a bit of a mismatch between the, the, the critique that he's making of the north western boundary and the point that he's making that he couldn't have raised that. But for this but for this survey data will develop that point in our written summary as well. If we have images on our screen. Just to go back to that procedural point, will the panel have the same images on your screen? Yes.

01:33:00:21 - 01:33:03:29

Okay. Right. Thank you. That helps.

01:33:04:22 - 01:33:18:19

There are a ton of the applicants. So just to make things easy when we come back from the break. So we'll be referring to it was submission document 19.2. Point one submitted at deadline five.

01:33:18:21 - 01:33:26:09

Sorry to interrupt. Miss Chandler, could you refer to examination Library rep 550.

01:33:28:03 - 01:33:42:00

And it is the second part of that document. It's Appendix 8.2 Navigation and shipping supporting document and figures. And my colleagues will take you through the narrative by reference to the figures in that document.

01:33:48:17 - 01:34:06:10

My assumption is that this is available to all interested parties. So if. There is any interested party who does not have access to this document, then please speak to a member of the case team and they will signpost where this document can be found.

01:34:11:00 - 01:34:20:02

Okay. So, um, I'll have to do now is just suggest a break. The time has is 1133 and.

01:34:26:06 - 01:34:36:04

And suggest we come back at 1150. Just over a quarter of an hour and we'll resume then. So during the hearing until that point. Thank you.