

ISH4_Weds 1st March PT1

Created on: 2023-03-01 11:41:13

Project Length: 01:30:50

File Name: ISH4_Weds 1st March PT1

File Length: 01:30:50

FULL TRANSCRIPT (with timecode)

00:00:05:02 - 00:00:18:05

Good morning, everybody. But can I just confirm that everybody can hear me clearly, please? Okay. Thank you very much. And can I confirm with Mr. Stevens that the livestreaming event has commenced? Thank you.

00:00:19:27 - 00:00:47:05

For those people joining us on the livestream today, can I just advise you that should we at any point adjourn the proceedings this morning? We'll have to stop the livestream held it to give us lay recording files and as a result, at the point at which we recommence the meeting and restart the livestream, you'll need to refresh your browser page to view the restart to stream. It's now 9:30 and time for this event to begin. I'd like to welcome you all to this issue specific hearing and to wish you all the happy St David's day.

00:00:49:01 - 00:00:56:00

Krystle Granddaughter it matter. Panadol often did. Quayle Daddy, son tough esky.

00:00:57:21 - 00:01:29:08

This is issue specific caring for on offshore environmental matters and the draft development consent order in relation to the application made by available Offshore Wind Farm Ltd, who we refer to as the applicant for an order granting development consent for the Willmore Offshore Wind Farm Project. Thank you for attending this meeting. My name is John Hockley. I'm a chartered town planner. I'm a planning inspector employed by the Planning Inspectorate, and I've been appointed by the Secretary of State for levelling up housing and communities to be the lead member of this panel to examine this application.

00:01:30:20 - 00:01:36:03

I'll now ask the other panel members who have been appointed by the same Secretary of State to examine this application to introduce themselves.

00:01:37:12 - 00:01:41:28

Good morning. My name is Having Casini. I'm also a chartered town planner and planning inspector.

00:01:44:15 - 00:01:53:06

Put it out. Good morning. My name is Jason Rowlands. I'm a chartered civil engineer and also a chartered environmentalist and a planning inspector

00:01:55:09 - 00:01:56:12

for Azhar. Good morning.

00:01:56:21 - 00:01:57:26

My name is Alex Hutson.

00:01:57:28 - 00:02:03:28

I'm a chartered town planner, a chartered landscape planner and a professional member of the Opera Cultural Association.

00:02:06:15 - 00:02:08:19

Good morning. My name is Richard Morgan.

00:02:08:21 - 00:02:12:03

I'm a chartered civil engineer, a fellow of the Institution of Civil Engineers.

00:02:12:12 - 00:02:12:27

I'm a planning.

00:02:12:29 - 00:02:13:15

Inspector.

00:02:13:25 - 00:02:15:12

I'll now hand back to Mr. Hockley.

00:02:16:04 - 00:02:25:04

Thank you very much. Together, we constitute the examining authority for this application, and we will be reporting to the Secretary of State with a recommendation as to whether a development consent order should be made.

00:02:27:07 - 00:03:01:12

The case manager for this project is Jake Stevens, and he has been supported here today by Leslie Robins at the table at the site there at the back. Spencer Vironment is providing support remotely. As I mentioned, Mr. Stevens is a case manager and potentially the person who you are most likely to come into contact with during the course of the application. And if you have any questions or queries about the examination process or the technology we are using for blended or virtual events, he should be your first point of contact. And the case and contact details can be found at the top of any letter he has received from us and on our project page on the National Infrastructure website.

00:03:01:27 - 00:03:32:05

Please don't hesitate to contact a member of the team today if you need help at today's event or with the technology. This is a blended event comprising an in-person meeting as well as being held on the Microsoft teams platform. It is being livestreamed and recorded for those people observing or participating through teams in order to minimize background noise. Can you please make sure you stay muted unless you are speaking and if you are participating virtually and you wish to speak at a relevant point in the proceedings, please use the hands up function on Microsoft teams.

00:03:32:17 - 00:03:57:07

That would be advised there may be a slight delay before we see it. Alternatively, you could turn on your camera so we can see that you wish to speak. Can I just remind people of Microsoft teams as well? That function won't work, so please don't try to use this to ask any questions or post comments. If you don't manage to ask your question or raise your point at a relevant point in time, there'll be an opportunity at the end of the meeting for you to raise this under any other matters on the agenda,

00:03:58:22 - 00:04:31:28

because the digital recordings that we make are retained and published a former public record that can contain your personal information and to which a general data protection regulation GDPR applies. The planning Inspectorate's practice is to publish and retain recordings for a period of five years from the Secretary of State's decision. Consequently, if you participate in today's meeting, it's important that you understand that you'll be livestreamed and recorded and that the digital recordings

will be published. I struggle over digital every day, and I'm sorry about that. If you don't want your image to be recorded, you can switch off your camera.

00:04:32:10 - 00:05:02:15

For those in this room who don't want to be recorded, there is an area of out of camera shot that will only ever ask for information to be placed in the public record That is important and relevant to the planning decision. Therefore, to avoid the need to edit the digital recordings, what we would ask is that you try your best not to add information to the public record that you wish to be kept private or that is confidential. If you feel that personal information is necessary, please provide this in a written document that we can redact before publication. Does anyone have any questions with regard to the GDPR?

00:05:06:11 - 00:05:39:01

I'm not seeing any hands up, so we'll move on. Just a few preliminary matters for those attending in person. Could everybody set devices and phones to silent place? There are no fire alarm tests or drills today. So in the event of a fire alarm, we leave out the same double doors that you came straight down the steps and out the front of the building. And the meeting point is on the promenade opposite the building. Toilets are obviously located just outside those doors, too. We all take a short break this morning at around 11:00 and lunch around 12:30.

00:05:39:14 - 00:05:42:05

We'll also take a midafternoon break if we're still setting at that time.

00:05:43:27 - 00:06:01:27

An audio recording of today's meeting will be available on the wall of more section of the national infrastructure pages of the Planning Inspectorate website as soon as practicable after this meeting. With this in mind, please ensure that you speak clearly into a microphone. And if you're not at a table at the microphone, there's a roving microphone. So if you could wait for one of those before you speak.

00:06:04:07 - 00:06:20:15

Also, if you could state your name and who you represent. Before you speak, that would be useful for the recording. Thank you. If any individual group wishes to use social media report to film or record during today's meeting, you're free to do so. But please do so responsibly and with proper consideration for other parties.

00:06:22:09 - 00:06:47:12

We aim to make this meeting and the examination as open and inclusive as possible. We have translation facilities available at this meeting and they will be available for all. I was going to say all subsequent hearings, but this is the last hearing, so they won't be. But you'll have also seen all documents issued by ourselves have been published in both Welsh and English, and this will continue throughout the examination. Mr. Rowlands, on the panel was a native speaker and Mr. Stevens, the case manager, can also speak Welsh.

00:06:48:29 - 00:07:20:02

And once again, my final time, the rest of the panel will try and pronounce places and names correctly. But I apologize in advance for any mistakes we do make. And please feel free to correct us. We welcome contributions in both English and Welsh. The meeting will follow the agenda as published on our Live More Project page of the National Infrastructure website. I hope you have a copy of the agenda and you'll see that we are carrying on item one. You can also find the agenda available on the website and the Examination library at reference e v 20.

00:07:21:04 - 00:07:42:01

The agenda is for guidance only and we might add other considerations or issues as we progress and will conclude the hearing as soon as all relevant contributions have been made and all questions asked and responded to. If discussions can't be completed, it may be necessary for us to prioritize matters and defer other matters to for for written questions. But obviously, given that nature examination will try to avoid that.

00:07:43:18 - 00:07:50:21

If you cannot answer the questions being asked or require time to get the information requested, then that's fine. You can just indicate and we can respond in writing afterwards.

00:07:55:11 - 00:08:12:13

Throughout this hearing, we'll be referring to several key documents which you may wish have easy access to. These are the latest version of the draft development consent order submitted by the applicant, including the track change version. The states have the examination and library references of REF 65 and ref 66.

00:08:15:01 - 00:08:20:20

The latest version of the explanatory memorandum to the draft developed consent order, which is what I want. Seven.

00:08:23:03 - 00:08:24:28

The Design Principles Document.

00:08:28:01 - 00:08:34:07

And the Landscape Enhancement and Tourism Fund document. Both of those are from reps from deadline six.

00:08:38:24 - 00:08:42:12

Apologies. I don't have the actual reference to hand it, but if I can get those for you if anyone wants them.

00:08:45:06 - 00:08:58:21

I'm not going to ask those of you who are participating in today's meeting to introduce yourselves. And when I state your organization's name, could you introduce yourself stating your name and who you represent and also how you wish to be addressed? So if we could start with the applicant, please, and any of their advisors.

00:09:00:02 - 00:09:30:16

For a today. Good morning. My name is Liz Don. I'm a partner at Virgin Salmon and I am representing the applicant Ali Moore Offshore Wind Farm Ltd. at these hearings. I'll introduce those people that are at the table with me at the moment. Appreciate that. We're covering quite a few topics today, so we may well bring people up and down as needed to answer and they will introduce themselves when they do speak. So to my left, I'll have Linda Thompson, a director open, who wanted took the landscape and visual impact assessment land.

00:09:30:22 - 00:09:56:00

Sylvia To my right, Ryan McManus, Senior consultant from Goby Consultants to his right. Antonia Peacock, consultant from Goby. She'll be running the projections. So if anybody wants documents protected, she will or displayed she will put those up. And then around the table, Mailer James, who is an associate of Burgess Salmon and Alicia, who is a trainee of Burgess Salmon. Thank you.

00:09:56:23 - 00:09:57:14

Thank you. Mr..

00:09:59:08 - 00:10:01:21

Okay. If we can now move on.

00:10:03:09 - 00:10:03:24

Mr..

00:10:03:26 - 00:10:04:11

THOMAS

00:10:05:19 - 00:10:12:07

Thank you. Conway County Borough Council. And we have I'm Carrie Thomas, Principal Planning Officer.

00:10:12:09 - 00:10:17:27

And to my to my right is Hugh Williams, Principal Environmental.

00:10:17:29 - 00:10:18:19

Health Officer.

00:10:21:05 - 00:10:22:03

Thank you very much. Welcome.

00:10:25:15 - 00:10:28:08

Do we have anyone else here who wishes to speak today?

00:10:31:11 - 00:10:35:16

And he said anyone virtually who wished to speak today with us, if you could just raise a hand.

00:10:41:02 - 00:10:43:01

If we have a ms. Parish, please.

00:10:45:01 - 00:10:48:10

Photograph. How? My name's Hannah Parrish. I'm representing.

00:10:48:13 - 00:10:50:18

Sorry, we can't hear you, Ms.. Parrish. If you only meet.

00:10:52:11 - 00:11:14:09

I'm on mute. It's okay. Sorry. This. There's just a delay, but it's our help. My name's kind of. I'm representing Denbighshire County Council. Should there be any questions? I understand that Danny Shaw has now left the authority, so I'm Now Am I available? Should that be? Any questions from the examining authority?

00:11:14:27 - 00:11:28:00

Thank you very much. Could I just check with you, Ms.. Parish, to say you're representing Denbighshire today, so you won't be? You'll be. Obviously, if we do have questions, you'll be commenting on their behalf and not on behalf of Flintshire. Yes, sir. You said Fletcher withdrew from the examination?

00:11:28:08 - 00:12:01:00

Absolutely. So I manage a regional team. So we work on behalf of Denbighshire. For many, it was a waste matter. So they've just asked us to support today, and we already kind of have an arrangement with Denbighshire and the other authorities in North Wales. So it was kind of a kind of a natural progression to be seen as a hardhat involvement with regards to the project and familiar from kind of like an overview, but should there be any specific questions? Or denbighshire. I'll be available. Mindful that the first part of the examinations offshore elements.

00:12:01:12 - 00:12:10:20

So I don't think there'll be anything required from me then. And if there is anything that you have got specific questions, I'll be available.

00:12:11:05 - 00:12:13:21

Thank you very much. That's very useful. And thank you for clarifying that.

00:12:14:04 - 00:12:14:27

Okay. Thank you.

00:12:16:03 - 00:12:24:28

Okay. Do we have anyone else with us today who wishes to speak? I can see two hands up. Can we start out, Ms.. Sinclair?

00:12:26:10 - 00:12:32:05

Morning, Rachel Sinclair. Marine mammal scientist at SMU Consulting on behalf of the applicant.

00:12:33:17 - 00:12:34:09

Morning. Thank you.

00:12:34:25 - 00:12:35:10

Thanks.

00:12:37:15 - 00:12:40:01

And we had a hand up from a mr. Morrison place.

00:12:42:10 - 00:13:01:29

I Peter Morrison for Resources Wales Marine licensing team and not envisage in having to discuss anything in particular today here if there's any procedural matters. And for clarity, I'm speaking on behalf of the marine licensing function and notably you only today.

00:13:03:06 - 00:13:04:11

Thank you, Mr. Morris, and welcome.

00:13:06:21 - 00:13:08:18

Okay there anyone else virtually.

00:13:08:20 - 00:13:09:05

Who.

00:13:09:08 - 00:13:10:10

Wishes to speak today?

00:13:12:28 - 00:13:30:07

Okay. I'm not seeing any other hands. So if there is anyone in the room or virtually who wishes to speak as we progressed, that's not an issue. It doesn't preclude you from speaking later. Just just if you could just let us know at the time and introduce yourself then. So any other comments and or wishes to make underwriter more?

00:13:35:07 - 00:13:58:23

Okay. Thank you. Just finally, like to say when speaking today, please bear in mind that we have read all submissions made so far and therefore you don't need to read out previous submissions. But obviously if you want to refer to something specific, that's fine. And if we'd be grateful, if you could give us the appropriate examination library reference at this time. Can I conclude this item on the agenda and I'll now hand it over to Mr. Rhodes for item two. Thank you.

00:14:01:26 - 00:14:21:03

Put it to Good morning. So if we can start with offshore environmental effects and can I please ask the applicants to summarise its approach to environmental that's going offshore and then be open for any related questions, if we have any?

00:14:23:05 - 00:15:04:14

Thank you, sir. Is done on behalf of the applicant. Can I suggest that we deal with offshore environmental net gain? And the second point which you have on the agenda, which is those opportunities to leave the natural environment in a better state, they kind of sit together quite well in terms of our submissions and then happy to take. Happy to take questions. Mr. McManus is going to deal with this, if it would be quite helpful. We could talk about this for quite a long time and it's a very, very interesting and quite a new topic in terms of where certainly where policy is going and where regulators are and where the industry is.

00:15:04:24 - 00:15:20:09

So we're very happy to give you chapter and verse and we can we can fill that out, if you'd like a sort of higher level summary for us, then we're happy to kind of go either way, depending on how much information and how much discussion you'd like on that.

00:15:21:26 - 00:15:30:08

Thank you. Perhaps we could start with a high level summary, and then if I need to follow up on anything that we can do that time.

00:15:30:13 - 00:15:31:21

Thank you, sir. Okay.

00:15:32:18 - 00:16:07:02

I'm going to run my office on behalf of the applicant. So, yes, as Ms.. Stone said, Heartland Group, these two agenda items together and just give a high level summary in terms of the background to marine net gain, what our approach has been and what the approaches are and what our W and both government are. And and then a bit about the the changes that are coming forwards and the challenges of of marine net gain and in the marine environment and then what the future opportunities may be.

00:16:09:02 - 00:17:06:20

So I think as we've set out in our responses to examine authorities questions on this and the applicant is committed to reducing the environmental impacts of our law wherever possible, and that set out in our response to the xq1 2.9. And that's mainly been through the use of best best practice commitments and the evolving iterative design to minimise environmental effects. And the applicant has been involved and is closely following the recent Marine Net Gain Principles consultation, which is administered by DEFRA and is also aware of the recent policy paper published by D Lock and around the the Action Plan for the reforms to the planning process, which includes briefly setting out that a

further government government response in response to that or net gain principles consultation will follow in due course.

00:17:07:27 - 00:17:48:22

And also just just to point out that that's that I'm talking about in broadest broad Whiting UK sense here not specifically to Wales and in general marine net gain in comparison to the terrestrial environment is quite a complex concept because of the ability, the ability to manipulate habitats is, is a bit different to how it is on land. You know, due to the dynamic, highly mobile, three dimensional nature of the environment and also just in practical terms of the ownership of that environment and the interaction between competing interests in the marine environment.

00:17:48:24 - 00:18:05:08

So a good example of that would be fisheries. And I think those complexities are just one of the reasons why it's taking longer for Marine that gains come through in policy and guidance compared to where it is in the terrestrial environment.

00:18:08:15 - 00:18:38:15

So we reference the draft national policy statements and the N1 over our overarching aims for energy. And Section 4.52 that deals with environmental and biodiversity net gain. And that's all set out in line with the government's 25 year environment plan. And again, I note that that's not specific to England. And Section 5.4 of the draft NPS also encourages applicants to consider how their developments can contribute to biodiversity net gain.

00:18:39:12 - 00:18:55:14

And and we've set out responses to that in our draft NPS tracker and around 600 ful. And again, just just noting that that is obviously draft policy not not if not adopted policy at the moment.

00:18:57:20 - 00:19:27:27

So coming onto the Welsh and the Welsh system, it's important to remember that in Wales the equivalent to net gain is biodiversity. Sorry. Net benefits for biodiversity. And I think yesterday in this book and gave an overview of that from an onshore perspective at the hearing yesterday and, and kind of summarizing that was the Welsh approach for putting more of an emphasis on what positive benefits to the environment can be delivered.

00:19:28:09 - 00:19:36:12

And that being framed around ecosystem resilience rather than quantitative or quantifiable net gains.

00:19:38:15 - 00:19:40:26

However, in the marine environment, there's currently

00:19:42:11 - 00:19:58:26

no established policy requirements and all requirements are at application level for consideration of marine that game specifically. And the Welsh Government confirmed that in its response to execute 12.6

00:20:01:16 - 00:20:07:17

where they said that there was no established policy for the delivery or assessment of net gain in the marine environment.

00:20:10:01 - 00:20:29:05

That said, restoring and enhancing and protecting the marine environments are among the key themes of the Welsh National Marine plan. And again, that's with regard to the resilience of marine ecosystems. And the Welsh Government also set out that in their response to excuse on 2.6.

00:20:31:08 - 00:21:05:21

So generally, in the absence of clear policy or guidance at this stage, it's not possible for the applicant to identify appropriate offshore environmental benefits or how that would be delivered or secured, or what weight it should be afforded by the Secretary of State. And from our experience elsewhere in the UK on other windfarm projects, the regulatory position has historically been and continues to be, that a change from the baseline environment is perceived.

00:21:06:10 - 00:21:21:20

Whether that change is a positive or a negative is perceived to be a negative impact and therefore the focus at project level should be on minimising these changes rather than using or enhancing those changes to deliver positive benefits.

00:21:24:08 - 00:22:01:16

And then that's been, as I said earlier, that's been the applicant's response to those stakeholder concerns, to minimize effects, minimize interaction with sensitive habitats and species, minimize footprint, both those kinds of things. And that said, and despite there being no clear policy guidance or requirement to include consideration of biodiversity benefits or net gain in the marine environment and the applicant not being guided by our WG do so we have stated in our responses today that we will engage positively with the process when it becomes clearer and when that's stipulated in policy.

00:22:03:11 - 00:22:15:08

So then if I come on to the second bullet points on the agenda, which is about what opportunities there are to leave the environment in, in a better state than beforehand,

00:22:17:00 - 00:22:28:23

we do recognize that enhancement in the marine environment is becoming a developing theme in the UK and but it still remains that there is limited guidance or advice on how to implement it.

00:22:30:12 - 00:22:47:16

And again, by comparison to the terrestrial environments, there are limited opportunities to manipulate the offshore environments to deliver measurable benefits. And again, that's that's down to differences in the environment, the dynamic mobile 3D nature of it. And then and

00:22:49:02 - 00:23:13:02

around, say, ownership of that environment and competing activities. So for example, although the applicant leases the seabed from the ground states, that doesn't preclude other activities from using that using the sea and commercial fishing activity would be better to continue. And in that environment, say there are clear practical reasons why it's more

00:23:14:25 - 00:23:16:10

complicated than the environment.

00:23:19:03 - 00:23:35:10

So when when it does come forward and in policy and the opportunities to deliver measurable benefits really come down to environmentally focused design and what you can do within the design envelope to maximize benefits.

00:23:37:23 - 00:23:57:00

And as we said in our written submissions previously, and we're receptive to exploring those options around environmentally sensitive design and and consider this to be something to discuss with not

only through the marine licensing process as that develops into post consent phase and finalizing design.

00:24:00:00 - 00:24:38:07

And so once it's not yet common practice in the UK, we're aware of the concept of using protection materials as a cable protection material and in scale protection material two that's associated with the infrastructure and to enhance marine biodiversity. And that's something that's undergoing significant exploration and research across a number of European countries, and not just in the UK, but wider in the in the in the in the European sphere as well, and aimed at trialling nature based solutions to cable and scale protection principally.

00:24:41:28 - 00:25:03:25

I might have been sent off. And so in the UK there are initiatives starting to come forward under the Crown estate lads offshore wind Evidence and Change programme to explore and explore a number of themes in the offshore wind wind sector and see that have also been commissioned to undertake a study on nature inclusive design around Cape protection.

00:25:05:22 - 00:25:44:04

And then just I think we set out our response to and the questions on this recently. But in terms of specific solutions, we're aware of a number of organisations and companies and in the UK that are actively developing ecologically focused scout protection products which are mainly around the manufactured concrete products like concrete mattresses and enhancements to their physical and chemical characteristics that would promote the growth and diversity of the organisms that colonize these services.

00:25:46:22 - 00:25:57:23

And so overall, nothing anticipates that with all of that ongoing research across this topic. There will be a strong evidence base coming forward in the future.

00:25:59:09 - 00:26:12:04

However, it's important to note that the application of those solutions will be and will need to go through. The final design will need to be agreed with and be as the licensing authority at the time

00:26:15:05 - 00:26:53:08

in our marine licence principles documents at 60013, we outlined that we would anticipate there being conditions in anywhere in the marine licence granted for a requirement for cable specification and installation plan and scale protection management plan or similarly titled Plans Plan. They would need to be agreed with an ontology prior to construction. So those would detail the final design of any cable protections and protection required within the design loop that's been assessed and would be consented.

00:26:53:26 - 00:27:10:26

And if opportunities for enhancing those measures presents themselves at the time and there was a required requirement to consider those at the time, that would be something that we would look at then and those plans would offer suitable mechanisms for agreeing that specification.

00:27:13:18 - 00:27:30:06

So in terms of an IWC position on that, they've also responded to, I ask you to 12.5 on this and where they stated they weren't aware of any specific solutions that would be appropriate for the cable and scale protection for quite valuable at this stage.

00:27:32:28 - 00:28:04:18

However, we're also aware that these opportunities have been raised by other parties. So thinking back to the open full hearing and Mr. Carl DAVIES, the fisherman from Comrie and raised in his representations that, you know, there were opportunities for this kind of thing as well. And in and our response to that as we've set out that we are open to exploring those and appraising them at the time that the channels exist for, for those discussions to take place through the marine licensing process as we move into base consent.

00:28:08:12 - 00:28:26:11

So that's kind of the end of that. But but just drawing all that together, we are cognizant that change is coming and there are many emerging solutions. But it's also fair to say that they're not quite yet here in policy terms, especially compared to the terrestrial environment.

00:28:28:19 - 00:28:35:06

But we are open to exploring those options as they come forward in future. And discussing them without having.

00:28:37:25 - 00:28:38:10

Thank you.

00:28:40:17 - 00:28:42:18

Thank you, Mr. Manis.

00:28:44:18 - 00:29:21:18

It's two threads that I'd like to maybe just explore a little bit more. So first, read on the policy fronts. So I'm sure that you're aware that it's a transition between national policy statements and its guidance on national policy. This statement review process states within that guidance that any emerging draft national policy statements are potentially capable of being important and relevant consideration in the decision making process.

00:29:22:10 - 00:29:42:24

But the extent to which they are relevant is a matter for the relevant Secretary of State to consider with regards to the specific circumstances of each development concerns for that application. And then the threat of policy. I'd like to draw your attention to the policy paper,

00:29:44:18 - 00:30:28:13

which was published on the 23rd of February. So this is free sense. Appreciate that You may not have had the opportunity to digest all of it, but the policy paper is nationally significant infrastructure and it's an action plan for reforms to the planning process that was issued by the Department for Energy Security. And it's here highlights whether or not that a review of the following and this is currently underway, which we're all aware of and updated national policy statements will will be designated by Q to 2023.

00:30:28:15 - 00:30:37:12

And it makes reference to the UN one and three. So bearing that in mind, if I can maybe

00:30:39:18 - 00:30:42:09

draw attention again that

00:30:44:01 - 00:31:20:23

some paragraphs in that draft the N one So if I can refer to paragraph 4.5.1, it makes reference to environmental net gain being an approach to dominance that aims to leave the natural environment in a measurable that's sustainable before. And so applicants should therefore not just look to mitigate direct harm, but also consider whether there are opportunities for enhancement.

00:31:21:13 - 00:31:26:09

So could I ask the applicant to comment specifically on this?

00:31:27:11 - 00:31:29:14

So at done on behalf of the applicant,

00:31:31:17 - 00:32:04:22

should we start with the national policy statements and the revised draft national policy statements? They've been quite a conundrum for this project to have to say, because they and I'm not going to get my dates right. The initial consultation on the revised draft energy is I think was the end of 2021. I think that's right. And I think there was an expectation at that time that those revised national policy statements would that so so phased as well as at the time did that consultation.

00:32:05:00 - 00:32:46:17

It was quite an extensive consultation and there was, I think, an expectation that there would be because there'd been quite a lot of comment that there would be perhaps a further round of consultation or some revisions to the draft NPS and that they would be in place. And this project, it was certainly a consideration that the applicant and the team had in terms of how we would deal with those revised national policy statements and they are referred to in the application as the application was then submitted and time went on, it became it appeared to be less and less likely that those revised national policy statements would come forward.

00:32:46:27 - 00:33:13:24

I might suggest they went into something of a black hole and hence it, given that there are some quite material changes to national policy in the revised draft, national policy statements and expectations is around how things are going to be done. And this example of biodiversity net gain, particularly in the offshore environment, is a really good example of that,

00:33:15:26 - 00:33:50:17

that effectively as time has gone on, I think there's been a sense of will they need to be revised again, will there need to be further consultation on that? And actually what are these documents going to look like? So we've as the applicant team is obviously at the. Examining authorities requests to put together the national Policy statement tracker. And we made a very conscious decision the first time we issued that document to focus it on the current national policy statement.

00:33:50:19 - 00:34:25:15

Given the uncertainty and frankly, the bottom of the black hole as to where the revised national policy statements were at the examining authorities request, we've clearly looked at the revised draft national policy statement and have updated the NPA structure on that basis. As I said, there are significant elements of the revised national policy statements that at this stage do not have the supporting guidance policy buy in from regulators and other things that are actually there to be able to deliver those elements of policy.

00:34:25:21 - 00:34:56:25

I think this question of offshore biodiversity net gain is a very good example of that, in that it may well be an aspiration within any final national policy statement. But in order to deliver that, there has to be a clear framework behind that in terms of understanding exactly how exactly how that's going to be brought forward, what the obligations are. And and I think, as Mr.

00:34:56:27 - 00:35:28:10

McManus has stressed, a sense from the regulators. So in in Wales that being in our W in England MMO safe for us and the other regulators as to actually what offshore marine or biodiversity net gain

or benefit is and how you deliver it and how you deal and you deal with. As Mr. McManus just pointed out, the the, the different Marine interests that sit there.

00:35:28:19 - 00:35:48:10

And this the sense I think to date that the the approach from regulators has been to minimise change as far as possible and not really not be looking for that sense of of benefit or gain to be delivered. So

00:35:49:28 - 00:36:38:04

in terms of the national policy statements and you highlighted the paragraph from I can't remember which one it is, which which talks about the way that the revised national policy statements should have in terms of decision making. I think broadly the applicant's position is that where those policies are capable of being are capable of being complied with on the basis of that, as I said, the kind of the supporting regulatory framework or guidance framework that sits there, clearly that that can and should be an expectation that that's going to those things are going to be complied with where there is no framework for that and there is no support or encouragement from regulators to be able to deal with those things.

00:36:38:15 - 00:37:10:03

It's impossible, frankly, for an applicant to be complying with those matters because you are effectively being brought into conflict with the regulator. So I think the position that Mr. McManus set out in respect of. The applicant's position here is is the best I suggest you can get to in respect of this, this sense of net gain. There is an opportunity or that there is the potential for an opportunity through the Marine license in the documents that Mr.

00:37:10:05 - 00:37:23:18

McMahon has referred to. So the the cable specification plan and the gap protection plan if and I'll w considers this is important to build that in as part of that plan.

00:37:25:09 - 00:37:56:18

But in the absence of that I, I can't see a basis on which the Secretary of state yourselves frankly, or the Secretary of State, could make this a requirement of the hourly DCO, given that there isn't a framework within which that, that there is no concept of, of what it is, what it might deliver, how you how you assess that, how you, you how you attribute benefits or value any of those sorts of things. So in the absence of that, it's almost impossible.

00:37:56:20 - 00:38:29:06

It is impossible, frankly, to deliver. So I think it has to be looked at in that context. And I think going back to your your reference to the to the paragraph in the NPS around the weight that needs to be carried, I think that has to run through a consideration of all the revised draft NPS policies. If I was a betting person, I think we might see an update to those drafts coming out and quoted. Three 2023 as we all know could well be sorry quarter two 2023 could be the autumn.

00:38:30:18 - 00:39:03:10

So I think it is we are very it could even be Christmas, frankly. So we all we are aware of the revised draft national policy statements. We are aware as a project that if they do come out for further consultation, they may well be a question to us to say, Can you comment on those? I'm just hoping that there's not too much work involved in doing that. And equally, when the as and when the revised energy national policy statements are designated, we will need to consider those.

00:39:04:03 - 00:39:34:07

But the the the policy statements do recognise that transition. And I do have to say this is one project. There are some others that have very much been caught in that that kind of transition between the two and the high degree of uncertainty around actually what what the policy position is going to be. So our

approach has been to stick with the the current national policy statements on the basis that they may well still be in place when when the decision is made. But we'll see. I'm sorry.

00:39:34:09 - 00:39:56:15

One more point on the the end CIP action plan. We haven't considered that in any detail, and clearly there haven't been any questions if it would be helpful for us to do a bit of a note on how we see that and that might be included in a third question or might not be we'd be happy to do that at a high level just to to provide a commentary on that.

00:39:57:26 - 00:39:59:24

I think that would be very helpful.

00:40:01:24 - 00:40:23:06

I appreciate the difficulties and challenges one has. When you outline the framework and the regulatory challenges ahead. But if I can, maybe I won't go to too much specifics in terms of paragraphs with the draft ends. But if I can just again,

00:40:25:14 - 00:40:43:18

maybe put some examples forward. If you're looking at the environmental and gain scenario and it being that approach that leaves the natural environment in a measurable that's a states before

00:40:46:05 - 00:41:05:00

that had the opportunity to a better environmental outcomes that the proposed development has or can consider. So I'll maybe give some examples from an if you can maybe

00:41:07:27 - 00:41:34:25

perhaps consider a response. So better environmental outcomes would say see planting to help stop and absorb carbon. What would that help in terms of a better environmental outcome? Anything about debris and sea, the ocean, the infrastructure that

00:41:36:21 - 00:42:12:24

the proposed development is looking to put in place offshore would create a sea, an infrastructure that attracts mammals. So, for example, Arctic for sure. Those are the type of things I'm trying to understand. If the applicant is considered ways of maybe having an environmental net gain, that can leave the natural environment in a measurable that's a state beforehand that if you can really.

00:42:13:11 - 00:42:18:05

Start the first the first one, some something planting.

00:42:18:07 - 00:42:20:29

Yeah, I see planting opportunities.

00:42:21:11 - 00:42:22:08

See planting.

00:42:22:10 - 00:42:34:03

Yeah, Yeah. So you're planting something in the sea like, say seagrass or something like that. Something like that could potentially help store absorb carbon. So I'm just thinking about.

00:42:37:24 - 00:42:44:27

And for the applicant. So yeah, there's lots of examples in there too to unpack and I think.

00:42:47:00 - 00:43:20:08

Talking in general terms, in terms of the project delivery of net gain, you can deliver things at a project level through engineering and design, and that's kind of where the focus has been on enhancement of scope, protection, protection, etc.. And that's really where most of the research has been focused, and that's where most of the companies that have set up to deliver these kinds of things are focusing their attention. So that's what can be done in a site specific way.

00:43:20:17 - 00:43:37:28

And other examples you mentioned. Their cigarettes, seagrass planting, those are offsite measures which would be which would be delivered in another location outside the project area. So.

00:43:41:00 - 00:43:51:25

I think that also these kinds of things have been floated in terms of on on other projects, in terms of teacher compensation,

00:43:53:22 - 00:44:10:27

which we don't have. We have this this project hasn't identified any adverse effects on integrity. So we have and we're not within any SEC designated for seabed habitat. So we haven't been required to consider and compensation in those kinds of terms.

00:44:10:29 - 00:44:44:11

But yeah, I'm sorry to interrupt. I appreciate that that there hasn't been a need to litigate direct payments, but I'm just trying to see whether what opportunities are there for enhancement. Possibly a notes would help just to maybe clarify the position of what opportunities have been considered. And I understand that you're not saying that. You're saying that we don't have to mitigate direct payments, but what opportunities have been put forward.

00:44:45:24 - 00:45:52:02

To list done on them? If they can, we can consider that. I do think it's important that we this is looked at in the context of not only the point Mr. McManus made around the availability of seabed for this type of project on the basis that it's all owned by the Crown Estate and our the applicant's opportunity or in fact any lessees opportunity to to take land from the Crown estate for certain purposes is very unlikely to be a project level outside of the infrastructure that's needed, which is why the the the groups and the the coming together and the work that's being done across an industry level is the work that will start to move the thinking on around this and actually put both regulators, the Crown estate and promoters in a position where they can start to think about delivering some of this.

00:45:52:17 - 00:46:22:27

But this can't be done or not save in relation to that the infrastructure elements that we've talked about. So the bit that are within an applicant's control, so things like scale protection, those sorts of elements, those are the bits that an applicant has control over and can deliver things like wider seagrass planting. We have the applicant has no right to any part of the crown estate or the seabed that would facilitate something like that.

00:46:22:29 - 00:46:35:03

And being completely honest, doing it on a project by project basis is not going to be a very sensible way to do that. It would be much more that you'd be looking at it in a wider context. Okay.

00:46:36:12 - 00:46:58:17

Can I just briefly for a bit about seagrass and understand about the seabed? That's just an example. Another example, this little collection of the on the water. So, yeah, sorry to interrupt, but that's just an example of environmental outcomes that a lot of people involved for. See, specifically. Sorry to interrupt.

00:46:59:08 - 00:47:36:26

That's fine, sir. Thank you. I think the other point and we will we'll pull this together and and address it in a in a written submission. I think the other point that we do have to be cognizant of in respect of this application is the distinction between the DCO and an L w marine licence. And these are matters for I know they are within the national policy statement and I know therefore they apply to, to DCO applications and, and at a broad level they will, they apply to these projects.

00:47:37:07 - 00:48:10:00

But this is a project where because of the way the regulatory framework works, there is a standalone marine licence with Natural Resources Wales and therefore the matters and we have rehearsed this in quite a lot of detail through the examination, but marine licensing matters and this is a marine licensing matter and that it's a it is in relation to the delivery of the project and those other elements that does sit with an R W under that marine licence.

00:48:10:27 - 00:48:43:09

And I think it's also very important to have cognisance of an October lease position on this, which has very much been, as Mr. McManus has said, around minimising impact from the scheme. And I think they've said quite clearly in their responses that there is they don't see or envisage and Welsh Government said the same thing, they don't have that policy in place and they're not seeking that marine. Benefit or enhancement at this stage.

00:48:47:09 - 00:49:01:13

Thank you very much, Mr. Stan. I don't know if anybody else has any observations to make. Possibly, and I totally hetero if you've got any further thing to add. Following the conversation that we've just had.

00:49:06:09 - 00:49:11:29

I picked Morrison. And yeah, as I said before, speaking on behalf of the Marine licensing function, I think.

00:49:12:01 - 00:49:13:14

You're on my belt.

00:49:14:12 - 00:49:18:15

And Mike's on. So it's still not coming through.

00:49:18:27 - 00:49:20:06

Are coming through now. Thank you.

00:49:21:18 - 00:49:42:17

No problem yet. As I said before, this piece of Morrison Naturals, as well as on behalf of the Marine licensing function. So. So I wouldn't be able to comment on behalf of the wider and unhappy remit. And it isn't something that I'm in a position to comment on at the moment or feed into the inquiry at this stage.

00:49:43:07 - 00:49:44:21

Okay. Thank you very much.

00:49:50:10 - 00:49:54:02

Okay. We'll move on to the next question and

00:49:56:03 - 00:50:07:24

could the applicant please outline its underwater noise monitoring approach during piloting for marine mammals and measures to mitigate.

00:50:10:18 - 00:50:35:25

Running events on behalf of the applicant? Yes. So I'd given I think it'd be useful to just give an overview on the background to this in terms of why underwater noise monitoring is required and what the process actually involves in practical terms of doing the monitoring, what that monitoring data is used for, where it goes, what what follows on from that. And so.

00:50:37:11 - 00:50:51:18

I think, again, as Mrs. Dundas puts out this, is that we do consider this to be a marine licensing matter, one that we have discussed with an authority and will be agreed with natural resources as well as via the marine licensing process.

00:50:53:06 - 00:51:32:16

So the background to this is that the marine mammal impact assessment, which was included in the environmental statement, set out 053 and identified that for certain marine mammal species there is a risk of injury for from underwater noise generated by piling associated with foundation installation. And that's typical for offshore wind farm assessments. And accordingly, the applicant has committed to a marine mammal mitigation protocol, which will ensure that appropriate mitigation is in place to reduce the risk of injury to a negligible level.

00:51:33:06 - 00:51:45:09

And we provided a draft of that mitigation protocol as part of our application. And 107. And we also provided that to natural resource as well as in our marine licence application.

00:51:47:24 - 00:52:28:28

So that's the purpose for that is about addressing the risk of injury to marine mammals. So we're not talking about the the wider kind of disturbance issues that I've seen on on other projects in the southern North Sea that have disturbance issues with CCS. And we're really just focusing on the injury aspect of that. And it's expected that the marine licence, should it be granted by an i w will contain the condition for the licence holder to submit a final remember mitigation protocol and to the licensing authority for written approval prior to the commencement of construction.

00:52:29:26 - 00:52:35:21

And we've outlined that we expect that to be the case in our marine licence principles documents as well.

00:52:37:19 - 00:53:16:01

The precise mitigation methods included in the final Directive and p a predicated on what the injury ranges are estimated to be through underwater noise modelling, which has been included in our assessments in the environmental statement. The purpose of the monitoring therefore, is to is to validate those predictions and therefore ensure that the mitigation proposed in the final bill, agreed in the final triple and P would be appropriate, is sufficient to achieve its purpose of negating the risk of injury to marine mammals.

00:53:17:16 - 00:53:28:09

And it's also to understand that in the unlikely event any underestimates in those modelling, predictions can be addressed as specific as possible.

00:53:30:28 - 00:53:42:10

Similarly, with the triple M P, we'd expect the requirement for more monitoring of underwater noise during piling to be stipulated in the marine licence, and that's been set out in the marine licence principles as well.

00:53:47:00 - 00:54:08:20

And in our in the applicant sorry comments on anatomic his response to this question and in our deadline six submission, we confirmed that we would agree the final approach, including the locations and methodology for monitoring within our W during the detailed design phase. Once

00:54:10:06 - 00:54:14:10

design is finalized and precise locations are known, that kind of thing, etc.

00:54:15:29 - 00:54:35:29

And that's a standard approach. And in the industry and which expects and I'll w to kind of follow that standard approach. And in recent discussions with the Marine licensing team, they haven't indicated that they would expect to deviate substantively from from that established process in the industry.

00:54:39:04 - 00:55:09:03

It's anticipated that that would be agreed with and was only through provision of an underwater noise monitoring plan which would simply be approved prior to the commencement of offshore construction. And in terms of the practicalities of that monitoring, we would then implement a series of monitoring locations, various distances from the foundations that are to be monitored, and that's typically the first for pilot foundations.

00:55:11:27 - 00:55:21:18

Because that's at the start of construction. So it's the earliest opportunity to to to validate and that the earliest opportunity to rectify any any issues arising.

00:55:24:01 - 00:56:20:15

And within an agreed time frame that data would be analyzed and reported to and w and, and it would be in well you should get that confirmed at the moment the modeling was finalized and the existing mitigation measures therefore are sufficient to ensure that risk of injury is negated. Then everything would continue as planned. So the purpose of that monitoring is really to ensure that that is the case. And though there is an extremely unlikely risk down towards noise monitoring shows that the modelling has underestimated the noise level and the reason that such a low risk is because the noise modelling applies a precautionary approach and it's tuned for accuracy using extensive empirical data sets such as these these monitoring data sets for monitoring of underwater noise planning for wind farms.

00:56:21:09 - 00:56:27:00

And that model is continuously updated and refined as more data becomes available.

00:56:31:12 - 00:57:06:21

So just to bring all that together, the underwater noise monitoring, that is a typical standard requirement for offshore wind, like wind farm pilings, sorry. And that's used a map to validate the noise modeling and ensure that the actual effects are within of assessing the. Yes. And to ensure that the mitigation measures that have been agreed and implemented are doing what they're supposed to do. And and those conditions around that are fairly standard and established in the offshore wind industry. And we fully expect those conditions to be included within the marine licence should it be granted by our W.

00:57:09:12 - 00:57:09:27

Thank you.

00:57:12:20 - 00:57:14:14

Thank you. Mr. Curtis,

00:57:16:00 - 00:57:31:18

if I could maybe follow on on a few things that are possible. So for paving, locations have been chosen. Sorry. You have been monitoring for

00:57:33:03 - 00:57:41:01

your four areas for filing. Could you possibly just elaborate on how those areas have been selected?

00:57:43:18 - 00:58:12:22

Yes. At Orion McManus on behalf of the applicant. So I think just taking a step back from that, I think it's important to note that at this stage we don't have a final layout. We have we have a design envelope and so we don't have any exact locations on which to apply that monitoring. Once that design is finalized, those locations would be agreed with and on W5 and we license in a noise monitoring plan.

00:58:17:05 - 00:58:20:12

And they would be selected in agreement with that, not only based on

00:58:22:12 - 00:58:32:10

their preferences and requirements and also from the project perspective and in terms of the polling schedule, that kind of thing.

00:58:33:07 - 00:58:43:25

Okay. So if I'm considering this a little bit further about what the environmental impact assessment is considered

00:58:46:25 - 00:58:56:29

having predictions that will be validated. So if we step back from that and look at see first principles in terms of the assessment,

00:58:58:15 - 00:59:42:13

I think the underwater noise monitoring and to what the what noise calculation has been done using the inspired model, that's this summary. And to recall underwater noise propagation model. So that has particular modeling parameters and actually matches data. So at a high level, could you just maybe outline what the that the parameters are, first of all? And then we can maybe just have a look at the actual data that's fed into the P propagation model?

00:59:44:00 - 01:00:18:24

Yes. Brian, On behalf of the applicant. So in terms of the modeling that's fed into the assessment, we agreed that two locations do two indicative locations within the proposed array would be modeled. And one of these is up in the Northwest where there is the deepest water. And the deepest water in general has the highest potential for noise propagation. And then we chose an alternative, an opposite location, if you like, in the southeast, which is generally where the shallowest part of the array is.

01:00:19:02 - 01:00:54:19

And therefore, the lowest potential for noise propagation. And that was done in agreement with. And so those two locations were agreed with. And notably, the purpose of that was to illustrate the potential range of effects that would be experienced from a low, high to a low across the array. The piling scenarios that fed into that were also based on a worst case in terms of the largest foundations, the the largest hammer energy and the the highest.

01:00:56:04 - 01:01:24:24

Number of strikes, finding time in the longest amount of time that it would and that it could take to install those portals. So all of the parameters, the Fed into the noise model as well as the noise model itself being precautionary. And but what are the conservative? So there's a high degree of confidence that the final, final scenario will be well within the envelope assessed.

01:01:28:00 - 01:01:28:21

Thank you.

01:01:32:08 - 01:01:33:12

In terms of

01:01:36:00 - 01:01:54:12

influence of, say, soil resistance on borehole ground, foot and ground data that you have of the seabed. Could you elaborate? Have you got sufficient data? Is there any intention to take more dry?

01:02:45:04 - 01:03:17:13

And right now some of the African. And so we just taking some time to discuss that. But yes, there will be further ground investigations done to finalize the design and choose the eventual final layout of the wind farm. And on top of all of the data that's been collected so far and I think is notably raised in their responses to questions that they would want the final choice of those locations to be cognizant of that of that data.

01:03:17:21 - 01:03:35:26

And that would all form part of agreeing that final noise monitoring plan. And the exact specifications of which which foundation locations are monitored. If they were found to be, you know, significant differences in ground conditions across the site, that could affect the noise parameter.

01:03:37:15 - 01:04:11:07

And in the context of actual measured data, because the model and spine model looks at an existing infrastructure to gather data from an actual measured infrastructure. So bearing in mind the proposed development with road diameter and high and power rating, could you just maybe elaborate on the actual measured data that's fed the inspired model?

01:04:18:05 - 01:04:37:05

Right now some part of the African and I'm probably not in the best place to comment on the exact data that's gone into the model. I'm not a noise modeling expert, but I think we can certainly take this one way and get a written response once we've spoken to the acoustic to undertake undertake the modeling.

01:04:38:10 - 01:04:49:07

That would be helpful because obviously I'm looking at the predictions that have come from the environmental impact assessment. Worst case scenario

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

on this model is, say, extracting information from smaller size wind turbines, pile diameters that are smaller. How hot was that then generated? The worst case scenario.

01:05:09:08 - 01:05:38:23

Right now is on behalf of the applicant. Again, I don't know the specifics of how that's monitoring data from other projects as opposed to the model. Like my colleague Rachel Sinclair is on the call, might be able to provide some further information on these predictions that fit into the model and how

you know, how that is scaled up depending on the the final depending on the design of this project. But I think it might it might be one that we have to take away and speak to the modeling experts.

01:05:39:01 - 01:05:43:21

That's fine. I think you have Rachel as well.

01:05:44:28 - 01:05:54:22

Rachel Sinclair on behalf of the applicant. Just agree with Ryan. I think this is one that's best directed to sub acoustic to specifically answer with regard to their underwater noise model.

01:05:55:27 - 01:05:57:16

Okay. Thank you.

01:06:08:16 - 01:06:53:03

Okay. If we can move on to ecological monitoring. Okay, I'm looking at and three. So ecological monitoring. I want to identify the actual impact. So gathering further useful information to be published relevant to future projects. So how, how could the proposed developments gather further useful information to be properly relevant to future projects? How would you meet that particular objective? No, the paragraph is 2.6.7.

01:06:53:05 - 01:06:54:20

1.3.

01:06:58:02 - 01:07:23:09

And private counsel on behalf of the applicant. So if we're talking specifically about noise monitoring data here. Yeah. So that there's also a condition in the proposed condition in the marine license principles around noise monitoring data being provided to the Marine noise registry and that and the. So that's how that data is then fed into the wider status of the available data.

01:07:23:19 - 01:07:35:28

So in the context of the proposed developments, is the intention to monitor for piles or is there an opportunity to monitor more than four times during construction?

01:07:37:04 - 01:08:14:12

Ryan advanced on behalf of the applicant the monitoring of. For that the first for pile foundations is typically what's been experienced on other windfarm projects around the UK and some conditions in danger. Marine licences on recent projects have stipulated first for foundation at first, fourth of each foundation type. So for example, if we're looking at having minor piles for wind turbine foundations and in pile jackets for the substation platforms, they could be they could use two different types of in pile, two different types of piles, sorry.

01:08:15:00 - 01:08:19:12

And so there could be the potential to match the first ball of each type.

01:08:20:13 - 01:08:21:18

Okay. Okay.

01:08:21:27 - 01:08:26:07

And that would that's been the case on on recent the interim licenses in England.

01:08:27:01 - 01:09:05:25

The EIA considers worst case scenario maximum designs know not something like three days per pile which comes to something like 201 days. But it's monitoring say for piles just that equates to less than

something like 10% of the time. Of piling would be monitored. So my question about would be just this given adequate data to measure actual impact, would the response pattern change over time from the most.

01:09:07:23 - 01:09:28:06

Part about some of the applicants? So I think just taking this back to the purpose of the monitoring, it's it's to validate the predictions in terms of the anticipated noise levels and therefore what ranges you would expect injury to happen, any disturbance, etc., going out to a wider and wider level.

01:09:29:29 - 01:09:30:14

So

01:09:32:12 - 01:09:45:03

I think in the past or on other projects that it has been agreed with the regulator, they have that monitoring for piles is sufficient to validate those predictions.

01:09:46:26 - 01:09:47:11

And.

01:09:50:15 - 01:09:51:19

Also that.

01:09:59:21 - 01:10:16:23

Sorry that those would be and those would be agreed through the noise marshal plan with the regulator at the time. So if it's agreed that those principles are sufficient to achieve its purpose, then yes, it would, it would be valid.

01:10:18:16 - 01:10:28:25

To list done on behalf of the applicant. I think, again, this goes back to the point that we were talking about sort of in the context of of general. Biodiversity sort of gain

01:10:30:16 - 01:11:28:00

at the moment the the approach as supported by a our W is to is to ensure that there is mitigation in place to ensure that the impacts of injury on marine mammals are as predicted in the environmental statement, i.e. at an acceptable at an acceptable level. And it's a different question if you're starting to say, can we use the work that we're doing in the marine environment to in in the same way as we were talking about sort of of marine biodiversity enhancement or benefit or whatever, if if there is a requirement for data collection, for data collection sake as opposed to looking at it for the purposes of the project, that's quite a different consideration in terms of of what's there.

01:11:29:09 - 01:12:14:20

And clearly if from the first four piles and I'll double you and the Triple Canopy will provide for if there needs to be monitoring of more piles than the first four piles and that will take place until that satisfied that that's the point that that that information that we are that that the modeling can be can be verified in that sense. I think if there's a an expectation of you know you're out there so why didn't you just carry on doing this and carry on doing this and to the other? That's a very different consideration and not one that at the moment and W has suggested or raised or we would suggest is justified based on the current policy or regulatory framework.

01:12:15:00 - 01:12:41:14

So we can you know, we can respond on these points. But the it's important that within the way that the plans that we've proposed are operating, that they deliver what it is they're seeking to achieve. And

that's been the focus of the track lamp and the extent of the noise monitoring that is proposed and would be agreed with. And I'll tell you.

01:12:46:13 - 01:12:51:07

Thank you. And this is done. Can I ask and I don't believe you have any comments to make.

01:12:54:18 - 01:13:30:21

I listen again. Sorry to repeat, but yes, speaking on behalf of the Marine licensing team and not an answer, please visor function. So the statutory nature conservation role and the marine mammal experts. The only thing I'd comment at this stage is that the degree that marine mammal mitigation protocols have been used in previous licenses and to catch mitigation requirements and can be agreed to post consent and similarly, where monitoring is required, it's not uncommon for specifications for monitoring to be agreed post consent.

01:13:33:15 - 01:13:34:17

Okay. Thank you.

01:13:51:24 - 01:13:55:12

The outline marine mammal mitigation protocol.

01:13:58:24 - 01:14:03:08

Is this a certified document? This isn't.

01:14:03:22 - 01:14:32:25

So. Least on behalf of the applicant. No, it isn't, because it isn't referred to in the draft development consent order and it is part of the marine licence application. As we said previously, we've sought to assist the examination as far as possible in respect of alignment of the DCO process and the marine licence. It that document was provided to the examination because it's a it's, it's clearly of interest

01:14:34:12 - 01:15:08:21

and it has been considered by A.W. in the context of, of the DCO examination, but also the marine licence application. And that document had been provided to anybody who, I think as Mr. Morrison has just said, it is a document that they are familiar with and would expect to be conditioned as part of the marine licence. Having it as a certified document in the DCO isn't going to because there's nothing in the DCO that, that it, it doesn't go anywhere and there's nothing that secures it in the DCO.

01:15:09:11 - 01:15:18:15

Okay. I suggest maybe there's a need to have another look at schedule 13. That might be a historical. Yeah. Okay. Forgive.

01:15:19:00 - 01:15:19:16

Thank you, sir.

01:15:23:16 - 01:15:34:25

I think I'll move on to a marine template plan then. If I could ask the applicant to summarize its marine templates plan approach.

01:15:39:00 - 01:16:39:08

On behalf of the applicant. And so we prepared the documents that just the background to those documents, a deadline for Read 4008, which was in response to question 1.1 of the through 17 letter which you issued in November, and that provided a series of outline templates for each of the Marine plans that you requested to see templates of in the Rule 17 letter. And those provided brief descriptions of the typical content that those plans would contain in order to provide the examining

authority with a clearer understanding of the approach and aim of each of those plans, and also to provide confidence to the general authority that the mitigation measures and management measures that were being proposed by the applicant in the Marine licence principles document could be secured in any marine licence granted by Natural Resources Wales and would achieve their intended aims and objectives,

01:16:41:09 - 01:16:48:05

and also noted that documents have been provided to Natural Resources Wales Marine Licensing team.

01:16:50:14 - 01:17:36:12

And just the purpose of that was it's not intended to be draft or outline plans specifically for the purposes of this project, but they are descriptions of the typical content that would be expected based on all, you know, industry knowledge and wider experience on ongoing farm projects in the UK. So in that document we set out that the applicant is unable to produce plans at this stage of a high with a high degree of detail and noting that this is governed by the Marine Licensing Authority in terms of what specific conditions would be imposed in any marine licence granted.

01:17:36:24 - 01:17:52:09

And there are some differences between, as Mr. Dunne points out, there are obviously some differences between the marine licensing processes between England and Wales and what you might be used to seeing and deemed marine licences compared to of this project and.

01:17:54:22 - 01:18:04:13

So that's why they have produced the Marine license principles to explain what conditions we would expect to be conditioned.

01:18:06:09 - 01:18:44:00

And also by looking at other examples of Marine licenses granted by A.W.. There have been slight differences in terminology used. So sometimes the names of the plants can be a bit different. There's not that's not just because of the difference in between MMO and W, but also because of and site specific issues that might be experienced on a project by project basis. But whilst these differences in terminology may exist, it's the overarching aims and principles of these documents that we're trying to outline with the marine licence principles.

01:18:44:15 - 01:19:04:13

And obviously the final list of conditions, including any final plans which would be required to be agreed with or not in the marine licence would be subject to the preferences of the Marine licensing team and, and, and their advisors and what their requirements are in terms of agreeing and discharging those conditions.

01:19:09:12 - 01:19:18:17

So with reference to the marine licence, I think it extends to is it to mean high water springs? Yeah.

01:19:19:20 - 01:19:21:29

Yes, sir. It's Donald Powell filling up So.

01:19:22:11 - 01:19:44:10

So includes, for example, I work in the intertidal. So is it like the H2, the exit pits, Possibly a cofferdam. Backfilling on reinstatement. So that that would extend and would include the provisions of the marine licence.

01:19:45:01 - 01:20:15:19

So it lays down on behalf of the applicant. There is a jurisdictional overlap between the terrestrial planning regime that's managed by the local planning authority and the marine regime, which is managed by the marine regulator here, Natural Resources Wales. So there's an overlap in the intertidal area. So the terrestrial planning jurisdiction runs to mean low water. And the marine planning runs to mean high water. So there is cross jurisdiction there.

01:20:16:09 - 01:20:52:14

What we've sought to do is that this is something that the Marine park, that the marine regulators and terrestrial regulators deal with all the time, and that they understand it. They understand how those things work. We've sought to align those documents in terms of where there is overlap as far as possible. And it was a I think it's a question that has come up in relation to the draft DCO as well, but we've recognised that that does need to be that overlap in that there are things that will happen in the intertidal area that are relevant both to A.W.

01:20:52:16 - 01:21:15:03

and the marine environment and are relevant to the planning authority and the trust to planning environment. So we've aligned the, the, the sort of outlined plans as far as possible and there will clearly need to be engagement and interaction between and RW and denbighshire in terms of the discharge of those plans. But, but

01:21:16:26 - 01:21:32:17

as I say, it's something that's managed all the time and there will be consistency. And our expectation is that and I'll w will be focused on Marine matters and, and DCC will be focused on the more terrestrial planning matters in terms of those elements.

01:21:35:16 - 01:21:37:05

Thank you. You is done

01:21:38:27 - 01:21:57:19

in the context of the relevance of onshore management ponds. So you've got works being undertaken in the internal title. So would that mean, for example, the outline code of construction practice which relates to onshore?

01:21:59:12 - 01:22:25:06

Would that be something that would be a management plan for works and into title or would also require the marine licence equivalent management part and possibly the PAN? So would both elements need to be signed off? How would the outline management or outline code of construction practice be sufficient for any enabling works?

01:22:27:12 - 01:22:29:02

It is done on behalf of the applicant.

01:22:30:18 - 01:22:41:20

The expectation is that those plans will be drafted together and that, as I say, they will cover the same area. So it won't be that they

01:22:43:05 - 01:23:16:05

can't remember what it's called in the marine licence document. But the construction code of construction practice, which isn't called a code of practice sorry, code of construction practice for the marine area, will cover that intertidal area insofar as there are matters that are relevant to and notably there's likely to be a high degree of duplication in the documents that go into discharge those. And our expectation will be that they'll go in at the same time. And as I say, they both authorities then need to be clear as to how they're going to manage those things.

01:23:16:07 - 01:23:37:27

But it's something they do on a on a regular basis in terms of managing things in the intertidal area. It wasn't we didn't consider it appropriate to effectively limit the authority's jurisdiction to just so it was just within one because we didn't think that that would adequately deal with the with the with the management and the issues that would arise from them.

01:23:40:00 - 01:23:47:13

Q If I can maybe ask and then then be sure afterwards if they have any comments to make.

01:23:52:14 - 01:23:52:29

By

01:23:54:10 - 01:24:03:18

Natural Resources Marine Licensing team. Yeah. No specific comment. Their proposed approach is something we'd be familiar with.

01:24:06:00 - 01:24:06:15

Thank you.

01:24:08:20 - 01:24:10:00

Thank you, baby.

01:24:11:29 - 01:24:18:13

Hello. I'm Harry Potter, representing Derbyshire. Yeah, likewise. That would be an approach that would be appropriate.

01:24:19:01 - 01:24:21:18

Okay. Thank you very much for that confirmation.

01:24:23:12 - 01:24:34:07

I have one final question to ask, but we're nearing to 11:00, so if we can maybe ask that question. If we do extend this, that's acceptable to everybody.

01:24:35:15 - 01:24:36:00

Yes, sir.

01:24:36:19 - 01:24:37:12

Okay. Thank you.

01:24:39:12 - 01:25:09:23

So for these Marine template plans that you've provided. Could I just maybe ask just one question in the context of the environmental impact assessments and in particular to UXO? And then if you could maybe just summarize your approach to UXO. Obviously with the Marine ICES as well.

01:25:10:12 - 01:25:13:10

And then in terms of an impact assessment,

01:25:15:17 - 01:25:30:29

is it possible if you say if you had the charge to set off while near Iraq, So is it possible for other nearby electrodes to be accidentally set off as well and has the impact assessment consider that.

01:25:32:15 - 01:26:10:26

Ryan France on behalf of the applicant. So I think it's just worth pointing out that whilst UXO clearance is an activity which has been assessed in the environmental impact assessment is not an activity that we have sought to license marine licence application at this stage and in this area, it's generally considered to be quite low risk activity. There's not a huge amount of UXO anticipated to be in this area, but it is a risk that there could be some out there, but that wouldn't be known until, you know, the detailed surveys that would be done to design the final scheme.

01:26:11:13 - 01:26:31:10

And and if. They were found and detonation was required. And that would be the subject of a separate marine licence application specific to that activity. And and therefore the UK specific marine mammal education protocol would be aligned with that process, not not this application.

01:26:34:28 - 01:26:51:02

And in the context of maybe possibly setting off nearby electrodes, if you've got a cluster, say, of a few of them and you've set off one, could those accidentally be set off on us via concert in that scenario? The worst case.

01:26:52:14 - 01:27:18:18

I don't think the EIA has considered that as specifically as a case that would be, you know, it's the survey that would identify where those items if you say would be located, would identify if there were any in very close proximity to each other. And the methods for clearing or removing those those items would be would be agreed at that time.

01:27:19:24 - 01:27:30:13

What would be the mitigation measures that you would put in place that to maybe lower the risk as low as reasonably practicable to avoid such scenarios arising?

01:27:31:29 - 01:27:44:16

And I'm afraid I don't know specific mitigation measures that would be that could be put in place to negate that that very specific risk of setting off nearby devices.

01:27:44:18 - 01:28:01:06

Would it be maybe in the in the supplementary Excel document that might pose concerns or is it something that you've already provided and submitted in the examination library?

01:28:02:16 - 01:28:13:00

I think, again, that activity is not something that we are seeking to license in this application. It would be subject to a separate Marine license application if it's deemed to be required at the time.

01:28:13:15 - 01:28:18:18

For worst case under the EIA. I'm just trying to understand what has been considered.

01:28:20:22 - 01:28:59:11

So a list done on behalf that I think a reasonable worst case has been considered based on on what is understood in terms of activity, in terms of UXO that's there and it isn't licensed. If if following additional survey work, there are unusual circumstances or as you've highlighted, there is the upstream proximity that would be managed through that license and suitable mitigation would need to be put in place at that point to be able to manage that, which is likely to be the timing of those, you know, that, you know, clearance and other measures.

01:28:59:19 - 01:29:13:17

So that is it's deliberately been excluded from the from the marine licence here so that it can be done on a separate basis. That although I know that another scheme people are seeking to draw those together, that isn't what we've done in this case.

01:29:16:00 - 01:29:25:24

With reference to the reasonable worst case scenario. It's possible maybe just to draw attention to where that's occurred in the EIA.

01:29:31:27 - 01:29:55:21

Writing notes on behalf of the applicants. So the Offshore Project Description chapter describes what the maximum design scenario and worst case parameters have been in terms of UXO, and that's also been assessed in the Marine Mammals chapter of the environmental statements. And I believe also the Fish and Shellfish chapter as they both relate to underwater noise.

01:29:56:12 - 01:30:07:26

Okay. Is it possible for me just to have this as an action points as well, just so it's absolutely clear which particular paragraphs and it's clear that it defines what those cases?

01:30:08:15 - 01:30:09:15

Yes, of course. I would say.

01:30:09:17 - 01:30:20:23

Nothing. Okay. That's been done in terms of questions. I don't know if anybody else has got anything particular for this topic. Agenda item.

01:30:22:21 - 01:30:23:28

No seeing any hands.

01:30:25:23 - 01:30:41:22

So we'll bring this session to a close the time this o'clock and we'll recommence at 11:15 August 20:20 possible. Okay. Thank you.