



## Hearing Transcript

<b>Project:</b>	Five Estuaries Offshore Wind Farm
<b>Hearing:</b>	Issue Specific Hearing 1 (ISH1) - Part 1
<b>Date:</b>	18 September 2024

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## Five Estuaries\_Wivenhoe\_18 Sept\_ISH1\_PT1

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FULL TRANSCRIPT (with timecode)

00:00:04:19 - 00:00:14:20

Well good morning everybody. It is 10:00. Um, and this issue specific hearing one is now open. Can I confirm that everybody in the room can hear me?

00:00:17:08 - 00:00:33:05

Good. And in terms of those participating online, and can somebody indicate that you can hear and see, uh, me and other. Well, you won't see others yet in the room? Yes. I'm getting an indication. Yep. That's good. Thank you very much.

00:00:37:23 - 00:00:43:06

Um, can I ask the case team to confirm that the live stream and recording have both commenced?

00:00:44:07 - 00:00:47:23

I can confirm that the recording and the live stream has started.

00:00:48:04 - 00:00:48:19

Thank you.

00:00:53:26 - 00:01:20:28

I'd like to welcome everybody to this issue specific hearing, one which will concern the environmental matters. Uh, in relation to the application that has been made for a develop consent order for the proposed Five Estuaries windfarm. My name is Graham Gould. I'm a charter town planner and an examining inspector with the Planning Inspectorate. I've been appointed by the Secretary of State to be the lead panel member for the examining authority.

00:01:22:21 - 00:01:26:07

I'm now going to ask my colleagues to introduce themselves. Mrs. Norman.

00:01:27:06 - 00:01:36:13

Here. Good morning. My name is Rebecca Norman. I'm a chartered town planner and an examining inspector. I've been appointed as a panel member of the Examining Authority.

00:01:38:19 - 00:01:39:04

Uh.

00:01:39:06 - 00:01:48:12

Good morning. My name is Felicity Weber. I'm a chartered term planner and an examiner inspector. I have been appointed as panel member of the Examining Authority.

00:01:51:07 - 00:02:03:13

Good morning everyone. My name is Mark Harrison. I am also a chartered town planner and an examining inspector. I have been appointed as a panel member of this examining authority.

00:02:06:05 - 00:02:15:24

Good morning. My name is Matthew Herron. I am a chartered town planner and an examining inspector. I have been appointed as a panel member of the Ukhisa and will be leading on agenda item 3.2.

00:02:18:04 - 00:02:27:08

Thank you. Our role is to examine the application that's been submitted, and to report to the Secretary of State in due course at the conclusion of the examination.

00:02:30:13 - 00:02:39:05

Of course, our recommendation will be one, either of a recommendation for approval or one for recommending the order not be made.

00:02:41:08 - 00:03:12:05

At this point, I'd also like to introduce members of the Planning Inspector's case team who are supporting us today. You may have already spoken with the case manager Johanson and Mr. Romeo. Bernie who? Who was the case officer? In addition, in attendance today there are technicians from an audiovisual company, KVS international, who have been contracted by the applicant, um, to provide um services in terms of recording, live streaming, etc.

00:03:12:22 - 00:03:26:21

they are here solely to provide that that service. If for any reason you see us during the course of the day speaking to anybody from the CBS team, it will be because we've had a technical issue at which we are trying to resolve with them.

00:03:29:04 - 00:03:55:08

And I'll cover some fairly basic housekeeping type matters. Um, can everybody please ensure that you have all your devices, phones, computers, etc. on silent mode? Um, there are toilets, um, which are back along the corridor that you use to enter this room, uh, back towards where the stairwell is. And I think there's a set under the stairwell and further set on the opposite side of the corridor.

00:03:57:18 - 00:04:14:09

If for any reason the fire alarm sounds, we will have to evacuate. Evacuate this room. Following the instructions given by the hotel staff and the gathering point for the evacuation is the hotel's sunken garden, where we should wait until we are instructed to return to this room.

00:04:19:07 - 00:04:44:09

This hearing is being undertaken both in person, i.e. those of us in the room, as well as with some online participation via Microsoft teams. We will try to make sure that those attending online in particular, have an opportunity to pass participate on a fair basis, and therefore we will. We will be watching for indications and for people wishing to participate who are attending online.

00:04:45:29 - 00:04:48:22

The hearing is also being live streamed and recorded.

00:04:51:23 - 00:05:06:03

Are those people participating or observing via Microsoft teams in order to minimize background noise and disturbance? Can you please ensure that you mute your device unless you are speaking in an activity?

00:05:07:18 - 00:05:25:21

If you are participating online and wish to speak at any point that's relevant to your case, please use the raise hand function in teams. And if you can't make that work, then just raise your hand and hopefully one of us will pick that up and bring you in at an appropriate time.

00:05:31:05 - 00:05:37:11

I'd like to remind everybody that the chat function in teams has been disabled for this event.

00:05:39:02 - 00:05:49:13

A recording of today's hearing will be available on the five Estuaries Offshore Wind Farm project page, hosted on the planning Inspectorate's National Infrastructure website in due course.

00:05:51:00 - 00:05:59:16

With that in mind, please ensure that you speak clearly into the microphone stating your name and who you are representing on each time that you speak.

00:06:01:12 - 00:06:15:05

If you are not at the table, um, in this room, um, sorry. Start me if you're in this room but not sitting at the table, there is a roving mic which we will make available so that you can be heard. And

00:06:16:26 - 00:06:35:19

if anyone wishes to use social media, report, film or record this hearing, then they are free to do so. But please ensure that you do in a manner that does not interfere interfere with the proceedings and it must be undertaken in a manner that is respect of respect respects those that are participating.

00:06:37:15 - 00:06:56:24

We are aiming to keep the hearing focused so that it can be conducted efficiently. You'll find information about, um, the International infrastructure project regime and the way hearings are conducted. Excuse me. On that website,

00:06:58:15 - 00:07:02:02

we would encourage you to familiarise yourself with that guidance.

00:07:03:22 - 00:07:08:10

I'm now going to briefly touch on the general data Protection regulations.

00:07:10:17 - 00:07:31:26

As I indicated earlier, this hearing is being recorded and will be live streamed. The digital recordings are retained and published and kept as a public record under the regulations. The inspector's practice is to retain the recordings for a period of five years post the Secretary of State's decision.

00:07:33:16 - 00:07:53:12

Consequently, if you participate in today's hearing, it's important that you understand that you will be recorded and you are there for consenting to the retention and publication of the digital recording. The examining authority will only ever ask for information to be placed in the public record that we consider that is important and relevant.

00:07:56:02 - 00:08:23:03

It will therefore only be in the very rarest of circumstances that we'd ask you to provide any personal information of, of a type that most of us would prefer not to be put in the public domain and would wish to be kept private and confidential. Therefore, to avoid a need to edit the digital recordings, we'd ask that you try your best not to say anything in public that you'd wish to be kept private and confidential.

00:08:25:24 - 00:08:41:06

Please bear in mind the only official recording of today's hearing will be the recording that is placed on the inspector's website. Tweets, blogs and similar communications arising out of this hearing will not be accepted as evidence in the examination.

00:08:44:29 - 00:08:49:22

I'm not going to turn to introductions. In terms of those who are going to participate.

00:08:52:13 - 00:09:10:01

I'm going to ask for an indication for those who are going to speak or expect to speak during the course of the hearing. We'd ask you to introduce yourself yourselves by stating your name and who you represent, along with the agenda item or items you wish to speak on.

00:09:13:06 - 00:09:52:13

If you're not representing an organization, please confirm your name and summarize your interest in the application and confirm the agenda items that you wish to speak to. We'd also ask that you give an indication of how you would like to be addressed. Mrs.. Miss. Miss. Mr.. We might even have a few doctors and some other titles. So if you can indicate how you'd like to be addressed, that would assist. Um, I'd like to turn first to the applicant team, But what I'm going to suggest for the applicant's team is it would appear that you've got quite a lot of consultants who and others who potentially were going to be speaking to to specific topic areas.

00:09:52:19 - 00:10:20:15

I think it might be best in terms of the specific, um, topics specialist, if we actually get you them introduced as we get to each topic area, rather than perhaps spending 5 or 10 minutes going through a

list. And by the time we get to topic seven, we've forgotten who it was. Um, but, um, just turning to the applicant. Is is somebody going to be leading, uh, presumably Mr. Major or Mr. Boswell as per yesterday?

00:10:22:11 - 00:10:41:16

Good morning sir. Um, Mr. Julian Boswell for the applicant. I'm a solicitor and partner with Burgess Salmon. You've obviously asked for these summaries in relation to the different topics. So we have assumed that we're going in the order that the agenda sets the topics out.

00:10:43:27 - 00:10:47:12

Not necessarily. Okay. The only reason I say that.

00:10:47:15 - 00:10:52:25

Cope with an alternative I everybody is here. Um, so. But but yeah.

00:10:53:13 - 00:11:27:02

With no doubt come to, um, when the other parties introduce themselves. But we might receive some requests if we've got, um, a participant that's got a very specialized interest and perhaps only covers part of a topic and need perhaps only be here for half an hour or so, and it would make sense to perhaps deal with whoever that might be, if that arises, and then release them, rather than perhaps having them sit here for a day and a half. Um, but we'll perhaps cross that bridge, um, as we go through the introductions.

00:11:27:04 - 00:11:27:20

But.

00:11:33:19 - 00:11:53:12

Yes, I think I'm sure you would agree that for everybody's sake, the quicker we know what the running order is, the better, because there are various people upstairs deliberately who would otherwise be here. If the if the order was different, we we have planned for the first sort of 2 or 3 sessions, um, as listed.

00:11:53:14 - 00:12:14:14

So certainly as we sit here at the moment, I'm not aware of any requests. Okay. But it might be that something pans out as we go around the table in a minute. So if needs be and that does arise, and there is a topic expert who's not in the room, then I think what we would do is adjourn so that there could be an adequate handover.

00:12:16:12 - 00:12:49:27

Yeah. My suspicion is we won't need an adjournment because we can just get them, you know, to, to come down. But but um, let's see how it goes in terms of our approach. Yes. We've written a summary which it an allocated person. Um, which, uh, I'm, I'm doing one of them and then a relevant specialist is doing each of the others. And um, uh, so yes, in terms of introductions, I agree that it makes sense. Um, for the, uh, um, Mrs.

00:12:49:29 - 00:13:03:21

McGeady can introduce herself in a moment, I suggest, but but, uh, past that, once we've resolved the order, then, um, I agree that it makes sense for each specialist sitting up at the table to introduce themselves and explain briefly their specialism.

00:13:07:24 - 00:13:09:08

So I'll ask Mrs. McGinty.

00:13:11:18 - 00:13:14:19

Miss McGeady, when you worked with her for ten years.

00:13:16:22 - 00:13:20:09

Uh, Miss Paula McGarry. I'm a solicitor and a director. Burgess salmon.

00:13:21:15 - 00:13:39:05

Um, it's, um, we were struggling a little bit to hear you yesterday, I think, because you're quite softly spoken. Um, so if we could ask, perhaps if you try and project a little bit more. That may assist not only ourselves, but perhaps others, particularly listing online.

00:13:46:06 - 00:13:47:29

Two numbers are for the applicant, so

00:13:49:16 - 00:13:57:04

we could on the on the assumption that offshore ecology is going to proceed, we could go with the other people sitting up at the table just to see how we do.

00:13:57:06 - 00:14:03:00

I think we'll actually hold off. We'll go around the text in case offshore ecology does shift slightly in order.

00:14:08:03 - 00:14:10:15

But turning to Tendring District Council.

00:14:12:12 - 00:14:26:16

Good morning I'm Eleanor Storey representing Tendring District Council. I am here and may respond to items raised in agenda item four, but otherwise our response will be contained in our local Impact report.

00:14:26:21 - 00:14:27:10

Thank you.

00:14:27:12 - 00:14:30:28

Thank you. And then Essex County Council.

00:14:31:26 - 00:14:44:01

Good morning sir. Good morning panel. My name is Mark Walker. I'm a principal planner dealing with national strategic infrastructure projects, Essex County Council. I'm in charge of town planner. Um,

00:14:45:28 - 00:15:16:15

I also have colleagues that are joining me remotely. And taking into account your previous comments. I'll ask them to introduce themselves and when they find time to speak. Uh, we're here principally to talk about issues in relation to ecology and terrestrial transport and traffic. I just ask you to note that we don't have, um, a landscape officer with us today with an annual leave, but we will refer to comments in our local impact report on that specific topic. Thank you.

00:15:18:02 - 00:15:22:11

Thank you, Mr. Wiltshire. Uh, now, Suffolk County Council.

00:15:23:25 - 00:15:42:25

Thank you sir. Uh, my name is Michael Bedford, King's counsel. Uh, Mr.. Is sufficient. Um, and, um, I expect to be the only person within our team speaking, uh, today. But if I do need to call on, uh, particular specialists, I'll introduce them at the time, if that's convenient to you.

00:15:43:02 - 00:15:43:19

Yes. Thank you.

00:15:50:12 - 00:15:55:26

Uh, Labour district council. Hopefully. I pronounce the local authority's name correctly.

00:15:58:10 - 00:16:08:09

Good morning sir. Yes you did. Thank you. Brian Curtis from Baber District Council, and I'll be speaking on agenda item 3.4 specifically affects the landscape, please.

00:16:12:21 - 00:16:17:06

And sorry, how would you like to be titled Miss Smith?

00:16:17:28 - 00:16:18:13

Thank you.

00:16:28:06 - 00:16:32:00

Then turning to Maritime Coastguard Agency.

00:16:39:04 - 00:16:41:19

Sorry. Come in Mike.

00:16:45:04 - 00:17:03:03

Good morning sir. Um, Vaughan Jackson for the Maritime Coastguard Agency. Uh, Mr. will be fine for me. Um, I'm here on the agenda item three decimal, three effects for navigation and shipping. I'm the offshore renewables, um, and project lead at the email. Thank you.



00:17:09:00 - 00:17:19:02

Sir. Obviously, um, you will know because you can see it, but maybe the Maritime and Coastguard Agency can't. They have actually got a place at the horseshoe table if that's more convenient to you.

00:17:20:09 - 00:17:29:23

Uh, it might be. And it might also be more comfortable, Mr. Jackson, because if you need to make any notes or anything, at least you can see the table. So would you wish to sit at the table?

00:17:34:26 - 00:17:44:11

Um, unless there's any matters pertaining to navigation shipping at this juncture, I'm quite happy to remain here. Um, if it's going to be ecology first, then I don't think have anything relevant to say.

00:17:44:20 - 00:17:55:13

Okay, well, certainly when we get to shipping and navigation, by all means come up to the table, because I think you'll probably find it easier if you are having to take notes and look at things.

00:17:58:14 - 00:18:00:21

Like, can we then turn to the portal?

00:18:11:19 - 00:18:12:04

Sorry,

00:18:13:24 - 00:18:17:02

Mr. Salter. Present. We we believe he's online.

00:18:22:14 - 00:18:26:10

Yes, sir. Yes. Mr. Nick Salter for the Maritime and Coastguard Agency.

00:18:28:01 - 00:18:28:16

Thank you.

00:18:31:19 - 00:18:34:04

Sorry. Then turning to the Port of London Authority.

00:18:36:02 - 00:18:36:19

Thank you sir.

00:18:36:27 - 00:19:14:22

Uh, I'm Mrs. Vicki Fowler. I'm a partner and solicitor at Gowling Wlg, and I'm representing the Port of London Authority. And I'm joined today by Lucy Owen, deputy director of planning and development at the PLA, and Catherine Spain, senior harbourmaster of the PLA. And so we're interested in item 3.3 affects for navigation and shipping. Um there was a suggestion at the pre inquiry meeting yesterday that item 3.7 affects for terrestrial traffic and transportation should also be relevant to us in terms of the radar site.

00:19:14:29 - 00:19:21:06

Um so we don't currently intend to participate in that um in that session. Thank you.

00:19:22:01 - 00:19:33:13

Thank you for that clarification. That might actually help us with the running order. Um, because we were aware that potentially you did have issues straddling two topic areas that were really quite diverse.

00:19:41:27 - 00:19:46:14

And then turning to the Area of Outstanding Natural Beauty Partnership.

00:19:51:02 - 00:20:17:08

Good morning sir. My name is Mr. Simon Amstell and I'm the lead officer at the Suffolk and Essex coast and heath and national landscape. National landscape being the new brand for the legally defined Area of Outstanding Natural Beauty. I will be representing the Suffolk and Essex Coast and National Landscape Partnership and we have an interest in agenda item 3.4.

00:20:20:05 - 00:20:51:20

Thank you, Mr. Stutz. Now, I'm going to say, um, if you, like, voiced an apology for you. I suspect that when the recording, um, is produced and it is then translated, there may be an issue in translation with your surname. Uh, it's the software that potentially just will not get to grips with your surname. So please don't take it as any sort of slight. Um, but I suspect that might be an issue with the way your name appears in the transcript of this.

00:20:51:22 - 00:20:52:14

This hearing.

00:20:53:16 - 00:20:58:16

That's not a problem at all. And it wouldn't be the first time it happened. So thank you for warning me.

00:21:15:18 - 00:21:17:27

Then turning to national highways.

00:21:26:21 - 00:22:07:16

Morning. Morning, sir. Yes. Um, my name is Sarah Marshall. Happy to be referred to as Mrs. Marshall, head of highways and planning, South National highways and solicitor. And I have with me, uh, my my client, Jeremy Bloom, who is a Jeremy Bloom, who is the national highways consultant. We will be speaking briefly on agenda item 3.7. However, um, the the examination will note that our that National Highways relevant rep was extremely brief and did not set out all the issues that National Highways does have with with the scheme.

00:22:07:18 - 00:22:37:21

And I can confirm that National Highways will be providing a summary of the issues. Um, at for deadline one, we've strengthened Strengthen the client team. So we now have a far bigger team and will be now able to provide the data. But can I extend my apologies to the panel and the parties? Um,

for say, our our rather brief relevant rep, we'll also respond to questions that may come up from the from the, the applicants, um, and and the panel during the hearing today.

00:22:37:23 - 00:22:38:15

Thank you sir.

00:22:40:11 - 00:23:24:29

Thank you. Being mindful that again, you're one of the, um, interested parties with perhaps quite a narrow interest in this project. And given the wide range of topics that we're intending to cover, um, in terms of your availability, are you available for both all of today and tomorrow morning? Um, I mean, at this stage, it's very difficult to know when if we keep to the running order for transportation onshore, where we will, when we will get to that. Um, but equally, we wouldn't necessarily want you sitting around for all of this morning and perhaps early afternoon, if we know we're going to deal with transportation onshore as the last item, which might be tomorrow morning.

00:23:25:19 - 00:23:38:23

Um, so are you able to give some sort of indication in terms of availability? I mean, have you got both days set aside? Would you like to be released, perhaps for part of today? And then we look to bring you in tomorrow morning.

00:23:40:24 - 00:24:10:21

Thank you. Sir. Um, I had reserved both both days, um, as has, uh, Mr. Bloom. Um, I mean, it would be helpful if, for example, we could be released until after lunch today. That would be hugely helpful. Um, the risk is, if you say tomorrow morning and then, like, say, I've seen on other DCS, you get through the agenda quicker. But, um, we would be very grateful if the panel were minded for us to be released until after lunch today. Thank you sir.

00:24:10:23 - 00:24:33:06

I'd be extremely surprised if he got to transportation this morning. So, you know, I think it would not be unwise for you to be excused from attending this morning unless you have a burning desire to sit through this morning. But we're content that you'd be excused from, uh, certainly, participation this morning.

00:24:33:29 - 00:24:34:18

Thank you, sir.

00:24:35:09 - 00:24:35:24

Thank you.

00:24:46:22 - 00:24:47:07

Um.

00:24:47:25 - 00:24:48:12

I think

00:24:50:00 - 00:25:05:27

I have got all of the local authorities, and I've been through all of these statutory, um, and, and regional type bodies. I think now we can turn to individual, um, and other parties. So. Mr. Fell.

00:25:10:11 - 00:25:26:15

Uh, good morning, Mr. Lewis fell, acting on behalf of Strutt and Parker Farms Limited and Lallana Enterprises, um freeholders and occupiers of farmland affected by the scheme. And I will be,

00:25:28:04 - 00:25:46:29

uh, talking really about, uh, onshore stuff only. So whether there's any relevance to 3.4, I don't probably, probably think not. But it's mainly 3.5 and 3.6. Again, do you think we're likely to get to those points to this morning or.

00:26:03:09 - 00:26:33:18

I suspect not. We haven't had any other indication, um, from those that who preceded you, that they perhaps would like us to think about changing running order. So on the basis that the running order is going to stay as per the agenda, then yes, certainly the items that you've highlighted are unlikely to arise this morning. I think they've got quite a bit on ecology, marine ecology and quite a bit on navigation and shipping. So that should take us well into the afternoon.

00:26:33:20 - 00:26:34:05

Okay.

00:26:34:07 - 00:26:37:28

Well I'll leave it on in the background in case, but um, otherwise.

00:26:42:06 - 00:26:42:21

Thank you.

00:27:14:10 - 00:27:15:00

Mr. Gold.

00:27:20:01 - 00:27:20:17

Good morning.

00:27:20:19 - 00:27:23:27

Chairman. Thank you very much indeed. My name is Nicholas Gold.

00:27:23:29 - 00:27:34:08

I represent Cobham Limited, and I'm dealing with the compensatory measures, in particular regarding lesser black bag girls on Orford Ness.

00:27:36:07 - 00:27:40:11

I can be referred to as Nick Nicholas. Are you there or Mr. Gold?

00:27:42:14 - 00:27:43:06

Thank you, Mr. Gold.

00:27:46:16 - 00:27:57:07

Um, then turning to what colloquially we said yesterday was that the Family Farms has just the easiest shorthand. If you're agreeable to that.

00:27:57:24 - 00:27:58:24

That's fine.

00:27:58:28 - 00:28:19:19

Tamsin Fairlie, on behalf of TNR Fairlie Farming Partnership and T Fairlie and Sons Limited. We may wish to make comment at 3.4 in terms of sort of site selection and substation location, 3.6 effects for farming and possibly 3.7 if that relates to widening of um, Bentley Road, Bentley Road.

00:28:25:21 - 00:28:28:02

And in terms of title, how do you prefer to be.

00:28:28:04 - 00:28:30:15

Mrs. Valley or the families? It's fine.

00:28:59:27 - 00:29:15:17

Is there anybody else that I've not? um, ask for an introduction from the wishes to participate in the hearing, looking at the room first and not seeing any in any indications. Is there anybody online that.

00:29:18:20 - 00:29:20:25

I'm not seeing any indication.

00:29:28:25 - 00:29:45:09

If for any reason there is anybody, um, that's either in the room or online does wish to speak at some point and hasn't yet introduced them selves, I'm sure, um, at the appropriate time when we get to whatever the item might be, um, we can bring you in as necessary.

00:29:49:24 - 00:29:57:13

Now, I'm going to tend to the purpose of the hearing. The hearing will generally follow the agenda as issued on the project page on the 10th of September.

00:30:00:01 - 00:30:02:19

It would be helpful if you have a copy of that in front of you.

00:30:06:18 - 00:30:11:08

And could I ask that a copy of the agenda be brought up on screen by the Acronis team?

00:30:19:02 - 00:30:43:06

And there is published guidance on how issue specific hearings are conducted. Would I be correct in presuming that everybody has seen that guidance and is familiar with the procedure? Um, looking at

the room, is there anybody in the room that isn't familiar with the procedure? I'm not seeing anybody. Anything. Is there anybody online that's not familiar with the procedure?

00:30:49:05 - 00:30:50:10

Mr. Gould, you're muted.

00:30:51:20 - 00:30:55:28

I'm not familiar with the procedure, but I hope I manage or you'll take me off accordingly.

00:30:56:06 - 00:31:29:05

Yeah. The procedure for this hearing will be very similar to procedurally the way we conducted the compulsory acquisition hearing yesterday in terms of, um, for most of the topic areas, we're going to be asking the applicant to give some sort of summary. Then we potentially will ask interested parties if they wish to respond to any summary point. In some instances, we're asking for interested parties also to give brief summaries. And then it'll there'll be an effective question and answer session which the examining authority will lead.

00:31:29:24 - 00:31:34:04

Um, so I say generally the procedure will follow that of yesterday.

00:31:34:20 - 00:31:36:22

Thank you very much. That's sensible by.

00:31:47:13 - 00:32:08:25

The examination um, of this application, as with other applications, will primarily be conducted in a written form as we discussed during the course of the preliminary meeting. The purpose of today's hearing is for the examining authority to hear early evidence concerning a range of onshore and offshore environmental matters.

00:32:13:22 - 00:32:23:27

We've compiled that agenda having regard to the applicants submitted application documents and the relevant representations made by other interested parties.

00:32:28:18 - 00:32:48:17

We would ask that when you are answering the examining authority's questions, in particular, you provide us the brief answers where a quick question is deserving of a yes or no type answer, then please use yes or no and then provide any elaboration as necessary.

00:32:50:21 - 00:33:19:20

And what we also ask is when we're asking questions that you answer the question that's put at that point and try and avoid anticipating what might be coming next, because sometimes that can become a little bit messy. Um, and we've structured our questions in the main in a particular way, um, so that we, we clean the information that we consider necessary.

00:33:26:14 - 00:33:38:17

Are there any comments or questions anybody has, um, in respect to the purpose of the hearing?  
Before we proceed on to actually start looking at some of the agenda items, looking at the room.

00:33:41:05 - 00:33:43:14

I think that anything from anybody online.

00:33:46:27 - 00:33:48:14

Not seeing any indication there.

00:33:50:11 - 00:33:58:17

Okay. Then on that basis, I'm going to hand over to Mr. Heron who's going to lead on marine ecology down.

00:34:00:00 - 00:34:08:24

Thank you, Mr. Gold. That's worth staying in the same agenda. Order. Then. Can I ask the applicant to introduce any further members of its team that may wish to speak on this item?

00:34:12:24 - 00:34:44:03

Sir, would it be Julian Boswell for the applicant? Um, just like to mention a couple of things. But before we get going, as it were. Um, the first is that, as I alluded to yesterday, it's been challenging to prepare ten minute summaries and, um, on two topics, in particular offshore ecology and onshore ecology. Um, we think offshore ecology is going to come in at about 20 minutes because there are so many subtopics.

00:34:44:05 - 00:35:26:10

And onshore ecology, ecology is going to come in at about 15 minutes. But we are, um, hopeful that the others will will stick to the ten minutes that you've that you've required. So we are asking for your indulgence on those extra times. Um, the other general point we'd like to stress is that whilst you've asked for summaries, we very much are relying on the entirety of the case submitted. Um, and we've had to be necessarily quite brutal in how we have, um, approached the summaries and we wouldn't want it to be, um, misunderstood that somehow that was our case.

00:35:26:11 - 00:35:45:11

Our case is very much what is submitted in full in the in in the, in the application documents as a whole. So those were the only things I wanted to raise before we got going with, um, with offshore ecology.

00:35:48:04 - 00:36:01:10

Uh, thank you, Mr. Boswell. I take the latter point. That's that is red. Um, in terms of timing, I don't think we'd have an issue with a slightly longer timing. In fact, some of the questions may narrow the focus to assist in that regard. So, um, yeah. Please continue with your introductions.

00:36:01:12 - 00:36:02:02

Thanks.

00:36:02:04 - 00:36:34:16

Just sorry, just before you do that on the introductions, because I've encountered this before, we in terms of witness introduction, we we end up with a very long introduction. It really is only necessary to indicate, uh, who who the witness is and give a very broad indication of whether they're dealing with maybe fish ecology or ornithology rather than going into too much depth because we I've certainly I haven't encountered an instance where I think we spent about ten minutes before we actually got into the guts of the agenda item.

00:36:35:00 - 00:37:10:20

So Julian Boswell for the applicant, you'll be pleased to know that, um, everyone's under that instruction already. You'll also be hopefully pleased to know that, albeit later than we had intended. We have emailed to, um, Mr. Johansson this morning. Um, a credentials document that gives a sort of half to one page, um, CV of of all the different people that we expect to be speaking over the course of this hearing. So having heard that, um, admonition, I'm going to ask everybody in turn to my right to, um, give their name and their subject area.

00:37:13:09 - 00:37:19:28

Uh, Mr. Daniel Bates, offshore consents, lead for the applicant. Uh, speaking on offshore matters, general.

00:37:22:19 - 00:37:26:25

Uh, doctor James Miles, uh, speaking on offshore ornithology. HRA.

00:37:29:11 - 00:37:30:08

Um, Mr..

00:37:30:10 - 00:37:38:12

Ralph jr, um, speaking on offshore ornithology, EIA for the applicant.

00:37:41:03 - 00:37:44:21

John Bleach, uh, speaking on benthic ecology on behalf of the applicant.

00:37:49:04 - 00:38:00:22

Julian Boswell for the applicant. I should explain that we do also have representatives for fish and marine mammals, but they're not at the table yet. So shall we see how that plays out?

00:38:02:11 - 00:38:05:17

So I say, yes, that's fine. Thank you.

00:38:06:26 - 00:38:16:14

Um, so with that, I'm now going to read out the introduction in a brisk but hopefully intelligible way for these summaries. Sorry. Yeah.

00:38:16:28 - 00:38:25:15

Um, you're obviously going to read from a note. Yeah. Rather than just having to make copious notes, presumably you'll be able to submit that. Absolutely hearing. Yeah. Thank you.



00:38:26:10 - 00:38:38:13

Matt, may I ask as well, before you do this, to make particular emphasis to your discussions with Natural England and highlight any, any further surveys that are required as a result of that discussion. Your recent engagement, that is.

00:38:43:21 - 00:39:09:21

Julian Boswell for the applicant. We. I think, um. I think we'll just to be honest, at this point, I just need to read what we have prepared. And if we haven't addressed everything that you were hoping that we would, um, then we'll have to deal with that in a supplementary way. We've obviously been mindful of the different headings that you've, that you've, um, that, that you've had, but, um,

00:39:11:20 - 00:39:28:09

yeah, I can only reiterate that this is a quite a challenging, quite a challenging exercise given the given the number of, um, subtopics. So let's see how we did in about 20 minutes. Uh, right. So fish.

00:39:30:12 - 00:40:02:12

Um, the applicant understands that the survey approach and assessment methodology is agreed by Natural England to have followed scoping and relevant guidance and to be appropriate for the proposed development. The MMO have raised a number of specific points on methodology which are under discussion between the parties. The applicant's EIA concludes no significant effects on fish and shellfish receptors following the implementation of proposed mitigation.

00:40:02:28 - 00:40:14:15

The applicant is confident that the assessment set out in the environmental statement is a realistic worst case and that the conclusions are accordingly robust and suitably precautionary

00:40:16:00 - 00:40:51:07

with regard to spawning downs. Stock. Herring. The applicant has identified two potential significant effects for which mitigation has been proposed. These are the potential for significant effects from underwater noise and vibration, and sediment deposition from the construction of five estuaries. The applicant has therefore proposed a seasonal piling restriction during the peak herring spawn spawning period six of November to 1st January, to mitigate against potential impacts from underwater noise.

00:40:52:01 - 00:41:34:08

Furthermore, to mitigate against the loss of suitable herring spawning habitat characteristics from sediment deposition. The applicant has proposed a sediment disposal restriction whereby dredge material from the Northern Array area will not be disposed of within the Southern array area. The applicant is aware that the MMO has not yet agreed that the seasonal restriction on piling is suitable. The applicant, however, notes that multiple precautions have been applied when defining this seasonal restriction, and the applicant is accordingly confident that the proposed mitigation is a suitable and effective measure.

00:41:34:11 - 00:41:49:00

Having regard to the affected site the applicant is planning Having regard to the affected site. The applicant is planning to submit a revised herring seasonal restriction note at deadline one.

00:41:51:22 - 00:42:00:18

The applicant's proposed seasonal restriction on piling has already been secured through the draft DCO in the marine in the marine licence.

00:42:02:10 - 00:42:23:23

The applicant is currently working to produce a disposal plan, which would set out the restrictions on disposal needed to ensure that the spawning area remains suitable for down stock herring spawning. That plan will be secured in an amendment to the conditions of the draft, the marine licence, in a future revision of the draft DCO.

00:42:25:10 - 00:42:34:11

That's fish. So now we're moving on to onshore ornithology. Sorry. Offshore ornithology. Um.

00:42:39:11 - 00:43:19:26

The aerial survey program followed the industry standard approach, and data capture and processing methods were agreed with Natural England during pre-application consultation. There is high level agreement with Natural England on the methodology used to prepare the environmental statement and the read the report to inform appropriate assessment for almost all species, and the applicant is not aware that they are objecting to the methodology used. However, there are some differences in approach between the applicant and Natural England that have been presented within the rear for lesser black back, gull and ORC displacement rates.

00:43:20:11 - 00:43:57:08

The applicant is also aware that the RSPB has submitted comments objecting to some methodological approaches in the rear, and mainly relating to compensation. The applicant, however, notes that these are industry wide issues where the RSPB has routinely made substantively similar objections to other offshore wind farm applications. The applicant remains satisfied that the methodology used is reliable and appropriate, and is supported in this by the Natural England relevant representation.

00:43:58:26 - 00:44:19:02

The applicant's EIA concludes no significant effect on offshore ornithology due to the project alone or cumulatively. The applicant is confident that the assessment set out in the environmental statement is a realistic worst case, and the conclusions are accordingly robust and suitably precautionary.

00:44:21:00 - 00:44:59:10

The impact on of vessel traffic on red throated diver within the outer Thames Estuary has been highlighted as a potential concern by Natural England. The applicant has agreed to seasonal restriction on cable laying activities within the Outer Thames Estuary Special Protection Area and Vessel Best Practice protocol at all other times and phases. The applicant is satisfied that this represents appropriate mitigation to prevent an adverse impact on integrity in relation to red throated diver.

00:45:01:09 - 00:45:08:04

But then we're coming on to compensatory measures, um, in relation to offshore ornithology.

00:45:10:24 - 00:45:42:21

The applicant has conceded on the need for a derogation case for impacts to lesser black bank gull associated with the Aldo Estuary Special Protection Area, but disagrees with Natural England regarding the potential for adverse effect on integrity on the kittiwake, guillemot and razorbills features of the Flamborough and Filey Coast Spa in combination. However, without prejudice derogation cases have been prepared for these species.

00:45:43:15 - 00:46:10:02

Natural England are in agreement that an adverse effect on integrity on the gannet feature of that Spa can be ruled out. The proposed compensation measures have been well progressed and are more advanced than any other offshore wind project to date at the time of DCO application.

00:46:12:02 - 00:46:51:11

Now we're going into a bit more detail on the different measures. The applicant is progressing the delivery of a suite of compensation measures, all of which Natural England have agreed have merit and are proportionate to the level of impact for lesser black gull. The applicant has been working on two alternative compensation proposals on Orford Ness, which is part of the Alder Spar and Outer Trial Bank, which is a very unusual mini island in the wash. This would consist of predator proof fencing and habitat management at Orford Ness, or predator control on outer trial.

00:46:51:13 - 00:47:36:04

Bank provision on either site would more than compensate for the predicted worst case impact of the proposed development. At this time, the applicant continues to seek powers to deliver Orford Ness and remains in discussion with the Crown Estate and Defra to progress out of trial Bank. In addition to voluntary discussions, powers of compulsory acquisition are sought on Orford Ness in order to in order that a deliverable solution is secured and that the panel and the Secretary of State can therefore have confidence in making the HRA decision that a deliverable compensation proposal is in place.

00:47:38:24 - 00:48:07:03

For kittiwake, nesting space is proposed at an existing RWA owned artificial nesting structure on the Tyne estuary. There is high certainty in the success of this measure, as it is already constructed and agreements are being progressed with the relevant parties, i.e. agreements for five estuaries to have a share of the benefit of that uh tower

00:48:08:18 - 00:48:45:08

for guillemot and razorbills. Measures to reduce her human disturbance at colonies in the south west of England are being developed. Site investigations of ten sites have been carried out this breeding season, and three sites have been shortlisted. The applicant is confident the measures we are proposing are suitable, and of a type agreed by other offshore wind projects, with Natural England being in broad agreement on the scale and location of the measures. The identified measures could include signage, publish public awareness campaigns and wardens.

00:48:48:11 - 00:49:00:06

The applicant's letter black black, gold compensation and without prejudice compensation cases include reference to the Marine Recovery Fund being developed by Defra.

00:49:02:20 - 00:49:26:08

The applicant is seeking to retain flexibility to deliver the to deliver compensation through the Marine Recovery Fund, where that forms an available and appropriate mechanism at the time it is required. The applicant and this is a general observation. The applicant will continue to engage with Natural England and progress these measures throughout the examination.

00:49:27:24 - 00:49:31:01

Now I'm coming on to benthic.

00:49:33:07 - 00:49:35:27

Site specific survey methodology.

00:49:38:00 - 00:49:57:23

Were consulted with and agreed by Natural England and Cifas. The survey effort has been concentrated within the order limits of the application, which is usual practice for offshore wind farm applications, with wider data obtained from literature including recent offshore wind developments in the vicinity

00:49:59:13 - 00:50:40:09

at Natural England, is understood to be happy with the surveys conducted on methodology. The applicant notes that Natural England have requested some additional numerical sediment plume modelling to supplement the existing analysis. That work has now been carried out. The applicant is preparing her interpretive reporting of it as requested by Natural England and this will be submitted at deadline one. The applicant has been in discussion with Natural England on that work, and understands that the modelling methodology will fully address Natural England's query for compensation in relation to benthic.

00:50:41:07 - 00:51:20:21

The applicant's offshore export cable corridor includes a short length within the Margate and Long Sands Special Area. Conservation. This route was selected following identification and avoidance of a number of sensitive environmental features and consideration of other shipping and navigational users. The final corridor was unable to avoid the sack due to safety concerns raised by shipping stakeholders with regards to cable installation and presence in close proximity to the Sunk Pilot boarding station.

00:51:22:01 - 00:51:31:04

The applicant concludes and remains confident that this represents the appropriate balance given the competing constraints in this area

00:51:32:23 - 00:52:24:27

within the S.A.C.. The applicant's worst case assumptions include a need to use cable protection. That assumption is very precautionary, and the applicant notes that the figure used for the assessment for assessment purposes is very much a worst case. The value of 900m covers the anticipated maximum length of both cables within the SAC, noting that final routing within the corridor is not completed yet, and and and assuming that half of both cables would require external protection, it is stressed, as already mentioned, that this is considered to be very precautionary given that current data would

indicate cable protection is unlikely to be required in this location, even on that highly precautionary assessment approach.

00:52:25:00 - 00:53:05:26

The area of the SAC affected by cable protection would be 5400m<sup>2</sup>, which equates to approximately 0.0008% of the total sack area. As a result, the applicant's report to inform appropriate assessment concluded that an impact on this scale would not constitute an adverse effect on the integrity of the sack. However, Natural England consider any amount of cable protection on a designated sandbank feature constitutes an adverse effect on integrity of the sack.

00:53:08:04 - 00:53:40:28

The applicant has committed that, where possible, the length of cable routed through the sack will be minimised, and that cable protection would only be used as a last resort following attempts to ensure burial. Finally, rock dumping, which is a form of cable protection, will not be used. Instead, a form of protection such as concrete mattresses will be used so that they can be removed upon decommissioning. Noting that Natural England do not agree with the conclusion reached on adverse impact on integrity, the applicant has prepared her without prejudice.

00:53:41:00 - 00:53:46:11

Derogation case should cable protection be required within the SAC?

00:53:49:05 - 00:54:19:29

That sets out that the compensation measure proposed would be delivered through the Marine Recovery Fund by means of the extension or new designation of another SAC with annex one sandbank. Features by Defra, as set out in the Benthic Compensatory Strategy Roadmap map.. That measure is being developed by Defra to address potential impacts of multiple developers.

00:54:20:22 - 00:54:40:27

The applicant has demonstrated that there is sufficient undesignated annex one sandbank adjacent to existing sacs. This is in effect, trying to assist Defra and its future designation would represent a significant increase in annex one sandbank area protected.

00:54:42:16 - 00:55:12:25

Finally, on this compensatory measure scenario, the applicant is also exploring alternative measures should the Marine Recovery Fund SAC extension not be available. These include, for example, additional seagrass restoration work as a non so-called non like for like option and anthropogenic pressure removal from within annex one sea bank areas, which means removing something like an abandoned telecom cable.

00:55:14:02 - 00:55:34:26

However, using the MRF mechanism to buy into the debt for a strategic compensation measure is considered the preferable option here, especially as that will provide a coordinated measure delivered by Defra providing cohesive compensation for multiple impacts from different developments. Then the final topic is marine mammals.

00:55:36:15 - 00:55:45:08

So the aerial site specific survey methodology followed the industry standard followed the industry standard and processing methods.

00:55:46:24 - 00:56:16:28

Gram has gone wrong here where agreed with Natural England during pre-application consultation. There is a current query from Natural England regarding the approach to density estimates, which the application expects, which the applicant expects to be resolved. Three density estimates. Three density options are presented, and the assessment conclusions are based on the highest predicted numbers across these three densities, which comes from the site specific digital aerial surveys.

00:56:18:03 - 00:56:35:09

The environmental statement concludes that there will be no significant effects on marine mammals. Additionally, the non-significant effects are lowered by the application of mitigation measures, primarily the plans secured through the conditions of the marine licences.

00:56:38:10 - 00:57:13:01

Natural England have requested use of the interim population consequence of disturbance modelling IP cod, which was not requested during the project's consultations and has only recently been requested for the first time on ramp and two offshore wind farm examination for which has recently closed. The applicant has carried out the requested modelling for the project alone and is satisfied that the outputs support the conclusions for the disturbance from piling assessment reached in the environmental statement.

00:57:14:00 - 00:57:46:20

The modelling outputs will be submitted at deadline one. The applicant has not undertaken IP Cod for in combination assessments. This is because that would require detailed piling schedules for every project included, which the applicant does not have. As a result, this is not an exercise the applicant is in the position to undertake and the applicant considers it's not realistically practicable for any developer to carry out such modelling.

00:57:48:06 - 00:58:14:06

The applicant notes that Natural England have requested noise abatement measures to be secured in the DCO, and not through later approvals. Host consent. The applicant objects to this as prematurely prejudging judging not just the need for abatement, but prematurely seeking mitigation in the form of noise abatement measures.

00:58:16:00 - 00:58:49:27

The applicant notes that securing noise abatement solutions now is inconsistent with the mitigation hierarchy, as it does not allow for avoidance and reduction of impacts before seeking to apply mitigation. It also notes that not every measure is effective on every site, and measures should be developed having regard to the final design foundation type installation method technology available at the time, not prejudged as a quote standard approach at this stage.

00:58:51:17 - 00:59:22:28

The applicant notes that Natural England have several comments on the outline. Southern North Sea S.A.C. Site Integrity Plan and the approach taken to managing disturbance from underwater noise

impacts on the SAC. However, the applicant would like to highlight that the Outline Size integrity plan complies with the current JNC guidance and that the applicant is doing everything a developer can do at this stage based on that guidance.

00:59:23:20 - 01:00:02:29

Additionally, the project is located within the winter area of the southern North Sea SAC, so the spatial and temporal restrictions on the SAC only apply during the winter season, October to March. Therefore, the project is able to undertake noisy activities unrestricted through the summer season, April to September. The maximum contribution to the spatial 20% threshold in the winter season for the project undertaking a single unmitigated piling event with a 26 kilometer an effective deterrent.

01:00:03:01 - 01:00:41:22

Radius is 16.7%. Therefore, there is available headroom for additional activities to take place on the same day. The maximum contribution to the temporal 10% threshold for unmitigated piling is 7.4%. Therefore, that is available headroom for additional activities to take place in the same season. Therefore, there is no project alone impact and the applicant maintains the conclusion of no adverse effect on integrity.

01:00:43:07 - 01:01:23:24

Almost done. The issues that Natural England are highlighting stem from the in combination impacts when the project is considered, alongside other projects undertaking noisy activities in the same winter season. This is an ongoing industry issue affecting multiple projects that are located within the Southern North cSAC. The applicant is a member of the Southern North Sea Offshore Wind Developer Group that involves offshore wind farm developers working together and sharing information so that the post consent documentation for the SEC that the MMO receives contains all the same information across projects.

01:01:24:00 - 01:02:12:05

The applicant notes that the that this developer group actively work together to share live information to avoid exceedance of spatial temporal thresholds, with this coordination of activities being sufficient to manage activities in recent years without the need for additional mitigation. The final paragraph regarding the unmitigated effective Deterrent radiance for piling of 26km, which is a key feature of the JNC 2020 guidance that has been considered in the report to inform appropriate assessment, and has fed into both the alone project alone and in combination assessment of the southern North Sea sac spatial thresholds.

01:02:12:12 - 01:02:57:22

The applicant notes the recent research from the offshore wind evidence and change funded predators and prey around renewable energy developments, which turns into the acronym Prepared project, has shown an effective deterrent radius of less than ten kilometres, ie compared to 26km may be more representative and j. NCC have just issued a tender to improve the evidence base for piling effective deterrent radiuses and which could lead to revise guidance for the southern North Sea SAC in the near future.

01:02:58:09 - 01:03:17:17

The applicant is waiting to see the results of this study and whether revised guidance should be considered going forward, but nonetheless considers that this new research is demonstrative of the precautionary approach used in its assessment. That's the end of our summary.

01:03:26:09 - 01:03:29:18

I didn't note when I started, so I don't know how I did it.

01:03:29:25 - 01:03:36:06

That's fine, thank you. It was most helpful. Mr. Boswell, can I just ask a few questions then, about species and surveys

01:03:38:02 - 01:03:38:23

in the applicant?

01:03:38:29 - 01:03:45:09

Could it just be clear which which, um, species we're talking about, just so that we've got the right people at the table?

01:03:45:11 - 01:03:47:14

Uh, in this particular section, it would be

01:03:49:10 - 01:03:50:26

bats and birds.

01:03:58:19 - 01:04:03:24

During most of the applicant. We don't have a bat specialist, but we'll do our best depending on what the questions are.

01:04:04:02 - 01:04:23:12

Okay. Thank you. Okay. So can the applicant specifically outline the scope of the surveys it is proposing to undertake at Orford Ness on National Trust land, as is botanical invertebrates, habitat type work or other work to inform the feasibility of access construction. When will this be done? I assume under this examination. And.

01:04:32:27 - 01:04:49:00

Tenure rights for the applicant. Um, a general level, uh, we're seeking to undertake vegetation and invertebrate surveys at Orford Ness. Um, and the project is undertaken a single site visit, uh, in August to understand the layout of the site better.

01:04:58:06 - 01:05:08:04

I know we touched upon this a little bit yesterday, but is the applicant currently seeking to obtain access to the promised land, and when will surveys be carried out here, and can this be done under this examination?

01:05:26:09 - 01:05:42:02



Any rights for the applicant? Um, we are engaging with Cobra. Mr. Um, but we have not yet secured access for those surveys. Um, we can we will continue to engage on that, but there's no guarantee the service will be done during the examination.

01:05:58:00 - 01:06:17:17

In terms of the Outer Trial Bank, then Natural England has raised concerns about the possible absence of evidence supporting rat predation as an important driver of population decline. What is the applicant proposing to do to demonstrate that there is indeed a rat predation problem here? Will there be further species in this regard, and if so, can these be carried out under this examination?

01:06:29:10 - 01:06:49:29

Any rights for the applicant? Uh, we're continuing to engage with Natural England on this, um, and seeking any additional survey data that's being collected to inform that, um, we believe further data will be available. Um, and we will we will continue to engage with the landowners and essentially base.

01:07:11:24 - 01:07:26:11

Any rights for the applicant? Just to clarify, we are confident that there is evidence of reputation on the island. Um, from previous surveys carried out, um, and are confident that the the measure proposed would be would be effective.

01:07:27:00 - 01:07:28:13

Will there be any further surveys?

01:07:30:02 - 01:07:35:25

We we will provide as much information as we're able to obtain into the examination as soon as we can.

01:08:01:27 - 01:08:36:03

Duty model for the applicant. I think that's as far as we can take it. This is a sort of moving target, as Mr. Bates has just said, from from other surveys, including relatively recent surveys. I understand by the RSPB we are confident that there is a reputation problem. Of course, we will continue with dialogue to resolve any concerns that Natural England have got. Um, and we accept clearly the point line behind your question that we don't want to be taking forward a measure unless we're assuming we go because we're only intending to to, to pursue one of these measures.

01:08:36:05 - 01:08:46:19

And I'm sure you appreciate um, but if it was the at the trial bank, um, clearly, um, we would only want to go down that road if there was a sufficiently credible and accepted basis for doing so.

01:08:49:19 - 01:08:50:04

Thank you.

01:08:53:03 - 01:09:16:21

Can I touch upon the bird red list? So an addendum has been published to the fifth bird of conservation concern in the UK, Channel Islands and Isle of Man, and the second IUCN Red list

assessment of extinction risk for Great Britain. Can I ask the applicant to explain whether or not this will have any implications for the EIA and HRA assessments in terms of impacts and ornithology, and if so, what? This. What might this be and how might this be addressed?

01:09:27:28 - 01:10:02:19

Yes. Mr. refugia for the applicant. Um, yeah. We are aware that the of the recent changes to the the trade list for seabird species, um, the the way that the assessment is carried out is based on the sensitivity of the species, which, um is carried out in a precautionary basis and for taking it as an example, great goal which has been included now in the red list. Um, that has been considered to be a high sensitivity species for collision risk.

01:10:02:25 - 01:10:09:07

So, um, based on that approach, I would not expect any of the actual conclusions to change.

01:10:12:24 - 01:10:32:23

Okay. And then can I come in that, uh, James Miles, on behalf of the applicant, um, in terms of the HRA impacts, uh, for Greater Black in particular, there's no connectivity to any breeding space. Uh, so there's no change to the HRA for that species or any of the species on the red list. Thank you.

01:10:35:12 - 01:10:54:16

Okay. Contented bats. So just noting the relevant representation from the German government. Migrating bats appear to regularly cross the North Sea between Great Britain, the Netherlands, Belgium and France. Can the applicant explain how it will address concerns raised in relation to these bats? Will it will it engage further with the German government on this matter?

01:11:29:24 - 01:11:44:03

Julian Boswell for the applicant, our headline position is that there isn't an issue with offshore bats. We have. We're preparing a response for deadline one, and it's not our expectation that there would be continuing engagement with the with the the with the BSH.

01:11:49:21 - 01:11:55:20

In fact, sorry. I mean, I'm advised that they have indicated they don't want to have a continuing dialogue with us.

01:12:04:04 - 01:12:11:11

But there'll be any further evidence presented to to demonstrate that there is indeed no issue in terms of these bats migrating across the channel.

01:12:23:22 - 01:12:58:13

I'm going to read something that I wasn't sure if it was going to come up or not. So I'm going to read you our agreed sort of headline position on this. The applicant notes the submission from BSH regarding bats through transboundary consultation. A full response will be provided at deadline one. However, in summary, upon review of the data cited by uh by the respondent, it does not support their argument that the proposed development is within an area of very high concentration, nor that significant effects will occur to the bat population migrating between the UK and Europe.

01:12:58:23 - 01:13:23:21

A number of embedded mitigation measures, including the minimum blade draught height of 28m above mean high water springs, would reduce impact in any case. Further, no UK operational windfarms have required curtailment of turbines for bat mitigation, nor has this topic been raised by the SCB through the development process.

01:13:26:10 - 01:13:50:03

In summary, the applicant does not consider that there is a likely significant effect on any bat species due to the offshore turbines. That's that's our headline position that but there isn't an issue. And as a Woody indicated that BSH indicated they don't want to continue to engage on it. And it hasn't been raised by Natural England.

01:13:51:02 - 01:13:57:03

I think just given the nature of the species, it would be something worth pursuing with Natural England to engage with them further to clarify.

01:14:01:12 - 01:14:17:05

Well, as you know, so we've got, you know, we well we have a form of engagement with, with, with Natural England. Um, we, we will put in our response at um, deadline one.

01:14:27:29 - 01:14:34:21

We're not currently expecting to have engagement with Natural England on on bats given

01:14:36:15 - 01:14:37:00

the.

01:14:39:24 - 01:15:05:21

We've had what we see as a you know, we've had the submission that we've had from BSH. It's raising something that we don't think has merit. Um, uh, it hasn't ever been raised by, uh, Natural England. There have been multiple potential opportunities for that to have happened on other offshore wind farms. And so in that type of situation, we we don't see the need to to continue that dialogue unless they want to engage with it.

01:15:07:09 - 01:15:08:11

Okay. Thank you.

01:15:12:18 - 01:15:22:09

Can I just finally on this first item, check if the applicant is engage with NatureScot or whether it considers it necessary to do so.

01:15:38:12 - 01:15:40:21

Julian Balsam for the applicant. Um,

01:15:42:12 - 01:15:58:00

the immediate reaction, uh, from from the relevant colleagues to my right is that there hasn't been any material engagement with NatureScot because we don't think it is. It is needed. But if there is a fuller answer, then we will pick it up in our post hearing summary. Thank you.

01:16:06:21 - 01:16:22:10

Yeah. Just just to press that home. It has that that particular issue has arisen from our environmental services team, as they've encountered engagement with that particular party on other similar projects. So the consideration of that in detail might be, um, beneficial to us. Thank you.

01:16:23:19 - 01:16:56:21

I think the point with that issue is that it may be something that's evolving because of the increased number of applications that are coming through the system, uh, and the Scottish Government through which has got maybe beginning to become a bit concerned. Um, so that's the advice that we're getting. And within the inspection there is the Environment Environmental Services team, who you're no doubt aware, assist us, uh, in producing the release and providing general, um, information on environmental matters.

01:17:03:22 - 01:17:34:22

Julian Boswell for the applicant. As I say, we'll we'll make sure that we're addressing what we have or more likely haven't done in relation to nature. Scott. Um, obviously they've had every opportunity to register in this process or to engage with us, I guess directly or indirectly through Natural England. For what it's worth, on the Equinor, Sheringham and Dudgeon application. I don't recall any engagement which is further north than us. I don't recall any engagement with nature.

01:17:34:24 - 01:17:44:07

Scott, in relation to, uh, in relation to the application, with the exception of a compensatory measure that is being delivered in in Scotland.

01:17:47:22 - 01:17:57:21

Thank you. Before I move on to assessment methodologies, are there any comments from any interested party, either in the room or virtually in relation to to additional surveys?

01:18:00:15 - 01:18:03:23

I'm not seeing any. Mr. gold.

01:18:04:04 - 01:18:04:19

Um.

01:18:04:24 - 01:18:35:04

Yes. In relation to surveys, we're very happy for surveys to progress on our site. Um, there was just a couple of problems there. Um, as I mentioned yesterday, um, the survey teams would not be allowed to roam all over the site, which is sensitive, um, and hazardous. Um, and that, you know, we're prepared to monitor that. The other thing is, we asked for some brief heads of terms. Um, but there's been no desire on the part of the applicant to actually engage on that or provide them.

01:18:35:06 - 01:18:40:29

And so and that we've assumed they're pretty relaxed about having the surveys in a timely manner.

01:18:43:23 - 01:18:46:03

Thank you. With the applicant to respond to any of those points.

01:18:56:20 - 01:19:22:15

Julian Mosley for the applicant, I'm not sure it makes sense to try and continue this type of dialogue in this in this forum. Um, we explained that, um, so current position yesterday in relation to Mr. Gould, we're very keen to have a constructive relationship with him in relation to, um, to this site, but I think it's easier if this dialogue continues offline.

01:19:23:11 - 01:19:28:19

Yeah, I agree with that. It seems like both parties are happy to facilitate. Engage. Thank you.

01:19:32:14 - 01:20:04:25

So if I can move on then to assessment methodologies in their responses. To date, a number of methodological concerns have been raised by Natural England, the Marine Management Organization and the RSPB. I know we touched upon this briefly previously. Uh, and we are to have some additional information at deadline. One to address certain elements, but can the applicant briefly provide the exa with an update? Explaining how it will address these methodological concerns? Is further engagement planned with these interested parties? Will there be specific responses to each individual methodological concern?

01:20:19:06 - 01:20:53:02

Building possible on behalf of the applicant, We will we will be responding to, um, issues raised. We've already responded to the MMO issues. In the reply to relevant rep, we're preparing a response to the Natural England relevant rep for deadline one. Um, and we will be responding to RSPB. But you have to understand that some of these issues are extremely well rehearsed. They've played out across multiple um applications.

01:20:53:04 - 01:21:21:27

Secretary of state has therefore taken a position on them, and there's only so much, um, uh, sense, as it were, in taking that debate sort of further on, on any, on any given application. So we in relation to RSPB in particular, we do have just some fundamental points of disagreement which, um, are not realistically going to be resolved through this process.

01:21:22:26 - 01:21:25:24

I appreciate that if those particular points could simply be highlighted.

01:21:27:13 - 01:21:27:28

Yes, sir.

01:21:32:12 - 01:21:39:21

Thank you. Are there any questions or comments from interested parties, parties on this matter that go beyond methodological concerns already raised in representations?

01:21:41:28 - 01:21:42:28

I'm not seeing any

01:21:44:16 - 01:21:46:15

jump onto compensatory measures then.

01:21:48:10 - 01:22:11:12

So in terms of compensatory measures, it would appear that the the applicant's intention is to put Katy ratepayers occupying the artificial nesting structure at Gateshead will be divided or shared between participating projects. Can we have an update in relation to negotiations with The Undertaker for the Dogger Bank South project? And can the applicant explain the mechanism for apportioning birds between projects?

01:22:25:27 - 01:23:07:03

Julian Boswell for the applicant. The short answer is that that that's a fair question. Um, but we don't uh, the the answer is still in development. So the design, the stand, it the tower was promoted by RWA corporately rather than in the name of Dogger Bank South, um legal uh company. And, um, so for what it's worth, it, uh, the, the I think the negotiation is, is a sort of pan RWA negotiation in relation to more than one RWA, uh, project or project that RWA has a stake in.

01:23:07:11 - 01:23:38:15

And, um, the tower is there, as I think you've, uh, I think think you understand. And so, yes, there does need to be, um, uh, a mechanism agreed. And, um, put into the examination to, um, to, to to give you the comfort that, that can operate as a, as a secure mechanism. Um, and that is the most I can say is that that is still under development.

01:23:40:08 - 01:23:43:11

Thank you. Is there any indication as to when we might have clarity on that particular matter?

01:23:50:28 - 01:24:02:29

I think I'm going to have to, um, defer to a future update on that. I don't want to say something that I can't then, um, uh, deliver on.

01:24:04:10 - 01:24:06:10

Okay. Thank you.

01:24:16:23 - 01:24:17:08

Yeah.

01:24:19:09 - 01:24:28:18

Obviously that must that that information must come in by the close of the examination. We can we can you please give an indication as to whether it would be deadline one to.

01:24:35:24 - 01:24:37:24

Julian Boswell for the applicant. I think it's.

01:24:39:25 - 01:24:48:26

I think it's safer if we, um, address the time timing in the sort of summary that we provide after this.

01:24:50:02 - 01:24:53:15

So this would be an indication as to when the. Well.

01:24:54:02 - 01:25:26:19

You're asking a fair question and we need to give you, um, the best answer that we can. Um, uh, I perhaps should mention that each of the projects that we're talking about have other, uh, shareholders. So it isn't, uh, it isn't like it's entirely within our a I RWA to simply say, you know, that's that's the way it's going to be. So, um, I just want to highlight that in case that's the impression might otherwise be formed, that somehow that should be straightforward or entirely straightforward.

01:25:27:08 - 01:25:33:19

And I appreciate that to within this post hearing note, then we will have clarity as to which deadline the information will be provided. Yes.

01:25:38:02 - 01:25:47:21

Julian Boswell for the applicant. Yes. We will do our best to indicate the timing going forward. Um, I suspect it's going to play out over more than one deadline. Okay.

01:25:48:13 - 01:25:48:28

Thank you.

01:25:52:02 - 01:26:24:29

I mean, it may well be on this point when we receive your notes and you give some sort of indication of timetable, uh, we may find it necessary to impose a deadline to make sure it happens. Um, I've certainly done that in other instances where I'm aware that there perhaps complicated corporate structures behind making decisions, and sometimes is a way of making sure things get done and do not get left to last minute and or aren't resolved by the time the close of the examination.

01:26:36:28 - 01:26:51:01

Okay, moving on to lanterns marshes then. So this is being considered as a potential goal compensation site. Firstly, is the applicant preparing the plan for the site as requested in our draft questions? And when could this be provided?

01:26:55:18 - 01:26:57:25

So, um, Julian Boswell for the applicant,

01:26:59:16 - 01:27:34:05

one of your draft questions on the fact, I think the first of the series of questions on land and marshes is are we progressing it in? The short answer is no, we're not. So five estuaries is not progressing. Um land and marshes as a as a potential compensatory measure site. The only sites that we are progressing are that, um, are the, uh, well, assuming that the, um, change application goes through, as we hope, then that will leave us with the promised site on a slightly expanded basis and the Outer Trial Bank.

01:27:35:20 - 01:27:36:05

Thank you.

01:27:41:03 - 01:27:54:18

Lastly, on compensation, then, can the applicant explain how the success or otherwise of compensatory measures will be monitored and assessed? Uh, additionally, can it clarify the course of action that will be taken in the event that measures are found to be unsuccessful?

01:28:00:09 - 01:28:30:12

Thanks, Myles. On behalf of the applicant. Uh, so monitoring plans will be implemented for each measure. Uh, we. It's likely that the monitoring plan for the for each measure will be different. Um, and there will be laid out within the implementation monitoring plan. Um, it will either be measuring, uh, additional nesting space in terms of kittiwakes and less about that goal, and then also benefits to productivity for those species and, and the species in the southwest as well.

01:28:31:10 - 01:28:39:08

Um, more detail can provided um in the implementation monitoring plan when those measures are more finalized in the southwest. Um.

01:28:42:06 - 01:28:52:23

And then also we'll be will present an adaptive management plan within the implementation monitoring plans as well. Um, to provide the added security that the measures will, will be successful.

01:28:53:21 - 01:28:57:29

I assume that will pick up on measures that could be put into place if they are not successful.

01:28:58:25 - 01:29:12:13

Yeah. Again, that will change or differ by species. Um, uh, depending on the measures that are being progressed. Um, we will have different options for each each species and each measure. Thank you.

01:29:14:04 - 01:29:19:05

Are there any observations from interested parties on anything we've heard in relation to compensatory measures?

01:29:22:07 - 01:29:22:25

Sani.

01:29:23:29 - 01:29:24:14

Sir.

01:29:27:08 - 01:29:48:17

Sir. Sir. Can I just, uh. Michael Bedford, Suffolk county council. Um, it's mainly a point, simply for your information, um, rather than, um, a point of direct concern, uh, in relation to the Orford Ness compensatory location for the lesser black backed gull.

01:29:50:03 - 01:30:30:26



Um, you will have seen, obviously, from the recent letter proposing, uh, changes in a change request, some suggestions for revisions to, uh, that, um, compensatory, Uh, area. Um, Suffolk County Council is, uh, interested to ensure that it understands the landscape and seascape implications of works, uh, within part of the, um, uh, national landscape. And we have begun to have some dialogue with the applicant to make sure that we fully understand what it is that they are now intending and proposing.

01:30:31:20 - 01:31:05:04

And what we're hoping will happen is that there will be a offline meeting between the relevant personnel so that we're fully briefed. We're hoping to arrange that in the near future, and that will then be able to inform our, uh, various subsequent submissions. Um, it would certainly be useful, I think, to you, uh, if we're able to have secured all of that before we get to the 22nd of October and the deadline for our local impact report, because we'd like to be able to present to you, as it were, an informed position.

01:31:05:06 - 01:31:25:25

But we're also conscious, obviously, that the change request will go under its own timetable. So it may be that there are things that we say at an interim stage, which we might then have to update at a slightly later stage, but I say I'm just raising that not as a it's not a complication or a problem. It's just for your information to know that that's, as it were, something where dialogue is in place.

01:31:26:14 - 01:31:30:27

Thank you I appreciate that. Is the applicant content with that 22nd of October date?

01:31:47:20 - 01:31:54:18

Universal for the applicant? Yes. We're in dialogue about agreeing that meeting okay.

01:31:57:03 - 01:31:57:22

Mr. gold.

01:31:58:18 - 01:32:14:19

Just very quickly. It's just to say I'm wholly in favor of the proposed change. It shouldn't cause any dilemma at all. It's only a very marginal change. And if the Suffolk County Council or the applicant wants me to support them in their meeting and explain further, very happy to do so.

01:32:17:01 - 01:32:17:18

Thank you.

01:32:32:23 - 01:32:39:21

Given we've been going for a while, I mean, you've been sitting there patiently and there are people online need to rest their eyes. Can we take a break for.

01:32:43:23 - 01:32:49:21

A break until 10 to 12. Okay, so this hearing is adjourned until then. Thank you.