



## Hearing Transcript

<b>Project:</b>	Five Estuaries Offshore Wind Farm
<b>Hearing:</b>	Issue Specific Hearing 3 (ISH3) - Part 3
<b>Date:</b>	29 October 2024

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### FULL TRANSCRIPT (with timecode)

00:00:13:15 - 00:00:38:08

Well good afternoon everybody. It's now 2:00 and the hearing is resuming. And we're now going to move on to agenda item 3.2, which deals with effects, uh, or socioeconomic effects. Um, and the first topic um, under this section we're going to look at the effects of fishing. Um, just checking. Mr. Armstrong, are you still online?

00:00:40:21 - 00:00:41:17

Yes, I am.

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

Thank you.

00:00:44:06 - 00:01:15:04

Um, you might as well stay, um, with your mic on. And if you can turn your camera on, because we're coming to a question for you, uh, in a few seconds. Um, originally, when we compiled the agenda, we were going to deal with fishing effects. Um, specific to five estuaries and then a cumulative um section. But I think just because of the way the evidence has gone, I've compiled the questions and combine the two sections A and B, um, I think they'll just will flow more easily.

00:01:15:06 - 00:01:26:08

So turning to Mr. Armstrong, on behalf of the Harwich Harbour Fishermen's Association, um, can you explain how you consider the installation of Sir.

00:01:26:27 - 00:01:31:18

Julian Boswell for the applicant? Would it makes sense for us to introduce our team or not?

00:01:31:25 - 00:01:33:04

Uh, yes, I think yes.

00:01:34:11 - 00:01:52:22

Um, and just to make the point that in this session, 3.2, um, because we've come on to a wildly different topic, next, we'll need a moment to, to swap in and out. So I'll just ask those members starting on my left who haven't already introduced themselves to do so.

00:01:54:21 - 00:01:57:23

Uh, yes. Daniel Bates, offshore consents, lead for the applicant.

00:02:01:09 - 00:02:05:22

Sarah McNabb. Poseidon. On behalf of the applicant and speaking to commercial fisheries.

00:02:08:09 - 00:02:14:28

Fiona Nemo Poseidon on behalf of the applicant. Also speaking on Commercial Fisheries agenda item 3.2. Thank you.

00:02:29:29 - 00:03:03:05

Thank you sir. Yes. Mr. Armstrong, on behalf of the Harwich Harbour Fishermen's Association. Can you explain how you consider the installation of the proposed turbines and export cable for the proposed Five Estuaries windfarm would impact on the commercial fishing for the members of the association. And in answering this question, could you indicate which fishing methods you consider the applicant has not recognized would be affected by the construction and operation of the proposed development.

00:03:03:28 - 00:03:24:10

Secondly, the fishing areas that are no longer available to the association members because of the presence of other offshore wind farms, as you referred to in your submission. Rep one hyphen zero 63. And then thirdly, the extent of the area where

00:03:26:09 - 00:03:59:09

your association members are now typically fishing. And in respect to that last point. If I could ask the applicant to put up page 24 in P121, which is a map which shows, uh, in effect, the area that's been assessed for fishing purposes. And if I understand the map correctly, it's showing a study area that in effect, um, in the north goes as far more or less as Lowestoft, and then to the south to Ramsgate.

00:04:01:19 - 00:04:07:18

Is everybody on the applicant's team content with that document? Reference I just gave.

00:04:10:14 - 00:04:11:08

Steve back out.

00:04:18:11 - 00:04:19:13

Did you want me to start?

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

I'm.

00:04:23:13 - 00:04:25:19

Sorry. We're just checking on the drawing reference.

00:04:26:06 - 00:04:26:21

Okay.

00:04:27:11 - 00:04:39:17

Yeah. Rep one. Uh, sorry. Let me know. I've told you the wrong. It's one, two, one. And it was page 24.

00:04:58:25 - 00:05:02:21

Mr. Armstrong. If you're if you're content, um. Then please commence.

00:05:03:12 - 00:05:35:16

Yeah. Okay. Uh, Trevor Armstrong, Harwich Harbor's official fishermen's association. I actually sit on the commercial fisheries working group, where, uh, we have representatives from, uh, Yarmouth right down to, uh, Clacton and Colchester and Mersey. So I'm actually speaking on behalf of all of them because rather than them all registering as an interested person, they thought it was best to everyone. And I got the job. Um, so you were talking about roughly 50 boats that are working, all commercial fishermen.

00:05:36:05 - 00:06:19:18

Um, and uh, the, the vast majority are under ten singlehanded vessels. So with regards to the impact, this there's three elements to it really is there's obviously pre-construction, which is generally the surveys and the grab sampling and boreholes. Then it moves into construction and then it's post and what we're left in, uh, inherited, um, after the developer has gone. If it comes down to the surveys, uh, there is a huge problem because RWA have not accepted that all methods of fishing are disrupted by their vessels.

00:06:20:02 - 00:06:54:13

So if I can explain, uh, they are saying that if you've got fixed nets or pots on the ground, then you may be able to get some mitigation for that to move it. If you are fishing with trawling or drift nets or long lines, then their train of thought is you'll stay out of our way and we'll work together. Now, that may sound okay, but when you've spent Hundred pound on diesel to get out to your usual fishing ground and you find a survey vessel there.

00:06:54:17 - 00:07:37:08

That's not really the way it helps. And the other thing is with the survey vessels is they disperse the fish, they are going up and down with high powered vessels. And if you take, for example, the bass, they will disperse for miles and they won't be back. Now with other developments that has been easily resolved, because what they did was they accepted that all types of fishing would be disrupted and then all could go into a discussion with them. Regards to mitigation, RWA has decided not to go down that route, which is causing a great deal of concern for, uh, some of our members just to say that our members are multi fishers.

00:07:37:10 - 00:08:10:21

They fish with all different methods. It depends on the type of fish they're targeting and whether it's lobsters or crabs or herring or cod or bass. There's different methods. So they are compromised, uh, quite substantially during that period. It then moves into construction. Again, we hope to have further discussions with them on how they are going to deal with that. Previous projects have gone for a total exclusion zone, and then they enter into, uh, some sort of agreement for the people to stay out of their way.

00:08:10:23 - 00:08:45:10

And that's worked really well. We still don't know whether our we are going to do that. We hope that's the route they go down. But of course, we haven't had that commitment from us yet. And then it comes to post construction. The array sites practically come no go zones for fishers. You have large turbines in the in the in the area. Any situation that causes them to take evasive action or, or the tide is wrong or the weather turns.

00:08:45:13 - 00:09:15:24

That means they're in danger of coming in contact with those turbines. So therefore it creates a no go area. No skipper will take that risk. The cable line when it's finished. From previous experiences, the cable and the developer will say we will use best practices to bury that. The North Sea east coast is a moving seabed. And there are so many areas now where exposed cables are just left exposed.

00:09:15:26 - 00:09:46:03

So instead of the metre depth, they're now spanned like piano wire, again creating a hazard because of the increased number of projects. And we've got quite a few in the planning, some there, every cable crossing. And as you agree to another one, there'll be more cable crossings. They have to cover those. They can't bury that cable and they put a rock mat over the top. Again, that creates a hazard for a trawler to work over.

00:09:46:20 - 00:10:20:14

So these are the the issues that we've tried to have some discussion with RWA through the working group, but they're still outstanding. And of course, a real concern to our fishers. Um, with regards to the methods of fishing. As I said, we're mostly mostly, uh, multi-task vessels. Um, so they're all impacted. You know, if you're a trawler, yes. You come in contact with the bottom more, um, but then a drifter who drifts nets, comes in contact with the bottom Potters.

00:10:20:16 - 00:10:36:28

And I'll be honest, once the area is cleared, because the the cable routes don't tend to go over rocky ground, they want the soft ground where they can bury the cable. They can actually go back, and it doesn't impact them too much. Uh, and I've forgotten what the third part of the question was.

00:10:39:27 - 00:10:41:05

I'll repeat it for you.

00:10:41:10 - 00:10:41:25

Sure.

00:10:44:03 - 00:11:07:05

Well, actually, that would, I think, two further parts there. Um, the second part of the question was, uh, you've indicated in rep one zero 63 that there are areas that you're no longer fishing because of the presence of, um, existing offshore wind farms. And I'd asked if you could indicate where they were. And then the third part.

00:11:09:23 - 00:11:14:15

Was if you could give an indication of where your colleagues are currently fishing.

00:11:16:05 - 00:11:49:00

Right. So the the areas that are impacted and if you if you could get the map of all the array sites in the Thames estuary. So we're talking gun fleet London, London array, galloper Gabbard East Anglian one. Um they are all areas where the only people that can fish are those that do rod and line. So in the Harwich fishing area, Harwich members, we've got two. They can actually go into the array sites and they drift only using a rod and line, and that's predominantly for bass.

00:11:49:06 - 00:12:19:26

The rest of the areas, none of the skippers will take that on. The risk to the vessel is too great. Um, so they become no go areas and then as uh, all they all have plotters now they will indicate all cable

crossings on the, on their, on their plotter. And the trawlers and drifters will stay away from them. Some do very. I'm not saying it's totally all, but they have to assess those on a sort of like a daily basis because of that shifting, uh, seabed.

00:12:19:28 - 00:12:55:26

They could be exposed for six months of the year, then pop up for two weeks, and then another storm covers them up again. So they have on their plotters these areas, uh, that are no go areas. And the accumulative impact is that the fishing fleet and they're now being condensed into smaller and smaller areas. Uh, the skipper of the vessel can ensure his gear. He has to ensure his vessel. But he can't insure his gear. There's no insurance company would do that. So to lose £6,000 of net with the risk to the boat and the crew is just not something I take on.

00:13:01:01 - 00:13:04:12

Is that it? That was. There was another part, wasn't there?

00:13:11:24 - 00:13:26:06

Yes. Well, I think you've actually, um, responded that the third part was where are your colleagues currently fishing? But you've generally indicated it is as far north as Yarmouth. And can you remind me where you said the southern extent was.

00:13:26:12 - 00:13:38:10

In the Mersey Colchester area? And we're we're talking predominantly because we are day boats. There's a few that go out more than, uh, for the day a couple of days. in May, but we're talking like 25, 30 miles max.

00:13:44:26 - 00:14:07:27

And that is one of the problems with the day boat. You see the travel distance. I mean, when you see on telly these big, huge trawlers that go out for weeks and weeks, when you're single handed, you can only go as far as one. You can stay awake and the distance that boat will travel. So you're talking inshore. And that's what predominantly our fishing vessels are inshore. So 25 miles in and that's our area.

00:14:24:19 - 00:14:45:21

Thank you. Mr. Armstrong. Did the applicant want to respond particularly on the sort of the liaison point? And, um, this this issue about what? The. Um. What you consider will. The types of fishing will be affected versus what Mr. Armstrong and and his colleagues think in terms of the effect on different types of fishing.

00:14:48:27 - 00:15:12:07

Thank you, sir. For the applicant. And Mrs. McNab is going to respond. Just, um, on a preliminary point, the document you sent us to app one, two, one is the Fish and Shellfish Ecology Baseline report that will not show you the study areas for commercial fisheries. That's a different document for the, um commercial fisheries baseline report is app 127.

00:15:15:14 - 00:15:22:21

Two. In that document is there an equivalent plan that shows the search area or the the survey area?

00:15:26:06 - 00:15:29:14

Yes. The study areas for that topic will be in that baseline report.

00:15:36:22 - 00:16:07:00

Could I just come in on that? That's that survey and their data that they're going to, I think, present to you that won't be under ten vessels that will be linked to AIS, which is on vessels over ten meters, is not representative of the inshore fleet from Harwich, uh, from Mersey right up to Yarmouth. Inshore vessels that we have do not have VMs and they do not have to have a Oisin. So the information is not relevant to what I think I'm talking about.

00:16:07:21 - 00:16:10:02

They might might say something different to that.

00:16:17:20 - 00:16:51:00

Okay. Sarah McNab, on behalf of the applicant, um, firstly we kind of welcome and take on board Mr. Armstrong the views and those of the Harwich Harbour Fishermen's Association. And I would like to emphasize that we've had productive and constructive engagement. And with Mr. Armstrong and with other fisheries associations via the Commercial Fisheries Working Group. So we've had meetings as a project with that group since 2021. We've held several meetings which have talked through our understanding of the commercial fisheries baseline environment in the area.

00:16:51:10 - 00:17:30:08

And we've also worked through with them the findings of our impact assessment. And most recently, we've met again with the group to discuss the outlined fisheries liaison and coexistence plan. Um, and we've taken on board feedback from the group in, um, updating that document, which has been recently submitted at deadline to um, to respond, I think most clearly to the points raised by Mr. Armstrong, I would appreciate just taking maybe 5 to 10 minutes at most, just to work through a summary of the commercial fisheries impact assessment, just to kind of provide a structured response and hopefully inform everyone in the room of our main findings.

00:17:30:15 - 00:17:38:28

Um, and then we'll come on to the points around approaches to to mitigation and which fleets that mitigation is applicable to.

00:17:41:08 - 00:18:13:16

Okay. So with reference, um, to app 077, which is the commercial Fisheries iOS chapter. Firstly looking at the construction phase of B. So we have five estuaries. Um, our assessment acknowledges that commercial fisheries will be prevented from fishing where construction activities are taking place. So by that I mean where construction vessels are active and where partially installed infrastructure is present and within safety zones of 500m diameter.

00:18:15:00 - 00:18:31:21

And this is the case both within the area area and within the export cable corridor. So outside of these um, explicit and specific areas, fishing will be able to continue through the construction phase, and the Commercial Fisheries Impact Assessment is reflective of this assumption.

00:18:33:07 - 00:19:08:19

So during the construction phase, our assessment does identify potential significant temporary effects from reduced access to fishing grounds. And it identifies these significant effects for the following fleets. So for the UK potting fleet, which operates within the Arrear areas, and the export cable corridor for the UK fixed and drift Net fleet, which operates principally across the export cable corridor and for the UK Hooked Gear fleet, which again operates principally across the export cable corridor.





ah ah. In terms of the decommissioning phase, the outcomes of the construction phase assessment are considered to apply equally. So I won't repeat the conclusions that I presented there.

00:23:05:10 - 00:23:37:03

And really just to close on on the mitigation point, I would reiterate that we feel the engagement with the working group has been very helpful. Um, it's been very transparent and we hope to continue that going forward in finalizing the fisheries liaison and coexistence plan post consent. And I would say also that the in developing the fisheries liaison um, and coexistence plan, we have taken on board the views of the working group, which have been clearly expressed and also views of the NFO.

00:23:37:05 - 00:23:42:17

So they provided written feedback on the outline FLP, and we've taken those into account as well.

00:23:44:24 - 00:23:51:15

So that's my summary of the impact assessment and the proposed approaches to mitigation that the applicant has taken.

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Ah ah.

00:24:15:17 - 00:24:19:29

Mr. Armstrong. Was there anything particularly you'd like to say in response to what you've just heard?

00:24:24:02 - 00:24:58:07

Uh, yeah. Just to say how disappointed I am. I thought we'd moved on a little bit from what were the discussions we have? I mean, when, uh, when it says there's meaningful discussion, what what has actually been announced? There is there is that you will be excluding a large percentage of, uh, the fishing community from your areas. Um, and you, you say, oh, we can work together. That is not what's happened when you've got a construction vessel going there with a guard vessel going on and, and demanding the exclusion zone that impacts on certain fishing vessels.

00:24:58:09 - 00:25:32:11

Yes. You may say you'll mitigate certain things, but you're excluding the trawlers. Now, a lot of Harry's vessels have gone over the trawlers because that's one fishing method that they can operate single handedly. So that is because of, uh, the cost of crew and whatever. If trawler is operating in that area and your vessel comes along and we have an agreement that your vessel will stay out the way of ours, that's fine. But that's not from experience. What will happen? Your guard vessel will come steaming up and shouting and hollering over the radio.

00:25:32:13 - 00:26:13:09

Get out of our way! And if you don't, which has happened recently, you'll be threatened with an injunction. And that is the culture that some developers are not saying five, but some developers have operated just recently. The easy answer is just to say all, all vessels can go and speak to you no matter what the fishing method is, and have that discussion and come up with a an agreement. And I'm not talking about money here as such, it's a matter that you are going to accept that fishermen will operate there and you'll keep out of the way or they'll keep out of your way.

00:26:14:01 - 00:26:54:00

And that hasn't what's happened in the past. It's just disappointing that you are going to divide that the fishing community, um, by the methods that they have chosen to fish. So I'm very disappointed with regards to working in the Iraqi side. Yeah, that that is possible. There is no problem. But what you have is 25 years of a maintenance of that went awry. So if when our vessels team the 20 odd miles out to the Iraqi site and want to fish there, and then they see a jack up vessel or they see, uh, winged cats flying around at 20 knots, what they've done is they've wasted that journey.

00:26:54:08 - 00:27:25:06

The fish won't be there then, and also they'll have to stay 500m away. So there is difficulties during the post-construction and to say, oh yes, you can fish. That's not in reality. That's not what our members experience. So I have been working on these. I don't get paid for this job. I've been working on them for 12 years. And I can assure you that what will actually happen is different to what that impact assessment has said. So that's reality.

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

Thank you.

00:27:33:10 - 00:27:48:18

Thank you, Mr. Armstrong. I mean, I've got other questions. I think rather than ask the applicant to respond to what Mr. Armstrong has just said, I'm going to go through my other questions, which may, um, address some of the points the applicant might want to say in response.

00:27:50:27 - 00:27:57:22

If anything gets missed, then we can come back to it once I've been through my various questions, um,

00:27:59:08 - 00:28:27:15

for the applicant, um, Mr. Armstrong, on behalf of the association, in rep 163 has referred to there being a reduction in the stock of Cod over the last 12 years or so, both north and south of the Thames Estuary. Can you give an indication as to what you think might be the reason for the reduction in the abundance of cod?

00:28:40:15 - 00:28:47:26

Well, let me give that an apology, sir. That's a fish ecology question, not a commercial fisheries question. We'll need to get somebody else to come and assist us with that one.

00:28:51:12 - 00:28:56:25

That's fine. We'll we can pick that up in the marine section on the ecology front.

00:29:07:18 - 00:29:13:23

My next question. I'm sure we've got the right people at the table because we've got some some on the engineering side. Um.

00:29:20:09 - 00:30:00:27

With respect to the installation of the proposed turbines and the cable laying, uh, within the array areas. Are the works likely to be undertaken in each array in turn, or would there be some concurrent working in both of the arrays? And for example, if we look at foundation work, uh, with the foundation work, um, be undertaken just in the northern array area before moving on to the southern array area, or would there be foundation work going on in both, um, array areas?

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And it may not for the applicant.

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But taking the example of foundation installation, the.

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It may be that we are working in both areas at the same time. That is, that would be a worst case. The reasons for this for having two vessels essentially would be that we need to constrain the. If we don't have a long construction window, then we need to have two vessels. That also may not be the case. It's not decided yet. So we can't I can't give you a definitive answer that it won't happen. So that's why it's assessed in the maximum design scenario that it may.

00:31:06:20 - 00:31:38:06

And just, uh, if you like, hypothetically, if, for instance, foundation work started in northern Ouray and is completed, and then there's a move into the southern Ouray area to do foundation work, presumably, um, in the northern Ouray area where the foundation work has been completed, is the expectation that turbine installation would start off the back of the completion of the foundation works.

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Alice Maynard for the applicant.

00:31:47:11 - 00:32:18:10

Yes, but the sequencing of installation, say, for example, if we had one vessel and we were sequencing, the installation is more complex than simply doing all the ones in the northern area than doing the ones in the southern area. It may be that we need to consider strings. Foundation types. Foundations are clustered into water depths, the water depths of varying across the sites. So it's not as simple as saying we'll just do all those ones up there and then do the ones in the South.

00:32:18:24 - 00:32:38:16

Um, there's additional considerations and factors that we need to take into account in our filing sequences. But yes, it is correct in that it's reasonable to assume you've installed foundations. There may be some gap, but then when you go into install turbines and it is a sequential activity, but there may be a gap.

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While we were talking about sequencing. Um, the.

00:33:15:06 - 00:33:34:13

Construction program. Perhaps if I could ask for this to be brought up and, um. Figure 121 in AP zero 69 is one example of the construction program. It's the same program that appears in various different documents. But perhaps if that could be brought up.

00:33:42:04 - 00:33:56:25

Because it looks like in that program that year for offshore is going to be the busiest year, with particular peaks of activity in quarters one and quarters three.

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And really the question relates, um.

00:34:15:12 - 00:34:18:15

Yeah. If I try start the drift.

00:34:20:00 - 00:34:42:01

The applicant in responding to the National Federation of Fishermen's um Organisations relevant rep. Um has commented that while works are ongoing, fishing would be possible outside any of the 500 metre um safety zones around both construction vessels and significant infrastructure under construction.

00:34:45:02 - 00:35:04:00

Can the applicant, um, give an indication for quarters one and three in year four? What proportion of the northern or southern array areas would be subject to safety zones at any one time, and thus unavailable for fishing. Now.

00:35:06:05 - 00:35:19:11

Picking up the point, you. You mentioned it a while ago that sequencing is actually quite tricky. Is that something perhaps you'd want to take away and come back in with a best guess in writing?

00:35:25:01 - 00:35:46:10

Julian Bond of the applicant. Would it be possible to understand what lies behind this? Because if it's in the context of fisheries mitigation, I think the inevitable answer and the stance that the applicant will be taking is that we need flexibility in construction sequencing to reflect circumstances at the time.

00:35:46:12 - 00:36:00:25

What really what underlines or underpins this question is just really to get an understanding of how much of the array areas would in fact not be available for fishing, particularly in that peak year of activity.

00:36:52:00 - 00:36:53:10

Julian Bosworth, the applicant.

00:36:54:29 - 00:37:00:17

I guess we're struggling as to how we're going to be able to provide you with a helpful answer. We would make the.

00:37:02:27 - 00:37:24:03

We would make the observation that the arrays are beyond the 25 miles sort of indicative de limit. So if we're talking about inshore fishermen, the they're, they're focused on, on on that. But the um, on the export cable but the um, yeah.

00:37:41:13 - 00:38:02:17

That's why you're having a think about that. I'm just going to ask Mr. Armstrong. Uh, Mr. Armstrong, in terms of your colleagues. Do you have a feel for how many of them? Particularly you mentioned those that are single handed. Are any of them venturing out into the the proposed array areas, or is that too distant for them?

00:38:03:26 - 00:38:41:05

The vast majority do not go into the array areas, so I'll be honest with that. But the ones that do are high earning vessels. And uh, for the gentlemen who say, oh, well, this might happen and that might happen and do a nice chart like that, the North Sea and the weather dictates when things happen. And the best laid plans. And I've heard this on numerous other, uh, developments so it doesn't follow the plan. It never does. There will be slippage on all of this. But and to say that they'll open one area and for fishing and they'll close another.

00:38:41:07 - 00:39:23:21

It that hasn't happened either. The only successful way of dealing with this type of issue has been done on other projects. Uh, that I will say has created the best practice is you want they want an exclusion zone. And I can say that if the if it's right, then the fishermen will just stay out your way as it has on the east angle. In one project you it couldn't have gone better. There was no conflict on a daily basis like there could be on this where two vessels are heading, uh, heading on the same course, and one's got to move out of the way and it won't work in the end, I can assure you.

00:39:24:03 - 00:39:54:16

And, you know, they, you know, there's concern about community projects. Well, just give money to a community. You've got to have a project. There is no projects in Harwich. We don't own any seafront. We don't have any jetties, no piers, no land, no nothing. We we can't have a project. All we want to do is go to work and I hope this is not sounding like it's all about money. It isn't. We would rather the planning rejected the application. It doesn't come.

00:39:54:18 - 00:40:25:02

It doesn't happen. That would be our ideal. Because, as I said in my response, when will the planners say that enough is enough? You've got East Anglian three due to start construction. You've got this planning application. You've got no fools coming. You've got East Anglian one North, you've got East Anglian two. So when is enough going to be enough? Because every time the developers say, yes you can fish in there. I can give you 20 fishes that say, no, I can't.

00:40:25:21 - 00:40:28:13

So that's it really in a nutshell. Thank you.

00:40:47:17 - 00:40:56:12

Mr. Boswell. Have you had any further thoughts about the point that was raised, about whether or not some sort of calculation could be done to indicate, um.

00:40:58:15 - 00:41:05:08

How much downtime there might be, in a fishing sense, in the grey areas in that year. Four in particular.

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Two long balls of the applicant. I think our.

00:41:23:09 - 00:41:40:29

We acknowledge the uncertainty that Mr. Armstrong has just been referring to in terms of weather and all the rest of it, and we're just not we're just not we're nervous that we can't give you something that that is useful or, or ends up being misleading.

00:41:45:20 - 00:41:48:03

Because it's just going to be so heavily caveated.

00:42:12:18 - 00:42:29:27

Okay. Well, I think on this point we'll reflect as an examining authority on the issue. We've got the opportunity, if you think we wish to pursue it further through a second round of written questions. Uh, we'll, we'll Terrible's hand will take stock about that and.

00:42:32:15 - 00:42:33:21

Perhaps come back to it.

00:42:37:02 - 00:42:39:19

Could I just make one final comment, please?

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

Yeah.

00:42:41:20 - 00:42:45:23

Yeah, I might cut you off because it might touch on the question that I might be about to.

00:42:45:25 - 00:42:46:15

Come to, but I was.

00:42:46:17 - 00:42:58:18

Just going to say that there lies the problem, the certainty. So the certainty is, well, uncertain on their behalf, but it's a certainty for the fishing community that they will be disrupted. Thank you.

00:43:26:06 - 00:43:31:19

But my next question is for both applicant and Mr. Armstrong. Um.

00:43:33:24 - 00:44:05:11

During the course of issue specific hearing, one the applicant advised that the proposed development would involve the installation of either 50W, 41 large turbines or 79 small turbines. From a commercial fishing perspective, only, um, which do you consider would have the least or greatest impact? The installation of 41 turbines or 79 turbines.

00:44:06:01 - 00:44:14:16

And in answering the question, can you give an explanation? Explain why you think either 41 or 79? So starting with the applicant.

00:44:16:07 - 00:44:20:01

Julian Boswell, for the applicant, the question is fundamentally misconceived.

00:44:21:19 - 00:44:51:24

The app, the application, along with every other DCO and every offshore wind application ever is, has, has, has been submitted on the basis that there are a range of permutations. We are not seeking consent to do one of two things. We are seeking consent to do a range of outcomes in terms of turbine sizes and turbine numbers. And we are concerned that this notion has gathered pace in this examination, that somehow we're only seeking consent for two outcomes.

00:44:51:28 - 00:44:54:24

Nothing could be further from the truth.

00:44:57:01 - 00:45:09:17

Well, my recollection of what was said at issue specific hearing. One was that you were either going to pursue a 41 turbine scheme or a 79 turbine scheme.

00:45:12:24 - 00:45:14:15

Julian Boswell for the applicant, I don't.

00:45:22:01 - 00:45:36:11

We will we will be selecting a single turbine. That is the that that is the, the normal expectation. And that's consistently happened. We don't think we've ever said that we're going to do one of those two alternatives.

00:45:40:15 - 00:45:46:12

Yeah, there's a range of number of turbines that would come out of of the different permutations.

00:46:00:13 - 00:46:29:24

We can address. If you want to ask the narrow question, hypothetically, if it was this or this, what would be the, you know, the range of fisheries impacts. We can answer that question, but we don't want to imply, in providing an answer like that, that those are the only two options because it isn't the case. The whole Rochdale envelope is based on having a range of options within it, and the commerciality of the scheme depends on that.

00:46:49:27 - 00:46:50:14

East Bedford.

00:46:51:07 - 00:47:22:12

Thank you, Sir Michael Bedford, Suffolk County Council clearly we don't have a particular issue, uh, in relation to commercial fishing. So I'm not obviously intervening in relation to that. But I would welcome some clarification from what Mr. Boswell has just been explaining to you, because obviously there are slightly wider implications for things which do concern the county council. I was looking at its app 069, which is the, um,

00:47:23:29 - 00:47:29:07

part of the environmental statement, chapter one. It's the offshore project description.

00:47:30:28 - 00:47:34:09

And, um, in um.

00:47:36:25 - 00:48:07:05

Paragraph 1.5.8, it says up to 41 large or up to 79 smaller WGS are planned for V. A range of TG models will be considered. However, they are all likely to follow the traditional WKRG design with three blades and a horizontal rotor access.

00:48:07:24 - 00:48:55:09

And then that is followed by table 1.8 design envelope for WGS. And that table sets out parameters. And the first row is number of WGS and the design envelope is small. DWG with an entry of 79 and large DWG with an entry of 41. So whilst obviously clarification is always helpful, uh, I think in fairness, not only so to your question, but also to our understanding, there is certainly some of the applicants material which did appear to indicate that it was a straight choice.

00:48:55:11 - 00:49:02:28

And certainly that was also our understanding of the oral exchanges during ES, H1 and H2.

00:49:10:00 - 00:49:19:06

Thank you. Uh, Mr. Bedford, it does give me a little bit more confidence in my own memory of what was said about two months ago, Mr. Boswell.

00:49:20:26 - 00:49:29:10

Julian Boswell for the applicant. The what? Um, Mr. Bedford's just been referring to contains the crucial phrases up to

00:49:30:28 - 00:49:39:21

and so that is the. That is the answer to the apparent conundrum or apparent confusion.

00:50:28:21 - 00:50:46:04

So returning to the question that I put and on or without prejudice type basis. Is the applicant able to give an indication? If we if you were looking at a 41 or 79 turbine scheme, which potentially would have the greater effect for fishing?

00:50:49:29 - 00:51:20:00

Sarah McNab, on behalf of the applicant, yes. We confirm that our assessment is based on a maximum design scenario for commercial fisheries of 79 turbines, and we take that as the maximum design scenario, because that results in the minimum spacing potential between the turbines and therefore the least navigable sea area for commercial fishing activity to resume. So we apply the 79 turbine scenario. And that's confirmed in IPP 077.

00:51:20:04 - 00:51:23:25

That's the S chapter and that's in table 8.8.

00:51:41:15 - 00:51:55:21

And just as a point of clarification, it might be more, um, on the engineering side in terms of the larger turbines, what sort of spacing are you looking at for those? We've heard 830 for the smaller ones.

00:52:11:06 - 00:52:39:16

As well, not for the applicant. The number would be somewhere over a kilometer. A kilometer one 1200. 1300. It's a function of the rotor diameter of the turbine. Um, which I don't have. We can't confirm because we can't confirm the size of the turbine in the future models, but I imagine it would be a rotor diameter of somewhere larger than 280m. So multiply that by four and add 50.

00:53:00:00 - 00:53:23:14

Talisman to the applicant. I would also like to clarify that this is the minimum spacing for turbines. The. If you had a larger site for example then this the spacing would be larger. But since we're talking about minimums then I'd like to clarify that. Yeah. The four you know 44 times diameter plus 50 would be a minimum spacing.

00:53:27:00 - 00:53:37:18

And Mr. Armstrong, same question. Um, which do you think would have the greater effect? 41 large turbines or 79 small turbines.



00:53:39:05 - 00:53:57:16

The larger spacing would definitely be a preference for us. However, there is still always the safety element, even in their space that far. Uh SC rescue will not operate within a windfarm. Should about guessing get into distress. So um, but definitely the larger. Thank you.

00:54:13:09 - 00:54:16:08

Julien, both of the applicant. Can I just make an observation?

00:54:18:07 - 00:54:18:29

The.

00:54:19:01 - 00:54:38:22

The search and rescue considerations are very much factored into layout design and therefore all the windfarms that are approved in the UK take that issue very seriously. So whatever layout is approved, that appropriate search and rescue access would be provided for.

00:55:19:23 - 00:55:53:01

Now, I would like to look, uh, just a question relating to the outline liaison. So the outline fisheries liaison and coexistence plan. Um, Mr. Armstrong, do you consider the measures included in that outline liaison plan would or would not be effective? And if you consider that they would not be effective? Uh, could you give an indication of what your concerns are and how that plan might need to be changed to address your concerns?

00:55:54:14 - 00:56:04:26

Um, I'm embarrassed to say I haven't seen it. So, um, whether that's been circulated and I haven't picked that up, I don't know about the coexistence plan. We've worked on it, but I haven't seen the final draft.

00:56:05:09 - 00:56:34:24

Well, there's one included within the, um, application library as you've not had the opportunity to see, I think the best way to progress this question is we'll hold it over for a written question for you if you can respond to it. Yeah, we're due to issue our written questions Friday week. Um, so I think that's going to be the best way to deal with that. Then that gives you the opportunity to have a look at it, um, and, and comment accordingly. Okay.

00:56:37:00 - 00:56:58:21

Yep. Sarah McNabb, on behalf of the applicant. Really, just to confirm that we met with the KSG in August of this year, and we talked through the content of that outline, fisheries liaison and coexistence plan. And we took on board the verbal feedback received from the working group. And that is reflected in that latest version of the FLP that you will have received.

00:57:01:19 - 00:57:03:00

Did I get a copy?

00:57:10:00 - 00:57:17:27

Yeah. Sorry. Sarah McNabb. Mr. Armstrong, a copy of the document is available online, so we can send you a link to that.

00:57:18:14 - 00:57:21:01

Thank you. So I didn't get copies. Thank you.

00:57:31:29 - 00:57:54:13

And then I'd just like to briefly turn to, um, the statement of common ground that's being worked on between the applicant and the National Federation of Fishermen's Organisations. Um. Can you give an indication of whether there are any areas of significant disagreement that are emerging, um, through the preparation of that statement of common ground?

00:58:15:24 - 00:58:49:12

The honour Nemo Poseidon on behalf of the applicant. Thank you. To confirm the statement of common ground with the NFO is currently in draft form. It has not been submitted yet to the NFO. A meeting has been arranged with them to run through that document and to discuss any areas of disagreement. The applicant will include sections on fish and shellfish ecology and also commercial fisheries impact assessment and baseline in relation to that statement of common ground.

00:58:50:04 - 00:59:01:23

We expect there to be some discussion and potential disagreement in relation to the fish and shellfish ecology baseline methodology. Thank you.

00:59:21:18 - 00:59:22:03

Thank you.

00:59:23:23 - 00:59:24:08

Um,

00:59:25:29 - 00:59:31:07

that that is the end of the questions that I had. Mr. Armstrong.

00:59:33:27 - 00:59:35:08

So you're on mute.

00:59:37:07 - 00:59:59:22

Okay. Um, just for regards the statement of common ground. Um, none of our members of what? They might be the only one who's a member of the NFO. Um, and the commercial fishing working group, I don't think has seen a statement of common ground draft if I'm right. So that's something we would like to, uh, work on as soon as possible. Thank you.

01:00:00:19 - 01:00:36:03

The we we issued procedural decision quite early on before the examination commenced. We identified, um, the National Federation of Fishermen's Organisations, and the applicant should enter into a statement of common ground. We didn't indicate that. Um. Your association. Um, enter into a statement of common ground. Um, but it might be the vehicle for some out of hearing, negotiation or discussions to take place.

01:00:36:27 - 01:00:56:19

Um, turning to the applicant, is that something that you you might be prepared to entertain a statement of common ground with the heritage Association, rather than perhaps trying to bring them in to the discussions that are taking place on the, um, setting common ground with the national federation.

01:01:21:20 - 01:01:29:08

Julian Bosworth. And yes, we're content to open a discussion about a statement of common ground with the. Mr. Armstrong.

01:01:44:24 - 01:02:14:15

Mr. Armstrong, are you happy to proceed on that basis that the applicant will liaise directly with you, in effect, for and develop a bespoke type statement of common ground with your association and the applicant? Um, that then will enable you and your colleagues to expressly, um, entered dialogue with the applicant and then draw something up that will show areas where you may be agreed and areas where you're not agreed.

01:02:15:19 - 01:02:33:09

Yeah, that's fine, but it wouldn't just be with the I suggest, the Harwich Fishermen's Association. It would be the commercial fishing working group that represents the whole of the East Coast. And I'd just like to say this would have been the first project that I've been involved in in the last 12 years, where we haven't had a statement of common ground.

01:02:35:08 - 01:02:36:19

So yes, I welcome it.

01:02:40:24 - 01:02:42:09

Julian Boswell for the applicant.

01:02:44:05 - 01:02:45:27

Can you just give us a moment, please?

01:04:03:13 - 01:04:06:13

Julian Boswell for the applicant, where

01:04:07:29 - 01:04:39:21

our suggestion is that we have a discussion offline with Mr. Armstrong with his Harwich hat on. And part of that discussion would be the practicalities and realities or otherwise, of actually getting something that all seven associations that he's referencing, um, could, could sign up to. That's the reason for the, the discussion at this end that we don't want to sign up to a process where there are so many parties involved, and it becomes impractical.

01:04:39:23 - 01:04:47:07

So we would like to have a discussion with him offline about the most effective way to to operate that discussion.

01:04:49:22 - 01:05:23:15

Mr. Anderson, does that sound reasonable? I've certainly encountered in a different context to this Situation where there were a very large number of parties trying to agree an illegal agreement, and it took four years in the end, um, because there were just so many parties involved, um, each, each party wanting minor changes and it just took everything back to the starting point. So, Mr. Armstrong, are you content to have an offline discussion with the applicants team to work out who might be the best parties to take forward a statement of common ground?

01:05:23:27 - 01:05:37:19

Yeah. That's fine. I have worked on draft once before, which I have then presented to the other fishing associations for a collective, uh, response. And, uh, there might be minor amendments, but it's usually worked out quite well. So yeah, I'm happy that and welcome it.

01:05:45:06 - 01:06:01:05

Okay. Well that that concludes our questions in relation to fishing matters. Uh, Mr. Armstrong, thank you for your participation. If you want to go off and do something else this afternoon. By all means, do so. We won't take offense if you're no longer in the hearing.

01:06:02:15 - 01:06:06:03

I will be doing. My dog's desperate. I thank you for your time. Thank you. Bye.

01:06:06:15 - 01:06:07:01

Thank you.

01:06:13:12 - 01:06:28:12

That then takes us to the second part of this agenda item, which is quite a volte face looking at noise. So as the applicant indicated, uh, they'll need to be a bit of a change over on your side.

01:07:39:21 - 01:07:40:06

Mr..

01:07:40:16 - 01:07:44:09

Mr.. Boswell. Mr.. Is everybody in place that needs to be in place?

01:07:48:20 - 01:07:58:06

Julian Boswell for the applicant. Yes. Would it make Makes sense to update the introductions. Yeah. So, um, it's all to my right.

01:08:01:14 - 01:08:05:16

Mr. Carter, for the applicant. Uh, talking on noise.

01:08:08:06 - 01:08:11:19

Andrew Browning from Savills for the applicant. Talking on health.

01:08:14:08 - 01:08:17:15

Mike Humphrey from for the applicant. And socio economics.

01:08:30:04 - 01:09:04:08

Thank you. Um, I've got a series of questions, mainly noise related. Some will be for the local authorities. Um, which as tendering out here, we will be looking at Essex primarily. Some are for the applicant and there may well be some that are for both. Um, but if one question is directed at one party, then the normal I will follow is that I'll ask the question of that party and then give the other party the opportunity to comment if they wish.

01:09:06:23 - 01:09:19:07

Uh, so turning to Essex and or on behalf of Tendring, I presume that's the best way to approach this afternoon that you're stepping in for Tendring generally. Yeah. So.

01:09:22:24 - 01:10:00:01

Um, and the, the first series of questions relate to construction noise and for, um, five streets alone. Um, so for Essex, with respect to the assessment of construction noise, are you content that the applicant has used suitable data and undertaken an appropriate assessment to predict effects for noise, uh, sensitive receptors. Now, for this series of questions, if there are any that you don't feel able to answer, um, because perhaps it's more for tendering, uh, if you can indicate.

01:10:00:03 - 01:10:07:09

And then we'll hold that over and then become a written question. But picking for that first question, sir.

01:10:07:11 - 01:10:39:21

Thank you. Uh, Mark wood, Essex County Council. Um, the applicants have carried out an assessment pursuant to BFS 5 to 8, I believe, which I think is the current up to date standards as far as noise controls are. So on the basis of that and having, having um, looked through document with your reference app stroke 091 and content that that has been um assessed against the correct criteria. So yes, in answer to that specific question.

01:10:40:10 - 01:10:41:12

Ah. Ah ah.

01:11:05:09 - 01:11:36:21

Thank you, sir. And then again, turning to yourself. Um, are you content? Adequate measures for mitigating construction noise have been identified by the applicant and could be secured through the operation of the proposed Code of construction practice, for example. Um applicant has made reference to reducing noise levels to 48 DB at the nearest noise sensitive receptors when horizontal directional drilling is being undertaken during the nighttime period.

01:11:37:19 - 01:11:39:27

Um, so are you content with the additional.

01:11:42:17 - 01:11:59:09

Sorry if you're not content with any aspect of the mitigation that the applicant is proposing, could you indicate what those concerns might be and how they could perhaps be made, um, or secured through a mail order?

01:12:01:16 - 01:12:06:04

Thank you sir. Mark, would you Essex County Council, both authorities remain reasonably

01:12:07:21 - 01:12:39:15

okay with the mitigation measures that have been put in place, particularly with night time noise. But I would say, sir, that there is one exception to that. One of the things I do note in the noise statement is that there's no reference to piling. Um, I assume, therefore, that planning is not proposed, particularly when it comes to horizontal direct drilling, because obviously planning at any time of the day, never mind the night, is, um, quite dangerous in the noise environment.

01:12:46:15 - 01:12:47:22

If. If I

01:12:49:11 - 01:12:58:03

recall correctly, there is some mention of piling, perhaps being required in connection with some of the horizontal drilling.

01:13:00:27 - 01:13:06:09

But was that perhaps at the transition between offshore and onshore?

01:13:20:03 - 01:13:21:12

This may not be the applicant.

01:13:23:06 - 01:13:54:22

The the noise assessment process identifies the sort of maximum noises, and then the equipment will be operating within that in specific reference to piling and nighttime and the horizontal directional drilling and how that interface works. Um, any piling that would be being conducted at the HDD would be for the pits, almost like sheet piling for the edges of the wall. The nighttime working of the horizontal directional drilling is to allow for if we've got the equipment going and we can't stop because of that. So, you know, then they're not.

01:13:54:24 - 01:14:01:18

It wasn't the intention to indicate that we would be piling at night if we needed to piling for the jobs.

01:14:35:05 - 01:14:35:23

Is to which is to.

01:14:35:28 - 01:14:39:21

Address the point that you just raised as a possible concern.

01:14:41:02 - 01:14:42:07

Yes, sir. Thank you.

01:14:52:27 - 01:15:12:24

A question for the applicant. Um, one way or another, I've done quite a lot of cases involving noise, and I was slightly surprised when I saw the reference to pink noise. White noise I'm aware of. Um. Could you just elaborate a little bit on what pink noise is?

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

Uh, Richard Carter for the applicant. Um, it's similar to white noise, which is broad band in nature. Um, like a hiss, but pink noise is slightly softer. It contains, um, less of a high frequency. So all appear to be a sort of a softer sound, but, um, yeah, essentially.

01:15:43:02 - 01:16:00:19

So it's, it's an evolution from white noise and reversing alarms. Uh, is just a further iteration to try and, uh, make sure that construction workers on site can hear a vehicle that maybe is reversing, but the rest of the world doesn't hear that noise.

01:16:02:04 - 01:16:05:06

Richard Carter for the applicant. Yes. That's right. Yeah. Okay.

01:16:15:03 - 01:16:21:17

Uh, with respect to construction works at the junction between the A120 and Bentley Road.

01:16:23:21 - 01:16:26:26

Um, is it correct at this time to assume that

01:16:28:11 - 01:17:07:10

nighttime working would be limited to central reservation barrier works and road marking alterations. Um, with the result that the noise assessment has been focused on daytime activity. And I get that reference from paragraph 9.4.22 of, um, the noise section of the ES, which is P091. It seems the assumption is that there won't be any significant nighttime working in Bentley Road, and therefore there's been no assessment of any nighttime working.

01:17:08:12 - 01:17:09:24

Is that correct?

01:17:46:24 - 01:17:53:22

Others may not. For the applicant. It's correct to say that we've not assessed the night time working along Bentley Road.

01:18:04:23 - 01:18:34:00

Do you envisage anything more significant than a White Mile road marking alterations? There is a reference to central reservation or reservation, but presumably that was at a time when perhaps you thought you might be making a right turn into Bentley Road, and therefore that would require central reservation to be removed. But are there likely to be any other works that might affect Bentley Road that might be undertaken during the night time period.

01:18:58:00 - 01:19:27:22

For the applicant that the reason there is discussion ongoing here is that we would be somewhat in the hands of National highways when we are on their highway as to when they would be and when they would prefer us to be working, and therefore it's hard for us to protect us. If we were being asked to work at night, we would need to look at what had been assessed, and we would need to look at the possibility of, for example, going in to get in section 61 under the control pollution that consents to do such work. Um, at the moment we cannot know because we don't have that level of detail from National Highways.

01:19:34:26 - 01:19:40:24

Is there any feeling as to what sort of works might need to be done at night at that junction?

01:19:42:15 - 01:19:54:09

Presumably it's some sort of curb realignment, potentially reconfiguring. I think there's some street furniture that might have to remove to get the abnormal loads in and out.

01:19:55:02 - 01:20:30:09

Alice Maynard for the applicant. So curb realignment? Yes. Um, that there's the possibility for that. We have recently been in discussion with, uh, evaluating moving the road, um, to mitigate impacts and increased safety at the junction, which would mean curb realignment. In terms of aisles, we've evaluated the tracking of the largest aisles, the transformers, and we can fit that along with, you know, with the Revised, sort of moving the road two metres.

01:20:38:18 - 01:20:42:27

Before I return to the applicant, Mr. Woods. Have you got any observations about

01:20:44:24 - 01:20:51:09

possible Night-Time working and whether or not it's been adequately assessed, or whether there might be a need to assess it.

01:20:52:21 - 01:21:25:23

Sir, not as the county council obviously will be aware if we run the company on site visits. The nature of Bentley Road, its rurality and also, um, quite a small but quite important number of residential properties that are along its length, which are in very close proximity to the roadway, let alone the one on the corner which is from the A120. What I would ask the applicant to say, sir, through you, is that, um, why is there any need to do any work at all to Bentley Road during nighttime hours.

01:21:26:04 - 01:21:28:17

Given the potential sensitivity of the noise

01:21:30:12 - 01:21:36:04

sensitive properties adjacent to it, why can't all that those works be done within the operational core hours?

01:21:37:27 - 01:21:38:12

Thank you.

01:21:47:23 - 01:22:15:02

I'll just say not for the applicant. The reason is that if we're working along the A120 because it is at the junction, and National highways indicate to us we are only allowed to do the work at night, then we would have to, um. We don't envisage the work to be significant. We wouldn't be looking to do significant nighttime work in Long Bentley Road. It's whether we would have to, um, as a condition of. Yeah, being allowed to work on the National Highways junction.

01:22:18:04 - 01:22:43:13

Seemingly, as we sit here now, you've got an idea of what works might have to be done, at least in brief. I think we're going to have to ask for an assessment to be done. For what the impact of those works might be, because it might require some mitigation. But without having knowledge, it's it's difficult to say.

01:22:45:06 - 01:23:12:20

And certainly the property on the corner of Bentley Road is very close to whatever activity might be going on at night. And even if it were white painted or painting of the road, some of that equipment can make a bit of noise while the crews are out doing those works. And I presume National Highways would want even a line painting to be done at night when there's lower levels of HGV traffic, particularly on that road.

01:23:27:04 - 01:23:33:19

Uh, all I can do for that. I use thinking that as an action point, sir, because we're just trying to work out how long it would take us to do that.

01:23:34:27 - 01:23:43:17

I think it probably is going to be an action point, but whether or not it needs to be or whether whatever the next deadline in or the one after Mr. Pooja.

01:23:44:16 - 01:23:52:26



Sir. Thank you. Mark was just going to cancel. Uh, sir, I think you're absolutely right. Obviously, the A120 is managed and maintained by,

01:23:54:26 - 01:24:23:06

uh, what they call themselves now National highways. National highways. Um, and yes, obviously that provides the main route was to Harwich etcetera, which is uh, particularly busy at certain times, particularly during the day. Obviously you've got HGV running down there frequently apparently. Road however, is on local highway network managed and maintained by Essex County Council. So I think there's a material difference between the two roads in terms of operational works. Yeah.

01:24:23:09 - 01:24:42:12

But I think if I understand correctly, from what Mr. Maynard is saying, it's likely to be works literally at the junction that are those that would have to be done at night and that perhaps where there is a localised widening going on, those would be works that would be undertaken during the daytime.

01:24:44:10 - 01:24:49:02

Is that a fair summation in the applicant side?

01:24:54:29 - 01:25:12:06

Paul McCartney for the applicant. And part of the reason we're talking about timing, sir, is we'd like to have the discussion with National Highways about the likelihood of what ifs and what would be when. And they're sort of obviously caveated and only preliminary opinion at this stage, because that would help us inform what assessment we then had to realistically provide.

01:25:14:22 - 01:25:45:03

I mean, at the close of this hearing tomorrow, we'll have more of a discussion about timings. But yes, I think it's fair to say we're not as an authority going to say you must get it in before deadline three. Um, and even if it has this one has to slip out to deadline five. Um, I doubt that's going to be a particular problem. Um, in this context, it's not as if you've got something. Perhaps it's tied to species surveys where there is a limited window for doing the work.

01:25:47:19 - 01:25:55:24

So I think we've part that there will be an action that that some work will be done and we'll come back to the timing of that tomorrow.

01:26:04:03 - 01:26:15:27

I think what we do, I've, I've got a couple more questions on construction only relating to five issues. I think we'll run through those two questions. Then we'll take an adjournment for mid-afternoon.

01:26:24:21 - 01:26:29:11

Um, sticking with Bentley Roads. Um.

01:26:31:17 - 01:26:45:12

The assessment that's been undertaken indicates from the applicant's perspective, um, that the effect for the occupiers of the dwellings in Bentley Road would be negligible. Um.

01:26:48:15 - 01:27:06:13

And that that's referred to in paragraph nine point 10.72 of LP zero 91. Um, can you explain? Um, from the applicant side how you've reached that conclusion of negligible effect, please?

01:27:57:19 - 01:28:34:13

Um, Richard Carter for the applicant. Um, what's, um, trying to be said in paragraph nine 1072? Is that, um, noise levels of, um, that, um, And don't exceed 65dB would be um, wouldn't uh, not would not be negligible. So it would be negligible. So. So to clarify, the noise levels of 65 DB or below would be negligible. So there's a number of um, locations in the table above that which that paragraph refers to where that would apply.

01:28:34:22 - 01:28:43:23

Um, the then other properties that it goes on to talk about where there are non-negligible impacts, but that that's what was trying to be said in that paragraph.

01:29:07:23 - 01:29:15:04

Thank you for the clarification. Um, Question for each of the councils.

01:29:16:27 - 01:29:17:15

Um.

01:29:21:04 - 01:29:46:18

Vibration impacts from HGV construction. Traffic has been scoped out, um, of the assessment that's been undertaken. Um, given the applicant's intention to use Bentley Road as a route for a normal, indivisible loads of up to 400 tonnes. Do you consider the scoping out of vibration impacts from HGV construction? Traffic is appropriate for Bentley Road.

01:29:49:27 - 01:30:04:29

Thank you sir. Michael justice Kent council. Um, I look forward to receipt of that in your list of questions, sir, because I'm not able to give you any technical expertise in terms of vibration impact, um, to try and influence you in any way whatsoever. Thank you.

01:30:24:17 - 01:30:48:15

Right. Well, that does bring us to the end of the questions I had in terms of construction for five series alone. Um, I think this would be a convenient time to take a mid-afternoon adjournment. We we've reached 3:30. Um, is 15 minutes agreeable to everybody looking at the applicant team getting nods over there. Everybody else?

01:30:50:27 - 01:30:58:07

Not seeing anybody vehemently opposing to 15 minutes. So we'll reconvene at quarter two four. Thank you.