



## Hearing Transcript

<b>Project:</b>	Five Estuaries Offshore Wind Farm
<b>Hearing:</b>	Issue Specific Hearing 3 (ISH3) - Part 5
<b>Date:</b>	30 October 2024

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### FULL TRANSCRIPT (with timecode)

00:00:05:21 - 00:00:24:02

Well good morning everybody. It is now 10:00. And this issue specific hearing three is resuming. Um, can everybody in the in the room hear me? Yeah. And can I check with somebody online? Can you hear and see us in the room?

00:00:25:25 - 00:00:31:06

Good morning, Sir Sarah Marshall for National Highways. Yes, we can see and hear you. Thank you sir. Thank you.

00:00:31:15 - 00:00:46:00

Thank you, Miss Marshall. Um, just going to make some very brief introductory comments. Um, because I think everybody present here today, either in the room or online, was present yesterday when we gave the full introductions.

00:00:48:24 - 00:01:05:19

Um, so this is a continuation of issues of issue specific hearing three concerning environmental matters relating to the application for development consent concerning the proposed five streets onshore wind farm. Can I just check with the case team that both live stream and recording are running?

00:01:07:28 - 00:01:10:07

Both the live stream and the recording has commenced.

00:01:10:17 - 00:01:11:03

Thank you.

00:01:16:04 - 00:01:40:00

Um, just as a general housekeeping point, um, if the fire alarms should sound, um, then we we will need to vacate the room and follow, um, either the signed escape route or the use the main stairway and assemble out in the car park at a location. Point A, and wait there until we are instructed to return to the building.

00:01:43:23 - 00:02:17:29

I think the only other matter I need to address, um, this morning is running order. Um, we'll be beginning with shipping and navigation. As I understand it, we've had a request from the applicant

team. If we can move offshore ecology so that it follows, um, shipping and navigation, then we'll return to landscape and, uh, finally to terrestrial traffic and transport. I think what that means is that from a transport point of view, we are unlikely to get to that topic.

00:02:18:01 - 00:02:50:27

There's the final topic until after lunch. Um, so if the likes of National Highways and any of the other highway can, uh, local authorities and the representatives want to do something else this morning, by all means do so. Um, and all all we would suggest is that you keep an eye out for the resumption time. Um, because that might not necessarily be 2:00. It could potentially be a little earlier, depending on the progress that we make this morning.

00:02:55:17 - 00:03:05:24

Does anybody else have anything they wish to raise on a sort of housekeeping type matter? Before we go into agenda item three, which is shipping navigation.

00:03:08:25 - 00:03:11:08

Nothing in the room. Anything from anybody online.

00:03:13:07 - 00:03:15:27

I'm not seeing any hands raised.

00:03:18:12 - 00:03:20:12

Okay. Hand over to Mr. Harrison.

00:03:22:23 - 00:03:32:14

Thank you. Uh, Mr. Boswell, would you like to introduce, um, which members of your team will be speaking to this agenda item?

00:03:40:17 - 00:04:01:03

Julian Boswell for the applicant. I think all of the people sitting at the table have been introduced since. I guess we're still in the same hearing, aren't we? And therefore, there are two people from Anna Tech. Um, the applicants, um, shipping and navigation consultants who are dialed in, who are and will ask to introduce themselves.

00:04:03:14 - 00:04:09:04

Good morning, Samantha Westwood from Anna Tech. Um, I'm representing the applicant.

00:04:10:04 - 00:04:15:10

Good morning. And Mr. James Milne, also from other tech. At representing the applicant today. Thank you.

00:04:18:15 - 00:04:19:24

Great. Thank you very much.

00:04:21:09 - 00:04:50:18

Um, so hopefully, um, the applicant saw from the agenda that we're taking a slightly different approach to this agenda item and that we're going to invite the applicant to provide a brief update on any progress made or discussions that have taken place regarding navigation and shipping matters since, uh, issue specific hearing one. Um, is that, uh, something that, um, an attacker happy to cover

00:04:52:06 - 00:04:52:21

up?

00:04:55:02 - 00:05:03:10

William was of the applicant. Um, Mrs. Westwood, I has got a summary which I'll ask her to, uh, to take you through.

00:05:04:02 - 00:05:04:20

Thank you.

00:05:09:25 - 00:05:52:03

Samantha Westwood for the applicant. Um, I think in the in the main, we are on good progress with all shipping and navigation related issues. We have issued statements of common ground to all interested parties and are working through those, um, now, ready for submission. I think I'm in a good position to say that all issues, um, are either fully mitigated or waiting to be mitigated in terms of addressing the final points within the navigational installation plan and the cable burial, which we are liaising, um, with the, the various ports and interested parties on.

00:05:52:10 - 00:05:58:17

Um, I'll hand back to, um, uh, probably to Mr. Dan Bates. Now, if he wants to give her an update on that.

00:06:03:26 - 00:06:30:27

Uh, on your rights with the applicant. Um, just to follow on from what, uh, Mr. Westwood has said. Um, we've had two productive face to face meetings with the ports in the last few weeks since the, uh, last set of hearings. Uh, regarding the issue of cable burial. Um, and it's been said those discussions were productive, and we are continuing to work with the ports to define, uh, the parameters around which we will we will commit.

00:06:32:14 - 00:06:52:27

Um, in the meantime, we've also issued, uh, an update, a revision C to the navigation and installation plan or consultation with the interested parties. Um, and we are, uh, awaiting comment back from those parties and will update the navigation installation plan at a future deadline.

00:06:57:19 - 00:07:09:11

Thank you. Um, just on that final point. Um, what what sort of, uh, timescale or, um, deadline? You're aiming for that on the navigation installation plan update?

00:07:11:22 - 00:07:28:15

Uh, Daniel Bates, the applicant. Um, I would say no. No later than deadline four would be our estimation. Um, we are close to agreement. Um, in our view, as Miss Westford said. Um, yeah. So I think deadline for would be reasonable.

00:07:32:27 - 00:07:33:15

Thank you.

00:07:38:16 - 00:08:14:19

Right. Well, thank you, um, for that update on on progress. Um, so I'm going to run through, um, some questions now. Um, loosely based on the kind of, um, agenda sub items that I, uh, that we put out, um, earlier. But, uh, obviously they'd gone out just before, um, they were finalized just before

deadline two. So I think based on, um, some of the responses, um, I may concentrate more on certain, um, areas than, than others.

00:08:16:00 - 00:08:58:13

Um, and so on that basis, um, the first issue, that sort of sub issue that we were looking at was the navigational risk assessment and sort of any potential risks during construction and operation was the overarching heading, um, and this is one where I actually don't have that, that many questions. Um, so, um, we were, um, pleased with, um, Trinity House and the Maritime Coast Guard Agency with their, um, succinct and helpful responses to our first round of written questions.

00:08:58:23 - 00:10:00:21

Um, where they, um, clearly confirmed that they were, um, happy with the, uh, methodology and data sources that were informing the NRA, um, which was, um, really useful to, to hear back. Um, I believe and hope that we have representatives of both, uh, the Maritime Coastguard Agency and Trinity House. Um, online. So my, my sort of first question was, uh, going to be directed at, at then, um, and it was just really taking the opportunity whilst, um, your, your here and in this event, um, to identify whether there were any other sort of concerns or issues that you had with the navigational risk assessment thinking more the, the sort of the outcomes or the conclusions of, of that document.

00:10:01:02 - 00:10:12:14

Uh, perhaps turning to the MCA first and Mr. Jackson, um, whether you had any concerns or issues there.

00:10:13:19 - 00:10:51:01

Yeah. Good morning sir. Vaughan Jackson for the Maritime Coastguard Agency. Uh, no, we have nothing further, really, to add. Um, we summarized in our written, uh, written representation, um, that we were happy as we were in issue specific hearing one, uh, that the detailed navigation risk assessment had been carried out. Um, the data sources, we were we were more than happy with, uh, appropriate stakeholders had been identified and have been consulted with and I continue to be consulted with, and that the process had been.

00:10:51:07 - 00:10:53:24

Um, uh, I've been followed. Well.

00:10:56:00 - 00:11:06:04

Great. Thank you for that. Uh, confirmation. Um, and the the same question, uh, to Captain Harris on behalf of Trinity House.

00:11:07:28 - 00:11:36:19

Yes. Uh, good morning, Sir Trevor Harris. Fraternity house? Yes. Similar to the MCA. We're very content with the NRA process and how it's progressed. And, uh, all the data sources are fine and acceptable for Trinity House and what we require for ourselves within our own remit. And again, we're sort of also content with the way the, uh, navigation installation plans go in with the consultations and things.

00:11:37:29 - 00:11:55:11

All right. Thank you. Thank you for confirming that. Um, just before I move on from this Item. Uh, did anybody else, either in the room or online, have any comments around or, uh, around the navigational risk assessment?

00:11:57:13 - 00:12:00:04

I'm not seeing any any hands up.

00:12:01:20 - 00:12:25:02

Um, so that brings me on to my sort of, um, second subset of questions, which are around, uh, cable burial, which has already been mentioned in the, uh, helpful update at the start. Um, in particular, where the export cable corridor crosses the sunk and the Trinity deep water routes. Um.

00:12:27:04 - 00:12:48:14

I was I was going to start with, um, a few questions, uh, that are really leaning on, uh, the Port of London Authority's deadline to response, uh, rep to 066. Um, and and think most of these are going to be directed towards the, the applicant team.

00:12:50:21 - 00:13:34:28

Um, so as, as I read the Port of London's deadline to response. Um, and also the applicants deadline to respond to deadline one submissions, which was rep two zero. Uh, two six. Uh, would I be right in saying that there seems to be a general sort of agreement and acceptance, um, within the Deepwater Routes, that, um, there's a commitment to cables being installed and maintained, uh, at such a depth that would allow the Deepwater routes to be dredged and deepened in future, uh, to basically to a depth of at least 22m below chart data.

00:13:35:03 - 00:13:43:21

Could I just check that the. I think I saw in writing that the applicants had sort of accepted that principle, and it was now about the details of how to achieve it.

00:13:45:15 - 00:14:02:09

And, uh, down your dates with the applicant. Yes, that's correct sir. Yeah. The principle of 22m below chart datum, um, over those two deep water routes is established. Um, and the discussions by having a really over the extent that that commitment needs to be made.

00:14:04:02 - 00:14:36:28

Great. Thank you. Um, and just a couple of very quick follow ups, um, on that, I think in the, uh, Port of London Authority's deadline to, um, response. Um, I did see that one of the areas of discussion, um, sounded like quite a technical points seem to be about the data that would possibly be used in application documents, and whether it was chart datum or perhaps mean lowest astronomical tide. Milat um, perhaps asking the applicant first.

00:14:37:02 - 00:14:40:27

Um, has there been any sort of progress on that point.

00:14:44:07 - 00:15:16:18

Then your rights for the applicant. Um, yes. There. The agreement discussion with the ports has always been around chart datum as the level that, uh, that the port's um, and shipping navigation uses as, as the baseline. From a project perspective, we would tend to use mat or. Um, yeah, low astronomical tide. Um, map being slightly below chart datum, I sort of in the region of 0.3m ish.

00:15:17:13 - 00:15:32:11

Um, so essentially we're more very happy to commit to chart datum. But in terms of how that is captured in our documents, it's likely that we'll refer to Mat as that is simply the level that ourselves and our contractors would use.

00:15:35:05 - 00:15:48:16

Thank you for that explanation. Um, a Port of London authority. Was there anything that you wanted to, um, query or comment on, on, on that point at this time?

00:15:50:04 - 00:16:12:28

Good morning sir. Uh, Lauren Asian of Gowling to the Port London Authority. Um, I've also got Lucy Owen, who's, um, deputy, um, planning and development director on the line. Um, we would, I think, agree with with that. And where matters have got to. Um, we're waiting for our conservancy manager to return from leave to pick up the discussion. But, um, your summary of of where we've got to and your understanding of the written reps is, is correct.

00:16:15:24 - 00:16:33:18

It's Lucia for the Port of London Authority. Uh, chart data is the data that is normally used for on charts, which is why we were suggesting chart data. But we are considering that to see whether that is something that we could get comfortable with. But we're not there yet, so it's still a point of discussion.

00:16:36:02 - 00:16:39:27

Right. Thank you for confirming that position.

00:16:46:01 - 00:17:26:03

And, um, I guess this is a slightly wider question. Um, obviously, it seems to me that the, um, agreement of the area and defining the area over which the deeper cable burial needs to occur, um, is probably, um, a key matter to agree between the PLA and the applicant. Um, is there any anything sort of further progress that you could, maybe starting with the applicant that you could update on that? Um, and maybe sort of next steps or a hopeful timescale for trying to reach agreement on, on that.

00:17:30:07 - 00:18:07:04

Uh, yes. So, um, as I mentioned, we've had these couple of sort of face to face meetings which have been really productive. And a lot of that has been. Uh, looking at the detail of, of those areas and the bathymetry of those areas. Um, coming out of the most recent workshop, uh, there is an action with the applicant to provide a plan showing our proposed areas, um, which, uh, the areas of which were substantially discussed in those meetings. Um, so we are currently preparing a plan, uh, to go to the ports for, uh, for their consideration.

00:18:08:00 - 00:18:19:06

Um, and that's sort of where things are in terms of the time when we expect agreement to be reached. Um, again, I think deadline four is a is a is a realistic

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time for that to be submitted into the examination?

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Thank you. Thank you for that. Um, and perhaps another, uh, timing question. Uh, when when would you expect to have the plan prepared that you would share with the the ports.

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Daniel writes for the applicant, we would expect to be able to share that next week.

00:18:51:10 - 00:18:52:20

Okay, great. Thank you.

00:19:07:26 - 00:19:49:14

Um, so I think in the deadline to submission, uh, Portland and Authority had obviously, um, repeated what they'd said at issue one. Obviously, it's important to secure, uh, any agreed position in relation to the Deepwater Routes has an embedded mitigation and that everybody's clear, um, and consistent within the DCO. Um, during ice age one, I think Portland and Authority suggested that the the the plan, which is perhaps what you were talking about there um, may become some form of uh, certified documents.

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Is is that sort of the the approach that PLA and the applicants are going with, or is there some other mechanism which is being discussed?

00:20:04:17 - 00:20:06:13

I perhaps start with the applicant. Sure.

00:20:07:00 - 00:20:25:02

Uh, Daniel Bates with the applicant. Um, our current thinking is, uh, that plan would be included in the outline clips, the outline cable specification and installation plan, uh, which is secured to the D marine license. Um, and that outline is a certified document, and that's how it be secured.

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And just just to quickly turn to the Port of London Authority is is that um, your understanding of, um, the mechanism.

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And are you happy with that approach?

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Sorry, sir. Um. Uh, Laura, nation of the Portland Authority. Um, it's. We haven't really discussed mechanism, um, to secure those measures. At the moment. We're waiting to see the plan. It was our expectation it might be a certified document. Um, but we haven't really gotten to the detail of how best to secure the mitigation.

00:20:59:20 - 00:21:02:03

Okay. Thank you for for confirming that.

00:21:04:18 - 00:21:22:06

I suppose I should just ask a more general question. Um, I presume the the meetings that you've already had, um, between parties, you're looking to continue those at a pace to keep agreement. I'm sort of looking at the applicants team and I'm seeing nodding. Right. Thank you.

00:21:27:13 - 00:22:12:28

Um, I think that the next point picking up on there, the place. Uh, deadline to, uh, representations, which I think is just worth exploring while all parties are in the room. Um, is the comments, uh, that they made, uh, during the construction stage? Um, and their request for the applicant to use the most effective method of cable laying. Uh, in terms of speed and kind of, you know, making the the points



around their concerns that the potential impact on the sunk pilot diamond, uh, could have on taking vehicles into the taking vessels into the Port of London.

00:22:13:16 - 00:22:32:14

Um, and that, you know, through delays, they might have to wait for the next tide 12 hours later. Um, so I think I think it is a fair point. Is there anything that the applicant would like to say at this stage in terms of taking on board that, that point Around, um, sort of speed during cable laying.

00:22:34:22 - 00:22:57:06

This may not for the applicant as part of the discussions about, uh, achieving deeper burial for the cable. Uh, this topic has been discussed with the ports as in layman's terms, we can you can put a cable in deep and you can put it in fast, and they're not the same thing. Um,

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so it's finding a balance between these two, uh, these two constraints and aims. And we are in discussion about the likelihood of achieving this burial and, well, the ensuring that we achieve this burial and the techniques. So it's part of that consideration. Um, and the ports are my understanding from our meetings is that the ports are aware of this constraint and, um, how we're looking for ways during construction to manage any impact on the on the ports operations and the pilot diamond.

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Thank you, Miss Maynard. That was helpful response. Um, was there anything further the Port of London Authority wanted to say on that matter at this stage?

00:23:53:21 - 00:24:07:22

Uh, Laura Nation for the Port Authority. Um, so I think the matter is still remains as set out in paragraph 5.16 of our written representations. Um, but obviously we note the applicant's comments that there they are exploring the issue further, and we await to hear from them.

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

Okay.

00:24:11:05 - 00:24:11:25

Thank you.

00:24:16:21 - 00:24:51:18

I think the next, next question was around the Port of London Authority's request to in the deadline to submission, to approve any sort of surveys, monitoring or pre-construction activities. Um, for, for the reasons that they set out around, uh, survey vessels slowly passing over over the deep water routes and how that could affect shipping. Um, and, and also that, you know, restrictions may need to be placed on how the pre-construction activity is undertaken.

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And they cite the example of boulders or archaeological finds cannot be relocated to or within a deep water route, but instead be removed. Um, again, I'm possibly guessing the answer is going to be that, um, discussions are ongoing, but, um, is there anything the applicant wants to say in relation to that request?

00:25:28:17 - 00:25:46:09

Uh, Paul McCartney for the applicant. Fundamentally, sir, these activities are controlled under the deemed marine licence, which is within the remit of the MMO, not the PLA. So it would be for the PLA to formally approve the various plans and documents under that marine licence. Not to the PLA. Sorry, the MMO to prove not to the PLA.

00:25:51:22 - 00:25:59:22

Thank you for that. Um, anything that the Port of London Authority wanted to say back in response at this stage on that point.

00:26:01:05 - 00:26:18:00

And thank you, sir. Um, as far as we're concerned, we've we've shared our comments on the protective provisions of the DCO, which we seek to address this point, um, through those and we await the applicant's response on that. So we'll probably, um, reserve our comments until we've seen those. Thank you.

00:26:20:06 - 00:26:21:09

Okay. Fair enough.

00:26:23:26 - 00:26:58:12

Um, I think I think the last point that I picked up, um, from the Port of London's, uh, Port London Authority's deadline to, uh, comments were, um, there sort of potential concerns regarding lack of controls over disposal of inert materials within the export cable corridor as a result of dredging activities that take place in the corridor? Um, again, just, um, looking to the applicants. It may be we're at an early stage, but is there any sort of progress on discussions on that point?

00:27:01:07 - 00:27:19:12

Daniel Bates for the applicant. Um, yes. We are preparing a sort of disposal plan to be secured to the DML, which will capture the restrictions around disposal within the export cable corridor in the euro areas. So that's how we intend on, uh, setting those constraints out.

00:27:21:06 - 00:27:31:21

Great. Thank you for for that response. And um, Port of London Authority, does that sound in principle like that? Um, may address your concern there.

00:27:34:12 - 00:27:38:24

Uh, thank you sir. Uh, yes, it does in principle. Um. Thank you.

00:27:41:06 - 00:27:42:04

Right. Thank you.

00:27:47:05 - 00:28:18:29

Um, the the AXA is conscious that, uh, Harwich Haven Authority in their, uh, relevant representation, uh RR 043. Um, I think they that they at that stage expressed some similar concerns regarding the sunk area and the kind of need for maintaining depths of, of clearance. Um, so questions to the applicant.

00:28:19:02 - 00:28:46:29

Um, are you also engaging with Harwich Haven Authority to ensure they're satisfied with the emerging approach. Obviously, I can see from your deadline two statements of commonality that a

draft statement of common ground has been shared with that party. So I just wondered how active the conversations were and whether they were happy with the the sort of the approach that you're taking.

00:28:50:06 - 00:29:12:23

On your rights for the applicant. Um, at this stage, or at least since the last hearing, the engagement has been around that sharing of the statement of common ground. Um, we're obviously very happy to share drafts of the disposal plan, uh, with Harwich and engaged with them through the statement of common ground process on, um, on securing those measures. Um, and.

00:29:14:07 - 00:29:58:10

Yeah, I think that would be that'd be useful to bring them on board. As I say, I think their their concern was the sunk area, but I seem to remember they were talking about 22m a main maintaining as well. So it sounds like what you've been talking to the Port of London Authority and the London ports about will, uh, deal with their issue, but I think it'd be useful to, you know, engage directly with them, perhaps share the, the plan. Um, and I'm guessing at this stage you probably can't answer my part B question was, um, if if you had had discussions with Harwich Haven, were you aware if they were seeking any protective provisions similar to the Port of London Authority? But I guess you don't perhaps know that yet.

00:30:24:14 - 00:30:35:15

And your rights with the applicant. Um, we obviously have engaged with Harwich throughout the process, and the topic of protective provisions hasn't come up through that process. So we're not expecting it at this time.

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Thank you.

00:30:48:12 - 00:31:00:21

I think because the ECS hasn't heard from Harwich Haven Authority since the relevant representation stage, we may have a question or two directly to them at our next round of written questions.

00:31:03:08 - 00:31:33:10

Um, so turning back to the Port of London Authority for my sort of final question, under this, uh, subtopic, um, and the points of around decommissioning activities. Um, so a documents such as the applicant's technical notes on decommissioning, which was submitted at deadline to rep two zero 28 um and also in other documentation.

00:31:33:21 - 00:32:05:06

Um, I think the question of whether cables sort of remain in situ or are removed, um, you know, it seems to be an either or kind of option. Um, so it'll be useful for the Xa to understand from the Port of London Authority, and I will widen out to any other interested parties afterwards, whether they have any view of, um, you know, I guess particularly with the export cable corridor and the Deepwater Routes.

00:32:05:17 - 00:32:16:06

Um, would you have a preference, um, in decommissioning for removal of cables or for them to remain in situ? And if you could explain why that would be helpful.

00:32:19:19 - 00:32:50:24

Thank you sir. Lucy Owen for the Port of London Authority. I think our preference would always be for removal of an object from from the seabed, because then there's not a target or something in in the bid itself. Um, but I understand it's quite common practice for cables to be left in situ, bearing in mind it is. Okay. Well, it shouldn't be too much of an issue if, uh, future dredging then needed to take place, because it'd be something that you could actually, it's not a hard object. Um, so it could be something that you could dredge through.

00:32:50:26 - 00:32:56:29

Um, so preference would be removal. But if if they stay in situ, um, we wouldn't be too concerned.

00:33:00:03 - 00:33:20:13

Thank you for that clear response. Um, is there any other party either in the room or online? Um, that would just want to make a comment around, uh, you know, removal of cables either in the export cable corridor or more generally, um, on the decommissioning point.

00:33:22:03 - 00:33:40:17

I'm not seeing any hands up in the room, and I'm not seeing any virtual hands. Um, just turning to the applicants. I don't know whether you, um, wanted to make any comment on on that point or anything that Port of London Authority just said.

00:33:43:12 - 00:33:54:20

Up. Well, let me give you the applicant. Um, we couldn't commit either resort because we need to seek a marine license at that time, with the environmental impact assessment of whichever method was more appropriate, given the standards in place at that time.

00:34:00:06 - 00:34:00:21

Thank you.

00:34:08:10 - 00:34:33:17

That brings me to the end of my questions that were particularly Censored on the export cable corridor crossing deep water routes. And before I move on to my next, um, sub questions. Um, is there anything, I guess particularly looking at Port of London Authority but also London Gateway Port? Uh, whether you think there's anything that I've missed there in my questions that would be useful to test at this time.

00:34:37:00 - 00:34:43:06

Uh, Laura, nation of the Portland Authority at. No. Sir, I think you've addressed the points arising out of our written reps. Thank you.

00:34:45:08 - 00:34:54:26

Thank you. Uh, I can see a hand up. Is that, uh, is that Captain Harris? The initial.

00:34:55:15 - 00:34:59:21

Uh. Sorry. It's, um. Morning, sir. It's Trevor Hutchinson, London gateway port limited.

00:34:59:28 - 00:35:01:16

I've got two hours.

00:35:01:18 - 00:35:22:11

Yeah, I think it was. It was free yesterday, so I supported, um, just to say we've been party to the, um, two workshop discussions. They have been extremely positive. We thank the applicant for that. uh, we're happy with the progress, and we agree with the various representations of the applicant and the PLA today, and that reflects our understanding and position. Thank you.

00:35:24:18 - 00:35:27:06

Right. Thank you for that confirmation.

00:35:30:17 - 00:35:44:18

Okay. So moving on to my, um, next group of, of questions, uh, which are around the layout of the two array areas for the five estuaries offshore wind farm.

00:35:46:07 - 00:36:23:02

Uh, my first question is actually of a very similar nature to the one my colleague, Mr. Gould, asked yesterday. Um, from, um, socio economic impacts on fishing perspective. Um, but given that we've got the, uh, Coastguard and Maritime Coastguard Agency and Trinity House, uh, here as experts, it would be useful to the NSA to hear their, uh, view strictly from a navigation and shipping safety perspective.

00:36:23:21 - 00:36:50:04

Um. Would the erection of uh, 79 turbines or slightly smaller turbines or, um, fewer, say, the hypothetical number of 41, um, that we discussed yesterday. Larger turbines be preferable. Um, and why? Um, perhaps if I could ask Mr. Jackson first for the MCA.

00:36:54:00 - 00:37:06:15

Yeah. Vaughn Jackson for the Maritime Coastguard Agency. Um, again, it's a difficult question. Uh, regarding the actual number of turbines themselves. Um, both layouts, um,

00:37:08:03 - 00:37:39:27

take into account the search and rescue, uh, issues with, uh, spacing and such like. So any layout discussions come much a little bit further on in, in the process, uh, when you know exactly where the turbines or any surface piercing structures, uh, are likely to be, um, without knowing where they are, it's all about to allow a plan. It's quite difficult to say what effect that would have.

00:37:40:02 - 00:38:12:15

However, overall, we're looking at the redline boundary and the main shipping channels and things like that as to how placing those structures within that redline boundary will affect the traffic. Um, and that would be our main, our main focus. Uh, 79 smaller versus 41 bigger. Um, both do have the, uh, over the minimum, uh, for search and rescue capability. Um, which is preferable? Well, just depends on the layout.

00:38:12:17 - 00:38:17:13

And at this stage, we, we don't have the exact numbers of turbines or their exact locations.

00:38:19:27 - 00:38:35:05

Right. Thank you. I appreciate, um, not, you know, not an easy question to ask at this stage. Answer at this stage, but, uh, no, that's that's useful to, to hear, um, and, uh, Captain Harris for Trinity House. Um.

00:38:36:12 - 00:39:00:15

Yes, sir Trevor Harris fraternity house. Yes, sir. The number of turbines makes no difference for Trinity House within our remit. Or we are normally concerned with this. How? The, uh, perimeter turbines are laid out when we get to work with the applicant on the final layouts, and that. So the actual physical number of turbines makes no difference to us within our remit.

00:39:04:26 - 00:39:07:05

Thank you for for confirming that.

00:39:19:15 - 00:39:43:12

Actually, I skip over the next question. So, um, yeah, I don't think at this stage I had anything else to ask in relation to the array areas themselves. Um, did any anybody in the room or online have any queries or questions about the array areas at this time?

00:39:46:16 - 00:39:51:07

No, not not seeing any hands up either in person or virtually.

00:39:52:29 - 00:41:00:11

Um, so that brings me onto just one question that I have on the navigation corridor safety case, uh, which is contained Within the applicant's navigational risk assessment. Um, and again, it's just taking the opportunity of having the expertise of the MCA and Trinity House, uh, here, uh, just to ask whether either of those organizations had any concerns about the navigable sea room between the proposed five estuaries, Northern array, uh, and the East Anglia to offshore wind farm? Um, obviously, in the applicant's documents, they acknowledge that um, at I think it's 2.9 nautical miles at its narrowest point, it's getting reasonably close to the, uh MGN6 54 90th percentile minimum at its narrowest point.

00:41:00:26 - 00:41:38:15

Um, and obviously um section 17.12 acknowledges that the northern boundary extends, um, a little bit, I think. Uh, 315m into the navigation corridor. Obviously, I know there have been, uh, discussions that have shaped the, um, the, the red line boundary, but, uh, perhaps looking to, uh, Mr. Jackson. Um, does the MCA have any concerns about that, that, um, width of, uh, navigable sea room.

00:41:39:13 - 00:42:20:18

For Jackson for the Maritime Coastguard Agency? Um, no. Initially, uh, there would have been, uh, uh, a more pertinent case for the safety corridor, uh, as the original red line boundaries, you might recall, extended, uh, strait, more or less, as in due east, um, which would have kept that corridor at 2.9 miles. With that change of red line boundary earlier on, in a process that is no longer the case, and it did not create any more pinch points, the the reduction of that northern grey area, red line boundary, uh, helped.

00:42:23:05 - 00:43:00:16

Very, you know, helped enormously with, um, any kind of traffic concerns that we had. Um, it was nice to be included because it is very close to what we would recommend. However, if it was smaller, uh, there would have been a safety case for that being smaller as it opens up immediately afterwards. Uh, we would probably not have had too much of a concern. And at the moment, as it is with that additional safety case and additional traffic, uh, scrutiny that was, uh, undertaken in that area, uh, we are content, uh, that the the gap is sufficient.

00:43:03:13 - 00:43:12:23

All right. Thank you. Thank you for that response. Uh, and, uh, Captain Harris. Um, any views from Trinity House on that?

00:43:13:11 - 00:43:30:26

Uh, captain Trevor Harris, Trinity house. Are you, uh, again, we're content with the, uh, case being there and the gap between the two wind farms. We will mark both the perimeters of both wind farms accordingly. So we have no concerns with the, uh, safety corridor at the moment.

00:43:33:24 - 00:43:36:00

Great. Thank you for confirming that.

00:43:40:19 - 00:43:52:22

Okay, before I move on from from that. Uh, so anybody else have any comments or queries around the navigation corridor safety case?

00:43:55:00 - 00:43:56:14

Uh, not not seeing anything.

00:43:59:00 - 00:44:47:16

Uh, so, uh, one quick question. I think, uh, to the Port of London Authority, uh, and any other IPS, uh, that have an interest in this, um, on the potential impacts for shipping if construction and or maintenance activities associated with five estuaries coincide with, with other projects. Um, the cumulative cumulative effects. Um, so turning to Port of London Authority. Um, do you feel that there's any further controls or mitigations required, uh, to ensure tidily constrained shipping schedules aren't disrupted by overlapping activities? Um, or are you relatively content with what's set out in the applicant's documents?

00:44:49:18 - 00:45:21:09

Thank you, sir. And, Laura, on behalf of the Portland and Authority, um, I think the applicant has proposed that this would be dealt with through the navigation installation plan and the restrictions on working concurrently. Um, more specifically, in paragraph 4.2.7 of the outline Nip, and at the recent meeting between the applicant and the Port of London Authority. Um, the comments that we had on that were discussed. Um, and we think that based on the nature of those discussions, it's anticipated that we can reach agreement on the outline nip shortly. Um, so we don't have any anything substantive to add at this time.

00:45:25:20 - 00:45:40:24

Thank you very much for that response. Um, just before I turn to the applicant, and did any other parties have any concerns about, um, overlapping activities and.

00:45:43:24 - 00:45:56:16

Seeing any virtual hands up. Um, is there anything the applicant wanted to add on that point? Sorry. Um, content with how the portal and an authority have set out the position.

00:46:05:10 - 00:46:08:00

Nothing to add. Julian Boswell for the applicant.

00:46:09:27 - 00:46:10:15

Thank you.

00:46:18:13 - 00:46:52:23

And, um, I think my my sort of final subtopic, um, was around. Uh, we've already touched on the navigation installation plan. Um, but sort of more widely, the control and mitigation measures also set out in the outline cable burial risk assessment and the cable specification and installation plan. Um, I think, uh, for the Port of London Authority. Um, you set out in your deadline two representation Rep 2066.

00:46:52:29 - 00:47:18:27

Um, I think it was the section seven of it. Um, various sort of drafting points around the the outline documents. Um, I don't know if if there was anything that you particularly wanted to sort of draw out at this stage, or is this something that you're content? Um, that your ongoing discussions with the applicant will, uh, will.

00:47:18:29 - 00:47:19:21

Address?

00:47:22:04 - 00:47:47:03

Uh, Laura, nation of the Portland Authority. Um, I think we are content that we're we're working through the concerns that were raised in our written representations. Um, we have had progress on the detail in the outline. Nip. Um, and I suppose the request would be that, that we just ensure that the other documents, um, are also reviewed and we have engagement on those, um, which we're continuing to do. The PLA primary concern is with the approval process as we set out previously.

00:47:50:01 - 00:48:06:01

And Lucy Owen for the Port of London Authority just at one point, sir. Um, the detail regarding cable burial depth was taken out of the outline net. So we're, um, and we understand it's going to go into the ccep. So we're really keen to start those discussions about the content of the clip.

00:48:12:10 - 00:48:21:24

Great. Thank you. Um, and just turning to the applicant, uh, on that very last point, um, our discussions on the contents of the clip are going to happen soon.

00:48:24:00 - 00:48:25:29

Then you write to the applicant. Yes. They will. Yeah.

00:48:34:23 - 00:48:43:22

Thank you. Um, the any other parties have any comments or queries around the control documents?

00:48:46:19 - 00:48:47:16

Again, not.

00:48:47:18 - 00:48:51:18

Seeing anybody coming off mute or hands going up in the room. So.

00:48:54:23 - 00:49:02:20

So really, unless the applicants got any final points that they want to raise around navigation and shipping, I think we can move on.

00:49:07:08 - 00:49:08:23

Well, thank you for that. No thank you, sir.



00:49:10:00 - 00:49:10:15

Thank you.

00:49:10:29 - 00:49:24:19

So yeah, that brings me to the end of my questions. Um, just one final chance. If anybody, either in the room or online, has anything further they wish to raise on shipping and navigation matters that hasn't already been covered.

00:49:26:09 - 00:49:49:16

I'm not seeing anything so great. So if we've got no further questions on that at this time. Um, we'll perhaps give the applicant a moment to change over there. Uh, team that are at the table, and then I will hand over to my colleague, Mr. Heron, uh, to lead on offshore ecology issues.

00:50:10:13 - 00:50:34:09

Yeah. And what was the applicant's team? Um. Changing over. Um, I should just say, um, you know, particularly for the people who were online, if anybody who was just here for agenda item 3.3, the shipping and navigation, um, you know, please feel free to, uh, uh, you know, depart the, uh, the hearing if you've got other work to be getting on with.

00:50:45:07 - 00:50:46:13

Right. Thank you.

00:50:47:09 - 00:50:50:09

Notwithstanding our introductions yesterday. Can I please us?

00:50:52:19 - 00:50:59:17

No. Oh, okay. A hand up prior to going on. Um, unfortunately, there are a couple of things online.

00:51:00:14 - 00:51:22:18

Uh, yes. Uh, it's Captain Harris for Trinity House. Uh, I'll be leaving the hearing now, sir, but I know it's under 3.4 on the visual effects. It mentions nighttime lighting. If there are any concerns which would become within the Trinity House remit on that within B and D on agenda item 3.4. We'd be happy to answer any of that in written questions.

00:51:26:00 - 00:51:36:09

Thank you, Captain Harris, for the clarification. There may be something, uh, which we will pick up, um, in the questions that we'll be issuing in the back end of next week. Thank you.

00:51:38:22 - 00:51:39:12

Thank you.

00:51:41:07 - 00:51:49:05

So, Mister Boswell, notwithstanding our introductions yesterday, can I please ask you to briefly introduce the applicant team that we're speaking on this agenda item?

00:51:52:16 - 00:52:04:08

Yes. Why don't we have a full house? So, um, Julian Boswell, uh, for the applicant, and then starting at the left and working all the way down. Jason Gale for the applicant.

00:52:04:15 - 00:52:06:25

Um, specialism. Offshore ecology. But.

00:52:09:24 - 00:52:10:27

Daniel Bates for the applicant.

00:52:13:22 - 00:52:14:29

Well, I'm a goody for the applicant.

00:52:16:17 - 00:52:17:27

I'm listening out for the applicant.

00:52:19:18 - 00:52:22:15

Uh, good morning, John Beach, the applicant for benthic ecology.

00:52:24:27 - 00:52:27:24

And Olaf, the applicant. And the fish and shellfish ecology specialist.

00:52:29:02 - 00:52:33:12

Ryan Irvine for the applicant. Uh, speaking on offshore ornithology.

00:52:34:27 - 00:52:35:12

And.

00:52:37:04 - 00:52:42:10

Uh, Mike rosier for the applicant, speaking on, uh, matters relating to EIA.

00:52:48:12 - 00:52:48:28

Thank you.

00:52:50:13 - 00:53:12:27

So as I alluded to in the agenda, um, I plan on asking the applicant to provide a brief update on the progress made or discussions that have taken place on offshore ecological matters since issue specific hearing one. I'll then ask a few questions on a particular topic if necessary, and ask interested parties to comment if they wish to do so. So can I please ask the applicant to proceed with its summary?

Thank you.

00:53:24:22 - 00:53:55:07

So, uh, Daniel Bates for the applicant. I'll provide the, uh, the update on the various topics. Um, so since the last, uh, specific hearing, uh, relating to fish, the applicant has submitted a revised herring seasonal restriction note, uh, revision B1024. Um, and this, uh, was to address queries raised by the MMO on the methodology used to calculate the peak herring spawn herring spawning period um, and subsequently to define a filing restriction.

00:53:55:16 - 00:54:13:04

The revised planning restriction for supporting herring now reflects spawning that occurs later in the season, with the pioneer restriction proposed the 25th of November to the 3rd of January, uh. The applicant has also added the revised time restriction to the DML. Uh, in revision B of the draft DCO

00:54:14:28 - 00:54:31:27

uh, with regard to the request for clarification, that sediment disposal would not be carried out in a manner which will impact herring spawning. The applicant is preparing a sediment disposal plan, as referred to in the previous agenda item, uh, to set out how this is controlled. Um.

00:54:35:08 - 00:55:13:20

The applicant, uh, also held a meeting with the Mo's advisors. Cf. And the 2nd of October, 2004, uh, where these concerns were discussed in more detail. Uh, and obviously, those discussions are ongoing. Uh, with regard to marine mammals, uh, the outline marine mammal mitigation protocols, uh, both the one for planning and the one for you. So we're updated in response to the representations received, uh, and the revised version submitted deadline one. So that's rep 1033 and rep 1035, respectively. Uh, the only comment which has not been addressed in those, uh, relates to soft start and piling.

00:55:13:28 - 00:55:21:00

Uh, and that's simply because the modeling does not capture that soft start. But we believe is the the commitment is still suitable.

00:55:21:29 - 00:55:22:14

For.

00:55:22:16 - 00:55:51:20

The marine mammal IP card modeling, uh, for the project alone was submitted in response to the representations received at deadline. One um and the IP Cod modeling shows that for disturbance, the disturbance from piling of the wind turbine generators and the offshore substation platforms at five estuaries alone, uh, that the magnitude score is negligible for all species, and this aligns with the magnitude scores assigned in the Environmental Statement chapter. App 076.

00:55:54:04 - 00:56:28:06

On ornithology. The report to inform appropriate assessment has been updated in response to the representations uh particularly one series 16 uh also that that's the reference for the rear itself. The applicant understands that the updated rear is now in line with the Natural England approach, and that this should resolve their comments. The applicant has been progressing discussion on and without prejudice, uh, on, without prejudice, compensation measures and a number of outline implementation plans were submitted. A deadline to the applicant understands that all measures, uh,

00:56:30:01 - 00:56:42:06

the all measures are sort of under under discussion. And the Natural England is seeking to progress how these are secured. Uh, the applicant is preparing without prejudice wording for that in an upcoming draft. DCA.

00:56:47:20 - 00:57:26:21

On kittiwake. The applicant notes that the examining authority had requested timelines for the progress of that. Um. The applicant set out in the updated kittiwake implementation a monitoring plan that's up to zero 14. The outcome of the discussion, uh, around the apportionment of the Dogger Bank South Kittiwake Tower, um, and that's provided in the in the implementation monitoring plan. And in summary, fisheries would seek to acquire a 20% stake in the tower, um, with the birds apportioned amongst the five projects that have a have a stake.

00:57:30:24 - 00:57:49:25

Moving quickly on to benthic, uh, the applicant updated the Margate and Long Sands Sack Benthic Mitigation Plan to clarify the need for pre-construction site surveys and to refine the cable protection proposals. This was submitted at deadline to uh rep 2020.

00:57:53:02 - 00:57:56:17

And that concludes the brief update.

00:58:09:14 - 00:58:10:00

Thank you.

00:58:14:06 - 00:58:28:10

So if I can just begin with asking about species species surveys surveys very quickly. Can the applicant update us as to whether or aren't there any surveys that are outstanding that it intends to carry out and what these are and when they will be carried out?

00:58:33:01 - 00:58:37:28

On your rights for the applicant? Uh, there are no outstanding surveys that we're planning on doing prior to the end of examination.

00:58:38:12 - 00:58:38:27

Thank you.

00:58:39:23 - 00:58:47:23

I have no further questions on any surveys at this stage. Does any other interested party run to raise any anything in relation to surveys concerning offshore ecology?

00:58:49:17 - 00:58:51:21

I'm not seeing any.

00:58:55:13 - 00:59:24:28

So moving to protected species in terms of bats, from recent evidence we have received, it would appear that local and national bat survey information indicates their presence is now established in Essex, including the coast near the landfall for the cable corridor. I'm aware that the applicant has provided this summary of designated sites considered in the appropriate assessment. But can it confirm that the screening matrices that's ApoE4 three include all of the qualifying features of the sites screened?

00:59:49:04 - 00:59:55:16

Oh my God. If the applicant can we respond and ratings are we? We are not convinced that bats are a qualifying species of the sites that we have screened.

00:59:55:18 - 01:00:08:00

I know that sounds, but I understand. I initially want to confirm whether or not they not not whether or not bats are present, whether or not they have been provided include every feature that is included in those signs.

01:00:08:13 - 01:00:11:27

Paul McCarthy for the ALP and it should be sorry, but we'll confirm in writing if that's acceptable.

01:00:11:29 - 01:00:12:15

Thank you.

01:00:12:27 - 01:00:24:15

So, notwithstanding what's been provided, then is it possible for the applicant to provide the citations, the full citations and the data sheets for the designated sites? I couldn't see them in any document provided, but if you could signpost me to them if I've missed them.

01:00:43:12 - 01:00:49:02

Let me give you that. We think that they have been included with scoping, but if not, we can certainly provide them or provide references to them.

01:00:49:04 - 01:00:50:18

So that'll be really helpful.

01:00:50:20 - 01:00:51:06

Thank you.

01:00:52:24 - 01:01:09:09

So I think I'm writing in thinking that bats do not appear to be a qualifying feature of any European site or designated site. Sorry. So to the applicant, could this change in the light of any evidence alluding to their potential presence close to the site? And does this evidence have any other effect on assessments in relation to bats?

01:01:44:12 - 01:02:01:01

Um, Paul McCartney for the applicant. And we're slightly reluctant to express a view because that would be a Natural England's remit to review and update um designations, not ours. We are not aware that they are currently doing so for these species, and it would not change any of the conclusions of our assessments at this stage.

01:02:02:08 - 01:02:02:24

Okay.

01:02:03:00 - 01:02:33:13

I'm glad you mentioned Natural England there. Um, so I appreciate that they've deferred to the advice of the German government with regards to the presence of migratory bats, who have all but stated they probably won't engage further in this examination. It's not particularly helpful to us. So we will likely, um, ask Natural England to clarify their position in relation to migratory bats. Given that is going to be our approach, will the applicant commit to engaging Natural England on this particular matter, and if so, when could this be?

01:02:49:15 - 01:03:06:04

Uh, Parliament. Giddy for that again. Um, we suggest, sir, that these requests are better coming from you than us. Because we, as you will have seen from the Natural England representations, they're not engaging on various topics with us either. And they've told us they don't wish to engage on this topic.

01:03:08:17 - 01:03:09:02

Thank you.

01:03:09:09 - 01:03:10:15

I'll take on board.

01:03:13:09 - 01:03:19:08

But you'd be receptive to engaging Natural England on that particular matter to clarify their position and therefore any repercussions.

01:03:20:19 - 01:03:23:24

Parliament can. Absolutely, if they will engage with us, sir? Yes.

01:03:31:10 - 01:03:31:28

Thank you.

01:03:33:22 - 01:03:55:03

So we are seeing an increasing number of offshore turbine arrays in this area. Does the applicant have any recent evidence in relation to the evolution of flight paths for species such as bats and birds? I guess I'm trying to understand whether or not species learn to alter flight paths and altitudes. And as more turbines come online here and if they do, which species adapt more quickly or.

01:03:57:05 - 01:03:58:01

To a greater degree.

01:04:13:00 - 01:04:33:13

Jason Goff, the applicant on the bats. Um, there is no evidence to support um, studies taken that highlight movement or changing bats behavior with regards to turbine location being located within migratory paths at this stage. Um, not for offshore or onshore at this stage.

01:04:35:18 - 01:04:37:09

Thank you. What about for bird species?

01:04:44:15 - 01:04:49:10

Yeah. And Brian Irving for that. Uh, there's nothing new. Uh, as far as we're aware.

01:04:51:06 - 01:04:57:03

So there's no recent evidence on how they are maybe adapting to the presence of turbines.

01:04:57:11 - 01:05:06:29

So there is, um, some areas where there is, um, for certain species that the, the collision, uh, the sorry, the

01:05:08:24 - 01:05:21:13

avoidance rates are different, but, um, sort of like for the new collision risk modeling, uh, for genes, you see, have updated, but they they will not impact our results.

01:05:22:29 - 01:05:31:20

I just, I guess I'm trying to find out which birds for, to be blunt, are cleverer than other species. Maybe in sort of getting to the avoiding the turbines.

01:05:32:25 - 01:05:34:06

Um, not that I'm aware of.

01:05:34:08 - 01:05:39:11

No, no. And there's no way of producing sort of a ranking table or anything like that as to what this might be now.

01:05:53:25 - 01:05:55:08

Uh, we'll look into that. Yeah.

01:05:55:12 - 01:05:56:29

Okay. I'd appreciate that. Thank you.

01:05:58:25 - 01:05:59:10

In.

01:06:05:00 - 01:06:21:09

Terms of mitigation, has the applicant explored the possibility of reduction in turbine causing wind speeds during migratory periods? I appreciate that might be difficult for birds. Um, as migratory periods tend to differ across species. So there isn't one set period here. But for bats, maybe.

01:06:39:05 - 01:07:12:09

Chasing after the applicant. Um, it's hard for us to establish a mitigation program where there is no existing guidance on the matter in the UK. Um, Natural England are still reluctant to release any guidance at that point. And ultimately, we've identified in the response RRP 149, that there is no like significant effects due to the numbers are expected to be crossing at the, um, development point.

01:07:15:18 - 01:07:16:03

I'll take that.

01:07:16:09 - 01:07:16:26

Thank you.

01:07:18:18 - 01:07:31:06

Can I just ask then can you clarify the migratory periods for bats here? Because I couldn't see it anywhere. The only bit was the German government maybe alluded to April to mid June and August to mid November. Is that anywhere near.

01:07:32:00 - 01:07:39:12

Jason, for the applicant, that is the assumed migration for the UK sort of Europe as well or vice versa.

01:07:41:13 - 01:07:41:28

Thank you.

01:07:44:01 - 01:07:51:25

I have no further questions in terms of protected species at this stage. Does any other interested party want to raise anything on this subject?

01:07:53:15 - 01:08:34:21

The could sorry. Michael Bedford, Suffolk County Council. Could I just, uh, touch on the point, but I don't think that we're able to take it any further forward. Uh, you will have seen in our local impact report that threat to zero for six in section six that we had identified, uh, the issue raised, uh, in the um, representation from the German Hydrographic Agency in there are um, 035, in relation to the, uh, Pippa Roberts and their migratory, uh, patterns.

01:08:34:23 - 01:09:10:15

Obviously, the applicant hasn't yet responded to our local impact report because that will obviously follow it. Deadline. Uh, Richie. But the applicant has responded, um, to, um, the German relevant representation in what it said at rep one zero 50, uh, in, uh, section 4.3. Um, and that broadly reflects what you've obviously heard this morning, that they suggest that there's no need to provide any mitigation.

01:09:11:04 - 01:09:43:02

However, at the moment, we haven't seen, uh, from anything from the applicant, any specific reference to the material that we refer to. That's to say the offshore energy strategic environmental assessment for and then it's referenced to the experience is I think it's the bull sell, uh, wind farm, which did adopt on a precautionary basis, uh, the reduction in turbine speeds. And, um, obviously you will have seen those, uh, references.

01:09:43:24 - 01:10:21:27

Um, we also note that what the applicant has referred to, to justify, as it were, the position that, well, this isn't an area of high concentration. The material that they put forward, which is taken from obviously, one of the earlier studies, doesn't directly relate to the location of these turbines. It's obviously somewhere, uh, to the north east of that. So, um, whilst inferences can be drawn, there's obviously not a clear evidence base, uh, there.

01:10:23:00 - 01:10:59:21

And so. So I think the way we see it is, well, perhaps I should say there is also, as it were, a flavour in some of the applicants comments that effectively it's the onus of proof is on other people to show that there is an adverse effect before or the applicant needs to do anything. We don't consider that that's consistent with the precautionary principle. We would therefore echo the remarks that you've already made about seeking engagement from Natural England, noting their present attempt to pass the buck, as it were, because it wasn't their point.

01:11:00:06 - 01:11:32:06

Uh, we would echo that, and we would certainly wish to see something more coherent in terms of, uh, showing that, uh, the the risk raised, uh, by, um, the German Hydrographic Traffic Agency, uh, is a risk that either can be properly discounted on the basis of robust evidence, or that on a precautionary principle approach to day mitigation measure is brought into effect to deal with it.

01:11:32:08 - 01:11:44:12

So. So I say we can't ourselves add much more to the table, but we do express some concern that the matter is not really been adequately addressed thus far as we see it. Thank you sir.

01:11:45:25 - 01:11:55:06

Thank you I appreciate that, and I'm also fully aware of the duties of the Secretary of State will be under in this particular regard, which is why I'm seeking to sort of press it. Now, does the applicant want to make any response to that.

01:11:56:17 - 01:12:20:00

Parliament good for the applicant. Um, we did see, sir, at the previous hearings with respond to the council's points when we'd seen their earlier, which obviously we only received last week. So we have not had a chance to fully respond to that. We have been looking at the EOC for and we have been



looking at the Brazil example. We do not necessarily accept all the council's points on those, and we would like to come back to you in writing in a detail.

01:12:21:04 - 01:12:28:12

That's fair enough. I completely appreciate that point. Are there any other, uh, comments before I move on to assessment methodologies?

01:12:32:23 - 01:12:59:19

I'll only have a very quick one on methodologies for me then. Um, I note that the applicant's response to our Q1 101, in relation to key outstanding methodological disputes with interested parties. Can the applicant confirm that these are still indeed the main areas of methodological disputes? And is there ongoing engagement with, uh, in relation to these matters that it feels can be resolved? Engagement on matters it is that it feels can be resolved?

01:13:18:06 - 01:13:41:27

Ryan Irving for the applicant. Um, we have the three primary, uh, areas of disagreement that we're still working with Natural England on at the moment. Mainly the apportioning of adult birds for respite. Back go, the displacement rates for OCS and use of upper confidence intervals through the compensation quantum's. But we're in discussions with Natural England at the moment.

01:13:43:24 - 01:13:44:09

Thank you.

01:13:44:11 - 01:13:47:15

And when when is the next sort of a round of engagement with them.

01:14:11:19 - 01:14:33:10

On your rights to the applicant. Um, we have, uh, sort of regular standing meetings with Natural England in the diary, where we obviously catch up with them on. On a number of topics. Um, and subject to natural availability, we can engage with them on specific topics around methodology as well. We will speak to them about having those discussions.

01:14:45:07 - 01:14:49:23

Uh, being reliably informed. 11th of November is the next meeting we have in the diary with them.

01:14:52:20 - 01:14:53:05

Thank you.

01:15:05:04 - 01:15:09:15

Is there anything else any party would like to raise in terms of methodological issues?

01:15:14:09 - 01:15:26:07

Moving to Compensatory measures, then, um. Are there similar standing meetings for the kittiwake mechanisms at the Gateshead Bridge to the applicant sign?

01:15:30:23 - 01:15:52:29

Down rates for the applicant. Uh, we have had regular meetings up to this point on, uh, on developing the compensatory measures. Um, these are also sort of standing agenda items on the regular monthly calls on Natural England. But again, um, as required, we can do a range specialist calls with the Natural England specialist to progress these measures.

01:15:54:00 - 01:15:57:22

And are you in discussion with the Dogger Bank yourself regularly?

01:15:58:19 - 01:16:10:22

Uh, the project has had meetings with Dogger Bank South since the last issues specific hearing. Um, and the outcomes of the discussions are reflected in the updated implementation and monitoring plan.

01:16:11:16 - 01:16:17:10

Yeah, I appreciate that. I'd just say that discussions are still ongoing with regard to the mechanisms for responsibility.

01:16:17:12 - 01:16:18:06

Yes. Yes.

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

Are they still.

01:16:18:27 - 01:16:21:03

Progressing? Discussions over. Yes. Discussions are ongoing.

01:16:21:05 - 01:16:21:29

Yeah. Okay.

01:16:25:05 - 01:16:31:23

Can I ask what happens to kittiwakes during the maintenance periods of the Gateshead Bridge? Are artificial nesting sites disturbed?

01:16:43:01 - 01:16:45:27

Start at nine over five. Sorry. Can you repeat that? Sorry.

01:16:46:09 - 01:16:46:24

Okay.

01:16:47:05 - 01:16:59:22

Um, I'm just wondering what happens to artificial nesting sites during any maintenance period at the Gateshead Bridge or what would happen to them? Bridge at a time. Bridge. Sorry.

01:17:02:04 - 01:17:08:15

Uh, I'll make it happen. Can we come back to you? Sorry, it's not our tower. We'd like to check the details of that before we give you an answer.

01:17:09:02 - 01:17:10:09

That'll be most useful. Thank you.

01:17:14:27 - 01:17:19:29

I have no further questions at this point. In terms of compensatory measures, does any interest in party want to add anything?

01:17:24:25 - 01:17:25:12

Okay.

01:17:25:20 - 01:17:45:06

So lastly, turning to marine ecology. We had a discussion yesterday in relation to effects on commercial fishing activity. And Mr. Armstrong and his rep. Rep 163 referred to diminishing stocks of Cod over the last 12 years, north and south of the Thames estuary. What does the applicant consider has been the reason for the reduction in the abundance of Cod?

01:17:48:01 - 01:18:17:29

On behalf of the applicant. Um, the 2024 Ike stock assessments, um, do indicate a decline in cod stocks over the North Sea. Um, this, um, was reported. The lowest point was reported in 2020. Um, and it was reported, um, unsustainable exploitation. There was this did correlate as well with the increase in fishing pressure and fishing management. measures were put in place, and the cod stocks have been since recovering in the southern North Sea.

01:18:27:14 - 01:18:28:01

Thank you.

01:18:30:12 - 01:18:36:17

I have no further questions. Does any interested party want to raise anything in relation to this or any other matter?

01:18:47:15 - 01:19:07:09

Okay. Well, um, given the time, we should take a short adjournment before resuming with the discussion on landscape and seascape matters. So 20 minutes seem appropriate. I'm not seeing any head nods, not seeing any issues with that. Um, so this hearing is adjourned for 20 minutes and we'll resume at 2212.