

TRANSCRIPT_RAMPION2_ISH2_SESSION2 _15042024

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Okay, so it's now 20 past 11. So we will resume the hearing. So we are now on ice agenda item two d, which is protected species, including the aggregate adequacy of surveys, the DC application, and the adequacy of proposed mitigation and commitments in the draft DCO and post consent mitigation licences for protected species.

01:08

Natural England have provided detailed advice into the examination at deadline three in Appendix J. Three, Rep. 3084 Regarding surveys undertaken by the applicant for potentially licensable species, including great crested newts, otters, waterfowl, bats, dormouse and badger

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so it's noted that Natural England feedback included instances of surveys that were deemed insufficient for protected species licence applications should they be required. However, that would be a potential stage post consent. So the E IX eight zoning authority would like to ask Natural England whether the surveys the applicant has undertaken for protected species are adequate for this stage of the process. But as naturally they do not present today this question will be posed to Natural England at a later stage of the examination.

02:09

Natural England made it clear that the advice on this proposal and the guidance contained within Natural England standing advice relates to this case only and does not represent confirmation that species licence should one be sought, would be issued. In the scenario that the DCO was made more survey work and evidence would be or could be required post consent for protected species licences for certain species. And without prejudice to any decision that the Natural England might make on protected species licences. The examining authority would like to understand if there's any evidence in the information that Natural England have seen so far, that a protected species licence for any of the protected species under discussion would not be possible for the applicant to obtain post consented required, during particular attention to bats, waterfalls, great crested newts, badgers, Hazel dormouse and otters. But again, as as naturally in did not present today, this question will be posed to them later in the examination.

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Would the applicant like to comment on any of those points at all?

03:23

Alan Kirby on behalf of the applicant. Thanks. I think the first thing to say is that that deadline for we'll be putting in a response to natural England's comments and we'll be discussing

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that particular appendix to their deadline three response next week.

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I think though, I'd like to start, just give you a quick overview of how we came to the survey specifications. And then also just use Hazel dormouse, as an example of why the applicant considers that a reasonable and proportionate approach has been taken, and that there is sufficient information on which to both base a robust assessment with in the chapter 22 terrestrial ecology and nature conservation aipp 063 and also informed the principles around protected species licencing.

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I think it's first

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to note that in Section 22.3, of the terrestrial ecology chapter, it talks about consultation, technical engagement, and one of the things that the applicant has done consistently is to convene the expert topic group on terrestrial ecology, and that included Natural England as well as local authorities and others, such as the Sussex Ornithological Society and Sussex Wildlife Trust

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The survey programme and the present presentation of interim results and full results were given on at least six occasions during those meetings, at which time

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those that were present were asked whether they were

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happy

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or content with the approach to surveys.

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And there was no objections at that point. In addition to that, especially with regards to things such as bats and Hazel dormouse, we reviewed what had been undertaken for the Southampton to London pipeline development consent order consented in 2020, because that also passed through the South Downs National Park.

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And we therefore looked to see whether we were commensurate with that application, and the comments that Natural England made and the agreements that they had made in the statement of common ground.

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So just turning as an example to Hazel Daum ice. The first thing to note that Natural England agreed. So it's currently natural England's position, that there is insufficient information on Hazel dormouse provided

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because the frequency of sampling was lower than they would expect. The frequency of sampling is actually greater than that that was for the Southampton to London pipeline project for which Natural England signed and agreed statement of common ground that they were happy with the approach taken.

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In terms of the mitigation and compensation requirements. So there's two types that will be required for Hazel dormouse, that is the loss of permanent habitat. And for disturbance or open Dean, which is the only location for which Hazel dormouse were identified.

07:02

And also should there be in in post consent surveys, any further records of Hazel dormouse identified also mitigation measures for temporary losses. So turning first to permanent losses at the site of the substation.

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In the outline landscape and ecology management plan, which has been updated deadline three, our EP three zero 25 That shows both an indicative landscape plan and an indicative planting phasing plan, which identifies how the habitat will be given be created in advance

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just after site mobilisation and then through the process to provide door mice with two things that's connectivity. So that connectivity is maintained for that particular population and also greater extent of habitat both in the short term and in the longer term. In addition, the way it's been designed is to negate against disturbance

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of door mice using the habitat within which they had been found previously.

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Natural England

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highlight

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commitment see 21 around vegetation clearance

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during the winter period, which is typical to avoid active birds nest to comply with the wildlife and countryside act 1981 As amended and suggest that this negates the opportunity to take it to remove vegetation in a sympathetic manner for dorm ice. So for dorm ice you would either remove vegetation during May in a single pass or do a two stage process where you remove most of the vegetation over the winter period and then remove

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root stock and and sort of short stumps

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during May.

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The applicant would like to note that actually the way that C 21 is worded it finishes with the final sentence suitable methods will also be used to ensure vegetation supporting other legally protected species is removed sensitively and in a legally compliant way. So we would suggest that has been covered already. However, deadline for we will provide an additional commitment which addresses door my specifically

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when it comes to the temporary habitat loss so this could include for example, where the

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installation of cable ducts crosses hedgerows scrub or areas of woodland.

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We would be complying with the dormouse conservation handbook. Second

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In addition, which is bright et al 2006,

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which is a passive relocation of dorm mice. So, the dorm to dorm mass conservation handbook suggests that if it's a hedge row and the clearance is less than 100 metres, or if it's woodland and the strip being created being cleared is less than 50 metres wide, then sensitive clearance and passive displacement is the most appropriate measure.

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In addition to that, we have commitment C 291, described in the outline code of construction practice our EP three zero 25. That is around filling those gaps temporarily prior to reinstatement of habitat following construction, with things such as dead hedging, and Willow hurdles, etc, to ensure that there is a structure for door mice to move through. But we will also point out that

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door mice are known to move across quite large areas, plenty of evidence on this, say for example, crossing roads between central reservations and the other side moving across

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between different woodland patches, etc.

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So it's it's the applicants conclusion that the measures there are those measures that would be replicated in any necessary European protected species licence application with regards to door mice, and that sufficient mitigation and compensation will be being provided for those

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in line with the door mass conservation handbook.

11:47

Thank you for your response.

11:51

I believe, Miss Smith, Hearst, your hand up? Thank you, Mira, Smethurst, CalHFA we rampion. If you could just say something about this, the Natural England comments about the adequacy of these surveys, if they can just first of all,

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they used to desks top surveys to inform their where they went and as they knew they were very lacking in our area. They didn't really take any any notice of the evidence that they were being given by Janine Kray early on in the in the consultation. And if I can just look at some of the species let's start with the door mice.

12:34

The open Dean sites weren't surveyed until April 22 are not completed until October 20 to create limbs area wasn't surveyed at all being despite being exactly the kind of habitat which if I can quote from ramekins own documents, including woodland scrub and hedgerows that form a well connected network with the wider landscape.

12:56

Bats the baseline such a high proportion of the the criticism certain Natural England make really a high proportion of the failings occur in our area. Bats the baseline data sufficient or insufficient, a high proportion of those insufficiencies occurred Oh contain the great crested newts all the criticisms were

the same as the ones we had made. And in that case, 14 of the 31, inconclusive or constrained results were from this area, badgers, otters and waterfalls deviation from best practice and suggestion that additional surveys may be required.

13:38

And they say that when it's not possible to direct to avoid direct impacts, then additional service may be required. But there's a problem here and that four of the six suitable auto sites when which were not properly surveyed, we're actually again at the crate men's and cow fold stream area. And they will not serve a precisely because they were the dense scrub with difficult access, making it much more likely that what is involves me in fact to be present.

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So there are so many species here

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that the disruption to ecology will be enormous. And with all the tight various timing restrictions for displacements and mitigations. And the restrictions because of the floodplain there will be actually very little time left for construction.

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And if I may just talk about the mitigations we're very concerned that there aren't enough mitigations actually, in our area,

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in particular on the cable route because

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the mitigations are elsewhere. And so the habitats and and species just won't be to habitats won't be replanted, and we will have permanent loss of connectivity and biota

15:00

Well

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thank you.

15:05

Thank you for your points.

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Okay, I'd like to go on and just speak about some of the species individually. So in rep 308, for natural England's advice on protected species,

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they state that insufficient detail is provided for the mitigation for otters. So naturally you didn't cannot provide detailed comments on the mitigation. And as such, the appointment and role of the ecological clock of works is therefore important for autumn mitigation, particularly as the onshore cabling project is 39 kilometres in length.

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And they state that they would like a

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commitment to by the applicant in a named plan. They say that it should be committed to by the applicant in the name to plan.

16:02

The applicant has updated commitment, C 208, to reference the ecological clock of works at deadline three. And so I would like to ask Natural England if this does allay their concerns. So I will ask that of them later in the examination is not present today.

16:22

Regarding Hazel dormouse,

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you've given the recent example of that.

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So I think we'll move on from hazelnuts, Hazel dormouse, and we will speak now around bats.

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Their specific concern has been identified by several interested parties regarding the potential impact on bats. And South Downs National Park also raise concerns

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in their written representation at our EP 1052 that they are particularly critical given the proposed route option is impact selected as it would have less significant impact on ecology. And that if this is not, in fact the case then it calls into question whether the applicant has demonstrated to have fulfilled the requirements under the major development tests. And in response, the applicant produced a new commitment C 291, which includes which you mentioned earlier, which included placing straw bales and dead hedging and Willow hurdles.

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So the examining authority would like to ask the South Downs national park if these commitments and amendments have allayed Southdowns National Park concerns regarding bats. So if I could turn to Mr. Turney please.

17:47

Rich attorney for South Downs National Park Authority I think

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the point in our submissions that I would emphasise is in particular in our deadline three submissions and our response to the examining authorities questions. And it's page 24 of that document the response to ti e. One point 11 which addresses the mitigation measures for bats.

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I'm not going to try and summarise that because there's a detailed response there.

18:22

If I take half a step back, the issue, as we see it is that the baseline is not adequate.

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Whilst obviously compliance with European protected species mitigation licences is for post examination stage. For the purposes of this examination, you need to know are those species present or absent in the locations as likely to be affected? And what is the likely scale and significance of the effects on those species. It's not enough to say if they are present, there will be mitigation measures which we could secure under an EPS licence. It's that leap that the applicant seems to have made which which we say is wrong. First of all, you've got to understand it, then you've got to say is there a likely impediment to getting a licence?

19:17

We have noticed in particular the scale of severance and it applies, I think both to adopt the dormouse population and to bats. But in respect to bats, we've noted the scale of severance that is created by the scheme.

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We've obviously been told about those mitigation measures, but in the absence of understanding the nature of the bat interest at the sites that are affected in the absence of proper survey work and in the absence of updating to reflect more recent evidence about bat presence and absence.

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We think that what you've got is inadequate to assess the impacts on bats.

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Thank you.

20:02

Hey, thanks for those points.

20:06

I think the wholesome District Council also responded on a on a point on this in Te 1.3, rep 3069. And, and gave an example of the Bernstein's bats paternity roost being found in one of the proposed compound sites and what the, what would happen under that scenario?

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Could the applicant explain the procedure that will be followed in a circumstance such as this and the commitments and mitigation it has in place?

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Thank you, Alan Kirby on behalf of the applicant.

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If I made a take just

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prior to giving the answer with regards to that example of back Stein's

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again, like just to note that in terms of presence, absence of bats, how many bats there might be what type of species we are.

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The approach taken to survey again was discussed pre application with the

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environment technical group.

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But also, if you look at the Southampton to London pipeline DCA, they did not do any bat activity surveys they relied on a habitat suitability mapping exercise, and Yorkshire green. The other DCO I mentioned earlier also sampled along with a number of transects along their

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linear route in a similar fashion to

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how the applicant has undertaken the work.

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So when it comes to

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the example there or for Bechstein's bats or other bats, it was raised with regards to the Oakland Dean compound, I believe.

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And in that way, you know, what we would say is that there is no loss of backsides habitat in that area. So all of the loss within that opening compound would be on existing grassland field as opposed to removing

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woodland scrub, or other habitats that backsides which is a woodland dwelling, that that tends to forage around the canopy of trees.

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The only loss to get into that area would be a stretch of hedgerows along the existing access to the Oakland Dean industrial estate. So, in that sense, in terms of avoidance and minimization, we are avoiding those types of habitats for which those bats are most directly known to us. We also have other commitments such as C 105, which is around

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the design of both temporary and permanent lighting to follow the Institute of lighting professionals and Bat Conservation Trust guidance to ensure that things like light spill onto habitats,

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or surrounding habitats would be eliminated or minimised. And then there's other things that will ensure that there is a step back from any construction activity around that compound. And then neighbouring woodland such as commitments around root protection areas, and fencing of compounds.

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In addition to this,

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as it's noted in the commitments, not just for bats, but for a whole range of species, there will be

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a host to application survey done to ensure that anything that any particular issues around bats, which is commitment, C 211.

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Would be identified at that point.

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They have been identified and discussed in Chapter 22.

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But with all fit all protected species because they can move and change particular route locations or where badgers might be building sets, those post construction surveys are still required, and would always be required to inform any licence application.

24:35

Thank you. And could I ask you to just comment on Mr. tourney's point about the scale of the facts the the assessment of the scale effects being inadequate. Could I ask you to respond to that please?

24:54

Yes, Alan Kirby on behalf of the applicant. So

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there's really

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Um,

25:02

two things happening with regard to bats. And that will be permanent habitat loss, which

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could constitute the habitat loss at, for example, the Oakland Dean substation location. Or we would also consider where large trees that are supporting or could support that routes are being lost along the cabling route that would also be a permanent loss given how long it takes for a tree to reach certain size.

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So the preconstruction surveys here, under commitment C 211. In the outline code of construction practice, rep three zero 25

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will be aimed at identifying those trees with particular bat roosts. In the first instance, then our commitment around the mitigation hierarchy C 292, would then kick in around the detailed design and first seeking to avoid those trees.

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And one of the reasons that their

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draft order limits provide opportunities to microsite, cables or other infrastructure to try and retain those. If that was not possible, then European protected species licence would be required to remove those trees. But this is very much akin to how Natural England read

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in a statement of common ground for the Southampton to London pipeline project that on a tree by tree basis, they would be doing that and happy to agree those posts consent

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in terms of temporary habitat loss, so this would be notching of hedgerows or other habitats for which bats may be foraging along or commuting past. Then, I think the first thing to note is that the approach to

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crossings of hedgerows using open trenching has been done both to minimise hedgerow loss, but also to maintain connectivity as far as possible. And this is where we are notching hedgerows. So the vast majority of hedgerows are either notch for just six metres where there is a whole road only or not at 14 metres, which would actually be effectively five notches. So one six metre notch for the whole road and then for two metre will not choose to allow the cables to go through. And one of the reasons to do this is that jncc guidance, habitat management for bats, and also, Bat Conservation Trust guidance, entitled landscape and urban design for bats and biodiversity recommend avoiding creating gaps of more than 10 metres. So, you know, there's an active sort of minimization and mitigation of that through the design.

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And in addition, the commitment to nine one that you mentioned earlier in terms of

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blocking up those gaps following construction but

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prior to reinstatement

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being undertaken allows for that sort of potential loss of connectivity to be mitigated in place.

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Okay, thank you. Miss Smith, this mirror Smethurst caliph the rampion Thank you. Forgive me if I've misunderstood this, but it is simply not true that there's just a small amount of hedge at the Oak Indien compound that will be lost. There are hundreds of metres of hedge at the Oakland Dean's substation sites which will be permanently lost which can many of which contains substantial trees and also a large amount of scrub from that area with multiple trees in there that are habitats for bats.

28:57

And Kent street and we hear of ever increasing extensive visibility splays all of which contain suitable habitats for bats. Okay, thank you. Can I ask the applicant to respond to that please the the actual permanent loss within the content area and whether those have been surveyed for bats activity? Yes, thanks Alan Kirby from the app and

29:23

apologies if it wasn't clear, I covered the habitat loss of hedgerows, which would be hedgerows with standard trees at the substation location in terms of permanent loss and I can confirm that be 647 metres. But in in that sense there is habitat creation measures, those that we were discussing earlier in terms of door mice are also there in terms of providing bats with connectivity and then additional habitat. Once

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excuse me, construction is being completed.

30:00

Thank you

30:15

so, I before I move on to Agenda Item two E, are there any other interested parties who would like to make any comments around the protected species item on the agenda?

30:29

Anyone online or anyone in the room? I can't see any hands up. Okay, so we will move on. Thank you.

30:38

So we're moving on to item two, ie, the updated monitoring, management and remedial actions in the latest outline, landscape and ecology management plan, which is rep 3037. So there have been some comments on the adequacy of the initial version of the outline landscape and quality management plan a PP 232 by the South Downs National Park in their written representation, Rep. 1052 and West Sussex County Council in their LIRR rep. 1054. Particularly regarding concerns over the quality of reinstatement and the time this may take with concerns that successful reinstatement may take considerably longer than the applicant anticipates.

31:25

In response to West or West Sussex County Council, the applicant agreed to provide further detail on how monitoring management and remedial actions will take place, an updated version which was submitted by the applicant at deadline three, which is rep 30372. Can the applicant summarise the key updates made to the outline landscaping and quality management plan 3036 submitted at deadline three that addresses these concerns.

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Thank you, Alan Kirby on behalf of the applicant. So in terms of those concerns,

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what we have

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updated in the outline landscape and ecology management plan

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is really focused on

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the section. Sorry, I'm just scrolling through it now section five, I believe it is, which is all about monitoring and management. And what we've updated in here is a discussion of timings of when

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should the monitoring identify a failed hedge row or tree planting that has failed or whatever it might be. That action will be taken in that following season. And we looked to outline a schedule of the monitoring to ensure that what doesn't happen

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is that the monitoring takes place at a time of year when it would then take several more months to get to the next available point to deliver that remedial mitigation and replacement.

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In addition, as requested, we have added in additional information on

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watering and other aftercare.

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Thank you. So could I ask West Sussex County Council if they have any comments on the amendments made by the applicant? Thank you.

33:30

Thank you, Graham Roberts, West Sussex County Council. We certainly welcome the amendments made to the revised Olympe it's it's certainly an improvement in regard to the monitoring management and remedial actions. Our main concern was really from experience from rampion. One that when a reinstatement of failed, the remedial action didn't always happen more often didn't happen in a timely fashion. And it may have been a lag of a couple of years or more before the new habitat or the replacement was reinstated. So we'd very much welcome the slightly tighter measures that are presented in this new section five, we will have some further comments which I think we would like to put in writing at deadline for regarding some points. If I may, I'd just like to highlight one particular concern we have. And this again relates to our experience with rampion. One that

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we suggest that the old lamp includes handover arrangements to an off toe for covering monitoring management, remedial actions are expensive with rampion. One was that when the auto took over

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the management they hadn't realised at that time that they were responsible for the monitoring and remedial actions and there was a considerable time lag before they caught up to speed and it meant we weren't engaged as a local authority with the whole process of the monitoring.

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We

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have regular meetings or had regular meetings with the applicant or the the officer later regarding remedial work and management, and there was a gap in that whole process. So it's really important that I feel that there's a handover process that I think should be laid out in the old lamp, just to be clear what the responsibilities are.

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Thank you.

35:26

Thank you. Can I ask the applicant to respond or whether they would consider putting that into the lamp? Thank you, Alan Kirby on behalf of the applicant. I

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think that's one we'll have to take away and discuss and update you on. Hey, can you take that as an action point, please? Thank you. Could I ask whether South Downs National Park Authority have any comments on the lamp? Mr. Attorney?

35:55

Richard Tony for South Sudan's National Park Authority. So first of all, just endorsing what's been said on behalf of West Sussex County Council and grateful that the applicants taking that way.

36:09

In terms generally of the of the Oh lamp, we've already made some comments and we've got the revised version, I think.

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I think we come back to the point that what's provided here is a very light touch document looking at

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general principles about how to approach the habitats are affected by the scheme. And there is a missing part of a more thorough analysis

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of how those habitats are going to achieve the ecological mitigation that is required.

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So you see, for instance, in this section on habitat creation, just an assertion at 3.1 point seven, for instance, that newly created habitats will then it goes on to say, provide scrub for breeding nightingale will

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maintain favourable conservation status of dormouse and baps? Well,

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obviously, that is a objective, that is a necessity. But what you don't have is any information about how that will be achieved, both because of the deficits and the baseline, and because of the lack of working between the sort of laudable and necessary objective, and actually what what the impact of the scheme is going to be. So essentially, there's a missing point here. We've we've already talked about the need. And we mentioned earlier, the possibility of a Biodiversity Management Plan that deals with these points in more detail. But certainly, in terms of the ecological function of this document, it's very light touch.

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You think you would like to respond and would they consider

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adding any detail into the Oh lamp to address those concerns?

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Alan Kirby on behalf of the applicant, I mean, we're

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happy to take that away and consider further

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Yes, and that's what I can add at the moment. Thanks. Thank you if we could take that as an action point please. To any other interested parties have any comments on the outlined landscape and ecology management plan at this stage? There Sir, please introduce yourself Pinky. Jerry Hooper from Carrefour parish council. Very, very simplistic point, but it's how they're accounted for the timescales involved. So for example, removing syndrome 47 metres of hedgerows open Dean, and replanting, but it takes many years for the habitats to become mature and suitable. Similarly, for nightingales removing scrub that night and girls live in it can take 20 years before that any new replacement is suitable again for Madigan nesting. So we really need to see some detail as to how this mitigation will take place in terms of timescales, rather than just a simple it will be replaced.

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Thank you.

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Thank you for that point. Could I ask the applicant to respond to that point regarding timescales Pinky,

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Alan Kirby on behalf of the applicant. So in terms of some of the habitat creation at the Canadian substation site, the update to the outline construction practice. Me sorry, the outline landscape and ecology Management Plan

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provides information on advanced planting, and then the schedule of planting thereafter.

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And also its structure using, you know, a mixture of young and older planting stock to create habitats when it comes to things like Habitat reinstatement.

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and it is acknowledged that it takes time if you're replanting a hedge for that hedge to mature and become one with the hedge row that remains either side of it. That is accounted for in terms of value through the statutory biodiversity metric, which considers time to target condition as one of the multiplying risk factors.

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Okay, thank you for that response. Yes.

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Matthew Porter, Horsham District Council just to support County's requests on the handover process, the importance of securing now.

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Okay, thank you that's noted.

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The applicant

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related that as well. Thank you.

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Okay, so I think we'll move on now to agenda item two F, which is the ecological aspects of concern specifically for the areas within the South Dallas National Park, including for example, Stillington Hill to

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need labour wildlife site, and Mikkel Grove Park.

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So the South Downs National Park Authority state in their li are rep one zero. So look at 1049 in paragraph six point 26 that it believes that the draft DCO does not secure the areas proposed for HDD in the National Park.

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And that the proposed development is considered to the contrary to strategic policies, SD nine and SD 11.

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So, the examining authority would like to understand this point in more depth and whether it is still outstanding or not. Given the discussion earlier regarding HDD and the commitment

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to could I turn to Mr. Attorney from the south as National Park to answer that, please.

42:17

Thank you Richard tourney from on behalf of South Town Central Park.

42:23

So I think there's sort of two parts to that one of them is the the reference to trench LIS not being secured. I think we've addressed that in the exchanges earlier. So we are now content subject to my comments on commitment C five, on that question.

42:42

The further question is, has enough been done in terms of securing Appropriate Mitigation at these important sites within the National Park, having regard to the National Parks purposes, including the ecological function at the park, and that's where we still have concern. And it cuts through the points that we've already dealt with in terms of understanding of the species, the baseline, it cuts through the lack of clear articulation of the mitigation measures.

43:19

It comes into all sizes and points that have arisen about them the management of of trenches, crossings, the impact potential impacts of those trenches, crossings, in terms of ecological function. So, we've said we've set a lot of that out in our deadline, three submissions, and indeed in the rest and reps on ecology. But, yes, we're happy that we'll be we will be in trenchless methods in these locations. But what we're not happy about is the extent to which the ecological function of the National Park has been properly taken into account and indeed furthered by this project.

44:03

Thank you.

44:04

Thank you. Could I ask the applicant to respond to those points please?

44:10

Thanks Alan Kirby on behalf of the applicant.

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I think the sensitive sites that are being discussed here so Amberley Mount Wellington hilltop less I signs and Hill local wildlife site and Metro Grove Park woodland

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are either not directly affected by construction or are being crossed trench lessly. So taking them one at a time, the Amberley Mount Wellington Hill triplus. i It's been mentioned, because access route a 30 runs along its boundary. It's just to note that access route a 30 is an operational access. It's an existing track used by the landowner in that location

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and

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restate in our

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response to your first written questions, our EP three zero 50. We provide a

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a quote from the environmental statement chapter four, a PP o 45. Maintenance of onshore cables is expected to be minimal during operation and maintenance, periodic testing of the cable is likely to be required every two to five years. This were all quite access to link boxes at defined inspection points along the onshore cable route. And scheduled maintenance or emergency repair visits will typically involve attendance of up to three light vehicles such as vans in a day at any one location. So that gives us a sense of the scale of potential effect there. And so we would say that, that is, you know, commensurate with how that track is currently being used as no earthworks. And therefore we would say that ambling mount to tellington Hill, triple Si,

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is rightly not viewed as

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a particular issue in terms of impacts on ecology by the applicant. When we come to Sterlington Hill, or Mitchell grave, the trenchless crossing locations are outside the bounds of either the local wildlife sites or the ancient woodland, depending on what particular location and there is things in place in terms of commitments around lighting or around

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noise that can be put in place to manage any of those potential effects.

46:43

Okay, thank you. So I'd like to give South transitional Park Authority and Mr. Tony

46:49

INNOPOLIS opportunity to respond to what you've said there, if you'd like to.

46:56

Richard Tony, on behalf of South Downs National Park Authority. So we've of course, understood what's proposed in this location. But I think the point that cuts through our case on this we've set out in writing, both in original written representations and more recent deadlines, is there doesn't seem to be a recognition that

47:22

these particular features cannot be viewed in isolation from the South Downs National Park as a whole and its purposes. There are impacts throughout the National Park, we've identified here some particularly sensitive features, where whilst there is trenchless technology being used, obviously that involves significant temporary disturbance through the through the trenching that's carried out.

47:50

And there is also the wider point about the number of locations to impact it within national parks. So I think we put this in the basket of we've understood what's proposed. So we don't need to be told what is proposed. But we are concerned that the applicant doesn't recognise and more importantly, the DCA when read with the documents secured under it, do not recognise that there is a very special resource here that has been affected. And it's that sensitivity that we think is lacking.

48:27

Okay,

48:29

it has to be applicant, whether they would consider responding to that the next deadline

48:39

is to mail.

48:42

I think on behalf of the public, this may be something that can be discussed outside of outside of the hearing. But it seems to me that Mr. Kirby's explained the nature of the effects in these particular sensitive locations which have been identified by the National Park. The National Park understands the nature of those effects, and doesn't seem to be saying anything that in any in any way seems to

49:07

demure from what Mr. Kirby's analysis of of the position is.

49:13

I understand the wider contextual point that Mr. Turney is making but in terms of these specific locations, I'm not sure that I understand what the national parks position is on those issues.

49:26

And it will be helpful to understand that, but rich certainly for National Park Authority perhaps I can assist I think, Mr. Mayor misunderstood what I said

49:34

the nature of the effects are not agreed. What is proposed is understood. We are repeatedly being told what is proposed here in terms of how these these particular sites will be crossed, how operations operational access will be taken. And we're told well it will only be occasional and this is how the operation acts as contained. We understand all of that. What is missing is the

50:00

proper assessment of those effects, we've already made our points about baseline, I'm not going to repeat those, but also an understanding of those effects in the context of the elevated station status of the National Park as a whole. And that's what the applicant hasn't done. It hasn't done that assessment. It hasn't taken it's taken a step back and said, well hang on. Whilst these may be if they are, if they might say, an ordinary effect, in terms of an ecological impact, because we're going to avoid the most sensitive receptors, how does that ordinary effect actually play out in the context of National Park where we have as a statutory duty involves multiple statutory duties involved, but in particular,

50:42

to ensure that those ecological features are conserved and to further the purposes the National Park. So that's the point that's missing, the effects are not understood, because they have not been properly assessed. What is proposed in terms of that you are going to drill underneath these features that you're going to take an access road in this particular location. We know that we've had that explained to us and we've seen it in the document. But what the applicant hasn't done is assess those impacts a properly at all, and be in the context of the National Parks special status.

51:19

You could ask whether the African could take this away please as an action for the next deadline deadline for to submit a document into the examination to address these points. Salima? Thank you.

51:41

We will now move on to the final item on this particular part of the agenda, which is to G a potential for adverse effects on the integrity to the conservation objectives of the Northern Pinto of the Aran Valley rams our site. So Natural England seeks further clarity regarding the distances stated between the proposed project and the Aaron Valley rams our site and any functionally linked land. In the interest of moving the examination along on this issue. Can the applicant confirm the coordinates of the nine kilometre functioning land location point

52:18

appreciate you managed to do that at this hearing, but perhaps you could do that afterwards or deadline for please at the request of Natural England.

52:28

Thanks Alan Kirby for the applicant and give you a national grid reference of the closest points of functionally linked land as identified in the report to inform the appropriate assessment a PPS zero 38 And that National Grid references tq 01780441 And that's approximately nine kilometres from the designation boundary thing just to say that I guess some confusion is being caused because the closest point to the Erin Valley SPCA and rams Our site is approximately 4.7 kilometres from the designation boundary but that is actually at

53:09

in a location close to selling tonne Hill was just being talked about more specifically operational access route a 30 and that does not provide functional link land to Northern pin tail because it is not the right type of habitat.

53:28

Okay, thank you for that. And I will ask a point follow up point to Natural England host paces hearing as to whether that lays their concerns or whatever, any further comments. So thank you. Okay, so that concludes item two

53:46

is do any interested parties that have any further comments to make on anything under the onshore ecology section of this agenda that we have heard this morning? Anyone online or anyone in the room?

54:00

I cannot see any hand up hands up. So could I ask now to just go through the action points for agenda item two please.

54:21

Thank you mom, I think I think I've got four.

54:27

The first one is to give consideration to submission of an outline by a diversity management plan as referred to in requirements 22 forming part of the coda construction practice.

54:48

The

54:50

second and third ones relate to the the old lamp and measures to be included within it which is

55:00

The applicant will give consideration to a handover process to the off toe being included within that, and also give consideration

55:12

to how in response to the National Parks point of it, how habitats are going to achieve what is required of them through the through the Olympe. And then, finally, a deadline for to submit a note, considering

55:33

the wider impacts of the ecological measures that that we discussed today, on the statutory purposes of the National Park.

55:45

I think I've picked up a few other ones, which I'll just go through. So in the first item welcomed introductions, there was a commitment to provide an updated DCO it default.

55:58

And then moving on to item two, the applicant to update volume to chapter 22 of the ES terrestrial ecology and nature conservation, AP p dash 063. D four.

56:14

And then the one I the other one, I think you didn't have was the applicant to consider providing an outline, Biodiversity Action Plan, stroke strategy, and responded default.

56:29

I think I think I actually had the other one. So you had

56:34

Yes.

56:38

Sir, might I reach 20 For National Park Authority? I don't want to be overly legalistic about this. But I think the request and because it's an important issue, my client, I think the request from inspect below was for a note which addressed our concerns. And I just wanted to be clear, because I think, Mr. Male, reframe that as considering our concerns. But I think it's, I think we were we're staging examination where I think we need to have a direct answer rather than just setting out stuff we've already seen excuse. I mean, thank you, Mr. Sweeney. The the actual action I've got is applicant to submit a document specifically addressing South Downs national parks, ecological concerns, a deadline for

57:22

Okay, thank you. Did I and I also had down that commitment five was going to be looked at again, as per

57:32

Mr. Turney suggestion about it being tightened up.

57:37

I also have that down as well. Is that

57:41

one of the things you're looking at her? Yes. Her captured that in relation to other acts one of the okay sort of sub actions under one of those, so that's okay.

57:54

Okay, I think we're going to move on to Item three now. Now, we're going to take a short few minutes just for the applicants team to change over so

58:05

do you just need a few minutes?

58:08

Probably if we could have until 25 past so that would be that will be helpful because people are in the room downstairs and need to come upstairs and just arrange themselves if that's possible. Oh, can we just pause for a second place?

58:41

We were just debating really whether it was a bit early for lunch, but we probably think it is so we'll we'll wait a few minutes as well. So we'll resume at 25 past. Okay, I'm grateful. Thank you.

1:05:29

Okay, thank you everyone. We're going to start with item three on the agenda now, which is offshore ecology. And we're starting with general matters on underwater noise.

1:05:44

So firstly looking at outstanding concerns regarding a worst case scenario for piling Natural England stated net

1:05:53

relative

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relevant irrelevant representation to six five, that there are inconsistencies in the reporting of the worst case across the project, which needs to be resolved. And there remains a substantial concern on the consistency of the worst case scenario and modelling for piling in the latest version of the Natural England risk and issues log rep 3087. Under both the fish and shellfish and marine mammal tabs, the MMO has stated that they would like to see sea fast the MMO and Natural England in agreement on this matter before it can be considered resolved.

1:06:33

So for monopiles, the applicant states in Appendix 11.3 underwater noise assessment Technical Report, a PP. 149, dated the 14th of April 2023, that the worst case scenario for spatial impacts is two concurrent simultaneous monopiles in a day at the East and West modelling locations in the array area. This is in Section 4.3 on page 68 of the report by sub acoustic environmental data the 14th of April 2023.

1:07:10

And then for pin piles, the applicant states that the maximum design scenario for pin piles as four pin piles per day in table 1113 on page 55 of chapter 11 marine mammals Volume Two resubmitted at deadline one rep. 1004

1:07:33

So there remains a concern on the Natural England risk an issue log log as mentioned that theoretically up to four monopiles and eight jackets, pin piles could be installed in this 24 hour period stated in their appendix 11 to a PP. 148.

1:07:49

So, Natural England maintains that this worst case still needs to be clarified.

1:07:56

So could the applicant turn to paragraph 234 on page 14 of a PP 148 appendix 11 Two of the marine mammals quantitative underwater noise assessment please

1:08:15

display that on the screen these and key to that paragraph 234 of page 14 of a PP 148 appendix 11.2.

1:08:56

Sorry, can you clarify?

1:08:59

Maybe which section that's in? Yeah, it set you Yeah, that's it. 20234 Yep, two point 3.4. But that's it. Thank you. Okay. So, looking at the last three lines of that paragraph states

1:09:14

it is assumed that four pin piles will be installed per 24 hours at each of the two locations, resulting in a total of eight pin piles

1:09:26

in 24 installed in 24 hours, if all piling piling is concurrent, then the resulting results in 58 piling days to can the applicant confirm in table 1113 on page 55 of chapter 11

1:09:44

Volume Two resubmitted at deadline one, which is our EP 1004

1:09:57

So table 1130

1:10:00

seen on page 55?

1:10:07

of chapter 11. So our EP 1004.

1:10:37

EP 1004

1:10:42

That's it. Yep.

1:10:45

And then PAGE

1:10:51

PAGE 55, table 1113.

1:10:58

Perfect, thank you.

1:11:02

So bearing in mind that the paragraph the last three lines, the paragraph we just looked at, and then comparing that to this table here. Can the applicant confirm in this table 1113?

1:11:15

It states four pin pals per day.

1:11:19

So does that mean in total, or at each of the two locations?

1:11:30

I tend my sense of acoustic from the applicant.

1:11:33

My, my understanding of this would be that this would represent each individual location. So when the modelling was undertaken, this scenario would be undertaken twice, effectively in two locations.

1:11:50

Okay, thank you.

1:11:52

So, could I ask perhaps if this table 1113 could be made clearer, please? Because I think it's not that clear at the moment. So if you could make amend that to make that clear, for everyone would be appreciated. Thank you.

1:12:17

So returned back to Natural England risk and issue log that theoretically up to four monopiles and eight jacket pin piles could be installed in a 24 hour period.

1:12:31

They are they are correct, then in stating that they

1:12:36

will just repeat that

1:12:39

natural England's concern on their risk and issue log is that theoretically up to four monopiles and eight jacket pin piles could be installed in a 24 hour period. So could you confirm with an naturally indoor correct in that assumption in the neck concern?

1:12:59

To Mason for the applicant?

1:13:02

Yes, that is that is effectively correct. The worst case scenario assumption that we have made maximum design scenario assumes that two up to two monopiles could be installed at any one from any one week at any one location.

1:13:18

Well, from anyone anyone read, because of course, the second monopile would be in a slightly different location but yes, effectively to monopiles into locations in any 124 hour period as a worst case.

1:13:32

And for jacket pin piles in any one location, therefore eight jacket pin pads and title. Yes, that's correct.

1:13:40

Okay, so the next question is so natural England to ask how they respond to that, but I will address that to them post hearing. But thank you for that clarification.

1:13:53

I tend to my colleague now Mr. Ronnie, thank you.

1:14:00

Good afternoon.

1:14:02

Got a question as well, relating to

1:14:06

worst case scenario.

1:14:09

In terms of the modelling, if I could draw your attention to the deadline one document issue specific hearing one, Appendix nine, that's the response to action points. 38 and 39 and water noise as possible to get that went up on the screen.

1:14:28

That's rep one zero 20 I believe.

1:14:32

PAGE 30 If you could.

1:14:43

Sorry, which page was that, please? 33 00. I'm

1:14:58

sorry. It's my

1:15:00

I've changed this, this is for action points 38 and 39.

1:15:05

If you can back out of that document

1:15:10

it's rep one, this rep 120 Sorry.

1:15:18

There we go.

1:15:22

PAGE 30 of that document.

1:15:36

Let me go thank you very much.

1:15:38

This contains diagrams as document to do with noise threshold impact ranges on on these maps from an Eastern West noise model in location.

1:15:49

However, these noise modelling location points do not appear to be the closest points to the array areas. From the Bay Area, sorry, to the relevant MC said boundaries, that's marine conservation zones. Can the applicant explain this? So for example, on this figure five to the noise modelling location point on the eastern array, if that was fully in the northeast corner of that array, then it might be more of an overlap with the Beachy Head west MCs had boundary.

1:16:20

Similar concerns to do with herring and

1:16:25

an impact of the king's Mia MC said and I know this has been a point I think raised by Natural England. So yeah, I mean, it's not far from that northeast corner, as you can see from from the point there, but it, it seems that is quite a crucial difference in terms of where that would be, if there would be an overlap or not. With that big head, West MC said so as an example, could could the applicant explain that please?

1:16:59

Thank you, so let's pull mail to the applicant. I wonder. And I think it will be helpful in setting the context for the answer to this particular question, but also to other agenda items within this, within this section, just to outline now, a further commitment that the applicant has, has decided to, to make in relation to underwater noise. And as I said, that will inform the answers that you hear I suspect in relation to a number of other agenda items. So

1:17:39

the applicant has been looking into additional underwater noise mitigation measures that could be implemented through the planning campaign to mitigate impacts on marine mammals spawning herring seals features of the MCS et.

1:17:53

That's a fairly complex process, as that needs to consider the potential impacts to the construction shedule

1:18:03

from the use of noise abatement measures, and also potential supply chain issues, and it tends to lead to considerable cost and potential construction programme elongation as a consequence of the setup and operation of those measures.

1:18:21

But the applicant has been holding discussions with noise abatement suppliers and specialists within that field in Germany to to determine what is technically feasible, okay. And as a result of that work, the

applicant does propose to commit to the use of double bubble curtains continually throughout the piling campaign, that will offer a greater benefit to noise reduction than the minimum indicative attenuation previously proposed. And so that's why I'm outlining outlining this fact now. And that's a commitment that will be included in an updated in principle sensitive features mitigation plan.

1:19:08

That will be submitted in due course, and therefore secured through condition 11 of both DML is now we can

1:19:19

display some figures, which will indicate the benefits of that further attenuation which will form part of our deadline for submission, or we can outline or really what the effects of that mitigation measure is. It just might be easier to understand, appreciating that those figures are not currently submitted documents. If, you know they could be displayed to aid that explanation, and then we can proceed to answer some of the questions that you may pose in the light of the understanding of clap. I think that would be useful. I think we're going to come back to noise abatement measures. I got a couple of quick

1:20:00

Questions about that anticipating that there was going to be some more information to come soon.

1:20:05

But then nonetheless, my specific question on this wasn't actually about mitigation. It was about the points, the noise point that you're, you're taking this from. So yeah, the mitigation might still provide

1:20:22

basically extra distance between the noise source, and the MC said, ultimately. But I just want to understand

1:20:32

why these points were decided, as they were considering these, this planet here, that we can see, obviously, is in relation to the the more coastal MCs, Ed's Beachy Head, for example. And it would seem, seem to me logically that the points would be the closest to the MC beam that we don't know where the wind turbines are at the moment. So we'll come back to that point. And I think that is useful. But if you could just, if someone could just respond to that to this particular question about

1:21:07

it with an explanation about where those points are, where they are.

1:21:26

Tim Golding on behalf of the applicant,

1:21:29

on the eastern location,

1:21:32

the model modelling location, there is the worst case for the project, because to the north of that, so ensure of that, where you might move it up slightly to be closer to the Beachy Head east and west MC says that's actually a an area that there won't be any surface.

1:21:54

There won't be any wind turbine

1:21:57

structures located because that's the separation area that's defined on the works plans. Okay.

1:22:08

I mean, there's been similar questions about Natural England to raise to do with I think the Kings mir MC said about the the position that it's the the noise has been calculated through could have been slightly closer. There may be reasons for that.

1:22:23

Maybe instead of going through those individually, maybe this is something that I mean, Natural England raised it, could we maybe have an action point that these are locked into and a response made? Where these these have been used these points, just to clarify why they are where they are, especially if it's not the the absolute closest point between the two.

1:22:50

The app is certainly happy to take that away then sir.

1:22:56

Can I just ask if marine management organisation MMO have any points to raise on the use of these plans and the position in the nether noise modelling locations?

1:23:14

Miss Tony? Yeah, hi, Harriet totally for them really management organisation. We have nothing further to add that hasn't been mentioned. And in the absence of our technical advisors, I'm not gonna say anything else, if that's okay, but we will add further information or written response if required.

1:23:31

Okay, thank you very much.

1:23:33

What I'll do now, I'll pass back to miss below. Or a couple of further questions. Thank you.

1:23:41

Thank you, Mr. Ronnie.

1:23:43

Just have

1:23:45

a couple of questions around securing the maximum design scenario compiling in the draft VCO and the draft DML.

1:23:54

So, could the applicant confirm which commitment the maximum design scenario for piling is specified? And where this is secured in the DCO?

1:24:06

Please, thank you SML.

1:24:33

Thank you, Mom, can I just check that I'm assuming that this agenda item relates to the securing the maximum hammer and actually is this the

1:24:42

thrust of the question? Yes, it's about the maximum design scenario for piloting.

1:24:48

And where that secured in the, in the draft DCO

1:24:53

to where those thresholds and, and, and effectively don't come onto my

1:25:00

And the applicants contend to acknowledge that hammer energy is not currently a parameter stated in either the DCO or the DMS and recognises that fact.

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The applicants intention would be to

1:25:12

incorporate reference to the maximum hammer energy being part of the details submitted as as part of the construction methods statement under condition 11, one C of the DML. And, as stated within the construction method statement, that must be in accordance with the construction methods assessed in the environment in the environmental statement. So the the hammer energy that specified in the final construction methods statement would need to be less than that stated in chapter four, noting that there are differences in that energy between the type of foundation proposed that will obviously feed in to other mitigation plans that are secured under the terms of the DML.

1:26:00

So, the examining authority believe that, perhaps a maximum design scenario for piling the energies should be specified in a in a commitment itself. Would you consider doing that?

1:26:15

Sorry, mom, we'll take that away. And we'll consider Thank you.

1:26:19

Thank you very much.

1:26:23

That concludes my questioning. So I'll pass over to Mr. Any again.

1:26:32

Thank you. Just one question on this. This has to do with post consent monitoring for underwater noise. The applicant has stated that the underwater noise should be monitored for the first four piles as per the industry standard. It is understood that this would be used to compare the measured data from the first four foundations with predictions for received levels and source levels that were made in the environmental statement. That's within the monitoring plan. Rep. 3047. However, what if this monitoring produces results which do not validate the conclusions or the worst case scenarios within the environmental statement assessment? Is there a necessity to consider adaptive management?

1:27:20

Tim Golding on behalf of the applicant?

1:27:24

Yeah. So the applicant recognises that there may be a requirement to validate the performance of the mitigation measures as well as the actual piling parameters. And we're currently or the applicant is currently considering the means by which this is best achieved. And we'll be providing and submitting proposals for such deadline for

1:27:51

that we're the app and also recognises that we need it needs to engage with Natural England and the MMO. On this, we will be seeking opportunity to pursue that the objective of reaching agreement.

1:28:09

Okay.

1:28:11

I look forward to seeing that deadline for then. We will be submitting proposals for such monitoring and deadline for Okay, great, thank you.

1:28:22

Is there any comment from me MMO on the point of adaptive management for post consent, monitoring of noise, I'm sorry, it totally MMO nothing further from the MMO on this point. Thank you. Very thank you.

1:28:38

Has anyone else got any comments based on these points they've heard so far anyone online or in the room?

1:28:49

Okay, thank you.

1:29:01

Okay, I'm going to move on to three B, which is issues related to noise effect on fish and shellfish. First of all, I want to discuss black seabream and Sassenach activity, noise thresholds and model modelling etc. So are the applicant first of all,

1:29:22

the quantity of nests of black Sebring? Would it be possible that there could be a comparable amount of nests in July as in the preceding months is that possible?

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Is Tim Golding on behalf of the applicant? The data that exists to inform that suggests that the density of nests the number of nests in July is fine

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are lower than in the preceding months.

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So on that basis, it seems unlikely.

1:30:09

Okay, and the follow up then

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the applicant has also stated that there could be some nesting possible in July

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all also that there are inter annual variability keys, and it's not very well understood and can be influenced by many factors. As such, it says the applicant cannot speculate whether there will be a greater number of black seabream nests in basically future July, yours

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Well, the month of July in future years, however, does this therefore, not indicate that this survey result used

1:30:48

to provide that data that you mentioned, is just basically a snapshot. And given the lack of predictability there should be more of a restriction in July. Sorry, just as there is for the proposed months of March to June inclusive.

1:31:09

And I love on behalf of the applicant. And yes, we acknowledge the inter annual variability in July reason that we have proposed several mitigation measures.

1:31:21

These we think are going to be appropriate in the mitigation against the impact on spawning black thebrain. And on basis of under modelling that we've done and zoning, we're confident this will not hinder the conservation objective of the king the MCS ad.

1:31:37

Okay, but if I may, it seems that the applicant has used a survey results, which shows a low level of nesting or Black Sea bloom in July to be the basis of the plot the planned mitigation.

1:31:49

But then the applicant has also stated that they can't predict levels of nesting in July's going forward, there's going to be some nesting probable, but we don't know how much. Therefore using those sort of precautionary approach, shouldn't we factor in the possibility of higher levels, maybe even significantly higher levels of Black Sea be nesting in July for future years?

1:32:12

Is the use of the survey data sufficient and reasonable to base the mitigation on?

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As Tim Golding on behalf of the applicant, I think the change or the extension of the breeding season,

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per black broom,

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is a relatively recent change.

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The extension of that is based on some observations, some repeat spawning, potentially, which may be related to a number of factors. I'm not sure why that's happening. But it seems to be an extension of what previously was understood.

1:32:55

The data that we have, yes, it is a snapshot, but it is indicative of the lower amount occurring in July at substantially lower amounts.

1:33:08

The applicants approach to offering mitigation would be that it would be effective throughout the breeding season from March through to July, in avoiding what we consider a significant effect and therefore, you know, potential to hinder conservation objectives at the MCS Edie understand that that isn't accepted or agreed amongst all parties. But I think the point is that we have therefore offered to

1:33:38

undertake lots of mitigation, including complete avoidance of the western area. So the sites in closest proximity to the MCU said through the march to end of July period, to provide additional mitigation, and it's only the July month when it's an absolutely critical month for construction of the project from a

1:34:05

logistics and construction programme perspective that we are suggesting that we're able to

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with the zoning plan in place, and in that in that western part or part of the project too. So I think

1:34:24

what we've tried to do is to ensure that we are providing the maximum amount of mitigation

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include including the very near the most important months that are supported by historic data, recognising that there still is potential sensitivity in the July month, we recorded low level nesting, but

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there was some and therefore have provided appropriate mitigation to enable some limited piling to be undertaken in accordance with the mitigation plan during that month day

1:35:00

But I think he's just looking at the fact that it's it's obviously a lesser degree of mitigation for July than there is in the previous months. And that is largely based on that survey, which showed I think was about 5% of nesting. And I think, from looking at natural England's responses, they're concerned that maybe that is, that's not going to be the same in other years. future years, it could shift quite considerably, potentially. I don't think we've, as I said this, right. As you know, the articles and documents themselves have said there's a lack of predictability about this.

1:35:41

And there's, I think, again, what the applicant was put in that the document is there's, there's a lot of factors at play, to do this. So I think the concern is that it might have been low for the July that the survey was taken. But that might not be the case. For whatever year the constructions actually taking place.

1:36:05

That is,

1:36:07

to you understand my point on that. So

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that's why

1:36:13

Yeah, it's interesting about that sort of the difference in the levels of of of mitigation. And obviously, we still got this concern from Natural England.

1:36:23

Is there any? Is there any other points you wish to make on that at the moment?

1:36:29

Is Tim Golding about the applicant? Again,

1:36:32

I think one point I would would

1:36:36

highlight, again, is that the extension of the breeding season into July, his constant is thought to represent repeat spawning opportunity. Yes, so the population is undertaking more than one brood in a single season. So that is additional rather than

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the

1:36:59

what was previously the natural

1:37:02

number of events that the fans might might might undertake in a single season. I think as well, we're not offering less mitigation on the applicant is offering less mitigation during July, it's increasing the proximity

1:37:17

to the

1:37:19

MCS Ed area.

1:37:22

But applying

1:37:25

mitigation litigation to ensure that what we consider to be a meaningful threshold or disturbance will not arise at the site. So that's the basis upon which we're proposing to undertake some limited construction works within that western area in the month of July.

1:37:45

At the end of the majority of the spawning season for that species.

1:37:53

Okay, I mean, what I'll do I'll put those points back to Natural England, obviously, disappointed they're not here today. But yeah, we'll be can see what they come back with on that

1:38:09

Okay.

1:38:34

Can I ask if MMO has got any points that they want to raise after what they've heard so far, from the applicant on the Black Sea green, Harriet, totally MMA.

1:38:48

Our response hasn't changed since our written representation. So just to reiterate that we're still looking to have that the condition under restrictions from the first of March the 31st of July, and we do have a call with the applicant following deadline for an Obeah wedding to proceed discuss this further and try and find some kind of resolution. Okay, thank you. If I could further that question for yourself. For the MMO

1:39:12

behavioural threshold of black CB in the MMO was suggested the use of 135 decibel contour to clarify if the 135 decibel was used with amended restrictions and mitigations. To go along with that, to ensure this limit at the MC said boundary would would that would the MMO be satisfied with that

1:39:34

herriott MMO I think we'd be more content but we're still really looking to have a resolution agreed between all of the parties so naturally inland sea fast and the MMO but that would definitely be a step in the right direction for us. Certainly. Yeah. And I do note that naturally and having agreed the 135 with yourselves, okay.

1:39:56

Moving on, just looking at me

1:40:00

Before we could bring this up the deadline three documents, African responses to examination authorities written questions, that's rep three 0.1.

1:40:28

We'll come back to this document in just a minute but I want to look at the figures h1

1:40:34

and h3 in Appendix H.

1:40:51

At the moment I can carry on with this question for the applicant again.

1:40:57

It relates really to the noise abatement measures we were discussing earlier. The applicants response to the examination examiner throat is written questions in Appendix i It sets out some of the noise abatement systems that could possibly be used. But with each of these is there a clear and certainties to do with effectiveness when you Soper 40 metre depth, depth for example. Firstly, how can the applicant be sure that a 20 decibel noise reduction as possible could through to noise abatement measures.

1:41:33

Secondly, given the uncertainty of the noise abatement systems can noise reduction be realistically demonstrated with evidence to the examination by the next deadline with modelling and testing for the marine environment particularly for the rampion to area.

1:41:57

It Mason for the applicant to your first point about the confirmation of the efficacy of these systems.

1:42:10

There has been extensive extensive testing of these in various bases throughout the world.

1:42:17

It is

1:42:21

it is known and recognised that every different location will be slightly different have slightly different conditions. But the suppliers of these systems are

1:42:32

well versed in how to set these up for different conditions.

1:42:38

Most of the systems that will have been mentioned in the list that you say will not be

1:42:47

will not change their performance depending on the conditions with the exception of the bubble curtains.

1:42:52

But as I said, these are all designed specifically for the location that they're expected to be put into the estimations of the decibel reduction that each one has is used in the in the assessment

1:43:10

based on the lower levels of the of the expectation of these performance. And whilst we can't be absolutely 100% certain how any one system will perform in any one specific location without prior data. We can only go based on what what the manufacturers or the literature has.

1:43:31

has presented. Yes. Is it possible maybe for a document, like you've got from appendix i, where it's you could discuss how the different noise abatement measures might perform at the rampion to area there's I know that this 40 metre depth has come up a couple of times as being maybe a factor I know some parts of the rampion to site are over 50 metres deep, for example. So

1:44:02

I think it would be useful to have a bit more site specific information as best possible at this time.

1:44:12

Yeah, certainly we can, we can look into sort of collating some some data that we can find that makes the performance in various different locations and depths explicit but we do know that the bubble curtains are used

1:44:30

in depths up to 50 metres

1:44:37

but now we can we can get hold of that. Yes, it's how effective they are 50 metres that's the thing. You know, I think there's toys but the dispersal of bubbles after a certain height etc. and analyse on behalf of the applicant. We can confirm that we will be submitting further evidence on this deadline for us to take for rampion two conditions.

1:44:57

Current assumptions have already been taken into

1:45:00

You would have been adjusted taking into consideration specialist advice on this matter. For instance, the 20 decibel mitigation that was presented in Appendix H of the responses to examining authorities

questions are kind of three. That sounds useful and I think naturally in and of similar or very similar concern, so that would be useful. Thank you very much.

1:45:24

I think we're looking to break for lunch now.

1:45:28

So

1:45:33

So, lunch till five past two.

1:45:36

That's okay. So we'll we'll adjourn now till then, for lunch. Thank you.