

# TRANSCRIPT\_RAMPION2\_ISH2\_SESSION4 \_15052024

Thu, May 16, 2024 9:55AM • 1:25:08

00:04

Okay, good afternoon everyone. So we are now on to Item three E on the agenda, which is offshore on ethology. So starting with the cumulative impact assessment for great black back to go. In natural England's advice on relating to climate Razorbill and the great backback goal, which is in appendix B three to the Natural England deadline three submission, our EP 3081. They continue to advise that the impacts of rampion two possible impacts of rampion two on the great backback goal are likely to be significant the EIA scale when considered cumulatively with other offshore wind farms. They advise that the impacts from the project alone and curiously within other projects should be assessed using the Southwest UK and channel nonbreeding BD MPs population of 17,742 individuals as the reference population, how does the applicant respond to the statements from Natural England?

01:23

I think the applicant disagrees. Matthew ball on behalf of the applicant applicant disagrees with the conclusion and Natural England that there is a significant adverse effect in EAA terms cumulatively on great black bat goal. Predominantly The reason why is because natural England's approach to collision risk modelling for great black bat goal can be considered overly precautionary as we presented within our great blackbutt goal sensitivity assessment, which was rep 1038, which showed that in simply changing one single value, you can get an 86% reduction in an impact which that's for one single project. If that's put along multiple projects cumulatively, then again, your impact just shows the level of over precaution, natural England's rationale for using lower avoidance rate is because they consider that large goals are all ecologically similar, which applicant would disagree with less of blackbutt goals are predominantly an Auckland breeding bird, which might winter along the coast. Herring goals are ever increasingly moving to be more of a terrestrial environment species rather than a coastal breeding as evidenced in the latest seabird counts, which is Bernal a towel 2023. We've nearly 75% of the species of herring are now breeding in terrestrial environments within the UK, whereas great black back are far more pelagic and predominantly remain in either coastal or offshore environments. Therefore, although on the surface the species might seem ecologically similar, based on appearance alone is like it'll show different behaviours and responses based on the different habitats in which they are find to be their niche. This is therefore suggests that the avoidance rate of using a large goal generic rate for great bite back goal is heavily skewed by the other species which do have ecological differences. And therefore, we consider that the species specific avoidance rate as is recommended by Aslan often Harris within the critical appraisal is a far more appropriate for the species. It also goes within the approach that Natural England typically take two assessments which is to provide a range based approach, whereas we have previously provided it with the s&c B's measures. And now we have

provided it with alternative literature based evidence, which as we've presented within the 1038 has far more weight to it when it comes to the actual accuracy of the values and the evidence behind them.

04:02

Okay, thank you for that response. I will also pose this question to Natural England, but is it any scope for any movement by either party or is that your final position on on it?

04:18

I think the further point to note here is regard to Kiyomizu assessments for great buyback goal that the location of some of the projects border both and have potential connectivity to both the southwest and channel BD MPs as well as the West of Scotland BD MPs, hence why we undertook the cumulative assessments in the way we did. This is based on the see the BD MPs regions defined within Furness 2015. This issue was actually considered in the last 10 CIP project which was already more within Western waters, whereby the cumulative assessment was assessed against both western regions combined. The previous conclusions that were drawn by the actor was that there was no significant impact NEA terms for the cumulative assessment based on that presented by Ally more Natural England is also is probably worth mentioning have acknowledged that there is uncertain outcomes to any sorry, I will endeavour

05:18

Okay, thank you for thank you for that response. I will pose the similar question to Natural England post hearing. Okay. So moving on to the proposed compensation for impacts on Flamborough and finally coast, SBA and the foreign islands SBA on seabird features. So starting with kitty weeks, the applicant provided an updated Kittiwake implementation plan into the examination at d3, which is rep 3058. The applicant presents use of the upper 95% confidence interval in Section 4.1 of this document at the request of Natural England, it states that it considers the central estimate to be most appropriate. And it will be useful if the applicant could show table four, one in the KMP which is rep 3058 on the screen

06:15

if that's possible.

06:32

So it's the K key to implementation management plan rep. 3058 and table four dash one.

06:49

That's lovely. Thank you. Okay. Would it be possible for the applicant to briefly just explain the information in Table four dash one, this quick summary. Thank you.

07:00

Yes, James miles on behalf the applicant. So this table lays out the different ranges of compensation requirements, or compensation quantities that might be required based on various scenarios. So the top of the table has the requirements based on a central central impact value of naught point seven two, reading adults from Flamborough by the coast. And then stage one and two, the columns are two different stages of the methods calculator quantum based on the one used in the Hornsey project three,

which is the generally the one that's considered within recent applications, along with 24 as well, but it's the most proportionally of all of the approaches. And then on the left is also compensation ratios that can be applied to those numbers as well. So in general, you apply a higher ratio if there's lower connectivity or lower certainty of success in the measure. And I guess the applicant has a position that we we consider the central impact value as the most appropriate given the precaution already within the assessments. And we don't consider a ratio of more than once to be appropriate at this point. But we laid out the full range so that it's clear to see. Okay,

08:26

thank you. Thanks for that explanation. So the examining authority is aware of the recent kitty weight derogation cases in England, in Hornsey, for 2023 and one C three, and 2020 where the Secretary of State has concluded the level of compensation required based on the mean rather than the upper 95% confidence interval. So the examining authority would like to understand if Natural England have any comments on the Hornsey three and four decisions where the Secretary of State took a different position to that advocated by Natural England. So I will pose that to Natural England after these hearings. And then last, well, first of all, does does the applicant have anything to say on that point?

09:12

You're James miles on behalf based on discusses Natural England meetings on 16th of April 17. April, I think it was. They're aware that the impact from the project is low, and they just wanted the full range to be shown. They didn't provide a position my opinion on what they thought was most appropriate authorities. Okay, thank you.

09:38

Then lastly, the zoning authority would like to understand if either party, the applicant to lecture, Lincoln would consider changing its position regarding the compensation numbers for kittiwakes. But I think you've just inferred that they you said that they didn't have a particular position on that.

09:57

As far as I'm aware that I don't think they are them had a position they just wanted the full range presented so that they can assess their position.

10:04

Okay, thank you. So do any other parties have any other outstanding concerns on the proposed Kittiwake implementation management plan? In the room or online? actually can't see if there any hands up online. I don't think there are okay, so thank you. So we'll now move on to guillemots and Razorbill. The applicant has provided a gleam autumn reasonable evidence and roadmap compensation plan deadline three in our EP 3059 and Natural England deadline three submission in appendix B three, which is our EP 3080 advise that they do not agree with the applicants conclusions of no A i and consider that rampion to or make a contribution to in combination adverse effects to the three sites under consideration albeit modest one. Natural England state that this level of contribution means that a collaborative approach to compensatory measures as proposed in principle by the applicant for Kittiwake has the potential to deliver a proportionate level of benefit with giving mahtim

Raise a bill. That would be helpful if the applicant could show the table in appendix B on page two of Natural England deadline pre submission which is rep 30800.

11:49

That's rep 3080 Appendix B on page two.

12:35

That's the one thinking.

12:39

So this shows natural England's advice on each scenario for guillemots and Razorbill at the Flamborough. And finally Coast SBA and a foreign Island SBA, and whether adverse effects on integrity can or cannot be ruled out. So the compensation quanta for getting what unreasonable is presented in Table eight one section 8.2 of the roadmap of the compensation plan in our EP 3059. Could the applicant also show that on the screen just after this one Thank you?

14:28

That's the one thank you.

14:32

So is the applicant in Natural England or not it they are the applicants in Natural England in agreement with the compensation quanta for Gilliam autumn Razorbill at the flambeaux and finally coast and the foreign islands which is presented in table 8.1

14:49

times miles on behalf of the applicant. We haven't consulted with Natural England on those compensation quantum Yeah. Okay.

14:55

And is there are you intending to To consult them, and do you have what's your plan?

15:03

Does I assume we'll have feedback on on this roadmap at deadline for we have discussed the other aspects of the compensation. So the initial site selection and the areas and location of what might be looked into, but we haven't gone into this this stage of Okay. Okay.

15:32

So it's the examining authorities understanding that the applicant intends to update alternative schedule 17 at which was submitted at the PPD 017 to include guillemots and Razorbill referencing the roadmap compensation plan, it would be much more reasonable, though, can the applicant confirm that this understanding is correct?

15:55

Or Jane smiles on behalf of the applicant? Yeah, that's correct. So it'll be updated for deadline for.

16:00

Okay. Thank you. So I will then ask Natural England later in the examination, if it has any concerns regarding the proposed compensation measures, and reporting and adaptive management measures for the applicants proposed getting automatable evidence roadmap? And also what their opinion on the proposed quanta is. So expect to receive that later on an examination.

16:31

Okay, okay.

16:36

But thank you, is the applicant aware that naturally whether Natural England has any concerns with the current drafting of schedule 17? Or is it? Are they happy with the are you aware that whether they're happy with the wording, it's obviously just the information in the documents behind it that they have concerns with?

17:02

I am unsure I think there's the points that they've raised on the schedule 17. That's all we're aware of.

17:13

Thanks, Paul, male for the applicant. There are a number of points which Natural England have raised in relation to shedule 17 as sort of holistic concepts, if I can put them like that, rather than specific wording or specific comments on the drafting that's actually been proposed itself. Now, we may come on to those points when we get to the sheduled 17. Part of the agenda, I think it's the applicants position some of those points can be addressed through the UN have been addressed through the camp itself, other things need to be discussed with with Natural England and others, and then decisions made over whether further amendments will be made to the drafting of shedule 17, or things can be dealt with in in some other way.

18:09

So what confused me, I think we are on the schedule 17 part of the agenda. I was just slightly confused that we may have jumped ahead there. I think from from the excise point of view is that if we get to a point near the close the examination or at the close examination, that Natural England is not in agreement with the with the shedule 17 as drafted and they have, we will need before us both versions of your version and unnatural England's suggested changes or wording to that effect. So I will probably pose a question to Natural England that they need to put forward their version of schedule 17 Before this examination, certainly by deadline five, so that the applicant yourself can provide comments on it. And then and then should the Secretary of State concur that those adverse effects on integrity cannot be excluded and wants to put schedule 17 into the order the Secretary would effectively had a choice of your version or the natural English version. So it's it's really just to if naturally not listening on a live audio feed that we would if there is concerned with the drafting of the of the shedule that they need to let us know what they what changes they require. So I think that's the point I want to make on that so nothing further on that

19:48

okay, so I think we're at the point where I will ask Natural England Layton examination if it has any concerns regarding the compensation measures and has to do with getting waterways a bill or the adaptive management measures, and they receive a response from them later on an examination. Okay, so we'll move on to the potential ornithological trans boundary issues highlighted in the trans boundary consultation response from France, which is our EP 3104. So could the applicant confirm the latest position on their liaison with the French authorities regarding the concerns from the feeding zones of some bird species, including the northern film on black legged kitty weight and a potential intersection with the rampion to zone of influence?

20:55

Occupying behalf the African African confirm that we have reviewed the French authorities response submitted a deadline three and we will intend to submit a response back deadline for and then should there need be a need for further consultation. We will therefore seek it.

21:14

Okay, thank you. So as well as the translation of the letter, you will also provide a response to that letter at deadline for

21:22

if you burn Barfi African Yes, that's correct. Okay.

21:24

Thank you. Okay.

21:34

Okay, I will leave the last question I had, then I will wait for your response deadline for Okay, so that concludes on ecological the ontological icing on the agenda.

21:58

So I'll just hand over to my colleagues, Mr. Many.

22:07

Again, I've just got one question. Also on the the letter from France, the French government. I just noticed that from our translation, the letter from the French authorities that section one discusses consultation with a French fishing fishing industry, with the suggestion of engagement with this relevant state institution, as the applicant been able to consider this part of the letter and as the applicant got any response as yet.

22:44

As Tim Goulding on behalf of the applicant will have to respond to that one in writing. We have read that section of the letter from the French Secretary of State. Okay, and we'll respond subsequently, at the next deadline.

23:01

What I would suggest is we've talked about different elements, I think from the letter but and you've mentioned, you've got translation, I think what we would like to see is a full response from the applicant to all elements of the letter, maybe as an action point.

23:23

May sorry, Tim Golding on behalf of the applicant, we just like to highlight that the consultation that has been undertaken with the French fishing organisations is detailed in the chapter of the environmental movement. But yes, thanks for your points earlier. Okay. Well respond. Thank you.

23:41

Thank you very much. But it's probably a good point. Now just to I've got no more questions on all points to make on the those trans boundary issues. So to close off the section on offshore ecology, unless anyone's got any other further questions or points to make on ocean ecology. We can look at action points for this section.

24:21

Thank you, sorry, just run through actions that I've noted down. Firstly, in relation to worst case piling scenarios, the applicant was to provide a response to comments submitted by Natural England with an explanation of why the chosen locations represent the worst case. There was then an action to specify in terms of the maximum design scenario, the relevant hammer penetration or commitment With regard to post construction, sorry post consent neu post consent monitoring. The applicants agreed to that it will confirm its proposals at deadline for

25:26

in relation to I think it was questions around the efficacy of noise abatement measures, the applicant is going to provide more information as to how various measures might perform within the environment of the the ramp into array area.

25:58

I've got an action for the MMO which related to I think the applicants responses to examining authorities questions at Appendix H and your query as to whether I think a piling ban in the western array area between March to July will be acceptable to them. Based upon the information there

26:38

again at deadline for then the applicant will provide it suggestion as to adaptive management proposals in response to potential

26:56

think potential noise monitoring at MC said locations the applicant will present without prejudice made case at deadline for

27:18

the applicant will submit evidence of related to the behaviour impact threshold on seahorses at a deadline for

27:39

and we'll report back at deadline for in relation to herring spawning following any feedback it's received from see fasten the MMO. Now following a meeting occurring prior to that date. In relation to Article Five, the applicant will consider various provisions that were discussed that are outstanding with the MMO and provide a detailed response in its in its updated DCO and DML at deadline for plus detailing any sort of responses as well in the in the log as to how those comments have have been addressed. In relation to benthic. The applicant will consider how it can confirm five metre depths minimum for actually D at the at the landfill site. In relation to commitment C 283. The applicant will consider whether it's possible to make amendments in relation to expressly referencing chalk within that commitment, noting Mr. Goldings potential reservations about whether it be possible to do so. The applicant will consider whether it's possible to submit an outline cable specification and installation plan. And whether it is possible to submit any information in relation to methods of cable burial using lessons learned from the rampion one project in relation to marine mammals, the applicant will provide confirmation that modelling is based on the worst case scenario in relation to scuffed up procedures and that will also be added into the D the the draft marine mammal education plan deadline for in relation to bottlenose dolphin the applet Ken is in the process of carrying out an assessment based on the zip code model. That won't be submitted or deadline five. That was, as Sinclair stated that that's due to the time taken to run that model. We will in respect to various trans boundary points that were discussed will firstly submit a translation of the consultation response from the French government and then similar for response to the issues raised for deadline for and then lastly, I have a submitting an updated schedule 17 to deal with the position with Columbia and Razorbill.

30:56

Sorry, can I just say on one thing that was you mentioned the I think it was the cable specification installation plan. There was there's also the cable burial risk assessment CVRA. The two documents available? Yeah.

31:22

Well, you,

31:22

I think that was one more as well, the two day in terms of the progress on discussions with Natural England on the offshore in principle monitoring plan deadline for

31:43

now, I think we're in agreement on that then only.

31:51

Okay, yeah.

31:52



Sorry, can. Tim golden on behalf of the applicant, I think the update on the monitoring with Natural England, we'll be we'll be presenting them the monitoring plans at D four, we've got a call with them post D four. So we provide the updated D five I think is is probably discussed.

32:26

Okay, thank you. On to section four of the agenda. This is where we're looking for the applicant to update the examiner authority on progress to or latest position on various matters. For first one is one that I'm going to look to cover. And it's to do with radar, aviation negotiations, potentially for requirements and mitigation. So principally just an update from yourselves, we're counting from the applicant. With your submission responding to the examiner authorities written questions, the applicant stated that the coordinate plotting was signed off, and no changes. The mitigation was required followed following discussions with mats, the national air traffic service, what are the next steps? And what is the anticipated timescale for completion of the mitigation? And hopefully, then the subsequent removal of the objection? Hold an objection from Max.

33:33

Thank you. So Paul, male for the applicant in relation to the primary surveillance radar. We are in conversation with NASA around that, that that is likely to involve the inclusion of a requirement within within the order. There's a fairly standard requirement which goes around which deals with those kinds of impacts. And the and the anticipation is that that can be agreed and and included. So

34:04

are you at the point now where the mitigation has been agreed and the discussions more through the wording of the requirement? Or is there still to be some sort of level of agreement? Late mitigation itself?

34:16

I understand that. We will personally we will confirm that that deadline for So my understanding is that there is agreement over what's required. It's just a case of putting in place the the arrangements that sit behind the scenes around delivery of of that mitigation and securing the position by requirement. Okay.

34:41

I mean, you preempted my next question, which was to do with the possible need for requirement because you is common I know for potential tall wind turbine GCOS to have such a requirement essentially for the sector of state to agree to any final mitigation based on the height and layout of turbine six etc. So can the word no such requirement be expected in the next iteration of the DCO?

35:11

I think we will certainly include it certainly as to whether it's agreed at that point. I think is probably unlikely given when deadline for is, but certainly we can include it at that point.

35:22

Yes. Or maybe even if it's included even more has to be amended. Afterwards I think that would be moving in the right direction and similarly as been any further response from the MO D or Dao, on military aviation matters or the need for a relevant requirement.

35:40

No Sir Not that the applicant to wet okay.

35:45

The examining authority has not heard from Brighton City Airport. From the applicants response to written questions and commercial agreement has been sought to amend the instrument flight procedures, the FPS, what is the latest status on on this?

36:01

The the nature of the mitigation, sir is unlikely to be finalised until the design is finalised. So that's something that will that will occur post post consent. So again, we consider that it'll be appropriate for requirements to be included within the order in order to secure that mitigation. A draft requirement has been provided to the airport for the purposes of consideration and we're liaising with them to try and agree that. Okay.

36:33

And the airport itself from I think from what's the applicant has submitted, there's no pushback from the airport in terms of these changes, that

36:42

there's no change in position from from the airport from previous submissions. Okay.

36:49

And yes, again, as you mentioned in the problem need for requirement because I understand these things can take a long time to get a final agreement. So So, again, a draft requirement within the next iteration of DCO would be useful. And finally, condition eight of the deemed marine licences addresses aviation safety. Section two of this condition requires the undertaker must notify the defence infrastructure organisation, the DAO, and the MMO of the final proposed heights and position or wind turbines. I'm just wondering why it was chosen for the DIY and MMO and not including the likes of nats Brighton City airport or the CAA. Particularly in that, so I would say

37:46

I'll take that one away, sir. And, and reply to your deadline for

37:49

it's just about notification of them as much as anything, but I just thought when it comes to the DIY is obviously the defence side of things. That's probably I've got more of a concern. Obviously, you're working with the mitigation for them. But this is just about notification, I think of when the how tall the turbine is going to be the position of them when they're going to be constructed, that sort of thing. So

yeah, if you could take that away and consider that that would be, that'd be good. That's it for me and I will pass across to my colleague Spieler.

38:24

Kay, thank you. So I'd like to deal with items for B and C on the agenda together. So this is about the tree and hydro loss calculations, and the planned update to the board cultural impact assessment and updates to the vegetation retention plans. So it's understood that the updated information on tree and hedgerow loss discussed issue specific hearing one is now being submitted at deadline for can the applicant confirm that this is correct?

39:02

Alan Kirby on behalf of the applicant, so that deadlines free the vegetation retention plans, as part of the code of construction outline Coda construction practice our EP three Oh 25 was submitted the arboricultural impact assessment which is appendix 22.16. A PP. 194 has been or is being updated in line with those vegetation retention plans and will be submitted at deadline for

39:33

Okay, thank you. Is the applicant able to give a summary of the updates made to the vegetation retention plans? What's a brief summary of what's changed? Sure,

39:43

yes. So in

39:48

so I've just lost mine.

39:52

Just to note that there's a summary in technical note construction access update assessment summary. eat cheese, RSVP 3054 I should just

40:07

get that up and then

40:15

so in table one, two, in the back of that document, there's a summary of hedgerows tree lines that are either permanently or temporarily lost and also woodland losses. So by way of statistics application 89 hedgerows were subjected to some form of loss that's been at that's gone up to 102. Some of that is due to clipping hedgerows into different parts. In terms of the GIS, total tree lines last from 28 to 33. And then in terms of linear length, the length of headrow temporary last is 1279 metres, which is an increase from 1130 metres at application and the length of hedgerows permanently lost has increased from 622 metres to 647 metres. In terms of woodland area, we have an increase from naught point four hectares to naught point four eight hectares. And if just pick out one individual location, which has been the subject of some discussion previously, just to note that the woodland between kepis cops and Oliver's cops were a question was asked around HDD and source protection zones. Although we

haven't been able to commit to a trenchless crossing there because of the source protection zone, we have reduced the width there from 30 metres to 23 metres.

42:06

Okay, thank you for that summary. It's also my understanding that the Aurora cultural impact assessment will be updated for deadline for is that correct?

42:18

That's correct. Yes. Okay. Thank you.

42:23

Okay, so I'll leave detailed questions on those statistics. For the next questions. This Smith has did you have your hand up? Yes. Okay.

42:36

Thank you. I'm actually going to start with a bit of an aside if I may, because like Mr. Kirby, I have that document down as oh, five, four. And if you look on the documents library, it's oh, five, five now. So I on Monday, I mentioned this concern I had that the documents numbers had got changed. You said, oh, five, four. And that's what I have written down. And it's not

43:01

how perhaps if, if we could discuss, you could discuss that with the case team. I think the exam library has been updated quite recently.

43:14

With regards to the matter in hand, I haven't looked we haven't looked beyond our own area. But our EP 3054055 shows Keiter loss of hedged loss, additional hedged loss at a 57, a 6162 63, and 64. And many of them are described as it with trees. But there's no real clarification on the size of any of these trees or their importance. And certainly, it would seem to me that's the tree at the Oak and Dean industrial estate is potentially of substantial size. I wonder if the applicant could also clarify whether these figures are the total width or are they splays in each direction, in which case the total additional loss is double what stated here? And also, could you clarify, please, if you're intending a new access road at the Western Canadian compound, a 62. Or if you're planning to use the existing access, why that's changed. These will have a massive impact visually on the whole landscape. And there will be huge removal of hedge in that area, utterly devastating, and tree loss. Plus this figure doesn't appear to include the newly proposed Kent street visibility splay on the a 272 which is 35 metres presumably in each direction, and probably similar splays on other small lanes where you've had to widen access to the road There's also no inclusion of the big turning arc that is proposed to be cut off the northeast corner of the Oakland Dean fields to enable huge vehicles to come out of Kent Street. And that's has it's not just hedge it's trees and scrub. And there's doesn't appear to be any mention of it. And confusingly, it's on the design and access latest revision for reinstatement at the end of year one, and I don't see how that is compatible with having it as a visibility arc for returning Ark for Kent streak of so I wonder whether they thought about whether more trees and hedges will have to be removed to allow these huge vehicles to actually turn around in the three haul roads. And all of these disabilities plays

are based on the assumption that you will accept a 30 mile an hour average speed limit to be considered reasonable in a direct in D restricted Kent Street for the day calculations. And whether or not you will allow 40 mile an hour speed limit on the 272 and a 281. Otherwise, they may have to be revised again. And just finally, I don't quite see how that certain hedges can be proposed to be retained on the cable route, when there is a whole road running through it. For instance, H 450 464. A and 486. It doesn't seem compatible with having them as retained hedges when they have to be a way through.

46:47

Thank you for those points, may I suggest that you submit those points in writing at the next deadline, we'll post it and post hearing submissions and the applicant could then respond in writing to those points will do thank you, with the the applicant like to say anything briefly now or

47:07

Thank you, Sir Alan Kirby for on behalf of the applicant just very quickly, as obviously we will respond to those in writing when they come but in terms of at the moment, noting hedgerows with trees. That is something that is described in the way that habitat surveys done from an ecological perspective, but those trees will be described in the agricultural Impact Assessment Report, which will be updated at deadline for in terms of the loss loss is sort of vehicle tracking, modelling etc has been done in a worst case scenario with a large low loader as as the sort of target vehicle. So there's there's confidence in the predictions of what's being lost when it comes to visibility splays what's being shown as lost is what is total loss where there is vegetation management for those visibility space as you would on the normal highway that doesn't show his loss. That is is how vegetation management.

48:13

Thanks. Okay, thank you.

48:18

So could I just query whether the Ebola cultural risk assessment that's coming at D four, will that be consistent with with the update to the vegetation retention plans? I think last time at the issue specific hearing one, there was a point about definitions. And so is will the information be consistent between those documents?

48:45

Thank you so and Kirby on behalf of the applicant. So there'll be consistent in the fact that the the length and areas of woody vegetation to be removed will be the same as they've been developed in lockstep. There will be some inconsistencies because the way that's in the agricultural impact assessments, they have things like woodland groups of trees and hedges they're defined differently than in the habitat assessment. So there will be differences in that way but in terms of overall length lost where that loss is you will be able to compare the vegetation retention plan and the tree loss plan as part of the agricultural impact assessment and they will be the same.

49:31

Okay, thanks for that confirmation.

49:45

Just very quickly, how is tree retention and matters for that controlled in the DCO.

49:57

Alan Kirby on behalf of the applicant side A vegetation retention plan is controlled through the code of construction practice under requirement 22.

50:15

Could the applicant consider perhaps putting that within its own requirements that the need for any apricot tree surveys or anything like that to form its own requirements rather than means stuck within the code of construction practice would seem to me to be more easier to control and be more transparent if there was a To Do With tree, a tree plan vegetation retention was actually formed in its own requirements. I'll leave that with you to consider has been done on other details as well, but thank you.

50:55

Okay, thank you. I'd like to pick up on a couple of points in light of the company site inspection that happened yesterday. So there's an area on the unclicking land near the existing Bonnie substation posted yesterday. And I'd like to understand why the cable route needs to clear the clear the extent of vegetation along that linear hedgerow and tree line that is proposed. The suggestion has been made by Ian Clegg in to use an existing breakthrough point. So could the applicant just explain the latest on that particular point where that existing breakthrough point can be can be used?

51:53

Alan Kirby on behalf of the applicant, can we take that one away and confirm please thank you.

52:00

And there's one other point to follow up from yesterday's a company site inspection on land near create mints farm there's some patches in light green in figure 7.2 point two H be the woodland retention plan and the outline code of construction practice.

52:51

And there are some areas which are cleared to 30 metres it's actually figured 7.2 point two h sees me on the woodland retention plan. And the question is why is it necessary to clear these extent at this location or at these locations there are two ologies it's figure 7.2 point 3k The scrub retention plan to patches of light green cleared 30 metres and we visited the sites yesterday on the company's site inspection

53:46

just too big it's figure 7.2 point 3k.

54:21

Richard Tanner is on behalf of the applicant we've just had a look at this and we would like to

54:30

point out that we've got the adjacent trenchless crossing nearby and it is necessary to have an additional area therefore duct stringing activities and therefore we might be in conflict with with hetero in that area in that area.

54:49

Okay, thank you. We also visited a feature called Green lanes yesterday on the company site inspection and this is labelled w 110. On figure 7.2 point six in the outline coder construction practice or EP three, zero to five. And this feature is affected by open cut trenching. And the representation received from his Cray suggests that this is a sort of significant important feature, the green lane, can the African confirm how it has been categorised in the ies and what level of importance has been given to this particular tree line or hydro feature? And could the applicant justify its removal?

56:03

Think it's featured w 110.

56:38

Alan curry on behalf of the applicant. Apologies. Can we take that one away and confirm deadline for please?

56:44

Okay, thank you. So two parts to that, how how you have what significance you've given to that particular feature in the environmental statement and the justification for its removal. Thank you.

57:00

Can I just caveat that I think it's important that that while you take that away the examining authority observed this green line yesterday. And I have to say it appeared to us to be a pretty important vegetation, it has seemed to be very old, continuous, and removing a section of it could be potentially harmful. So when you take that away, and you look into that, please take it away that the the examining authority has concerns about open cutting through this when when observe. So just just be I think it's important that you have that understanding as you you take it away and provide a written response.

57:50

Thank you.

57:55

Okay, thank you. So that concludes for C. So I'm now going to move on to 40 which is mineral safeguarding, and West Sussex County Council raised outstanding concerns in their LIRR rep. 1054 and in their responses to the examining authorities first written questions in rep 3073 against question i 1.1. Regarding the lack of details provided by the applicant to demonstrate that prior extraction of minerals under the cable route was not practicable or environmentally feasible, and this concern was supported by the South Downs National Park Authority. West Sussex County Council recommended that further information was sought to demonstrate this prior to determination. So could the applicant provide an update on this matter for the examination, please?

58:52

Hello, it's Neil Malborough on behalf of the applicant. The applicant met with West Sussex County Council on the 23rd of April, and this matter was discussed. West Sussex County Council acknowledge that the kind of detailed mineral resource assessment that there's previously been requesting would be very difficult to achieve given the information available at this time. And they provided clarity on the additional information they would like to see in terms of prior extraction and why this wasn't considered to be practical in the circumstance, and also clarity on the level of detail they'd like to see coming through in the materials management plan in terms of the mitigation and the processes that will be involved during construction to ensure that any minimal sterilisation is avoided or minimised the applicant is providing a response or deadline for where we will be able to answer these clarifications. prior extraction will be based around the depth of results and the working area that would be available and the technical difficulties in actually doing that in the area. And also the potential that if any extraction was achievable, it would leave a void that will then need to be refilled. In terms of the mitigation procedures, we will outline how the materials management plan will look at identifying the minerals that may be account counted from the stages of the construction, that that is identified volumes are kind of confirmed and the use of that to be able to be identified depending on what we we come across. So, it will it will set out the stages of mitigation that can go into that materials management plan, which should answer those queries from West Sussex.

1:00:56

Thank you for that update. Is there anyone from West Sussex County Council online who'd like to respond at all to that?

1:01:08

Good afternoon this review so do for Sussex County Council. I just like to confirm that we did meet with the applicant and the summary provided there is a fair reflection and we will respond to default once following the default submissions on.

1:01:24

A thank you for that. Would South Downs national political authority like to respond? Okay, thank you for those updates. Now moving on to four E, which is the proposed method of cabling in SPS a two to the southeast of southern water extraction point between Kipps PS cops and all of his crops. So the applicant has proposed open cut trenching through this tree group G 887, rather than horizontal directional drilling due to the potential risks of the quality of this public water supply. And southern waters response to the written question te 1.8 does not rule out HDD at this location. But it also describes the process that would need to be followed. But the environmental agencies response to the written question in their responses in rep 3148 That there is agreement of the proposed open cut trenching method with the applicants and Southern Water. So is that is that the applicants understanding and southern waters understanding to perhaps you provide an update just on that particular issue? Please? Thank you.

1:02:49



Sure, Guy Douglas on behalf of the applicant. And so we had a meeting last week with Southern Water and the Environment Agency. And during that meeting, the applicant clarified the question to southern waters hydrogeological experts. I think there was some confusion because I think they bought that there was a design change. And the applicant confirmed that the proposal is still to open cut there and that we're not proposing a change to HDD. So I think that's where the kind of the slight misinterpretation came from from Southern waters response at deadline three, and they sort of confirmed that was the case. Southern Water confirmed. Basically what the Environment Agency have said in their deadline free response, they've confirmed that HDD would be higher risk compared to open cut. And that they had concerns if in theory, a there was a design change to go ahead. And it basically, along with the environment agency confirmed that they were happy with the proposals as they were for open cuts at that location and it fitted in with their pre application advice. So yeah, I think that's that's where that slight discrepancy came from, but it's been resolved and seven water also said that they would provide the clarification at a future deadline, I think it was deadline for in a written response to

1:04:49

that would be very helpful for Southern Water if they could do that. I was going to suggest whether it was something the applicant would consider would be to add southern water to the list of organisations is on the statement of commonality for statements of common ground and whether they feel that would be necessary for this particular issue

1:05:14

Thank you, mom for all my offer the applicant. I think we may reserve our view on that until after we see what is produced by Southern Water at deadline for that made clear the that make clear the issue.

1:05:25

Okay, thank you for that update. We'll wait to see what comes through it deadline for on that issue.

1:05:34

Sorry, rich tourney for South Sudan's National Park Authority. I think there's a bit of a concern here that, in essence, the wrong questions being asked the question, the real question is, is it necessary to avoid an impact on the source protection zone to be in open cut rather than HDD? And the question that seems to be being posed is effectively Are you happy with this being an open cut? Which the inevitable answer from Southern Water and the Environment Agency will be yes, we are. But the real question is, can the applicant HDD in this location because if there is a feasible means of doing so whilst ensuring the protection of the SPS Edd, then they should be HD doing because of the the surface interests if I put it that way, the woodland so I think that I think the applicant from the way it's just been described is posing the wrong question to those consultees, the applicant should be pushing to HDD in this location. And only if they are told that it simply cannot be done. Should we not have that as a business strategy within the DCO?

1:06:48

Okay, thank you for that. Could I ask the applicant then has that question being posed to the Environment Agency and Southern Water in those terms, have they denied that HDD is feasible in this location?

1:07:09

I guide up with some behalf of the applicant. During the pre application process, I think between 2021 20 2003 The Environment Agency kind of made the point that they wanted high risk activities limited avoided in in SPS had to and HDD was was one of those in their in their recent response. ret free 148 They've kind of said that HDD would would pose a great risk to the public water supply, that it could sort of interrupt caustic flow introduced contaminants into the aquifer, resulting in increased turbidity of the groundwater. And it's not just it's in source protection zone too. It's it's a known area, which is which has sensitive we sort of went to great lengths to put in place a number of irrigation measures and do geophysical surveys for that particular area. And to the north of hammered part because seven water had shared caustic data. So due to its inherent sensitivities during the call that we had with them last week, they were saying that they had serious concerns about HDD as a hypothetical alternative. So yeah, I think that that that came across in the dialogue that we had with them

1:09:08

thank you. So could the applicant confirm it has followed the mitigation hierarchy in this circumstance?

1:09:16

Yeah, well, we considered we've considered that I suppose a variety of options at that at that location taking into account the numerous constraints water environment and otherwise and the risk that was posed by HDD towards the water supply was such that it was ever think would be disproportionate. So yeah, in that respect alternatives have been considered true and what Alan met Kirby mentioned earlier that working with for that location has been reduced by way of kind of mitigating. any impact on on the biodiversity there. So, yeah, we've looked at a lot of options as part of that hierarchy.

1:10:30

Okay, thank you for confirming that. I can see a hand up online. I can't see the name of the person with the hand. Yes. Okay, breathless. It's Mr. Walker. Jordan

1:10:43

Walker from West Sussex County Council. Risk keeps getting mentioned there. However, we would just like to put across the point that we haven't actually seen a risk assessment based on a hydrological risk assessment based on HDD drilling and application only open cut trenching. So we would like to see where there's evidence suggesting that the HDD can't be proposed there, if possible.

1:11:11

So, Guy Douglas, on behalf of the applicant, we were presented in the hydrogeological, risk assessment, ma pp 218. And assessment of the selected crossing methodology, as well as the consideration of those risks, was held in numerous sort of targeted stakeholder meetings with Southern Water in the Environment Agency between July 2021, and April 2023. And we have some of those things which I was kind of alluding to there about the karst in the area. And the proximity of it to the angling public water supply. meant such that those those risks were debated and discussed during specific meetings. By the time the hydrogeological risk assessment was written, that mitigation by

design been and being carried out, and the methodology had been selected. So that's why we didn't we didn't assess HDD in written form at that stage.

1:12:45

Confirm it hasn't been, there's been no application submission, stating where HDD has been assessed for hydrological risk assessment hasn't been submitted yet.

1:12:59

Did you have distressed Sussex County Council have outstanding concerns in this area? About the that they actually do in in this area? Do you feel that the mitigation hierarchy has been fulfilled?

1:13:14

I feel like we would like to respond to that deadline for in terms of responding to the applicants response to the essays question regarding this. If that's possible.

1:13:25

That's fine. We'll follow this up at deadline a deadline for then.

1:13:31

Rigid to any for sale, transnational product, or sorry to comment on this again. But I think I think we would like we can even more say now that we would like to see that assessed. As I say it's obvious. And it's common with other cases that the environment agents in the water company will say don't hGD because we're a resource protection zone. But it's also well established, the HD may be possible in source protection zone dependent on hydrogeological risk. So I think we need to see that assessment. So rather than waiting for us for that in a deadline for I think was a now could they applicant take that as an action to carry out an assessment of an HDD in that location, so that we can have the impact from the compensation response on that from the Environment Agency and southern water, which is the missing component?

1:14:23

Do the applicant take that away as an action to do that hydrological risk assessment if it hasn't been done already in the existing hydrogeological risk assessment?

1:14:40

So I think the risk assessment as as it's written sort of conveys the risks within that, within that area. What we haven't done is done it for HDD of a the, the risks are applicable. There's karstic and features within that catchment. There all the mitigation measures that we've put in place are applicable to the chosen methodology. I think that the, the HRD is is relevant as it is particularly on the basis of some of the other mitigation that's gone in place for the open cut. I'm not sure that there's much merit and for for W hydrogeological risk assessment for an alternative crossing, which is problematic to the Environment Agency and Southern Water and is clearly very, very risky.

1:15:56

Okay, thank you, I think just to finish this item, then perhaps if the applicant could put in their post hearings, written submissions, a response to this line of questioning into in detail, and then we'll follow it up at the next written questions. That would be a good way forward on this. Do you happy to do that?

1:16:25

Yes, ma'am. I was going to suggest something similar. So that's okay. Thank you.

1:16:33

So moving on to four F, which is the adherence to all the relevant marine plans and policies. There were several points or three points actually, that the MMO requested the applicant to submit a marine pan policy assessment in one document. Well, the applicant did this. But they had a few. A few points, outstanding points, there were three outstanding points on that. I won't go through them in detail, I'm assuming that the applicant has seen those outstanding points. So could they confirm the applicant confirmed they will be addressing the those points from the MMO on this matter?

1:17:13

Map bowling on behalf of the applicant? Yes, I can confirm we will be updating that for deadline for and I can give you a short summary of the policies if you want me to. But broadly speaking, we sent were in adherence with both of them, and it should be a case of updating the document.

1:17:34

Could you just repeat that please? was quite faint. Thank you.

1:17:40

The second part, I can give a summary of it if you'd want. If you'd like me to have the two policies in question. They have the MMO has requested that two policies be scoped him for consideration. And broadly, we are in adherence with those two policies, and we'll be updating the document accordingly.

1:18:08

Okay, thank you. I think that's fine. If we were expecting your response on that deadline, a deadline for then. Thank you. And then the last point is for G which is updates to the environmental statement. So over the course of the examination, some of the environmental statement chapters have been updated. And there's also there was an errata issued by the applicant in Appendix C of their cover letter at the PPD. Does the applicant intend to submit a full update to all of the environmental statement chapters, including the irata so that there's a clean set of documents?

1:18:56

Condi slow on behalf the applicant did intend to submit him claiming track versions of updated assessments when necessary, it might not be applicable to every single chapter. But with respect to urato Will will review the key items in relation to those submitted earlier in the examination and make a judgement on on you know, the relevance to the to the full assessment. More simple points, I suppose may, you know, we may

1:19:31

up but I would only add that the Secretary of State I think would appreciate a clean set of documents rather than having to refer to an ES and an errata sheet and an update and things like that. So think of the decision maker here. And if you can provide clean documents for the close of the examination deadline six I think that would be well appreciated. Noted.

1:19:58

To that key clear. Section four of the agenda. So could we go through the action points from section four please? Thank you.

1:20:10

Thank you, ma'am. In relation to aviation radar matters the revised DCO to be submitted at deadline for will include proposed requirements dealing with both the PSR and the IRP arrangements. As discussed, our deadline for response will also include consideration of weather conditions or the de marine licence should include nuts as well as the other organisations mentioned within within that condition. An updated Arbuckle arboricultural impact assessment will be submitted at deadline for and we will also give consideration to whether a standalone requirements should be drafted in relation to matters related to trees and vegetation retention in relation to the routing of the cable bolney will respond to your point that you raised on in relation to the site visit as to why vegetation needs to be removed there and not using the existing breakthrough point. In relation to the feature that was labelled as w 110. On the vegetation retention plans, we will confirm the significance of that feature within the environmental statement and then provide justification for its removal noting as in the assigned points that you raised in connection with that in relation to mineral safeguarding. We'll provide a response as to why prior extraction isn't possible, and mitigation proposals that will be secured through the materials management plan. In relation to cable laying in the SPS Zed will provide a full submission in response to the discussion that took place in relation to those matters. And we will provide a response to the MMOs comments on our marine Plans and Policy Statement by deadline for and look to submitting clean versions of as chapters when necessary by deadline six.

1:22:38

Thank you, right.

1:22:47

Okay. Is there any other matters anybody wants to raise before I learned to adjourn the hearing? No, Miss Smith asked. It's

1:22:58

very small point. But it is a reflection of the way the consultation has been held. It's not only it's kaufhold, the green line

1:23:15

did you want to come back on that point, or?

1:23:18

Oh, well, I'm sorry. So if I, if I've mistaken is mistaken. And I thought I recorded it as per the conversation that was discussed. But if I got it wrong, then I apologise.

1:23:32

And any other matters of hands in the room. Can't see any hands up online. Okay, so that will leave it for today. Just to remind you that the recording of this hearing will be placed on the inspectors website as soon as practicable after this hearing. I just want to thank you all for attending today. And I hope you've all found it useful. We certainly have found it very useful. We will resume this hearing tomorrow morning in this room at 930. In which we will then move on to item six on the agenda which will be the seascape landscape and visual effects. So I hope to see you then, in the meantime, the time is just coming up to harpaz Five. This hearings adjourned. Thank you