



Hearing Transcript

Project:	Dogger Bank South Offshore Wind Farms
Hearing:	Issue Specific Hearing 2 (ISH2) – Session 1
Date:	15 January 2025

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00:05

Good afternoon, everybody. The time is now 2pm and I'd like to welcome you to the this issue specific hearing on the scope of the proposed development, including construction activities in relation to the application made by RW renewables, UK Dogger bank South West limited and RWE renewables, UK, Dogger bank South East limited, for the proposed Dogger bank South offshore wind farms. Before I proceed any further, can I just check that everyone can hear can see and hear me, if not, can you please raise a hand in teams

00:40

and see no hands, so I'm going to continue. Can I also confirm with Mrs. Hopewell that the live stream the recording of this event have commenced? They have Thank you. Please. Could all participants ensure that they are muted unless invited to speak, and please silence all electronic devices. My name is Jo Downing. I'm an examining inspector and a chartered town planner. I've been appointed by the Secretary of State to be the lead member of a panel of inspectors to examine this application. In

01:09

this introduction, I'll be going through the management of today's event and introductions, and one of my colleagues will be taking notes of any actions.

01:18

I'd now like my colleagues to introduce themselves

01:22

My name is Claire bilo. I am an examining inspector, chartered scientist and chartered Water and Environmental Manager.

01:30

My name is Helena obramsky. I'm an examining inspector and chartered town planner. I'm attending this hearing virtually today, and for information, when I'm not directly participating in the hearing, I will switch off my camera.

01:44

Good afternoon. My name is Laura Shawnee. I'm an examining inspector and chartered town planner.

01:51

Good afternoon. My name is Matt Tandy. I'm an examining inspector and a chartered world environmental manager and a civil engineer.

02:01

I can confirm that all members of the examining authority have made a formal declaration of interests, and that there are no known conflicts of interest with regard to us examining this application. Together, we form the examining authority or EXA.

02:16

There are other colleagues for the planning Inspectorate with us today. You'll have all spoken to Caroline Hopewell, who is the case manager for this project, when joining the meeting with Mr. Ramil Burney, the case officer, they are the case team that manage this project. In addition, there are technicians from production 78 who are attending solely for the purpose of managing the recording and live streaming of the hearing. If you have any questions regarding the application process in general, could I ask that you please email the case team who will be happy to help.

02:46

This meeting is being held on Microsoft Teams platform and is being live streamed. Participants should not use the chat function, as it is not being monitored. Today. Should you wish to make a comment? Please switch your camera on and use the Microsoft Teams hand up function and please wait to be invited to speak.

03:05

If you participate in the meeting, it is important that you understand that you will be recorded and live streamed, and that the digital recording will be published. If you do not want your image to be recorded, you can switch off your camera. Planning inspectors practice is to retain recordings for five years from Secretary of State's decision on the development consent order to avoid the need to edit the digital recordings, we would ask that you try your best not to add information to the public record that you would wish to be kept private and confidential. If you feel that personal information is necessary, please provide this in a written document that we can redact before publication,

03:43

no requests to be made for any special measures or arrangements to enable participation in this hearing. But I'd just like to confirm that this is correct.

03:53

If at any point in the meeting, you can't hear us, or you wish to speak, as I've already mentioned, can I ask that you turn your camera on, if it's turned off and use the raised hand function in teams, there may sometimes be a delay before we can acknowledge this. Mrs. Hopewell will have explained what to do if you lose your connection and we are able to adjourn journey for a short period. If there are any more significant connection problems, we will try to adjourn for short breaks at convenient points, usually no more than every hour under half or so, if for medical or other reasons, anyone requires a break at a specific time. Could you please let the case team know, and we can hopefully adjust the program to meet your needs for

04:34

the purpose of identification and for the benefit of those who may be listening to the digital recording later. Could I ask that at every point in which you speak, please give your name, and if you are representing an organization or individual, who it is that you represent, does anyone have any questions or concerns about the technology or the general management of today's events?

04:57

Rule 14, two of the examination procedure rules?

05:00

Requires that at the start of the hearing, the examining authority shall identify matters to be considered at the hearing. These are set out in the agenda for this hearing, which can be found in the examination library at reference EV 5001,

05:13

which is available on the spectrum website. For the space. Sake of expediency, I do not propose to read out all separate agenda items. Now,

05:23

please note that today's agenda is for guidance only, and we may choose to move items around the agenda or add other issues for consideration as we progress. If we need to take any short breaks, then you can stay logged into teams throughout the break, but please ensure you switch your cameras off and mute your microphones. If you do lose your connection, then use the same link that you used to log on this afternoon, and the case team will endeavor to reconnect you as soon as possible.

05:49

Finally, it's important that we get the right answers to the questions that my colleagues will be asking you at this stage. It's worth reminding everyone that this is a predominantly written process, therefore, if you cannot answer the questions that are being asked or require time to get the information requested, then rather than giving a restricted or potentially incorrect answer, please indicate that you need to respond in writing. We can then defer the response either to an action point to be submitted at deadline one, the date of which will be confirmed in our rule eight, letter, or to a written question or a later hearing. So before we move on to deal with the items deal detailed in the agenda and the introductions, are there any questions at this stage about the procedural side of today's hearing?

06:35

The case team have provided me with a list of those interested and other parties who have expressed a wish to be heard today. Those persons are people representing the following organization, the applicant and their applicants and their representatives, the East Riding of Yorkshire Council, CS, CMS, Cameron McKenna, nabara, oswang, LLP, on behalf of Dogger bank, offshore wind farm projects, one, two and three, the maritime and Coast Guard agency. Before I ask the people representing those organizations to introduce themselves, can I just check that I haven't inadvertently missed anyone off this list of participants?

07:16

No,

07:18

I'm going to now ask those of you who are participating in today's hearing to introduce yourselves to the examining authority and the people who are watching the live stream of this event and participating today, when I say your name, can you please switch on your camera and microphone, introduce yourself, including how you'd like to be referred to. For example, dr, Mrs. Muz or Mr. And if you are representing someone who it is that you are representing. So I'm going to start with the applicants. So if I can ask Mr. Boswell to switch on his camera and then introduce I have a very long list of people who are potentially here today. Mr. Boswell, so if you want to introduce yourself and the people that you think will be speaking first,

08:00

thank you. Madam. Julian Boswell, solicitor and partner with Burgess salmon, acting for the applicant in terms of the first item, I think there's only one person that we expect might additionally speak.

08:17

Hello. Yeah. Thomas drummer senior consents merge of dogma itself.

08:24

I'm assuming, Mr. Boswell, you'll just introduce people as you need them. Give me that

08:30

was particularly with item 2.1 in mind. But there are others at the table. I've just been reminded who may be speaking or will be speaking on the other items. So I think we'll do the full suite. Okay, if you want to do that. Jen Ashwell, Director at Burger salmon action for the applicants. Charlie Cameron, green environmental consultant for Roscoe and DHV, working on behalf of the applicants. Daniel Bruto, offshore consent manager, working on behalf of the applicants.

09:00

Andrew ledbesser, Engineering Manager, working on behalf of the office.

09:05

Thank you.

09:07

If I could now turn, turn to the east Riding of Yorkshire Council. Mr. Vali, who is with us this morning, if you'd like to introduce yourself, and I believe you may have some colleagues with you today. You

09:26

I'm just going to check with Mrs. Hopewell to see if the council did log on.

09:32

Okay, we have no one from the Council this afternoon.

09:36

And then in regards to

09:41

the offshore wind farm. Item one, I believe we have a Robert garden. Would you like to switch your camera and introduce yourself?

09:50

Yep, good afternoon, madam. So my name is Robert garden. Happy to be referred to as Mr. Garden. I'm with CMS Cameron, McKenna, Nabarro, olswang, LLP. I.

10:00

And who are referred to CMS for ease, and I'm here representing the Dogger bank projects. So as you alluded to one, two and three, who are the project companies that have an interest in Dogger bank, a dog a, bank B and Dogger Bank C. Thank you. Thank you. And welcome. And finally, I believe we have representatives from the maritime and Coast Guard agency,

10:22

yes, good afternoon. Ma'am. My name is Vaughn Jackson from the maritime Coast Guard agency,

10:28

here to speak on agenda. Item number seven to be addressed as Mr. Jackson. Thank you. Mr. Jackson.

10:37

In preparation for this hearing, the examining authority had a number of questions that it considered either required relatively straightforward responses, clarification or submission of additional information, or potentially require a more detailed technical, technical response that would be better provided in writing. Furthermore, the examining authority was aware that several interested parties such as Natural England and the marine management organization had indicated that they would not be attending this hearing

11:06

to use the examination time effectively. These questions were published in a supplementary agenda, which can be found in the examination library at reference EV 5002,

11:16

on the 10th of January, 2025,

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rather than using the time of this hearing to get this information,

11:23

sorry,

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as set out in the supplementary agenda and following discussions at the preliminary meeting, I just wanted to take the opportunity to ask now whether anyone considers that any of these questions requests need to be explored orally at today's hearing, or whether the parties need clarification on any of the questions raised, bearing in mind it was raised at the preliminary meeting yesterday by the applicants, I'm going to come to them first.

11:54

Julian Boswell, for the applicant, nothing from us, madam, okay, and then can I just check if you do have anything that you want to raise that's been listed in the supplementary agenda, just raise your hand and I'll come to

12:08

you. I can see no hands, so I'm going if you'd

12:12

like to switch on your camera.

12:16

So just to clarify, madam, in relation to the first item and weight loss, I think that is appropriate, that that's dealt with through further written, written questions. But there were points we wanted to explore today in relation to to the relevant representation that was submitted.

12:32

I'm sure that would be a problem. I know that Mrs. Mr. Brensky, has several questions she wants to ask or make loss. So there will be the opportunity to discuss that in a moment, I

12:41

just want to move on to the change request.

12:45

On the 10th of January, 2025 the applicants submitted a change to the request to change the application. Due to the timing of this submission, the examining authority had been unable to undertake a comprehensive review of the information submitted prior to this hearing. As a result, the agendas and questions we've prepared are based on the information submitted by the applicants, up to and including pre examination deadline C, the

13:10

examining authority at this stage are therefore not proposing to ask any detailed questions in relation to the proposed change however, we recognize that the applicants may need to refer to the change requests in response to some of the questions we are about to ask the examining authority. Would like to make it clear that any discussions on the change requests are on without prejudice basis, and do not

indicate that the examining authority have agreed to accept the changes into the examination. Can I just check that the applicants are clear on this matter?

13:38

Yes, madam,

13:41

finally with the parties agreement, I'd just like to make a minor change to the agenda. I'd like to swap item seven, which is shipping and navigation, with item three, military radar, on the agenda, as this would then mean that all topics with interested parties, other than the applicants, have requested to speak. Where they've requested to speak can be dealt with at the start of the agenda, and then the people who are attending for those items are free to leave the hearing, although they would be more than welcome to stay. So I can just check with the applicants. If you would be all right if we just, as I say, literally, swapped seven and three over.

14:18

Yes, that would be fine.

14:21

And I'm assuming the Coast Guard and maritime authority would be happy that that items moved up the agenda so they don't have to sit through the other matters. Paul and

14:30

Jackson for the maritime Coast Guard agency, yes, ma'am, that's very much, very much appreciated. Thank you. Okay, so I'm now going to pass over to Mr. Bremsky, who's going to lead on the first item of the main agenda.

14:43

Thank you. I will begin with potential effects from weight loss, and we'll go straight into questions on the Fraser Nash consultancy, offshore wind leasing program, array yield study with reference as 14 as I've moved other questions the supplementary agenda for expediency. However, if there.

15:00

Applicants have prepared any material in response to the first two items on the published agenda, they are welcome to submit these as post hearing submissions.

15:09

Can I start by asking the applicants, how applicable are the findings of the Fraser University to the proposed development? Have I understood it correctly that the Fraser University looked at effects on a much smaller scale, one gigawatt offshore wind farm.

15:29

Julian Boswell for the applicant,

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the Fraser Nash study

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explains what its purpose is, and it's a it's a study to inform the Crown Estate on weight loss issues for decisions that crown may make in designing future leasing programs. And so it doesn't have direct applicability to any given actual project scenario and its assumptions as it were, are what they are, and in terms of trying to make a forensic comparison between that generic study and a given situation, obviously there are

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Significant caveats that that one would want to apply so thank you.

16:29

Can you just briefly tell me to what extent does wind direction and wind speed affect weight loss?

16:38

Wind direction and speed is one of the factors that affects weight loss.

16:45

But there are, there are generic factors. I've got a list in front of me may influence the extent of weight. Include wind farm power density, that's megawatt per square kilometer, wind direction and speed, turbine size, sea and atmospheric conditions, generically that those are the main factors.

17:13

Okay,

17:15

the study that I

17:18

referenced a moment ago in section 2.1, point one refers to conventional wake models. And section 2.2, refers to a turbulence optimized Park wake model developed developed by AI.

17:31

This appears to suggest that a recognized model has been developed. But I'd like to get the applicant's interpretation of this please.

17:41

We will address that in writing, but that the headline position is that there are range of models available, but it's not the case that there is a standard industry accepted model. Okay?

18:02

Okay,

18:03

just bear with me. I'm making notes whilst I'm taking questions, so if I pause, that's the only reason why

18:09

and how does the applicant's weight loss assessment on Dogger Bank A compared to the model used in the Fraser Nash report.

18:20

I should explain, because I think it answers the question in a different way, that we have now reached a settled decision that we are not going to submit the assessment that we carried out that is referenced in the environmental statement, and we have recently explained to Mr. Gardens clients that we are not intending to share it with them or with any other other developer. So in terms of engaging in a comparison between that, the assessment that is referenced and

18:57

that be how that was done, we are we have decided to take the assessment off the table, and

19:07

I think that provides a sort of different answer to the one you might have been expecting.

19:13

Can you explain why you've decided, you've made that decision? Please.

19:18

Again, we can. We can

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address that in in writing. The headline position is that

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there was in relation to offshore wind generally, it was never the case that wake effect assessments were undertaken as part of the EIA process or the

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NCIP process,

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and there was a very unexpected decision in the case of the owl and Moore project,

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which indicated

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that the Secretary of State.

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Was open to the possibility of Wake effect assessments being required in some situations. This is an issue that's been playing out

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over since that decision was made, and as you may know, madam is playing out across multiple examinations over the last six months, and the Mona examination being the first of those, which ends this week.

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When we were preparing the environmental statement, it wasn't clear to us exactly how

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things were going to proceed, and on a precautionary basis, we did the assessment that we referenced, and we included it within we referenced it in the environmental statement. We have been reflecting on the situation as things have proceeded already said it was never, it was always the case that it was accepted that wake effects were not an environmental

20:55

effect that was within the scope of the EIA regulations. And therefore we are asking that the references in the environmental statement to wake effects are seen as going beyond the required ambit of of of the ES.

21:12

And then there is a broader piece around what the correct interpretation of the National Policy Statement is. As I've already said, it was very unexpected. RWE was the promoter of Alan Moore, argued strongly, and we think persuasively, that the status quo interpretation, which had been in place since 2011

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namely the offshore wind farms, were not within the scope of the other interest, other

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infrastructure category within the NBS was and is the correct interpretation.

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Then there are different arguments as to if you follow the headline position that the Secretary of State, previous Secretary of State, under the last administration, took that that of other offshore wind pumps are included, and you then try to apply a policy that we don't think was written with that in mind, you then have a whole range of arguments which are playing out across the different examinations that I've referenced as to what, What the correct interpretation of the NPS language is, and there are different ways of approaching that. And

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we say that the correct conclusion is

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that either that wake effects are never required, and in any event, they're not required on our facts. And so, as I say, this has been playing out. We have been reflecting on the position as as that's been playing out, we have reached the decision that we have that we are not going to submit that wake effect, that that wake effect assessment.

22:57

Okay, I am going to come back to the, as you've seen from the agenda, I'm going to come back to the MPs and the policy requirements in a little bit later on, I suppose, is, is a simple way of looking at the the change in position, that there just weren't as many offshore wind farms back in since 2011 and we're now at a point where there are multiple ones. And this is an emerging issue

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that wasn't, perhaps, previously an issue beforehand, we

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will address that in writing. But I think the headline answer is, No, we don't think that's the case. We think that

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the industry,

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the industry has been, in effect, relying on the decisions that the Crown Estate has made as to the rules for each licensing round, whereby each licensing round has had a buffer distance included within it,

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and if you wanted to propose a project into a competitive licensing round that in whole, or in part, was within that buffer area, then the existing project had an absolute veto of that, and therefore you could only be within that area. And there are examples of that happening if the the prod, the the new project had reached a full private commercial agreement with the existing project and that, and and that,

24:30

however, if you were outside of the buffer area, recognizing that the buffer areas would be considered for each licensing Round, as the industry has evolved over that time

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and that round four is not that long ago

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that the industry generally accepted that what that the decision that the Crown Estate made in relation to the buffer distance then took the Wake effects issue

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in.

25:00

Off the table that was resolved that you knew that if you had an existing project, another project could come as close to you as whatever that buffer distance was, and that if you were promoting a new project, you had the right to go as close to two other projects by reference to that buffer, unless you wanted to expose yourself to the veto and then had to do a full commercial agreement. So it's not the case, we would say. But we can develop this in writing further, maybe

25:34

possibly not in relation to the summary of case. But we're expecting that there are going to be a range of questions in your first group of questions. It's not, it's not case that this is just an evolving issue and oh well, we've now reached a tipping point, and now we have to have

25:49

a new approach it. And if that is the case, it certainly shouldn't be operating within a starkly new interpretation of long standing policy

26:03

is what effect effectively happened with Alan Moore,

26:07

okay, thank you. Can I just ask Mr. Garden if he has any comments to make on anything which the applicants have outlined regarding the Fraser national study or all that we've talked about so far?

26:21

Thank you, Madam Robert garden with CMS for the dog bank projects.

26:25

Firstly, on the Fraser Nash study, I agree with the way in which the applicant has presented that it's a conceptual study and doesn't assess the project specific impacts that one project may have on another project

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in relation to the specific concerns that the dog bank projects have raised, they were effectively around the lack of clarity in terms of assessment, both methodology and modeling that's been used to inform that assessment, and as we've heard, that's that's not proposed to be shared so that does not address the concern raised by the interested parties

27:03

in relation to the comments made on environmental statements and NPS. I would just say that the the applicant's scoping opinion, and it's table 238, so the scoping request for a scoping opinion that was submitted expressly scoped in through construction, operation and decommissioning, the potential interference with other wind farms. And obviously the environmental statement to date has purported to to undertake that assessment. So very simply, our position is that we need to see that assessment. We need to see the methodology, and we need to understand the modeling.

27:44

Thank you. Mr. Garden,

27:47

on the point of the environmental statement, are the applicants? Are you intending on updating it or changing it to

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align with what you've set out already regarding the weight loss effects?

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Julian Boswell for the applicant, yes, we think that would be prudent, just so that it's clear what we are, what what our positions.

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And regarding Mr. Gardens, point on the fact that you scoped in

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weight loss effects through the duration of the project. Did you have any response that you wanted to make to that?

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I think Mr. Garden seems to be I haven't got it in front of me. I haven't, I

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haven't reflected on that specifically in advance this hearing, but I think he's

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relying on the word interference. And I don't think that there are multiple other interactions that are between offshore wind farms, which that is referring to, and we don't accept but

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the that wake effects falls within that, within that category, and

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just a question of fact, madam, that offshore wind farms have been being promoted for a long time, And you you have not seen these wake effect assessments being included or referenced in environmental

statements or in other documentation relating, yeah, in environmental statements, sorry, since we're on that on that point and so

29:37

we do not consider that the correct interpretation of that scoping opinion was that we were obliged to include wake effects assessment,

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but at that time, presumably you were including it.

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Well, it was a response in that. It was a response to the Alan Moore decision. And we have reconsidered our approach and and we are taking.

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It formally out of the environment statement. Okay, thank you.

30:08

So can I just start with moving on to the the MPs

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policy? So can I just ask the applicants which paragraphs are the relevant national policy statements do the applicants consider relevant to weight loss effects. If you can just tell me the relevant paragraph numbers, the very good paragraphs and their numbers to start with, although based on perhaps what you've just stated previously, are you saying that you no longer consider that they are they are relevant to the weight loss effects?

30:42

Well, I think if you look at how this argument's been playing out, the starting point, as I said a few minutes ago, is the argument that was had on our la more, which was It was certainly generally accepted that the language that was there from 2011 and it's essentially or virtually, or maybe literally, the same language in the new NPS did not encompass other offshore wind farms, and therefore, the the the

31:12

issues that that that that section was aiming to To address was,

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but not therefore give rise to consideration of of Wake effects. And we are asking, and I think in practice, the end, well, sorry, a certainly a group of developers is asking the Secretary of State to read, to reconsider that, because there is a whole industry discussion that is, that is playing out here in parallel to the to the examinations that are, that are in play in terms of

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the

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what the intention of the Secretary of State in the hour la more decision

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was

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that the that the section of

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the that deals with other others, other sea uses,

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then needed to consider other sorry, to consider offshore wind farms in addition to other things. To be clear, the things that we say that was aimed at was oil and gas installations and other infrastructure that are out there,

32:24

and that those industries needed to to the interaction between the new offshore wind farm and those industries needed to be considered, and that there were scenarios where those effects needed to be assessed, and there were potential for mitigations and sticking with the oil and gas analogy, there are. There are various examples of

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helicopter access, for example, between new offshore wind farms and existing oil and gas platforms has been the subject of assessments and negotiations and mitigations being agreed.

32:55

Okay,

32:56

I am going to

32:59

explore the policies, some of the policies in MPs, en three,

33:07

and would like both the applicants view and Mr. Gardens view, because I think it is important to do so.

33:18

Paragraph 2.8, point 197,

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states where a potential offshore wind farm is proposed close to an existing operational

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offshore infrastructure or has the potential to affect activities to which a license has been issued by the government, the applicant should undertake an assessment of the potential effects of the proposed development on such existing or permitted infrastructure or activities. So

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in terms of you, what you were saying, Mr. Mr. Boswell, regarding

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other infrastructure, oil and gas installations, is this the policy that you were referring to in terms of the interactions between proposed development and other infrastructure.

34:05

Yes. I mean, obviously you have to look at the relevant policies together in the round. But yes, that is one of the policies that would trigger a situation where you would be considering the impact on an oil and gas platform, potentially

34:21

and in terms of the word close in this paragraph, could you tell me please, what is, what? How? How would the applicants define close? In regards to this policy,

34:38

I think you need you give close its natural meaning. It doesn't have a specific definition. You have to look at it in the context of the policy that's being interpreted or the situation. Sorry, that's been interpreted. Okay.

34:59

So.

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Would you say

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that Dogger Bank A is close to the proposed development,

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if you're asking so I'm not necessarily conceding the various steps that lead up to that our position would be knowing that it's not close.

35:22

But in the ES, you suggested that it was close. Don't think we said that.

35:28

We talked about it being the closest project, but you don't agree that it would be close if, if, if you're forcing us to apply an interpretation of that policy of the NPS to

35:41

to this situation, then we're then we're saying, No, it's not close.

35:46

And in support of that, we would point out that when the Secretary of State sorry, when the crown of state were deciding what a buffer distance was, it was having to make a judgment call as to what the acceptable range of effects might be on nearby projects or projects in the vicinity of each other. And they decided that with as a very sophisticated decision maker in that respect, they decided to set above a distance of seven and a half kilometers, which we are respecting. So we're not saying that's the only reason that it's not close, but we think it's a highly relevant point to bear that in mind.

36:39

So

36:41

if by virtue of having an effect on weight loss, could this suggest that a nearby offshore wind farm could be considered as being close to proposed development?

36:55

Well, no, not really, because the distances at which there is an effect can be, can be very considerable. They can be, you know, the I mean, we've got the Fraser Nash study that says

37:12

above 20 kilometers, vanishingly small in the in the context of what that study is. But then there is other other material out there that, and research and so on, that references normally distances than node. So the complicated subject to simply say that if there is an effect that that means that you are close that

37:36

I doubt Mr. Garden would agree with that, because the you know, we are, we are talking about effects at very varying distances. It's a,

37:46

it's a judgment call as to the Crown Estate was making a judgment call was the only consideration. It was making a judgment call as to how, how close projects would get in the knowledge that

38:02

if they were going to get any closer that it was right to give the existing project a veto

38:10

Okay,

38:15

where the policy says has a potential, has the potential to affect activities for which a license has been issued by the government. So can you just talk to me a little bit more about that and how you interpret that part of the policy? Well,

38:28

I think that's, I think that's a good example of one of the aspects of the policies that indicate that it wasn't written with offshore wind farms in mind, because I think you're really straining to fit an offshore wind farm into that, into that, into that sort of context,

38:49

but could it fit within that context? And you're saying you might have to strain to do so, but it could you do that

39:01

like I just want to have The actual word in front of me. Yep, that's fine.

39:28

Forgive me. Can you just give me the paragraph number again? Yes, of course. 2.8,

39:33

point 197, I

39:56

Well, I think it's it's ambiguous as to what that phrase means.

40:00

In the context of an offshore wind farm license has been issued by the government.

40:05

And I think that if this language had been written with offshore wind farms in mind, there would have been multiple changes to the to the to the language that's been used.

40:17

But we will

40:19

consider that now Review Submission as well. I'm, to be honest, I'm I'm slightly concerned that we are having the kind of forensic discussion that we are having now, before reps have been put in, and before x A questions have come out,

40:37

and I just do want to put down a general marker that

40:43

we assume in relation to examining authority questions, that that because one of the reasons I asked the question yesterday about the preliminary meeting, sorry about time allocation for today, was that we were conscious that we've got 15 topics get through in a day and a half,

41:03

and that we, if we, if we get, if we launch into a really forensic analysis of this issue at this stage in the process, it feels that we may not be doing it proper justice.

41:22

Okay, well, you are welcome to take away any of my questions and respond in writing. Difficulty with that, madam, is that, then to do that with we're, you know, it's

41:33

almost like putting different bits. It's almost like sort of replying with different jigsaw,

41:41

jigsaw puzzle pieces without

41:44

without having the whole puzzle

41:47

Okay? Well, thank you for your comments there. I will bear that in mind.

41:55

So

41:58

you were saying the license is ambiguous in terms of what it would mean in relation to an offshore wind farm,

42:11

is in terms of the licensing from

42:15

are obtained in reference to offshore wind farms,

42:20

what licenses are? Are there any licenses which are issued by the government in relation to the offshore wind farms?

42:31

The closest to a license is the is the DCO

42:37

and the marine license or the de marine license? Okay?

42:56

And if I could ask Mr. Garden at this point, could you confirm what your interpretation of close would be, with regards to paragraph 2.8, point 197,

43:07

yeah. Thank Thank you, madam. Mr. Garden from CMS, on behalf of the dog bank project companies,

43:13

our view is that a kilometer distance would be close. And we know I draw your attention again to the environmental statement submitted by the applicant in this case, which, at paragraph 70 of chapter 16 refers to close proximity.

43:34

Thank you, Mr. Garden. And would you say that

43:39

paragraph 2.8, point 197, is relevant to the assessment of this application in regards to weight loss effects. I think it is, it is relevant, and that's the basis on which we've been proceeding. Obviously, we will review and respond to anything that is submitted, submitted in writing. There's also been reference to the to the Orly more decision, and of course, it was treated as as relevant, albeit under predecessor, NPs in that case,

44:06

thank you.

44:16

So just on this point before I move on

44:20

for the applicants,

44:24

if the examining authority determined that paragraph 2.8197,

44:28

was relevant as regards to weight loss effects,

44:33

how could the examining authority report to the secretary of state that the policy had been complied with, if it had not been clearly demonstrated that assessment had

44:50

been made again.

44:52

I just I feel that we're jumping on day two of the examination. We're jumping to

44:59

um.

45:00

A forensic consideration that that

45:07

that may be premature.

45:10

I think the

45:18

the

45:20

if there isn't, if there isn't an exam, if, in the examining authority's view, there should have been an assessment, and there isn't an assessment, then on the face of it, that is the same position as our the more, and the way that was resolved with our la more was that a requirement was included in the was recommended and was included within the the DCO.

45:49

And we have, as I've already explained, we think that decision should be, should be reconsidered by by the new Secretary of State.

45:58

And then there's a secondary there was a secondary debate about the precise terms of that requirement, and there's a whole question about whether that requirement, or that type of requirement, can operate in a meaningful and effective way. And

46:22

there are, there have been different, different points taken on that in relation to the other examinations that that, that I've referenced, and going back to the question of the assessment in the first place, even if we were doing an assessment, which we decided we're not going to do,

46:41

because they're because these assessments are not generally debated between developers,

46:51

there's a huge argument potentially to be had, a huge technical argument to be had about the correct approach to doing an assessment in the first place. And so one of the references in the national policy statement,

47:07

if you don't have a, if you don't have a way, an agreed way, to do assessment, then you and you're getting into a big technical argument about the nature of the assessment that

47:20

that that is another way of raising the question of what, what is the what is the correct approach here,

47:27

if you've got an assessment where there's a big, very big technical argument about how you do that on and there are Jen and there are legitimate differing views on that

47:40

produces some kind of conclusion, and then you're saying, Well, does that then lead to an obligation to mitigate in the DCO, or if the assessment isn't done, that it's required to be done afterwards. What's happened here is that the hourly more decision has opened up

48:01

a world of of complexity that we say was never intended that should be taken none of this should be happening within the planning system, and it wasn't happening within the planning system Before, however, more

48:15

and and so yes, one can i

48:24

Oh, sorry, I'm gonna, I'm gonna, I'm gonna stop there.

48:29

Thank you. I'm just going to pass back to miss Dowling for a moment.

48:35

Thank you. Mr. Brensky, I just wanted to pick up on a point that you've made a couple of times now, Mr. Boswa, about the fact that we are having detailed discussions about this, you have a choice today. You can ask these questions now, or we can defer them to later in the examination. But I would have thought that you would be quite keen to get issues going and matters resolved and questions answered now, rather than just delaying this to our written questions, which is going to happen in a couple of

weeks. This is a known issue you've known about for some time. We have published an agenda about what we wanted to talk about, and it should be possible to talk about those issues today. But equally, if you don't feel capable of doing that, then I'm more than happy to take this item off the agenda, and Mr. Bremssky will defer these questions to the point that they're written questions in February. So what would you like to do?

49:25

We would prefer the latter course. Thank you.

49:31

Okay, you do that at the risk that it will cause a delay and we won't resolve this matter by the close of the examination. But Mr. Brensky, can I just ask if you review the questions that you have, and if Mr. Gardiner has turned up today. If there's anything that you'd like to put to

49:45

Mr. Garden while he's here with us today,

49:48

take five minutes. Thank you. Mr. Owling, you.

50:00

I

50:07

wonder if it'd be worth Mr. Garden, did you have anything prepared that you particularly wanted to get across today? Perhaps it's worth just asking you that.

50:19

Thanks, madam. So Mr. Garden, on behalf of the dog bank project companies. But there's nothing else specific that I would like to raise today safe to respond to two points that the first is around the reference to the buffer zone imposed by the Crown Estate, which is noted as being a seven and a half kilometer buffer zone. I think it's been recognized today that that was imposed without the benefit of the Fraser Nash work. So before the Fraser Nash work was undertaken, and is a rough approximation in terms of managing issues, and just that, the Crown Estate themselves, in relation to other impacts and other projects have recognized that impacts do extend beyond that 7.5

50:59

kilometer radius. And then the final point, I think, really, is just to, just to reiterate the position that we started with, which is,

51:08

this is an item that's been put in the environmental statement and subject to purported assessment with within that there is recognition that there's the potential for impacts on, on at least Dogger Bank A, and we say Dogger Bank B and dog Bank C as well. And in relation to the point around forensic analysis

and considering this, we have been requesting the modeling and the methodology that sits behind this to understand those impacts. And we think that's that's important for us to see. We'll continue to liaise with the applicant on that, but that's everything we have to say today, thank you. Thank you. Mr. Garland. Just a couple of questions on those points, if I may, you stated that the Crown Estate has recognized impacts further away. Are you referencing some sort of document or information published by the Crown Estate? Yeah, I can give you a reference to that, actually. So there's, as Mr. Boswell alluded to, this has been subject to debate in the number of examinations. So the outer dowsing offshore wind farm is currently going through DCO examination, and the Crown Estate have put a response in on that on that examination, and the document reference for that examination is rep 2080,

52:21

so would you be able to submit that into the examination for or for us to have a look at?

52:37

Was that yes? Sorry, yes, yes, of course. Yeah. Great. Thank you very much. Appreciate that. And in terms of you said that you consider there'd be impacts potentially on Dogger bank, a, b and c,

52:50

what modeling evidence, etc, have you done in order to determine that there would be effects on these offshore wind farms

52:59

at this stage, not a lot, as we have been hoping to receive the modeling and the methodology from the applicant side. But I think there's recognition that that using the phrase and ash methodology that may well give rise to impacts on on dog, bank, A, B and C. Now it's not work that we've done in detail, as I say, we're hoping to see the work that the applicant had done and comment on that. Okay, is it your intention to do any modeling in order to demonstrate any potential effects on weight loss? I think it is our intention to do that, although, again, as the applicant alluded to earlier, there are a number of factors that include potential design details. So design layout, for example, that we'd need to feed into that.

53:48

Okay?

53:52

I suppose if

53:56

would that, would you be seeking to liaise, if you were to undertake the modeling, would you be seeking to liaise with the applicants in order to obtain any sort of parameters, in order to be able to input that information into the modeling? Yeah, yes, we would, and those discussions have taken place so we have any information. Thank you. And if the applicants can respond, not without prejudice, to obviously what you've already said about your position on weight loss. Are you prepared to to work with the other dog banks in order to provide the information that Mr. Garden has has outlined,

54:36

tremor with the applicants at the current point now,

54:40

items such as layout, layout, height, design of turbines is commercially sensitive, particularly considering the stage we are at for various various tender discussions, are similar, and therefore we're not willing to share that information.

54:56

Okay?

54:58

Mr. Garden, would that prevent you?

55:00

Doing any modeling, undertaking any modeling whatsoever.

55:04

I don't, I don't think that it would I need to take instructions, and can come back on on that. Obviously, we've got design parameters that feed in and a worst case that should have been assessed as part of the environmental statement. So we should be able to use those to try and undertake that work. And do you have, can you give me an indication of what deadline that would likely to be submitted? If you are able to, I'm afraid I will need to come back on that. Sorry. No, that's that's fine. It just would be useful to know in terms of within the examination timetable.

55:40

I just wondered

55:43

one moment.

55:55

I did have a query, just as regards to any implications from from any other offshore wind farms currently in examination, and how Mr. Garden is interpreting that, obviously you reference out to dowsing, but is there anything you wanted to add in terms of reference to other offshore wind farms currently in examination?

56:18

I don't think so. At this stage, in terms of wind farms are in proximity to the Dogger Bank A, B and C projects. It's the Dogger bank South project that we are concerned with.

56:29

Okay, thank you. And I'll just come back to the applicants with the same question. Sorry, Mr. Bensky, before we just come back to the applicant, can I just check with either the applicants or any of the other parties are here today? Are either of you expecting a grace? Leighton Smith, we've

56:44

got somebody in the lobby wanting to come in. We're just trying to identify who they are.

56:49

They're not either of your specialists as effectively the question I'm just trying to ask,

56:55

and not from my side. Now I

56:58

believe that maybe somebody from

57:00

Yes, that's one from your side. Yes, it is okay. Well, we'll let them in. Thank you very so much. Sorry for interrupting Popham. So it was

57:13

just a query back to the applicants. Did they want to present anything here regarding other examinations for other offshore wind farms, which they would consider relevant to the assessment of this application.

57:29

We weren't expecting to go into any detail in relation to that, but we imagine that in responding to future questions from the panel that it will be helpful to the panel to

57:43

understand some aspects of how this issue has been has played out on other schemes, and that's one of

57:53

that's been, one of the reasons for my hesitation today. Can I just flag

57:59

that

58:01

the government's clean power 2030, unit has recently come out with an action plan which has which, which. And we will reference this in our written summary that indicates that they are looking at at this issue at an industry level, which is

58:21

just I've already emphasized we think does need to be looked at at an industry level, outside, outside the planning process.

58:35

And I mean, forgive me if

58:40

I guess the other dimension of your point as relating to other examinations is that

58:52

all of the issues that are in play for Dogger bank south are almost certain to be decided by the Secretary of State on other decisions substantially in advance of this decision coming onto his desk,

59:08

so whether he's prepared to re revisit the outer Moore approach from the previous Secretary of State,

59:17

the interpretation the EIA points, which have also been argued on other examinations, the

59:26

question of whether there are ever any circumstances when an assessment can be required for for pursuant to the NPS, and if there are, how exactly does that operate? What does the word close mean if there's going to be a condition. What exactly should it say? Can mitigation steps pursuant to a condition be

59:49

meaningfully

59:52

delivered?

59:54

Because potentially, they're actually counterproductive to the overall exercise? One.

1:00:00

Issue that we believe and certainly hope is fully resolved is that in the hourly Moore decision, the other project, the real flats project, put forward a form of requirement that would have obliged our little more to financially indemnify it for losses that were,

1:00:23

I don't have the word in front of me, you know, proven or or other such language, and the Secretary of State firmly rejected that. So we do think that that issue, and we certainly hope that that issue is off the table as far as any potential outcome for this is concerned, but

1:00:44

we, as it were, are lost in the queue of the of the of the projects that have got weight loss playing out, which, for the avoidance of doubt, are Mona Morgan. Morgan, out of 1005 estuary North falls, does not have a weight loss issue.

1:01:06

Yes, I recognize we, as you say, last in the queue. I mean, I don't think we can rely necessarily on decisions made for the

1:01:18

development consent order applications in order to necessarily inform this one, but

1:01:24

it's I'll wait to hear from you in terms of your wish and response on the queries.

1:01:32

I will move on, then from weight loss if there's nothing else to add at this point,

1:01:38

I must admit, I have to express my disappointment that we've not been able to discuss this in more detail today, but I also

1:01:46

respect that you've requested to take them to written questions, so I will, I will move On.

1:01:57

So just looking at

1:02:01

cumulative effects, this did relate to weight loss, but was also more wider reaching.

1:02:07

A number of interested parties have raised concerns regarding cumulative effects, and there is fairly limited information regarding how the conclusions in ES chapter 16, A, P, P on three, zero on cumulative effects of reach.

1:02:23

For example, regarding cumulative effect one which is the potential interference with other offshore wind farms, there is a range of potential effects noted within paragraph 67

1:02:33

such as navigational safety issues. Aviation implication overlaps during construction and weight losses. However, limited reference to these issues is then made within the cumulative effects assessment and

mitigation relies on proximity agreements, which the applicants make no guarantee of achieving. The examining authority considers that the cumulative effects assessment within es chapter 16 needs to be more robustly justified. For example, could the combination of potential issues identified in paragraph 67 lead to a significant effect? What would happen if the proximity agreements were not agreed the examining authority requests that the applicants take this away as an action point, but I am prepared to accept any comments that you may wish to make. Now. I

1:03:23

uh. Charlie Cameron, for the applicants, yeah, I think let's take that matter away and respond to writing.

1:03:33

Thank you. Mr. Garden, did you have any comments regarding the cumulative effects?

1:03:39

Yeah, Rob garden, on behalf of the dog bank companies know nothing, nothing else to say, and I think we will just reserve our position to respond on what's submitted in relation to the environmental assessment. Thank you noted. Thank you.

1:03:55

So I'll move on to the next

1:03:58

part of this item, which is the coordination code, Co Location crossing a proximity agreement. Um, can the applicants briefly just explain to me what are and what are the differences between coordination, Co Location crossing and proximity agreements and how they and interact with the draft DCO, because these have all been referenced Within the environmental statement.

1:04:41

And as well for the applicants, just to clarify, Madam in terms of offshore, we don't have any coordination or Co Location agreements that are proposed. We'd only be dealing with crossing and proximity agreements. Both of those agreements are sort of industry standard mechanisms which deal with interactions between.

1:05:00

Assets and or works which interface offshore. They are intended to provide protection to asset owners following any damage or losses suffered as a consequence of the carrying out of works by another party. These agreements typically cover approval mechanisms for the initial crossing works undertaken, and also reciprocal approval mechanisms for any future works which may be undertaken for maintenance purposes by either the applicant or the third party asset owner.

1:05:28

I've got some more that I can go through in terms of what they would normally include. If that would

1:05:34

be helpful. Yeah, I think that would be useful just as a brief, a brief indication just talking and understand that crossing and proximity. Agreements typically identify the parties previous to the agreement and any relative represent representatives. They usually present the details of the works proposed and identify any relevant timescales, distances and any governance details. Matters relating to liabilities, their limits and the resolution of any disputes are also typically covered, amongst other details, it's typical for crossing and proximity agreements to be developed and signed up post consent to

1:06:09

before construction of a project, when there is a certainty of the need for them, and when pertinent details, such as crossing designs, construction methodologies and locations are fully understood at the pre application stage, the applicants have consulted with all third party asset owners, and discussions regarding crossing and proximity agreements have been held. This engagement extends to the majority of planned projects, both pre and post consent, who may not hold any assets at the present time, but with whom the applicant,

1:06:45

wherever required, between the parties, the applicants will agree crossing and proximity agreement to construction, as is standard within the offshore industry, it's not considered necessary to have these completed during the examination, as further details on design and construction methodologies would be required to inform those agreements.

1:07:05

The applicants will require agreements to cross up to 13 assets that are constructed at the present time, an additional 15 assets are planned, consented in construction or at the pre construction stages, at the time of writing,

1:07:21

further assets may be developed in and around the vicinity of the projects prior to and post the construction of the projects. And where this occurs, additional crossing agreements may be required.

1:07:33

Thank you, Bucha um, so

1:07:37

where, um, where interested parties have requested these agreements. Just where are you in terms of progressing those

1:07:46

general as well? For the applicants, we're in discussions with all parties that we know we're likely to need a crossing or proximity agreement with. But as I said previously, until further, details of the construction methodologies are known which would be at the post consent stage, then those agreements cannot be finalized.

1:08:11

So what would happen if they weren't finalized? I mean, what would happen in that instant?

1:08:22

This is kind of slightly Sorry Dan burrito for the applicants. This is kind of standard industry practice, and we would expect that parties would kind of disable and make these agreements with us where

1:08:35

crossing agreements or proximity agreements hadn't been agreed in relation to a project

1:08:42

you've had no indication that any of those interested parties so far wouldn't be prepared to enter into those agreements. I suppose is that a slightly better way of phrasing it? Yeah, I would agree with that. Okay.

1:08:59

Okay. Was there any other did the applicant have any other any other updates regarding this matter that they wanted to present to us today,

1:09:08

and as well for the applicants? May we don't, madam, thank you. Okay, thank you.

1:09:13

So did anyone have any other comments regarding any of the matters we've discussed on this agenda item today?

1:09:22

I can't see any hands. Thank you. So

1:09:28

I will now pass on to my colleague, Mr. Tandy, who's going to be dealing with shipping and navigation, which is agenda item seven, as Miss Dowling mentioned earlier in the slight change the publisher gender. I agenda.

1:09:45

Okay, thank you for that. I'll move straight into heading number one underneath this agenda item, which is on shipping and navigation.

1:09:56

Be useful if the applicants could just briefly describe how.

1:10:00

The proposed offshore development, the construction areas and also the safety zones all spatially relate to each other. I've not been able to quite find where this is described within the documentation that's been submitted.

1:10:17

The reason why I'm asking for this is so the construction areas are one kilometer around the arrays and half a kilometer around the offshore, ecc. And in addition, I think the safety zones are another half a kilometer around the construction activity. So be quite useful. You could just describe how they spatially relate. I

1:10:57

I'm not sure if the applicants, we're assuming that Mr. Milne would you be addressing this question?

1:11:09

Good afternoon. James Milne, for the applicants. I can only really comment around the safety zones elements of this. So in terms of construction safety zones, it would be a maximum of 500 meters around surface piercing infrastructure that would be would be applied, and that would be on a rolling basis as well. So not, not across every structure within the wind farm would only be where construction activities are ongoing under the legislation. I

1:11:40

think, I think in terms of the other construction areas you were referring to there, I think that would be something I would do. I'd probably defer to the the my fellow colleagues, for the applicants, on that matter,

1:11:58

is there anyone else from the applicant who's able to explain this? If not, I'm happy to come for this in writing. I mean, it might be useful if you could produce a figure which shows how these different areas relate in terms of their maximum extents for the proposed development,

1:12:18

Dan Brito, for the applicants. I think we might need to take this matter away and

1:12:26

okay, can agree an action point on that

1:12:30

we may struggle then slightly with my next issue I wanted to raise. So notwithstanding, you won't know the final layout at this point, but I would quite like to understand, if you could please describe how the likely sort of micro siting of the wind turbines around the perimeter of each of the proposed arrays relate to the order limits and also the safety zones, which I've just mentioned,

1:12:56

specifically whether the construction and the maintenance of those safety zones, which are a P, P, 121,

1:13:03

table, 14, three is where they're referenced.

1:13:06

Are included with the offshore development area and have therefore, therefore been included within the assessment of the effects or shipping and navigation the

1:13:30

James Milne for the applicants in terms of the

1:13:39

safety zones and in terms of operational safety zones for major maintenance activities, in terms of micro siting, this would all be contained within the order limits. So none of the none of those areas would extend outside of the order limits. So

1:13:55

as they confirm, the micro siting would be within the order limits, and so would the safety zones. Is that you're you're confirming that that's correct. That sort of helps where I'm going. So ultimately, there would be an offsetting, if you like, to ensure that the rotor blades, then would they also be within the order limits as well.

1:14:16

James Bond for the applicants, that's correct? Yes, any blade overfly would always be within order limits.

1:14:24

Thank you. Applause.

1:14:43

Okay, we shall move forward if we could have the navigational risk assessment now put on screen, which is examination library number, A, P, P, 124, that would be useful. I.

1:15:04

And if we could turn to page 243

1:15:09

that is in, yes, in that box, 243

1:15:12

Appendix B,

1:15:16

which is the hazard log, which is been submitted,

1:15:20

we can see there that there are realistic, most likely impacts and then realistic worst impacts that have been assessed and presented in this appendix.

1:15:31

If I were to cross reference this to table 1432,

1:15:36

in the environmental statement chapter, it would appear that the most likely severity

1:15:44

of impacts have been used to identify the significance of effect, not the worst. Could the applicants? Please explain why this approach has been used. Please do

1:16:05

James Milne for the applicants, I think it's important to note that the hazard log is only one of a number of inputs that feeds into the risk assessment itself. So it's not purely the results of the hazard log

1:16:19

being mirrored within the risk assessment, there's other elements as well. There's the quantitative modeling that's been undertaken, and there's consultation feedback that's been received from from relevant stakeholders through the navigational risk assessment process as well. So it isn't purely the hazard log that's being mirrored. So it wouldn't be fair to directly compare the risk rankings across those two elements. Okay.

1:16:47

Thank you. If you could just expand on that, though slightly to perhaps if you were able to explain, or

1:16:56

perhaps even signpost me to where this is explained within the application documents, where those different sources of information are brought together to inform your risk assessment.

1:17:16

The reason I'm sort of interested in this, particularly Mr. Milne, is that there are various receptors, which, if we just look at the most likely impacts,

1:17:28

quite often they aren't related to the most severe in terms of the significance of effect.

1:17:38

I think the key reference within sort of James mill for the applicants, I think the key elements within the navigational risk assessment to look at here is within section three, so under paragraph 13, where we've stated the criteria that are considered when determining the risk ranking for each impact or

hazard. So that includes the baseline data and associated assessment, expert opinion, levels of stakeholder concern, times or distances of any deviations to routing numbers of transits of specific vessels, including types and sizes, and also lessons learned from existing offshore developments as well. So there's a wide breadth of factors that are feeding into the assessment itself.

1:18:31

Okay, thank you.

1:18:35

We'll move on to the second heading under this agenda item, which is for vessel displacement. And again, if we just keep the navigational risk assessment on screen, it may be useful if you wanted to refer to it. Paragraph 383

1:18:48

explains that a minimum mean spacing of one nautical mile from offshore installations and existing offshore wind farms in line with industry experience has been used for identifying alternative shipping routes.

1:19:02

If this is a mean distance, what are the lower and upper limits? Please. You.

1:19:20

And

1:19:30

James Millen for the applicants, the one nautical mile distance is effectively has been agreed with stakeholders, with our key stakeholders, and has been across multiple projects previously,

1:19:43

it's really a case by case basis for every vessel, every Mariner, it's really their decision as to as what they deem to be a safe distance to pass from any any offshore developments, whether that be a wind farm or any other infrastructure. But we found that that mean one.

1:20:00

Mile distance does

1:20:02

suit the requests of our stakeholders?

1:20:09

Would you be able to evidence where that's been agreed with your stakeholders?

1:20:16

James Mullen for the applicants, yes. So as part of the consultation process for the navigational risk assessment. We do present the proposed methodology for undertaking the future case assessment, and that does include the manner of the of the mean route deviations. And we always make sure that everybody is content there, that the one mile distance is acceptable. And in this case, there was agreement through the hazard workshop that that was acceptable,

1:20:50

and that agreement has sort of been submitted as it into the examination. You could sign post me to that

1:20:59

Dr Nashville for the applicants. Could I just jump in please, sir, and just to update you, we will be submitting statements of common ground with the shipping and navigation stakeholders at deadline one, and we're expecting those to be largely agreed. We don't think there are very many outstanding items at all between the parties.

1:21:18

Dare I just kind of, I wanted to jump in and explain that you should receive that sort of comprehensive update in terms of the parties positions at deadline one,

1:21:28

okay, yeah, that's very useful. Thank you.

1:21:37

And I'll just go to the MCA, if possible Mr. Jackson, just to see if he wanted to say until on this point

1:21:46

at all,

1:21:48

born Jackson for the multicolor agency.

1:21:51

Don't know. We agree with the applicant that

1:21:55

one nautical mile it is in the end of the day down to the Master's discretion. So during these discussions, masters of vessels and ex masters and ex mariners will be involved in the discussions. And as regards keeping distance away from various obstacles at sea, one nautical mile is general consensus of of a safe distance. The mean comes in because when you look at the data, the is data in the tracks. You may notice some tracks a little closer, some little further away, but yeah, amongst mariners,

1:22:30

in particular,

1:22:33

people relevant to the to the study area in each of the cases, one multiple miles seems to be the agreed default position.

1:22:43

Thank you. Just Mr. Jackson, just before we move on, I didn't come to you earlier, just on my first heading item under this agenda, and I just wondered if he wanted the opportunity to say anything on that in terms of the layout and and the sort of spacing of the construction areas and also the safety zones.

1:23:02

Yeah, well, Justin for the MCA, the it's

1:23:07

always ongoing point discussion regarding your safety zones when they're applied for, but you're generally speaking, what was mentioned, the 500 meters from from the structure itself, is what we'd expect for a safety zone, and that would be happening during construction, and make that period of maintenance as well, not just for construction, so they kind of come and go, but also, yeah, that would all be expected to be within the Order limits.

1:23:36

Okay, thank you, Mr. Jackson, thank you. Applause.

1:23:47

I'm just looking through what else I had to ask, as you may have answered some of these and

1:24:05

yeah, okay, if we could just have on screen. I think now es, chapter 14, A, P, P, 121,

1:24:16

that would be paragraph 260,

1:24:18

which is page 97 if that is useful for you to find that,

1:24:36

perhaps if you could just zoom in slightly, just for ease of reading of everybody.

1:24:42

Paragraph 260 explains that for all phases, the frequency of occurrence, and

1:24:49

I won't read it all out line for line, but is to be considered frequent, and the severity of consequences to be considered then moderate. Paragraph 261

1:24:59

then explains.

1:25:00

That this is a not significant in terms of effect on this receptor.

1:25:07

Hopefully, that clear there,

1:25:11

if we were to now, look at table 14, nine, which is page 40, the same document I

1:25:23

if we're looking at this and we're to look at frequent and also moderate

1:25:29

for the applicants, explain whether this should actually be identified as an unacceptable

1:25:36

significance of effect. I

1:25:44

James, known for the applicants, I think that's one that we'll we'll take away and respond to in writing.

1:25:50

That's okay, but I'll just, whilst we're here, just actually looking what's being presented within the documentation. Would you able to agree that that's

1:26:00

how that should be interpreted. James

1:26:06

alone, for the applicants, I think it is something we need to take away and check whether there's a discrepancy there that needs to be addressed.

1:26:20

Okay, happy to take that away

1:26:23

on the basis of that frequency and the severity have been identified correctly. Could the applicants explain if they would have planned to then address these and

1:26:34

that particular significant effect, and when the examining authority could expect to receive this information? I

1:26:54

James Milne for the applicants, I think it's important to note that based on all of the feedback that we've received through consultation and relationship and navigation up to this, this point, has been positive. We feel that we have achieved all our levels, as low as reasonable labor protectable levels for the significance of risk associated with all of the hazards. So again, we will take this away. But that is certainly a stance that, you know, think we can stand by that. We do think we are at ALARP status with regards to shipping and navigation risks,

1:27:27

and that's it. Go

1:27:30

on. I'll let you continue

1:27:33

the applicants. We're happy to take that away and come back to your writing for deadline one. Sir,

1:27:39

yes. Thank you.

1:27:41

Mr. Jackson, is there anything you'd like to add on this point?

1:27:46

Bon chat for the MCA

1:27:49

not be good. If anything,

1:27:53

I will say I missed. Miss that.

1:27:57

The writing, the pros, if you like, the actual paragraph

1:28:03

that particular situation, yet we've concluded that the identified risks have been

1:28:10

have been mitigated to the ALAP level. But obviously what you've just pointed out, obviously isn't according to this table. So so yeah, then they would be much appreciated if I could just be re looked at, and we shall also do the same.

1:28:25

Thank you. Thank you.

1:28:29

I had more to ask under this agenda item, but they've either been answered or they'll be answered once I get responses in writing

1:28:38

later, but just before I conclude this item, is there anything that anyone else would like to say under shipping and also navigation

1:28:48

at all?

1:28:52

Now? Bob Jackson for the MCA, just to reiterate our position on our relative representation, we think in general, notwithstanding the few little points that have come up just now, the applicant has presented a very, very thorough

1:29:09

navigation chapter and NRA. And currently, we are content

1:29:15

with the obvious proviso, but there are still discussions with layouts and things like that. As we go through and get closer to those

1:29:23

finalizations.

1:29:26

That's all from the that's all from me. Unless you have any further questions,

1:29:32

that's it. Thank you, Mr. Jackson, is there anybody else at all?

1:29:38

Don't see any hands raised, so I'll hand over to

1:29:43

you. Mr. Lin, thank

1:29:46

you very much. Mr. Tandy, I just think this is possibly slightly early, but I think it's possibly an appropriate take to appropriate point to take a short break. So the time is now 1529, I suggest that we take.

1:30:00

A break for 10 minutes and come back at Oh, it's just clicked over to 1530 so that's very easy for my ass at 1540

1:30:08

is that all right with everyone

1:30:11

assuming singers, I've got one raised hand

1:30:16

confirm, I think, for Mr. Jackson's benefit as well, that that's you done with anything in relation to shipping and navigation. Now, I think we can confirm that, and I don't think they're needed anymore. Is that correct? And Tandy, that's correct, yeah, yes, that's correct. Thank you very much, Madam. Thank you. That's no problem at all. So thank you for your input today. And as I say, we'll just, we will just adjourn now for briefly, for 10 minutes, and come back at 50 and 40, while we are adjourned, can I ask that all the participants turn off their cameras and mute their microphones? Those people watching the live stream will need to refresh their browser when they come back, so this meeting is now adjourned and will be resumed at 1540 you.