



Hearing Transcript

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

Please note: This document is intended to assist Interested Parties.

It is not a verbatim text of what was said at the above hearing. The content was produced using artificial intelligence voice to text software. It may, therefore, include errors and should be assumed to be unedited.

The video recording published on the Planning Inspectorate project page is the primary record of the hearing.

TRANSCRIPT_DOGGERBANK_ISH2_SESSI ON2_15012025

00:06

Good afternoon. The time. It is now 1540 and I'd like to welcome everyone back to this issue specific hearing one for the Dogger bank, offshore wind farms. I'm now going to hand back to Mrs. Shawnee, who will continue with I with item four on the agenda, which is marine and coastal processes.

00:25

Thank you. Yes, and I will continue now with, say item four, marine and coastal processes, and with my questions, first of all, in relation to the disposal of dredged material and sediment position, just to provide some context, Natural England in their relevant representation, rr 039

00:45

has explained that mitigation in relation to sediment deposition is currently insufficient and has suggested additional specific mitigation measures. The applicant's response in as zero 48 is noted. However, please, could I just ask for some clarification?

01:07

So my first question, it is understood that in relation to the deposition of dredged material in the Dogger bank special area of conservation, the applicants do not currently commit to using a four pipe, but confirm they would not dispose of sediment by rainbowing. Please. Could you explain why you cannot commit to using a four pipe, and in addition, please explain which options in addition to using a full pipe, are currently being considered and when a decision is made on what tools would be used, you

01:49

Jen, out of the applicant, could I just like that? We've got somebody new at the table for this agenda item. We've to my right.

02:00

Thank you. It's Dr Claire mallet representing the applicant in behalf in relation to marine and fiscal processes.

02:09

Hello. Yes, that's fine.

02:22

I would you mind just repeating the question, please? Madam, yes, of course. Yes, no problem. So in terms of it

02:32

is understood that in relation to the deposition of dredged material in the Dogger bank sack, the applicants do not currently commit to using a four pipe, but confirm they would not dispose of sediment by rainbowing. Please. Could you explain why you cannot commit to using a four pipe, and in addition, please explain which options in addition to using a four pipe are currently being considered and when a decision is made, and what tools would be used. So

03:05

Andrew Ledbetter, engineering manager, I think we'd like to take this one away, please. If you could allow us to respond in writing.

03:18

Okay, that's fine. We can put that down as an action point.

03:23

Just following on from this, the recommended cable installation methodology is included in the cable burial risk assessment. However, it is stated that in the applicant's response to natural England in as 048, that a dredging methodology cannot be provided at this stage because this would depend on the cable installation methodology and associated requirements seabed preparation.

03:51

Please, could you clarify why an outline strategy in relation to dredging could not be provided during the examination in line with the information provided in the preliminary cable barrier risk assessment and refined further surveys have been undertaken or contractor

04:08

appointed so,

04:39

So could you repeat what you just asked? Please? Yeah, that's fine.

04:45

So in terms of the recommended cable installation methodology, which is obviously included in the cable barrier risk assessment, it is stated in the applicant's response to natural England that a dredging methodology can.

05:00

Be provided at this stage, because this would depend on the cable installation methodology and the associated requirements for seabed preparation. Obviously, there is a

05:12

recommended cable installation methodology included in the COVID barrier risk assessment, so I'm just trying to understand why an outline strategy could not be provided at this stage. So Daniel ru on

behalf of the applicants, we're still undergoing procurements. At the moment, we haven't appointed contractors to undertake cable installation as and when we have a contractor on board, they will look at

05:38

our sea bed information and they will confirm the most appropriate installation methodologies, and at that point, we will understand the most effective way to go about dredging. So we might have some recommendations based on the information that we have at the moment, but that's an evolving picture, and the cable burial risk assessment and the information in it will continue to be updated up to be updated up to the point of construction.

06:05

Are you intending to submit an updated capable risk assessment as part of the examination?

06:12

Yes, we can do, but the CVRA will be updated on a continuing basis up to the point of construction. So it's, it will, it will progress, but we won't have a final CV RA or final CV RAs, because we have two, one for the array area one for the export cable until the post consent stages of the project. Andrew

06:35

ledbesto, Engineering Manager, in addition to the cable Area Risk Assessments, played preliminary at this stage, the burial methodology identified is preliminary and can only be based on the conclusions of the preliminary cbra. So consequently, as site investigation information is revised, as the CB RAs are updated, and as we begin to have discussions with contractors, preferred method of burial will evolve as well such that we can't confirm exactly what dredging methodology is required at this time.

07:13

Okay, thank you. And just on that point, I obviously note that you're saying that the final methodology cannot be agree or confirmed. At the moment, I just noticed that in the response to natural England and the MMO in PDA 13 and as 48 it was stated that it was difficult to so

07:37

that if the dredged material would have to be disposed of on the same material type, this would be difficult to achieve, time consuming and inefficient due to the required stop, start nature of dredging. What I'm just trying to understand is what are the different options of dredging, and also how the dredging process would be different if it was required for the dredged material to be disposed of on the same material type,

08:05

if You just could provide an explanation on that, please. You

08:38

I'm John Ashwell for the applicants, I'm just to confirm, madam, that there are a range of different dredging options that are already set out in the project description chapters, chapter five of the

environmental statement, and then the individual topic chapter would have assessed the worst case scenario for for that particular

08:59

type of activity.

09:04

Yes, I understand it's what I'm trying to understand is a bit more about how the dredging process would be different if the dredged material would be disposed of on the same material type. So I

09:23

Yes, really. Obviously, as I said, it's saying at the moment that it would be difficult to achieve to do this on the same material type, but I'm just trying to understand how the process would be different.

09:36

Claire Malik, on behalf of the applicant, I think the actual process of dredging itself would not be different, but it's, it's the fact that if we dredged a seabed that was sand dominated, and then we had to travel to a different area of the Dogger bank sac to dispose of that material on a sand dominated seabed that would add that creates the stop, start nature, and because typically we try.

10:00

Edging. We just stretch continuously, so we can get a variety of sediments. So you get that mixed load, but it's very difficult to then go and take a mixed load and deposit it in very specific areas within the SAC, depending on the seabed composition. So

10:23

okay, thank you. That's helpful.

10:31

Just one follow up on that point, then

10:35

obviously Natural England has suggested to explore alternative disposal options, and rather than restricting the disposal of material to the same type, is there a possibility to spatially restrict the disposal to certain areas? So instead of having a certain type of material, but rather, for example, in the capability risk assessment, there are sediment types noted. So would it be possible to restrict that to the sediment types instead?

11:09

Daniel Bruto, on behalf of the applicants, I think that will be very difficult to achieve. In practice, sediment types can vary quite significantly. And I think trying to identify a specific location for an individual sediment type

11:30

would be very hard to achieve. I think you come back to the point where just trying to obtain a load of a single sediment type is just impractical, and being able to separate that off and deposits in a specific location.

11:44

It's just a big challenge, very time consuming and practical to impractical to undertaking practice.

11:54

So have you considered any other alternative disposal options or

11:59

not at this stage.

12:02

Of the applicants, we haven't at the moment,

12:07

and are you proposing to consider that further? Yeah, the only commitment that we've made at the moment is to not take material outside the dog of NSAC just to protect that material within the boundaries of protected site.

12:20

Okay,

12:29

okay. In terms of the amended cable statement, this has now included the following statement in paragraph 36 it says further detail to sand wave leveling, deposition and sunbank recovery will be provided in the final cable statements or final cable barrier risk assessments. Could I just ask the applicants to clarify in more detail the additional works that are currently or would be undertaken and the additional information that would be provided as part of the final statements, and also why this information would not be provided as part of the examination. I

13:20

I

13:28

described previously. Sorry. Andrew manager, as described previously, the CVRA is updated on it in an easier manner as our understanding of the site develops. So for instance, we have issued CB RAS at the moment that based on geophysical data from 2022

13:47

we have consequently conducted geotechnical investigations in 2023 along the export cable corridor.

13:53

As this as this data is inputted into the ground model for the site that enables us to develop a new CBR for the export cable provider, the array areas, we have undertaken geotechnical Si, to some extent in 2020, or EBS West, we haven't done anything at EBS east as yet, until we know the precise layouts of the wind turbines the array cable layouts exactly is quite hard for US TO TAKE THAT cbra to the next stage. As such, we're not expecting to develop a new array area cbra until the end of 2025

14:29

see a requirement for us to do that at this stage from a procurement perspective or from a design perspective. Nor were we able to due to the data that we currently have.

14:41

However, the export cable CBR rate is being updated and

14:47

broadly the conclusions that we've issued already as a result of the provisional CBR rate gets hold true.

15:00

Claire mallet, on behalf of the applicant, I just wanted to reiterate that there is information within the marine physical processes chapter of the environmental statement that shows the results of numerical modeling that models changes in suspended sediment concentrations and seabed level change due to cable installation activity. So we do have that information already available in the examination.

15:28

Thank you. That's helpful.

15:34

Anyone else would like to provide any comments on this? No, I'll just continue on then with the requirement for cable protection measures within and outside of designated sites,

15:46

just in terms of the cable protection within the dog banks act,

15:51

I understand that at this stage, obviously, with the information available, it's probably not possible at the moment to have detailed locations where exact paper protection measures will be provided, but if you could just please,

16:09

just briefly explain the work that has been undertaken so far

16:14

to identify specific locations where cable protection measures are required. So

16:22

and Bruce on behalf of the applicants, we haven't identified areas in which locations might be required. At the time being, there is a process to go through, as Andrea has explained, in relation to cable burial risk assessments and indeed the siting of the cables themselves. And until that work is done we don't necessarily know about protection will lie.

16:46

The cbras that we have available at the moment

16:52

provide us with some comfort that the percentages of protection that will be required across the export cable routes within the array, areas within the Duncan bank SEC specifically should be adequate to deliver the project,

17:07

and that's based on the slight investigation information that we have at the moment and on our expert opinion, meaning from other projects.

17:18

So in terms of the detailed cable protection measures. This would not be confirmed until after development consent has been granted and once the cable barrier risk assessments have been finalized. Yes, that's correct. And beyond that as well, there is a case that

17:39

post delay, remedial protection is also required. So up until the point of actually laying the cable, we may need to install remedial protection. Beyond that point as well, protection that's not necessarily planned

17:53

at the outset, but the figures that we've given in relation to our predictive percentages of protection on the routes take all of that to account effectively as our worst case.

18:05

Would it be helpful, Madam, if we just outlined the main reasons why cable protection might be required? We're not obviously able to say where exactly that would be located, but would it be helpful just to outline why that might be required? Yeah, yes, please, yeah.

18:29

Better engineering manager, it's

18:32

probably worth saying firstly, that cable protection doesn't just refer to remedial cable protection. The principal form of cable protection is is burial of the cables, and it is inherently designing the cables so the steel armory is typical with marine cables.

18:50

Even, even where we've assumed, a percentage of the cable links may not be buried. That's, that's, that's a maximum percentage that we're assuming and that we've incorporated into the assessment, doesn't necessarily mean that we'll get anywhere near to that target, to that level, because it isn't a target.

19:09

Our aim, as I said before, really, is to bury the cables. What we're trying to protect the cables from is typically fishing activities, ship anchoring, vessel movements, other subsidy equipment and operations that occurred during installation. Operations from our from our own project. There's also the risk of damage from the environment due to strong currents and waves and marine organisms, etc, on the seabed surface,

19:34

we're trying to build a project that lasts for last time of the project, and cable burial is seen as a key enabler for that longevity and reliability of the project.

19:49

That's my summary of why we need cable protection. I'm not sure whether we wanted to lead into any development

19:58

session. So.

20:07

And obviously, once we've mobilized vessel spreads for burying the cables and mobilized equipment like the burying the cables, that is our primary methodology for completing the burial protection required. It's not

20:23

desirable for us to have unburied cable exposed at greater risk on the seabed surface, and for them us to then have to actually install remedial protection on the seabed surface, possibly time consuming, and, as I said, essentially leads to greater risks for the cable, but for the lifetime of the framework.

20:46

Okay, thank you.

20:49

Just a minor follow up question. Then, I mean in terms of

21:02

it is noted that the seabed mobility studies are not proposed to be undertaken prior to development consent being granted considering they would assist in deciding on the specific locations of cable protection measures. So I just wanted to understand, obviously, the information in relation to seabed

mobility is provided in ES chapter eight, a, PP, zero, 80, and it's considered to be a more useful baseline than regional information on sediment transport pathways. Why do so? My question is, why do the applicants consider the information in Chapter Eight to be more useful than regional information on sediment transport pathways.

21:48

On behalf of the

21:52

within the North Sea, we don't have a huge amount of data, bathymetry data that gives us a picture of the sea floor, so any regional models or understanding of sediment transport pathways of not underpinned by high resolution data, but we have used the high resolution bathymetry, which was acquired along a survey within the export cable corridor to identify mobile sediment features, and that is to a one meter resolution, at least so really high resolution, and from that, we can look at the shape of the features and understand what direction the migrating in. So we believe that that site specific survey data is, in our opinion, much better than a regional model that is not underpinned by high resolution data.

22:39

Obviously, Natural England had requested that in their relevant representation. So you're not proposing to provide any more information on that. In terms of regional information,

22:56

I will take a look at the relevant representation and get back to you in writing on that point.

23:02

Thank you. That's fine. Yeah,

23:10

I just have one last question in terms of the cable protection within the near shore.

23:16

And I think it's probably,

23:19

I know it's obviously without prejudice, but I just wanted to try and understand the implications of the change request in terms of the removal of the short trenchless crossing option on the cable protection requirements in the near shore area. Obviously noting that Natural England had raised some concerns about the cable protection in the near shore. So if you could just explain the implications of the change request on the concerns raised, that would be very useful. Thank you.

23:50

Daniel Ruto, on behalf of the applicants,

23:54

we would still require

23:58

the potential to have cable protection inside the 10 meter depth contour, which is natural England's area of concern when it comes to protection in the nearshore environment. Even in a world where the change request is accepted, it would take away the need to have section a little bit closer to the shore that we might otherwise have.

24:21

But until we understand where our

24:27

trenchless crossing exits are in the near shore, we couldn't necessarily commit to exactly where that location might be, but we would still anticipate having some protection in that area. It wouldn't take that be away entirely. It is possible it may lessen it

24:44

so we're still at the opinion that in the

24:48

change should the change requests be accepted, that we would still need to retain the ability to have some protection inside that 10 meter depth contour until we

24:58

have a greater understanding of that as.

25:00

Lines and that area itself,

25:04

would you then be in line with the request by Natural England to allow a maximum of 10%

25:12

only within the nine minus nine and minus 10 lateral depth contour? Would you be able to agree to that, or would you do not? Andrew

25:26

Ledbetter, engineering manager,

25:29

I think, until we've had

25:32

detailed discussions with our installation contractors, to understand the likely methodology in that in that region, and the tooling that are likely likely proposed for us, it would be very difficult for us to commit to there being no risk of remedial burial protection being required. We have identified sub cropping and outcropping bedrock in the

25:57

region from landfall out to 2.5 kilometers. So whilst the risk level is low there, the risk from external damage in cause is low. Aerial itself may be difficult due to the ground conditions themselves. It could be the case that we don't need any

26:15

remedial barriers protection there until we actually installed the cables be very difficult for us to proceed without having

26:23

an option or mitigation in place to risk being that we could have a cable on the sea bed unburied for a period of time until we were able to agree how to pre delegate in.

26:39

Okay. Thank you. That's helpful.

26:42

And just as a last question, I noticed that you have changed that within the 10 meter depth contour the cable protection height would be limited to no greater than 50 centimeters.

27:00

This has been

27:02

obviously reduced from 1.4 meters.

27:07

Could you just quickly explain how this change

27:18

would impact on the nearshore and longshore sediment transport

27:25

processes on behalf of the applicants, and this is a positive change. So when it comes to nearshore and long longshore sediment transport, the concern is that any infrastructure that protrudes from the seabed will stop sediment from flowing from one point to another, and act almost like a groin in blocking sediment. And in doing that, it would have knock on effects for any sensitive receptors further down the coast. So by reducing the cable protection heights from potentially 1.4 meters to no point five meters, you are reducing the impact or the elevation of that protrusion on the seabed, which would reduce the

amount of sediment that could potentially be interrupted. But I will just add that even if cable protection is in place, that the sediment naturally will flow around the sides of it, because it is not a single linear structure right across the coast. It is quite isolated and localized, and also sediment can flow over the top of it. So sediment will bypass the structure. It will not interrupt any sediment transport.

28:35

Thank you.

28:37

Okay, yes, that concludes all my questions on marine and coastal processes, so thank you for your response. Is there anyone else who would like to comment or say anything?

28:50

Can't see any hands raised, so I'm handing to Mr. Tandy now again to deal with Item five, which is commercial fisheries. I

29:03

thank you for that of the applicant. Sorry. Would you mind just pausing for a moment? We're doing a bit of musical chairs here, just to swap around. Yes, no problem.

29:13

I just let him get settled before you Ask your question. I

29:41

Okay, you seem to be ready.

29:46

Yes, thank you.

29:48

Thank you. So I'll move on to Item five, which is for commercial fisheries,

29:53

and under the first heading, which is the overview of the approach to the assessment. And.

30:01

So firstly, to the applicants, if you could just so, referring to the magnitude of impact, which is table 1311, of chapter 13 should be found in examination library, A, P, p1, 117

30:18

specifically, could you evidence that impacts up to seven and 30 years are low a median in terms of magnitudes respectively, please.

30:40

Richard Joseph, on behalf of the applicant,

30:45

these definitions have been

30:49

assessed by

30:52

stakeholder engagement in the commercial fisheries working group,

30:58

and we've assigned

31:01

magnitude of impact, and given a value for

31:07

loss of value as well,

31:11

these values and the magnitude of impact have been changed post preliminary environmental

31:20

report

31:22

and they've all been affirmed by commercial fisheries stakeholders.

31:30

The value of the years is based on

31:36

this engagement and

31:41

our professional

31:45

moderation, but not from Any

31:51

methodology.

31:57

Okay?

32:00

And how does this compare to other offshore wind farms in terms of how they've assessed the magnitude of impact?

32:10

We believe, yeah, this

32:15

method is also being used on Morgan and Mona

32:20

applications.

32:23

Currently in examination

32:27

and yeah, this process has also been approved by commercial fishery stakeholders,

32:35

which which is highlighted within the minutes of the meetings held in the commercial fisheries working groups throughout the process,

32:48

just to be quite clear, just to make sure you're understanding what I'm asking, which is that it's the evidence that those particular number of years

32:57

and how they've been sort of decided to be the right number, not the process

33:10

Richard chose on behalf of the applicant. We could come back with that answer. I could

33:16

review that. And really

33:20

I think, sorry.

33:24

Okay. I mean, I'm kind of hoping that we're here today to sort of get some answers to these orally. I mean, if it helps in terms of responding in writing, I can point you, for example, to Auntie four, where

33:39

low was not as many years in terms of its magnitude of impact. So it'd be quite useful to understand

33:48

and if you could give examples of other applications and why you've selected these particular magnitudes for this particular project.

34:00

Richard Joseph, on behalf the applicant, as I say, these, these were agreed with commercial fishery stakeholders during commercial fisheries working group meetings.

34:16

Okay, if you're happy to take the action point to come back as to how you've defined these and why you've selected the number of years. I'm happy to agree that.

34:28

And whilst we're

34:30

referring to the magnitudes You briefly mentioned about the other bits of that, which helps to define it,

34:39

and referring to the relevant representation from the nffo, which is relevant rep zero, 34

34:47

they seemingly don't agree with the magnitude of impact around economic loss.

34:53

Could you evidence or explain to me today that the 5011, to 50 and the less than 11%

35:00

Its reductions in the area or annual value of landings are the magnitudes that you've assigned to them, please.

35:11

Richard Joseph, on behalf of the applicant,

35:16

the applicant as a statement of common ground currently to with the nffo, which will be

35:27

currently the nfo can could not attend today, so I can't speak on behalf of them, but that should be submitted by deadline one, and I think that'll make clear the nffo national policy on on all methodology for EIA for offshore developments currently, and our engagement with the FF nffo to date has shown that

35:58

they were happy with the assessment, post peer and only within relevant reps. They've had a change in policy, but these magnitude of impacts were agreed upon within commercial fisheries working groups,

36:17

who the nffo Did, did

36:21

submit

36:24

the process, and they agreed to this magnitude of impacts.

36:30

But as I said, I can't speak on their behalf, but their position will be made clear within the statements on ground.

36:40

Yes, it would have been useful for the nffo to be here today to also ask for their input on this particular question.

36:48

And I do welcome the socg You just mentioned or be submitted with them that will will provide some help. But whilst we're just on this point, I mean, it just seemed to ring. I can kind of understand the concerns that are raised that a particular fishing receptor losing up to half of its annual earnings only having a sort of medium,

37:14

you know, that impact there, it does seem to be a bit of a stretch. Hence why I'm asking not just for this agreement that you've just referred to, but also how you've defined this and the evidence to support that, please. I don't if you want to come back to me now, or perhaps you want to take that as an action point,

37:34

all I can say that this was given to each receptor group to give, try and give a semi quantitative

37:42

process to it instead of other impact assessments, have just used low, medium and high, and this is given an attempt to quantify the impact to make it easier for stakeholders to understand.

37:58

And that was obviously done then with the agreement of the stakeholders,

38:08

okay,

38:10

the examining authority will obviously have to look at what evidence is presented into the examination in terms of making that judgment,

38:19

Making its recommendation. So if there is anything you'd like to add to what's already been submitted that would be useful, but if not, we shall move on.

38:37

Yeah, I've noticed you've put the environmental statement chapter on the screen. So whilst that's the case, if you wanted to turn to Section 13.6 which is page 71

38:53

this sets out

38:55

the assessment of significance that underpins the work here, and there are three scenarios which have been considered in the assessment, which I'm not going to read out word for word. But firstly, that the SAC fishing restrictions are in place, and secondly, that the SAC fishing restrictions are revoked during the operational period of the proposed projects. And thirdly, that the offshore export connection is built. What I'm interested to understand is why has the latter scenario being sort of separated out from the other two scenarios?

39:35

Won't that export sort of connection and always be built under either of those

39:42

first two scenarios. Richard Joseph, on behalf of the applicant,

39:47

that is due to the receptor groups. So within the SAC,

39:55

the main fishery within that area was collage.

40:00

Vessels, so non UK vessels targeting sand deals

40:06

using towed gears, so pelagic trawls and then demersal trawls as well. The SAC restricts use of towed gears,

40:19

but if the SAC was revoked, then those receptor groups could

40:25

possibly fish within the array areas, again, of the dock wind farm array and the receptors fishing along the cable corridor are a completely different group, so they're mainly static gear vessels, or scallop dredgers.

40:46

The rationale for separating that out, because

40:51

static gear vessels are the main receptor along cable corridor, and they will be impacted

40:59

during construction only

41:05

I think I'm understanding what you're saying.

41:10

But yes, there are different receptors which may be impacted in different parts of the proposed development. But describing those are three different scenarios. I'm just struggling to follow that logic in terms of why that export

41:29

connection would be a sort of separate scenario

41:34

that's going to if the order is made, that would be built. That's not a scenario the

41:42

restrictions on the fishing being revoked or not? Yes, I can understand those are two different scenarios.

41:52

Richard Joseph, on behalf of the applicant,

41:56

if that was an attempt to to to separate the SAC from as part of the project because of of this restriction on towed gears. And obviously the SAC could be revoked within three years periods. So we wanted to assess that separately, and the only way we could do that was to separate out the cable corridor as well

42:24

and assess that separately to the array area, which is within dog bank sac.

42:39

Okay, thank you for the clarification. I may decide to follow up again in writing to for some further explanations.

42:56

Whilst we still have the bs chapter on screen, if you'd like to move to paragraph 136

43:02

which is page 86

43:05

I will just explore briefly the assessment of significant effect to one of the receptors.

43:12

Paragraph 36 explains that this receptor group has lower levels of alternative

43:18

fishing grounds and no ability to deploy any alternative fishing gear.

43:24

And this sensitivity is identified as medium,

43:28

if we were to go to page 48

43:32

where you define

43:34

the sensitivities,

43:38

table 1310,

43:41

and just reflecting on what what was stated in paragraph 136 is it really fair to say that that receptor type is medium, or should it really be high, given it doesn't have the opportunity to deploy Alternative gear,

43:59

nor have access to alternative fishing grounds.

44:04

Richard Joseph on behalf of the applicant, that receptor is scallop dredgers. And

44:13

the reason for that receptor sensitivity being medium is that

44:21

it cannot

44:25

mitigation measures are in place to retain it as medium so mitigation measures within the offshore outline fisheries liaison and coexistence plan

44:39

to provide support and fisheries advisors within the within the embedded communication of the projects

44:53

makes up a medium sensitivity receptor.

44:58

I don't think that's quite.

45:00

What's been described in paragraph 136

45:03

which explains about its access to other fishing grounds and the ability to deploy different types of fishing gear and the embedded mitigation

45:15

is not feature in there. Does that need to be made sort of clearer

45:21

to justify why the medium sensitivity has been selected rather than high.

45:28

Richard Joseph, on the behalf of the applicant, we can certainly go away and

45:34

clarify that point.

45:38

That would be useful, because I have a very similar sort of point to raise in relation to paragraph 139. Where a very similar issue presents itself,

45:50

which, again, if you just want to very briefly, put on screen so we can agree an action point for you also to clarify this

45:59

page. 86 if it helps.

46:09

So paragraph 139,

46:12

ensure static gear.

46:19

Again, we have the same issues in terms of the definition. So for expediency, can we agree that at this point that there's an action to review those receptor sensitivities, please, and to provide the examining authority of an update on that?

46:35

Richard Joseph, on behalf of the applicant, yeah, we can certainly clarify

46:41

one through nine, page 86

46:45

I think it would be useful if you could just review all of the sensitivities that are described underneath that section, given there's been a couple of potential anomalies or,

46:57

You know, confusions over how that's to be interpreted. I Okay, I'll move on. Well, firstly, before I move on to the next heading, is there anyone else who would like to raise anything under the first heading of this agenda item?

47:22

No. Thank you. I'll move on to the next setting, which is related to the information and surveys undertaken and used to support the assessment of the impact of on the commercial fishing industry.

47:35

Again, the nfo aren't in attendance today, so it's actually shortened down what I'm going to raise orally now, and you'll notice that some of those questions were added to the supplementary agenda, questions,

47:50

referring to appendix 13, two, which is a PP, 120,

47:57

table, 222,

48:00

there are numerous limitations are set out regarding the survey work which has been undertake, that has been undertaken.

48:08

For example, it is noticed that commercial agreements were active for displaced fishing vessels during the time of the surveys and construction activities of other wind farms were also underway or ongoing.

48:23

Could you provide an overview to the impact those limitations have, and how, if at all These have been reflected in the assessment? Please. If

48:43

dyslexic,

49:04

Hi, Jen as well for the applicants, unfortunately, so we're going to have to come back to you in writing on that the person dealt with that has since left, and we, we don't have the answer at our fingertips, so we will have to come back to you once we've looked into that. If that's okay,

49:23

yes, that's fine.

49:32

Does anyone else have anything to add on this question?

49:39

No,

49:41

okay, I'll move on to the third heading underneath this, which is the assessment of the cumulative effects with other relevant projects,

49:50

referring to chapter 13, table 1344, cumulative effects associated with the proposed projects and other schemes appear to be assessed in.

50:00

Individually. However, could you clarify how the cumulative effects of all of the schemes and the proposed projects together combined have been assessed? I

50:42

I just say, Would you mind repeating the question? Please?

50:47

Yes. In brief, what I'm saying is it would appear that the cumulative effects associated with the proposed projects and the other schemes that have been identified have been assessed individually, but not sort of combined. And

51:07

could we explain why that's the case? Or perhaps you can sign post me to where that information is within the application documents.

51:21

Richard Joseph, on behalf of the applicant,

51:25

those processes,

51:31

yeah, they were

51:34

assessed

51:36

separately

51:38

within table 1.1

51:42

uh, Appendix six, dash two, the offshore community of assessment

51:56

is that you confirming they've been assessed individually rather than combined. I Rich Joseph,

52:09

applicant, you

52:46

we'll come back to your writing. So we're struggling to find the reference at the moment.

52:51

Yes, okay, I'll agree that as an action point,

52:56

thank you.

53:01

Referring to paragraph 388

53:04

again of chapter 13, page 157

53:08

for ease, could you clarify in detail how the 56 kilometer distance from the proposed offshore development area to another offshore wind farm influences the assessment for magnitude of effects, and concludes it to be negligible, too low. You

53:57

380 850

54:01

so

54:06

the 88

54:08

keeps vanishing. Richard

54:18

Joseph, on behalf of the applicant, this

54:22

the this is a dredge fishery. And ensure static gear receptor groups.

54:35

So for that receptor,

54:37

the main fishing activity for those two receptors are unsure along the 12th nautical mile limit within the cable corridor and not the dog bank

54:51

South array area.

54:54

Those vessels have the inshore static vessels have limited range of.

55:00

And would not fish in that area.

55:04

And also for the dredge vessels, they're limited to the scallop grounds, which do not appear in that developments area, to be

55:20

just clear that we're definitely talking about the right place. Here it is paragraph 388

55:26

because my recollection was that was referring to the distance from the proposed offshore development area

55:35

to another offshore wind farm

55:39

as being an influence on that magnitude of effect, that magnitude of effect, yeah, which shows us on behalf of the applicant. The paragraph goes on to say that

55:53

as a notable to low magnitude effect on dredge and ensure static gear receptor groups and a negative effect on all other gear types.

56:04

Okay,

56:05

so we were to follow that logic through that 56 kilometers is too far for a magnitude to be greater than low. They wouldn't fish that far. They wouldn't be able to does that suggest the vessels of this receptor group wouldn't travel that distance, and therefore couldn't rely on other fishing grounds further than this

56:29

when they've been displaced.

56:31

Should Joseph, on behalf of the applicant, know that is incorrect, those vessels are restricted by the target species as well, and those species do not appear, or there's risk from displacement of other fishing vessels. So especially in the Hornsey area there, there are off large offshore static gear vessels which fish a great amount of pots. Those pots are left on the ground all year long, and therefore other vessels cannot move into those areas. Or fishermen usually fish within their own area, don't

57:14

move.

57:18

And also,

57:19

as I said, the inshore vessels there would not be able to transit 56 kilometers offshore,

57:28

and the dredge receptor would be restricted by scallop grounds where they lie within the commercial fishery study area.

57:46

Okay, thank you for that.

57:51

That concludes what I was going to ask under this agenda item, and I'll just give an opportunity for anyone else or for the applicant to raise anything that they wish to

58:07

No, okay, thank you. I shall now conclude and hand over for Item six on the agenda.

58:19

Thank you, Mr. Tandy,

58:21

so we're now turning to item six, marine ecology.

58:27

Shall I pause for a moment just if you Need to exchange experts? Yeah,

58:58

okay, shall I proceed? I

59:03

Yes.

59:06

So firstly, Under Item 6.1 on the agenda, just to confirm, I'm now not proposing to ask any direct questions regarding the change requests given your recent submission.

59:18

So regarding benthic ecology,

59:23

Natural England has advised that the applicant should provide a robust assessment of the potential worst case area of impact on benthic communities within the Dogger bank, sac sandbank feature, and the reference for that was RR 039, point, C 37

59:40

In response, the applicants provided a review of evidence on recovery of sandbank habitat following habitat damage a reference as 025, on the seventh of November 2024

59:54

the examining authority notes in this document the examples of decisions by the Secretary of State in relation.

1:00:00

To determinations of adverse effects on previous offshore wind farm DCO applications,

1:00:08

the applicants claim the dog bank South is no different to, for example, Hornsey project three in relation to the north, Norfolk sandbanks and the Saturn reef SAC and Norfolk Boreas and Norfolk vanguard in relation to haysborough, Hammond and Winterton sac

1:00:28

My question is, do the applicants consider that an equivalent degree of evidence of sufficient quality has been submitted for This application in regards to impacts on benthic communities, as was done so for those applications, including post recommendation stage upon which the Secretary of State relied to make his decisions.

1:00:58

Alipin solo for the applicant, yes,

1:01:02

I think that the evidence that we presented within the application is robust and obviously and argues the case in terms of the arguments over recovery. I believe that the

1:01:17

assessment that was undertaken for the plan level HRA was quite

1:01:25

light, to say the least, and that natural England's evidence against recovery in these environments is based on, well, it's never evidenced in terms of anything quantitative or actually anything other than expert judgment that they provide. We've provided evidence relating back to numerous previous examples of constructed projects where there has been post construction monitoring on effects in similar habitats. We've also provided evidence within the application of post construction actually decommission post decommissioning evidence of the act of the post after the decommissioning of a met mast within the dog bank itself, which shows

1:02:13

their evidence that after the structure has been present on the dog bank and then removed that there is No evidence, physical evidence of the basically, of the presence of that structure. We presented that evidence within the application. We have followed up within the as 125, with further evidence, again, within the Docker bank of the UX zone clearance

1:02:38

work that was done within the last year or so by Docker, bank, P and the post,

1:02:45

the subsequent monitoring they've done on that, which demonstrate very rapid recovery on that. So I think we have provided robust evidence. I don't I think that there's not much else that we can do, and frankly, Natural England has not presented any evidence of its assertion that the Dogger bank is somehow different from other sedimentary habitats where recovery has been demonstrated to occur, including those other sacs that we've mentioned in our evidence.

1:03:20

Okay. Thank you.

1:03:23

So in regard to the applicant's comparison with Hornsey three offshore wind farm, the examining authority notes that the Secretary of State's decision letter stated conclusions were based on the features being able to recover in their entirety following the complete removal of all infrastructure and deposits associated with the development.

1:03:46

The examining authority notes that the dog bank South project description a PP, 071,

1:03:52

states it is expected that most array and export cables and any associated cable protection will be left in situ.

1:04:01

How does this compare to the Hornsey 3d commissioning commitments?

1:04:06

There's two different points here. So the first point is recovery after construction, which is the point that Natural England is contesting. So the we are not contesting the fact that there will be infrastructure placed within the SAC, notably foundations and potentially

1:04:23

cable protection that will be there, that will be a long term effect, and is treated as permanent habitat loss, the recovery element is around the construction effects, which Natural England is suggesting may take 10 to 25 years to occur, and we are saying is a rapid process that, in some cases, occurs within months. So there's two different things here that we need to consider. We are not contesting the habitat loss element of that, which is quite clearly demonstrated through recent decisions as being something that we would accept, although theoretically, I would come.

1:05:00

Test it under terms of the degree, the tiny percentage of the dog bank which we are taking up, but we've had decisions that have made that point. So we're not arguing the point on the habitat loss. We're merely arguing the point on the recovery. And do not believe that Natural England has presented any evidence to to go against the very real evidence that we are providing from within the dog bank, as well as historical evidence from other sedimentary habitats, that recovery does indeed take place.

1:05:31

Okay? Thank you.

1:05:42

So the examining authority notes that the review of evidence on recovery of sandbank habitat following habitat damage as 025, that we just referred to references monitoring from some offshore wind farms, for example, Barrow, Burbo Bank, Sheringham, Scholl and Robin Rigg. Is there any data that could be used from any of the wind farms closer to the Dogger bank south area, as many of these examples, perhaps with the exception of sherry and Scholl, are in the Irish Sea or Scotland, where conditions may not be directly comparable. All of those wind farms are in sedimentary environments. So as far as sand is the same in the Irish Sea or the North Sea, then they are directly comparable. One of the main issues we've got, of course, is that a lot of the monitoring data that is available is available from those earlier projects, from wherever they were. So we don't have, for example, because they haven't been built out yet, the monitoring data from the projects in the southern, southern North Sea, that would provide a more regional comparison. But the point is that sand is sand, and the species that are related to the sandbank feature in the benvos are the same, more or less. We're talking about bivalves. We're talking about polygy worms, and we're talking about a variety of crustaceans, so they all behave in the same way. So the geography of this is not really relevant to their actual behavior and the ecology that we're talking about here. And fundamentally, all sedimentary habitats and all sedimentary biotopes, if you

like, are determined by, fundamentally, what the nature of the sediment type is. That is the driving feature of what occurs ecologically within that so it isn't really

1:07:34

well the species may differ, that what they are effectively in the types and the forms and functions of those species will be the same. Okay,

1:07:41

thank you for that clarity. Clarification.

1:07:46

Have the applicants had any further discussions on this issue with Natural England since they submitted the review of evidence of recovery of sound bank habitat following habitat damage as 025,

1:07:57

and if so, what is the latest status of those discussions?

1:08:01

No helping to the applicant. No, we haven't had any further discussions to that point. We're waiting for the to see what their response is. Okay, thank you.

1:08:14

Okay, so the examining authority notes that Natural England disagrees with the applicant's assessment of no adverse effects on integrity on the Dogger bank sac in relation to abrasion and disturbance of the seabed, the applicants state in the rear that whilst which is as 051,

1:08:31

that whilst the plan level HRA considers direct physical damage as contributing to its conclusion of adverse effects on integrity, the applicants do not consider that this is evidenced in that assessment. In addition, the applicants consider the conclusions to be out of step with the Hornsey project three decision which only relates to permanent effects impeding restoration.

1:08:55

My question to the applicants again is, have they progressed discussions on this issue with Natural England, since these comments were made, and if not, how do they intend to progress discussions with Natural England?

1:09:07

I'll do so for the applicant. No, we haven't had any further discussions on this point. It's a it's a point of disagreement that was discussed during the

1:09:18

the great the strategic working group discussions for the compensation plan, but it hasn't been discussed outside of that process.

1:09:30

So how are you looking to resolve this issue?

1:09:34

We'll seek to resolve that through any further meetings or written correspondence that we have with Natural England over the process of this examination.

1:09:43

It's worth saying that as part of the strategic working group, work from the Crown Estate process Natural England state a few times that they would present evidence of their assertion that the recovery on the dog about would be this 10 to 25 year process.

1:10:00

There was the nothing has been presented as evidence other than the there was some advice and guidance in the back of their relevant representation. But again, there was nothing quantitative in that, and it did not refer to any actual, real world examples of why their opinion that recovery wasn't taking place on the dog bank, or why the Dogger bank was a different case. They presented no information on that. We are hoping that they would provide some evidence of that as part of this process, but to date, they haven't. They've simply stuck to the position that they think Dogger bank is different.

1:10:40

Okay, thank you for that clarification. So if Natural England were in attendance today, I would now seek a response from them.

1:10:50

So I'm going to ask if that they could provide in writing or any statements they would like to on any of the questions that has been asked in agenda. Item 6.1,

1:11:01

if they do necessary. So we'll take that as an action point, please.

1:11:06

Okay, moving on to item 6.2

1:11:09

which is the Dogger bank strategic compensation plan and the green recovery fund.

1:11:16

This was touched on briefly in issue specific hearing one on the DCO this morning. But for completeness, I would still like to go through this

1:11:24

so this morning at issue specific hearing one the applicants confirmed that they do plan to rely on the extension of the dog bank sac or the designation of a new site to deliver compensation measures for adverse effects on integrity to the Dog bank sac. So could the applicants therefore confirm whether they believe it to be likely or unlikely that the new designation or extension of the Dogger bank sac would be in place before construction commences, and therefore harm occurring to the national site Network. Thank

1:12:04

Julian Boswell for the applicant.

1:12:08

There's a difference of opinion as to how long it might take Defra to put the new designation in place. There's a headline number that is sometimes referred to of certain years, but we think that it could be done very substantially quicker than that. About peace. I love the applicant. Yeah, very we understand that Defra has taken this process in house and is looking at potential areas that they could designate now the information they have in their own information from previous designation processes such as the mcZ process and the offshore sac process, to which they can rely on In addition, you'll note that the applicants undertook a major survey to the north of the Dogger bank Current sac boundary to demonstrate the fact that that area was suitable as an area that could be used for an extension, either as a designation, an extension of the SAC designation, mcZ, or whatever. So we provided that evidence into that process

1:13:16

as well. So the information basis is available. How the process and the timescales of Defra zone process is unknown, unfortunately, but it is worth noting that whilst some of the processes, such as the process to designate the original dog bank sec, of which it's worth noting, I was part of that process when I worked for jncc as part of the offshore designation team.

1:13:44

That process took a long time because it was particularly contentious the logger bank, the size of that site and the exact reasons for which it will be designated with and how the paupers will be included, etc, took a very long time, and it's an outlier. But if you look at how long the first mcZ took to designate, and this process could be result in an MC z being designated. I think the first ones under that process took about two or three years from the point of the Marine, marine and coastal access act becoming law, so the process could be undertaken within a couple of years that process also, sorry to get on. But that process also designation, the first AMC says, included all of that data collection

1:14:30

consultation process, and it was a stakeholder led process, which was quite elongated, as opposed to something like this, which I think, a, they've already got the data and B, whilst there obviously would be statutory Consultation requirements, would not be going to through that the stakeholder led process, at the end of the previous mcZ process, was undertaken through so it's it's entirely possible that a site could be designated within short scale, if the will, if the willingness is there from the government.

1:15:00

Do it in an

1:15:02

accelerated time scale, just a couple of supplemental points, if I may,

1:15:08

we have,

1:15:10

as Mr. Zola has just explained and is already in front of you, we have done our best to assist Defra in relation to a potential extension,

1:15:23

or MC z in the dog bank next to the dog a bank. But it's entirely up to defer as to which location they choose. They have made it clear, and the whole purpose of the exercise is so that it can provide conversation for multiple projects going forward over a number of years. And so they will have to, in the end, decide how big a site they you know that that is one of the considerations that will go into the mix of the site selection process that they will operate. The other limb of the equation is when the project will will get to the get to construction.

1:16:05

All developers in our situation want to bring the projects forward as soon as they can. But as you will have noticed from previous discussions, we don't have complete control over that, particularly by reference to

1:16:20

when we are when, or old theory if, but hopefully we are successful at some point in the CFD process, because you can keep having a go. And there are examples of projects failing multiple times and then and then ultimately succeeding. So in both limbs of the equation there, there are spectrums, and it doesn't really reduce itself to an unlikely or likely answer. It's just too complicated to reduce itself to that type of answer.

1:16:53

So if construction commences prior to the new designation or extension being in place, how are the applicants proposing to meet the compensatory measures? Test, test three of the Habitats Directive. So our assumption is that, well, the first question is, what is the quantum of compensation? And the classic way of dealing with a timing issue is either to increase the quantum or to to to extend the time period here, we know that in practice, the period is going to be indefinite. So once that site is designated, is every reason to assume it will be there permanently and therefore beyond the life of the project. So there's already going to be over compensation on that basis and but as I've said, the other classic way of addressing it be through the scale of compensation. Can I just there may be an additional point. The other point I'm going to make is that it also depends on when we count the compensation status starting from. So the usual way of

1:18:05

dealing with candidate secs was that the candidate secs from the point at which they were being think it was candidate, I forget the terminology. Yeah, it was candidate at the point at which they are consulted on publicly. That is when the conservation objectives effectively take place from so we, or any other developer would take the a proposed designation and treat it as if it was designated. So even if the site takes, you know, a further year from the point at which it has been proposed to actually be designated the actual protection would be starting de facto From the point at which that consultation process began.

1:19:02

Well, so, well, I don't know the other point I was gonna make. Sorry, there was one other point of which, of course,

1:19:09

always belong. The

1:19:12

construction may might not have to happen within the SEC at the beginning of the project. So you might start other parts of the project that were outside the SEC so you could do the export cables. You could do works in the near shore that were completely unrelated to anything that was happening within the ray area as well. So it depends how you programmed the work as to how that would all fit in. And the final, final point, if I may, just a reminder, that in terms of there being out of control on the project, we strongly say that it can't be right that if Defra is running this process, we should not be restricted, that there are other levers available, particularly around the the quantum and the point about the permanency of the protection. So normally.

1:20:00

The kind of question you're asking Madam is related to, when does how there's going to be a control on when, when the project constructs, or when the project operates? How do you how exactly does that control

1:20:14

take effect? This? This must be a special case. We we're not immediately aware of a comparable example. It's pretty I think it's pretty accepted that in the comp for a new whilst it's always been recognized and is recognized in the commission guidance, that a new a new designation or an extension, is a legitimate approach. It doesn't happen very often, and this is certainly

1:20:46

so. Obviously, there are other projects that are seeking to benefit from this as well, but, but collectively, this is the first time this has happened.

1:20:56

Okay. Thank you. So

1:21:00

my next question is, again that this was,

1:21:03

sorry, give me a colleague.

1:21:07

Snacklist has just drawn my attention. The other aspect of all of this is the payment pursuant to the marine recovery fund that the government is going to there is going to be a dimension here of when that payment is levied

1:21:21

because, in because, in practice, this is being paid for by the developer, you know, the developers contribution to to or the developers way of satisfying the compensatory measure is to make the payment pursuant to the fund. Now, the detail of how those payments are going to be calculated, we assume has not been come out for consultation yet, but we assume that it will be related to the scale of the quantum, and that's why did the points that

1:21:53

was making Earlier around that link to to quantum are important.

1:22:02

So you're beginning to touch on my next question, which really is around the marine marine recovery fund. So would would the applicants be able to update the examining authority on the current status of the marine Recovery Fund and the offshore wind environmental improvement package, particularly in light of the Clean Power 2030, action plan announced by government last December

1:22:32

of the applicant. It was touched on earlier. We understand from discussions with Desmos and Defra that the marine Recovery Fund will be in place in autumn 2025

1:22:45

and that there are consultations being undertaken in Spring this year on the mechanism for how that will work. There's also the impending, imminent,

1:22:57

mythical ministerial statement that we've been waiting for since prior to the general election, which would would put some meat on the bones for how this is all going to work, and obviously how much the developers can rely on, on the On the strategic process for the benefit element.

1:23:22

So you've mentioned the marine recovery,

1:23:26

sorry, the ministerial statement there.

1:23:29

If, how? If the ministerial statement on the marine recovery fund that you've been expecting is not forthcoming soon, what impact would that have on the ability to secure compensation through the strategic compensation

1:23:46

plan. Julian Boswell, for the applicant,

1:23:49

there's always a fall back. So the fall back, if it,

1:23:54

whilst you will have gathered we are frustrated by the continuing delay.

1:24:00

I don't think any of us thinks that this isn't going to come out in enough time for us to take into account during the remainder of this examination, that if in the extreme worst case that were the case, we would, we would, we would either stick with the current wording that we've got in the DCO, or we would, but more likely, we would report that

1:24:22

that would more likely evolve to some extent. I mean, the

1:24:29

where something is being delivered by government, it must be reasonable we would say for the XA to report to the government to say

1:24:39

that

1:24:40

it's our understanding. I mean, the government has already taken a public position.

1:24:46

Thick issues are going to be addressed. Benton compensation is going to be addressed through the MRF. What we're waiting for is more detail. The legislative basis for the MRF is in place, but.

1:25:00

It needs detail to to fill it all out. So we have, we have a moving we have a moving target. But think the fundamental position is, is positive, namely, that the measure is

1:25:18

the measure is a highly credible measure. The mechanism for delivering it is established, ie the mechanisms for designating or extending new designations, and,

1:25:30

and, and

1:25:32

the delivery of that is by government, which obviously exists and has a team that does this anyway. So I said team that Mr. Pizzola was previously part of, and jncc and so on that works on these types of designation matters so fundamentally the building blocks are there or are coming through and there will, yes,

1:25:57

we, we will. There is always going to be a basis on which this DCO can be granted.

1:26:08

Okay, thank you for that clarification. So I'm going to move on now to item 6.3 on the agenda, which is related to the project level benefit compensation proposals.

1:26:22

So it's clear from discussions that we've just had that the applicants are placing significant reliance on the strategic compensation for the dog bank sac.

1:26:33

So what?

1:26:35

What might actually trigger the need for the project level compensations, schemes proposed because the examining authority has some concerns over The degree of progression with these schemes.

1:27:02

Are you referring to the secondary measures such as seagrass and fisheries? Yes, yes, fisheries sits in the same box as the designation in terms of, we can't actually deliver that. That's another thing that Defra would need to provide, because there's no mechanism for a commercial entity to deliver fisheries measures so that, again, that sits in exactly the same box

1:27:28

in terms of the

1:27:31

seagrass measure that is included within the

1:27:39

within the project level plan, but it was, it's there in the same nature to which it's in the strategic plan in which, a case, it was always regarded as a secondary measure that if, for some reason, the quantum of compensation could not be made up by the designation, that that is where that would kick in. However,

1:28:00

given that any designation would need to be of some substantial size to justify it being designated, I don't there's, I don't really envisage a way in which seagrass would ever come into the equation. And it was never properly, as part of the strategic group worked out as to how that would work in practice, how quantum would be delivered, etc. It was, it was an ongoing element of

1:28:29

of contention with with no level of agreement within that group of any of the participants as to how that would exactly work out. So it would only ever be a top up measure. But I don't think anyone saw it as a something that would need to be relied on in the end. So we agreed that it's not mature and we're not taking any steps, and don't expect to take any further steps to take it forward, because it doesn't look like it's going to be needed.

1:28:59

Okay, thanks for clarifying that.

1:29:04

Okay,

1:29:08

so again, if Natural England were in attendance today, I would have asked them for then responses on the questions within agenda items, yes, 6.2 and 6.3 so if we can take an action point for them to respond to the actions and the points that the applicants have made in those agenda items, please if they feel it necessary.

1:29:31

Okay, so moving on to item 6.4, which is potential effects on prey species.

1:29:37

The examining authority notes the applicants have allocated a value of low for habitats or species that provide prey items for other species of greater conservation value. The reference for this is chapter nine of the environmental statement, a PP 085,

1:29:53

benthic and intertidal ecology. Can the applicant cite any other projects for which a low value has.

1:30:00

Been used for this parameter and deemed appropriate by the Secretary of State, or has been put forward in a DCO application.

1:30:10

So if the applicant off the top of my head, no,

1:30:14

but I can justify why we have done that. Like me to explain

1:30:19

Yes, please, yes. So what you need to remember is that these prey species that are particularly talked about things like herring and sandhill are distributed across the entire southern North Sea.

1:30:36

The predators which we are talking about in terms of bird species and marine mammals are spread across the entire southern sea. So neither of these things is particularly spatially limited, and in particular, the predators that we're talking about

1:30:54

are moving over vast different distances, far in excess of the of the area of the dog bank South projects, therefore, spatially that that the small amount of area that would actually be taken out of

1:31:13

circulation by for use of predators, which is only the areas of extinct habitat loss in the long term

1:31:23

is insignificant at the level of the southern North Sea. Hence, we've got that sensitivity.

1:31:33

The species that we're talking about are free to pray wherever they want. So they're not limited to the Dogger bank. They can go anywhere from the Baltic to to, you know, up to Scotland. So that's fundamentally the reason that these we've got highly mobile species, and the prey are not limited to the dog bank area. So the dog bank area itself is not particularly important in terms of where species can feed in and the area that we are taking out of use is tiny in relation to the dog and paint area itself.

1:32:12

Thank you. Yes, you've explained that in your documentation previously.

1:32:18

Could I ask you to take away an action please, to see if you can find any other examples of any other projects which have used a low value for this parameter.

1:32:29

Yeah, we can take that away. I would just say that the way that we've done this in this assessment is the exact same way that we've done it on any of the other projects that I've been involved in where we've got, we've got consented projects. It's exactly the same way we treated prey species on East

Anglian projects, the original Duncan bank projects, etc, etc. There's nothing unusual in the way that we've done this, so I wouldn't expect it to have been treated differently. Okay? Thank you. Applause.

1:33:10

So I'm now going to move on to item 6.5,

1:33:15

on the agenda,

1:33:17

which is monitoring and the outline in principle monitoring plan. So the marine management organization Natural England and RSPB provides substantial comments in their respective relevant representations regarding concern over the scope and wording of ecological monitoring contained within the DCO and the DMLs. This includes, but is not limited to comments on marine mammal monitoring, ornithological monitoring and improvements to the sand deal monitoring proposed.

1:33:49

What changes have been made to revision three of the draft DCO to address concerns by these organizations regarding post consent monitoring of marine ecological features. If you need to take that away, that's fine.

1:34:06

I'll decelerate for the applicant, yeah, we'll have to take that away. Because, yeah, I think we'll have to take that away so we can detail there have been some changes made. Obviously, we've resubmitted the some of the documents so

1:34:21

which relate to this, like in terms of the ring models, like the green monitoring protocol and the SID etc, which have some monitoring elements within that, but we'll need to respond comprehensively to that across all of those topics. I think

1:34:33

that would be very helpful to summarize that, please. So that, could that be an action point?

1:34:39

Certainly I would also highlight the fact that

1:34:43

that the monitoring plans are an ongoing and developing concept, and that they are obviously outlined at this stage. So we would expect those to be developed in the post consent point. Once we've actually obviously got consent, we understand.

1:35:00

The layout of the projects is going to be exactly what is built, etc, etc. So they need to be relevant to what we're actually we actually have consent for,

1:35:10

okay, not least appreciated. But, I mean, I suppose another question I have is around perhaps section two point 8.83,

1:35:20

of NPS, en 320, 24 which states you know, where requested by the Secretary of State, applicants are required to undertake environmental monitoring prior to during and construction and operation and section two, point 8.84. States monitoring must be must measure and document the effects of the development and the efficacy of any associated mitigation or compensation. So, so could you explain how in your application so far, you're meeting that particular NPS test? Because if you're proposing to do plans in post consent, we obviously need to report on how you're meeting that test at this stage,

1:36:06

purpose done for the applicant. I mean, the ipmp does list out the topics for which we proposed monitoring, and all of the topics that you've discussed are actually covered by that. I don't think there's anything that we're not proposing to monitor in some way. Obviously, there's a bit of discussion to be had as to exactly which elements of that wouldn't would need to be added to.

1:36:32

There's some disc debate, for example, what you would need to monitor in the offshore cable corridor, whether you need to do any benefit monitoring there if you're not detecting, if there's no sensitive features, and you've not assessed any significant effects, then there's, it's debatable as to whether you would need to clearly within the DR bank sec, where we've got adverse effects on integrity, and we've conceded that point, there will need to be and there is a Lead, you know, we've just we've described as a comprehensive monitoring plan.

1:37:04

Okay, thank you. So my final question on this agenda item is again referring to the MP, SEM, 320, 24 section, two, point 8.87,

1:37:17

which states that where appropriate applicants are encouraged to consider monitoring collaboratively with other developers and see users. So can the applicants just explain how they are considering collaborative marine ecological monitoring with other developers?

1:37:36

Excellent for the applicant. There are a few instances of collaborative initiatives to which Rw is party, which are listed in the ipmp. I believe I can't name them off, off the top of my head, unfortunately, at this time, but yeah, there's several examples of those kind of joint industry programs are listed in there, as well as obviously being party to

1:38:01

various industry working groups, etc, but we can respond in more detail on that one. Yeah, that

1:38:07

would be helpful in your post. Hearing note, thank you so again, just just to

1:38:14

this is just to repeat, really again, if Natural England and the MMO were here, then I would ask if they did have any comments on agenda item, 6.4 and 6.5

1:38:25

but could we take an action point please for both the Natural England and the MMO to respond in writing, if necessary?

1:38:34

Okay, thank you. That concludes my questions in this hearing on marine ecology, I'm now going to hand over to my colleague Ms Dowling,

1:38:46

hand back to her, thank you.

1:38:50

Thank you very much. I just want to have a brief chat about the rest of the items on the agenda. In terms of offshore matters, there's two matters left. There's military radar, which is item three, which obviously we swapped with

1:39:04

item seven and item eight. Underwater noise. I've had a brief look at the questions that my colleagues have drafted, and they're not particularly overly long topics. And I will also obviously get them to review them in a minute, because I do think we need a short adjournment. But I just want to ask the applicant if they're happy to continue and to deal with those two matters today so that we can start cleanly tomorrow on onshore matters.

1:39:41

Yes, we're content with that, but we would just like to highlight that the Marine Mammal specialist that was what was due to be here is unfortunately unwell and therefore isn't so we will, we will do our best with the questions that we get, but we might have to defer, defer some of them to to writing okay on the.

1:40:00

Basis, I think we all need a brief adjournment, because obviously it's sometimes since 330

1:40:05

I will also ask my colleagues to just review their questions in light of the fact that that person is not here, and we may be able to get through the things much quicker, because they may just be deferred to

action points. If that's all right with you, yes, okay, so I think that's an appropriate point to take a short comfort break at the time is now 1720 I suggest we take a break for 10 minutes and come back at 1730 is that all right with everyone?

1:40:33

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. This meeting is now adjourned and will be resumed at 1730 Thank you. Applause.