



Hearing Transcript

Project:	Dogger Bank South Offshore Wind Farms
Hearing:	Issue Specific Hearing 2 (ISH2) – Session 3
Date:	15 January 2025

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TRANSCRIPT_DOGGERBANK_ISH2_SESSI ON3_15012025

00:04

The time is now 530 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 over to Mr. Tandy, who will continue with item three on the agenda, which was rearranged to this point from item seven. Thank you.

00:21

Thank you.

00:24

Yeah, item three was as was originally advertised, so referring to chapter 15, paragraph 141

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and that explains

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an air defense and offshore wind strategy and implementation plan aims to have mitigations in place by early 2025

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and therefore it is expected that such mitigations will be available before the start of construction of the EVA project,

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reflecting on the discussion that happened earlier

01:02

from the applicants. Could you just explain how that is reflected in your earlier remarks in relation to military radar? From is she specific hearing one

01:21

Julian Boswell for the applicant, we don't have the author of that chapter or an aviation radar specialist op with with us the um, so we'll confirm this in writing. I think what I read out was explaining earlier this morning is effectively an update to that. Then that is a reference. I haven't got it on the screen, but that that is a reference to mitigation for military radar. Or is that correct?

02:01

I'm pretty sure that is the case, but we will confirm that in our written response.

02:07

Thank you. And

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just whilst on that point, could you provide an update as best as you're able on the progress of these mitigations and

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the insinuation within here that they will be available before the start of construction for either project, and therefore can be relied upon,

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yes, but

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there are some very stringent non disclosure agreements in place in relation to this topic,

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and so that may limit it to quite a high level answer.

02:51

That's okay, I don't mind high level

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the reason I'm asking is because within MPs en one secretary of state only to consider the likelihood of a solution becoming available.

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Hence why I'm just asking the question Is it is referred to and relied upon?

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Yes, no, I can see that, and that on the face of it, is a fair question.

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I guess this topic has been treated as a bit of a special case. So the

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yes that I think, from the industry's point of view,

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what I explained this morning was a big sort of milestone, namely, that

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the funding in principle, sort of

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was, was was being confirmed.

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And then there is an awful lot in headline terms. There is an awful lotivity in relation to this topic. But as I say, a lot of it is if you were to Google a project nude, you would find a fair amount of material out there. You know, it's not, it's not like, it's completely secret, as it were, but all the interesting bits are, are basically under NDAs, as I understand it. I

04:28

Okay, well, there's an action point. Is we just agreed for you to come back and confirming that those two are the same as we just discussed. And if, as part of that, you can confirm as much information as you're able to and in relation to the progress of these mitigations, again, that would be useful, and we'll see where that gets us to in relation to that, NPS, CN, one requirement

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we.

05:00

Moving on, then noting the representation made by the defense infrastructure organization, which is in examination library as 002

05:11

and its objection to the proposed projects due to the or mitigated impacts to the stats and world primary surveillance radars. Could you provide an update on the efforts between the applicants and the defense infrastructure organization to identify realistic and pragmatic solutions to overcome those conflicts and briefly describe the solutions which have been considered. It's exactly

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the same topic. It's a different

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topic. So we

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think

06:02

that this is a

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this is the Dio letter of the sixth of september 2024

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that sorry,

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I haven't got it on my screen, but I have got a hard copy.

06:33

I can check the dates

06:36

just two seconds. This is the Dio objection letter.

06:40

That's correct,

06:51

confirming our in our post, hearing summary, but I'm pretty sure that this is exactly the same topic as the one that we've been discussing to date, namely that this is a standard objection letter that has been issued in that the slightly varying forms multiple projects, which has then historically led to a suspensive condition

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in the knowledge that there is an industry wide

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engagement with between the offshore wind sector and the

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Ministry of Defense, that's part of that was part of the so called

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deal, the offshore wind deal, there's been a committee that the relevant Minister sit on and on and on, and huge amounts of effort to pursue this work stream to find solutions, fundamental reimagining of how one should look at

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radar, sort of as part of a wider system, and on and on.

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But the short point is that it's been

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something of a black box where people that are subject to those NBAs know the detail of what is going on,

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and they can't even hint to you when you talk to them, and I'm not one of those people, for what it's worth,

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and, and, but, but behind the scenes, it's government has been well aware that there had to be solutions, because otherwise projects wouldn't be able to proceed. And as as we've already explained, the new Secretary of State under the new administration, I think, in September, was when the key sort of indication was given at a particular conference that certain government money was going to be used to fund certain measures that that had that released was going to, was setting the path to releasing this issue for

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the projects that were affected by the

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were affecting the radar stations in question. And so that is, I guess a repeat of what,

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what I've already said that that we are engaging so that that has changed, sort of rules of the game. We are now engaging, or we continue to engage with

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the IO, Mo D in relation to

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to this issue to know whether we are heading for

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reach and agreed

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form of requirements, which might be the one that we've got. Because, as you'll have seen, it's expressed in quite general terms. It doesn't say who the mitigation is going to be delivered by. Um.

10:00

Um, and therefore that's, that's, that's open i, and could be, therefore delivered by government, or there may be a variation on that theme, or conceivably it might be, it might be lifted altogether. So we are these things. Whilst these things are urgent and important, they still don't move that quickly. And we we are not the only developer in the mix in relation to this. So

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that is where we are at. We are well aware, but we need to

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make progress during the course of the examination as and as soon as we can. So we will, we will, if I got any of that wrong, it will be corrected in the

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in the hearing summary

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by one of our specialists.

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Okay, that is useful,

10:54

other than

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looking to agree the wordings, the wording of a requirement, is there any other solutions which you have been considering with

11:06

the defense infrastructure organization in relation to their objection?

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I have to defer to that in writing, because I don't think there's anybody here that could competently answer that, and I wouldn't want to mislead you,

11:24

okay, yeah, agree that as an action point

11:33

may be useful if we can, although I do know what you're saying, you don't necessarily have a specialist with you here today, but you may still be able To answer this question, but if we could just have the airspace analysis and radar modeling report on screen, which is examination library, A, P, P, 128,

11:51

that would be useful.

11:55

If you could go to page 32

11:58

I believe we'll be looking at Figure 18 of this report, and this identifies the radar line of sight in relation to the proposed

12:08

offshore wind development.

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If we read this alongside table three, which is just on the page above, you don't need to search we can just scroll up.

12:20

This basically identifies that 34% of the proposed West array area is not affected by the largest wind turbines of 396

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meters, AML, am SL,

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the applicants explain that whether any consideration has been given to installing wind turbines only within that 34%

12:44

or at heights which do not affect the steps the stacked enrolled radar line of sights

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and engineering management we are considering the site layout in relation to the interference zone, and we are considering the potential opportunities for the turbines that are available to us. However, we're not in a position to

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confirm the direction we'll be taking at this time,

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and when might you be in a position to confirm the direction

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it would be post

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the hearings stage this year, examination on the counter? Thus only now entering

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ITC for wind turbines.

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Okay, the reason I'm asking this is because, again, if we just scroll down, it's useful to see the figure so you can visualize

13:48

there appears to be an opportunity to avoid impacts on the military radar in its entirety, based upon the information that's been submitted into the examination.

14:02

So following the EIA sort of mitigation hierarchy and and the first being looking to avoid impacts, can the applicants explain how

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they are able to evidence that that is the design which they are following and, if not, why they can't avoid

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truly impossible for the applicant.

14:31

Again,

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may

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supplement this in writing, but I

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think the answer will be that when we're designing an offshore wind farm, we have multiple considerations to balance, and this will only be one of those.

14:54

And so

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we have, um.

15:00

I

15:02

think that's going to be the essence of the answer, but

15:08

that's probably as much as I want to say to be honest.

15:13

Okay, I'm, you know, I sort of accept that you don't have the specialists with you today in the room, so therefore, perhaps we could agree in action if you to come back in writing to explain, I guess one, why that 34% of the proposed West array area can't only be used, and perhaps also answering why, maybe varying the heights, as per IS ON THAT radar line of sight figure that could therefore avoid any impact at all on military radar, to justify why other mitigation is therefore needing to be pursued, which, of course, as we've just discussed, currently isn't available.

16:00

Would that be agreeable?

16:03

Yes, sorry.

16:18

Colleagues are just sort of reinforcing the point that I've already made that there are multiple other considerations in play, because if I'm understanding you correctly, you're saying that that week, that we could potentially fit the entire wind farm into 1/3 of the the area that's allowed for it. And that would, that would, you know, from a lay perspective, my immediate reaction to that is that, and having worked on offshore wind farms for a long time, my immediate creation reaction to that is that there are bound to be some very compelling reasons why,

16:54

um, when balancing a range of considerations, you wouldn't Do that. And therefore, unless there was some overriding reason that came into the mix then you

17:07

were that wouldn't be appropriate. And then in terms of turbine heights, there are different considerations in play, particularly in relation to ornithology, but not only in relation to ornithology, in terms of

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the so called air gap between the bottom of the main tip and the and and sea level that then goes into the inclination risk modeling and so on. So

17:33

these are very well rehearsed issues. I would I don't know, but I would be very surprised if the IO was pressing that type of approach on us in relation to

17:48

in relation to these matters that doesn't my experience, my personal experience, is that that's not how it plays, how it plays out that you're you are obviously raising the question that you are, and We will do our best to respond to it, yes,

18:04

that would be very useful. And if the response could be in relation to the project in a reasonable amount of detail and not sort of just high level, that there are other constraints which have to be considered, it would be extremely useful to the examining authority to understand what those constraints are, why specifically you would need to or you're unable to avoid the impact on military radar. Thank you.

18:41

Before I finish this agenda item, I'll just check if there's anyone else who wishes to raise anything.

18:52

No on that point, I shall now hand over for Agenda Item eight.

19:00

Thank you, Mr. Tandy, so I'd like to deal with items 8.1 and 8.3 on the agenda together before moving back to item 8.2

19:10

Okay, so my first question is that the examining authority has noted that the revision three of the draft DCO as 120 now includes maximum hammer energies for pin piles of 300 kg and monopiles of 600 kg, 6000 sorry, 3000 kg and monopile 6000 kg. But it does not appear that the maximum values have been reduced since comments from the MMO and Natural England were received in their relevant representations. RR 030, and R 039 respectively.

19:45

These maximum energies do seem high compared to other offshore wind farms such as Hornsey four. Can the applicants justify the need for these high maximum energy levels, especially for Monopole foundations?

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Andrew Ledbetter, engineering manager of the applicants,

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as you said, 6000 kilojoules was chosen as the basis for the assessment for the monopiles. The background to this really is that it's considered to be a realistic worst case based on the largest bio hammer that is currently understood to be commercially available.

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CBS projects have not chosen a turbine at this stage. Consequently, we cannot confirm the foundation concept or requirements for the foundation installation based on the assumed maximum pole geometries and the ground conditions, preliminary understanding of the ground conditions at the DDS

site. 6000 kilojoule was chosen to allow some contingency. It would only be required to maximum, only be used to the maximum level if required specific foundations.

20:58

6000 kilojoule hammer

21:01

is available on the market now, and is actually being deployed by RWE at another project, not in the UK, in the next 12 months.

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So we don't consider the 6000 kilojoules to be abnormally high, particularly when you're looking towards the future and allowing for

21:23

unknown foundation geometry, support trees which are beyond the existing norms.

21:31

Thank you. In which case can the applicants provide the examination with examples of other made DCOs for which the Secretary of State has agreed with the applicants proposed levels of Hannah, hammer energies for Monopol foundations of 6000 kilojoules or other draft DCO is proposing the same value.

21:54

Phoebe, Meredith, offshore consents, manager for dog about itself, yep, so we can take that away as an action point. Thank you.

22:04

My next question is, how can the applicants be sure that the maximum proposed hammer energies would not be exceeded during construction?

22:17

That's an engineering manager. The maximum hammer energy is a feature of the specific hammer that has been procured. So if the project is procuring a hammer of 6000 kilojoules capacity, then we do not expect it to be exceeded.

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So that piece of equipment, what you're saying is that piece of equipment, would not be able to produce a hammer energy of greater value than 6000 kilojoules.

22:46

That's correct.

22:48

Thank you.

22:51

Just to add to that as well, of course, the majority of the time it wouldn't be used at the upper limits of the energy anyway.

22:59

It's worth saying that

23:01

the energy level isn't the only issue here. Ways of operating the hammer

23:07

in order to produce the requirement to use those upper upper limits.

23:14

So

23:17

whilst 6000 kilojoules might be specified in the DCO as the maximum hammer energy. If a hammer was designed and you're able to procure that that was able to produce a greater energy in future years,

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what would prevent you from purchasing such a hammer and using it, even if it could produce a greater hammer energy than 6000 and then, how would you

23:48

limit the Hammer energy to the 6000 kilojoules in the DCO you

24:23

Hi Peter, for the applicant, the energy level that's set is set by the operator in the field. So it doesn't matter what the hammer is capable of, it's what it's set to. So if we've got a limit 6000 that would be what they would be informed that it would be set to and it wouldn't be exceeded,

24:44

and if we do exceed it, we are in breach of the marine license condition that we can be enforced against.

24:52

So would there be any monitoring during construction to ensure that you did not exceed.

25:00

That level.

25:02

Obviously, the applicant, that's a standard, that's a standard, part of the monitoring that is undertaken during pilot and those records, there's observers part of that process that provide a feedback loop to the operating team as it's under being undertaken, and those reports are provided as part of the license conditions to the MMO.

25:24

Thank you. And are you able to quote the particular part of the DC or the DML where That is secured? I

26:01

you can come back in writing on that if you don't have it immediately to hand.

26:08

Question you're asking is around the use of a particular level of hammer energy, correct?

26:14

Yes. So how would you whilst the DCO states that the 6000 kilojoules is the maximum that can be that is permitted. How, during the construction, is it going to be enforced?

26:33

We will respond to that.

26:36

So imagine we've got it now. So in, for example, schedule 10, which is the marine license one, if you look at condition 21, two,

26:47

in the event that driven or part driven path foundations are proposed, the monitoring must include measurements of noise generated by the installation of the first four power foundations of each pile foundation type. Hopefully, that's the reference that you're looking for.

27:02

Okay, thank you.

27:09

So I'm going to move on now to discuss noise abatement systems, Natural England and the MMO made it clear in their relevant representations, rr 039 and RR zero 30 that they believe including noise abatement systems as an optional element in the post consent procurement strategy, rather than being secured in the DCO as an embedded mitigation measure, is inadequate to protect marine mammals and Natural England has quoted a period of approximately 65 minutes where injury could occur without the use of noise abatement systems or reducing hammer energies.

27:48

And this has led Natural England to conclude that it does not agree that the mitigated impacts of permanent threshold shift from piling are minor, adverse negligible for all marine mammals, and that adverse effects on integrity cannot be ruled out on the southern North Sea

28:06

sac. So what is the applicant's opinion of Natural England and the MMOs position on the use of noise abatement systems? And do the applicants intend to reconsider their approach at all? I

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and Phoebe more this hospital concern manager on behalf of the applicant. So the applicants are still considering the use of noise abatement systems as a form of mitigation for underwater noise. We've included a range of noise abatement systems as additional mitigation options within the outline triple MP, which we submitted a revision to of at the end of last year. That's as 100

28:50

these are also included in the in principle site integrity plan for the subnoc, and that's as 102

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the

29:01

type and use in NASS will be dependent on the final project design, and we maintain that this will still be determined at the post consent. Stage noise abatement is an evolving technology which

29:16

there may be additional technologies available post consent that we would wish to consider. So the list included isn't exhaustive, and include and is open to us being able to secure other technologies.

29:32

Assurance should be given to Natural England and the MMO that sufficient mitigation will be in place as we have it secured in in the draft DCO, in the Dean marine licenses that the final triple MP and the final SIP will need to be signed off by the marine management organization if part foundations to be used. So this effectively means that Nas noise building system measures will be subject to approval by the marine.

30:00

Insurance organization before they're being implemented and before we're able to start piloting.

30:09

Okay? Thank you. I will, as

30:12

an action point, ask if Natural England and the Marine Mammal marine management organization have comments on, on, on on the applicant's response to that question. Thank you.

30:25

So moving on. Both Natural England and the MMO have concerns regarding the approach to implementing site integrity plans for piling impacts to the southern North Sea SAC, for example, Natural England are concerned

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that the site integrity plan does not allow sufficient time for mitigation methods such as noise abatement systems to be procured prior to construction. Should they be required? As you've just

30:57

been discussing that that's your approach in the principal site integrity plan for the southern North Sea SAC, which was resubmitted in November 2024 which is as 102,

31:12

can the can the applicants explain to the examining authority how this document has been updated to provide an adequate framework to ensure that no adverse effects on integrity in relation to the harbor pool police qualifying feature of the southern North Sea sac during piling please. Thank you.

31:42

Julian Boswell, for the applicant,

31:45

in the absence of our specialist, we would like to answer that in writing, please.

31:54

Okay, yes, that's fine.

31:57

Can you take an action point for that? Please? Do

32:06

so finally, can the applicants provide the examination with examples of other made DCOs agreed by the Secretary of State, which have used the applicant's approach to noise abatement systems, or other draft DCO is proposing the same approach.

32:34

Applicant will need to respond. We don't want to say something that we then have to correct. I Yes.

32:45

Okay, thank you. We'll take that as an action point, please.

32:49

So just as an overarching action point, again, I would if Natural England and the MMO were in attendance today, I would have asked if they had any responses on the applicant statements that they've given in agenda items 8.1 and 8.3

33:04

so could we take an action point for them to respond if they feel it necessary? Please. Thank you.

33:09

So moving on, finally, to Agenda Item 8.2 which is the worst case piling scenario.

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So Natural England stated in its relevant representation, rr, 039,

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that the assessment of underwater noise impacts on herring does not use the worst case location. Could a reassessment based on the most suddenly Western south westerly point of the DBS West array area result in greater overlap with the high and very high herring spawning potential habitat and a greater impact outcome,

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and if so, would you consider undertaking the reassessment?

33:57

Apparently, we'll have to take that away, especially in relation to the updated heat mapping.

34:07

Okay, yeah, if you could take that away, please as an action point, I think fundamentally as well on that, obviously the change request is fundamental to that, to the noise, because the removal of ESP takes out a major source of noise.

34:26

Okay, thank you. I mean, if you could respond

34:30

as an action point, did you know Natural England have stated that they don't believe that the assessment is currently uses the worst case location. So if you could respond to that representation, please as an action point and explain your justify if you believe it does just justify it, and if not, could you identify the new worst case location? Thank you.

34:54

Yes, we can. We can do that. I think it's also worth pointing out that all of this stuff is based on models and.

35:00

Interpolated data. So there's an element of expert judgment in terms of where a worst case location might be. So there's an element of that involved in that it's not an exact science as to where these spawning grounds are and exact difference distances to them.

35:20

Okay, thank you. Perhaps if you could respond to the question of whether you believe that the south westerly point of the DBS Wester a area would result in a greater overlap with the high and very high herring sporting habitat, that would be helpful.

35:37

Thank you.

35:39

Okay, that concludes my questions, so I'll hand back to my colleague, Ms Dowling.

35:48

Thank you very much. Because this is a hearing that's running over two days, I have to adjourn rather than close. So I do consider that this is a suitable point to adjourn for the day, given the number of action points that have been raised, rather than go through these in detail. Now, as we've said at each of the other hearings, they will be published on the project page of the national infrastructure website in the next day or two. And again, to simplify

36:15

it matters, where you propose to publish the ones this afternoon, separately to the ones for tomorrow that arise out of tomorrow's meeting, so that they're easier for people to look at. So if there are no other items that are relevant to matters discussed today, then I propose to adjourn this hearing. I'd like to remind those here today that the timetable for examination requires that parties provide any post hearing documents on or before deadline, one, which is the 29th of January, 2025 for those of you who attended today, but who will not be attending tomorrow, I'd like to take this opportunity on behalf of the examining authority to thank you for your time and assistance this afternoon. We shall consider all of your responses carefully.

36:55

For those of you who are attending tomorrow, we will reopen this hearing at 10 o'clock if you are participating in the hearing, and then you will need to use the link sent to you by the case team for tomorrow, as today's link won't work. Registration will start at 945

37:10

for those of you who are listening or watching the live stream, you will need to use the link that is available on the project page of the national infrastructure website. If anyone has any questions regarding access for tomorrow, then please contact the case team after this meeting has been adjourned. Details can be found in the rule six letter, which is PD zero, 10. So the time is now seven minutes past six, and this issue specific hearing for the proposed dog up bank offshore wind farms is now adjourned. Thank you. Applause.