

## ISH3 Pt3

0:01

Good afternoon. Welcome back. The time is now 215 and we're resuming this hearing. This is now session three of I SH 3.

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Umm,

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which is related to marine ecology and habitats regulation assessment matters.

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Thank you very much for supplying that slide earlier. I will just get it up on my screen as well.

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It's very useful and if we can display it, that would be great. And I will,

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yeah, have a look at mine as well.

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It answers some of my questions, but not quite all I'm afraid. So if I can go through them, I mean, clearly you understood from my question that it was slightly confused in the documentation, which is why I've also produced my own little table of trying to understand it. So if I can just go through my questions and I'll go through them one at a time. So we've got the opportunity to just clarify things.

1:09

Umm,

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so paragraph. I'm sorry, I'm in chapter the Environmental Statement, Chapter 9 which is a P-051

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paragraph 8 point sorry 9.8.152 states the maximum impact marine piling scenario is for three tubular piles to be installed each day using up to two marine piling rig eggs piling pile driving at one time involving approximately 270 minutes of impact percussion which is percussive marine piling per day and 60 minutes of Vibro marine piling in a 12 hour shift. Can you clarify whether that 270

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minutes is a maximum for two rigs running concurrently or would it be 270 minutes per rig?

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And many of you came through each question in turn. I'll take the opportunity now, opportunity now and to introduce my next speaker. So Harry would Philpott on behalf of the applicant. And for the first

run of questions and certainly for this one, I'm going to turn to Mr Natalie Frost from ABP Mayor who sat now immediately to my right,

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Natalie Frost on behalf of the applicant. I'm the Head of Environment at ABP Mer and I've got over 20 years of experience in marine environmental assessment and consenting. So to answer your question, the maximum pile driving essentially the 270 minutes is for all three piles, so

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the the three together effectively, so running concurrently then yes, yeah, yeah.

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So it's the maximum duration of piling that could occur as a result of piling those 3 piles on one day.

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Great. Thank you.

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Right So paragraph in the same ES chapter, Paragraph 9.9 point 4B

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states the maximum amount of percussive marine piling permitted with any. This is a during the restricted times

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permitted with only four week. Must not exceed 140 hours where a single marine piling rig is an operation, or 126 hours where two rigs are in operation.

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By my maths, which please correct me if I'm wrong, four weeks is 28 days. A single rig running for 140 hours over that 28 days would mean an average of five hours per day. Or for two rigs, which is 196 hours. This would be an average of seven hours per day.

4:00

So can you explain how these are restricted hours when the non restricted times allow for 4 1/2 hours per day? Thank you. Yes I can. And so Natalie Frost on behalf of the applicant. So essentially that was our original position that we submitted with our application to give us the flexibility that we thought we might require in order to undertake the piling within the required windows. What we've since been discussing with the MO is a piling reporting protocol which is more

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based on the 270 minutes scenario per day, so that the actual cap then is in relation to the 270 minutes except in exceptional circumstances. For example, if a marine mammal entered the area and we had to redo the soft start procedures or something like that. And on that basis, we would then have to report to the MO on a fortnightly basis with to have meetings with them if we have any exceedances to explain those. So the the longer

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duration that you described will effectively not apply to I get alone as such, but

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to to risk adding confusion. It we have been when we've been discussing this with the MO, we've been looking at the A, the combination of Hyatt and Iget together and that's then where that joint, the longer period then comes into play.

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We can clarify all of this within our updated hit Shadow HR which is coming at deadline one.

5:41

Thank you. Yes, that would be useful and obviously your time your table is going to need updating because that doesn't isn't mentioned on your on your table,

5:52

right. Yes. Sorry. Natalie Frost on behalf of the applicant. This was a a simplified table that we put together for the visual display purposes. There is a a more elaborate version with which receptors each measure is designed to protect as well as the the more detail in terms of the durations which we'll we'll provide it deadline one. Thank you.

6:15

Right paragraph 9.9.5 states during the periods of 1st of March to 31st of March, 1st of June to 30th of June and 1st of August to 30th, 1st of October inclusive piling will be restricted at night. Specifically, no percussive piling will be undertaken from 1900 to 707 hundred in March, September and October and between sunset and sunrise

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in June and August. So my question on that paragraph is how is this different from the standard times restrictions in paragraph 9.8.152 that state that marine piling will be restricted to 7:00 AM to 7:00 PM during winter months and sunrise to sunset during the summer. So it that paragraph doesn't allow for any nighttime piling throughout the year,

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and there's a bit of a conflict there. Thank you.

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I'm sorry. I'm sorry. Natalie Frost on behalf of the applicant. There's certainly not meant to be a a blanket no piling restriction every month of the year at night. So we'll look to clarify that paragraph to make sure that it is consistent with our understanding. So we've got a number of months as you alluded to that have a night time restriction between 7:00 PM and 7:00 AM and other months in which it is 7, sorry, sunrise, sunset to sunrise. And we'll we'll make sure that that's clear for you

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and that that effectively reflects the the migratory species that are moving through the estuary that that use the estuary at night in those particular months.

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Thank you for that. I'm just aware that the MO

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and

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relevant representation did suggest that there was a permanent night time ban on on piling. So I think that obviously you're

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response in deadline one will cover that as well. And as to why you're going against that recommendation, Thank you.

8:21

Yes, Natalie Frost on behalf of the applicant. I I don't think based on all the discussions we've had with the MO that that is what they're intending based on what we've agreed both on I very recently and on this project. So I I think we'll be able to clarify that for you.

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Thank you for that.

8:43

OK paragraph 9.9 point 4A states no percussive marine piling is to take place within the water body between 1st of April and 31st of May inclusive in any calendar year.

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My question on this is can Vibro marine piling take place without percussive marine piling? Following

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Natalie Frost on behalf of the applicant,

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it's my understanding, and I'm I'm far from an engineer, that we wouldn't undertake A percussive vibro piling without the percussive piling. So the two effectively are tied together in terms of when those when they would happen in in sequence.

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Thank you again. If that could be made clear, in your

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in your in your statements at deadline one,

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um

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I. My next question is to do with cumulative effects, but I think I'll leave that until after deadline one just because you've already mentioned the cumulative effects with IoT.

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So I'll wait until I've seen that before I ask that my question on that,

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you've just looking at your slides, you've got these the pink restrictions

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and I haven't got those noted. So I wanted if you could signpost me to where in the documentation those are outlined please

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Natalie Frost on behalf of the applicant. So those restrictions relate to birds. So they they're referenced in the Ornithology chapter and within the HRA the Ornithology chapter is AT-052HR A being at 238. And I can provide you with the more detailed reference to those paragraph numbers again in in our response.

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Thank you for that. That's fine.

10:44

OK. Well, I think that's actually all the points I've got on the on the timings of pilings, which I think it sounds like when you're when you're able to put in a an updated slide will become a bit more clear and we'll we'll be able to go from there. Thank you.

11:02

And

11:04

I is there anyone online who would like to comment on on the piling times,

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No, I can't see any hands up. So is there any other questions on that point from from the applicant,

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not from our side?

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So my second question is UM considers the cumulative effect of underwater noise potentially arising from the simultaneous piling both at

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I get sight and the AYAT site should provide Both projects gain consent.

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For this question I'll be mainly referring to the US Appendix 25 C, the Assessment of Cumulative Effects,

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although there is some cross referencing with with other documents as well. The Assessment of Cumulative Effects document discusses the potential effects on marine ecology, in particular with Ayotte in section 1.6, and there's a summary in the findings table at Table 5.

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The assessment finds that the potential cumulative impact of underwater noise is moderate adverse, but with mitigation this can be reduced.

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Table 5 only refers to the cumulative air quality impacts with Ayotte and not to underwater noise.

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Also, in ES Appendix 9B Underwater Noise, the noise levels refer only to the iget scheme and do not account for any in combination effects.

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So my first question on this point is, given that the IoT examination is now closed, it would be useful if you're able to share any final versions of proposed mitigation measures in respect of piling so that these can be compared.

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And that also particularly relates to the confusions outlined in question one about piling times. So some clarity on that would be very useful if we could put that down as an action point for for that to be brought up. Thank you.

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Secondly,

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we we're concerned that as the OR the applicant for both IOTA and I get and therefore in the possession of the data for both, there is a lack of information that's been provided on the cumulative effects of both the both schemes, both with and without the proposed mitigation. So I would ask that that's looked at a bit more closely and that we can have some further information

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that really looks at these, the cumulative noise assessments in more detail for both schemes and as I say, both with and without the proposed mitigation.

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I've also got an action point, if you could refer the table five in the US Appendix 25C if that could be updated to show the information that's that's missing.

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I'm aware that I haven't actually asked you any questions. I've just been making notes for you of things to do. But perhaps if you could just talk us through the some of those points in terms of the cumulative effects.

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Natalie Frost on behalf of the applicant, yes, certainly. So there was some discussions with the MO about Hyatt and Iget in combination or cumulatively

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at the very latter stages of the eye examination process. So we can provide you with copies of all of that and and the agreements that we reached with the marine management organisations with respect to mitigation that should be

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applied to each scheme individually but also if the two schemes were to run concurrently. So that we can certainly provide you with

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in terms of the as being the applicant for both. We can certainly provide you with more data on and we've we've produced figures which map the noise contours arising from the two different projects within the same figure so that that overlap can be clearly identified. So that we can we can certainly provide that to you as part of our deadline 1 submission. And yeah, it's worth noting I think at this point that Natural England in their advice on cumulative and in combination effects, the HRA for

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the examination which also obviously included the eye get information. They concluded that there would be no adverse effect on integrity as a result of the piling or the underwater noise disturbance based on both schemes and combination as a result of the evidence we've put forward. So again we can provide that to you

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and we'll certainly update the appendices with the information that you require. Certainly the in combination effects are will be well documented, documented within the HRA at 238. So it's perhaps that they're they've been given slightly more attention there rather than in the other appendix you referred to, but we can rectify that.

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Thank you for that.

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Just check to see if there is anyone online who wants to make any comments.

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No. OK. Thank you

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For question three. I'll be referring to this shadow habitats regulations, which is up to 3/8

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and it's regarding the bio security management procedures that are mentioned within that.

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In type in

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section 4.12 and tables 31 and two

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this they relate to the potential introduction and spread of non-native species during construction and operation.

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Paragraph 4.12.14 indicates that ABP have existing bio security management procedures and the conclusions and tables state that there is no adverse effect on integrity from either construction or operation due to these bio managed bio security measures. However, these aren't clearly defined in this or any other document. Could you provide a verbal outline of the existing bio security management procedures referred to and also provide these in writing

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deadline one so that we can make a proper assessment in relation to the potential for AEOI? Thank you

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Natalie Frost on behalf of the applicant. Yes, certainly we can provide a a copy of the bio security plan. So in outline it's a plan that is relevant to all of the ABP Humber ports. It was developed with Natural England in 2016 seventeen and then it has been maintained since then. So essentially it's designed to ensure that the key risk pathways and pathways of introduction are understood and that those risk factors then can be



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duly managed. It also gives provision for understanding what invasive species might already be within a particular location. So relative risks that that could be that need to be managed on a site by site basis effectively and there's also space within the the bio security plan to include a specific activity or a particular activity that's that's

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could you know that you're planning to to occur so that it can be updated and made sure that those measures are in place. So we can,

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if you want me to sort of detail the outline of of what it contains. Effectively it gives you a bit of information about the ABP Humber port location detail of any sensitive receptors which is primarily related to their designated sites. In this case, physical characteristics of each location, details of the activities that are routinely undertaken at each of the ports trade, operational activities including maintenance, dredging, anchorages, recreational activities

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as I mentioned, the marine and terrestrial invasive species that are known to be present and then the risks and how they can be controlled. So in relation to things such as biofouling, ballast water discharge, routine operations, new projects. So there's there's space to identify those risks through that that process as well as relevant contact details, information sources and the bio security log. So that that plan is in existence. In addition to that, it's also worth mentioning that in the Outline camp we that app 22.

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One that it does also make reference to the BIO security management plan and and a few additional procedures such as whole washing and and so on.

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But yeah, we can certainly provide you with more detail or copies of those documentation.

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Thank you for that. Apologies.

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Umm,

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no, that's that's fine. Thank you. Yes, we'll look forward to receiving that a deadline. One,

21:02

I will just check online.

21:22

Thank you. Right. My 4th question relates to the and I'm sorry if I get this wrong, it's quite a mouthful

isn't it the out strays to scuffling management managed realignment scheme and how this will directly offset identified loss of habitats?

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I'd like first of all really if you could just talk me through that scheme and your involvement in it and in general how it will provide compensatory habitats. Thank you.

21:57

Natalie Frost on behalf of the applicant. So I'll call it skeffling for ease of reference, if that's OK with you.

22:05

So skeffling managed realignment scheme is a project that I've worked on previously. It's a managed realignment scheme which effectively creates intertidal habitat from what was formally agricultural land. So a breach is made in the existing sea defence to allow seawater in and effectively intertidal habitats to develop. That was done. The specific objective from an ABP perspective for the scaffolding site is that it was to create almost a, for want of a better phrase, a habitat

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bank so that it could be drawn down from when future port projects or activities that ABP wanted to undertake that that that compensation land was available for them. So the environmental assessments that were associated with skeffling included predicting what habitats would develop at that site and that it is primarily intertidal mudflat saltmarsh and transitional grassland

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that was done both in terms of predicting what would happen immediately post breach. So one when we'll see the sea water was allowed to inundate but also into the future. So the, the site is that the component part of the site that ABP owns is approximately 80 hectares and a proportion of that is then predicted to be mud flap, salt marsh and transitional grassland.

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The scheme was given consent previously, I think 2019 from my memory and it's currently under construction and it's due to be breached later this year. So on that basis we would anticipate that sediment would start or marine sediment would start to accrete within or build up within the site very, very quickly and then we'd start to see the sort of typical mud flat habitats that you see elsewhere.

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One of the the key advantages that we have in terms of the scaffolding site is the Wellick managed realignment scheme which is immediately adjacent which is again an ABP owned scheme which allows us to sort of derive lessons learnt in the immediate vicinity. And we could see within the first year of the site being breached at Wellock that we were already seeing all of the target invertebrate species within the site and it was already supporting quite a diverse assemblage of different bird species as well. So we're

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we're confident that the site if needed as compensation would would be available and providing habitat by the time the losses would occur as a result of the iget project.

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Thank you. You mentioned the Wellick scheme and that's a BP owned, is that entirely AP owned the AVP Well X scheme? Yes, yes that was done in competence as compensate. Sorry, Natalie Frost on behalf of the applicant, that was done in compensation for Immingham Outer Harbour and Greenport Hull

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if that was breached in 2006. So we've got quite a nice long story of how that site's developed since then. Thank, thank you. That was my next question.

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It's understood that the purpose of this scheme is to offset habitat losses caused by construction works but also by Coastal Squeeze, which I think is

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the is is a put forward in in some of the documentation I've read. Is that right? Sorry. So just to clarify, so the scheme, the scaffolding scheme as a whole is part owned by Associated British Ports and part owned by the Environment Agency. The Environment Agency elements of it are to offset Coastal Squeeze losses elsewhere on the estuary. The ABP owned aspect is to is the habitat bank for future port development on the estuary. So the specific area that we're talking about is the

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a BP owned area.

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Thanks for that clarification. And I understand the Environment Agency is also present. So I might call them in shortly just for just for some clarifications on things

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given. Given Coastal Squeeze and which is a ongoing issue, how can a BP be sure that this site or a similar site can be maintained in perpetuity, which is required, which is a requirement of the scheme?

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Natalie Frost on behalf of the applicant. So when we did the environmental assessments for the skeffling scheme, we had to look at habitat predictions both at the point of inundation and into the future. As I mentioned previously, we predict a range of intertidal habitats to develop at the site. The area that we have specifically located within the scaffolding or the ABP boundary does

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is provide. We've specifically selected that to as an area that's close to the Creek network which is therefore more likely to be retained as mud flat into the future.

27:43

Thank you. So is there is there any backup plan in case that coastal squeeze occurs more rapidly than expected so that in the end it it isn't intertidal mud flat

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Natalie frost on behalf of the of the applicant. Certainly in relation to the ABP owned area within skeffling A provision has been made to allow access to remove sediment if needed. So if if it became dominated by salt marsh, for example, there is a provision within the the environmental statement for the scaffolding scheme to allow that sort of maintenance work to happen if if required.

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Thank you.

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I think for the purposes of the examination it would be quite useful to actually have sight of the management plan for the scuffling site. Is that something that you'd be able to provide

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to be submitted into the examination

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Natalie Frost on behalf of the applicant. My understanding that that is a joint document between ABP and the Environment Agency. So I I wouldn't want to commit to providing it to you until we've liaised with the Environment Agency and we understand that the current status of that document so that we can provide it. I can certainly provide you with the copy of the original environmental statement and the applications which make provision for the maintenance of Mudflat into the future, if if that would be helpful.

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Thank you for that. Could I ask the Environment Agency then if they're present to comment on, on this matter? Thank you,

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Annette. Here. It's some for the Environment Agency. Um, I'm afraid I'm not very closely aligned with the skeffling scheme, so I I would have to go and take advice from those who are managing the scheme and and get back to you writing on that one.

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Thank you. Thank you for that.

29:53

Well, I don't think I've got any other questions on on the skeffling scheme. It would be useful to see the management plan, but obviously if that's requires discussion with the EA as well and then we'll wait to hear from you about that.

30:18

My last question is regarding the EUROPI case made by the applicant in the without prejudice report to inform the HR derogations. I have some questions, but I know we covered a lot of this ground on

Tuesdays. I SH one in terms of the benefits of the scheme overall, but I think it would be useful from for my benefit if you could just talk me through

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the ROP case and and how you see that actually developing. Thank you. Thank you Madam Harewood, Phil part on behalf of the applicant. I'm now going to pass over to Mr Philip Raul from Adam's Hendry who will deal with that matter.

31:01

Good afternoon Phillip Raul on behalf of the applicant you you're quite right and thank you for the clarification. I wasn't intending to go over evidence that you heard on issue specific hearing one and rather I think I'm going to limit the response to the question to to the following brief points. But but just to be clear from the outset for the avoidance of any doubt the applicants evidence on European is that it's been provided to the examination on a without prejudice basis. Just need to make that clear

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that that's important and and that's contained sorry in the without prejudice derogation report which is App 235.

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It's important to emphasise that the applicant's primary case from the evidence that it's submitted is that the proposed development will not result in an adverse effect on the integrity of any European site either alone or in combination with our other plans or projects. So it's I think it's important to set that set that contextual point out at the start.

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I think as well if, if, for, If however for whatever reason it's necessary to demonstrate that the proposed development has to proceed for imperative reasons of overriding public interest. Then I I would just highlight that the that those reasons go beyond just the effectively if I call them the green matters which you've sort of alluded to in your in your question.

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Such reasons also include those matters which we talked about in terms of and I certainly talked about in terms of issue specific hearing one which is the need for Newport capacity which is established in the ports policy, the ports policy itself and and

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so I'll get the precise wording and the note, but the ports policy talks in terms of that need being compelling and urgent and clearly references made to that need being in the public interest as well. So I just want to do it to to explain that contextual point as well that the that the European case if needed for this scheme goes beyond just the green, the green elements and credentials which you've sort of referred to in the question.

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That that being said, I think if we can drill down, if you're, if you're if you're happy for me to do so drill down into a little bit more into those green, those green elements.

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At the outset, I would just make it clear that from the applicant's perspective, it considers that each of those green credential elements is itself

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an imperative reason of overriding public interest. So both individually and collectively those green elements are could, could be, could be characterised in that way.

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So in terms of those specifics I think we can break that down into into two areas. So first is the is the hydrogen element of the scheme and and against the the the, the the very clear background context of the legally binding targets requiring the UK to bring all greenhouse gas emissions to net 0 by 2050. And also the very clear government recognition that low carbon hydrogen including the scaling up of such production. The production of such hydrogen plays a critical part in this overall net zero strategy.

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I think the fact that the proposed development wants constructed in in in in operation, you've you've heard this

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information given to you before, but once it's in constructed and in operation the facility will part will provide 300 megawatts of low carbon production. Now for context that equates to 3% of the government's 20-30 target of 10 gigawatts of low carbon hydrogen production. And just for your notes and I think this might well deal with one of the action points from issue specific hearing one as well that is that

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that target is found in the government's British Energy Security Strategy from April 22.

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And I'm afraid it's one of the one of those documents that the the government occasionally produced which doesn't have paragraph numbers. So I'll have to take you to the page number. But the page number is 22 and there's a section there on hydrogen. And if I just highlight the fact that there's at the introductory paragraph says we will either government, we will double our UK ambition for hydrogen production to up to 10 gigawatts by 20-30 with at least half of this from electrolytic hydrogen. And

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it also there's further detail which which confirms that doubling our ambition up to 10 gigawatts of low carbon hydrogen production capacity by 20-30. So that's where that figure comes from. But I I I provide that figure just to give you some context. First

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the government see this as a critical element of achieving net zero but also the scale of what the government wants to achieve by 20-30. But I'd also add that that 2030 isn't a stopping point. The policy doesn't say well if we achieve that by 20-30 then everything's OK. Clearly the applicants view and I think the the wider view is of course that this will continue to be an important part of the net zero journey if I can call it that. So actually from 2030 onwards there will still be a need for growth in in,

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in this area.

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But also I would, I would say that the, the, the 20-30 target isn't itself a cap. So actually if we were able to do more, I don't think there would be an issue with us doing more by 20-30. So, but again just provide those figures to give you some sort of context for the the urgency and the imperative nature of of of of of that element of of of the need which is clearly in the public interest.

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So the second element and again it's a a similar sort of exercise is again having regard to those legally binding UK 2050 targets

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and also the the very clear recognition again in policy. And again this is not the applicant saying this is his government saying that in there in various of their strategies and documents. But the government recognised that carbon capture usage and storage will also play a critical part in the overall strategy of achieving net zero. And again the proposed development I think as we've touched on the other day has the potential to play a significant role in facilitating the import of around 10 million tonnes of carbon for onward storage or use there matters that we touched upon

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issue specific hearing one and again if I just give you by way of context in terms of the government's ambition for for that particular sector and again I'm going to turn to again this is a a government document which is produced from October 2021, which is the net zero strategy builds back greener. Now thankfully for this

38:04

a reference I'm able to give you a paragraph reference. So it's page 126 and I'm I'm, I'm probably just gonna read the paragraph out, which is paragraph 25, because rather than paraphrase, I think it would just be easier to to read it out to you.

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So the paragraph says carbon capture usage and storage will be an exciting new industry. To capture the carbon we continue to emit and revitalise the birth places of the first industrial revolution.

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The Prime Minister's 10 point plan established A commitment to deploy CCS in a minimum of two industrial clusters by the mid twenty 20s and four by 20-30 at the latest.

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Our aim is to use CC US technology to capture and store 20 to 30 million tonnes of CO2 per year by 2030,

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forming the foundations for future investment and potential export opportunities.

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Developed alongside hydrogen. We can create these transformative super places in areas such as the Humber, NE, NW and Southern England as well as in Scotland and Wales. So again, it's not the applicant that's saying that there's the the applicant isn't identifying the urgency of this element of the of the scheme. It's the government doing it and I've given you their some indication of the

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a level of ambition which the which the government has said and again

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as I explained in terms of the hydrogen again that target there I wouldn't say is is or that level of ambition isn't a cap and it isn't something which is effectively going to stop in 20-30. And actually the strategy itself does go on to talk about the fact that by the mid twenty 30s the government are looking to to grow this carbon capture market to allow to around 50 million tonnes per year.

40:04

So I would. I would

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just sort of make those points to sort of demonstrate that that it's clear from our perspective that the contribution and those those elements of the need for the scheme which were identified which relate to these, the hydrogen element and the carbon capture element are clearly, they're clearly reasons which are clearly in the public interest

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and they are clearly reasons which are imperative. And we would also say that they are reasons which clearly override the relevant harm that would be caused to any European site. Now on as as I started at the beginning, our evidence is that that level of harm doesn't generate an adverse effect on the integrity, but irrespective of that, the level of harm is actually quite small. So actually the level of harm which has to be

41:01

overridden is not significant anyway and we would argue that these reasons clearly override that harm. So in summary, that's a sort of a high level view of the the European case if it proves necessary or for whatever reason that that case has to be made out.

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Thank you for that explanation. I've just got a question I want to ask one of my colleagues if I could just bear with me a moment. Thank you.

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Thank you. My question relates to the first documents, the British Energy Security Strategy and in that the the paragraph that you wrote out referred to hydrogen production by electrolysis,

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which my understanding is or our understanding is isn't the case for the



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the, the project that's being proposed here. Could you explain that, please?

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I'm you. You're you're probably going beyond the scientific expertise of a chartered town planner. So I'm gonna pass you quite gratefully on to to somebody in the team who who, who knows, who knows more about that than I do.

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Time in Robson for the applicant,

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Yes. If you recall from the step by step process that we outlined in IS H1 the original hydrogen produced in our facility in Saudi Arabia is produced by electrolysis of water.

43:41

Apologies, I've not read the the document, but is there. One of the reasons possibly why the government specifically refers to hydrogen produced by electrolysis is because that is effectively assuming the electricity needed to produce hydrogen in that manner is produced from green energy,

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you know, through solar farms and offshore wind farms. That would then mean that method of production, production is carbon 0 effectively, whereas the method you're producing, hydrogen, yes, initially it's produced,

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you know, with no greenhouse gas emissions in Saudi Arabia.

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But when it comes across

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by a ship and then it has to be reconverted back into hydrogen by the cracking of ammonia, that then means there is a carbon production element.

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So I think I think at that point that probably goes into the background to the government's policy, which I'm, I don't think I'd ask Mr Robson to comment on And we can take that away and look at it though the effect of the government's policy is the government's policy. We can make submissions about what we say it means. But the one thing I would take the opportunity to remind the panel at this stage, you'll recall

45:01

one of the points that Mister Robinson made on this matter and issue specific hearing. One

45:09

is the, the scale of the ability to produce ammonia through the use of solar and wind power in Saudi Arabia at scale and a more consistent basis because of the conditions that exist there. And so in terms of the, the government's ambition,

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Mr. Robinson explained the the relationship between the carbon emissions associated with hydrogen produced in this way as against the fuels that it would displace,

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that's obviously important in terms of that ambition. But the scale at which it is possible to achieve those savings through this particular opportunity is an important part of the green credentials of the opportunity that exists here as opposed to say, using domestic solar power, which has its limitations as we as we know, in comparison certainly to the conditions in Saudi Arabia. So we'll see if we can assist with the background to that particular policy point. But in terms of how

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manifests in this scheme and the benefits in terms of decarbonisation from this scheme, those two contextual points I would say are important. Nevertheless,

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thank you for that explanation. I'm just coming back to the Europe and you also mentioned the potential for 10 million tonnes of carbon capture.

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In terms of the European I I understand what you're saying about as a as a principle you aren't expecting that you will have to make the European case. But if we if we go back to

47:02

you, if we decide or if it's decided that you must make the Europa case, the the carbon capture, the 10 million tonnes of carbon capture currently is a potential and an aspiration. So I'm not sure that we can give that much weight in our decision making progress process. Could you explain that piece you want me to have a go? If I can if I can just set some legal context before I pass over to Mr Rao. So it's Harry would Philpot on behalf of the applicant. The first legal point

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they want to make is that that the courts have held back quite recently that it is not necessary for a benefit to be legally secured or certain in order for it to be taken into account. And then the weight that is given to it is a matter for the decision maker and will provide the the the report of that that case. But it is it's a relates to a claim for judicial review

48:08

the East Anglia One North and East Anglia 2 offshore wind farms by a group whose acronym is spaces and I I think it was Substation action Save E Suffolk that's my recollection of the name of the group and that they have they launched A judicial review. One of the grounds of which

48:29

at first instance was that the Secretary of State had taken into account the benefit of the capacity, the generating capacity that would be created by the wind farm but had not contrary to their submissions

in the examination imposed a requirement that the wind farm must be constructed and operate at any particular level there. There was a requirement that it had to have at least 50 megawatts because otherwise it wouldn't be an end SIP.

49:02

But beyond that, it was left at large and the Secretary of State attached weight significant weight, and to the benefit of creating that much capacity, even though there was no guarantee that in fact that much capacity would ultimately build be built out.

49:22

And that illustrates the point that the benefit of creating the capacity to achieve a particular benefit can not only be a material consideration, but a material consideration to which substantial weight can attach

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even where there's no certainty that the benefit will be realised, but on the basis of what is likely and the evidence as to what is likely to occur.

49:48

So although it for the purposes of this examination, there is no guarantee that a carbon CO2 will be able to will be imported and then ultimately stored, there is evidence as to what is likely, and you've heard some of that evidence this week. And to create the opportunity for that to occur in these circumstances is a substantial public interest benefit, even if, let's say, the Viking

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DCS scheme itself doesn't get off the ground.

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But in future, we know there's a need to decarbonise the Humber. We know there's a need to decarbonise other locations. And the opportunity that this would create to further those of clear objectives and urgent objectives of government policy would be a substantial public interest benefit, even if the particular scheme that is thought likely to be the next customer of the jetty does not come to fruition. So beyond that it becomes a matter of wait for the decision maker.

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But for the reasons I've given, creating those opportunities would be beneficial, substantially beneficial. And just the final point I would make in that respect

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and

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the Secretary of State has recently granted approval for the net OT side

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scheme, which is a

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carbon capture and storage scheme. It's the land side elements of it. It's not the full chain of course, but it provides an anchor emitter which is a new gas fired power station which will connect into the carbon capture and storage pipeline. But it also provides A pipeline that would run along the the banks of that particular estuary, taking it close to a number of potential future customers.

51:50

It doesn't actually deliver connections to those customers and therefore it doesn't guarantee that that pipeline will be used. Nevertheless, the public interest benefit of creating the opportunity for those customers to connect in is clearly significant and and in the same way the opportunity that this would provide for the import of CO2 would be a significant public benefit. So that that's by way of some sort of legal context

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with Mr Raab wishes to add anything to that

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Mr Allen's behalf of the applicant. No you far more eloquently Mr Philpott put the the first point which I I was going to make. The the other point I think I would just add is of course I think you need to view this in the context of obviously what the ports policy says about the ports industry import developers making their judgement about what will come forward and that I just make that point in the context of I think the wording you was an aspiration or I've just sort of highlight

53:00

this isn't isn't necessarily this isn't a speculative development you know a decision has been made by the port developer that they consider that is coming forward. So I would, I would say that more in my mind that's more than an aspiration.

53:23

Thank you for that explanation. That was very clear. If you could just bear with me one moment. Thank you.

54:01

Have a question for the applicant. It's it's linked to the benefits and it's sort of circles back to I SH one in a way,

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but is also relevant to Europe in some ways too because of the benefits.

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I think it'd be quite helpful in

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in a note. Perhaps if you could provide some

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steer on how the presumption

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operates within MPs reports and how

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you would or wouldn't

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engage the nature and scale of benefits in the context of that presumption. So, for example, in the National Planning Policy Framework, obviously there is a presumption in favour of sustainable development and that requires a way in of benefits against adverse impacts in the balance, the tilted balance.

54:58

Some commentary on how the presumption functions in the MPs reports might be helpful

55:05

to help us understand how we good. Because I I got the impression from Ice Age one that you've essentially said, you know, there's a presumption. That's all we need to worry about. You don't really need to deconstruct

55:19

the the benefits of the nature of the cargo

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and that sort of thing. If if that's what you were saying that This is why we would put, yeah, quite grateful for some clarification really. So Harry, with Philpott on behalf of the applicant certainly we will take that opportunity to put together a a note just to be clear what we were talking about an issue specific hearing. One is the need case, and so need is established by the MPs for ports and therefore we don't need to establish need, although as Mr Rowell

55:56

ways we've we've gone on to do that. And where the MPs for ports has effect, as it does for this scheme, there is then a presumption in favour of the grant of development consent. That presumption of course is subject to the detailed policies in the MPs reports itself.

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And so some of those policies will identify tests of acceptability and of course the presumption is subject to those tests. But you start from that presumption and then you look to see if there is compliance with the rest of the policy and and if there is, that then takes you also. That engages the presumption in the act in section one O 4 and if that presumption kicks in, you grant consent unless you find one of the statutory exceptions applies. So that's the broad mechanism,

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but we can provide a note which sets that out and provides anymore detail that we think might be helpful to you.

56:59

Yeah, that'd be helpful. Thank you.

57:19

Thank you for that. We've just got one more question

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in the written reps Natural England had several points to raise and we were just wondering how you were getting on with actually addressing those points and whether you were going to be able to get those back to us for deadline. One

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pass on to Miss Frost for that moment.

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Natalie Frost on behalf of the applicant. Yes, we're in a position to be able to respond to all of the points raised by Natural England by deadline one.

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In fact, we've already shared the draught with them this week of our initial responses so that we can have a meeting with them in advance of deadline one, so that hopefully we can have agreed a few more points by then.

58:00

That's very helpful. Thank you very much.

58:09

That's the that concludes the end of this session. We're going to break, we're going to take a break now and we'll take a break for half an hour to enable us to go through our action points. So the time is 1514, but we will re adjourn at 1545. Thank you very much.

58:30