

## Hearing Transcript

<b>Project:</b>	North Falls Offshore Wind Farm
<b>Hearing:</b>	Issue Specific Hearing 2 (ISH2) - Part 4
<b>Date:</b>	09 April 2025

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## **NF\_9APR\_ISH2\_PT4**

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### **FULL TRANSCRIPT (with timecode)**

00:00:04:28 - 00:00:31:29

It's now 10:00. And time for the tissue specific hearing number two to resume. I'm not proposing to repeat the formal introductions from yesterday. However, if you are attending for the first time today and intend to speak, please introduce yourself. When you first speak and thereafter state your name each time you speak. So we'll start with the agenda item 3.3 Commercial Fisheries.

00:00:34:03 - 00:00:41:17

The first bullet point is whether the estimate of the effects in the environmental assessment of commercial fisheries is sufficiently robust.

00:00:44:21 - 00:01:16:03

Harwich Harbour Fishermen's Association additional submission as 047 included the Marine Management Organization's final report, 01382. Sensitivity of the under 12 metre fishing fleet to offshore wind development in the East Marine plan areas, dated June 2024. The applicant's comments on other deadline to submissions and applicants responses on comments to relevant representations.

00:01:16:15 - 00:01:40:13

Rep 3038 included that the information contained in this report does not affect the findings of environmental Statement. Chapter 14 Commercial Fisheries App 028, which are based on project specific information and data, including consultation with the fishing industry and the Commercial Fisheries Working Group.

00:01:42:06 - 00:02:06:03

The applicants comments rep 3038 to the additional submission as 047 noted that the statement of Common Ground with the Harwich Harbour Fishermen's Association is being extended to include the Commercial Fisheries Working group, and the meetings were proposed to aid the development of the Statement of Common Ground on the 26th 27th of March.

00:02:07:23 - 00:02:24:23

So the first question is, um, could Harwich Harbour Fishermen's Association advise if they are satisfied with the applicants response? Rep 3038 regarding the Moz report 80470 yeah.

00:02:24:25 - 00:02:40:27

Trevor Armstrong um, I don't know what that report is, whether they've accepted it as a, um, that it does have the the application and the development will have an impact on the commercial fishing fleet that I represent.

00:02:42:29 - 00:03:11:07

It was the first report that's actually been produced by the MMO, uh, specific for the under 12 fleet. So all the vessels that are in Harwich Harbours Association and up the east coast in the Thames Estuary are all under ten. So the point is the EIA information that they obtained. Yes, that is information, but it's not representative of the fishing fleet that's impacted by the windfarm.

00:03:13:01 - 00:03:18:27

Thank you. Um, could I go to the applicant, Mr. McGovern, for a response, please?

00:03:19:19 - 00:03:48:06

Um, I'm McGovern for the applicant, and I will pass you to, um, my colleague, Miss General Giffen. Um, in a moment, just to respond to that, um, particular comment. Um, just before we do that, just, um, a point of order. And I have sitting to my left the speakers to address agenda item 3.3. Commercial fisheries will be different speakers that will be talking to agenda item 3.4. So we will need a break or at least a few minutes to swap people around, if you don't mind, sir.

00:03:48:08 - 00:03:48:29

Okay, I understood.

00:03:49:05 - 00:04:26:27

If you could factor that in. Um, the second, um, thing I wanted to flag is that we have with us today, and the authors of the Commercial Fisheries and Shipping and Navigation, yes, chapters in the assessments and can talk to those points we do not have with us today, the author of the socio economics chapter of the. Yes. So we're very happy to field questions in the hearing today. Specific to the shipping, navigation and commercial fisheries. But if you do have questions that go to the analysis and assessment in the socio economic chapter, we are probably not in a position to address those today and we need to deal with those in written follow up.

00:04:26:29 - 00:04:27:14

Sir.

00:04:27:17 - 00:04:29:04

Okay. Understood. Thank you.

00:04:32:22 - 00:05:05:04

Alexandra Giffin from Brown Am marine, on behalf of the applicant. Um, with regards to the MMO report, uh, it wasn't, uh, published until June 2024, so it was not included within the EIA assessment. However, following review of the report, we can confirm that the baseline information that was used was the same as what we've used in our assessment. Um, and ultimately the assessment is based on project specific information data, which includes consultation with the fishing industry and the Commercial Fisheries Working Group.

00:05:09:14 - 00:05:26:01

Um, so there was information on fishing activity that was collected in consultation with the fisheries stakeholders, which was the same in the report. And uh, and ultimately the consultation undertaken by

the applicant is project specific and so considered more relevant and appropriate for the assessment.  
Thank you.

00:05:34:00 - 00:05:36:22

Thank you. Mr.. Mr. Armstrong. Do you have any comments?

00:05:38:19 - 00:06:09:10

Uh, Trevor Armstrong uh, the only comment is, is that we don't accept that the EIA has come up with a, um, assessment that the impact is insignificant on the commercial fishing fleet. Every area I've been involved in. I've been involved in quite a few. They always come out exactly the same. Insignificant and minimal. Uh, and that isn't the case. When a Fisher turnover perhaps is only £50,000 a year.

00:06:10:01 - 00:06:42:26

And because of the impact of a development such as this can reduce his wage down his term. But turnover by 50%, 25,000 is significant. If you're only earning £50,000 a year, if you're dealing with boats that are in excess of £1 million, then 25 is insignificant. And the EIA was based on over 12 fleet. And the over 12 fleet does not operate in the array side or inside.

00:06:42:28 - 00:07:09:03

Along the cable route is the small under ten vessels, which are all the vessels, which is 70, 70 up the east coast. That's where they operate. They can't travel the same distances as an over 12. They don't have overnight accommodation. So it's linked to the travel distance that a single handed or two crew can travel. So the idea we we think was not fit for purpose.

00:07:11:05 - 00:07:11:23

Thank you.

00:07:18:20 - 00:07:22:17

Mr. McGovern, could you respond on those points or your team?

00:07:24:23 - 00:08:00:22

Alex, given for the applicant. Um, to note that specific consideration has been given to the local UK inshore fishers throughout the assessment for each impact. And this was informed by direct consultation with, uh, local stakeholders, including local fishermen from uh Ramsgate to Lowestoft, as well as, uh, the local associations and through the CFG, um the mitigation. It should be noted that. The mitigation proposed for commercial fisheries have been built into the project as embedded mitigation, and takes into account and takes account of the outcomes of the assessment.

00:08:01:00 - 00:08:33:11

Uh, and so this is uh, which has been informed by consultation, um, and the embedded mitigation also takes account of good practice and existing guidance with regards to coexistence and liaison with the fishing industry. And so this includes things such as, uh, contracting a fisheries liaison officer, developing the fisheries liaison and coexistence plan, the issue of notice to mariners, the issue of weekly notes of operations, um guard vessels and uh contracting offloads as required. So the offshore fisheries liaison officers that would be on board.

00:08:34:00 - 00:08:43:12

So they are construction vessels as required. So this mitigation has been taken into consideration when undertaking the assessment for the local nearshore, uh, vessels.

00:08:44:29 - 00:08:45:17

Thank you.

00:08:47:12 - 00:09:08:28

Could I just ask? I know you've outlined this in your written response to the comments from the Harwich Harbour Fishermen's Association, but can you describe a little more and explain a little more the consideration that you have given in the assessment to boats of the size that are causing concern?

00:09:12:11 - 00:09:44:06

Alexandra. Given for the applicant? Yes. Um, so the consultation that was undertaken resulted in several charts based on method. Um, and these are presented in the commercial fisheries uh chapter and technical report. And these uh, work for the key methods based on consultation received which included uh, static gear, um potting, long lining netting, trammel, trammel netting and as well as some mobile demersal trawling.

00:09:44:25 - 00:10:19:20

Um, the majority is over the export cable route, uh, with potting and some static gear in the, in the in the array. Um, these were presented in the, uh, in the chapter and along with the list of as based on the consultation responses they provide. Um, information on the size of vessel, the seasonality, the target species and, um, kind of key operational constraints. And this was therefore broken down in our assessment into, um, sort of the nearshore, uh, more operationally restrained vessels.

00:10:19:24 - 00:10:20:18

And then.

00:10:21:02 - 00:10:21:17

Uh.

00:10:21:22 - 00:10:39:03

This sort of slightly less operationally restrained vessels in the assessment as well as assessing the, the larger vessels that that Treb has been mentioning. Uh, in terms of the over 50s where data such as the vessel monitoring system data is is more representative of those larger, those larger vessels.

00:10:47:20 - 00:10:58:20

Thank you. Um, I just noticed there's that there's a hand up online. I'm afraid I can't see your your whole name because it's, uh, limited by a number of characters. Could you please introduce yourself?

00:11:01:27 - 00:11:35:07

Hi, Sarah. Uh, for the applicant, I'm a principal consultant at random Marin. Um, I just wanted to to clarify that, um, in addition to the data obtained, uh, with regards to to the activity of the local fleet from consultation and engagement, uh, data has also been included in, in the environmental impact

assessment in chapter 14, which is available from the Marine Management Organization, which is landings by ISIS rectangle.

00:11:35:09 - 00:12:04:28

And that that also includes uh vessels under 12m in length, so it includes all types of vessels. So in effect, the assessment has looked at all available data sources for commercial fisheries for the different size of vessels and in the case of the Android 12, given the more limited spatial data that is available, we have gone into extensive consultation to to fill that gap. Thank you.

00:12:09:21 - 00:12:13:13

Thank you, Mr. Armstrong. Do you have any other comments?

00:12:14:10 - 00:13:03:15

Uh, Trevor Armstrong, Harwich Harbour Fishermen's Association, just that they say they have obtained the data. Well, I haven't seen any of that data. Um, it's a lot a lot of what the under tends. Do. They talk about land and figures, that sort of thing. Most of the fish from the East coast now sadly goes down to Brixham. So it's it's not a a scientific way of assessing the impact on a fishing vessel. And and the only way you can do that is by entering into a discussion with the individual skipper to say, what area do you fish and how much do you earn? What is your turnover? What do you submit to the tax person? All those bits of information is relevant to that individual vessel.

00:13:04:04 - 00:13:36:01

If RWA and SSE are not prepared to enter into those discussions with some fishers, that means they are significantly impacted. RWA and I've asked the question on numerous occasions. They have a policy that they will not go into negotiations with vessels that use mobile gear. All most of the vessels that I represent are multi fishing vessels. It's all dependent on the target species time of year of what method they will use.

00:13:37:03 - 00:14:10:08

RWA have said that they will not even sit down at the table with someone that uses mobile gear, and they are significantly impacted. And if you enter into this discussion right at the start, and a developer has a policy that they are not willing to negotiate around, then we have an impasse and possibility of conflict in the future. There are we. Brandon may have said they'll stay out of the way of the fishing vessels while they're operating.

00:14:11:00 - 00:14:41:29

I've been involved in a lot of wind farms. That is not reality. When you've got a cable line vessel and a survey vessel operating, they will ask the fishing vessels, stay out of our way. And that's fair enough. But that could cost that fishing vessel the day's work right at the start of this process. Two fishers said exactly that, that they would just like to carry on fishing and they will abide by the collision regs, which is the rules of the road at sea. They were threatened with injunctions.

00:14:42:14 - 00:15:20:26

Stay out of our way or you'll see us at court. In court? That was, to them something they could ever consider financially. That would not happen. They then lost money. So that was the starting point for North Falls. And it hasn't changed. They are. And we've asked questions on numerous occasions. I

will you abide by the rules of the road and allow fishing vessels who are attached to the seabed to have priority. Will they be wanting a fully exclusion zone which all other developers have requested, and the questions are still not being answered.

00:15:20:28 - 00:15:27:05

That's why the statement of common ground is still not being sold. Uh, and they did mention good practice.

00:15:28:25 - 00:16:00:13

The major wind farms that I have been involved in involved and I didn't get paid to do this job, by the way. Um, with SPR, right. That's the East Anglian one and East Anglian three, which is now in construction. There has been no conflict between the fishing fleet and the developer, because SPR were willing to sit down at the table and negotiate and have a chat. And it isn't all about money. We'd rather the wind farm wasn't built. That's what we said in our submission.

00:16:00:15 - 00:16:30:13

We'd rather it, but it probably will be. But what we're saying is that the fishing fleet, as individuals, which they all are, should be able to sit down at the table with a developer and say with their evidence that they are impacted. Our we have said they want. No, that is unfair on that individual. And it's very divided between the fishing fleet and of course they're multivessel multi metal Methods method vessels.

00:16:30:15 - 00:17:01:21

So some used mobile gear certain times a year. Are they saying, well, if you use your fixed gear you'll be paid. But if you use your mobile gear, you won't be. So what they what will they choose to do? Is it the one that's commercially effective at that time? Or will they be thinking, well, if I get caught trawling, I'll lose my agreement? So it's it's just been a very, very difficult process and frustrating because good practice hasn't applied to RWA. I could tell them what good practice is.

00:17:01:23 - 00:17:21:29

I've got examples of good practice and sound has brown and may the fishing liaison officers, they know what's worked. This system at the moment is upside flawed because RWA has a standard set policy and they're not prepared to negotiate around it. And I'd like them to answer whether that is the case.

00:17:25:27 - 00:17:35:16

Thank you, Mr. Armstrong. Could the applicant respond to include an update on on the timescale for the statement of common ground? Please.

00:17:38:11 - 00:18:10:23

Gary McGovern for the applicant and the applicant for North Falls is North Falls Offshore Wind Farm Limited, which is a joint venture between SSE and RWC. The applicant is not RWC. In this case, we do not accept the suggestion that good practice has not been followed. We have been following good practice. We have considered all the data sources made available to us. As Miss Windrow Giffin has set out and we have consulted appropriately and passed them as when given.

00:18:10:27 - 00:18:35:25

Um, and the second is to um outline further the consultation that's been undertaken and to update you, um, on the statement of common ground progression. Um, insofar as reference has been made to spy on other developers, we're not in a position to comment on the approaches that other developers may take to their engagement with the fishing industry, and it would not be appropriate to consider that in the context of the examination of the North Falls project. Thank you.

00:18:38:14 - 00:18:47:16

So just just for a moment, Mr. Armstrong, um, you had a specific question. Do you feel that you've had a response to that?

00:18:49:14 - 00:18:51:06

Trevor Armstrong? No.

00:18:52:14 - 00:18:57:00

Do you just want to repeat your specific question and we'll see if we can get a response?

00:18:58:16 - 00:19:31:13

It's just RWA and SSA, but the representatives we've been meeting with have been RWA. So that is why I'm directing it towards RWA. So the specific question is, will they consider vessels that use mobile gear will be impacted by their development, and will they allow them to enter into negotiations for mitigation if they have the evidence to prove they have been impacted.

00:19:32:26 - 00:19:33:11

All right.

00:19:33:13 - 00:19:34:00

Thank you.

00:19:52:19 - 00:20:02:02

Gary McGovern for the applicant. And our assessment is that there are no significant effects that would require the mitigation that Mr. Armstrong is seeking in this case, that that is our assessment which we stand by.

00:20:07:05 - 00:20:08:25

So the answer seems to be no.

00:20:11:19 - 00:20:44:10

Yeah. Trevor Armstrong exactly. And I have asked the question on numerous occasions. So it comes back now to, I'm afraid you to say what is fair Yeah. If you grant permission for this, uh, development, if you spoke to 70 fishing vessels that operate on the Thames Estuary, they will say, yes, I am being impacted. And all I would want is to sit at the table with the evidence and submit it to you to say.

00:20:44:21 - 00:21:15:07

But I think this response is has wider implications, and that's why they've got this intransigent attitude. They deal with a lot of offshore winds, and they are dealing with vessels that earn millions of pounds



a year using mobile gear, and that is why they have a set policy, because it could have implications for those negotiations in different areas. The vessels that operate in the Thames estuary, they are under ten.

00:21:15:17 - 00:21:46:11

They're slow powered vessels, soft lipped trawls that are impacted by buy anything that's on the seabed. Single hand vessels. They're not what you see on Deadliest Catch. Going to sea with hundreds and hundreds of pots. They are just small eight meter vessels and they are impacted. And it's not just their development, it's the cumulative effect of all the developments. If you looked at the Thames Estuary at the moment, you've got East Anglian three under construction.

00:21:46:13 - 00:22:17:02

That's the restricted area. You've got surveys for East Anglia and one North surveys for East Anglian, two restricted areas. You've then got a talk on cable. We've just been informed that they're starting a survey in June. We've only just got notification. You've got new connect that is operating and starting to to lay cable. They are all restricted areas. So it's the cumulative effect of another development that's going to impact again.

00:22:17:18 - 00:22:18:17

So thank you.

00:22:22:27 - 00:22:26:21

Thank you, Mr. Armstrong. Your comments are noted. Um,

00:22:28:14 - 00:22:31:16

did we get a date for the Statement of Common Ground?

00:22:35:20 - 00:23:16:15

Given for the applicant. Um, we're currently updating the statement of common ground, including, uh, the point that Trevor made. So, following our meeting on the 27th. Uh, we're in the process of updating it. Um, there have been discussions, uh, for the site investigation team to review on the basis that, uh, to try and facilitate coexistence and minimise disruption during surveys. So not during construction activities, but during the pre-construction survey activities. Uh, the site investigation team was going to go back and, uh, and review with their contractors whether it be possible to essentially, uh, give um, primary, uh, access to the fishing activity.

00:23:16:17 - 00:23:36:12

So if those trawlers were seen offshore, then essentially they would get, uh, the rule of the road in their favour and the survey vessel would, uh, pause and essentially let the fishing activity go by undisturbed. Um, essentially, we'll be addressing that through the statement of common ground, uh, once we receive feedback from from the project team.

00:23:37:29 - 00:23:38:18

Thank you.

00:23:41:15 - 00:24:16:21

Sorry, could I just interrupt here? Um, Mr. Armstrong, the position from the applicant is that there isn't a significant impact. Your position is that it is. There is an opportunity at deadline for which is the 25th of April to. That's the next written deadline for written submissions. If you could perhaps explain a little more about what you've said today in terms of significance and the impact on those smaller boats, that would be very helpful if you could put that in it.

00:24:16:23 - 00:24:17:17

That deadline.

00:24:23:28 - 00:24:26:29

Thank you. I'll move on to the next question now.

00:24:28:25 - 00:24:58:29

To to the applicant, with reference to National Policy Statement for renewable energy infrastructure in three paragraph 2.8.240, whether the mitigation proposals result from the applicant having sufficiently detailed consultation with relevant representatives of the fishing industry, Inshore Fisheries and Conservation Authorities, the Marine Management Organization and the relevant Defra policy team in England.

00:25:05:09 - 00:25:18:02

Gary McGovern for the applicant. The short answer to your question, sir, is yes. We believe we have adhered to the requirements of entry and the paragraph that you've mentioned. Through the pre-application process.

00:25:24:26 - 00:26:01:22

I'd like to know given for the applicant. Um, sort of. And this also reiterates that, uh, the consultation has informed this and this has been with local, national and international fisheries organisations as well as with the MMO and the Ifrc. Um, and then noting again the embedded mitigation and the establishment of the CFG, uh for the project, uh, with its members included for consultation. Throughout the EIA process, um and due consideration has been given to comments and feedback received during consultation, including the formal consultation, scoping, peer and relevant representations.

00:26:01:27 - 00:26:37:17

And as noted, uh, we are developing a statement of common ground both with the CFG and the NFO, which is the National Fishermen's Federation organisation. Um, and are also sort of in discussions with the, uh, kinetics, um, to determine if they deem what is necessary with themselves, given that they did not submit any relevant representations. Um, as noted. Uh, the mitigation proposed is built in to the project assessment as embedded mitigation. Um, and that's taken account of in the assessment, um, which is informed by, uh, the data and direct consultation from the fishing industry.

00:26:41:14 - 00:26:42:00

Thank you.

00:26:42:16 - 00:26:45:18

Um, Mr. Armstrong, do you have any comments on that response?

00:26:46:26 - 00:27:03:02

Uh, Trevor Armstrong um, normally consultations are a two way process. I do not believe that we have entered into that. They've had, as I've said, they've had their set procedures. The evidence they have requested from the inshore fleet was a chart where

00:27:04:17 - 00:27:34:00

reps marked on it, where we fished. And that really filled the chart up because they are traveling throughout the area. That is the evidence that they have taken on board. It doesn't represent anything about the amount of cash you might get within those areas. The word traveling on a chart doesn't mean that it's a productive area, it's just that sometimes it might be. So again, the consultation has been one sided.

00:27:35:18 - 00:27:53:22

We're at a situation with a statement of common ground where it will not be signed. There is no point signing a document if there is no common ground. The first item is has there been consultation? Yes, we have had consultation. We've gone to the meetings, but it hasn't been a two way process, I'm afraid. Thank you.

00:27:55:02 - 00:28:13:26

Could I just comment, Mr. Armstrong? The purpose of a statement of common ground is also to highlight areas of disagreement. Um, so there is a purpose to it, even if you don't have any common ground as such, so it just highlights for us where the areas are that you disagree.

00:28:16:24 - 00:28:48:24

It's there are only real two major factors that are causing this disagreement. And we sort of like suggest that if we sign a document and there's 20 agreed. And two that's not. But they are the major impact in on the fishing fleet. Does that statement the ground look more positive than not at all. And I and I understand what you're saying. We still haven't signed the one for five estuary either.

00:28:49:11 - 00:29:19:19

It is a situation where we've put our proposals to be put into that statement of common ground, and they still have not been accepted or would not be included. They are not agree and disagree situations. They are just what we think should be in there. Then the developer can sign it and say not agreed. And we could put in there that we have agreed, but they were not prepared at the present time to put those statements into that statement of common ground.

00:29:20:06 - 00:29:22:28

Thank you. Okay. Thank you. We understand your concerns.

00:29:27:23 - 00:29:29:22

The applicant respond, please.

00:29:35:15 - 00:30:07:17

On behalf of the applicant, um, I think we've had these discussions as well. Quite often in terms of we think it's important to still even if there's areas of disagreement, even if it's all it's important to sort of

raise that to. Your concerns are recorded, uh, in writing. Um, I guess if that's still considered, um, unfavourable, then we could always there's always the position statement potentially. So sort of you put forward your position statement of what the association. And I know we've had some discussions on that, but I think we're still trying to progress to see where the next sort of iteration of the statement of common Ground was going to.

00:30:07:21 - 00:30:10:11

Was going to look like and if that was going to be more amenable.

00:30:12:18 - 00:30:13:06

Thank you.

00:30:16:05 - 00:30:23:09

Thank you. I'm not seeing any other hands in the room or online. Um, so I'm going to move to the next question.

00:30:24:29 - 00:30:50:22

So the question to the applicant, with reference to National Policy Statement for Renewable energy infrastructure and three paragraph 2.8.241, whether the mitigation has been designed sufficiently to enhance, where reasonably possible, any potential medium and long term positive benefits to the fishing industry, commercial fish stocks and the marine environment.

00:30:57:03 - 00:31:33:01

Gary McGovern for the applicant. And we note that particular paragraph of in three, which suggests that, um, offshore wind farms can have both, uh, negative, uh, adverse and also, um, some positive effects. Um, chapter 11, which is app 025, does note that any reduction in fishing, um, with any within the array area would potentially be beneficial to fish ecology. Um, but does note that that would likely be low magnitudes and we don't attach any weight or seek to rely on that.

00:31:33:03 - 00:31:53:10

And it doesn't alter the, uh, conclusions of the EIA which identify the adverse effects which are acknowledged, albeit not significant, and therefore we haven't identified in our assessment, um, any potential beneficial effects. That would be certainly not that would be significant.

00:32:03:29 - 00:32:06:20

Thank you, Mr. Armstrong. Do you have any comments?

00:32:08:14 - 00:32:29:00

Trevor Armstrong. I didn't really understand the answer, to be honest. But whether there is an impact or there isn't, but they keep. RW keep using the word significant. If a fisher and I'm saying it again goes out to the array site to what to expect the catch and he can't fish. That's significant. Thank you.

00:32:39:21 - 00:32:51:17

Thank you. I'm just checking if there are any other hands in the room. I can't see any and no hands online. Um, with the applicant. Like to respond to Mr. Armstrong.

00:32:54:15 - 00:33:25:07

Gary McGovern for the applicant. And the environmental impact assessment does identify adverse impacts. Those are acknowledged. There is a disagreement between the applicant and Mr. Armstrong as to the magnitude of the impacts and whether those are significant or not. We say or not, we accept that, Mr. Armstrong. His position is that they would be significant. The question you were asking, sir, was about whether there were any positive impacts. And my answer to that is we our impact assessment has not identified positive impacts.

00:33:36:11 - 00:33:39:10

Thank you. I'd like to move on to the next question.

00:33:41:16 - 00:34:18:18

Question is whether the proposed methods of cable protection are adequate to prevent future exposure of the cables, resulting in them becoming a snagging hazard. SSC 15 1.13 and SSC 16 1.35 sets out concerns from Harwich Harbour Fishermen's Association. Relevant representation one, two, five and the National Federation of Fishermen's Organisation. Relevant Rep 238 respectively, concerning the risks to fishing if the proposed bird cables become exposed in future.

00:34:19:08 - 00:34:49:12

The applicant's response to these questions Rep 2020 includes reference to the embedded mitigation measures shown in table 14.4 of the Environmental Statement. Chapter 14 Commercial Fisheries App 028 Outline Fisheries liaison and coexistence plan. App 244 and conditions in the marine licences of the draft DCO rep 1011.

00:34:49:28 - 00:35:06:13

So the question, Mr. Armstrong on behalf of the Harwich Harbour Fishermen's Association. Are you satisfied with the applicant's response to this question? 15 1. 13. Regarding, um, the cable protection.

00:35:08:16 - 00:35:40:21

For Armstrong. Harwich Harbour Fishermen's Association. I can only go on past experience, uh, and with sitting with previous developers who say, yes, we will use best practice to bury and the cables will remain buried. The question to the developer is, have they done any assessment on how many are exposed at the present time because there are cables exposed? It isn't just the exposure of the cables that creates the hazard, it's also how many cable crossings and how they are covered.

00:35:41:10 - 00:35:53:20

The more cables that go in, the more crossings they will be. And every one of them has to be covered. That in its turn, creates a snagging hazard for the fishing fleet.

00:35:55:13 - 00:36:24:15

So that is that is a problem that, um. I don't know how you get around. The developer will say yes, we'll bury it at a suitable depth, but if it's exposed, we'll rockfall it. So they cover it in rock. But that is a hazard to fishing. Now, potters might like it because there's rocks. And that's where crabs and lobsters live. But the trawler can't travel over that. And if it's in prime trawl ground, then that is an obstruction. And they'll just have to stay clear.

00:36:26:01 - 00:36:26:20

Thank you.

00:36:32:06 - 00:36:43:18

Thank you, Mr. Armstrong. I noted your concerns. Um, I'm not seeing any other hands up in the room or online, so I'll go across to the applicant for response. Thank you.

00:36:43:22 - 00:36:47:28

Gary McGovern for the applicant and Mr. Reeds. Um, can address that point, sir.

00:36:49:18 - 00:37:20:07

In terms of cable crossings. Um, so those are the currently the way we're planning to to. We're guaranteeing that we'll probably need some form of surface protection at this moment in time. Those are indicative. Indicative locations are shown as part of the export cable crossing plan, which is rep 1059. So that shows the indicative location of the export cable crossings within the array. We've got a bit of work to do to understand the layout, to understand how many cables are crossing the the British red cable that runs through the the southern part of our array.

00:37:20:26 - 00:37:53:28

And so we need to to try and understand from a layout perspective, from a turbine sizing perspective, where those cables will go and how those cables will be laid. What we are trying to do with those cables in the array area is to be able to design the cable routes, to try and minimise our impacts. We know within the southern array. We've got large areas of of mobile seabed with, with some sand waves in them which will lend itself to cables becoming exposed. We are aware of that. What we also know is that cables that have been exposed have been recovered by the motion of those sand waves.

00:37:54:00 - 00:38:29:17

So in terms of the remedial works needed, it's not just a simple case of of rock placement. It's a case of understanding timings. When is the cable exposed? Are we expecting storms? What's going to happen in terms of that. That general mobility of the seabed, which we need to undertake more work to understand that, that exact mobility. But from what we've seen at the moment, the sand waves are migrating effectively from the north east to the south west, kind of flowing in that direction across all of that will need to be undertaken and looked at in a bigger picture type of approach.

00:38:29:19 - 00:39:01:05

When we come to understand when the cables are exposed, we've effectively got two separate areas, the export cable and the and the array area. The export cable were mainly burying in clay, so we're not expecting many exposures because of the nature of the clay and how it doesn't really move. It's that southern part of the array that we're expecting? Well, we're not expecting, but we're hoping we can mitigate it out through design aspects from an engineering perspective. But in terms of the remedial works needed, we need to understand it in the big picture.

00:39:01:07 - 00:39:21:27

And as you say, does the remedial works actually introduce more hazards from your side of things? So it's not something we can commit to at this moment in time. We need to fully understand the issues

when the cable gets exposed, where the cable gets exposed and when it gets exposed, to understand the best solutions for everybody in terms of the remedial works needed.

00:39:25:05 - 00:39:27:12

Thank you, Mr. Armstrong. Do you have any comments?

00:39:28:17 - 00:39:30:22

Um. Trevor Armstrong. Yeah.

00:39:32:15 - 00:40:03:07

What I've just heard is that they don't know whether it's going to be stayed. It's going to be buried. And they and they will not know because it's the Thames Estuary is moving seabed as, as you just said, it is moving. So it then comes to the fissure to decide. Do I take the risk of going over what may be exposed? Um, and there's two things with regards to that risk is one is the vessel and the crew, which is paramount.

00:40:03:09 - 00:40:43:04

The other is that you can't insure fishing gear. You lose your gear that's gone. So there is the risk. So what the fishers tend to do is if there is any doubt, they stay out the area again, it becomes a restricted area. There is one way of trying to resolve it, which I'm quoting other developers, but I'm not mentioned their name. And that is to have pre-construction surveys with fishing methods and post-construction surveys, so that we have a benchmark that says that the seabed is fishable and it's proven by fishing Bid conducted surveys over the top and then the post won.

00:40:43:06 - 00:41:01:26

And if they become snagged, then the area is then not fishable and the developer from the licensed groynes has to try and put that right. That is one way that hasn't been agreed as yet. It would help greatly if they would agree to pre and post sufficient surveys over the area. Thank you.

00:41:03:24 - 00:41:23:24

Could I just ask as well, in addition to those surveys that you've just mentioned in terms of method of cable protection, after what you've just heard and no doubt what you've read about what's proposed? Are there any other methods or any other way of protection that you would advocate?

00:41:26:11 - 00:41:44:09

Um, I'm not an expert in it, but all I know is that, uh, the mattress in the concrete mattresses and easterly gales start to roll up and then become an increased hazard. And the rocks, probably for a developer, is the best way of dealing with it. But of course it creates a hazard for anyone using mobile gear.

00:41:45:27 - 00:42:16:25

The the existing cables that are exposed is have been a real frustration because the the owners of the cable, because they end up being sold off and we end up with a situation where we don't even know who owns the cables, seem to be of a situation where, well, it's okay, we don't really have to do it, and we can't do it because if they bury it one week, it might be exposed the next week and it may move

along the cable. So it's a very difficult. But there is cables exposed that have been exposed for ten years.

00:42:17:29 - 00:42:21:06

And then now, um, obstructions to fishing.

00:42:28:24 - 00:42:33:29

Thank you, Mr. Armstrong. I've noted your comments. The applicant like to respond, please.

00:42:35:13 - 00:43:05:00

David Reed for the applicant, I think. Yeah. It is understood that cables can be exposed. And I think going back to your point of where we could kind of do some initial remedial work, but that may cause more impact than than not doing any work. I think that's where we're trying to understand the wider context of it. I'm not sure where those cables have been exposed for for ten years. I'm sure there are some. And I know that there are some issues in terms of the burial, but that's why from from an engineering perspective,

00:43:06:29 - 00:43:10:11

there are some additional mechanical stresses that are

00:43:12:10 - 00:43:55:18

that occur on a cable when it is left to to effectively what we call free span. So when it's exposed. So from an engineering perspective, and this is why from from my side of things, what we're trying to do is, is minimize the risk of that by effectively designing the cable routes to to minimize the amount of time it's likely to free span. So running parallel to the sand waves where possible, burying in the troughs of the sand waves that currently exist so that we're getting the cable as deep as possible. So we're trying from a design perspective. To to minimize the the issue in the first place, I fully appreciate that we cannot 100% reduce that risk because as you say, and as as we're aware, the seabed is is mobile, but we are effectively trying our best from a design perspective to try and design out the the problem at the first place.

00:43:56:06 - 00:44:12:12

And then when it comes to the remedial works, that's where we need to understand the wider context of what is happening in relation to that, that area of seabed. It's of course different where we were in export cable, where if it's become exposed in the clay, that's not going to be able to to be effectively

00:44:14:02 - 00:44:46:15

covered again through through natural processes. And this is where it's, it's a bit a case of case by case basis to understand what the best solution is for, for everybody concerned. As I say, having a free spanning cable is not always a benefit to us as the developer. And so we need to understand the case by case basis of when, where and what time of year it occurs to understand what the the best remedial method is. Because there's no one size fits all for remedial methods, as you yourself have pointed out.

00:44:46:19 - 00:44:51:19

And we need to understand the wider context of of what what is happening in that area.



00:44:56:08 - 00:44:56:25

Thank you.

00:44:57:25 - 00:45:29:07

Uh, Alex, when are we given for the applicant? And just following on from David Reads, it's just to note that to minimize, you know, when you mention the safety aspects, it's to minimize, um, uh, disruption. And the aim would be to make sure that any information in the event that cable exposures are identified. Uh, and this has included the embedded mitigation, um, the location of these would be published and provided to the, to the fishing industry to make sure that they were aware of where there might be potential, uh, exposures or free spans, um, for safety purposes.

00:45:29:09 - 00:46:04:24

And then, as David said, they would then sort of undertake whatever additional temporary measures to be put in place to sort of, uh, to make that as, as clear as possible for any sort of, uh, fishing activity. Um, in terms of, you know, you mentioned sort of rock placement and typically this is the least likely to interact with demersal trawl gear compared to the other methods, which is why it's often considered in areas of fishing activity. Um, as David said, uh, a lot of this does have to be specifically considered in relation to the specific grounds and the specific fisheries that are in place.

00:46:04:26 - 00:46:11:01

That would be, uh, that would be discussions going through the CFG with, uh, with yourselves and the fishery stakeholders on that.

00:46:11:23 - 00:46:12:11

Thank you.

00:46:14:18 - 00:46:28:17

So Gary McGovern, for the applicant and just for the benefit of your notes, the embedded mitigation that's been referred to as captured in the Outline Fisheries Liaison and Coexistence Plan, which is reference EP 0244

00:46:30:07 - 00:46:50:13

and the assessment as well. Sorry, sir. And you'll you find that in table 4.1 and there are a series of measures listed out there, including the dissemination of information in the event of cable exposure and the commitments around rock placement and so on. I won't go through them all, but I'm just you can look at those under your own steam. Thank you.

00:46:50:25 - 00:46:54:07

Thank you, Mr. Armstrong. Do you have any any comments on this?

00:46:54:25 - 00:46:58:01

Armstrong. I don't think I've seen a consistent plan.

00:47:00:13 - 00:47:08:03

So, um, and I, I can't remember it being discussed at the CFG. Um, perhaps I missed the meeting.

00:47:08:17 - 00:47:17:11

Thank you. Gary McGovern for the applicant. And it's one of the application documents, and we can happily send it to you for your attention if that makes your life easier.

00:47:19:13 - 00:47:53:18

Uh, Trevor Armstrong, I don't know how many documents are in there, so I, I'm trying just to represent some fishing community. I'm up against people that are paid an awful lot of money to sit around the table to say, oh, we have submitted a document. We have regular meetings where that should have been discussed before it was submitted. So how can I agree to a coexistence fan plan when I haven't even seen it? It's that's that's ludicrous. We've had plenty of opportunity for you to present that coexistence plan to us.

00:47:54:05 - 00:47:56:26

So the question is, did you ever bring it to see.

00:48:01:08 - 00:48:03:02

If you can respond on that point, please.

00:48:03:11 - 00:48:23:11

Alexandra Geffen for the applicant. Um, we did bring it to the statement of Common ground, uh, meeting. We brought several copies. Um, it's an outline plan. So essentially it's been drafted in line with, uh, discussions from the CG, but because it's outline, it will be developed post consent, uh, to address sort.

00:48:23:13 - 00:48:24:21

Of, uh.

00:48:25:03 - 00:48:51:02

What happens with the consent conditions and, and also sort of what's actually happening with the build. And so the construction methods and so all of that will inform. But the embedded mitigation is a key part of that. But it'll be informed by what actually happens with construction and, you know, and the actual details of the project. And so would be. So it cannot be it has to be brought to the CFG for discussion and finalization.

00:48:51:28 - 00:48:52:18

Thank you.

00:48:53:08 - 00:48:54:18

Thank you, Mr. Armstrong.

00:48:56:18 - 00:49:27:03

I welcome looking at it and having a discussion with it. It's as simple as that. We want co-existence. We want to get on together. Um, because it's it's vital for the whole process. But the comments say, oh, we'll let you know when there's an exposure for a notice to Mariners. That that is an easy thing to do to send out. Please keep out the way. Out the way. But that's not an easy thing for a fisher when it's

in prime fishing area. And that's what some developers have done. They use notes to mariners, which is a great thing.

00:49:27:05 - 00:49:42:19

That's what fishers want to get. But they go on and on and on and they're not resolved. And when they talk about remedial work to put a cable that's exposed back under the ground, that could take years.

00:49:45:00 - 00:49:45:18

Thank you.

00:49:50:05 - 00:49:59:24

Thank you, Mr. Armstrong. I've noted your concerns. I'm not seeing any other hands in the room or online. Um, any final comments from the applicant?

00:50:00:13 - 00:50:15:06

And Gary McGovern for the applicant. Just to say that we would very much welcome a discussion with Mr. Armstrong on the fishery liaison coexistence plan. As I said, we're happy to send a copy. We may be able to print a copy that you can take away with you today, if that's convenient.

00:50:16:23 - 00:50:17:11

Thank you.

00:50:18:26 - 00:50:19:14

Thank you.

00:50:21:27 - 00:50:33:07

Move on to the next question. So the question is whether the estimate of the effects from disruption to fishing in the assessment of socioeconomics is sufficiently robust.

00:50:35:15 - 00:51:00:22

So you mentioned earlier that you haven't got your socioeconomics specialist here today. I would like to read out the question and I'll follow it up with a written question. So could the applicant clarify how the Commercial Fisheries Working group under ten meter vessels have been considered in the socio economic assessment in chapter 31 reference app zero 45.

00:51:07:07 - 00:51:27:29

Government for the applicant. We will respond to that in writing, sir. But as has been pointed out in this session, the Commercial Fisheries Assessment has considered all sizes and types of vessels, and the socio economics chapter draws on and utilizes all of the information that is contained in the Commercial Fisheries chapter?

00:51:32:11 - 00:51:40:04

But I think what we're looking for is specifically highlighting for us how those ten meter vessels have been considered.

00:51:42:08 - 00:51:53:20

And McGovern for the applicant. Thank you. I'm not in a position to point you to specific references or paragraphs in the socioeconomics chapter, and we'll look to do that in writing in response to that question. But we've got that. Thanks, ma'am.

00:51:56:00 - 00:51:59:14

Mr. Armstrong, do you have any points you want to raise on that question?

00:51:59:26 - 00:52:20:18

Trevor Armstrong um, I'm quite willing, with all the other reps on the CF WG to sit down and have a discussion about the social economic impact this development would have. We haven't had it to date, but if they're willing to sit down and have that conversation in a meaningful way, then I'm quite happy to do that. Thank you.

00:52:23:03 - 00:52:24:21

Thank you. I'm not seeing any.

00:52:24:23 - 00:52:45:09

Thank also. Miss. Mr. Armstrong, it would be helpful if again at deadline for whether or not you've had discussions. If you could set that out in your view and in your words for us, the so that particular socio economic impact on those sizes of vessels.

00:52:48:22 - 00:52:50:15

It's the 25th.

00:52:55:13 - 00:52:59:13

Thank you. I'm not seeing any hands up in the room or online.

00:53:01:03 - 00:53:04:03

So any final comments from the applicant on that?

00:53:05:27 - 00:53:07:03

Not on that topic, sir.

00:53:08:09 - 00:53:24:21

Thank you. So I'm going to move on to the final question in the commercial fisheries. Um, agenda item. Are there any additional mitigation measures and or safeguards are necessary to include project alone and cumulative effects for commercial fisheries.

00:53:26:17 - 00:53:44:18

I don't believe the MMO are in attendance, but if they were in attendance I would have asked them this question. For commercial fisheries, could the MMO advise whether there are any additional mitigation measures and or safeguards are necessary to include project alone and cumulative effects?

00:53:47:02 - 00:53:53:23

As they're not present? Could I ask the applicant whether they have any comments, and can this point be covered in the statement of Common Grounds?

00:53:57:13 - 00:54:05:21

Gary McGovern for the applicant, I'm sorry, when you refer to statements of common ground, is that with the MMO, sir? Or do you mean with someone else.

00:54:07:00 - 00:54:08:02

With with the MMO?

00:54:15:15 - 00:54:47:21

And Gary McGovern for the applicant and from the applicant's position. We've applied the mitigation hierarchy as required by NPS policy in one, and we've avoided reduced or mitigated impacts so far as possible, both through the site design and you'll be aware from the chapter four of the year site selection, which is app 018, that there's been considerable reduction in the area of the offshore wind farm area with the removal of the northern array.

00:54:47:27 - 00:55:32:26

The reduction in size of the southern array and the consequent reduction in the number of turbines. Um, there are commitments in relation to the minimum spacing of turbines and there are commitments to cable, Burrill notwithstanding. So far as practical comments today under the embedded mitigation commitments, which are referred to in chapter 14 and also in the outline Fishery Liaison and Coexistence plan that has been mentioned earlier in the session as well. And so our submission to you, sir, is that in line with NPS policy in three paragraph 28318, that the site selection and design process has reasonably minimized adverse effects on fish stocks and activity of fishing itself.

00:55:33:06 - 00:55:38:06

And there is nothing else that we are aware or proposing in relation to mitigation. Thank you sir.

00:55:46:11 - 00:55:51:23

Thank you. Um, are there any other comments on that question, Mr. Armstrong or anyone else?

00:55:53:29 - 00:55:57:08

I'm not seeing any hands up in the room or online.

00:56:02:02 - 00:56:16:19

Um, so that brings to an end the commercial fisheries, um, section on the agenda. Um, the next item is item 3.4, navigation and shipping. I think, Mr. McGovern, you said you did. You want to change the seating arrangements first?

00:56:17:01 - 00:56:23:06

Yes. We'll need to change our witnesses so we can either do that. Or if you wanted to have a quick comfort break. I'm in your hands.

00:56:23:08 - 00:56:33:03

I'm happy to press on. I think the next comfort break is 1130. So if you need a minute just to rearrange, that's fine, but we'll keep going. Thank you. Thank you.

00:58:14:17 - 00:58:37:01

Okay. Item 3.4 Navigation and Shipping. So the first bullet point is whether there are any outstanding concerns regarding the risks to navigational safety being assessed as as low as reasonably practicable for both the project alone and cumulative effects, subject to implementation of management plans and the level of mitigation proposed by the applicant.

00:58:40:08 - 00:59:18:25

On the subject of navigational safety, with reference to the Netherland Ministry of Infrastructure and Water Management's comments on any submissions received at the previous deadline. Rep 3065. Point number nine aspects concerning safety of navigation. They have recommended internal sorry international coordination and would like to be involved. They've identified the following five conflicts. Point A the distances between the traffic separation schemes and the planned wind farms may not comply with paragraph 3.1.4 of the general provisions of ship routing.

00:59:19:10 - 00:59:56:07

To ensure safe distances, it is recommended to adopt the NC 7INF 15 report from the World Association for Waterborne Transport Infrastructure in brackets p I anc point B the impact of irregular shapes on ships situational awareness. Point C the overlap between the southern wind farm and the precautionary area. Point D the positioning of the western border of the northern wind farm that is located within the boundaries of the adjacent Traffic Separation Scheme

00:59:58:01 - 01:00:17:29

and point E, the. The galloper recommended route ferries located within the southern wind farm area. Could the applicant comment on the submission, including the five conflicts raised by the Netherland Ministry of Infrastructure and Water Management? And follow this up with a written response by deadline for.

01:00:22:06 - 01:01:06:00

Adam Foster for the applicant. I am a principal risk analyst and head of Renewables annotate Limited, and we are the shipping and navigation consultants for the North Wales project. Yes, I can certainly speak to that. The key point to bear in mind here is that these comments were made on a previous iteration of the site boundary, stepping through those one by one in terms of the distances to the traffic separation schemes. That has been a key conversation topic with the MCA, and we have reached agreement on suitable distances between the array area, the final array area and as it stands, and the traffic separation schemes and the precautionary areas.

01:01:06:06 - 01:01:40:01

With that being secured through both the site reductions that have been undertaken and also the implementation of the structure exclusion zone in terms of the irregular shape. Again, that was based on the previous site boundary that has since been reduced. The worst case has been assessed within the navigation risk assessment. And that includes assessment of a layout that is the full buildout of the final shape of the array area, and also the necessary mitigations to deal with that have been identified, including lighting and marking of the array.

01:01:40:03 - 01:02:13:01

To make sure that vessels are aware of where the turbines are located. The overlap between the southern wind farm and the precautionary area has been completely removed through the site. Reductions that have been made and an appropriate distance to it has been maintained through the structure exclusion zone. And then again, the Northern Wind Farm Array has been removed in its entirety as part of the site reductions that have been made to a point D has been dealt with. And then finally on the galloper recommended route, aware that there is a specific agenda item where we will be discussing this.

01:02:13:05 - 01:02:21:07

So all I'll say at this point is that through the NRA process, we have confirmed that there is no navigational safety issue with removing that route.

01:02:22:08 - 01:02:22:26

Thank you.

01:02:26:14 - 01:02:36:23

Thank you, Mr. Foster. Um, I'd like to bring in the Maritime Coastguard Agency, who are online. Mr. foster, are you there? Sorry, Mr. Salter. Sorry.

01:02:38:01 - 01:02:40:20

Yes. Unexcellent from the Maritime Coastguard Agency.

01:02:44:12 - 01:02:49:09

Do you have any any comments on the concerns raised in that particular submission?

01:02:50:26 - 01:03:26:15

Uh, the only comment I would raise is, is concerning, uh, the first one, um, regarding that, the Netherlands comments on the two nautical mile, um, Distance from an IMO routing measure that is normally our position to um. Our starting position is two nautical miles from a from a separation scheme. Uh, however, with the Greater Gabbard and Galloper Wind farms, um, the applicant's relying on the precedent, which is a one nautical mile, um, uh, buffer, which we have accepted.

01:03:34:15 - 01:03:35:06

Thank you.

01:03:37:01 - 01:03:41:11

Are there any other interested parties, either in the room or online, that have any comments?

01:03:44:13 - 01:03:46:04

I'm not seeing any hands up.

01:03:47:04 - 01:04:11:27

Um, as opposed to for the applicant, if we could just make one point of clarification there that we would concur with the MCA, that we are aligning with the precedent of the existing turbines, although it would flag is that the very closest this. Turbines in the existing wind farms are actually even closer

than one nautical mile at their closest. They're around 0.8 by our measurements, and therefore we're actually in excess of the existing precedent in the area.

01:04:12:26 - 01:04:13:14

Thank you.

01:04:17:15 - 01:04:20:14

Mr. Salter, do you have anything further to add on that?

01:04:24:02 - 01:04:24:27

Uh, no thank you, sir.

01:04:25:16 - 01:04:32:12

Okay. Any final comments from the applicant? No, I think I'll move on to the next question.

01:04:34:23 - 01:05:05:18

With reference to the Maritime Coastguard agencies written representation. Rep 2046 Maritime and Coastguard Agency has confirmed they are content with the mitigation measures in table 19.1 of the Navigational Risk Assessment app 107 and table 15.3 of the Environmental Statement. Chapter 15 app 029 are relevant and appropriate, and will serve to reduce identified risks to as low as reasonably practicable.

01:05:06:19 - 01:05:50:10

Maritime and Coastguard Agency also stated their position regarding the galloper recommended route, which we'll discuss in in the next section. Furthermore, the Maritime Coastguard Agency has provided comments on the draft DCO, including on schedule one, part three requirement 29 obstacle free zone for navigational safety and proposed amendments to the deemed Marine Marine Licence. And the question then to the Maritime and Coastguard Agency is whether there are any outstanding concerns regarding the risks to navigational safety being assessed as low as reasonably practicable for both the project alone and cumulative effects, subject to the implementation of management plans and the level of mitigation proposed by the applicant.

01:05:52:19 - 01:06:04:19

Except for the MCA, subject to implementation of those, uh, proposed mitigation measures and removal of the uh galloper recommended route. Uh, we

01:06:06:18 - 01:06:10:21

were largely content and don't have any other concerns to raise.

01:06:17:25 - 01:06:25:09

Thank you, Mr. Salter. I'm not seeing any other hands up for any other interested parties, either in the room or online.

01:06:26:26 - 01:06:30:08

The applicant got any final comments to make on that question?



01:06:35:17 - 01:06:42:14

No, nothing to add. Just to confirm that we've undertaken our navigation risk assessment that has found all risk to be as low as reasonably practicable.

01:06:46:01 - 01:06:46:20

Thank you.

01:06:47:19 - 01:07:19:15

Could I just make one small comment? Certainly, yes. Thank you. Uh, Trevor Armstrong, um, just to say that a rye side becomes an unmissable area for most methods of fishing. Um, the, uh, spacing of the turbines is larger, so that's that's good. But if you speak to any of the under ten skippers about working in an array site, they will say to you it's a no go unless they're using something very mobile like rod and line the turbines.

01:07:20:26 - 01:07:47:01

They are so close. Whatever it looks like on a chart is different to when you're at sea. And the wind is blowing and the tide is running. So the RTE sites do become no go areas for fishers. And what that does then is condense the fishers into other smaller areas, which then impacts on their safety of navigation. Thank you.

01:07:49:25 - 01:07:57:06

Thank you. Before I go to the applicant, um, I've just noticed that there's a hand up online. Um, miss Russell from Port of London.

01:08:00:07 - 01:08:01:28

Good morning, sir. It's Julie Russell.

01:08:02:00 - 01:08:22:12

Representing the Port of London Authority. Um, my point was about the navigational risk assessment and embedded mitigation measures. So I don't know actually whether you might want to go to the applicant on, um, the points previously raised and then come back to me. Um.

01:08:24:11 - 01:08:30:16

Yes, we can do that. Just hold on for that moment. Um, the applicant, please.

01:08:32:10 - 01:08:53:08

Adam foster for the applicant. I fully acknowledge the comments by Mr. Armstrong. In the context of fishing vessels we've assessed within the navigation risk assessment what we're required to under the MCAS guidance, with that being marine guidance note 654, that requires us to assess the navigational safety impact to The vessels in transit as opposed to active fishing.

01:08:58:09 - 01:08:59:08

Mr. Armstrong.

01:09:02:02 - 01:09:05:16

Just to say that they're no go areas. It's as simple as that. Thank you.

01:09:05:26 - 01:09:10:27

Thank you. Anything else to add? No, Mr. Russell.

01:09:15:00 - 01:09:50:03

Thank you. It's Judi Russell for the Port of London Authority. Um, port of London Authority have got significant concerns in that table. 19 one of the navigational risk assessment, um, embedded mitigation measures relevant to shipping and navigation places significant weight on documents that are yet to be produced. Um, and therefore, there is no certainty in relation to deep water routes. Um, we've obviously put a London have seen, um, Various plans.

01:09:50:21 - 01:10:26:08

Um, and we're aware that it's appropriate for some of those plans. Um, the suite of management documents to come later. Um, and in essence, to London Authority are happy with that approach. Um, as a framework that, of course, the, um, the devil is in the detail. Um, and because we haven't got any comfort that the outline documents will flow through. Um, it then becomes a matter for the protective provisions and the requirement that we spoke about yesterday.

01:10:26:22 - 01:10:57:17

Um, we, the London Authority, are hopeful that there's going to be some further discussions on that suite of management documents, say the, the nip, um, the c sip and the burial cable assessment and the operation and management plan. Um, and until those outline documents have been produced. Um. The Port of London Authority can't be satisfied that the risks of navigation, navigation or safety are as low as reasonably practicable.

01:10:58:04 - 01:11:38:05

Um. Also, just to note, um, the Port of London Authority has set out in their written representations, which is rep 2-056. Um, the amendments that they would require um to the outline, navigation and installation plan. Um, and we're, uh, hopeful that further discussions with the applicant can take place. But but that's not been something that's been discussed to date. Um, and then finally, um, we spent much of yesterday talking about the, um, Osip, um, we understand that we've put a London authority requested that that should be produced.

01:11:38:12 - 01:11:58:17

Um, and we understand that that is going to be produced by the applicant at deadline for, um, so it's, um, you know, we'll need to we'll need to go through that, um, and check that, that we're happy, um, with the criteria covered by it.

01:12:02:24 - 01:12:16:15

Okay. Thank you. Um, we have got questions later on on both the navigation and installation plan and the cable specification and installation plan. Um, so we can get into the detail then. But if you could respond to those points now. Thank you.

01:12:17:15 - 01:12:50:20

Adam Foster for the applicant. I would concur with Miss Russell about the engagement that we've been undertaking to address these issues. And what I can confirm is there will be a number of

documents submitted at deadline for that will seek to address the concerns of the ports. These are, as we've mentioned, the outline cable specification and installation plan or outline OC CIP, and that will provide the detail around the areas of deeper burial to ensure that the port's ability to dredge in the future, should they seek to, can be maintained.

01:12:51:03 - 01:13:24:02

There will also be the sediment disposal plan. The outline of that will be submitted at deadline for, and that will provide the detail around how the applicant intends to ensure that its plans around disposing of sediment will be such that the deep water routes and the area around the sunk Pilot Diamond are not impacted from an under keel clearance perspective. And then finally, there will be the updated outline, navigation and installation plan that sets out the intentions around how the temporary impact of cable installation and cable maintenance will be managed by the applicant.

01:13:24:14 - 01:13:33:17

The technical content will be included in those documents, and we are confident that we can agree that technical content with the relevant parties by the end of examination.

01:13:40:12 - 01:13:43:15

I'm Julie Russell. Would you like to come back on any of those points?

01:13:46:22 - 01:13:53:07

Is there anything further at the the presence? Obviously, once we've seen the documents, we'll be able to come back on the detail.

01:13:56:12 - 01:13:57:07

Mr. foster.

01:13:59:20 - 01:14:05:26

Adam Foster for the applicant. Very happy to chat with the PLA on those plans once they've had a chance to review them.

01:14:08:15 - 01:14:51:19

Okay. Thank you. I'm going to move on to the next subject, which is deviations for routes ten and 14. Navigational risk assessment. App 107 presents the impact on routes ten and 14 in table 14.3, deviation summary within study area and table 14.4 Cumulative Routing Summary. So this question is for the Maritime Coastguard Agency. Could the Maritime Coastguard Agency advise for routes ten and 14, what would be the level of interference with the use of recognized sea lanes essential to international navigation? Likely to be caused by the deviations necessary.

01:14:56:08 - 01:15:12:03

From the MCA? With apologies, sir. Um, it doesn't appear to be on the agenda, so that hasn't been considered, so I'm just trying to find that now. Um, is that something that you do?

01:15:12:14 - 01:15:12:29

Yes.

01:15:13:01 - 01:15:13:20

I mean, what.

01:15:13:27 - 01:15:16:06

Do you want me to repeat the references?

01:15:17:03 - 01:15:18:01

Uh, yes, please.

01:15:18:03 - 01:15:24:03

Okay. So the document is the navigational risk assessment, which is AP 107.

01:15:25:24 - 01:15:27:13

Do you know which part, sir?

01:15:27:19 - 01:15:34:09

Yeah. So if you search on, if you do a word search on table 14.3, I should.

01:15:34:11 - 01:15:37:06

Apologise. The the NRA comes in three parts.

01:15:37:12 - 01:15:46:24

Oh, sorry. Um, yes, I think it's the second part, isn't it? Because I think the references are 106 to 108 and 107 is is the second one. I think

01:15:48:11 - 01:15:49:23

somebody wants to correct me.

01:15:50:16 - 01:15:51:11

It's it's part two.

01:15:51:18 - 01:15:52:16

Part two. Yeah. Okay.

01:15:52:18 - 01:15:53:18

Okay. Thank you.

01:15:57:29 - 01:16:01:13

And the figure is 14.3.

01:16:01:18 - 01:16:03:18

Table 14.3. Yes.

01:16:10:24 - 01:16:14:07

If you need more time, we can follow it up with a written question.

01:16:14:15 - 01:16:16:15

Uh, yes, please. I think that would be preferable.

01:16:16:22 - 01:16:17:24

Okay. Thank you.

01:16:22:04 - 01:16:41:23

Um, and, um, when you respond to the written question, there'll be a second part, which is, um, whether there's any additional mitigation measures and or safeguards or approvals are necessary to include project alone, and cumulative effects for risks to navigation or safety for the deviations necessary.

01:16:45:11 - 01:16:46:05

Okay. Thank you sir.

01:16:46:11 - 01:16:47:00

Thank you.

01:16:50:06 - 01:16:53:11

I'm going to move on to the next section now.

01:16:55:12 - 01:17:36:17

Uh, whether there are any outstanding concerns regarding the feasibility and timing of the formal removal of the galloper recommended ferry route. The Maritime and Coastguard Agency has written representation. Rep 2046 provides an update on the progress made and the next steps for the proposed removal of the galloper recommended ferry route. Maritime Coastguard Agency has stated in their written representation. Rep 2046 that it is their position that a condition of consent must be included within the Development Consent Order or Draft Marine Licence to ensure that no offshore construction that directly interacts with the galloper.

01:17:36:19 - 01:17:40:23

Recommended route can commence before removal is in force

01:17:42:21 - 01:17:50:11

at the Maritime Coastguard Agency set out the principle for including this condition of consent in the Draft Development Consent Order.

01:18:08:24 - 01:18:24:02

Except for the MTA. Sorry, sorry. Is that, um. That is our position. Yes. Uh. Uh, we haven't proposed any wording for the development consent order. Um, that's that's been passed back to the applicant.

01:18:29:05 - 01:18:37:00

Could I just ask if there is scope for you to provide your preferred wording of the draft eco.

01:18:40:19 - 01:18:52:24

For the MCO. Yes, there is scope for that. If something if that is something you would, you would, you would ask us to do then then. Yeah we can. Yes, yes.

01:18:53:13 - 01:19:04:18

Thank you. And, um, just to point out, our next written deadline is deadline for which is the 25th of April. If you were able to do that by then, that would be helpful.

01:19:06:07 - 01:19:07:10

Yes, we can do that.

01:19:11:13 - 01:19:14:03

Thank you. Mr. Salter, any comments from the applicant?

01:19:15:22 - 01:19:45:00

McGovern for the applicant. Um, we are very keen and have been seeking a further meeting with the MCA to discuss the galloper recommended route, and we'd be very keen to speak to them before any submission is made of suggested wording in relation to any proposed conditions. So whilst we understand the desire to have that before you as soon as possible, we feel it would be better if that wasn't rushed into deadline for and we could have the meeting with the MCA first to discuss that matter further.

01:19:47:25 - 01:20:11:05

Well, I think from the exercise point of view, it would be helpful to have that wording before us by deadline for obviously, if you subsequently discuss, um, and reach agreement on this, um, then both sides are saying that's not required. It's not required, but it would be helpful to have your drafting in front of us so that the applicant can then comment to later deadline.

01:20:14:03 - 01:20:30:06

Gary McGovern for the applicant. And just to put our position on the record in that regard, then it is our position that, uh, conditions such has been proposed is not required. Um, and I'll pass you to Mr. Foster now, just to explain the context as to why we have that position.

01:20:30:27 - 01:20:31:19

Thank you.

01:20:33:04 - 01:21:05:04

Adam Foster for the applicant. If it suits, I would appreciate the the opportunity just now to give a rundown of where we're actually at in the assessment and the consultation that we've undertaken on the removal process for the galloper recommended ferry route, which I hope will go some way to addressing the position put forward by Mr. McGovern. Firstly, we think it's really important to make clear up front, as I mentioned earlier, that there are no navigational safety concerns left with the removal of the galloper recommended ferry route.

01:21:05:12 - 01:21:38:21

The open discussion points are purely administrative and about the timing and the process by the applicant's understanding. It's obviously in the applicant's best interest for the route to be removed sooner rather than later. And that is why we're keen to discuss with the MCA the timing of that process, to move it forward as fast as we can. We'll of course, keep you updated on those discussions as we run through them, but we did want to outline a number of quite important points in our review that we will be discussing with the MCA

01:21:40:14 - 01:22:17:28

that has led us to the decision, the the conclusion that the the timing of the removal of the route can progress soon. The MCAS position currently, by our understanding, is that the North Falls would require consent before that process can begin or at least be progressed further. We want to outline three key points that think that process can begin now. Firstly, we've had confirmation in writing from the Belgian Maritime Authority through the Directorate General of Shipping, that they've had a positive outcome on their consultation on this topic.

01:22:19:11 - 01:22:51:03

Secondly, the originally intended purpose of the galloper recommended ferry route as laid out by the International Maritime Organization in their original ratification process in 2006, was for use by ferries running from Ostend to avoid a need to use the traffic separation schemes. That routing as it stood was running between Ostend and either Harwich or Ipswich, depending on what period specifically you look at. But it has not been active since 2009.

01:22:51:10 - 01:23:23:11

So what that means is the recommended ferry route has not been used for its originally intended purpose for in excess of 15 years. Now, the applicant is not aware of any plans to reactivate that routing. And further, we've demonstrated both through the NRA. Would that be being app 106 through app 108? And also the additional work we've undertaken at the request of the Belgian maritime authorities. With that being ripped to dash 025 that if it were to ever reopen open.

01:23:23:14 - 01:23:43:25

There are suitable, safe and viable deviations that those vessels could take even with the removal of the galloper recommended ferry route. And then finally, we think it's really important to make clear the current usage of the galloper recommended ferry route. The applicant has studied long term AIS data to fully characterize that usage

01:23:45:14 - 01:24:27:22

spanning a four year period. What that data shows is a general steady decline in the usage of commercial vessels. And in this context, I'm talking about cargo, passenger or tankers. The most recent 12 month period that we've studied within those four years shows an average of one of those vessel types per month, on average over the 12 months. If we look at the subset of those commercial vessels that are commercial ferries, as is referenced in the original IMO ratification wording, what we see is a total of 14 commercial ferry transits over the entirety of that four year period, which corresponds to an average of one every 3 to 4 months.

01:24:28:04 - 01:25:20:05

We would note that none of those commercial ferry transits were transiting to ports in Belgium. So for these reasons, the fact that the Belgian maritime authorities have confirmed that they are content, the fact that the route is clearly not meeting its intended purpose, as stated by the International Maritime Organisation. And finally, that the current usage is very, very low. Our position is that there shouldn't be any impediment, and in fact it's very reasonable and appropriate to progress the removal process. Now, with regard to the specific point around the condition, our view would be that the MTA already have under the DMO, the DCO, the DML ability to be consulted on the layout by the IMO, and therefore they still have the ability to comment on that layout within the context of whether or not the recommended route is there at the time.

01:25:20:22 - 01:25:25:10

And so we will be meeting with the MTA to discuss these points in more detail, and we'll keep you updated.

01:25:25:28 - 01:25:59:09

Thank you. Thank you. And we've obviously read what you've put in writing to, you know, in those submissions that you've referred to as well. But our understanding that it was still the position of the MCA, that a condition of the consent to that effect should be included in the DCO or the DML. Um, but perhaps we can go back to Nick Salter, and perhaps you can confirm that to be your current position and also outline for us.

01:26:00:02 - 01:26:06:24

What's the present position? Have you any time estimate for the conclusion of the process of your discussions?

01:26:07:12 - 01:26:07:27

Uh.

01:26:09:09 - 01:26:48:15

Yeah. Thanks for the MCA. Uh, yes. Our position on the condition, um, is as it was in our written representation. And as we've discussed the our position on the timings, we are confined by the timings of the IMO and the IMO meetings, which are which it must be submitted to the. The next opportunity for us to submit to IMO is in the spring of next year. We must submit any proposal six months before that, and we must submit to the UK Safety of Navigation Committee.

01:26:49:12 - 01:27:22:01

Um, prior to that, uh, to that six months. So the next opportunity would be to the UK Safety Navigation Committee. Um, would be in the spring of next year. We can prepare the proposal um, to UK on uh beforehand. And the reasons Mr. Foster um gave are are Perfectly valid, but it doesn't change the timetable of the IMO meetings.

01:27:28:25 - 01:27:54:24

Adam Foster for the applicant. I concur with Mr. Salter about the timeline restrictions and they're fully understood. We do have the understanding that it would be possible to progress this and possibly submit to the International Maritime Organization in advance of consent of North Falls. And we don't



have a clear understanding of any reason why we couldn't do so. And that's what we would like to discuss with the MCA at their availability. Thank you.

01:27:57:18 - 01:28:00:08

Thank you. Mr. Salter, do you have a response?

01:28:00:26 - 01:28:18:13

Yes, please. Next up for the MCA. We don't feel it's necessary to submit any proposal to the IMO before we have that determination of the North Falls project. We're not keen to submit any proposal until we have that consent in place.

01:28:26:06 - 01:28:27:03

Mr. McGovern.

01:28:41:20 - 01:29:12:25

Gary McGovern for the applicant. And this is perhaps something that we can discuss further with the MCE and hopefully in short order in a meeting rather than hear this further in this context. I would just add that we're very the applicant is very happy to work with the MC and provide whatever support and resource may be needed to assist with the paperwork that would be involved in making that application in order to accelerate the timeline. And if we can, and I think it is important just to flag.

01:29:12:27 - 01:29:57:06

And we can elaborate on this in submissions that, um, the reason that we're very keen that there isn't a condition is that that could have implications for project program and the desire to accelerate the North Falls project. And if there is a condition of the type that's been proposed, and that could affect the ability to take a financial investment decision at an early juncture. And just finally, for all the reasons that Mr. Foster has outlined to you in terms of usage, purpose and so on, is our submission to you that that means that this particular route falls within the scope of, um, NPS in three paragraph 283 30 being a less strategically important route route, and therefore one in which Secretary of State should take a pragmatic approach.

01:29:57:09 - 01:29:57:27

Thank you.

01:30:00:19 - 01:30:29:23

Thank you. We do understand the implications of such a conditional conditional requirement being imposed. And for that reason, Mr. Salter, if you could, at the next deadline, provide further details to support your argument. In the light of all the evidence that the applicants put forward and their position that such a requirement isn't isn't necessary, why you still say that it should be imposed.

01:30:33:14 - 01:30:53:26

Uh, Knicks out for the NCAA. Yeah, we can we can do that for deadline for, um, I'll also say that we've been very clear with the applicant about the, the the IMO process is not a quick one. Um, they've been well aware that it needs to be submitted to UK soon before IMO. So we feel we've been very clear that it's not a quick process.

01:30:57:17 - 01:30:59:02

Mr. Salter, Mr. Foster.

01:30:59:09 - 01:31:26:08

Adam Foster for the applicant, we fully agree with Mr. Salter there that it is a lengthy process and that is why the applicant is so keen to make sure that we progress this as soon as we possibly can. The sessions that Mr. Salter has referenced, there is usually a year gap between them. And so if we don't get into a session one year, it means that we need to wait a full year before the next available opportunity, which is one of the key reasons why we're keen to progress this as soon as we can. Thank you.

01:31:27:25 - 01:31:52:09

Thank you. I'm not seeing any hands up in the room or online. I'm going to suggest that we go for a short break. Now we have got further questions on the galloper recommended ferry route, so we haven't completed this section yet, but, um, I think that will take a bit a bit longer. So I suggest we have the 15 minute break. Uh, now we'll adjourn for until 1146. Thank you.