

## Hearing Transcript

<b>Project:</b>	North Falls Offshore Wind Farm
<b>Hearing:</b>	Issue Specific Hearing 2 (ISH2) - Part 3
<b>Date:</b>	08 April 2025

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## NF\_8APR\_ISH2\_PT3

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### FULL TRANSCRIPT (with timecode)

00:00:05:00 - 00:00:27:02

The hearing is resumed. This is item 3.2, which is the ecology topic. Parties attending today will of no doubt seed the agenda. Bullet points issued. However, some of the bullets will be condensed downwards given any and the MMO not attending, which does reduce some of the elements of discussion previously anticipated.

00:00:29:08 - 00:01:01:12

There are a number of the applicant's experts present which I'm aware of. Um, for the hearing requiring use of the microphone system to my questions and dealing with the agenda issued, which covers both onshore and offshore matters. I will initially start with the offshore ecology principally, and then move to onshore aspects for the first item as I go through the hearing questions. But this is a mixed agenda, covering both onshore and offshore elements is some forewarning of that.

00:01:02:14 - 00:01:37:23

Therefore, for brevity or ease. I will direct my questions to the applicants team in the first instance generally, and the relevant allocated speaker can introduce themselves as we go on. There will be an opportunity for some of the IP's to speak. I am aware of a couple of interested parties who who joined today want to make some points and I will invite them in when it's an appropriate time following my questions to the applicant.

00:01:37:25 - 00:02:19:06

The format of the actual hearing discussion will begin with number one, clarifications towards the Cumulative Effects Assessment. Update from the applicant and examine the questions about some of the principal areas of disagreement covering Natural England responses and other IP responses thus far. where there's an examination benefit to do that in the context of written submissions to follow, the sub order of that discussion will have regard to firstly, benthic intertidal fish and shellfish, then marine mammals and bats initially, and then switching to dormice.

00:02:20:03 - 00:02:56:24

Um, given that was a concern raised during issue specific hearing number one, I will then move to number two, which is HRA derogation and without prejudice competition compensation matters questions covering bird wildlife onshore and offshore then finishing today hopefully with number three ecological enhancement and bang outcomes to date. So three main elements essentially to work to uh bearing in mind what was originally bulleted on the agenda, we do have a tight running order.

00:02:56:26 - 00:03:10:24

Given the scope of discussion, but I'm optimistic we'll be able to cover all what is needed to by the end of today, roughly 5:00. Um, finish in mind. But if we finish before that, then, uh, so be it.

00:03:12:17 - 00:03:26:20

And if there is any issue, um, with timings, there is the option of written submissions, which I do intend to uptake if, um, the technical, um, questions aren't able to responded to.

00:03:29:15 - 00:03:59:28

I'll also call a mid-afternoon refreshment adjournment probably about 330 if it's convenient, um, to stretch the legs, have a cup of tea, etc. if that's warranted. But we'll we'll see if that's appropriate or not, depending on the the points we're able to go through. Okay. With that running order in mind and the the amended agenda set out. Does anybody have any comments on, uh, running order? Before we start, I'll open that up to the floor, first of all.

00:04:00:00 - 00:04:01:12

And the applicants team.

00:04:04:06 - 00:04:17:15

Gary McGovern for the applicant. I don't believe we had any initial comments on that running order. Um, obviously there's been a changing of the guard, as you'll have seen. So we'll invite, um, speakers to introduce themselves in full, um, when they first speak and then thereafter just with their names.

00:04:19:11 - 00:04:24:09

Understood. Yeah. Thank you. And the council's, do you have any comments on the running order?

00:04:27:20 - 00:04:30:09

Cory Wallace, Essex County Council. No thank you.

00:04:30:11 - 00:04:31:06

Okay. Thank you.

00:04:32:21 - 00:04:37:21

Thank you, Suffolk County Council. We're in your hands, really, aren't we. So we haven't got any comments. Okay. Thank you.

00:04:38:28 - 00:04:45:28

Uh, I don't think there's anybody online or possibly there's a hand up there. There is a person with a hand up online.

00:04:47:22 - 00:05:02:00

So thank you. Air France, on behalf of the report. Uh, apologies. I should have raised this question before the lunchtime adjournment, but I just wanted to clarify, and I think this is the case from how the agenda is set out. But we won't be getting on to item 3.4 navigation and shipping today. Is that correct?

00:05:03:10 - 00:05:06:04

Yes that's correct. That's anticipated tomorrow.

00:05:06:18 - 00:05:10:24

Thank you. In such case. I think if we will excuse ourselves. If that's okay, sir.

00:05:11:12 - 00:05:12:12

Yes. That's fine.

00:05:12:20 - 00:05:13:15

Thank you. Thank you.

00:05:15:21 - 00:05:24:26

And I don't believe there's anybody else. Just pause a second. No there isn't. I don't think so. So, um.

00:05:27:03 - 00:05:57:05

Turning to, uh, clarification towards, um, the cumulative effects assessment to date at deadline three, the Netherlands Ministry of Infrastructure and Water Management raises several cumulative effect assessment matters with regard to each ecological impacts under rep 3065. Certain other the documentation. Deadline three also updated um certain aspects.

00:05:57:15 - 00:06:43:17

Um, and there was an actual summary cumulative effects assessment summary rep 3042I realize that a full written response to the representation is already timetabled, but in anticipation of that response, can the applicant indicate if any part of the overall summarized cumulative assessment conclusions it's making needs substantial review or change in light of the additional, uh, or potential transboundary impacts arising? I would like to particularly understand why the Brown Bank project wasn't included in the applicant's cumulative effects assessment, or perhaps HRA screening.

00:06:43:19 - 00:06:46:15

Can any light be shed on that issue at this stage?

00:06:48:23 - 00:07:24:18

Gary McGovern for the applicant. And just before I hand you to one of the experts to address that specific question, I would just like to flag that the, um, recent Netherlands submission rate 3065 doesn't, um, raise new issues, but attaches a copy of a 2023 submission, um, that the applicant was aware of at the time as it was going through the pre-application process. So it's not raising new issues just to make the point that it's a reiteration of points had been raised at an earlier stage in the process, which is, um, flagged up by the fact that it is referring to a previous design iteration where the northern and southern arrays were still in play, if you like, at that stage.

00:07:24:20 - 00:07:34:21

So the project has moved on from that stage. Um, in relation to the specific question, and I think Miss Riley is best pleased to answer that. Thank you.

00:07:36:28 - 00:08:07:25

Hi. Um, I'm Helen Riley. Um, I'm, um, for the applicant, uh, representative. And I'm a principal, um, ornithologist with royal DHV. Um. So, um, specifically, you asked about Brimbank. Um, so the, um, the Brimbank was actually considered. Um, so we considered it an RA screening and we screened it out in terms of, um, connectivity in terms of offshore ornithology impacts.

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So we did look at it.

00:08:10:09 - 00:08:28:26

So you looked at it, it was screened out. And um, in relation to what the current submission is, which relates to information in 2023, it can I take it that it doesn't alter the situation at your side? No. Okay. Thank you.

00:08:35:22 - 00:08:41:08

Okay. Uh, I'm going to move on now to, uh, benthic intertidal fish and shellfish matters.

00:08:44:08 - 00:09:36:24

In terms of a broad opening Introduction towards MMO and any commentary to date. They allege that there is insufficient evidence in relation to cable protection, worst case scenarios, indirect ethnic impacts and impacts on relevant air SACs and SBAs, Marine Conservation, um Zone Assessment and Marine Conservation Zone buffers, particularly activities in the Kentish NOC, and sees that a questioned Natural England has also updated the Margate Long Sands SAC condition assessment that was dated January 2025, which determined the site to be in an unfavorable condition due to existing pressures on the designated site feature.

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This is a key contact point the examiner authority is drawing the applicant's attention to for response and Um second reissues um relate to the Annie Risk Register point P7, where it's stated that there's insufficient evidence for potential worst cable area of impact on ethnic communities within the MLS SAC. Um, in essence, a more robust assessment of worst case impacts is quoted as being needed to provide confidence and potential compensation measures.

00:10:14:21 - 00:10:54:03

Mindful that the statutory bodies aren't attending today, there's just a few questions, technical questions and clarifications arising from that. So, first and foremost, in relation to the seabed data sets, uh, as noted by Crown Estates at Deadline one, the Crown Estate points towards the North Sea net game project through the Offshore Wind Evidence and Change programme. And this was an international collaboration to provide further evidence on how biodiversity on the seabed is distributed across the North Sea and around the UK, and to a central data set.

00:10:54:24 - 00:11:26:01

I think the maps were produced of habitats and distributions of key ethnic species in the North Sea, with the aim to ensure that decisions around offshore wind development can be made using the most comprehensive information available. So, given all those, given all that context in terms of the data the applicant has based its Bethany and Intertidal conclusions on, is there any variants? Firstly, with five estuaries baseline data sources that they are using.

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And secondly, has the applicant fully utilized such tools as referenced by the Crown Estates?

00:11:36:27 - 00:12:08:12

Jen McKinnon for the applicant. I'm a principal consultant with Royal House DHB be a Chartered Environmentalist with the Institute of Environmental Management Assessment. And so, with regards to the data sets used for the benthic assessment and the project carried out site specific habitat surveys in 2021. And that's the standard approach, is that each project would get detailed air habitat mapping within their own order limits. And so obviously five issues therefore have their own. And I don't believe there's any material differences in the findings that we've both had.

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But obviously it's specific to our order limits. And then yes, we use a range of then wider regional data. And to kind of put that into context.

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So in terms of the data sets being used by the applicant, is there does the applicant have a view whether or not there'd be any enhancement with using the Crown estates, um data sets.

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Um, no, because as I say, our site specific data is the best that you can then is the highest resolution within the order limit. So when we're looking at our own impacts that that's the primary source to use with the rest. As I say, just to put things into context.

00:12:50:24 - 00:13:21:16

Understood. Thank you. So the next question would be in relation to the information about the revised condition assessment published by Natural England for the Margate Long Sands Sark in January 2025. Can the applicant summarize its current conclusions and position on making uh, its making towards the worst case scenario information affecting Bethany and intertidal ecology?

00:13:24:28 - 00:14:01:22

Jen McKinnon for the applicant. Um, if I might just start with clarifying that. Um, during our site selection process and in consultation with Natural England, we have avoided any overlap with Margate and Long Sands CC and the Kentish Gnocchi Anarchist Mk Z, so there will be no activities within either of those sites. And when it comes to the recent update in January by Natural England, that the core sediment and sand features within the Margate and Long Sands CC are deemed to be in unfavorable condition, and their assessment really focuses on the existing infrastructure within the SEC.

00:14:02:02 - 00:14:14:22

And so as we are not putting any infrastructure within the SEC or having any direct impacts on the SEC, and that change in unfavorable condition doesn't influence our appropriate assessment in any way.

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Understood. And you mentioned the Kentish NOC, um MK Zad and your response? Um, can I take it that you're not proposing to fill any shortfalls in evidence? The statutory bodies are referring to.

00:14:38:04 - 00:14:55:27

Gemma Keenan for the applicant and we maintain that the approach we've taken in the assessment based on expert judgment is appropriate, but we are also in the process of undertaking additional modelling and to provide further evidence to support our position to address Natural England's comments. And we plan to submit that a deadline for.

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Okay. Thank you. That that would have been my next question. So deadline for would be the when that's going to come in. So there are a couple more clarification points on this. Not too many.

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The next question I have in relation to the county, not east and CSD is can the applicant,

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uh, for the for my benefit and the panel's benefit clarify the buffer distance able to be secured between the MCs ad itself and the array infrastructure? And secondly, whether or not the buffer distance, um, you're going to be referring me to as is derived from any industry best practice, and if so, what is the source?

00:15:45:04 - 00:16:21:22

For the applicant? And so the buffer is inherent in the fact that the oversell of the rotors or sorry, the rotors may not oversell the order limit. So then you've obviously got the radius of the rotors are setting back. Then the the foundations from the edge of the red line boundary and the order. Sorry. So that gives us a 50 meter, um, buffer between the foundations and scour protection to the mix. Um, and in terms of how that relates to kind of industry best practice, I don't believe there is any specific guidance on this.

00:16:22:08 - 00:16:46:21

Um, but naturally I would have a in my previous experience, I've raised a 50 meter buffer, um, from other more sensitive habitats like Sable area reef. Um, so the fact that this is a just, um, designated for sediment, essentially. Um, we think that 50 meter buffer is is a highly precautionary to avoid any indirect impacts on the mix.

00:16:47:27 - 00:17:25:03

Okay. Thank you all. Understood. Um, next question. Now, in relation to the navigation and shipping, uh, part of the equation, various port stakeholders have requested a requirement so that the offshore cable is buried to allow the dredging to 22m and the deep water routes and future. I note, uh, the, uh, currently assumes 19m. I believe I might be wrong. This might have been updated. So the panel would need to understand how this extra three meter depth potentially secured.

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Uh, a change applied would affect the conclusions of the is, uh, during construction if applied. I think the draft DCO for five estuaries included an amended requirement for 22m. If such a requirement is applied, how will the information gap in the ice be dealt with?

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MacKinnon for the applicant as part of the modelling that we're doing right now. We're capturing that request that has come from the shipping stakeholders. So within the additional information we submitted deadline for. It will take account of that additional need for or potential need for dredging.

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So you would be able to give confidence to the panel that the environment, the full environmental effects of that will be fully assessed, as it were.

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For the applicant. Yes we will.

00:18:17:14 - 00:18:18:09

Okay. Thank you.

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And just a few more questions on this matter in relation to, um, Natural England's concerns or toward insufficient information on the anticipated location and extent of cable protection measures placed near the Margate along Sands SAC.

00:18:42:01 - 00:19:17:06

Um. They are referring to negative impacts due to disruption and sediment sediment transport pathways operating around the northern boundary. What assurances? And you've already touched on this, but I'm going to ask it anyway. What assurances can the applicant give in relation to the actual cable protection and the successful prevention of impacts to the Margate and Long Sands Sark presently? I think there might be plan information available on this point if you need it, if the applicant team wants to refer to it.

00:19:19:21 - 00:19:55:14

Um, Jen McKinnon for the applicant. Um, so yeah, we've maintained the position that we presented in the. Yes, that, uh, the cable protection won't have any indirect effects on the market and on science. SEC. As we've said already, that early commitment to avoid the SEC means that it's all outside the SEC. But nevertheless, we've considered that the indirect effects of sand moving over the cable protection and into the SEC, and essentially it would kind of form a bank. It would build up beside the cable protection and then essentially just carry on its natural processes, rolling over the, the cable protection.

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Um, and then, as I said already, the the deadline for submission will provide some further information on that. Um, but then also at deadline one, we committed to, um, this additional buffer of 150m where um, cable in cable, cable installation and the associated cable protection would be 150m away from



the market and longsands SEC. Um, and we understand Natural England has welcomed that additional commitment.

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Mint. Um, but as you've said, already have requested further information to to justify why that's sufficient. And that's what we'll be providing a deadline for.

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Well, understood. Thank you. Um, one last question. Now, in relation to this particular issue, given various cable protection options could be employed, one being rock protection, could cable protection options, which are more readily removable, be considered and formally committed to? Secondly, what specific cable protection mitigation is the applicant presently committing to in the DCO and why?

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It would read for the applicant. So the cable protection at the moment that we know we're going to need, um, forms part of.

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The.

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Cable crossing plan, the export cable crossing plan, which was submitted as forgive me, I don't have the, uh, the the document reference to hand. Um, but that shows where the surface protection of any any cable protection will be needed.

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And and how it will be um, and that will will identify.

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Those.

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Those zones.

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That is Rep 1059 for reference.

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In terms of the design of that cable protection and the extent of those cable protections, those are being detailed through through the will need to be detailed through the detailed design. Um, it will depend on how much cable protection is needed. So what the grade in and grade out distances needed are in terms of the cables to, to appropriately, um, create a crossing that doesn't interfere with the the cables being crossed. So that is Sealink noy connect and potentially five estuaries. Um and so we will need to understand what the distances are to understand how much cable protection is needed to be able to, um, to finalize the detailed design of that cable protection within the project description.

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That's, um, app 019. Um, the types of cable protection are set out within.

00:22:35:13 - 00:23:05:23

So within the sections in there. And I can't find the reference offhand. Apologies. Um, but that sets out the types of cable protection for which there are other alternatives as well as rock. But the final exact method of protection will need to be designed based on the the exact requirements for the specific areas in terms of other areas of of cable protection that will need to be looked at and will be effectively designed through ongoing discussions. We're not expecting there to be any cable protection.

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The primary means of cable protection is through burial, so we're looking to bury the cable as much as practicable. However, if there are force majeure issues where we we can't bury the cable for whatever reason, then then we will need to understand what the least impactful solution is for remedial works in some instances, as we've just discussed with the deep water roots, it may be that we need to bury the cables, even even bury the cables deeper. Even if there is a force majeure incident in some other areas due to the presence of shipping in navigation traffic, for example, crossing the the sunk the south.

00:23:39:04 - 00:24:05:12

Sorry, um, we may need to find the least impactful solution, which may be to effectively surface protect the cable because it's impacting the shipping and navigation traffic less than than it burying the cable even deeper. So it will be depend on where the locations are, where those, uh, those incidents occur. But we are not planning to have any exposed cable along this cable route. Okay.

00:24:05:14 - 00:24:42:03

Thank you. That clarifies I think the I mean, the Natural England are here today, but it is whether or not the cable protection options would be more readily removable is the point that I'm making. But what you've indicated to me, I think satisfies my question for now. Um, there could be more written questions from the panel on this matter. There are some overlapping space implications and wider bird wildlife implications, perhaps, that I also need to raise.

00:24:42:05 - 00:25:17:20

So overall. Natural England are requesting more assessment. Robustness of significant impacts. Significance impacts rather surrounding SBA supporting habitats and predator and prey availability. Bearing in mind the statutory duties of the MMO and any they consider that where possible impacts to all section 41 habitats under the Natural Environment and Rural Communities Act 2006 are avoided.

00:25:18:07 - 00:25:54:14

Moreover, any is seeking full mitigation for all section 41 nook habitats, in particular nursery grounds for herring and sandhill. Whilst these species are not designated features of the Marine Protected Area network and sites in proximity of the works, herrings are section 41 species under the Naic act, and both provide prey resources for other receptors, such as red throated divers designated within the outer Thames Estuary SBA.

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So in that context of the applicant, except whether or not there are any habitats which are presently emitted at this stage from its assessments. And secondly, is it considering any changes to the Rochdale envelope in response to some of the formal statutory responses its received to its application? Can it briefly explain its current position towards new habitats, avoidance and achieving, uh, optimal optimal mitigation if that is needed.

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Could I have some comments on that from the applicant, please?

00:26:35:20 - 00:27:12:00

Dan McKinnon for the applicant. Um, so there was, I think, a few points covered there. So in terms of the supporting habitat of space, um, not, um, Natural England comments on that, that we have responded to. So they I think suggested that that needed to be assessed in full. Um, and I think at deadline one, we provided clarification that we have assessed that in full and provided the signposting to where those matters are assessed. Um, and I think we understand from Natural England that they have not yet reviewed submissions from deadline one and two yet, and we expect a response on that deadline for, um, in terms of the micro siting point.

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Um, and then they advise that where avoidance is, I think we've so we've committed to avoidance where practicable. And they say we're avoidance isn't practicable and the impact should be further minimized. Our position would be that that micro siting, where practicable, is the minimization of of the impacts. And there's few if few circumstances where there is section 41 habitats of principle importance. Um, but yeah, as I say, I think the mitigation that we've done already, um, various mitigations commitments we've made through the pre-application process, such as reducing the number of turbines we've reduced, the number of export cables, etc.,

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all make it more practicable to be able to do that micro siting. Um, but that that micro siting commitment is sufficient to be minimizing the impact.

00:28:05:19 - 00:28:40:09

Of governance for the applicant. So just for your for your notes, um, Miss Keenan referred to a deadline one submission response by an applicant that is rep 1-044.. And that confirms that the effects on sporting habitats have been assessed in section 253 of the report in form E, and that stock reference EP 175 and in the Offshore Ornithology chapter EP 027 and that sections 13 612 13 624 and section 13 626.

00:28:44:07 - 00:28:44:26

Thank you.

00:28:47:25 - 00:29:01:24

That was my last point on that. Do any interested parties speaking today want to comment further on ethnic matters and intertidal matters? I just will just take a pause, just a second just to see if anybody does.

00:29:07:01 - 00:29:39:06

Take that as no thank you. So I did have some questions on marine mammals, but I think possibly they're going to be better. Better in a written format. Um, one of the questions that I think would be useful is that the Essex Wildlife Trust and they refer to a working in proximity to wildlife plan in their representation. I think that's something that perhaps there's not much detail on.

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So in terms of

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number one, um, having sight of that document and number two, understanding if that does actually impact on the noise abatement systems issues being raised. So I think that might be one for a written response. But just in the event that the applicant does have any views on that, could I just see if that's on their radar at all?

00:30:14:13 - 00:30:23:06

Got him going for the applicant. I'm grateful for the heads up of what's coming, but I think we'll wait for the full written question and give you a full response at that time. Thank you.

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Okay. And in terms of one point in relation to marine mammals.

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I'd like to pose a question in relation to the.

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Issue of the outline decommissioning plan.

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And there does appear to be some reference to that by other parties. I don't think one's been submitted. It's a decommissioning plan able to be submitted to reduce uncertainty.

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And does the applicant wish to change or review the situation in relation to the commitments it's making in schedule 219. Sorry. Schedule two. Requirement 19.

00:31:52:13 - 00:31:55:19

Academic. Government for the applicant. I'm sorry, sir, did you say schedule two?

00:31:56:14 - 00:31:57:03

Yes.

00:31:57:05 - 00:31:59:26

Schedule one. Requirement 925.

00:32:00:27 - 00:32:06:25

All right. I've got a note here saying it's requirement 19. So am I for the commissioning.

00:32:06:27 - 00:32:08:15

That's requirement 25.

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Oh that's right. Okay. Yes. The requirement that deals with decommissioning, um, there is being there is a representation asking for an actual outline decommissioning plan. And I think the issue is

00:32:25:01 - 00:33:02:01

there's a UK guidance document, designing for decommissioning of Offshore wind guidelines and assessing decommissioning based on available, available technologies now and into the future being referenced. The issue for the panel would be is the benefit to actually ask for the outline decommissioning plan at this stage? I've seen the applicants response in part to some of these issues, but they do perhaps have wider marine wildlife and perhaps even HRA implications attached to them.

00:33:02:05 - 00:33:10:23

So my question to the applicant would be whether or not its intending to review its position. Its position on this matter.

00:33:12:27 - 00:33:47:15

And Gary McGovern for the applicant. Um, we are aware of the guidelines that were referred to and by the MMO in its deadline three submission, the Offshore Energy UK guidelines. And to be clear, um, Offshore Energy UK as a trade body. And those guidelines aren't government endorsed um guidelines. Um, we think it's important to um, be clear that there has been a robust assessment of decommissioning, um, and all of the ES chapters, um, of the environmental statement.

00:33:47:17 - 00:34:31:07

So decommissioning has been assessed based on assumptions around the technology that's currently available. Um, given the difficulties of predicting far in the future. So we think there's been a robust assessment of decommissioning, um, and it's unnecessary for the to be an outline decommissioning plan, at this stage in order to provide that robust assessment, and will certainly reflect on the comments in the hearing. So we will take that away and reflect on it. But, um, our position, um, is that the requirement 25 and the article that deals with decommissioning are the sort of standard approach taken in relation to offshore wind, reflected in the majority of made deals and emails.

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Okay. Thank you. I've got no further questions on marine matters. I'm going to move to bats now. Um, in relation to survey avoidance and mitigation. Before I do that, does anybody else want to raise anything?

00:34:54:02 - 00:35:34:11

Take that as a no say in relation to bats. Um, the leaders from Essex County Council and Suffolk County Council cite lightly harm to migratory bats, and this may might be caused by the wind turbine

rotor blades, they note. Submissions made from five estuaries. Sorry submissions were made to the five Estuaries Examination by other parties, such as the German Federal Maritime and Hydrographic Agency and as well as Natural England, in relation to the potential impacts of offshore wind farms on migratory bats.

00:35:35:23 - 00:35:37:11

Questions to the applicant.

00:35:40:01 - 00:35:51:11

First and foremost, does it think does the applicant think it surveys an evidence? The evidence base available is still adequate to address Bat impacts.

00:35:56:21 - 00:36:02:00

Gary McGovern for the applicant, I believe Mr. Campbell should be able to assist with your query.

00:36:04:18 - 00:36:34:27

Gordon Campbell for the applicant. Um, we note um um suffix um um uh uh LR um, which notes the matters concerning, um, migratory bats and in terms of the assessment, um, uh, submitted as part of our DCO application, um, there was an assessment submitted considering impacts on migratory, uh, enthusiasts paper trail, uh, across the North Sea as part of that submission.

00:36:35:09 - 00:37:17:22

Uh, and it's in section 23.6 .2.4 of the environmental statement within chapter 23, onshore Ecology app for 37. Um, within that, the baseline data that has been used to inform that assessment is the data that's been collected, um, within the, uh, onshore footprint of the project and appropriate buffer zones surrounding that. And that's included, um, uh, Activity data and bat roosting data. Survey data collected during 2022 and 2023, which has included overwatch transects and static detectors located along the onshore aspects of the route from the landfall through to the onshore substation.

00:37:18:07 - 00:37:50:25

Um, within that baseline, um, there has been data collected throughout the active period which has included um, uh, static detector information, um, around species that are active within the environment during that period and that has been used to inform an understanding about the degrees in which the particular species in question and the status of Australia is, um, active and utilizing lots of the, the onshore environment. Um, in addition to that, to inform the assessment that is included in the chapter.

00:37:51:06 - 00:38:31:09

Um, um, we've drawn existing um, um, projects that are being an undertaking to monitor the newspapers. That includes the National Newspaper Project administered by BCT that ran from 2014 to 2023. Um, and that has been used, uh, to, uh, provide an understanding about the degree of migration that might be anticipated, um, uh, to, um, uh, between continental Europe, um, and, uh, East Anglia, that might involve the species and that's been used to underpin the assessment that's then presented, uh, within chapter 23, Onshore Ecology.

00:38:35:03 - 00:38:39:12

Okay. Thank you. So, I mean, a follow up question would be to that,

00:38:41:07 - 00:38:53:05

I believe Suffolk County Council have suggested, uh, that perhaps an adjustment to the wind cutting speeds secured through additional parameters in DCO might be a suitable

00:38:54:25 - 00:39:00:23

application if this turns into an impact issue on bats.

00:39:02:17 - 00:39:09:05

What is the applicant's view of that suggestion by Suffolk County Counsel?

00:39:16:18 - 00:39:58:06

David Reid for the applicant. So I think this depends on what the actual requirement is from the increase in in cutting speed and for the duration in which it would apply. If it's from an hour from prior to dawn to an hour after dusk, that is effectively 20% of the day when we're we're losing wind. So from that perspective, from a cutting speed of about three to about 4.5, that is where we're we're at about depending on on the direction, somewhere in the region of 6 to 8% of our wind, uh, falls within that, uh, within that, that range on the site throughout the day.

00:39:58:10 - 00:40:32:11

So by increasing that cutting speed, we are significantly increasing or decreasing the productivity time. Appreciating that we're producing low amounts of power at that speed, there is still an impact on our, um, energy production. Bearing in mind we're trying to keep as higher an availability as possible. This impact could be significant. As a rule of thumb, from an off Doe perspective, um, the availability they're trying to look at is about 98%. Um, so that kind of gives you an idea of what kind of availability we're looking to get at.

00:40:32:15 - 00:40:45:13

If we were to increase the cut in speed, that would be probably about a quarter to just over to a third of 1% of that availability, which is a significant proportion that we would be losing of our annual energy production.

00:40:48:17 - 00:40:54:12

Understood. The applicant is not proposing that as a formal requirement.

00:40:57:25 - 00:41:12:15

If such a requirement did transpire, what was needed? Does the applicant have a form of wording that could be applied? I appreciate what you've just said in relation to the cut in speed. And, um,

00:41:14:06 - 00:41:28:25

you know, you replied just now, but would there be if there is cause for it? Is there a preferable form of wording that could be used as a requirement, if it was indeed needed to be applied?

00:41:29:22 - 00:42:03:01

Kind of McGovern for the applicant? I think the short answer is no to that question, sir. This issue was also raised in the context of five estuaries, and my understanding is that Natural England then subsequently advised that due to the limitations in available data, it wouldn't be, um, possible to devise a proportionate and effective strategy around this because you wouldn't know, um, what cutting speeds or various parameters would be an appropriate response given the impact.

00:42:03:03 - 00:42:18:21

Mr. Reed has just outlined. The view expressed by Natural England was that that wouldn't be a reasonable approach, as I understand it, and we can look to make the five issue submission available to you as well. But our position at the moment would be that we would not support such a requirement.

00:42:19:27 - 00:42:30:05

Okay. Thank you. I will just turn to the councils just to see if they wish to raise anything given it. It does concern the earlier information they made.

00:42:32:19 - 00:42:34:28

Uh, Zachary Farndon, Suffolk County Council.

00:42:35:11 - 00:42:57:07

I don't think we have much to add here, apart from to say that we sort of reiterate the recommendation we've made in our lar in terms of, uh, saying that the applicant should seek the advice of Natural England on these issues. Uh, Natural England were engaged in the Five Estuaries Examination on this issue, and we found the input to be quite helpful in this issue. So that's all I have to say. Thank you.

00:42:57:29 - 00:43:03:03

Okay. Thank you. Is there anybody else who wants to raise anything on this particular matter?

00:43:05:17 - 00:43:08:29

Told Sue Hooton online has her hand raised.

00:43:09:24 - 00:43:12:10

Thank you sir. Sue Hooton, um, Essex.

00:43:12:12 - 00:43:47:05

County Council and Tendring District Council. Um, it's really helpful to know that Natural England have, um, at least concluded the discussions on on this matter. Um, unfortunately, that wasn't available to us during the Five Estuaries examination, so we do appreciate that now. Um, however, it would be helpful to just to point out that migratory bats, um, funnily enough, are journeying. They're not necessarily breeding, which I take a lot of the information, um, in the assessment, uh, focused on they breed elsewhere in the UK.

00:43:47:16 - 00:44:18:00

Um, and they do come to our coast to then travel across back to the continent. Um, so I would like to think that maybe the applicant could undertake some monitoring surveys. Not necessarily very, um, you know, onerous at all. But if the, uh, over the lifetime of the development, should it be consented?



Um, migration of bats could increase. And at that point, maybe there would be a tipping point. Um, so I just make that point now. So thank you very much.

00:44:18:25 - 00:44:19:10

Okay.

00:44:19:12 - 00:44:21:15

Thank you. And the applicants response.

00:44:24:17 - 00:44:32:21

Gavin McGovern for the applicant. Um, so we would have to take that request away and give it some consideration, if you don't mind. So we'll come back to you at a future deadline.

00:44:33:25 - 00:44:45:18

I think that's sensible. Thank you. Um, I don't have any further issues to raise on this particular matter. So there is a person with a hand raised lady with the hand raised.

00:44:46:12 - 00:45:12:22

Jane Marshall Ardley Parish Council. Could I also request, please, that you work alongside National Grid, who have carried out considerable surveys regarding the bats? I'm also a landowner. We've had several visits, and I think it would be nice to have all the results shared. As a landowner, we also haven't been privy to the results, which in itself I think is quite unacceptable. Thank you.

00:45:16:21 - 00:45:23:18

Thank you. I'll just return to the applicant again, just to just see if they do have any further comments. So above that.

00:45:28:27 - 00:45:31:11

Given for the applicant. Sorry, I don't think we've got anything further to add.

00:45:31:13 - 00:45:54:09

Okay. Understood. So I think the next issue really is in relation to, I believe, hazel dormice. And this was raised at issue specific hearing one A question perhaps arose. Uh, was arising from Mr. Fallon. Not sure he's here online, so.

00:46:01:11 - 00:46:04:13

I don't know if Mr. file is available online.

00:46:07:19 - 00:46:17:01

I can see, uh, his name on the screen, but if he's not, then I think this is a matter that perhaps could be dealt with in writing.

00:46:20:07 - 00:46:20:22

So what?

00:46:25:00 - 00:46:28:29

Mr.. File, I can see a hand raised now. Do you want to come on screen?

00:46:30:01 - 00:46:37:03

Yep. Sorry. We just. So I was just connecting my phone up again. Earphones. Um, was that me? You just asking too?

00:46:37:05 - 00:46:42:18

It was. Yeah. Yes it was. So in relation to the issue,

00:46:44:12 - 00:46:54:29

I believe, covering dormice. Um, this cropped up issue specific hearing number one. Firstly, can the specific ecological concern

00:46:56:23 - 00:47:01:22

you're raising be put to the hearing. And then secondly, I'm going to invite the applicant to respond to it.

00:47:03:07 - 00:47:39:10

So the issues relating to the haul road that on two sections of my client's land, um, comes offline, as it were. And, um, this was picked up during the Five Estuaries hearing and it was identified, as you'll see in my reps, that is identified that the reason the whole road has been taken offline and in significantly in, in our instances, I think you've you've been able to have a look at it um, on one on both sections.

00:47:39:12 - 00:48:24:05

But um, was down to dormice being found. Sorry dormouse survey being undertaken on hedgerows. And we had this long debate last time with five estuaries, and it was identified that in most of those instances there weren't actually dormouse found that there was habitat that might be suitable for them and that the procedures that Natural England or the guidance very helpful guidance note from English Nature over how you would mitigate it. So, um, our, our position is that we and what we agreed with five estuaries was that, um, they would undertake surveys of the hedgerow prior to starting any construction works.

00:48:24:19 - 00:48:58:28

And if there was no presence of dormouse, i.e. they weren't present, then they would take out a section of the hedgerows, put the whole road through rather than deviating offline because the deviation is causes significant disruption to the farming Enterprise um loss of significant additional unnecessary land take to build a haul road when all you need to do is to take out the three metre stretch of hedgerow, um, and do the mitigation that is quite clearly set out in that English Nature report, as per my reps.

00:48:59:05 - 00:49:05:18

Um, so that was that was our point. Um, and yeah.

00:49:08:28 - 00:49:14:17

Okay. So, uh, the mixture of things being raised there, does the applicant have a view on what it's heard?

00:49:17:16 - 00:49:59:02

Uh, Gordon Campbell for the applicant. Um, yeah. If, um, uh, I understand these. Correct. This is referring to, um, in particular to a hedgerow that's identified as hedgerow 136 on the, um, um, which can be found on the plan on figure 23.11 ee in the chapter 23 figures, part three. At zero 70. Um. Um. And that hedgerow in particular within the um pre consent surveys that were undertaken in 2022 and 23, um, uh, evidence of dormouse dormice were found as being present in that hedgerow.

00:49:59:04 - 00:50:35:00

I think specifically there were, um, five individuals found and five nests, which is quite a kind of concentration in that particular area. Um, and in addition to hazel dormice being present at this location, there's also a number of mature trees along these, this hedgerow. And, um, the project undertook an exercise during site selection process, uh, to seek to follow the mitigation hierarchy for um ecological effects such as this, to seek to avoid, where possible, um, which had led to the identification of a possible alternative route rather than routing the whole route through this location.

00:50:35:17 - 00:51:08:20

Um, which has led to the, um, the alternative haul road route. Um, and that's, um, you know, because dormice are a European protected species and are fully protected with the Conservation of Habitats and Species regulations. Um, and they're also a UK species of principle importance. Um, just in terms of the the second point made by Mr. Powell about pre-construction surveys, I'd just like to reiterate that for this project as well, the project is committed to undertaking full pre-construction surveys for, um, legally protected and notable species.

00:51:08:22 - 00:51:48:27

And that is um, uh, recorded within the outline landscape and ecological mitigation um management strategy, um, which um is also that's secured under under DCO requirement as well. So those will also be undertaken uh, for the North Falls project. Um, and uh, I mean, it is correct to say that, um, um, um, if, uh, dormice aren't present at the time, uh, that works are taking place, then, um, the constraint isn't isn't present. Um, um, but, um, at this time, given the, the, the kind of nature of use by that particular hedgerow for dormice, you'd expect to find all mice there in a few years time as well.

00:51:52:15 - 00:51:58:15

Okay. Thank you. I'm not sure whether or not that satisfies your comment.

00:51:58:17 - 00:52:28:23

No. Well, no, it doesn't say. First of all, I don't know where these references because I spent hours on North Falls on five estuaries as well as North Falls. But I understand you use the exactly the same ecology data. So on my representations I've put in the maps that showed the ecology, uh, reports. So, um, I think let's get this on file and corrected properly because actually that's an incorrect statement on the plan produced by Mr.

00:52:28:25 - 00:53:06:08

Mahon. Reference to 243 on hedgerow two 204. Um, there was no, uh, nil present of dormouse. There was one nest only located. Okay. So there's no dormouse were actually present. Um, so that that isn't. And actually the location of. And if you read the guidance notes. Um, the where the location where the nest was found was on the very southern edge of the, uh, cable corridor, which, ironically, is the closest place to where you were putting the whole road.

00:53:06:10 - 00:53:48:17

If you put the whole road on the north side of the cable corridor, then you would be furthest away from the nest that was located. So even if there was one present, you'd be as far away as possible. So that's on one section. The next section is over hedgerow. I think. Is it? 99136. Okay. Where you did find nest. Um, you found a few juveniles and adults, and I proposed on my Representations and alternative routes to take the whole road. Which would avoid those sites, and would then avoid the massive disruption that it would cause by taking the whole road completely offline unnecessarily in our opinion.

00:53:49:00 - 00:54:20:04

So I think I want to get the records right in terms of the references to the reports for the records. I'm pleased to hear what they're saying, that they will undertake pre-construction surveys. And I think the mitigation, you know, it is there is the mitigation isn't just if you read the English Nature report and dormouse, it doesn't just state that you you look, you know, there are lots of alternative methods that you can look at to try and mitigate the loss whilst they're whilst they're protected.

00:54:20:20 - 00:54:52:12

You've also you're applying for development consent order. You're applying for planning permission to do it. So um, I, I would like, you know, I think we need to have some. As a landowner, we need to have the comfort that our land isn't just going to be abused and unnecessary taken just because it's easier for them to avoid any other mitigation measures, because there are other mitigation measures outlined in that English Nature report. And, you know, we should be considering taking the minimum amount of land possible as opposed to just convenience.

00:54:52:17 - 00:55:07:08

And as we heard from the other day, a lot of these costs are a lot of these issues are because North Falls and five estuaries are trying to reduce their construction costs at the detriment to the landowners, and that's not fair and reasonable.

00:55:10:02 - 00:55:13:28

Okay. Understood. I'm going to go back to the applicant now just to see what their reply is.

00:55:28:24 - 00:55:50:11

Gordon Campbell for the applicant. Um, the, um the details in relation to the hedgerow that I provided previously is, is accurate, but, um, it would be good to, uh, kind of confirm, um, uh, from, from Mr. Phil, specifically the locations he's referring to in case he's referring to a different location. Um, um, and, um, uh, yeah, I can see Mr. Phil's hand up so I can let him confirm.

00:55:51:26 - 00:55:52:14

Yes, indeed.

00:55:52:16 - 00:56:28:10

I'm not confirming. I'm. I'm reading. I've got a copy of my representations. I've got a screenshot of your ecology reports that you've submitted. So I am correct. You know, this was accepted in five estuaries. This is what frustrates me that we've already been through this process and debated it with the with an expert already and the five estuaries ecologist which were the same. The colleges that North Falls have used have accepted that point. I would suggest to the Planning Inspectorate that they review the case hearings in relation to that, because it was accepted that by the ecologist on behalf of five estuaries.

00:56:28:12 - 00:56:54:15

Who is the same ecologist for North Falls? I know the gentleman speaking is different to the lady that was speaking at the Five Estuaries thing, but it was accepted that those those are right. My references are right. I'm looking at the report now. I don't know how I can be wrong unless unless you suddenly created a different ecology report, which is different to five estuaries. But if we do, we've got two separate ecology reports the same piece of land. And I question who's right and who's wrong.

00:56:56:00 - 00:57:05:26

I wonder whether or not this needs to be reviewed, probably outside of the hearing and an update be given probably by the next deadline.

00:57:06:10 - 00:57:07:14

Uh, Claire Broderick, the applicant?

00:57:07:16 - 00:57:08:26

Yes. We will, um, check.

00:57:08:28 - 00:57:09:13

That.

00:57:09:15 - 00:57:40:26

We're not talking about cross purposes in relation to the particular areas. Um, and confirm the figures, um, and the alignment on the five estuaries point. I would note that the comments being made by Mr. Fell relate more to impact on agricultural land, rather than necessarily the protection of protected species, and his point relates not so much to how we're the measures we're putting in place to reduce impacts on dormice, but rather impacts on agricultural land, which were obviously discussed last week in issue specifically.

00:57:40:28 - 00:57:53:16

No, that's that's right. And he also has a backdrop of a key point. But if you could look at his points in detail and respond in full, covering all those aspects at the next deadline, please.

00:57:56:22 - 00:58:10:09

Okay. I think that's going to be the way forward. Mr.. Phil, I'm going to move on now. Does anybody wish to raise any other points about hazel dormice? Yes, the parish council.

00:58:10:23 - 00:58:22:24

Uh, James Love speaking as a farmer, um, as well as of the parish council. Um, let's not lose sight of the importance of producing food.

00:58:27:09 - 00:58:28:12

Over and above.

00:58:30:05 - 00:58:36:21

Sorry. Over and above. What a dumbass. Might might not be there. And there could be a loose cat. Out.

00:58:38:18 - 00:58:41:27

Okay. Yeah. That point noted.

00:58:43:20 - 00:59:30:08

But I'm going to just see if the applicant wants to respond on anything else. Now I can see they're shaking their head. So I think that brings us to the end of that particular part of the agenda. I'm going to move on to HRA derogation and compensation arrangements. Now we're approaching 3:00. I'm going to probably call an adjournment at 3:30. So before that, I note that there is an adverse effect to the integrity of the alder or estuary SBA that cannot be ruled out by the applicant due to a predicted lesser black backed gull mortality from collisions when considering combination with other wind farms.

00:59:33:14 - 00:59:44:09

There still appears considerable disagreement with Natural England on compensation details. This extends to baseline compensation delivery expectations.

00:59:46:15 - 01:00:22:03

Albeit I can see that matters are progressing and having regard to their risk register submitted at deadline three and other submissions, I can see things are moving on. Nevertheless, a couple of questions in relation to that. What? Firstly, what compensation measures without prejudice or otherwise are to be taken forward together with other offshore wind farms? And following on from that overarching point, is the applicant closer to confirming more definite locations for HLB Compensation.

01:00:22:12 - 01:00:35:10

And b when will the applicant be submitting more detailed or revised? More refined compensation documents in the examination deadline period.

01:00:39:26 - 01:01:12:28

For the applicant? Um, the the updates that we submitted at deadline. One for less of that goal and through. The compensation document which is 1017. And in the outline compensation implementation and monitoring plan, which is 1019, provided an overview of the additional site selection work that we've been undertaking, and confirmed that the preferred sites are land and marshes and good grade marshes, and these remain our preferred locations.

01:01:13:15 - 01:01:51:18

And and the measures that these locations would be anti-predator fencing and habitat management. In addition, we've retained the options of Outer Child Bank, which is in the wash. Um, and that would be a measure that's a rat eradication or a rat control. Um, and we've also retained the option that five estuaries have selected, which they've termed V two. Um, we've retained that for the purposes of being able to consider potential collaboration. Um, so in terms of making further definite decisions, I think it's our preference to retain options on the table.

01:01:51:20 - 01:02:28:10

They're all good options, in our opinion, all ecologically, um, viable options. So, um, obviously that then enables the kind of ongoing commercial discussions which are happening with the landowners. Um, but in terms of agreement with Natural England, our understanding is that the scale of compensation is agreed. The ecological effectiveness of of these locations is largely agreed. Um, I think prior to trial Bank, there's a need for further evidence and more in discussions with them about potential surveys for this summer to inform that the proposed consent development of that site if that site was taken forward.

01:02:28:26 - 01:02:39:15

But on the whole, I think we're we feel that there's a reasonable agreement in terms of those sites all being good options, and it's just working through, um, the landowner discussions.

01:02:41:14 - 01:03:09:07

Okay. Thank you. And it's mentioned by the applicant that they are potentially going to use land and marshes as compensation. Langton marshes is within the boundary of the awkwardness Shingle Street SAC. Can the applicant confirm if it has assessed the potential for all likely significant effects on the sack from compensation works, and what this actually equates to?

01:03:11:28 - 01:03:33:13

For the applicant? Um, since deadline one, we've engaged a local fencing contractors to better understand the nature of the works that would go on at Lantern marshes. And now that we have that information, we're in the process of doing an impact assessment that we will submit at deadline for to confirm the effects, and that it remains our position that there will be no likely significant effects on that S.A.C..

01:03:35:02 - 01:03:38:00

Okay. Thank you. I think there's a hand raised or the one.

01:03:38:07 - 01:03:40:26

Mr. outlaw, did you have your hand raised?

01:03:42:00 - 01:03:44:21

Mr. outlaw, would you like to make your point?

01:03:45:07 - 01:03:46:27

Yeah, please. Uh, Suffolk.

01:03:46:29 - 01:04:17:12

County counsel Tim Outlaw. Um, one thing I hadn't seen at this stage, uh, during the site selection process for the compensation for lesser black bag girls. I haven't seen any consideration of the potential impact of an increase or a new establishment of a lesser black bag colony, either within or close to other designated populations as a potential predatory species. I just wondered whether that had been taken into account during the assessments, because I just hadn't seen that mentioned anywhere.

01:04:17:14 - 01:04:43:04

So for example, um, if, um, I think it's get grave marshes if a population was established there, is there an existing population which may then be impacted by them being there, particularly perhaps other sets on how the gay or or similar. So it's about the impact of the goals rather than the impact on the goals. I just hadn't seen it mentioned in the in the documents up to this point. Thank you.

01:04:43:22 - 01:04:46:24

Okay. Thank you. Uh, the applicants response, please.

01:04:48:07 - 01:05:19:12

Gemma Keenan for the applicant, um, in the compensation document, there's a a high level screening of impacts that will be considered. Um, but further detail will be provided in the deadline for submission in terms of, yes, the impacts of, um, the compensation on other receptors and in terms of the impact of bringing or increasing the less of that, that goal as compensation. Um, it's worth noting that the ambition around this is to restore a colony that had historically been present in great numbers at land and marshes.

01:05:19:25 - 01:05:29:25

And so there's already that kind of balance of getting back to what should already be there. And so that aspect will be taken into account as part of the impact assessment.

01:05:32:14 - 01:05:33:09

Understood.

01:05:35:27 - 01:05:44:16

Um, is there anybody online who wishes to raise anything else in relation to what they've heard on, on this compensatory issue?

01:05:47:21 - 01:05:48:15

Mr.. Outlaw?

01:05:50:00 - 01:06:25:01

Sorry. Just, um. Tim outlaw Suffolk county council. Uh, just further to that last point. Um, moving back to a historical, um, population size is not necessarily returning to a natural population size. There may have been other reasons why the population in that area was particularly high at that point. I think we still need to be making sure that we're doing a full assessment of all the additional species that are in that area, rather than just seeking to focus directly on the lesser black bag goal. Because



this is an area where there are numerous populations which are designated at Esperanza level beyond the lesser black box themselves.

01:06:25:06 - 01:06:26:04

But thank you.

01:06:28:26 - 01:06:33:16

Just return briefly to the applicant team just to get the response to that.

01:06:33:26 - 01:06:38:26

Yeah. MacKinnon for the applicant, that's noted. And yes, that will be taken into account in the deadline for submission.

01:06:39:06 - 01:06:53:00

Okay. Thank you. And is there anybody else, uh, representing the council's here today who wish to raise anything about the, uh, LBGT, uh, compensation package?

01:06:55:01 - 01:07:19:02

No. Okay, so a few more questions then, in relation to the compensation for the red throated diver for the outer Thames Estuary, SBA, this is proposed as without prejudice compensation by the applicant. And Natural England consider that the provision of 2019 RAF's to be too little.

01:07:21:00 - 01:07:52:14

However, I think the applicants compensation package states that the RAF's or habitat management measures will be implemented at up to 20 locks. It doesn't specify how many rafts are proposed. Can the applicant shed any light on how many rafts may be installed, and also potentially confirm whether or not they want to just rely on habitat management measures to fulfill the compensation it's referring to?

01:07:55:06 - 01:08:26:19

Helen Riley for the applicant. Um, so in terms of the number of rafts we might install, it would depend on the locks that are selected, um, for compensation. And in general, it would like would be likely to be one raft per lock. Um, however, as you said, there's the alternative, um, option for compensation is to do habitat management. Um, and that would be um, we're looking at um areas on Shetland for habitat management.

01:08:26:21 - 01:08:37:04

So in that case, um, there wouldn't we're not looking at nesting rafts per se. Um, so the nesting raft would be um, in other areas of Scotland.

01:08:41:26 - 01:08:43:28

Okay. Thank you. And.

01:08:46:01 - 01:08:55:24

Can the applicant explain why it considers a three year monitoring period to be sufficient for monitoring the effectiveness of red throated diver compensation?

01:08:59:03 - 01:09:23:13

Helen Riley for the applicant. So this is included in our, um, compensation document and plans at the moment. Um, and is considered to be a robust time for monitoring. Um, obviously we have adaptive management included as well. So we would review at the end of the monitoring period, um, and consider if that was sufficient or if further monitoring was required.

01:09:26:26 - 01:09:36:13

And there's a follow up question to that. Can the applicant explain what measures measures would be undertaken if the compensation measures themselves aren't successful?

01:09:38:24 - 01:10:01:25

Uh, we would look at that under adaptive management. Um, and it would include. Actually, I think I prefer not to speak off the top of my head on this at this one. So I think we would we would revert to our, um, Sue O'Brien, who's advising us on this topic. Um, so we can address that, um, at a future deadline.

01:10:02:10 - 01:10:16:21

I'm gonna McGovern for the applicant. And. Yes, apologies. Um, Um, we don't have the particular witness with us today that's, um, uh, involved in the conversation for Red Throated diver, if you'd like to include that as part of your question, written questions, then we'll we'll certainly answer that question.

01:10:17:13 - 01:10:25:06

Yes. I think that's going to be something that, that, uh, the panel will do. So, um, we'll seek written questions on that

01:10:26:28 - 01:10:27:27

aspect.

01:10:30:22 - 01:10:37:18

In relation to everything else I need to ask about this particular agenda item. Uh.

01:10:39:22 - 01:10:42:03

There is perhaps one.

01:10:45:24 - 01:10:59:06

One matter that might be able to be dealt with today. If not, then let me know and it could be dealt with in writing. And that's regards to the effects on functionally linked land, particularly hampered water SBA.

01:11:00:24 - 01:11:24:15

Can the applicant explain What further details in the final ecological management plan? Um, as referred to in the response to Natural England at rep 1-044 are proposed to be. If not, I can understand it. Why it needs to be deferred.

01:11:28:08 - 01:11:34:03

And given for the applicant. I think that's another one that might need to be picked up in the right question, sir.

01:11:34:09 - 01:11:35:14

Okay. Understood.

01:11:43:28 - 01:12:15:25

I think that brings all the questions I have to a close, but there will be written questions on various technical aspects. We do have time to move to ecological enhancement matters. And it's an open question I'd like to ask in relation to. Who I'd like to the applicant to briefly explain the commitments and rationale to the current or updated ecological enhancement or bag proposals it's making as a whole.

01:12:18:22 - 01:12:31:28

I'd like to understand, particularly if there are any further local opportunities available coming forward for any further biological enhancement.

01:12:33:21 - 01:12:45:13

So if the applicant could explain its current proposals briefly, and then I'll pose the question to the local parties here whether or not there's anything else

01:12:47:03 - 01:12:49:15

that might be feasible to be included.

01:12:57:16 - 01:13:34:27

Uh, Gordon Campbell, the applicant, um, At the current stage. We've submitted proposals as part of the DCO application, um, to seek to explore opportunities to achieve um, 10% biodiversity net gain across the project. Um, and that um, has focused primarily around the project's onshore substation, where there is the greatest opportunity to provide, um, biodiversity net gain. Um, so in terms of the proposals as they stand at the moment, um, these are detailed within the the outline landscape and ecological management plan.

01:13:35:14 - 01:14:08:26

Um, but um, uh, in particular, um, they involve, uh, a tie in with the proposed outline landscape mitigation plan. So the creation of, um, a number of different habitat types, um, as, as both landscapes greening and also as, um, um, uh, biodiversity net gain in and around the site. So that includes the creation of, uh, Lola meadow habitat. Um, as, um, as with the mosaic with um, um, existing areas of woodland habitat that are proposed to be created.

01:14:09:19 - 01:14:52:13

Um, and then within these areas, um, there's the proposal for um, uh, hedgerow planting, um, which, um, would be to a specification to be agreed with Essex Wildlife Trust. Uh, prior to, uh, the final detailed kind of written landscaping scheme being prepared. Um, and in addition to this, um, the proposals that the, um, the drainage scheme for the project, uh, would include, um, uh, a degree of

um, design to seek to enhance its, um, uh, its role as a, uh, another kind of suitable habitat within the um, uh, landscape mitigation area.

01:14:53:00 - 01:15:25:22

And there are proposed to be other, um, ecological enhancements within that landscape schemes, this the precise location and nature of which would be set out within the final, uh. Biodiversity net gain strategy to be prepared post consent, but would include things like um scrapes. Um and reptile and amphibian binocular as well in terms of, um, exploring other opportunities. Uh, for the locations to this at this point, the focus has been, um, on seeking opportunities.

01:15:26:00 - 01:15:58:13

Um, within the project's red line boundary. Um, and as I say, particularly at the onshore. Substation where on, uh, along areas of the onshore cable routes, the intention is instead been to. Return the land primarily um, to to landowners to continue to use um following the completion of construction. Um, but we have had conversations uh, previously with, with Natural England about opportunities for other. Schemes. Um, but um, um, at this stage, um, the project is only proposing Thing, by the way, is net gain within the red line boundary itself.

01:16:01:08 - 01:16:02:19

Okay. All understood.

01:16:04:08 - 01:16:13:13

I'd like to open this up to the councils. First of all, whether or not they have any further views on BNG proposals or general ecological enhancement

01:16:15:09 - 01:16:16:19

measures that could be made.

01:16:21:25 - 01:16:33:20

I think A6 do you have. Sorry, there's the council's don't don't want to raise anything as as what I'm getting as feedback. So the parish council might want to raise something.

01:16:34:09 - 01:17:02:26

Thank you. Jane Marshall Ardley parish Council. I'd just like to say, although I welcome the fact that you're wanting to introduce a new hedging further to habitats and what have you. But my my question is all those habitats are there already. It just seems so wrong that, you know, you want to destroy what's already being enjoyed by animals and everyone else. So please take into consideration. Thank you.

01:17:05:06 - 01:17:13:02

Okay. Is there anybody online he wants to raise anything. And then I'm going to return to the applicant. Oh, Mr. Blythe, sorry, I didn't see your hand raised.

01:17:14:25 - 01:17:49:07

Thank you. James Blythe, only parish council. Uh, I would also like to point out that, um, sorry. We're all talking about biodiversity, net gain. And most of this is going through open countryside. That is top

quality agricultural land. A lot of it is grade one, where it's irrigated. And we're talking about planting weeds and stuff and trees and plants and hedges, I mean, hedges, they're all right in the right place, but most of the ones that are in the wrong place are gone.

01:17:52:18 - 01:18:03:00

Okay. Does the applicant wish to raise anything? I'm sorry. There is a person with the hand up online. I'd just like to hear them first and then I'll return to the applicant.

01:18:04:11 - 01:18:34:20

Thank you sir. Sue Hutton, um, Essex County Council and Tendring District Council, um, having had lengthy conversations, um, with my county colleagues, uh, about biodiversity, net gain for um with the five estuaries. Um, it would be really helpful if the applicant could provide um on North Falls only beng plan so that we can identify if there's any issues should one or other of the, um, proposals not come, uh, come forward. Thank you.

01:18:36:14 - 01:18:39:00

And the applicants response, please.

01:18:42:05 - 01:19:18:26

Gordon Campbell for the applicant. And just noting that there were three points that were raised there. So just in terms of the first point, in terms of considering the existing ecological, To, um, uh, baseline of the site to say the species and habitats that are already present. Um, that is very much a consideration as part of the, um, um, the landscape design and the onshore substation. So we will be undertaking the pre-construction surveys that were referred to, um, earlier on within, uh, today's hearing, um, and seeking opportunities to maximise the species that are found in and around the area as part of those pre-construction surveys, will seek to do that.

01:19:19:14 - 01:19:52:11

Um, in terms of the point made around, um, hedgerows along the cable route. Um, uh, the commitment that's made within the Outline Landscape ecological management plan. Um, is to reinstate, um, the, the hedgerows that, um, either need to be partially removed to facilitate construction of the cable route or the all road. And the intention is to, uh, to, to not, um, create hedgerows in locations where they are, are not um, but to reinstate um and seek to improve the hedgerows that are there, that we that we go through.

01:19:53:03 - 01:20:29:13

Um, and the third point, um, made by Essex just in relation to the, um, biodiversity net game plan. Um, I guess just to clarify here, so we have provided, um, values, um, calculated using the Defra strategy metric, um, for um, uh, biodiversity units to be created in a scenario which would be the development of North Falls alone and the scenario, the development of North Falls and five estuaries combined, which gives uh, indicative numbers for um, uh, biodiversity gain, uh, under each of the modules in that scenario.

01:20:29:25 - 01:20:39:26

Uh, I just want to clarify that's what's being referred to or it's um, it's also a specifically a, um, a layout plan, um, showing different potentially outlined, um, um, opportunities.

01:20:45:23 - 01:20:47:27

I think your microphone is switched off. Stuff.

01:20:49:00 - 01:21:01:13

I can't thank you, sir. Sue Hudson, Essex County Council and Town Council, just to clarify there, it is a layout plan that we're seeking just so that we can compare apples with apples rather than apples and pears. Thank you.

01:21:03:17 - 01:21:10:18

Okay. Thank you. I don't know if the applicant has anything further to add. I think they more or less

01:21:12:12 - 01:21:17:12

completed what they were about to say, but I'll just let them respond to if they want.

01:21:20:08 - 01:21:45:26

A go and come off the applicant. Uh, in that case, yes. Just to like in the, um, uh, biodiversity net gain strategy in the appendices, which are, uh, 3027 and 3028, there is a plan, um, showing biodiversity again for North Falls alone. Um, and then a separate one showing biodiversity gain for both North Falls and five estuaries together. So hopefully that's the plan that um, um, is being looked for.

01:21:46:23 - 01:21:49:01

So that information is already available?

01:21:50:14 - 01:21:51:03

Yes.

01:21:51:05 - 01:21:51:20

Yeah.

01:21:53:17 - 01:22:00:06

Is there any more comments on this item from anybody in the room or online?

01:22:05:15 - 01:22:22:27

I can't see any hands raised online and no one's raising the the hand in the room. So that completes what I need to ask today in terms of the hearing questions itself. I do have written questions that are going to come forward in accordance with a timetable.

01:22:26:03 - 01:22:37:27

So on that basis, the hearing is adjourned until 10 a.m. tomorrow, and it's going to be resuming for commercial fishing and shipping matters. Thank you.