



Planning Inspectorate  
Arolygiaeth Gynllunio

## Hearing Transcript

<b>Project:</b>	Dogger Bank South
<b>Hearing:</b>	Issue Specific Hearing 3 (ISH3) – Part 3
<b>Date:</b>	8 April 2025

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00:00:05:05 - 00:00:14:23

Okay. Thank you. Welcome back everyone. Um, to this issue specific hearing. So for the Dogger Bank offshore wind farms, can I just check that Mr. garden is back with us?

00:00:15:18 - 00:00:21:17

Yeah, apologies for that, Mr. Garden. For the Dogger Bank IPPs. I've switched location and seems to be working fine, so apologies.

00:00:22:00 - 00:00:25:26

Perfect. I'll hand back to Mr. Abramsky then to continue with the item.

00:00:27:17 - 00:00:57:23

Thank you, Mr. Garden. Just as a point of note, we, um, we we put you down as an action point. So if there was anything additionally that you wanted to say on that point, um, please just submit that in writing to us. But I think we we sort of got the point that you were saying that the, um, particularly Dogger Bank A is within eight kilometres of the proposed development. Um, so just to move on to precedence and I'd ask the applicants to briefly explain what the role of precedents play in DCO examinations. So back to the applicants, please.

00:00:59:25 - 00:01:35:01

Duty to the applicant. There is one. I'd like to come back on. One other point is very quickly on the Crown Estate and its role, I think, to disagree with the Crown, but they do have an obligation of stewardship, obligation to pursuant to legislation which I think does make their position, um, a bit more complicated than just being a sort of sophisticated developer. Um, and for example, it means that they, they are under an obligation to be, um,

00:01:36:23 - 00:01:48:19

utilising the seabed efficiently, and that does influence them in different respects. So the um, your question about precedent. Um.

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Okay. So that's quite an open question. So, uh,

00:01:57:17 - 00:02:34:10

This comes up regularly in DCO examinations in my experience. Particularly in relation, for example, to um DCO drafting, where it's often the case that an applicant says this has been this is well, precedented. Now here's the list of five videos that have got the same or similar wording. And therefore we we say that it applies here. And that discussion tends to go one of two ways. Either there's an acceptance that that is a good argument or the panel says this has happened to me personally on a number of occasions.

00:02:34:19 - 00:03:05:13

Actually, Mr. Boswell, um, we have to sort of consider this each on each occasion. And it's not necessarily the case that just because things have been precedented that they, um, necessarily apply again. But, um, now when I if we're talking about now a little more and um, let's so let's go to our

level with our level. To what extent there's our more set precedent in relation to how this issue should be addressed? Yes.

00:03:05:15 - 00:03:38:29

The first point, obviously, we've made submissions on this. Um, the first point we would say is that the interpretation now of the law was unexpected. Um, and that the first argument that that the applicant in that case was making was on the headline argument that it was making was, this is this is not the correct interpretation of the M3. Um, and forgive me if it was the earlier version, wasn't it was the 2011 version, but the wording is essentially the same.

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And that um, and therefore um, and interestingly, the, the Hornsea One submission that's been put in by projects from 2014 on behalf of the energy which was its previous name. That itself makes it plain. That he didn't think that the relevant offshore industry provisions were applicable to other offshore wind farms, because it went on to make the argument the same principles should apply.

00:04:10:00 - 00:04:44:16

Wouldn't have needed to make that argument if it had thought that the policies didn't directly apply. So we say that the general understanding of three even doesn't really matter whether it's a 2011 or 2024 versions. General understanding of the M3. What if it didn't apply to other offshore, um, other offshore wind farms? Um, so then unexpectedly, the Secretary of State, the previous secretary of State, decides on the recommendation of the FSA in that case, that it does, but only because.

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Interesting. Well, the Xa is core argument was because it doesn't sort of expressly say that. It doesn't. Well, we say that in some respects it does expressly say that it doesn't. I've already emphasized, without a doubt in paragraph 2.8.345, but the Secretary of State did, um, did, uh, and the panel went out of their way in their report to say this, you know, to the extent that this is setting a precedent, we mean it. You know, we we know what we're doing and we mean it. I acknowledge that.

00:05:15:18 - 00:05:55:04

And then the secretary of state in her decision, um, pretty much just adopts that. So there's no there's no meaningful discussion about the significance of of all of that. And crucially, um, as we've already said in our submissions, the requirement that was put forward by the NSA and that ban was imposed by the Secretary of State in the DCO, was not consulted on. And so we think, in addition to the fact that we say it is open to the new Secretary of State To, to take a different view on the same, on the same policy.

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If he thinks that, um, the I guess the previous interpretation was was it was either incorrect or in the light of further consideration, needed to be applied differently. Um, we say that is open to the new secretary of state. Um, I that it isn't somehow setting a binding precedent. But then and I think the particular reason for either doing that or, um, doing something at least as important, which is to look at the, the, the, the basis of the requirement that was imposed because there wasn't an opportunity for, um, the applicant in that case to make submissions on the lawfulness in terms of the legal tests, the tests that are set out in he had one that are the same as the maintenance of the Tcga tests.

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Um, and there are obvious issues in relation to the operation of the abnormal requirement, some of which have been raised. For example, in the outer dowsing um, examination, we have raised some others have raised them as well. And so simply because the Secretary of State concluded that a requirement was, um, was appropriate in that case, we do not say that somehow if there are broadly similar facts, and that necessarily means the same should apply here.

00:07:22:06 - 00:07:52:29

Quite, quite the reverse. There are really quite significant issues with the principle of that requirement. What it's actually trying to achieve and whether that is something meaningful that can be achieved by it, and we say that isn't by that is not, um, uh, proportionate or appropriate mitigation available. Um, and therefore in principle that timing is mistaken. And, um. And, uh. Yeah, I guess that is the fundamental problem, the single fundamental problem.

00:07:53:01 - 00:08:16:06

There are a range of sort of points of detail around that, that support that conclusion. So you've asked me an open question about precedent. I've, I've said that it's often the case that panels say there is no precedent in lots of these situations. Um, but in terms of our level, which is, I assume, what you've wanted me to talk about particularly. But if there's something else, please say and I'll address that. I'll stop there.

00:08:17:15 - 00:09:06:25

Thank you. Yes, you have assumed correctly that I was focusing that question on the well in your decision, and you have in part answered my next question. But I think I will just add, um, to that in terms of the clean our action plan, um, from the Department of Energy Security in net zero and where it discusses the one and more decision. Um, and it actually refers to that decision setting a precedent. So the question that I have, based on the well, in your decision, the, um, Clean Power, uh, 2030 action plan, could you expand on how if we take the approach that as you set out and not take that as a precedent, would any decision be open to legal challenge? Um, if the Secretary of State was to adopt that approach as you've set out?

00:09:09:25 - 00:09:49:27

Well, I'd like to. Julian was with the applicant team. Um, the Clean Power 2030 action plan is, in our view, something of very limited weight in this context. All it does, in essence, is to say two things. It says that there is an industry issue in relation to wake effects. Everybody agrees about that. There's a there's been an ongoing issue as regards wake effects, Which goes have gone through different stages to sort of interest and, and so on over, over the years.

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Um, so that is not a particularly significant state. And then it has a box that has a case study on all the more, but simply we say explains the fact, it just neutrally recites the fact that what happened in at all. And yes, it is a fact that that was a precedent in the sense that it simply hadn't happened before. What it doesn't do, neither of the references that I just referred to in that document somehow set a aside.

00:10:25:06 - 00:10:57:21

In fact, the government's acknowledging that it needs to, that it's going to look at it, and it talks about having the sort of multidisciplinary stakeholder group to look at it. There is no clear indication of sort of policy in relation to weight effects. Um, we understand that is actively being considered by, by Disney's. Um, and we will see what and when uh, anything comes out in relation to, to that. So, um, now I forgot the second part of your point.

00:10:57:23 - 00:10:58:15

Forgive me.

00:10:59:15 - 00:11:03:04

It was if we were to adopt the approach that you've set out.

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It's a challenge, right? Um, I suppose it's always a it's always a little bit difficult to comment on a question like that, because

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whether or not something can be successfully, legally challenged depends on precisely how it is written up in the decision letter. And,

00:11:25:13 - 00:12:08:10

um, you will obviously be making a recommendation. The Secretary of State will decide how to how to adopt that recommendation. But how precisely it is written, um, makes all the difference in terms of whether that can be successfully legally challenged. So there is only so much that, um, the fact that anyone can say on that subject. We certainly think that where something unusual and novel has happened, uh, in this way, where there's been a huge amount of interest expressed on this topic from different directions.

00:12:08:12 - 00:12:45:09

And obviously there's the there are there are broadly two sides to this. Um, I, uh, you know, there are developers in, in, in our situation. Um, the applicant situation, there's a group of developers and there's a group of developers on the other side. Um, and a whole range of issues have have emerged. And I think it's fair to say that the well, I'm not going to speak or try and speak for this, but I'd be surprised if there's, Um, were to disagree that there was a lot more to this than they perhaps realized at the time they made the out of more decision.

00:12:45:29 - 00:13:17:03

Um, now. So I think that to my to our way of thinking that there definitely it is available to the Secretary of State to to reconsider this and, and to make a lawful decision that would, um, certainly avoid, uh, imposing the, our the law requirement, which I think is is what you might call the key point. I is the secretary of state going to what the our moral climate does is, as you know, it's two things.

00:13:17:19 - 00:13:51:27

Um, it requires an assessment to be carried out because in that case, as you know, the assessment had not been carried out. Um, a, a an expert opinion had been submitted by a very respected consultancy,

DMV. And they, they recommended was a very short opinion. It was only three paragraphs. They recommended that a weak assessment was was, was justified and that hadn't been done. And so the Secretary of State requires in that condition which I brought in front of me, um, that, uh, that, um, a, uh.

00:13:54:16 - 00:14:02:17

Was that, um, a, um, an assessment be carried out? And then there is a form with words in relation to, um.

00:14:05:21 - 00:14:42:06

No part of any wind turbine generator shall be erected as part of the authorised element until an assessment when you make affects in any way affects pause and any subsequent design revisions to mitigate any such identified effects as far as possible, has been submitted to and approved in writing by Secretary of State in order to mitigate the impact of the authorized development on the energy generation wind farm. The assessment must be based on the scope of this as granted then the Federal Government carried out in accordance with the details. It is absolutely open to the Secretary of State to fundamentally reconsider whether or not such a requirement is appropriate.

00:14:42:09 - 00:15:16:24

We say the case against such a requirement is very strong indeed, and there is plenty of new information and new argument, as it were, available in the context of this examination and the other examinations to reach that conclusion. So we would strongly say that that that is perfectly possible for a lawful decision to be granted which did not impose, um, a uh, an equivalent condition to, to our the law on whether Dogger Bank South or the other projects that that may have similar similar considerations.

00:15:26:29 - 00:15:27:23

And those.

00:15:52:05 - 00:15:58:27

Are we just helpful to say to the applicant's team that if you're seeing a frozen examining authority, I am as well. So it's not exactly how long.

00:15:58:29 - 00:16:00:05

Roughly how long?

00:16:01:03 - 00:16:10:03

Hard to say. I think I hoped that she got most of your points, but certainly towards towards the last bit I saw a either a deep look of concentration or frozen screen.

00:16:32:25 - 00:16:40:06

Hi. Good afternoon everyone. I'm not sure if everyone can hear me and will be able to raise their hand just to confirm that they can hear me.

00:16:41:28 - 00:16:55:04

Brilliant. Thank you. Um, just to let you know, we're having a few technical issues in the room, and we're trying to rejoin as quickly as possible. So if people can bear with us for a few moments, hopefully the EXR will be back with everyone shortly.

00:18:42:00 - 00:19:13:20

Thank you for bearing with us. I'm sorry about those technical difficulties. So just going back to the questions that I had on, um, annual energy production, um, and whether this would be effects on annual energy production would be significant in EIA terms. So I just want firstly a question for the applicants. Please, can you tell me what was the predicted annual energy production loss to Dogger Bank? A as calculated in the weight loss assessment referred to in the first iteration of ES chapter 16 with reference app 130.

00:19:18:14 - 00:19:19:04

Yeah, okay.

00:19:22:20 - 00:19:31:04

You've asked us this in writing and you've given an Announcer. Are you able to explain why? Why you're asking this or why you're pressing this again?

00:19:34:07 - 00:19:37:13

Because I'm going to do a duty to thoroughly examine the application.

00:19:39:22 - 00:19:46:04

If we if we put in a reference to an assessment that we've been withdrawn,

00:19:47:19 - 00:19:50:27

um, and we've indicated that,

00:19:52:15 - 00:19:53:00

um.

00:19:53:12 - 00:19:53:28

We.

00:19:54:09 - 00:19:58:16

We don't want that to be part of our case.

00:20:00:27 - 00:20:03:03

Struggling as to why

00:20:04:22 - 00:20:09:15

why it's reasonable to to continue to ask questions on it.

00:20:11:29 - 00:20:43:14

I think given the complexity of the issue and the outstanding objections from IPS on the matter, we it is a justifiable request. You don't have to answer it. However, I would refer you to my comments at the start of this agenda item and the need to provide the information that we have requested. That information can be provided on a without prejudice basis. Um, but it is up to you fundamentally whether you want to provide that or not. I would strongly recommend that you do.

00:20:44:13 - 00:20:59:19

Um, but ultimately we are going to have to report on this to the Secretary of State, um, and in order to be able to give a thorough understanding of the matter. I would suggest that you provide the information that we have requested.

00:21:00:23 - 00:21:01:08

Yeah.

00:21:08:19 - 00:21:09:29

Yeah. Um.

00:21:12:01 - 00:21:43:03

I don't know when the lunch break is going to be, but I'm assuming that we're still going to be doing weight loss after lunch. Um, and I can I suggest that we, um. That that would allow us an opportunity to have a further conversation. Because you have said some things at the start of this session, which we didn't necessarily know, whether you, you know, you said things that we weren't necessarily expecting you to say. You've just given another indication on that front.

00:21:43:05 - 00:22:04:20

And I think we're going to want to say, potentially want to say more about that, um, before the closing of this session, um, in any event, would that be in order that we park a further reply to this until we've had further conversation, um, over the lunch break?

00:22:05:18 - 00:22:16:17

Yes, that's absolutely fine. Um, I have got some questions on the detail of that assessment. Um, I can ask those questions now. Um.

00:22:17:03 - 00:22:18:05

If you could just say what.

00:22:18:07 - 00:22:19:06

The questions are.

00:22:19:17 - 00:22:45:24

Yeah. Of course. Um, and you may be able to provide these right now, but equally, if you want to take them away and then we can come back to them slightly later. Um, did you liaise with Dogger Bank A to get information in order to be able to carry out the weight loss assessment that you that's referred to in er chapter 16. And what parameters did you, um, did you base that assessment on.

00:22:49:26 - 00:22:53:24



And said we'll take that one away. Could you just repeat the first question please.

00:22:54:13 - 00:22:55:22

Of course. Um,

00:22:57:15 - 00:23:01:00

the first question that we came to or because there was, there was two parts to.

00:23:01:02 - 00:23:01:17

The one.

00:23:01:19 - 00:23:04:18

That prompted me to say, we want to talk about over the lunch break.

00:23:04:22 - 00:23:05:07

Yeah.

00:23:07:06 - 00:23:18:02

What was the predicted annual energy production loss to Dogger Bank? A is calculated in the weight loss assessment referred to in the first iteration of S chapter 16.

00:23:19:12 - 00:23:20:05

Thank you.

00:23:22:27 - 00:23:23:16

Um,

00:23:25:15 - 00:23:44:18

my next question was on, um, the sensitivity of receptors and determining the significance of effects.

Um, could the applicants please display table 16 six of s chapter 16, which is rep 1001 on page 24.

00:24:39:11 - 00:24:42:15

Are you able to display the table that I've requested?

00:24:51:29 - 00:24:52:14

Okay.

00:24:53:03 - 00:25:17:09

Thank you. Um, in the first version of chapter 16, you refer to the effects of weight loss and Dogger Bank A as being negligible in comparison to the wind resource available. Can you explain with reference to the definition in tables 16, six, 16, seven and 16 eight of S chapter 16 how you determined these this to be the case.

00:25:31:27 - 00:25:35:10

I think I would like to include that within our lunchtime discussion.

00:25:36:28 - 00:25:37:24

Okay. Thank you.

00:25:41:22 - 00:25:49:06

In that case, I will, uh, move on to, uh. Oh, sorry. Mr. Gardner, you've got your hand up.

00:25:52:07 - 00:26:05:05

Thank you. Go back. Um, I mean, that that was a point that I was prepared to to make submissions on today. I don't know whether you want to hear those. Now, give the applicant a chance to hear them or wait until I'm ready to speak.

00:26:06:07 - 00:26:29:19

Mr. Gardner, your signal isn't very good. I understood you said you did want to potentially make submissions. And certainly yes, that was a question that I had in terms of, uh, following. Hearing the applicants answers to those, I was certainly happy to give you yourself and Mr. President, um, responses on those. Um, did you. Should we wait until we've heard from the applicants and their responses on that? And perhaps we can take your responses at the same time?

00:26:30:05 - 00:26:31:06

Happy to do so.

00:26:31:20 - 00:26:32:13

Thank you.

00:26:35:17 - 00:27:08:05

Okay. So looking at the potential environmental effects, um, from weight loss. Uh, to the applicants in your responses to EXC one and a rep. 327 you stated that you intend to submit a technical note which takes account of the proposed weight loss assessment in relation to their projects, which they intend to submit a deadline for. Can you explain what's the intended purpose of this? Technical note, for example, is this to provide an assessment of weight effects on net greenhouse gas emissions and when you intend to submit this?

00:27:10:07 - 00:27:11:29

June. And.

00:27:15:18 - 00:27:41:07

We have been working on a different technical note, which we can submit at deadline, for which I'd like to explain before I come on to that. That's okay. Which I think I think will assist. So I think we're now onto the greenhouse gas point. Is that right? So, um, yes. So we acknowledge that has a secondary

00:27:43:06 - 00:28:20:27

minor aspect of doing a full greenhouse gas assessment. That consideration should be given to the, um, potential reduction in AP or other wind farms. Um, that hasn't been done historically, either

because it's been overlooked or because it was felt to be possibly political, whatever. Um, and so that has become an issue raised in other examinations, which I think you're very, you're well aware of.

00:28:20:29 - 00:28:51:01

And you've referenced Mona, for example, and so that it's in front of you. We have put in the relevant sort of no, no technical document that went in towards the very end of their examination. So the what we get out so we are acknowledging that there is a consideration, whether it requires a full blown assessment to ensure that the greenhouse gas assessment is, um, robust.

00:28:51:22 - 00:28:52:15

Uh, is.

00:28:54:20 - 00:29:11:09

Is another question because we we don't think that it does. So the document that we are preparing is a effectively a sensitivity analysis This that, um, comment on

00:29:13:06 - 00:30:07:09

the approach to greenhouse gas assessment and then goes on to, um, by a, uh, a capacity factor and a range of weight loss percentages. So we're not saying these aren't. So which which is, uh, half a percent, 1% and 2%, so that it's effectively providing the net result of that. See it when we submit it is giving you the comfort that even if you make a worst case or 2% assessment, um, assumption of wage length across um, relevant uh, projects, which, uh, we've included Dogger Bank, ABC Sofia, which is also on the Dogger Bank, 21, 22, 23 4344.

00:30:07:20 - 00:30:38:12

So even if you make a 2% assessment in relation to all of those, which in practice and with our, we explain why we've chosen the capacity factors that we have. Um, that even making that very worst case assessment, it does not alter the, the, the conclusion, which is that there is an overwhelmingly large sort of greenhouse gas benefit from, from the program. So that's my sort of first point. My second point is, is to clarify what you mean by the technical note.

00:30:38:26 - 00:31:28:09

You will have seen from the, um, the the BMW owners submission that they were taking advantage of the assessment that had been put in by Orsted in relation to the Mona examination. And so what we, in addition to submitting the sort of sensitivity document that I've just preference. Um, we can also what this is referring to is, uh, assuming that, um, assuming that the projects do put in the weight assessment that they have said that they are going to put in a deadline for that in a similar way to, uh, what BP and the W did on Moana.

00:31:28:21 - 00:32:04:13

Um, we can comment. We can we can take advantage of that to make a further comment on the greenhouse gas assessment. But in saying all of that, well, I'm hoping that you have noticed from all of the other equivalent sort of exercises taking place, is that the this is very much a secondary and a minor consideration in, in a greenhouse gas assessment. There is no prospect whatsoever of, of of of of altering the, the the the the conclusion of the assessment.

00:32:04:15 - 00:32:32:02

So we accept, as the other projects have, that it is a point that needs to be taken into account. But um, it doesn't. We say it does not require, um, a, uh, a full blown way assessment to do that job sufficiently. Well, um, for the purposes of having a robust greenhouse gas assessment in front of the examination.

00:32:34:24 - 00:32:51:09

Okay. Thank you for that clarification. That's useful. Um, have you approached the approach goals in order to obtain, um, potential effects information to, to, um, inform that particular greenhouse gas? Um, note.

00:32:53:27 - 00:33:13:29

By definition, we don't need to I we are reluctant. You'll see that from the approach that we follow. We only need publicly available information to do that. So that will be clear. You see the note. So we do not need to approach them to to do the exercise that we have done.

00:33:14:23 - 00:33:23:08

But you are intending on updating it. You say once. Once you've reviewed the information that is proposed to be submitted at deadline for.

00:33:23:25 - 00:33:40:02

I mean, we made it possible. What I just said was relating to the first document I mentioned. If you if you're asking about whether we are in any dialogue with the project in relation to the weight assessment they are preparing to submit deadline for.

00:33:41:25 - 00:33:49:09

I'm pretty sure they aren't just looking around. The answer to that is no. In other words, they are doing that. Um,

00:33:51:01 - 00:33:52:19

they are doing that themselves.

00:33:54:19 - 00:34:18:07

I think the point that I was trying to make is that obviously the project codes are in the process of preparing a weight loss assessment, you are going to you say you're potentially going to, um, review that and update any information as necessary. Um, my question was how you approach a project in order to obtain the information right now so that you don't have to then do a further update. But I think I'm okay.

00:34:18:09 - 00:34:48:26

I'm with you now. I guess we've assumed that that I guess we've made a silent assumption that their assessment won't be ready until the deadline for, um, if they want to send it to us when it is ready. If that's in advance of that, we would gratefully receive it. Um, uh, and particularly if, um, Deadline Forward said to us directly, that would be helpful so that we don't have to wait for it to be posted. But otherwise we weren't expecting to have to wait for that to be posted on the on the project website.

00:34:58:26 - 00:35:04:27

Mr. Gardner, are you available for comment? You have frozen or your your screen has. Ah.

00:35:05:23 - 00:35:14:25

Yeah. Mr. garden for the project. Sorry. I understand from, um, that I'm having some technical difficulties at your end in the year that I'm frozen, but I can hear everything that's been said.

00:35:15:02 - 00:35:26:03

You've unfrozen now, which is great. Um, yes. I was just wondering, in terms of what the applicants have said in terms of welcoming the weight loss assessment in advance of deadline. Is that something that you are prepared to provide to them?

00:35:26:26 - 00:35:38:03

I think we won't have it in advance of deadline for. So I don't have it at present, but we can certainly submit it directly to them to avoid the wait for for upload to the to the portal in the interim a couple of days.

00:35:39:27 - 00:36:02:03

Uh, noted. Thank you, Mr. Garden. Um, and just a point for the applicants. Um, the examining authority would find it useful if, in the technical note that you intend to provide, you could also include information on how any potential wak effects, um, affect carbon payback timescales. It may be something that you're intending on covering anyway, but just as an action point to include that, please.

00:36:11:22 - 00:36:12:07

Duly

00:36:14:02 - 00:36:14:27

noted.

00:36:17:09 - 00:36:26:11

Yes. Um. I was hoping to get the reassurance that was easily doable. Which is. Which was my understanding, and I've had that. So yes, I'm sure we'll be able to do that.

00:36:27:12 - 00:36:31:06

Much appreciated. Thank you. And can I ask, um.

00:36:34:05 - 00:36:48:28

So sorry. I was going to ask about which projects, but you have said which ones they intend to take account of, and it seems, um, it is, uh, most of the ones to the north and immediately to the south, if I've understood that correctly.

00:36:51:00 - 00:36:53:15

Yes, because the other projects are. Saw

00:36:55:04 - 00:37:06:06

significantly further away, and some of them have have intervening projects between them and us. So it would. Yeah. That's why we've um.

00:37:09:09 - 00:37:16:07

We have addressed the project that seem to be but for the purposes of this exercise, the most appropriate.

00:37:18:25 - 00:37:25:28

Noted. Thank you. And I've got some questions, uh, here for Mr. President, please. Um.

00:37:28:05 - 00:38:06:19

I note that in your, um, deadline. Uh, one response also did refers to, uh, weight loss effects which have been demonstrated in the Orsted portfolio between wind farms, which are located up to 50km from each other. And the academic studies suggest that weight effects can occur up to 90km downstream in your deadline three submission with rep reference rep 364. You say that all of the Orcid IPS have concerns in relation to weight loss, not just, um, Hornsea Project three and Project four race Bank would be located approximately 134km from the proposed array areas.

00:38:06:21 - 00:38:26:26

Links wind farm would be located at 154km from the proposed array areas. Westmeath rough would be located 112km from the proposed array areas. Could you explain to me why these interested parties consider that there would be likely effects from weight loss from the proposed development, given the distances involved in evidence provided to date.

00:38:28:01 - 00:39:01:27

Thank you. Alex Weston for the authors, what I propose to do with that is to seek full instructions from my client and come back to you in detail in writing. Um, however, what I would note is, is pursuant to submissions made in the in the outer housing examination by the Orcid IPS, it can be that a small a small impact on AEP can have a significant financial impact on the on the viability of the asset. So that is a wider consideration. And as we've as we've noted, it's not necessarily just distance that impacts from a weight loss perspective.

00:39:01:29 - 00:39:09:18

But as I've said, if it's all right, I'll take that away and come back in detail with writing, following discussions with the the experts from from Orsted on on that matter.

00:39:10:19 - 00:39:25:17

Oh yes please. Thank you. Thank you. And Mr. Dresden, um, in your view, which of the auto projects do you consider to be close to the proposed development? With reference to paragraph 2.8.197 of MPs. Ian three.

00:39:28:15 - 00:39:55:06

Thank you, Alex Dresden for the Orsted IPPs. Given what we've just discussed, we would say that Hornsea One, two, three and four would fall within that category and they were therefore grateful that the applicant is proposing to include those projects that I think was mentioned in the in the technical note that, um, that's going to be submitted. And we, you know, as has been alluded to, we'd welcome

any advanced advance sight of of that note, and indeed discussions with the applicant on that matter so that we can, um, discuss this this further.

00:40:03:22 - 00:40:19:04

Thank you. Can I just ask again, Mr. Stone, do you consider that, um, an offshore wind farm would represent an activity for which a license has been issued by the government in line with MPs? Um, again, three paragraph 2.8.197.

00:40:20:10 - 00:40:52:23

Thank you. Alex. And for the applicant. Yes we do. I don't propose to repeat the submissions we made on this matter at deadline three. Um, but in summary, we think it is the existing offshore wind farms are relevant to to that paragraph. Um, and we do think as well that that paragraph should be read in together with paragraphs such as paragraph three, 2.8.345. And we think that if offshore wind farms were not intended to be included in that context, and they would be expressly excluded in the drafting of of MPs three and three as we set out at deadline three.

00:40:54:00 - 00:41:07:02

Thank you. Um, do you and your staff intend to provide a weight loss assessment on behalf of these IPPs to demonstrate the suggested effects on annual energy production?

00:41:08:10 - 00:41:40:16

Thank you, Alex Dresden for the Orcid IPS. I will reserve our position on on that question until deadline four because I think further consultation is required. However, it is our position that the applicant should be required to undertake that assessment and in any event, it's it's likely that their assessment would be more accurate than our assessment because the assessment would revolve around their project and, you know, could use the various measurements, for example, wind at the proposed development and the detailed knowledge of the design of the proposed development that they that they have available.

00:41:40:21 - 00:42:16:09

I'd also note that the applicants will have used weight modelling extensively when considering the optimum design for the for the project, and that will include the impact from from nearby neighbors. And it's a relatively easy step, I understand, to reverse this calculation and and therefore model the impact of the proposed development on the nearby existing, um, wind farms. And I understand from discussions with my client that we have recently published analysis demonstrating their ability to model neighboring weights accurately over distances that are similar to those between the proposed development and the Orsted IPS assets.

00:42:16:11 - 00:42:41:17

So that leads to a natural conclusion that the impacts from weight loss that will be experienced by by nearby assets can indeed be accurately forecast. And therefore, as we've said, we don't think the applicants are adhering to the requirements of of the NPS by refusing to do so. So in answer to your question, I'll I'll come back in writing in detail, but we would like to reiterate the the repeated request for that assessment to be undertaken by the applicants.

00:42:42:06 - 00:43:15:25

And I know your position, Mr. Dresden. Thank you. Um, I think something that needs you need to have a think about is if the applicant doesn't provide one, do you intend to do so? And obviously, as I set out at the start of today's, uh, this item on the agenda is that we need to have them in a tie. If you are intending on submitting one, we do need to have those in a timely manner as soon as possible to give everybody fair opportunity to comment on them. Um, and so it also needs to be thought about in line with my other questions is which which of the Orcid IPS you know, would be considered at that point.

00:43:15:27 - 00:43:47:22

So if I can leave that with you, um, to sort of have a think about and have a discussion with your clients, that would be, uh, very helpful. Thank you. Um, Mr. Dresden, you've provided, on behalf of the clients, uh, information on the potential generating capacity of the altered IP wind farms at deadline three. Um, in terms of the data presented on the table on page four of rep 364. As I understand it, it presents the installed generating capacity of the wind farms, and therefore not the actual annual average generating capacity.

00:43:48:04 - 00:43:55:25

Could we could we provide be provided with the actual wind generating capacity for each of the wind farms into the examination?

00:43:57:04 - 00:44:04:19

Thank you, Alex Rosen, for yesterday. I don't see why that would be a problem, but I will. I'll check with my client, and I hope to come back to you with those figures that deadline for.

00:44:06:01 - 00:44:11:10

Thank you. Um, the applicants I see you've got your hand up. Would you like to come in there, please?

00:44:12:22 - 00:44:14:15

Julian Bond for the applicant.

00:44:16:00 - 00:44:33:06

I, I don't mind whether it's now or later, but Mr. Burstein particularly wants to comment on something that Mr. President has just said. And I have got 1 or 2 other comments, but I'm happy for those to wait. And if on this kind of methodology, um, and who sees who,

00:44:34:24 - 00:44:38:05

depending on how you want to organize this, you may want to hear from him on that point.

00:44:38:07 - 00:44:44:13

Now Let's come to it now before we move on to something else. If you could present those now, please.

00:44:45:23 - 00:45:33:14

Uh, just mercy for the applicant. Uh, I disagree with the assertion that our assessment would be more accurate than its own. Uh, especially if the distances of authentic projects. The wind conditions may



especially differ and or center the people in the possession of the detailed information about the wind conditions of their own project, and that will have quite an impact. Additionally, there's the factor that they are in possession of typically confidential information about the performance of their own turbines, and that has quite a large impact, I would say larger than the impact of the details of our site design, especially over distances of 40 plus kilometers.

00:45:33:24 - 00:45:43:03

So especially for the authors of the project, I believe that they're they're in a much better position to assess our impact on them than we are to assess that impact.

00:45:46:27 - 00:46:02:08

Noted. Obviously, you have the opportunity to approach them to obtain information. If you were to do a weight loss assessment, of course. Um, there's a point which I'll just make there. Were there other points, Mr. Boswell, that you wanted to make at this, uh, point?

00:46:03:15 - 00:46:11:26

I think it was just a quick point, if I may, on the, uh, activities for which a license has been issued by the government.

00:46:13:22 - 00:46:50:19

Uh, if you look back at paragraph 2.8, 1.44, I think it's clear that the the way that this has been drafted is with a view to there being two categories there. And that's clear in the title as well. Other offshore infrastructure and then other The activities. And so we have a category of hard infrastructure. And then we have a category of activity where the examples given are aviation and recreation in 2.8.44.

00:46:51:18 - 00:47:26:28

And so where activities have been referred to. I don't think they're referring to infrastructure. And I do think that there is I think the other theme of this is that there is a distinction, um, a broad distinction between infrastructure that is already there and the focus is on infrastructure that is already in place. And I think there is a good reason for that, namely, that if something is not already in place, there is more possibility.

00:47:27:06 - 00:47:59:28

So if so, if you look at the five series example, East Anglia two has not been, um, constructed. Hasn't got financial investment decision. Uh, it's got a consent and five estuaries, uh, is seeking their consent. And so hopefully in a few months time will be in, you know, on the same footing in consenting terms as East Anglia to. And clearly there's any opportunity for in theory, um, we don't we're not recommending this.

00:48:00:00 - 00:48:32:05

But in theory both projects could be um, taking. So I'm not speaking on behalf of five estuaries, just to be clear, um, that in theory, in that situation, each project has the opportunity in theory to do things to address, uh, you know, what could be seen as a common issue. And so there is a big difference between infrastructure that is already in place and infrastructure that may have, um, may have consent or maybe may be seeking consent. And so I don't think it's the case.

00:48:32:07 - 00:48:55:00

I really don't think it's the case that you can just blithely apply the word activities to infrastructure. I think it's quite clear that the authors of PM three were acknowledging that there are activities that kind of move around mobile activities, aviation, recreation as distinct from hard infrastructure.

00:49:06:04 - 00:49:06:29

Thank you.

00:49:10:23 - 00:49:13:19

Uh, Mr. President, um,

00:49:15:15 - 00:49:25:28

the deadline three response confirms that minimum life span expectancies for the authored IP windfarms could be provided if required. Could could we have that information, please?

00:49:27:18 - 00:49:32:28

Thank you, Alex Dresden, for the authors, please. Again, I'll confer with my client, but see no reason why that can't be the case.

00:49:33:04 - 00:49:33:25

Thank you.

00:49:36:21 - 00:49:38:12

And, uh. Mr..

00:49:40:19 - 00:49:41:18

Stone. One moment.

00:50:01:09 - 00:50:24:06

Thank you. Um, yeah. Mr. garden, um, regarding the figures that you provided on the generating capacity of Dogger Bank a, B, c at deadline three. Um, can you just confirm the you used a generating capacity factor of 55%? How have you determined that this figure is appropriate? And what is this based on?

00:50:25:24 - 00:50:40:03

Um, Mr. Garden for the for the dog bank project. If it's okay, we'll explain that in our in our submissions, but effectively based based on technology choices. And um, but we can explain that further in in deadline for submissions.

00:50:42:24 - 00:50:43:17

Thank you.

00:50:50:07 - 00:50:54:15

And is regarding the operational lifespan of Dogger Bank A, B, c

00:50:56:03 - 00:51:04:23

you have stated that this is 35 years for each project. Is that from today or for when the proposed development would be predicted to be operational?

00:51:05:27 - 00:51:17:07

Mr.. Garden for the Dogger Bank IPS that that's from when the project would commence operation. So each of those projects is due to commence full operations over the next couple of years. So it'll be from that date.

00:51:33:27 - 00:51:43:08

For the applicant's display. Figure 16 two of Rep three zero 14, which is the chapter 16 figures for context, please.

00:51:53:02 - 00:52:05:22

Thank you. Um, uh, Mr. Gordon, which of the array areas, i.e. Dogger Bank, South East or West array areas is of most concern regarding wake effects?

00:52:08:19 - 00:52:16:10

Mr.. Garden for the Dogger Bank and project IPS. I believe I believe it's it's both but again we can confirm in the next submission.

00:52:18:08 - 00:52:34:24

Yes, please. If you could set out, um, which and why, that would be useful. And the same question, for Mr. Dresden as well, please. Which of the array areas? East Dogger Bank, South, East or West is of most concern to the altered IPS.

00:52:36:02 - 00:52:40:06

Alex Dresden for the Oslo peace. Similarly, we can confirm that in detail in writing.

00:52:41:06 - 00:52:41:28

Thank you.

00:52:47:06 - 00:52:59:18

Put the if if you are aware. Um, perhaps the applicants as they've got their specialist here, but what is the, um, prevailing wind direction in this area and how much does it tend to vary?

00:53:04:09 - 00:53:18:08

Justin Burstein for the applicant. Uh, the prevailing wind is from the southwest. Um, if there are winds that come from other directions, but the majority come from the southwest.

00:53:25:26 - 00:53:36:18

And could the could, Mr. Garden, tell me, and you may wish to take that away, but does weight class from the Hornsea projects already affect Dogger Bank A, B and C?

00:53:39:21 - 00:53:46:14

Mr. garden for the Dogger Bank project ships. I need to take that away but again can come back to you. A deadline for.

00:53:47:20 - 00:53:48:11

Thank you.

00:54:03:06 - 00:54:15:15

I'm going to hand back to, um, Mrs. Ciani. Um, in order to be able to, uh, take an adjournment for a lunch break unless, um, the applicants wanted to respond on any of those points before we do that.

00:54:19:14 - 00:54:20:28

No. It's fine.

00:54:23:00 - 00:54:29:04

Okay. Yeah. Thank you. I think this would be an appropriate point to, um, have a break for lunch. Um.

00:54:32:01 - 00:54:36:25

But before I do so, I'll just hand over to Miss Dowling, who wanted to raise something.

00:54:38:11 - 00:55:02:04

Thank you, Mrs. Seany. It's just a very quick question to the applicant. It's just a procedural matter. We've received a couple of submissions from you today. Um, and we're just organising getting those published on the website. Uh, they're to do with ornithology. I'm just wanting to know, because we'd just like to minimise the number of times we have to update the website, whether we're expecting any more submissions today from yourselves or if that's it.

00:55:09:17 - 00:55:18:00

We're slightly surprised that something's gone in today. So would it be, well, to check that over the last break as an answer to that? That's okay.

00:55:18:06 - 00:55:23:17

Yeah, that'd be that'd be fine. I'll hold off publishing those until you've confirmed. It's just as I say. We'll just publish.

00:55:23:19 - 00:55:39:18

Them all in one batch, rather than constantly update the website and having to constantly update the banner headline. So if you can come back to us after lunch as to whether or not we're expecting anything else today, that I would be most grateful. I'm now going to hand back to Mrs. Seany to organise the lunch arrangements.

00:55:41:24 - 00:55:43:21

Yes, it's 1:03.

00:55:43:23 - 00:55:57:24

Now, and I would suggest, considering we still have quite a bit to get through this afternoon, um, that we come back at 10 to 2 so that we're just over 45 minutes, if that's okay with everyone. So, um,

00:55:59:12 - 00:56:14:15

while we adjourn, can I just ask that all the participants turn off their cameras and mute their microphones? Those people watching the live stream will need to refresh their browser. This meeting is adjourned and will be resumed at 10 to 2. Thank you.