



Planning Inspectorate
Arolygiaeth Gynllunio

Hearing Transcript

Project:	Dogger Bank South
Hearing:	Issue Specific Hearing 3 (ISH3) – Part 4
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00:00:05:02 - 00:00:18:16

Okay. The time is now 10 to 2, and I would like to welcome everyone back to this issue specific hearing for the Dogger Bank offshore wind farms. I'm not going to hand back to Miss Abramsky, who will continue with item four on the agenda.

00:00:20:03 - 00:00:21:06

Thank you, Mr. Ciani.

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

Would the applicants like to go back to the queries that we had, which you were intending on discussing over lunch, perhaps to start with? So that was on effects on annual energy production and my queries in relation to the weight loss assessment that had been carried out by yourselves. Would that be acceptable to go back to that now?

00:00:46:09 - 00:00:47:08

For the applicants?

00:00:51:15 - 00:01:21:15

The key question we've we weren't expecting to be pressed in this way today. Um, and we've already taken a considered position and so on. How to approach the assessment that was referenced in the original statement. So I'm afraid we need more time to to consider for this position. We have discussed it over lunch, but we we need more time, so I appreciate that.

00:01:22:13 - 00:01:27:24

So that isn't going to be today. Um, I appreciate that. Um.

00:01:30:00 - 00:01:36:20

I've just said we've got the rest of the week of hearings, and I appreciate that it would be.

00:01:38:24 - 00:02:19:05

We're assuming that you would like an indication sooner rather than later on this topic, because you've you've opened today's weight loss section by indicating that you might take what, for us would be a very unwelcome procedural step in terms of delaying the examination, um, which we assume is a is a regulation 20 sort of approach, um, which should be very much, uh, which firstly, we would we would disagree that you should do that and we would want to make submissions on that.

00:02:19:24 - 00:02:40:26

Um, but if but clearly if you have the power to do it and we would want to think carefully before. If you're linking that to, to something we if we we need to think very carefully about whether we reluctantly and without prejudice do the thing that you are asking us to do to avoid that threat. So, um,

00:02:42:16 - 00:03:16:07

we are hoping that it would be okay if we come back to you either by close and play on Thursday or wherever the sessions have got to on Thursday, as a sort of under an AOB type item to indicate which direction we're heading. And then if we are prepared to, um, exceed your request, we would deal with

that in the sort of post hearing summary. Um, and if we're if we're not, then we would give you that indication and expand on our reasons in the post hearing summary.

00:03:16:29 - 00:03:30:11

Um, I don't know whether. So if it runs to Friday, we might we might need to take until Friday. Friday is a spillover day for Wednesday and Thursday and therefore might not happen.

00:03:32:29 - 00:03:38:11

Thank you. That's an acceptable approach. And we'll welcome obviously your response on that in due course.

00:03:40:00 - 00:03:46:27

Therefore, um, I have a few questions regarding, um, mitigation. Um.

00:03:49:00 - 00:04:32:06

Um, in your responses to the deadline, two, uh, submissions with reference wrap 328. You state that a pragmatic approach would also take account of whether any mitigation is in fact available to reduce the wake effects on an existing project without having a disproportionate, disproportionate effect on the new project. If the examining authority or Secretary of State was to determine that weight loss was relevant to the consideration of the application, without a weight loss assessment demonstrating the likely effects and what residual effects mitigation would result in, how could the examining authority or Secretary of State determine whether any proposed mitigation would have a disproportionate effect on the proposed development?

00:04:39:20 - 00:04:58:27

William Boswell for the applicant. I'm going to play Mr. Burstein in a moment, but I think we would say that you don't need to have conducted a specific weight assessment to reach that conclusion around mitigation, but I'll allow Mr. Burst into to respond.

00:05:00:02 - 00:05:31:08

Justin burst in for the applicant. Um, I think it's just generally true that that mitigation options are are extremely disproportionate in the effect on the project for us to, to perform these mitigations. Um, we've looked at this in a great deal of detail in a number of circumstances, but I'd like to particularly cite more, um, where we have the neighboring project for where we are inside the buffer zone.

00:05:31:20 - 00:05:39:24

Uh, so we're forced to consider our weak impacts on them. We did extensive studies, uh, looking to mitigate.

00:05:44:08 - 00:05:58:22

Okay. Sorry, I need to clarify that that, um, in the context of Olimar, we're looking at the impact on tomorrow. Um, not not real flats. Um, so I.

00:05:58:24 - 00:06:31:28

Just think so, because we happen to be using our a little more. I'm slightly nervous that there's a misunderstanding. So our WB has a is is is a is an owner of an existing large onshore offshore wind

farm called Winter Moor, which has been operational for some years. And then our Lemoore is an extension to Gwent Mall, which is next door. That's within the within the rules of the extensions, in the same way that Five Estuaries is an extension project.

00:06:32:12 - 00:06:58:20

So this is not this got nothing to do. What Mr. Burr is about to talk about, it's got nothing to do with real flats at all. It's all about the fact that where two projects have the same owners next door and are considering Wak effects in that context, what that teaches, those owners about what mitigations, if any, are credibly available. Over to Mr. Bernstein.

00:06:59:13 - 00:07:36:12

Thank you for that clarification. Um, Justin Bernstein for the applicant. Um, so the end result of these careful studies, because of course, we're both impacting and impacted. Was that any mitigation we performed in the design of the more had, uh, 50 times greater loss to more than it did a benefit to go into more. So that 50 to 1 ratio is, is, I think by definition, disproportionate. Um, if you lose 50 times what you're gaining back, it's just it makes a project unviable very quickly.

00:07:36:26 - 00:07:37:24

It's contemplating

00:07:39:11 - 00:08:11:18

in the context of that study, we looked at different, um, styles of layout. So whether the turbines are placed on the perimeter, whether they're placed in rows, are aligned with the flow. Whether they're placed in rows perpendicular. Whether we create a larger buffer distance to the neighbor project. Whether we create a smaller buffer distance. And basically the result was the same for all of those. There was no viable option. And I think if you look at other extension projects you see the same result. There aren't mitigations taken.

00:08:11:23 - 00:08:21:12

There's generally no buffer. They're right adjoining to each other. So I think other developers have probably performed similar work and reached similar conclusions. I'm sorry.

00:08:22:11 - 00:08:31:15

Can I just ask what? It's an extension, but what? Is there any distance between those two? I'm going to more in a while and more. Is there any distance between the projects?

00:08:32:03 - 00:08:46:21

I believe the lease areas are directly adjoining each other. I'm not sure of the closest distance there may be, for instance for helicopter corridors, some distance, but effectively for for weight purposes no distance at all.

00:08:49:11 - 00:09:03:22

And are those the only type? So it was um, design, layout. Effectively mitigation measures that you looked at with that. Were there any other types of mitigation that you could, um, that you thought about all that was researched on?

00:09:04:03 - 00:09:36:19

Yeah. Uh, we understand that the, um, uh, some of the interested parties have have spoken about other types of mitigation. For instance, um, uh, with the wind sector management. Uh, we did not consider that because effectively, that is a technology that was developed for use in onshore, um, wind farms. And it was, uh, developed effectively to solve load issues.

00:09:36:29 - 00:09:55:17

So, um, between turbines, when they're extremely closely spaced, there's no evidence that this is a viable Solution as offshore or across large distances. It's not entirely clear that it's something we could get a turbine manufacturer to supply us with.

00:10:04:16 - 00:10:06:08

Adam, could I just have a moment?

00:10:22:27 - 00:10:44:19

Would it be okay if I just. Would it be okay if Mr. Bernstein developed what he said about how. And more and more where they're next door to each other, as to why the considerable work that we have done in that type of scenario is also relevant to considering mitigating potential mitigation for projects that are further away?

00:10:45:06 - 00:10:46:02

Yes, please.

00:10:47:14 - 00:11:20:26

So in the case of Alomar, and where they're directly next to each other, the creating a buffer or changing the layout designs has quite a large impact. And we found that it was effectively not a viable lever to save any energy at going to more with a 7.5km distance much, much larger than that lever, and the ability to affect any change in the impact on a neighboring project is much, much lower. So we would, of course, I believe the ratio that 50 to 1 could be a much larger number.

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So effectively, uh, the Dogger Bank South projects would be forced to lose much more energy in order to gain one megawatt hour as an example unit back at a neighbor, just because of the distances involved.

00:11:39:03 - 00:11:55:21

Sorry, I don't know if I've just not understood this correctly. You were saying that the effects that you saw between more and well and more, and the loss of annual energy production and the effects on the if you'd like, the other offshore wind farm was could be greater further away.

00:11:57:03 - 00:12:19:09

Uh, no. So the changes made have a greater impact when you are closer. And so any changes we would make at a further distance have less. You would have to make a greater change, uh, in order to have the same impact when, when there's 7.5km between projects as opposed to perhaps a few hundred meters.

00:12:19:27 - 00:12:21:15

Okay. Thank you, I understand.

00:12:21:28 - 00:12:54:02

In other words, if they've analyzed the opportunity to mitigate in the best circumstances, which is where the projects are close to each other, where you're being asked to mitigate for a much greater distance. The opportunity is, is much, much less. And if it's a disproportionate impact at 50 to 1. Or pick another number. 10 to 1, you know. But 51 then it's going to be, you know, that's going to be similarly disproportionate or even more disproportionate at distance.

00:12:54:17 - 00:13:31:00

So we have this superficial notion that there are mitigation options available. But once you look at it properly with people that are expert in the subject, what what what becomes apparent is that there aren't any real mitigation options that make any sense because they have such a disproportionate impact on the, on, on, on, on the, on the new project. So that is and that goes to our bigger point as you all of as you'll gather that the and that almost links back to the to the weight loss in weight assessment.

00:13:31:02 - 00:13:47:26

Why do awake assessment if it can't go anywhere, if there's no practical benefit in terms of a potential either a discussion about mitigation or imposing mitigation. Why would you go there? Um, and and that is that that point is also in the mix.

00:13:52:14 - 00:14:31:18

I understand the point that you're making. I think it comes back down to whether you if it was determined that weight loss assessment is covered by the MPs, whether the assessment itself needs to be made or not. But we obviously we've discussed that and I understand your position on the matter is there. Are there any other forms of mitigation that you haven't modelled or accounted for, research that that are available or or coming into place or are potential that could mitigate weight loss? Is there anything else mitigation wise that you are aware of?

00:14:34:13 - 00:15:06:00

Um, Justin Burstein, for the applicant, we are aware of a number of technologies that are in a research phase. So they they haven't been tested in the real world. There are some nice looking simulations that are interesting, but if we're looking from a technology readiness perspective, they're probably 15 years down the road. So that's something we're tracking, but it's not something we can consider for this project.

00:15:06:27 - 00:15:30:19

Um, we have considered, uh, turbine height, but didn't think that was a big lever in our examination, um, in terms of changing the weight loss either. So I would say that there are a few things around, but nothing that's really a viable option for this project at this time.

00:15:35:23 - 00:15:43:01

Uh, Mr. Gordon, thank you for waiting. I see that you've got your hand up. Can I invite you to to, um, offer comments on this?

00:15:43:28 - 00:16:17:18

Yeah. Thank you. Mr.. Mr.. Garden, on behalf of the Dogger Bank project IPPs. And our position is quite simple really. The only way to resolve this is with the project specific assessment. And we've heard earlier the importance from from the applicant's expert of understanding the impacted windfarm in terms of week assessment. When he confirmed to to Mr. president that the Orsted would be better placed to undertake that assessment because they had the knowledge and I think we've also just heard there that there are design and mitigation solutions that could potentially be delivered technologies, turbine height reductions.

00:16:17:24 - 00:17:00:05

But again no evidence in front of this examination that those have been considered. And indeed, what we've been told today is that design siting measures have not been considered as part of the process and that effectively the sole aim has been the maximisation of AEP. Um, and the other point is obviously there was alluded to at the alluded to at the end of that submission was the fact that that is an assessment and where the boundaries align. We've not seen that underlying assessment through through this examination and to understand the impacts, but it's not an assessment at 7.5km, notwithstanding what's just been said in terms of potentially different impacts, that may well mean there are potentially different design and mitigation solutions as well.

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And so we just come back to the same point that there is no evidence in front of this examination of those considerations or the impacts. Then that leads to the point as to, to well, why do this? Well, we do this to understand the impacts on on the existing projects and also on our case, because that's what the national Policy Statement tells you to do.

00:17:23:24 - 00:17:25:03

Thank you, Mr. Gordon.

00:17:31:03 - 00:17:34:18

Could I oh, sorry. Yes, yes. Mr. Boswell.

00:17:36:01 - 00:17:40:07

That's Julian Boswell for the applicant. Can I just briefly respond to that?

00:17:42:02 - 00:18:20:01

I think so. Mr. Burstein is an expert in this field. So you've just heard some expert evidence, and we will submit details of his his qualifications and his experience. This is what he does full time for a living. Um, and what he just said, and I, I was couldn't quite follow Mr. Garden's argument. He has just explained that with all the expertise available to W.e as an experienced developer, um, wanting to understand what mitigation options were available in the city in this particular example that he gave.

00:18:20:03 - 00:19:22:12

But there are other examples that we have have analysed that there were no, um, credible, uh, design and uh, the design and, and other options that would assist in reducing wage effects. And so that is evidence that is in front of you by an expert reporting on, um, work that he has done. Now, we can,

we can we can provide that explanation in more detail. But the notion that somehow, uh, that there are, uh, realistic mitigation options available and that we are, um, somehow, uh, avoiding if, if, if there was a category of mitigation that was neutral in relation to the new project, but had a material benefit or reduce the adverse effect on the existing project, that would be a legitimate topic of discussion.

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But we don't think there is. And therefore, um,

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and therefore Um, that that in some ways is at the heart of this, this whole topic. If the, if that, if that category of mitigation doesn't exist and that is, that is a question that is open to expert judgment like that of Mr. Bernstein. If that category of mitigation does not exist, then as you, as you I take your point about to repeat the point about why do wake why do awake assessment as between the two projects, the the way assessments that are done and lots of them are done are all about other projects affecting your new project.

00:20:04:00 - 00:20:41:25

That's that's what the industry focuses on. It doesn't focus in the other direction because it doesn't make sense to do so. A because you're maximizing the benefit of your project, and B, because there aren't mitigation options available that are neutral on the effect on you. But but reduce the impact on other projects. And the overarching policy objective is to maximize, um, UK renewable energy generation for 20, 30 and so on. And so, um, on that basis, uh, you have just heard some highly relevant expert evidence on, on, on this on, on this subject.

00:20:42:00 - 00:20:49:25

And just repeating the mantra of, oh, we must have an assessment because we're somehow paralyzed without an assessment. Um, is not correct.

00:20:54:06 - 00:21:20:06

Thank you. Mr. Russell, I think it would be helpful to. I mean, obviously, you'll submit a summary of the oral representations from this hearing, but it would be helpful to have a, um, a, um, a document which sets out the mitigation measures which have been considered, um, by yourselves and why they are not, in your view, um, feasible or reasonable, um, moving forward. So if we could have that as an action point, please.

00:21:22:00 - 00:21:52:12

Um, can I just ask, uh, invite Mr.. Uh, Dan, um, just to for a question, please. Um, in your deadline three uh response posted uh suggested that potential mitigation measures could be, um, measures such as wind sector management, um, which is the process of adapting different operating modes on the applicant's turbines when the wind direction is such that it would cause wake effects on the wind farms.

00:21:53:06 - 00:22:03:13

Um, Mr. President, could you offer a suggestion on how, if it if it were deemed appropriate, that wind sector management as a form of mitigation could be captured by any draft eco.

00:22:06:15 - 00:22:39:23

Thank you. Alex Dresden for the author, though. Please, please. Um, I'm sure you'll appreciate that the applicant has its weight expert present, whereas I do not. On behalf of, um, Orsted, I think the the overarching point just to quickly make and I appreciate we don't want to keep going harping on about the point of whether an assessment is needed or not, given that the parties fundamentally differ on their position, but Everything the authored IPS have said in relation to potential resolutions under weight loss can't be properly informed without seeing that independent assessment of weight loss impact upon their assets, which, as we've stated, the applicant should provide now.

00:22:39:25 - 00:23:15:10

I take the point raised earlier about whether or not the Orcid IPS will submit an internal work assessment if the applicants continue to decide not to provide one, and it may be that we can therefore provide further detail about the resolution. So once if and when we do that, as I say, I'll need to discuss that with my client. But I think in answer to your question about the mitigation being secured and any other potential potential solution to that, it's difficult to say that without having a full understanding of of the effects, it may be that we look to seek a separate commercial agreement with the applicant privately that I understand is relatively commonplace in the industry.

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It may be that we seek a form of protective provisions, it may be that we seek some kind of requirement. But as I say, it's difficult to to fully provide analysis on those solutions without the detailed impact.

00:23:27:04 - 00:23:28:06

Okay. Thank you.

00:23:30:24 - 00:23:31:10

Um.

00:23:35:02 - 00:23:37:28

I could ask, um, Mr. Garden.

00:23:40:01 - 00:24:09:19

In terms of, um, wind sector management as a form of mitigation. I know the applicant said that this was mainly used in relation to, um, onshore wind farms and effects from Wak, uh, due to them being closely spaced. Is this something which you think is a viable form of mitigation and again, if deemed appropriate? How could you envisage something like this being captured by any draft eco?

00:24:11:07 - 00:24:31:05

Mr. garden, on behalf of the Dogger Bank project IPPs? And again, it's something I need to take away without the weight loss expert here. But in terms of in terms of how it's secured, um, I think it is something that could potentially be secured through through Three requirements or protective provisions to. To the order in due course. As good as good. Other mitigation measures that that may exist.

00:24:33:05 - 00:24:40:06

Okay. Thank you. We'll take that as an action point for you to come back to us at the next deadline. Thank you. Yes, Mr. Boswell.

00:24:42:15 - 00:24:51:18

Was that in just two quick points, if I may, responding to Mr. Gordon, um, us did have an expert team of, uh.

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Resource

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excellent equivalents and Mr.. Diversity. There's there's a slight unreality to the notion that posted um, can't have doesn't have a view on what the expected effects are. Um, they will have a pretty good view. Um, their experts will have a pretty good view of the position, particularly given the distances involved. And so we we continue to we don't accept that somehow hosted our are constrained in, in the absence of a detailed assessment unless as Mr.

00:25:36:17 - 00:26:13:04

Bernstein said already, we actually think that that better place to do an assessment given particularly given the distances involved. And then Mr. President, president also said that private agreements were commonplace. That's we don't believe that's the case at all. We think that, um, private uh commercial agreements, which I think he's talking about financial compensation, they're not commonplace at all. Um, and uh, they take place in the context of projects that are within a buffer distance where you've got different owners.

00:26:13:14 - 00:26:26:27

And therefore, if projects are going to happen, there's basically a right to veto. So we don't accept that in the UK. But there are. It's common for there to be private agreements, and I think it's important that you understand that.

00:26:30:04 - 00:26:39:11

Sorry just to confirm this, but they are used, um, primarily within the where there's effects within the buffer zone. Is that is that what you were saying? I didn't quite catch it.

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If you're

00:26:42:07 - 00:27:16:19

if you want to promote a project within a, within a buffer zone, then you can only do it within with, with the consent of the other, the existing project. They're only going to give you that consent if you protect them financially from the impact. And so in that context then there would be a, um, commercial agreement. I can think of one possible example, an exception to that which I don't want, uh, which it's not really for me at liberty to talk about, but that that arose through an unusual set of circumstances.

00:27:16:28 - 00:27:31:18

And so the, It's it's absolutely not the case, um, that that these, uh, commercial agreements are, uh, commonly agreed. Um, and I think it's really important that you're aware of that.

00:27:33:10 - 00:27:42:02

Okay. Thank you. Mr. Dresden, can I just go back to you on this? When you say the commonplace, in what context would you say that they are commonplace, then?

00:27:42:26 - 00:27:53:09

Thank you. Alex. Um, for the applicant, I think it would be most helpful on this if I liaise with my client and provide examples and details of this in writing, so as to make sure that we get an accurate response to this point.

00:27:54:14 - 00:27:55:15

Okay. Thank you.

00:28:01:04 - 00:28:29:29

Mr. Dresden. Um, you may need to come back to me on this one, but in your deadline three response. Um, the authors today suggest that they anticipate their preferred outcome would be to seek a separate agreement with the applicants on weight loss matters, um, with protective provisions, which you've mentioned, um, it being required in lieu of such an agreement in terms of this agreement or protected provisions. Can you confirm what you would envisage that they would be likely to capture?

00:28:33:19 - 00:28:47:00

So you've pre-empted my my response. I mean, this will form part of the the wider strategy conversation, including whether or not we undertake our own internal assessment, um, with, with my client. So if it's okay, I'll provide a response to that in writing.

00:28:48:25 - 00:28:50:00

Yeah. Thank you.

00:28:56:18 - 00:29:26:06

Uh, Mr. Garden, in the, um, project deadline three response with reference rep 363 you suggest mitigation measures for potential waiver effects on the proposed development. The first is the requirement that no offshore wind turbine is constructed until such a time as an agreement is in place between the applicants and each of the project House to regulate the impacts of weight loss. How, given the current position of each of the parties, would such a requirement meet the tests at meet the relevant tests?

00:29:29:10 - 00:30:13:14

Mr. Gordon, on behalf of the Dogger Bank project, I am. I think obviously what the plan in terms of the the next steps of the the examination are of are the submission from ourselves of the the assessment of the impacts that you will have the information in front of you to to understand the the level of impacts on, on Dogger Bank a but also Dogger Bank B and and Dogger Bank C so that will um include a methodology on the basis that the assessment has been undertaken as well as well as confirmation of the impacts effectively at that stage, that the question for the examination is, are those

impacts significant? And we will be submitting that that they are, in which case the mitigation will need to be secured.

00:30:14:02 - 00:31:03:01

We've kind of expressed the the potential mitigation measures as alternatives, given that there's been, um, since submission of the DCO examination, no engagement. So the prospects of an agreement may be unlikely. Although if there's an agreement on the methodology that informs that in any potential outputs that that may well change. Um, which is why there's reference to, to other forms of potential mitigation to be secured. But I think we set out in some detail in our previous written submissions, um, how we feel those, those requirements would pass the tests set out in, um, in guidance in terms of securing the measures, and also in terms of the kind of weight of policy where that sits in terms of a project being promoted versus operational projects that will be in situ for for 35 years.

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Okay. Thank you. Um, I was going to give the applicant the opportunity to respond to it, but we have touched upon earlier. Um, the, um, uh, reasonableness of, um, uh, any potential requirement of this nature. Did the applicants have anything additionally, they wanted to to raise in response to Mr. Gordon's comments?

00:31:28:24 - 00:31:52:25

Um, well, you've obviously got submissions on both sides that go up, up to a certain point. I just on one point alone, I don't see how this, uh, requirement can pass the legal test, which is the point I made earlier about there being multiple projects. How do you have a situation where multiple projects are supposed to be satisfied by week assessment.

00:31:55:24 - 00:31:56:09

So.

00:31:59:13 - 00:32:24:18

Any any any any approach, whether it's the one that's been put forward on outer dancing, uh, or similar ones, um, would be, uh, would fail. Would fail the test in terms of certainty, in terms of overall reasonableness. Um, and, uh, and in terms of certainty and enforceability and the notion that we couldn't build until we'd reached.

00:32:26:19 - 00:32:37:25

An agreement with, with the third party project, which is a commercial competitor is is uh is uh, is is unworkable.

00:32:43:28 - 00:33:07:22

And Mr. Gordon, the second suggested suggested requirement from the coast in the deadline, three responses. One which would require that no offshore wind turbines were constructed until such a time as the applicants had compensated the project for losses caused as a consequence of weight loss. Um, could Mr. Gordon please confirm what you were referring to in terms of compensation? Would that be financial?

00:33:10:02 - 00:33:47:14

Mr. Gardner on behalf of the Dogger Bank project. I will come to that point. If I could just respond to another point in relation to the mitigation, which is effectively well, this is quite difficult to deal with. There are lots of projects. So how so? How do we secure this? And again, I do think that goes directly to the point of the lack of any specific assessment here. And the justification for for resisting mitigation and resisting requirement is in part caused by the just the lack of assessment of the impact we're trying to mitigate. And so I just want to get that point across, because I think the complexity point has been raised previously, but potentially been put slightly different today in terms of the number of projects that there are, makes it difficult to to achieve.

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And on the second point, on on compensation, yes, it would be financial compensation. And I think this goes again to the point that we mentioned earlier, if there are no design or mitigation solutions that can be secured, that that is effectively all that appears to be left. And in terms of how that secured, I think this has been a developing point over a number of examinations, but there's a move towards protective provisions that are secured, um, within within draft and that being sought. And I think that's probably the most appropriate way in which to to secure that in terms of this, this application.

00:34:23:07 - 00:34:53:09

And I think there was a challenge raised earlier about how you could actually go about securing that. But the Planning Act is quite specific in terms of the measures that can be included in a draft development consent order. And one of the points at schedule five to the Planning Act 2008 is, of course, the ability to, um, to include the payment of compensation within within a DCO. So so there are mechanisms by which this can be secured. Um, you can you can also include arbitration so that if there is any dispute that can be that can be resolved.

00:34:53:28 - 00:35:10:03

Um, and then the final point I would make is this, um, precedent piece, I think, which has been said that there's, there's no examples of this being used. But looking at the draft development consent order that's in front of you for this project, You've already got protected provisions in favor of Network Rail.

00:35:12:07 - 00:35:23:01

Excuse me. Network rail obviously operating the rail infrastructure. But within those provisions, there's already, um, repayment, including loss of revenue provisions included in the draft ECA.

00:35:26:10 - 00:35:37:09

So I think on that, I think that there is a mechanism by which it can be secured. It's consistent with what's being done where there are impacts on, on other infrastructure. Um, and is consistent with what's in the Planning Act.

00:35:40:28 - 00:35:45:07

Thank you. Mr. Garden. Did the applicants want to submit a response to those comments?

00:35:46:18 - 00:36:19:21

You've been duly involved with the applicant. I don't think there's any comparison between the Network Rail situation and the and the position here. Um, everything that I said earlier about there not being a precedent for this type of financial compensation in the planning system, I think it's entirely In

fact, comment and point around there being multiple projects. Is that there in different places, there are different points of the compass that doesn't get you don't need to do a weight assessment to, to, to, to to be able to see that.

00:36:19:23 - 00:36:46:18

That's a fundamental problem. If we're talking about which way the wind is going and what you're doing in relation to that and the comparison between the two, the two project situations like our mall and real flats and multi project situation like we have here. Um, uh, I think is, is is obvious.

00:36:50:18 - 00:36:51:11

Thank you.

00:36:52:27 - 00:37:19:24

Uh, Mr. Garden, you raised some concerns regarding the, the wording of requirement 25 of the a well in more offshore wind farm. Um dco regarding a lack of need for consultation, And, um, with yourselves if it were added to the draft DCO for the proposed development, you also stated that you would consider wording which might address such concerns. When do you intend to provide, um, suggested wording for a requirement regarding wage effects.

00:37:20:07 - 00:37:21:12

Or perhaps.

00:37:21:15 - 00:37:23:25

Protective provisions, as you've just alluded to?

00:37:24:21 - 00:37:33:02

Yeah. Mr. Gordon, on behalf of the Dogger Bank project IPPs, um, we'd envisage submitting that deadline before as well. So alongside our assessment.

00:37:34:12 - 00:37:35:19

Thank you. It's noted.

00:37:38:04 - 00:37:41:20

So, um, just looking forwards,

00:37:43:10 - 00:37:43:25

um.

00:37:48:18 - 00:37:57:18

In the view of the, uh, protocol or altered IPS, let me start with, um, uh, Mr. Gordon, perhaps.

00:37:59:08 - 00:38:11:04

Is there information which could be provided by the applicants, noting the high level nature of the details of the proposed array areas which would assist in your weight loss assessments.

00:38:15:01 - 00:38:38:11

Mr. Gardiner, Dogger Bank project IPS. And I think not at this stage, we we raise the potential for for some information to be provided at at the first issue specific hearing and it was confirmed that wouldn't be provided. So. So we have proceeded effectively on the worst case parameters, which, um, you feel we can use. And then obviously the layout of our site in terms of undertaking the assessment. Thank you.

00:38:38:18 - 00:38:40:16

Thank you. Um, Mr..

00:38:43:22 - 00:38:51:04

Alex Dresden for the Orsted piece. Uh, I will have to check, but I imagine we'll be taking a same approach if we if we do undertake such an assessment internally.

00:38:52:16 - 00:38:59:09

Okay. Thank you. Um, if. Yeah, if you could count that as an action point along with the other bits. That would be great. Thank you.

00:39:07:15 - 00:39:25:12

I would ask that if if Mr. Dresden comes back and does highlight that there is information that the applicants could provide to assist them with, with carrying out any potential weight loss assessment in the future, that they do liaise with them and provide that.

00:39:27:22 - 00:39:37:26

I would also request that the weight loss assessment, which was carried out by the applicants in relation to the effects on Dogger Bank A, is submitted into the examination once more.

00:39:43:03 - 00:40:04:17

Obviously, you are going to take that away and come back to us and let us know. I would also say that if any other IPPs intend to provide draft protective provisions, that this really does need to be provided as as soon as possible and by deadline for to allow sufficient time for consideration by the examining authority and other parties.

00:40:06:06 - 00:40:17:29

That's all the questions that I have on weight loss. Is there anything that anybody else wanted to add to this discussion, including the applicants or Mr. Garden or Mr. President? Yes, Mr. Boswell.

00:40:19:19 - 00:40:55:11

Just a pseudonym for the applicant. Um, just Mr. garden used the phrase there was a move towards using protective provisions, and I just don't want you to be in any doubt that that is being fiercely resisted and an absolute point of principle in terms of financial compensation by all of the relevant developers. I'm sure Mr. Garden isn't intending to suggest otherwise, but I just didn't want you to get the impression that that there's any acquiescence to the notion of financial compensation, because there's absolutely total resistance as there is on our part as well.

00:40:58:24 - 00:41:09:01

Mr. Garden on behalf of the project project IPS, I can confirm that's the case and I tried to correct what I said by referencing draft draft orders. And objectors say that's not what we're suggesting, that it's been agreed by promoters.

00:41:11:03 - 00:41:15:13

Noted. Thank you. Did you have anything else, Mr. Garden, that you wanted to add on the matter of weight loss?

00:41:15:23 - 00:41:59:22

I mean, the the final point and I had thought you were going there, but I appreciate we both had, um, it issues in the first part of the session session today, which thankfully seemed to resolve themselves, but was around significance in the environmental statement. And I may have missed that when I'd when I'd been frozen. Um, we will put this in into writing, but I think having having seen the responses that came in in response to question one from, from the applicant, um, and having applied the methodology that the applicant has set out in chapter six of its environmental statement and then built on in chapter 16, in terms of offshore wind receptors, our position is that when you apply that, at the very least, you come to a low adverse magnitude, which gives you a moderate, um, impact.

00:42:00:16 - 00:42:26:28

Um, but perhaps more likely, you come to a medium adverse magnitude of impact on the Dogger Bank projects, in which case you come to a major impacts in EIA terms. Um, and the importance of that is moderate. Major gives you a significance in terms of the environmental statement and the methodology set out. But we will set out in, in our post hearing submissions in more detail, stepping stepping through the tables.

00:42:27:28 - 00:42:37:03

That would be very helpful, Mr. Gordon. Thank you. Are you saying that would be, um, a significant adverse effect on Dogger Bank A, or is that Dogger Bank A, B and C?

00:42:37:15 - 00:43:13:07

I think at this stage A, B and C, and we set out the, um, the kind of approach that the Secretary State had taken on, on all the more. Uh, but looking through in particular chapter 16 of the environmental statement, um, and where, where the, The impacts are talked about in table 16.7. I think when you when you look there, um, the methodology, I think in respect of the project, you come out with something that is much more than very minor loss and appreciate the applicant will have their own position on that, but that will be the Dogger Bank, uh, project position.

00:43:16:00 - 00:43:37:23

Thank you. Yes. It was something that we were going to potentially touch on with the applicants, but obviously they've requested that they come back to us on on the position on that. Certainly. Um, I know that you consider that would be a significant effect on A, B, and C, but if you could set that out in more detail in writing with an explanation as to why you consider that to be the case, that would be very, very helpful.

00:43:39:01 - 00:43:40:14

Thank you. Thank you.

00:43:44:14 - 00:43:49:21

Okay. I think that's everything on weight loss and that anybody else has anything else they wish to say.

00:43:55:10 - 00:44:03:03

Okay. Thank you all for your helpful responses, I appreciate that. I'm now going to hand over to Mr. Tandy to deal with shipping and navigation.

00:44:08:10 - 00:44:11:28

Okay. Thank you. Do you need to do any reshuffling in the room?

00:44:16:16 - 00:44:22:12

I'm trying to figure out because. No, sir, we don't. Um, our superior navigation expert is done online.

00:44:28:10 - 00:44:30:00

Would they like to be introduced now?

00:44:34:21 - 00:44:41:03

Good afternoon. Uh, Mr. James Millman, for speaking on behalf of the applicants today on shipping and navigation matters.

00:44:42:17 - 00:44:46:26

And also Mr. John from Anandtech. Also here for the applicant.

00:44:48:09 - 00:44:48:24

Thank you.

00:44:54:00 - 00:44:58:25

That is, check if there's anyone else who's looking to speak on this agenda item this afternoon.

00:45:08:06 - 00:45:09:11

No. Okay.

00:45:12:03 - 00:45:48:14

Okay. Were we going back to agenda item three, shipping and Navigation and 3.1, which is the vessel displacement queries. So firstly thank you for all of the responses received to EQC. One they've been useful in clarifying matters in response to ZQ one reference SN 1.6, which is in examination library number rep 3027. The applicants explain that the effect on the duration of transits is not applicable for shipping receptors in the study area, only fuel consumption.

00:45:49:19 - 00:46:16:11

However, MPs in three paragraph 2.8.329 direct the Secretary of State in its decision making, where a proposed development is likely to adversely affect a major commercial navigation routes, for instance

by appreciably longer transit. So on that basis, could the applications explain how the examining authority might advise the Secretary of State in the absence of this information, please?

00:46:23:08 - 00:46:38:29

James Milne for the applicants. I think I think it would be helpful if we could provide a brief summary. Just just in general, in terms of where we feel we stand in terms of shipping and navigation, including in relation to, to vessel displacement, if that would be viewed as appropriate.

00:46:40:16 - 00:46:45:17

Is that going to happen? Is that going to contain anything more than what you've already submitted?

00:46:46:14 - 00:46:49:19

I think it would be useful just just as an overview, Really?

00:46:53:00 - 00:46:58:20

Okay. Um, prepare to receive a brief overview. But as long as we're going to touch back on what I've just asked.

00:46:59:25 - 00:47:41:23

Yeah. Of course. So essentially, a comprehensive assessment of shipping and navigation hazards has been undertaken to to date. And this includes, as you'll be aware, chapter 14 shipping and navigation of the environmental statement, which is at 1 to 1. And then the related appendices as well. So appendix 14.1 Shipping and Navigation Consultation Responses, which is at one, two, three um and appendix 14.2 the Navigational Risk Assessment app. One two for the Navigational Risk Assessment, or the NRA, is the key technical document for for shipping and navigation and has been undertaken in compliance with marine Guidance Notes 654 and published by the Maritime and Coastguard Agency.

00:47:42:14 - 00:48:15:09

Based on the vessel traffic data that's been collected as part of the NRA traffic volumes in the region of the southern North Sea that contain the Dogger Bank South Array. Areas are relatively low, and there's no interaction with sensitive vessel types such as timetabled commercial vessels, which would be the most acutely disrupted. This is attributed to the distance offshore of the Dogger Bank South areas, and the presence of other nearby offshore wind farms which are currently under construction, and that have already deviated the bulk of of traffic in the area.

00:48:15:11 - 00:48:51:13

So that's in particular thinking about Dogger Bank A, Dogger Bank B Sofia and Dogger Bank C as well. The presence of these developments have already resulted in the displacement of commercial routing and manner, which reduces the interaction with the Dogger Bank South Array areas, and therefore further disruption to commercial routing is expected to be negligible. This view has been supported in consultation during the navigational risk assessment process, and the applicant's understanding is that there are no outstanding areas of significant concern in relation to shipping and navigation as a whole.

00:48:52:06 - 00:49:25:20

Additionally, this view was reinforced by engagement with each of the Maritime and Coastguard Agency, Trinity House and the UK Chamber of Shipping starting in October 2024 to discuss and progress the respective statements of Common Ground. Those discussions have been positive and they've been constructive with all three parties, and this is reflected in the status of each of those statements of common ground that were submitted at deadline one, and the applicant is confident that each of these statements of common ground will be fully agreed and completed during the examination process.

00:49:29:25 - 00:50:13:22

So just in terms of the question there, um, around fuel consumption and the use of time distances, we do view that distance is the the pertinent factor for vessel operators when considering fuel consumption. It is Distance over duration effectively, and duration becomes a more important factor where it's a time sensitive service that's that's in operation. So as I mentioned previously, there are commercial ferries, lifeline services as well. Um, and from section ten .1.3 of the navigational risk assessment, there's a demonstration there that, you know, there are no such services that operate in proximity to the Dogger Bank South areas, such that a deviation to the mean route position would be required.

00:50:14:21 - 00:50:53:20

Um. Additionally, accurate quantification of duration increases would require substantial effort. Um, given the potential for the variance in vessel speeds along routes, especially given the potential length of the routes that would be in question here. So, you know, these are these are generally routes that are crossing the North Sea, um, as a whole. And this would be further heightened in the cumulative scenario as well, when there are additional, um, obstacles, if you like, within the North Sea that have to be, um, deviated around. Um, and ultimately, if duration were to be considered quantitatively, then it would generally be identical in terms of the proportion of distance change.

00:50:53:22 - 00:51:31:21

So we've we've concluded in the navigational risk assessment up to around about 1% of the total um, route distance would be changing on, on, on vessels at most. And it would really be the same, same outcome for duration as well, 1% change in duration. So um, there any further assessment wouldn't necessarily provide us with with any further outcomes. Um, to consider. And again, there haven't been any concerns raised to date with the methodology that we've used, um, for quantifying vessel displacement, um, including across the Maritime and Coastguard Agency, the UK Chamber of Shipping, uh and vessel operators as well.

00:51:31:23 - 00:51:36:18

It is a fairly standard methodology that we've applied, um, in the assessment.

00:51:45:26 - 00:51:55:14

Thank you for the explanation. Just curious that in one sort of remark you say that it's very,

00:51:57:11 - 00:52:21:23

uh, you're unable to assess how long the duration impact would be and that it would take a lot of, uh, effort to do that assessment. But then in the next remark, you suggest that it would only be 1% in

duration. What what sort of what's that going to be based on? If you haven't done the assessment and you're saying it's very difficult to do the assessment.

00:52:37:03 - 00:53:12:00

At James Milne for the applicants. So Effectively, it's the it's the relationship between distance, speed and time. That's, that's that's in play here. So if the distance increase were to be, um, approximately 1% of the total route length, then that's what we would envisage, that the time distance change would be as well. I should emphasize that it's not you know, it's not impossible to to undertake an analysis of of the duration increases, the time increases. So it's just potentially quite, um, quite a substantial effort given that the vessel speeds aren't always going to be consistent.

00:53:12:08 - 00:53:13:05

Um, on routes.

00:53:16:02 - 00:53:51:12

Is it fair that one could look at this and say, well, yes, you may have a 1% increase in duration, uh, sorry, 1% increase in the sort of length of a route. But if that 1% increase, um, is within a very constrained area where perhaps speeds are lower for the vessels because they're between various offshore, Sections of infrastructure. Perhaps there's a lot more of the other vessels in those locations. Would it not be fair to say that it could be more than 1%, in terms of how long it takes to do those journeys?

00:53:55:27 - 00:54:30:20

James Milne from the applicant. Um, I think in this case, given we are in, you know, the centre of the North Sea, the speed that vessels are operating at, operating at is such that we wouldn't be seeing huge increases in, um, decreases in vessel speeds that would result in, um, you know, a disproportionate change in the duration elements. We're still dealing here with vessels that will be, um, you know, steaming at a at a reasonable rate. We're not we're not close to ports here, which is which is where you would expect the vessel speed to change much more markedly.

00:54:38:21 - 00:54:53:11

So on that point, then is it the applicant's position that the advice of the examiners authority to the Secretary of State would be that there aren't appreciable, appreciably longer transits for any deviated routes?

00:55:05:09 - 00:55:17:18

James Millon for the applicants? Yes. That's correct. Nothing that would be appreciably longer. And when reviewing the total length of the route, which is the appropriate means by which we should be, we should be measuring the the change.

00:55:21:02 - 00:55:40:27

Okay. I think what would be useful then is if we could have a note just on that, that's going to outline what you've sort of just explained to us, just to make sure I'm completely clear on how that works. And it will just help me to report that To, um, our Secretary of State accordingly, so we can have an action point, please.

00:55:44:11 - 00:55:47:04

Is there anything anyone else would like to add on that before we move on?

00:55:52:22 - 00:56:10:03

Okay. Just going to stick with NPC three, but this time paragraph 2.8.332. Could the applicants describe the measures proposed to mitigate effects to the recreational vessel receptors, and whether that includes areas for use outside of commercial shipping routes? Please.

00:56:29:11 - 00:57:05:12

James Milne from the applicants. I think the the fundamental mitigation measures that are in play here in terms of recreational vessels is the first of all the charting of of infrastructure. So all of the. The structures will be on appropriate nautical charts. And promulgation of information as well. So um notices to mariners will ensure that that mariners are well aware that there are, um activities and the wind farm is present out there. And, you know, any recreational users that are operating this distance offshore, we're talking 55 miles offshore here.

00:57:05:14 - 00:57:39:26

Any recreational users are going to be, um, experienced. They're going to be knowledgeable. They're going to be, um, checking nautical charts. They're going to be keeping up to date with with notices to mariners. So, um, we would expect that they would passage plan accordingly to ensure that they can, um, you know, navigate around the the wind farm where appropriate or indeed navigate internally as well. That remains an option, um, should they choose to, to do so. and that's reflected in the feedback we've had in consultation from the Royal Yachting Association and the Cruising Association as well.

00:57:39:28 - 00:57:47:24

They were relatively comfortable that from a recreational vessel displacement standpoint, there was no major issue in this area.

00:57:51:29 - 00:58:04:16

Thank you. And just to confirm then that there won't be any areas that will be sort of separated for the use by recreational vessels outside of commercial routes.

00:58:06:06 - 00:58:21:21

James Milner for the applicants. Yes. That's correct. So yeah, anything that's that's outside of the area will remain open seas. Um, and recreational vessels can, can navigate those areas as they, as they see fit on a user user by user basis.

00:58:33:21 - 00:58:56:03

Perhaps one for Mr. Boswell, perhaps, if you want to advise. But just in referring back to that, MPs uh, in three paragraph 2.8.332. In the absence of a to a separate area for recreational displaced vessels. Any advice as to how we would perhaps, um, report on this?

00:59:05:18 - 00:59:06:20

Reference again?

00:59:08:20 - 00:59:12:05

Uh, paragraph 2.8.332, I believe.

00:59:27:27 - 00:59:29:12

I'm having trouble with the.

00:59:34:24 - 00:59:40:10

Hope that I continue on and then we can come back to it if you like, once you've sorted what you need.

00:59:45:12 - 01:00:19:21

I'll move on to 3.2 and we'll come back to that. Alternative shipping routes following the change to the proposed offshore export cable corridor. So following the acceptance of change, request one. But the applicants confirm if the main commercial routes assessment for deviation identified in the navigational risk assessment, which is app one two for section 15 .4.2, is that assessment still relevant? Presumably, some of the alternative route alignments would need to change, or perhaps existing routes would be less affected.

01:00:26:27 - 01:00:46:19

James Millman for the applicants. Yes, I can confirm that the essentially the baseline routing route would stand, so there would be no deviations associated at all. So any any impacts that are associated with the, um, the electrical switching platform within the offshore export cable corridor would no longer be present.

01:00:49:25 - 01:00:52:29

So in essence, the impact would be less than what's been reported.

01:00:53:14 - 01:00:54:19

That's correct. Yes.

01:00:55:07 - 01:01:02:05

And then just for completeness, I presume the same would be the, the the same for the cumulative assessment in section 15.5.

01:01:03:20 - 01:01:06:06

James Milne for the applicants. Yes, that's correct as well.

01:01:16:05 - 01:01:23:25

I shall carry on with 13 uh, with our agenda item 3.3, which is the monitoring proposal timescales.

01:01:26:02 - 01:01:36:05

Referring to table one six and the in-principle monitoring plan. That's rep two zero 43, and it would probably be useful to have this on screen very briefly if you could.

01:01:38:06 - 01:02:06:15

Looking at the last line in this table. Monitoring of uh cable protection is noted as being periodic. Notwithstanding this will need to be agreed with the MMO periodically appear to be quite broad, and

therefore would you consider committing to perhaps a minimum frequency? And could you also clarify if the monitoring is for the full operational phase, as is noted with some of the other lines in this table?

01:02:32:08 - 01:02:35:01

So. So we're just getting them, right? Right. Okay.

01:02:36:03 - 01:02:37:29

Andrew Leadbetter, engineering manager.

01:02:38:23 - 01:02:39:14

Um, but.

01:02:40:08 - 01:02:48:00

Any deposits on the seabed in terms of cable protection would be monitored on a risk based approach. So depending.

01:02:48:02 - 01:02:48:18

Upon.

01:02:49:12 - 01:03:00:02

Um, outcomes of that function, assessment and potential for seabed ability as well as the property is being protected by.

01:03:00:26 - 01:03:18:12

Um, whether it's scour protection, um, depending on the nature of the asset underneath that will impact the regularity of which inspection would be completed. So perhaps, um, we would anticipate annual monitoring around, um, wind turbine.

01:03:18:14 - 01:04:01:26

Locations if there are locations where the cable has become exposed or the, um, that has been the placement of scarab protection, which may be more risk than in other locations, perhaps that monitoring be increased in frequency. But this time it's very difficult to say what the minimum frequency would be across the minimum sites to hold annual rates. On behalf of the applicants. I think, um, if the drivers here are very much engineering drivers in terms of that periodicity, um, and that's ultimately what will be driving, um, the frequency of that monitoring.

01:04:03:29 - 01:04:04:22

The engineering.

01:04:04:24 - 01:04:07:21

Phase. Let me see. I.

01:04:09:22 - 01:04:11:08

Wanted to ask frequently.

01:04:13:09 - 01:04:16:14

Why those risks are perceived to be higher. I'll be monitoring more frequently.

01:04:18:11 - 01:04:23:07

And this information would obviously be Uh, coming out of our

01:04:25:06 - 01:04:35:03

consent, um, design information and would be, um, agreed with. You know, it's not about construction method statements.

01:04:37:01 - 01:04:39:02

It's just going by the people in licenses.

01:04:42:01 - 01:05:14:06

Okay. I think I just need to ask you to maybe move now to the microphone. It was a little bit difficult to hear all of that. Um, but I think I got the essence of what you were saying. Um, I guess there's a part here that if the monitoring is only being done infrequently, and you're saying that you would increase the frequencies around locations where there are issues identified if the monitoring is being done in the first place, perhaps. Or is it being done? Not frequently. Then it's what comes first. You wouldn't need to necessarily to do that more.

01:05:14:13 - 01:05:40:11

So this probably highlights the point. Um, and I appreciate what you're saying around the engineering risks and that there would be a proportionate approach to doing that. But I think it would perhaps be useful to set out what sort of engineering risks would be associated with how having a higher frequency of monitoring than those which would then be at the opposite end. So would that be an acceptable,

01:05:41:29 - 01:05:44:10

uh, some information for you to set out for us?

01:05:46:28 - 01:05:50:08

As engineering manager? Yes. We can respond in writing on that.

01:05:52:08 - 01:05:52:23

Okay.

01:05:53:21 - 01:06:19:27

Yep. That's fine. So that's going to include the type of engineering risks which would have higher frequencies and those which would have the lower frequencies of monitoring. And if you could also set out and explain whether this would be for the full operational phase of the project, that would also be useful just to make it sort of consistent with the rest in that table.

01:06:29:19 - 01:07:03:17

Okay. Natural England has advised that cable protection should only be deployed for a maximum period of ten years outside of a designated site, and not at all within a designated site after construction. Just so everyone is clear, I believe this relates to any extra protection which is needed and not maintaining that that which is installed during construction. Um, if additional protection was required beyond the limits that's been set out for the project, how would this be managed?

01:07:10:25 - 01:07:11:23

Just a final point.

01:07:16:13 - 01:07:21:26

You may need to be You may need to repeat your question if it was one. Could you repeat your.

01:07:21:28 - 01:07:22:26

Question, please?

01:07:25:02 - 01:07:25:24

All of it?

01:07:27:08 - 01:07:27:28

Yes, please.

01:07:28:28 - 01:08:05:10

So Natural England has advised that cable protection should only be deployed for a maximum period of ten years outside of a designated site, and not at all within a within a designated site. That's after construction. And it's my understanding is that this relates to this extra protection which is needed and not that protection which is installed, uh, through construction. So if that additional protection is required, which is beyond the limits, which is going to be set in the project, how would this be managed, please.

01:08:07:08 - 01:08:13:25

So on behalf of the applicants, um, we would look to obtain a new marine licence for protection in new areas.

01:08:18:01 - 01:08:31:10

Okay. And therefore on how would could you advise how the risk to anchor fouling would be managed whilst applying for a new marine life for a new licence, if additional protection was needed.

01:08:32:22 - 01:09:04:22

Daniel Bruce on behalf of the applicants. Um, we have written into the DCO, um conditions to report on any additional protection which is installed throughout the life of the projects of rolling basis. We need to provide an indication of how much it's been deposited in the construction areas, and also where that material is deposited, and that's in each of the marine licences. I don't have the condition at hand, but.

01:09:05:05 - 01:09:21:06

It's condition 23. I'm just trying to work out which one that is. Um, I think it's condition 23 and in marine licenses one and two. And then the condition numbering obviously changes throughout the day. Rain licenses?

01:09:22:08 - 01:09:47:16

Yeah. Thank you. Just to go back to the the point though is if through the monitoring, you identify that there's a problem which requires you to, uh, provide extra protection for the cable. There obviously will be a period where that protection isn't in place whilst you're applying for a new license. What I'm asking is what happens to that risk for the anchor fouling in that period of time?

01:09:50:14 - 01:09:55:24

Yeah, we would need to rely on communications and notifications to the industry.

01:09:58:15 - 01:10:08:08

So purely around communications. Uh, where has that been? Sort of stated. I'm not sure where that is. Perhaps you could sort of direct me to that.

01:10:15:29 - 01:10:29:16

I'm happy to come back to see where that state is. And if it isn't, perhaps something, perhaps the, uh, principal monitoring plan needs to be updated. I'm not sure where it's going to be best, but I'm happy. Happy for you to advise in writing.

01:10:30:23 - 01:10:36:04

Your words on behalf of the applicants. Yes. If we could, uh, advise in writing on that point, that would be great. Okay.

01:10:39:17 - 01:10:40:18

Yeah. Thank you.

01:10:47:12 - 01:11:18:18

Okay. Uh, section 3.3 of the outline vessel traffic monitoring plan. That's app two, five, four provides one sentence to explain how any changes identified from the monitoring would be addressed. This includes only considering a meeting with the MTA and Trinity House. Could this perhaps be revisited to provide more certainty on how any changes would be actually addressed and a commitment to do so.

01:11:29:09 - 01:12:00:19

James Milne for the applicants. Um, so I think we can probably be a little bit stronger, I guess, on the word consideration there, we would certainly look to discuss with the Maritime and Coastguard Agency and Trinity House if we felt there were any changes to the, to the baseline, um, that was, that was assessed within the navigational risk assessment that may, um, indicate the need for for additional mitigation measures. Um, it may be worth taking the view of, of the Maritime and Coastguard Agency on that as well. I would I would think while while we have them on the, on the hearing as well.

01:12:02:25 - 01:12:10:09

Yeah. And are there any other particular actions that you, you would be able to detail in that other than just having a meeting with them.

01:12:11:07 - 01:12:24:21

James Melton for the applicants. I think at this stage it would be it'd be very difficult for us to to pin down what sort of mitigation measures would be required. It really depends on the nature of the the change from, from what was assessed within the the navigational risk assessment.

01:12:29:18 - 01:12:33:17

By the MCA still on the court at all. And then if they would like to comment.

01:12:35:29 - 01:12:57:19

Yeah I've done that from Jackson from the Coastguard Agency. Oh yes. James says, uh, it would depend obviously on the nature of that change. Um, so I think that's where they would in consideration shall be given. It's a consideration of what that change is. Um, and yeah. And as you say, I think, you know, if that could be.

01:12:59:23 - 01:13:28:07

Was a technical term beefed up a little bit to say that, you know, if there is any change due, like in a lot of other, uh, parts of, uh, of the plans and, you know, the conditions that we go over. There is a commitment to, to meet with the various bodies. So, um, that would be welcome. Um, but as I say, as as James said, it depends on the nature of the change as to what we would talk about. But yeah, we would expect there to be at least some kind of meeting.

01:13:31:21 - 01:13:41:02

Okay, great. Could we perhaps then just have an action for that to be worked up and, uh, for you both to talk and liaise on that before it's before the update has been submitted?

01:13:43:03 - 01:13:43:20

Great.

01:13:48:08 - 01:13:56:07

Mr. Boswell would now be an appropriate time to come back to my question to you on MP three.

01:13:59:07 - 01:14:38:07

So it's really important. And so you expect us to 2.8.332. Um. I'm inviting Mr. Milne to jump in and find out any of this wrong, but, um. Given the low level of recreational craft at this distance. Um, I. I think our position is that we would say that we have already minimized the effects on recreational craft and therefore mitigation or appropriate, that there aren't any particular appropriate mitigation measures required.

01:14:38:09 - 01:15:11:20

If I'm overlooking something. Please. Can Mr. Milne help me? There's a particular example given here of buffer areas for recreational use outside commercial shipping routes. I think, as he was explaining in his kind of overview at the beginning. One of the features of this project is that because we are on the Dogger Bank and we've got the sort of to some extent in the shadow of existing

projects, the, the overarching sort of intensity of use is is much lower than, um, than than many offshore wind farms.

01:15:11:22 - 01:15:33:24

So I think that we would say that we have already considered that and that, um, we have considered whether there are appropriate mitigation measures. But, um, just checking to see if Mr. Milton is nodding. Um, uh, but that there aren't any specific measures that, uh, that we think are, are required on these facts.

01:15:35:01 - 01:15:58:18

James Milne for the applicants just to to add as well, you know, there is a lot of open sea room in this area. So, you know, we do feel that commercial vessels and recreational vessels can exist in harmony, if you like, without there being a need to, to designate any particular, um, buffer areas or routes. Um, there is adequate room for, for safe navigation to continue.

01:16:00:21 - 01:16:01:07

Excellent.

01:16:02:22 - 01:16:03:12

Thank you.

01:16:08:00 - 01:16:12:22

Is there anything else that anyone would like to raise under this agenda item?

01:16:15:15 - 01:16:16:11

Mr.. Well.

01:16:17:13 - 01:16:25:04

If we could just come back to you with regards to your earlier question about cable protection, I think we have the answer now to save it being a follow up action.

01:16:25:25 - 01:16:26:24

Okay. Yeah.

01:16:27:27 - 01:16:47:22

So, Dan Russo, on behalf of the applicants and in for example, in green license one, um, condition nine sub clauses 11 and 12, they deal with the notification procedures and timelines for cable exposures.

01:17:00:12 - 01:17:01:22

Okay. Thank you.

01:17:19:04 - 01:17:27:21

Okay. I think that's useful. Thank you. Um, of course, there is still the action around the engineering risk, um, which we agreed before. Okay.

01:17:31:20 - 01:17:38:14

Right. If no one else has anything to add on this matter, I shall now pass back to Mrs. Seany to deal with the final items on this agenda.

01:17:40:04 - 01:17:52:14

Thank you. Um, we've not been notified that anyone wishes to raise any other business that is relevant to this hearing. But before we close, can I just ask if there are any other matters that any party wishes to raise?

01:17:54:08 - 01:18:24:27

Can't see any hands? Okay. Um, given the number of action points, rather than going through them now in detail. Um, they will be published on the project web page of the national infrastructure website in the next day or two. Um, and if there are no other items that are relevant to this hearing, um, may I remind you that the timetable for this examination requires that parties provide any post hearing documents on or before deadline for which is the 25th of April, 2025.

01:18:26:11 - 01:18:33:10

May I also remind you that the recording of this hearing will be placed on the Inspectorate's website as soon as practicable after this hearing.

01:18:34:29 - 01:19:06:24

I would also like to remind people that the next event for this application will be issue specific hearing for on onshore environmental matters, which will be held tomorrow, Wednesday the 9th of April, 2025. This will start again at 9:30 a.m.. The agenda for this hearing is available on the project page of the National Infrastructure website under Examination Library Evie. Nine. Zero. Zero. One. This is a virtual event, and registration for this will commence at 915.

01:19:07:10 - 01:19:38:24

If you have registered to attend this meeting, you will need to use the link that you have been provided with as re-using the link for this meeting will not work. If you're proposing to watch the live stream, then you will need to use the relevant link that can be found on the project web page of the Planning Inspectorate National Infrastructure website. If anyone has any questions regarding this then please contact the case team after this meeting. Before we close, we would like to thank all of today's participants for their time and assistance during the course of this hearing.

01:19:39:07 - 01:19:54:02

We shall consider all of your responses carefully. The time is now 3:09 and this issue specific hearing on offshore environmental matters for the proposed Dogger Bank South offshore wind farms is now closed. Thank you.