



Planning Inspectorate
Arolygiaeth Gynllunio

Hearing Transcript

Project:	Dogger Bank South
Hearing:	Issue Specific Hearing 5 (ISH5) – Part 4
Date:	10 April 2025

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00:00:05:03 - 00:00:18:11

The time is now 1503. And I would like to welcome everybody back to this issue specific hearing for the Dogger Bank offshore wind farms. I'm now going to hand back to Mrs. Biello, who will continue with item six on the agenda. Apologies. Seven on the agenda.

00:00:20:17 - 00:00:22:02

Thank you, Mr. Bronski.

00:00:25:17 - 00:00:56:27

Okay, so we're on item seven in the agenda, which is Marine Mammals EIA. And we'll turn to item 7.1 which is the worst case piling scenario. So the Marine Mammal Marine Management Organisation has stated at a deadline 383045 that it requires a commitment that two of the worst case piles would be monitored to allow underwater noise predictions to be validated, even if they are not in the first four piles drilled.

00:00:57:20 - 00:01:00:28

How does the applicant respond to this request from the MMO.

00:01:26:06 - 00:01:27:22

Good afternoon, Anna Sweeney.

00:01:28:04 - 00:02:02:20

Principal environmental consultant for Marine mammals, on behalf of the applicant. Um, if the MMO would require additional two piles to be monitored outside the first hole, that does have logistical and financial implications for the project. Um, when fabrication of piles is taking place, um, the definition of what can be classified as the worst case, it would be very hard to ensure that those locations would fall within the first four directly and any additional monitoring of those piles would mean.

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Demobilization and demobilization of the equipment to monitor between locations, and also having standby and personnel available for when those locations may occur during installation phases. So it would be difficult to coordinate and would have additional financial implications. This is something that we would be responding to in our round four responses to the MMO.

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Okay, so just to clarify that the MMO are requesting that two of the worst case parts will be monitored, but they do not have to be within the first four piles drilled.

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Context of what I read from their response that if it wasn't within the first four, there was a an implication that there would be additional monitoring on those two piles. So then we would have six piles being monitored. And currently we have stipulated within our in-principle monitoring plan that the first four piles would be monitored for underwater noise.

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Okay. Thank you. Uh, your response is understood. Um, I'd just like to draw your attention to the recent ramping to, uh, offshore wind farm decision where the Secretary of State agreed that enhanced monitoring of pile foundations was necessary, and that a stand alone condition in the DML was appropriate. So perhaps if you could consider that decision, um, in your response to that question and to your response to the MMO. Thank you.

00:03:47:15 - 00:04:02:24

Sir. Is there any other comments on that particular item? I'll now move on to item 7.2, which is embedded mitigation, and 7.3, which is the outline triple MP. Are there any other comments you'd like to make on that agenda item?

00:04:18:23 - 00:04:46:21

Consents are acting on behalf of the applicant. Just going back to the point on Grampian two, it's our understanding that the additional monitoring there was required because, um, that specific project has committed to using a double bubble curtain in 40 metre waters, which there's limited data on at the moment. That's not something that's currently applicable to our to our project. So, um, just noting that there's a difference in why that additional monitoring was required in comparison into our own project.

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Yes. That's fine. I appreciate there are differences. I just thought I'd draw it to your attention. Um, that that enhanced monitoring was, um, part of that decision.

00:05:02:00 - 00:05:31:01

Right. So we'll move on to item 7.2 and 7.3. So out of the embedded mitigations listed in ES chapter 11 which is app 0952 are no longer relevant, um due to the change request one. And this leaves the remaining mitigation front door to noise, a soft start up and ramp up marine Mammal Mitigation Protocol, otherwise known as the LMP, and the Site Integrity Plan, or CIP for the southern North Sea SAC.

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So the LMP and the Site Integrity Plan are documents which would outline future mitigation requirements. So the only mitigation measure actually committed to for the marine mammals is the soft start and ramp up. Can the applicants confirm if this is an accurate reflection of the latest position on embedded mitigation for marine mammals?

00:05:55:18 - 00:06:23:00

After the accident? Yes, that is correct. Based on the current project design, the embedded measure that has been given is the start and ramp up procedure. Additional mitigation would be outlined through the LMP and implemented through the six as well. But those measures are still in discussion and would include updates to primary and potentially the use of secondary mitigation measures in line with the new policies from different.

00:06:26:13 - 00:06:27:15

Okay. Thank you.

00:06:29:11 - 00:07:10:11

So Natural England do not agree that the mitigation in the triple MP and the environmental statement is sufficient to minimize injury for all permanent threshold shift impact ranges, and Natural England and the MMO have stated they do not agree with the applicant's approach that further mitigation should be committed to at this stage, and as they do not agree with the conclusions of the ES in relation to marine mammals. So Natural England have continued to advise in their deadline three submission. Appendix F three, which is rep 3054, that the applicant should fully commit to using noise reducing technology such as noise abatement systems at this stage in the application.

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And I note the applicant's response to Natural England's previous comments to this was to state that a best endeavours approach to using NAS would be implemented. However, Natural England has responded at deadline three, stating it does not consider a best endeavours approach as sufficient on its own. And Natural England have stated that if a commitment to use to the use of Nats can be made pre consent, then they would welcome the use of best endeavours to secure the most appropriate noise abatement system or noise mitigation technology.

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Have the applicants engaged with Natural England and the MMO on this matter further recently. And how do the applicants respond to the MMO and any latest positions on this matter?

00:08:04:03 - 00:08:46:27

Um, I'm offshore content manager for the applicant, so there has been no further progress on this with Natural England and the MMO since since those deadline three submissions. Um, so the reason why we've been committing to using um best endeavours to um, to utilise noise reduction is because that that was the wording that was um, released in the marine noise policy in January 2025. Um, so we've updated both and I'm supporting the deadline to, to state that the projects would utilise best endeavours to deliver noise reduction measures, where applicable, for the use of primary and or secondary, um, noise reduction methods.

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Um, we consider that this was in line with the with the wording of the Darfur Marine Noise Policy guidance that was released. And we consider that we have made sufficient commitment, um, to noise reduction pre consent, um, on a precautionary without prejudice basis. Um, we have already included noise reduction systems such as as noise systems or not within our, within the project's procurement strategy as an option, an optional element which would allow us to consider the use of NASA at the earliest opportunity during the current process and would allow the projects to utilize this mitigation should it be required.

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The difficulty with us being able to commit to anything further at this stage is that the the final noise noise reduction, the the noise reductions that will make are largely depend on the final project design. It's quite standard for offshore wind farms to not have that information available for concern. So that's the reason why we would we would be looking to reevaluate and re update those commitments in our final trip plan and our final. Our final set post concern. Both of those documents have to be approved by the MMO in writing in consultation with Natural England, so we feel that they have sufficient

control over the mitigation measures that we will use and will have opportunity to engage, to continue to engage with us on those.

00:10:13:24 - 00:10:31:07

Okay. Thank you. Can I just explore one further area? Um, and that's really the reducing the noise at source. So that particular mitigation. Could you just explain why you feel you could not reduce the noise at source any further. Thank you.

00:10:41:14 - 00:11:19:19

Anna Sweeney on behalf of the applicant. So the current impact ranges that we have modeled for the project and used in the assessment, and have been based on the worst case design envelope for the project. There is the potential for the hammer energy that is currently included in all assessments to be reduced to post consent. Once the project design has been refined, there is also the opportunity to alter the strike rate scenarios within the soft start and the ramp up to further reduce the impact ranges that would then be remodelled to ensure whether any secondary measures would be further needed.

00:11:20:06 - 00:11:42:12

Um, so within the current project design, we have based all assessments on the worst case outcomes with the highest strike rates and our energies that we are feasible for the project at this time. Without further refinement of the project, which won't take place until post consent. There's nothing we can do to reduce the primary measures with the information that we currently have available.

00:11:45:19 - 00:12:13:12

Okay. Thank you for that explanation. So Natural England believes that there would not be sufficient time for the noise abatement systems to be procured by the applicants prior to construction, should they be required. Um, you've reiterated your point on this particular aspect. Uh, is there any scope for any further resolution on this between the two parties before the end of the examination?

00:12:45:08 - 00:13:17:17

On behalf of the applicant. Um, so two points here. Um, firstly, we have undertaken further research into the kind of levels of, uh, decibel reduction and what kind of effect that might have for the projects. Uh, post consent, um, a technical note looking at a ten decibel reduction and the reduction in impact ranges is being submitted at deadline for. And what that might mean for things like residual and, um, ad usage, which is one of the points that Natural England has raised.

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Um, secondly, we do concede that the Natural England's concern about procurement, um, and timelines, um, as my colleague has mentioned, that it is written into our procurement strategy. We are actively looking at the effects of different types of technologies. We currently have a schedule set out in the in-principle set, um, for consultation with the MMO and stakeholders prior to its finalization, and it's normally submitted for finalization six months prior.

00:13:51:02 - 00:14:19:04

If Natural England are at that stage of looking at the LMP and CIP decided that measures were insufficient, I agree that it would be short on timelines for procurement for additional measures to be put in place. Um, the applicant is happy to reconsider this timeline within the CIP and bring that

consultation forward to give us a larger time frame to ensure that they're satisfied the correct measures are in place within the CIP and LMP prior to construction.

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Okay. Thank you for that explanation. Could we take an action point, please, for an actual evening to respond to those points? Um, stated by the applicant just now.

00:14:34:21 - 00:14:49:06

I believe you mentioned this earlier, but just a point of clarification. Can the applicants confirm they've now updated all assessments and mitigation measures such that they fully adhere to the Marine Noise package published in January 2025.

00:14:53:03 - 00:14:58:03

The offshore concerns manager for the applicant, yes, we can confirm that those documents were submitted at deadline two.

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Thank you.

00:15:01:27 - 00:15:15:04

And could we take an action point, please, for both Natural England and the MMO to state whether they believe the applicant's documents fully adhere to different marine noise package published in January 2025? Please. Thank you.

00:15:19:03 - 00:15:47:12

Just as one point within the Marine Noise Policy paper, it states that all offshore wind pile driving activity across all English waters will be required to demonstrate that they have utilised best endeavours to deliver noise reductions through the use of primary and or secondary noise reduction methods. In the first instance, Could the applicant please provide me with their interpretation of first instance?

00:16:21:22 - 00:16:31:25

And general for the applicants, I think if we could respond in writing on that point, it's not something that we have specifically considered today. So we'll have that in writing on that.

00:16:32:22 - 00:16:45:20

That's fine. Yeah, we can take that as an action point, please. And also for Natural England and the MMO also to provide their interpretation Dictation of this paragraph and the particular phrase first instance. Thank you.

00:16:53:27 - 00:17:00:13

I'd like to move on to item 7.4 of the agenda now, which is unexploded ordnance clearance.

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Okay. So Natural England has raised a concern that the predicted maximum injury zone for some unexploded ordnance clearance events is larger than the area from which many acoustic deterrent

devices could effectively deter marine mammals. Since this issue was raised, the applicants have confirmed that the outline ship LMP, which is rep 2047 and appendix 11 six, were updated and resubmitted at deadline three to incorporate updates to align with the latest FAA guidance, and that they are committed to using low order techniques as a default for your unexploded ordnance clearance method.

00:17:50:03 - 00:18:08:05

So have the applicants discussed these issues with Natural England recently? And do they know whether these actions that the applicants have taken, I've just outlined have been sufficient to allay Natural England's concerns in this area, as this issue remains in its latest version of the risk in issue log.

00:18:11:06 - 00:18:49:19

Anna Sweeney, on behalf of the applicant, um, we haven't had a chance to discuss this issue with Natural England at this time, and the updates made to the triple MP do specify that low order is now a default. The indicative assessment that was supplied with the DCO application for the Marine Mammal chapter, um, outlined high order clearance with no additional noise reduction. Under the new policy from January 2025. 35. The use of noise abatement, such as the bubble curtain, is now required for a high order clearance, and these would only be undertaken as contingency and at the time of the marine licence application.

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Further underwater noise modelling, including the use of a bubble pattern for these clearances would be undertaken and the application would be submitted with these updated impact ranges to ensure that any contingency clearance is effectively assessed. Um, so hopefully that would conclude all the concerns that J and CC have, and there would be time for any, um, consultation on that marine application as it is a standalone and outside this DCO.

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Okay. Thank you for that clarification. If we can take an action point, please, for Natural England, um, and the MMO to respond to this question, please. Um.

00:19:33:09 - 00:19:40:04

Thank you. Okay. We move on to item 7.5, five, which is conclusions for Harbor Pool Point and Gray Seal.

00:19:42:28 - 00:20:21:11

So the applicants confirmed in the project change request, one, that there was no changes to the residual significance of effect for marine mammals in the environmental statement, with the exception of temporary threshold shift for gray seal during construction, which is impact one A with a reduction in effect for major adverse to minor adverse. The environmental Statement conclusions for the pre mitigation effect from the ES chapter 11 on Marine Mammals, which is AP 095 and appendix B Marine Mammal Environmental Statement update as 143.

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The pre residual effects from permanent threshold shift due to the cumulative exposure of concurrent jacket pin pool installations during construction are major adverse for Harbor porpoise. Police, minke whale, grey seal and moderate adverse for harbour seal.

00:20:42:07 - 00:21:25:11

The applicants state that with the application of the measures within the outline triple MP, these measures would reduce the worst case magnitude of impact for harbour porpoise, minke whale and grey seals, such that the residual effect would be minor adverse and ensure a negligible magnitude of impact for all marine mammal species. Therefore, there would be a reliance on the measures in the triple MP to do this. So can the applicants explain, therefore, how their approach to not commit to measures within the triple MP until post consent fully adheres to the mitigation hierarchy? Given the reliance on the measures in the triple MP for these conclusions in the ES.

00:22:14:03 - 00:22:50:21

Seeking offshore consents manager acting on behalf of the applicant. So we have tried to make efforts to to to reduce our our envelope, not just through the change request which, which has reduced, um, some of the planning scenarios and, and removed the the electrical switching platform from from the export cable corridor, um, which has removed pining. Pining from that completely. Um, we we have also taken the effort to reduce our maximum energy already from 7000 kilojoules to 6000 kilojoules.

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So we feel, uh, at the at the pre consent stage, we we've taken as as many, as many measures as we can while still trying to be able to achieve a design envelope that we, we can, we can construct, um, until we, until we have procured, procured a foundation and have that final foundation design procured, we're unable to to reduce that further at this time. However, we are we are confident that with with the with the measures that are within the outlined triple MP that we would be able to make those reductions further post concern.

00:23:31:08 - 00:23:45:00

Um, I'll pass you back to my colleague, Miss Sweeney. Just to reiterate our commitment to to actively looking into ways we can reduce through the ten decibel study we we mentioned previously.

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Uh, Anna Sweeney, on behalf of the applicant. Um, so the measures that we have outlined in the plan, he, um, would sufficiently be able to mitigate effectively and obviously would be reviewed and updated accordingly based on the final project design. The final project design would incorporate any primary measures that are deemed appropriate within the project, and if required, secondary measures would also be applied. Uh, depending on the final primary measures used and incorporated within the project design.

00:24:19:20 - 00:24:46:02

Um, the study I mentioned to be submitted in a technical note at deadline for um, outlines a ten decibel reduction which could be achieved through primary and or more secondary, or a combination of both measures to the project, and does allow for full mitigation of the TTS ranges. Um, it reduces

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the AD usage, uh, for harbor porpoise, which based on a cumulative sound exposure level for a single mono pilot. DBS East, with 112 minutes

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and with the ten decibel reduction applied to the project, would be reduced to 12 minutes of ad use, which is well within the effective use and range that is stipulated by Natural England. Um, so we understand the concern. We are taking measures to address it where possible. Um, and we do believe that there is sufficient mechanisms in place through the MP and the safe to make sure that these concerns are addressed post consent.

00:25:36:12 - 00:25:38:18

Okay, thank you for that explanation.

00:25:41:00 - 00:25:53:03

Um, if we could just take an action point, please, for Natural England and the MMO to respond, uh, with any comments on that particular item, if they so wish at deadline for. Yeah.

00:25:59:03 - 00:26:04:13

Okay. Moving on now to item 7.5 in the agenda, which is monitoring and adaptive management.

00:26:06:12 - 00:26:41:03

At deadline two, the MMO requested that a provision for adaptive management is included within conditions within the proposed Imls. Um, so I note that the applicants responded asking that the MMO provide further detail in order to allow consideration of drafting a deadline to the MMO stated they would provide further comments in due course. Have the applicant's proposed draft received proposed drafting from the MMO or had discussions with them on adaptive management provisions?

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Of the.

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Project.

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Okay. Thank you. Do you. Do you intend to have any discussions with the MMO on this matter?

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Well, for the applicant, well, we're sort of waiting to hear from the MMO with regards to what their proposals are in this regard before we can engage in discussions. Um, so the ball's sort of in their court at the moment rather than ours. was.

00:27:28:01 - 00:27:42:01

Okay. Thank you. Could we take an action point, please, for the MMO to respond to that? And, uh, a deadline for respond to the applicant's request for, uh, drafting. Thank you. Yes. You have your hand up.

00:27:42:17 - 00:28:07:17

Yeah. Um. Your consent. And I just wanted to flag that we are trying to actively engage with the MMO on a number of different topics, um, including the MLRS, um, but are struggling to get to get any form of communication back from them. So whilst we're trying to continue to engage, um, we have been facing some challenges with that which is limiting the progression of some of these issues.

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Okay. Thank you. Noted.

00:28:27:09 - 00:28:46:12

Um. So whilst you haven't received the drafting from the MMO, have you considered this aspect further yourselves? Um, uh, regarding the inclusion of adaptive management measures in the DCR and and do you have any, uh, updates to make?

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Um, offshore consent manager. Um, acting on behalf of the applicant. Um, at the moment, ultimately, our our position is remaining the same on this. We don't consider that there's there's any need for, um, further provision in the, in the, in the draft DCO in this regard at the moment.

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Okay. Thank you.

00:29:17:05 - 00:29:24:06

So I'll move on now to, uh, item eight on the agenda, which is the marine mammals, um hra.

00:29:25:23 - 00:29:52:10

So item 8.1 is the interim population consequence of disturbance modeling. Have the applicants had any further discussions with Natural England regarding the issues they raised regarding the interim population consequence of disturbance modeling? And have you had any feedback from Natural England from the Marine Mammal technical note, which is Rep 3031. And are there any updates to report?

00:29:55:02 - 00:30:25:09

On behalf of the applicant? Um, we've had no response as of yet from Natural England. We are hoping to receive comments on our deadline three submission at deadline for, um. To see if there's anything further we need to incorporate, we are planning on including updates to the HRA part 3 or 4 at deadline five, incorporating the change request and their additional requests for mean and confidence intervals on the population.

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Modelling. Um, this has become standard across all current ongoing offshore applications. Um, and we will be including and incorporating that information. Um.

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And yeah, I guess we'll just see what what are the comments? They have to come back with the deadline for.

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Um, sorry. Um, Offshore Contents manager on behalf of the applicant. Um, as my, as my colleague Mr. Bruno mentioned earlier on in the day, um, we are keen to discuss the, the the remaining issues with, with Natural England that that are flagged in the risk and issues log. So, um, any outstanding issues on marine mammals is certainly something that we could, could look to cover in our agenda for a meeting with them, if that would be helpful.

00:31:12:06 - 00:31:41:14

Yes. You've preempted my next question, which was a note that there were a number of outstanding issues in the log relating to this. Um, so, yes, if if my question was, how do you intend to resolve these with Natural England before the end of the examination? So if you're able to just keep us updated, then with any discussions you have with Natural England, uh, over the next between now and the next deadline, can we take that as an action point, please? Yeah.

00:31:43:24 - 00:31:46:06

Do you have any further comments to make on this item?

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For the applicant? No.

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Thank you.

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We'll move on then to item 8.2 which is the North Sea sack, Humber Estuary sack and the Berwick Shear and North Northumberland Coast sac area. Conclusions and the use of noise abatement systems and the Site Integrity Plan.

00:32:12:15 - 00:32:30:02

So Natural England has stated in its deadline three response that it has outstanding concerns regarding the proposed developments. Lack of commitment to additional noise mitigation, without which Natural England states it would not be possible to rule out adverse effects on the southern North Sea and the Humber Estuary.

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So Natural England states it acknowledges that the proposed development alone would not breach the southern North Sea stack disturbance thresholds, but it would in combination with other projects. Natural England states that the proposed development would contribute to a significant proportion of the overall combination effect. And states. There is an expectation that each contributing development would take responsibility for their contribution of the noise reduction. They have advised that applicants should provide an updated in combination assessment, based on a commitment to utilize additional noise mitigation to demonstrate they have contributed to reducing the disturbed area of the southern North Sea SAC, stating this may be sufficient to alleviate adverse effects on integrity on the southern North Sea SAC and negate any requirement for compensation, but they cannot confirm this without an updated assessment being provided.

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How do the applicants respond to this? And will the applicants provide the assessment that Natural England have requested?

00:33:37:29 - 00:34:14:10

On behalf of the applicant? Um, at this time, because the measures that have been proposed through primary and secondary are not agreed with the MMO and Natural England, it would mean, um, that we can't reduce our effect for the assessment on their CC in the CIP that has currently been presented. Um, the assessment that has been presented is overly precautionary. It includes piling at approximately eight other wind farms at the same time as piling at the projects, which is a highly unlikely scenario.

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All projects that have been included have been included based on the worst case Assessment for either a dose response or an EDR. Effective deterrent range assessment from their own ES. Um, and those assessments pull through. Again do not include any kind of noise reduction which with the new policy is again not very representative of the scenario that will be presented closer to the time of piling. So there would be an update of the CIP with the finalized project sign.

00:34:46:01 - 00:35:27:16

We have updated information from the Southern North Sea SEC tracker. Um, closer to the time of development, um, the minimum time that that CIP can be submitted currently to the regulators for um discussion and approval is six months is it needs to try and capture as many active projects taking place to make an accurate assessment as possible, such as geophys um and seismic surveys which have shorter license turnarounds. So we understand that there is a slight disconnect between what is presented at ES and what the final assessment will be on submission or consultation closer to construction.

00:35:28:01 - 00:35:46:09

Um, at this stage, there's not really much point in updating for the project alone, as they said themselves. We don't have any adverse effect on site integrity, and it is the in combination. That's an issue with the current timelines of the projects and neighboring projects. There's no way to refine that further at this time.

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Um, there is also a study being undertaken on behalf of the JNC to review the effective deterrent ranges for activities such as pilings, defining a new one for us.so, um, seismic and geophysical surveys. Uh, that updated information should be out later this year. Um, and it may change the range that is currently 26km for an unabated impact pile.

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

Uh, further, um, there was a study done at Moray West that estimated their effective range of their piling was only ten kilometres. Um, and we know that this review is currently being undertaken. Um, the assessments and incorporation of the new information that is published would be undertaken for the updated set prior to construction.

00:36:51:06 - 00:36:52:08

Okay. Thank you.

00:36:55:05 - 00:37:07:00

So if I could just perhaps just get a concise response to the question of will the applicants be providing an updated in combination assessment before the end of the examination?

00:37:09:06 - 00:37:12:20

And if not, what are the implications for the examination?

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Impossible for the applicant. Um. We'll confirm our position in writing. But what we're likely to say is that we don't think it's reasonable to ask us to do this for the reasons that

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he's been explaining. And in terms of the implications, we we don't think it's reasonable for Natural England to be flying a kite around derogation and compensatory measures when they know perfectly well that, um, the whole reason why the ship the regime was put into place was to provide a mechanism to avoid us getting into that territory.

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And again, I think, um, as Sweeney's just listed out really compelling, uh, range of factors, that means that, um, when you take all of them into account, which we are not realistically in that territory, what is going on is is there a there is from from the developer's perspective, and this is not only I would suggest this is an industry view As well. But there is sort of an unreasonable focus on trying to force industry to commit to something too early, when there should be an evidence led and more considered approach to what and when those commitments should be entered into.

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Okay. Thank you for your response. Yes. If you could respond in writing, outlining your position on that deadline for that would be helpful.

00:39:50:20 - 00:40:03:00

If we could also take an action point, please, for Natural England MMO to respond to the points in this under this agenda item and um, present their latest positions, please. Thank you.

00:40:09:15 - 00:40:40:27

Okay. Moving on now to the Berwickshire and North Northumberland Coast SACs and the Humber Estuary. SAC, and again Natural England states that they cannot rule out adverse effects on integrity to the Berkshire and North Northumberland coast SACs and the Humber Estuary SAC, as the proportion of grey seals that would be disturbed in combination with other projects remains high. Natural England continue to advise that to reduce the disturbance to these SACs, commitments should be made to noise reducing technology.

00:40:43:20 - 00:41:02:14

As we've heard a number of times, we've heard your position already. Um, I suppose just to say, do you have anything else you would like to say? Um, I'm not expecting you to to reiterate the other points you've already made, but if there's any any comment you would like to make on this, then please do.

00:41:04:08 - 00:41:25:09

And Anna Sweeney, on behalf of the applicant, um, could we put a yes 176437. Cuantos, Matt. Marine mammals. There it is. Um. The figure that's currently being displayed, uh, has two sets of contour lines. Um, on the.

00:41:28:15 - 00:42:00:15

Western. Sorry. Dogger Bank South west location which is closest to Berkshire sack. Um, the yellow lines that are included on this figure are the ones that have had a ten decibel reduction that I was discussing earlier, which could be obtained through either primary and or secondary measures by the project. And as you can see, this brings the contour lines quite a distance from the sac itself.

00:42:01:00 - 00:42:13:23

Um, it would reduce overall disturbance within the wider environment. And it is one reason that we are looking further into the measures that have been Implemented by the project. Um, it does mean that,

00:42:15:23 - 00:42:16:12

um.

00:42:19:04 - 00:42:21:00

The contours.

00:42:23:28 - 00:42:36:00

Um, would also fall in areas that have a lower seal density that is associated with the sac. Um, so this would aid in.

00:42:38:09 - 00:42:54:06

Assisting Natural England with their confidence that there would be no adverse effect on site integrity. But the measures securing what type of noise reduction would be undertaken by the project are not able to be defined at this time.

00:42:56:24 - 00:43:05:01

Okay. Thank you. Could you confirm, um, the examination library reference for figure 4.3 that you're displaying at the moment, please?

00:43:09:03 - 00:43:13:15

On behalf of the applicant. Yes, it was A-176. Yes.

00:43:14:21 - 00:43:15:14

Thank you.

00:43:17:11 - 00:43:26:20

On behalf of the applicant, and just to note that this figure will also be incorporated into that additional technical note that we will be submitting a deadline for as well.

00:43:27:24 - 00:43:28:16

Thank you.

00:43:35:26 - 00:43:43:12

Okay. So unless, uh, anyone else has any comments on this particular item, I'd like to move on now to agenda item.

00:43:46:28 - 00:43:49:18

8.3 which is proposed consent monitoring.

00:43:55:18 - 00:44:27:03

So Natural England provided 20 pages of detailed comments on the applicant's in principal monitoring plan, which was Rep 204 for deadline three in appendix J, which is rep 3056. And it's too much detail to discuss all of these points at the hearing, but I'd like to draw your attention to the recent ramping to Secretary of State decision letter again, where the Secretary state agreed that an enhanced monitoring program was required and requested additional monitoring for piling.

00:44:28:14 - 00:44:39:17

Um, the Secretary of State also required additional ornithological monitoring to enable an assessment of the accuracy of the original predictions in the environmental statement.

00:44:44:29 - 00:45:06:07

So with this recent decision in mind, um, can I ask whether you have any comments or whether you would like to, um, give any comments on your, uh, latest, uh, position on your in-principle monitoring plan found in rep 3056 and including table one, in which detail advice and recommendations can be found.

00:45:52:09 - 00:46:14:20

Um. Yeah. So I think just on the monitoring point, we have now added a standalone condition to the marine licenses that, um, requires ornithological monitoring at the suggestion of the mayor that this was separated out from the rest of the monitoring. So that is now in the marine licenses. And then I'll just hand over to my colleague Phoebe on the Marine Mammals point.

00:46:14:26 - 00:46:15:25

Yeah. And.

00:46:17:27 - 00:47:05:00

On behalf of the applicant, um, obviously the the deadline free submission of 20 pages that you're referring to, um, from Natural England on our on our in principle monitoring plan is something we're currently reviewing. Um to to see what what consideration further considerations we can make within within that plan. I think it's important to note that those 20 pages aren't solely on marine mammals and covering a cover a number of of ecological topics. Um, however, as we're talking about marine

mammals at the moment, I just like to make the point that obviously we have committed to to what we consider to be the industry standard monitoring for the monitoring of the first four For Pyle's post concern.

00:47:05:02 - 00:47:24:17

As I noted previously, um, in this discussion, the ramping of two additional monitoring was as a result of the project committing to use a double bubble curtain in 40 meter waters. Um, with with the Secretary of State keen keen to understand

00:47:26:11 - 00:48:01:15

the the result, the results of that and the and the implications for underwater noise. Obviously that's quite different to what we've committed to at the moment. And, and we we don't have a specific mitigation measures in place which, which would warrant that further further monitoring. But ultimately at the moment, um, we don't consider that we need to make any, any further commitments because we, we consider that the monitoring of those first four piles does have the objective of validating the impact of our of our environmental statement.

00:48:04:24 - 00:48:07:03

Okay. Thank you for clarifying that.

00:48:11:21 - 00:48:33:12

Yeah. Maybe we could just take as an action point then, uh, for the applicants, uh, just to, uh, provide a written comment on their latest position on the in-principle monitoring plan and, uh, Natural England's comments on that and any updates that they wish to make. Um,

00:48:35:01 - 00:48:39:09

and any other comments that they would like to make on that matter. Thank you.

00:48:45:23 - 00:48:59:09

So that concludes my questions on item eight on marine mammals HRA. So before moving on to item nine. Can I ask if there are any further comments anyone wishes to make on item eight of the agenda?

00:49:01:03 - 00:49:06:01

If not, we'll move on to item nine, which is other HRA issues.

00:49:09:21 - 00:49:23:06

So my first point is the habitats regulations derogation provision of evidence, which is EP 051. So could the applicants confirm whether this document, um requires.

00:49:25:12 - 00:49:29:09

Okay. Apologies. Yeah. I'll just let you move around the room.

00:49:46:15 - 00:49:47:04

Thank you.

00:49:56:13 - 00:50:25:10

Okay. Thank you. Um, so, yeah, my question was around the habitats regulations, derogation, uh, provision of evidence which is app 051. My question is whether this requires an update and resubmission, as some aspects of the consideration of alternatives for HRA have given the changes to foundations and updates to the archaeological information. So my question is whether this document requires updating.

00:50:29:14 - 00:50:56:24

For the applicants. Um, I think those are minor changes potentially to table four that we could update to bring that document in line with the, uh, the revised envelope and in line with the rear. But we're submitting a deadline for I'm not aware that there's anything with regard to the, uh, ornithology that needs updating, but we can check that and confirm that.

00:50:58:00 - 00:51:03:18

Okay. Thank you. When would you be proposing to submit an updated version?

00:51:04:16 - 00:51:06:23

Before deadline fall.

00:51:07:06 - 00:51:09:00

Deadline fall. Okay. Thank you.

00:51:12:16 - 00:51:47:03

Okay. And my last question is around decommissioning within the Dogger Bank SAC. So any requests that, uh, the DCO should include a requirement to remove all on and above bed infrastructure, including cable and scour protection within the Dogger Bank sac and fish spawning grounds, as is the case for all other windfarm infrastructure consented within the Dogger Bank SAC. And that without this commitment in the DCO, the worst case scenario should assess the impacts to spawning ground if assets were left permanently in place.

00:51:47:26 - 00:51:54:21

Has this effect been assessed in the environmental statement and what is the applicant's position on this?

00:51:57:18 - 00:52:28:04

These are the three applicants. I think the difference between the previously consented projects in the log bank, and this one, is that the kind of long term, uh, habitat loss impact for those projects was considered temporary on the basis that all uh, infrastructure could be removed. Um, I think the that was considered practical and feasible at that time.

00:52:29:01 - 00:52:56:12

Uh, the reason that we have considered permanent habitat loss from the infrastructure is the fact that that is no longer the case, that it can guarantee that all of that infrastructure could be removed. So, uh, whilst, uh, whilst the foundations themselves could be removed, it's much more complex task to try and retrieve or get protection. So as far as the HRA is concerned, that is a permanent impact.

00:52:59:13 - 00:53:05:01

So that covers it for the life that covers it. Beyond the lifetime, it's permanent. So.

00:53:09:14 - 00:53:21:02

So I think in Natural England's point was that has that worst case scenario of the permanent infrastructure being left in place, being assessed in the environmental statement.

00:53:25:18 - 00:53:42:25

Of the applicant. I mean, I think the word permanent. I don't know if we're if we're debating naturally debating what the word permanent means. Permanent means forever. So it's been assessed as an impact that is ongoing. It's loss. Loss is loss.

00:53:47:09 - 00:53:48:19

Okay. Thank you.

00:53:49:25 - 00:54:03:25

Madam, just to confirm. Yes, it has been assessed that the permanent location of that infrastructure within the NCC has been assessed in the as and we can give the the references in our post hiring summary if that would assist you.

00:54:04:09 - 00:54:06:18

Yeah that would be useful. Thank you. Yes.

00:54:10:09 - 00:54:21:01

And then if there is an action point please for Natural England to also respond as to whether they are agree that it has been fully assessed in the environmental statement. Thank you.

00:54:27:11 - 00:54:36:05

For that, Mike. That concludes my questions on item nine. Um, are there any other comments anyone would like to make under item nine in this agenda?

00:54:39:01 - 00:54:42:03

If not, I will pass over to Miss Abramsky.

00:54:43:21 - 00:54:46:07

Oh, okay. Passing over to Miss Dowling.

00:54:49:15 - 00:54:50:18

Thank you, Mrs. Bellow.

00:54:51:20 - 00:54:53:06

We've not been notified that anyone.

00:54:53:08 - 00:54:53:23

Wishes.

00:54:53:25 - 00:55:01:20

To raise any other business that is relevant to this hearing. But before we close. Can I just check if there are any other matters that anyone wants to raise? The applicant has their hand up.

00:55:03:25 - 00:55:13:07

And then we going back to weight class. We promised to come back to you with a position before we close this week.

00:55:15:00 - 00:55:22:01

So if it's convenient, I have a statement and approved statement to read to you.

00:55:23:15 - 00:55:29:14

That would be helpful. And also I'll preempt you as an action point. Can that be then submitted into the examination?

00:55:30:01 - 00:55:30:27

Yes. Of course.

00:55:31:27 - 00:55:35:18

Um, so here goes. Uh,

00:55:37:17 - 00:56:16:12

with regard to the examining authority's request that the issue specific hearing three for further information in respect of the applicant's withdrawn weight assessment. Conclusion previously referred to chapter 16 of the The environmental statement and the strong indication from the WSA of the risk of further delay to the examination. If the Exa is requested, information on this matter is not provided. I can confirm that the applicant will provide a response to the questions raised by examining authority and by a stage three in respect.

00:56:16:19 - 00:56:47:25

In respect of the applicant's withdrawn late assessment, conclusion by deadline for this will be done on a without prejudice basis. We note that the Dogger Bank project will be submitting their own weight assessment deadline for the Orsted piece. Have also been requested to do so by examining authority. Notwithstanding the applicant's position that weight effects should sit outside the planning regime at three points.

00:56:47:29 - 00:57:24:24

Three points to make. As explained in the hearing, It's the applicant's view. In the case of the posted IPS projects, it is that they are much better placed by awake assessment than Dogger Bank itself. In the case of the Dogger Project's Dogger Bank project, what better place in some respects to provide wake assessment, given that the projects are not operational and some aspects of any assessment will involve the potential use of confidential information depending on the approach adopted.

00:57:25:22 - 00:57:35:01

Finally, we reserve the right for our technical experts to comment on any assessment submissions which are made by other IPS.

00:57:40:18 - 00:58:10:27

Thank you very much, Mr. Boswell. And as I said earlier, there's an action point. If we can have that statement submitted that be gratefully received. Um, I'd now like to go unless anyone else has anything else they wish to raise. I just now like to go through a couple of points that the examining authority would like to raise. Um, firstly, I can confirm that as we have managed to deal with all the agenda items for this issue specific hearing the time set aside tomorrow morning for the continuation of this hearing will not be required.

00:58:11:06 - 00:58:42:00

So that event is now cancelled and the case team will be updating the project page of the National Infrastructure website to advise this. I'd just like to move on to a point with regards to environmental statement. At the hearings in January, the applicants advised that it was not their intention to update individual chapters of the environmental statements submitted with the application, on the basis that this would be an extremely time consuming task and would introduce unnecessary complexity and uncertainty without providing clear benefit to the examination.

00:58:42:21 - 00:59:04:22

Furthermore, they advised that such an approach was proportionate and consistent with the established practices in other examinations. Instead, any amendments or changes to the environmental statement will be managed via the submission of additional documents, specific updates and appendices, which could be tracked through the guide to the application and would be secured to the certification documents via schedule 19 of the draft DCO,

00:59:06:16 - 00:59:55:24

whilst the Examining Authority accepted this approach. Since then, the applicants have submitted a significant number of documents and updates into the examination, and the examining authority have also accepted two change requests. As a result, the Examining Authority have refused reviewed this approach and considered that it is no longer appropriate. We also note that the applicants themselves have also mentioned several times this week their intention to submit some updated chapters of the environmental Statement. The ASA are therefore notifying the applicants that they will be asking them to review and update the environmental statement as a whole before the close of the examination, so that the environmental statement that the Secretary of State will be considering accurately reflects the proposed development and contains all the updated and relevant information within the relevant environmental Statement chapter.

00:59:56:19 - 01:00:30:21

Whilst the examining Authority note that the applicants have mentioned that they were that where they were proposing to update chapters, they intend to do so for deadline eight, which is the 3rd of July 2025. In the interests of fairness, the examining authority considered that this should be done for deadline seven, which is the 26th of June 2025. This would then enable the examining authority and other interested parties the opportunity to review and comment on the updated documents, and for the applicants to respond to this within the remaining deadlines of examination with deadline.

01:00:30:23 - 01:00:51:25

Nine being obviously the 10th of July. The reason for raising this matter now is to enable the applicants to ensure that they have the resources in place in order to undertake this work. I wasn't intending to have a detailed discussion on this matter how I will. However, I will give the applicants the courtesy of commenting on this before I formalize this request next week through rule 17.

01:01:02:29 - 01:01:03:26

With the applicant.

01:01:05:27 - 01:01:44:05

I think the concern that we would have is is the scale of the task, in addition to everything else that we'll be needing to do in connection with the examination. I also think that we have fundamental concern about this practice, that an environmental statement, as it's submitted, is a point in time document, and that the regulations providing the definition of environmental information. For additional information that comes in as part of whatever the relevant process is to be automatically classified.

01:01:44:25 - 01:01:57:01

Um, and so I think that we will want to reflect on the, uh, the, the, um, um,

01:01:58:29 - 01:02:00:08

that you're raising.

01:02:04:27 - 01:02:09:11

Thank you very much, Mr. Boswell. I'm more than happy for you to submit some comments in writing on that.

01:02:10:11 - 01:02:41:20

I mean, the final quick point, sorry, it would be that I don't think I don't think anybody can be disadvantaged by the process that we are following. Any anyone that's involved in this process is tracking the relevant bits that are of interest to them. Um, and I don't we're not picking up any issues with people doing that beyond the norm of sort of resourcing pressure, particularly on the part of, um, the MMO.

01:02:41:22 - 01:02:55:19

And so Natural England. Um, so I, um, in terms of there being sort of any question of fairness, we don't really think that's in play. Obviously.

01:02:55:28 - 01:02:57:18

Everything's already being presented to us.

01:02:58:19 - 01:03:36:11

Yeah, because it's already in front of the examination. Um, it's just a case of making sure that it's clear where it is, which is why we propose the, um, the approach that we that we did. I acknowledge that we may have, perhaps inadvertently, um, contradicted ourselves by making the odd, uh, proposal to update chapters. So, um, particularly in the context of, of of all the other demands on us as the applicant, it's not a small thing to be expected to comprehensively update a whole.

01:03:36:16 - 01:03:37:01

Yes.

01:03:40:18 - 01:03:42:15

I've also just had a point.

01:03:43:10 - 01:03:43:25

But.

01:03:45:06 - 01:03:53:25

Actually forgive me. I'm not going to raise that. So, uh. Yeah. So. So thank you for giving us the opportunity to respond. And that is our response.

01:03:55:13 - 01:04:27:19

Thank you very much. And your response is noted. Um, if I can go on to the timely submission of documents. Um, the submission of documents outside of and then in particular the submission of documents outside of examination deadlines as set out in our rule six letter, which can be found in the examination library at PD oh ten and at the preliminary meeting. The examination timetable includes a series of numbered deadlines for receipt of written submissions, and requested that submissions should be made in accordance with these deadlines.

01:04:28:07 - 01:05:03:14

However, now that we are in examination, it is clear to the examining authority that this is not happening and the examining authority have concerns that if this practice is continued, this could lead to matters being unresolved at the close of the examination, which may require the examination to be extended, or could cause delay to the Secretary of State's decision while they seek to resolve outstanding matters. Post reporting. Whilst the examining authority recognises the pressures on the applicants and interested parties. The examining authorities also under an obligation to examine this proposal within the allocated six month time frame.

01:05:04:06 - 01:05:41:18

I therefore want to take this opportunity to reiterate the importance of submitting documents and other responses in a timely manner to the agreed deadlines. I also want to make it very clear that the documents received after the relevant deadlines are only accepted at the discretion of examining authority, and whilst to date we have accepted these submissions as we move towards the close of the examination. Future late submissions may not be accepted in order to ensure fairness to all parties. I also want to highlight that where documents are submitted late without good reason, causing inconvenience or delay to other parties.

01:05:41:22 - 01:06:01:06

This could amount to unreasonable, unreasonable behaviour and may result in the examining authority considering the award of costs. I trust I have made myself exceptionally clear on this matter and that moving forward, we can expect submissions outside of agreed deadlines or being delayed to later deadlines to be kept to an absolute minimum.

01:06:03:02 - 01:06:05:22

I'd now like to turn to attendance at hearings.

01:06:07:08 - 01:06:40:19

Whilst the examination of the proposed development is a predominantly written process. Hearings provide an important opportunity for the examining authority to explore matters orally. This often enables us to consider complex matters more efficiently. However, for this to be successful, it is important that all the relevant parties attend the hearings. The dates for hearings were set out in our rule six letter, which was dated the 17th of December 2022, 2024, which can be found in Examination Library PD oh ten.

01:06:41:08 - 01:07:37:21

This was confirmed in our rule letter eight letter dated the 18th of January, 2025, which can be found at reference PD oh 11. And the actual detail of what matters were being discussed this week were formally notified on the 7th of March, 2025, which can be found at reference PD oh 17. The Examining Authority is therefore very disappointed that even with all of this advance notice, that several relevant IPS and specialists, including those for the applicants, were either not available or had limited availability as a result, I am therefore taking this opportunity to highlight that the examination timetable allows for a further set of hearings, if required, on the week commencing the 2nd of June 2025, and I would politely request that the applicants and all the relevant interested parties ensure that they are aware of these dates so that they can ensure that they, their representatives or their specialists are available to attend if required.

01:07:38:24 - 01:08:09:01

The examining authority will confirm whether these hearings are required as soon as they are able to do so. But this will be very much predicated on the information we receive at deadline four, which underscores the point I made earlier regarding the need for information being submitted in accordance with the relevant deadlines. Finally, although I'm sure that I don't need to, I'd like to take this opportunity to remind you that the examination is due to close on the 14th of July, 2025, or in more blunt terms, in just over 12 weeks time.

01:08:09:20 - 01:08:32:00

The examining authority will not be able to take into account any information submitted after the 14th of July. As a result, there is very limited time left within the examinations for issues to be resolved, and I would therefore urge all parties to do everything that they can to ensure that they have provided all the information that the examining authority will need to enable us to make our report to the Secretary of State.

01:08:33:19 - 01:09:09:21

Given the number of action points, rather than go through these in detail now, they will be published on the project page of the National Infrastructure website in the next day or two. I can confirm that the action points for the compulsory acquisition hearing. Issue specific hearing three and issue specific hearing for have been published and are available to view on the project page of the National Infrastructure website. The action points for issue specific Hearing five, which is today's hearing, will be published as soon as possible after the close of this hearing. I recognise that there are a lot of action points and that the deadline for this response is fairly short.

01:09:10:09 - 01:09:42:08

However, for the reasons outlined earlier, I would ask that wherever possible, you submit the information requested at deadline four, as this will help inform the examining authority's further written questions, which are due to be published on the 13th of May, 2025. If after this hearing concludes and parties have had the opportunity to review the action points, you realise that you are not going to be able to respond to an action point to the requested deadline. Then, if you could let the examining authority know as soon as possible so that any changes can be agreed and the examining authority can allow for this when drafting their further written questions.

01:09:43:18 - 01:10:16:24

I'd like to remind all parties that the timetable for this examination requires that parties provide any hearing documents on or before deadline for which the 25th of April 2025. I also remind you that the recording of this hearing will be placed on the Inspectorate's website as soon as practicable after this meeting. Before we close, as this is the last hearing this week, I would like to thank not only all of today's participants, but all those who have contributed to the hearings this week for your time and assistance. The Examining Authority shall consider all of your responses carefully.

01:10:17:21 - 01:10:31:01

So the time is now 1613 and this issue specific hearing five on Offshore coastal processes, marine Ecology and Habitat regulations for the Dogger Bank South offshore wind farms is now closed.