

ISH6_31 March_PT3

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FULL TRANSCRIPT (with timecode)

00:00:05:13 - 00:00:19:16

Okay. Welcome back, everybody. The time is now. 2:00 pm and I'm resuming session three of the this issue specific hearing con case team. Please confirm that everyone who wishes to get a moment.

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Looks like That's fine. Come back to that. Um, what I want to do is move on to agenda item five, which relates to helicopter access and offshore platforms. Um.

00:00:35:09 - 00:00:59:18

The issue is particularly to do with the Waveney platform installation. Um, so. From what I can see so far. Who are you here today? Who operate the Waveney platform have suggested that the proposed one nautical mile obstruction free area around the platform would hinder both the operation of the facility and also its future decommission.

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Therefore, first of all, have some questions for those representatives. Um.

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First of all, can I just clarify with yourselves? Um. Currently there are no night flights to the platform installation, but you can access waveney and say cloud your poor weather conditions or instrument meteorological conditions, but then go to a lower altitude for an approach that would be under visual meteorological meteorological conditions, thereby allowing access to waveney in various weather conditions. Is that about right?

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At Simon Harlow on behalf of Perenchio. Yes. In instrument conditions. So when there's low cloud. Yeah. You can currently get in if the wind is favorable. Um, if that is not the case, then and the weather conditions are better, then we can fly in visually. Currently. Um, which pretty much sums up the answer to your question. So that is, that's a reasonable summary.

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Okay. So even if it's cloud, one thing.

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One thing I would add is that the night restriction is a function of the deck as it is during decommissioning. It's normal for a jack up or some such to be brought in and they do have a night capability because the limitation is to do with the lighting fitted to the deck.

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I see. Yeah, I understand. So just to be clear then, so if it's cloudy, you can use instrument instruments then. But to actually land on the platform, you would need to be able to visually see the platform. Is that essentially correct?

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Yeah. Simon. Yes, absolutely. There is a point at which you have to become visual. So the approach decision point, depending on for for an instrument approach, we would have to be visual by 0.75 of a nautical mile at the latest. Right.

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So that's when you were saying about you can land in sort of variable weather conditions. So even if you have got cloud cover, you can as long as the cloud cover is high enough, I assume then you can you can still assume it's.

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That combination of the cloud and the visibility. So in misty conditions, you might have reduced visibility. That may be a limiting factor.

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Yes, I understand. And so as it stands at the moment, is this where the minimum of three nautical miles obstacle free radius would come from?

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Simon Harlow on behalf of the three nautical miles is pretty much an industry standard. Now there is a working group that's been working to agree some standards which will be accepted hopefully by the CIA and put into law. They're working on two sides. One is, if you like, the those who operate two offshore installations that are not wind farms and those who operate two in farms, Obviously there is a difference. If you're operating to an installation, then the wind farm is an obstruction. If you're operating to the wind farm, then the wind farm is your destination.

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So that that makes things ever so slightly different. Yes. With for the purposes of flying to an offshore installation, then we would have to avoid the the wind farm. I'm just trying to think,

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what is it I'm trying to say? Can you just refresh me on.

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Um, well, it's just asking about the minimum three nautical miles.

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Oh, sorry. Yeah. Three nautical miles. Yes. So, um, the. The working group has come up with a figure of three more miles, which is recommended, and that anything within three nautical miles. So an installation that has a wind farm boundary within three nautical miles is likely to be restricted today. Only visual meteorological conditions with five kilometres visibility and a 700 foot cloud base. So that's 100 foot higher than the one we normally work to. In addition to that, it's expected that the operator would be it would have to carry out a risk assessment and any unusual procedures would be published through an organisation known as the Deck Certification Agency, and their technical committee has a co-chair from the Civil Aviation Authority.

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So that information would be available to all and anyone who operate to that deck would be expected to apply those limitations, whatever they would be.

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I see.

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And you're saying about working with the on new guidance, do you know, is there a timescale for when this might be agreed and published? You know.

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I know that there have been two meetings so far. The next the next meetings are about, uh, offshore wind farm operators. Okay. So but don't know what the publication date because the, the, the findings may well be published, but when it goes into law will be dependent on the CAA and its relationship with government legislation. I see. Okay. The reason for the three nautical miles is effectively in event of an engine failure, the crew obviously have to fly away and it's a requirement that we plan for that.

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And notwithstanding the probability of an engine failure, flying commercial air transport, we have to assume there may be one and therefore calculate our climbing performance. Um, I've got lots of numbers and I won't spoil you, you know. But there are lots of ways of working out. It could be 6006 km or sorry, six miles. Five miles, four miles, three miles. An average of three miles gives you the ability to turn away at a sensible height and continue in a different direction. So it's more difficult if you're surrounded, but if you have a clear area, for example, in the waveney clear to the north, then as long as you can get out and make the turn away, you need enough distance to climb straight ahead so that you can get the aircraft to a safe height before you turn.

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I understand. Okay.

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There's an additional corollary to that is that most aircraft are things like the 139 that we're operating in normal operations. So if we climb away and follow the flight crew operating manual, we can achieve minimum safe altitude within three miles. That means that we can point the direction we want to go, fly over the top of the wind farm and get back to Norwich without having to all come beside wherever we happen to be going without burning more fuel actually. So not incurring more cost by routing around the windfarm.

00:07:11:02 - 00:07:28:01

Okay. And if you've got a good weather day, clear skies, what would be the sort of minimum that you would need in those sort of circumstances? Is it going to be similar to what you're saying because of the issue with potential engine failure and that sort of thing?

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Absolutely. There is an issue with engine failure because we have to plan for it. It may not happen. Absolutely will agree that the chance of it happening, we are forced to reduce, but we also fought to plan for it. So there are two factors that we have to take into account. One, what would the engine failure procedure be? Which would be this climb? Uh, possibly a turn I'm going to turn is unusual, but it can be done. Yeah. And we were trained specifically for it. It would increase training a little bit, but it's not.

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It's not. It can't be dangerous because everything we have to do is commercial air transport. We have to provide the same level of safety you would expect flying out of Heathrow. Uh huh. Um, so that's the, the starting point. The other side is that we just even with all engines operating to get in and get out, there are certain rules that we have to abide by under helicopter offshore approvals. The key for that is that we would expect to use up the upper modes, the autopilot. So that turns us at a fixed rate. So we know that we'll do a rate one turn that gives us a turn radius of just under 800m.

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We're also expected to carry out a procedure called stabilized approach, which means we have to be on the way in, be stable, on heading on speed, ideally into wind, a certain distance from the landing point. Now, different companies use different figures. Currently bond Gamma used 0.75 of a nautical mile. No other operators use 0.7, Babcock use .75 and some use of variable between 0.7 and half a mile depending on the altitude. So there is scope to vary and you know, not wanting to be difficult, but there is definitely there is a minimum of at least half a mile that you need to be stable to run in and that should ideally be into wind.

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Um, see?

00:09:15:00 - 00:09:17:06

Okay. So sorry.

00:09:22:01 - 00:09:26:27

I can see someone with a hand up. Mr. Rowe, is it for. Do you want to come in now?

00:09:28:03 - 00:09:57:15

Yes. Thank you, Max Roper, for praying. And you asked a specific question about when the CIA will be updating their policy and guidance. And I don't know the answer, but the secretary of state has asked the CIA to answer that question by the 31st of March. So by today, in the context of the hunt for DCO evaluation. So I expect we will have an answer soon.

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Thank you. Thank you. The update. That's right. Um.

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So and just to check because the lighting situation at Waveney, as you were mentioning, there's currently no night

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lights go into that platform.

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So absolutely. At the moment, the deck does not have a night clearance.

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Okay.

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And, um, probably come back to the applicant. There's just a couple of more points just to clarify these before I come back. Um. So the applicant has suggested A11 nautical mile obstacle free radius around the platform and with daylight access would have allowed for 92.3% of all helicopter approaches or landings in 2020. Considering the helicopter operator's flying restrictions, what sort of percentage would you think would be likely in 2020 if there was the one nautical mile obstacle free radius?

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That's virtually impossible to answer in that it would depend on the arrangement of the the turbines with respect to the takeoff and landing. Precisely. So the key point would be is that the. Uh, one engine inoperative to turn at 500ft, which is the least ideal because normally we would aim to climb

it, as I said, straight to minimum safe altitude. Path two, which is the end of the single engine procedure, is actually a 1000ft. So 500ft is interrupting the procedure.

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It can be done. But were we to go to 500ft on a summer's day with ten knots of wind, we would need to ensure that we we miss an obstruction by the minimum, which is 500ft in accordance with the the rules of the air. We would need 2631m at 1.42.

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Now, if it weren't straight in front of us, we might be able to play some tunes on it. But one of the things as a flight ops manager, what we can't do is expect the crews to have 25,000 different ways of managing it. So the the procedures that we have have to be repeatable and understandable, not just by the crews, but also by the management, also by our customer, because our customer will be tasking us based on what they believe is achievable. So the rules need to be relatively straightforward. And on top of that, we have to be compliant with the requirements of helicopter offshore operations regulations and the expectations of the CAA, which to be honest, are getting higher because whilst we should be flying at the same risk level, for example, as flying out of Heathrow, as I said earlier, yes, historically the accident rate in the helicopter offshore industry has been worse than that and that that's quite rightly deemed to be unacceptable.

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So we're having restrictions being put on quite rightly to ensure that we keep our passengers as safe as they should be kept.

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And is that why the helicopter operators, um, kind of standards on these sort of things are usually higher than the CAA think read that in the francos.

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So yes, you'll find that and there are certain elements that are higher.

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Okay.

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And that differs from company to company.

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Um, at this point, can I come back to the applicant and see if you can comment on what you've heard so far?

00:13:37:26 - 00:13:56:09

Julian Boswell for the applicant and introduce Mr. Pryor, who is who is a pilot. And it might be helpful if he briefly explains his background before he. We've put in a list of a detail of his expertise and experience, but it might be helpful if he briefly explains that before responding.

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Space. Thank you.

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Mark Pryor for the applicant.

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And as we've put it in. Just go straight to the answer. Um, there's a risk with what Mr. Harlow's just said. He began to calculate two issues. Firstly, the three mile figure applies to weather limits, as indeed he said so. The CIA has begun to develop these increased and weather limits for flying close to a wind farm. That'll mean a slight increase in the cloud base.

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In the access report, we applied the current figures of a cloud base of 600ft that will increase by 100ft. The visibility in the access report states 4000m. That will increase to 5000. So a very slight change that applies within three miles of a wind farm. The second issue he talked about was the distance for a safe approach, which is where we actually disagree.

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If we look at current practice of flying, just say to the north of DEP into the Hornsea one and two wind farms, daily flights occur there with a distance between the platform and the turbine tips of 1200 meters or less. For instance, if you were to look onto the operator FCC's website, you would see that there have been two flights into Hornsea one and two today.

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In today's weather conditions just to the south, there is a Blythe platform. There are three turbines within 1200 meters. So it is clear that with training and mitigation, flights can be made to these platforms close to the turbines in a safe way, because if they were not being done safely, firstly the operators would not fly and secondly, the CAA would stop these flights.

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So I think that is our main point of of difference. Mr. Harlow mentioned the half a mile stabilized point for an approach. Yes. That is built into the access report because that comes from the offshore guidance which I co-wrote. So I am fully aware of that. Now if we look at the actual access, um, Branko kindly shared with us weather data and their flight data based on that, we did a study and we looked at the impact on their historic flights and the impact is very low because when you fly to a normally unmanned installation, you have the ability to to fly there in poor weather.

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But normally the flights are done in good weather because you do not want to leave people stuck offshore. The weather suddenly drops because the actual facilities on board are quite poor.

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Right. I understand.

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Okay. And in the report we note that for the waveney for.

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You know, just look at the table in 2020. They did 72 flights. Two of those flights would have been impacted in 2021. They flew 67 flights and one of those would have been impacted. So the the impact is small. So just to sum up, there are ways to mitigate a safe approach with turbines within one mile.

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Therefore, it is logical to say if the turbines were spaced at one mile or more away, then it is safe and would be accepted by the CAA.

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And could you just outline from your experience what sort of mitigation that you would expect to see that would enable safe.

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Access.

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So that access that would be training for that specific platform? So most times when pilots are trained, they are given generic training to fly to platforms offshore. But for these special cases, they would have something perhaps called a line check where they would fly with an experienced pilot and be checked out flying on that specialist route. There may be cases when the weather is in or the wind is coming from a certain direction and it is a warm day.

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So the engine performance is slightly less that they would have restrictions on their weight so that they could climb at a safe rate to then turn away before the turbines. But to state that you need three miles for a safe approach, that brings into doubt the current conduct of this CAA and implies all flights to wind farms which occur in the UK. The Dutch sector, the Danish sector, etcetera should all be stopped, which I think is slightly extreme.

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Okay. Um, just come back to. There's a couple of points there I just want to particularly ask about before, um, just getting a general response to that. Um, the point about maybe there wouldn't be so many flights because it's a, it's an unmanned installation in bad weather because there isn't so much in the way of facilities there. Is that a what do you how would you respond to that point?

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Simon Holifield? Absolutely. That's that's absolutely true. So you would if you're expecting the weather to be getting worse, then then it's quite often the case that we would not take the crew out, but that will be depending on what the weather conditions are. So my background, by the way, was a Royal Navy experimental test pilot. And I've flown in the southern North Sea and the western 1392 these decks quite regularly and I'm current on that aircraft. Um, going in for example, flying for Perenchio out of Norwich, one of the things we would do, we would be going out to places like, for example, the Mallory or even Waveney in the past.

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Yeah. When you could get in using an. So we would be working to a cloud base of 300ft as long as the weather's not going to get worse than that. If it's going to improve, then we would take them out. So if the weather was, for example, at 400ft but expecting to get worse, then it's quite possible that we wouldn't go in. That's absolutely true. Of course, if we're now restricted to 700 foot cloud based, that changes the conditions because if the conditions are going to get worse from 700ft, it happens much more regularly.

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And I couldn't tell you how often it's 700ft improving and 700ft getting worse, but that would be the restrictive nature there. I would say, however, in my experience of working offshore in the southern North Sea, the limiting factor was wind strength or the safety of the personnel working topsides rather than cloud based. That was more restrictive. And so when the wind was okay, we were hoping that the weather in terms of cloud base and visibility was going to be okay as well. And one thing I would like to add is the Blythe platform was put in after that wind farm was built, and therefore that was a choice on the behalf of that particular installation.

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Operator And the guys who fly out there now unable to rarely fly at maximum weight unless the wind is absolutely perfect. So they're restricted on weather conditions and they're severely restricted on

payload for them to be able to get in. So all of the things that Mr. Prior has said, I absolutely agree with because the solution is to go. Much lighter. Yep. To do much more training. And therefore we would do more training to incur costs for our customer and we would have to do more flights to obviously incur more cost for our customer and not be so green because we're burning twice as much fuel perhaps on a particular day if we have to go twice.

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So the objective as an aircraft operator is for us to be flying at the maximum weight that we can for those conditions. And that's where the three nautical mile comes from. If I made it two nautical miles, then I would be instructing the crews to fly lighter, which means we might have to go twice.

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So as an economic impact.

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Absolutely. An economic impact. And there's also risk. In that case, there is a risk in impact because we're doing a flight twice and we've therefore doubled the risk. Yes.

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So just a couple of questions.

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Madam, would it be possible for Mr. prior to respond to what has been said?

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Sure. There's I have a few questions for you as well. Um. Well, why don't we hear your response first and then.

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Yes, it would. Thank you. Mark Pryor for the applicant. It was just to respond to Mr. Harley's point, I think we agree that the operators would not fly if it was not safe to do so. Therefore, this becomes a commercial issue, not a safety one.

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Thank you.

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Two points. Um, it seems, um, one of the points that you'd made in your presentation was that you need procedures to be repeatable and manageable, and you don't want your crew to have to learn new things very often. And Mr. Brier, you talked about line check and, um, that sometimes the mitigation can be for there to be more training for specific circumstances. And my question, I think, to both of you is that how do you reconcile these two things in this specific case, for instance, so how often would you do the line check that you were talking about, the additional training? Um, what are the criteria when you would need to do that? And does this specific case, uh, meet those criteria, for instance? So if I could come to you first and then.

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Simon Holler for the line checks carried out every year, every six months. Okay. So the line check is not training line training is training. So if we would if we're preparing someone with a new procedure that will either be done ideally in the simulator or we may we may then do line training in in in fields. So that would that would depend how we're going to develop a program. My point wasn't that we don't want to train crews. Absolutely not. So for example, were we to be absolutely sure where that all

of the installations were going to be to the south and the wind is always from the southwest and the distances, then we might be able to come up with a procedure that is repeatable.

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And we know we will always turn right if the wind is greater than two, three zero, for example. So but what my point was, what I would want is to come up with a repeatable rule. So if the wind is greater than 230, you will do a right turn. If it is less than 230, you will do a less. If it's less than 230, the wind must be greater than 50 knots or you must be less than 6200 kilos. We would have to do those calculations because as an operator, when we provide that information in our operations manual, Part C or uh, and to our crews, we need to give them numbers to work to.

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So we will calculate those in advance. They will be checked on the day, but to promise to a customer what payloads we can offer and contract to work, we would have we do that work up front.

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Understood.

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Okay.

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Mr. Brian Mark Pryor for the applicant. I agree with what much of what Mr. Harlow said. The problem at present is the access report, of course, has got to take a worst case view. So in that we assume that the the wind farm is a solid wall. Of course, as the design grows, we will be able to pinpoint the in the individual turbines, much as they have within Hornsea one and two during their daily safe flights there.

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At that point, it will be possible to put

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stages in place. As Mr. Harlow said, if you take off with this wind, you turn right with that wind, you turn left. Similar things were put it into place with the Beatrice platform in Scotland because they had to wind the turbines built 0.8 of a mile away. And for those we had arcs during which you could approach and instrument rules, some arcs, purely visual rules.

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And at night there were safe

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takeoff arcs as well. So those can be put it in place once the turbine positions are known, which of course, at this point they're not. So again, the access report reflects a very worst case.

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That's that's actually really helpful. Can I just come back to you on that point that it's, you know, the point about, you know, when you have a little greater clarity about the layout of the array, then do you feel that that will give you a better idea in terms of the safety of the landing and take off from the platform?

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Simon Perenchio Absolutely. You know, there will be some changes and some procedures that cannot be created until we know what the exact layout is. What I would say is that, you know, we know that

the prevailing wind is 2 to 0. So, for example, if 2 to 0 240. So if there is a turbine in that area and it's within about two and a half nautical miles, then that is going to impinge on our operations. Whereas where were it to the south then It's far less likely to because the wind is much less likely to come from the south.

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And there are there are ways that we could turn around. So I think and I agree with Mr. Pryor at the moment, we're kind of we're arguing from different perspectives and we're both test pilots. We both can do the maths and we can both produce you very convincing numbers that our argument is correct. Yes. But the reality and he's absolutely right that an operator is not going to do anything that is not safe because we would lose our operational approvals. But the solution to that is one of reduced payload and therefore possibly if it goes in absolutely the wrong direction, it increased traffic and that increased traffic increases risk because if we try twice, we've doubled, we have actually double the risk.

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One of the things that I said when I flew for Perenchio previously, we made that efforts to maximize the loads. So we'll be going as heavy as we can and some of the particularly on the unmanned installations and things like

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some of the mechanical bits and pieces that we have to carry out are very heavy and we need we need this know, the high payload. Now what that means is absolutely sometimes that may just be a commercial argument because we've got to wait for days. But if that then adds that may have a safety impact offshore and all of a sudden we can't go out because if there's a possibility of a leak that needs to be fixed and we then can't fix it and the leak starts, then we can't fly there. So there are all sorts of like so many of these things. There are lots of moving parts that we need to to align, you know? And ideally, the reason that we're pushing for three nautical miles is we know that with three nautical miles, the Civil Aviation Authority are going to be quite happy that we don't add any restrictions.

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Let's see if it's less than three nautical miles, then then we're going to have to start justifying what we do, how we do it and make it repeatable. But I don't disagree with anything that Mr. Pryor says, but it just will have an impact on the operation.

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Can I just ask. Um, is there a possibility in terms of the layout of the wind farm that the wind farm, the actual turbine positions could be possibly within that three nautical miles, but would be such that essentially wouldn't need much in the way of restrictions. So it's the individual position of the turbines, how it was laid out.

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Simon Harley for Perenchio um.

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I would be really reticent to answer that question just now. It sounds.

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Very plausible.

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But until I have a rough idea of what it's going to look like, it's very difficult to say. Well, you know, there is and I don't know I have no idea how much flexibility there is on placing these things. But, you

know, if there is a if if you like, the the offshore installations that we operate to are the centroids of a of lanes, then it becomes a lot easier.

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Yes.

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That said, flying a single engine departure down the lanes when you can't climb is something that is we would try we would ideally avoid and it's you know but if we would have to do we would. But it's again, there are things that we would like to avoid because that's not what we normally do. Otherwise, we're going to have to increase our training and it will have an effect on revenues.

00:31:47:03 - 00:32:18:12

I mean, I was just trying to think of maybe some sort of position in terms of moving forward. Um, just going across to the applicant. Um, is there some way that there could be some sort of coordination in terms of the turbine position which could help mitigate? Um, so not agreeing to the three nautical miles, but somewhere where the individual positions there could be some sort of coordination with maybe.

00:32:19:24 - 00:32:51:22

Thomas on behalf of the applicant. And I think. You know, absolutely. We're looking to continue the dialogue with Branko around this. Um, the minimum turbine spacing is just over one kilometer anyway, so. Absolutely right. There's it's not going to be a wall of turbines around it. I think it's critically important that we continue the dialogue. And in the impact assessment, one of the mitigations listed is discussions around placement of turbines.

00:32:52:03 - 00:32:55:21

So it's certainly a possibility.

00:33:09:12 - 00:33:09:27

Williams.

00:33:15:23 - 00:33:16:08

Hmm. Hmm.

00:33:33:11 - 00:33:35:16

Um, just for the applicant. Um,

00:33:37:13 - 00:33:45:22

just to trying to follow up that point. Sorry, just follow up the point made by the applicant about the issue of, um.

00:33:47:04 - 00:33:47:21

If.

00:33:48:19 - 00:34:05:19

Three nautical miles, for example, was become sort of standard in these sort of positions, then it would be very difficult for a lot of other platforms and installations to operate when, when it needed, um, helicopter access. Do you want to respond on those points?

00:34:07:26 - 00:34:36:17

I'm Simon Holland from Frankfurt. So the three nautical mile is is something that's going to be brought in as an agreement with the operators and then put into law by the CAA. So that that's the

point at which approaches will be limited to DE only with with those weather conditions and an additional risk assessment and published procedures will be required. So that's not something about our agreement. If it is less than three nautical miles, those restrictions are going to be imposed on us.

00:34:36:26 - 00:34:37:14

Right.

00:34:37:19 - 00:34:38:24

See, the.

00:34:38:26 - 00:34:51:26

One thing that I haven't mentioned, and I should mention, is that there is a limitation on the number of movements per year to offshore installations. So therefore, if we do have to double up, that could end up restricting access in the.

00:34:52:26 - 00:34:53:16

Longer term.

00:34:53:23 - 00:35:02:22

Let's see. Okay. Thank you. Could just come across the applicant on that in terms of maybe future regulation changes. Um,

00:35:04:08 - 00:35:14:12

would you would you expect that to impact more in those sort of circumstances in terms of the positioning of the wind farm and the necessity for the three nautical miles?

00:35:14:21 - 00:35:48:25

Mark Pryor For the applicant. The access report actually assumes that access will be under de visual flight rules now. So the figures there are a worst case. Um, because the cars and one of my clients I had advanced side to this change to the rules. I've quickly run the figures through my spreadsheet and it will approximately incur an additional loss of access of about 2%.

00:35:49:03 - 00:36:17:01

So if we take the 2020 figures based on prefix data, the day visual flight rule access will drop from about 92% to about 90. So again, it's not large. It is an issue for a Franco. But once again, this is not a safety issue. This is a commercial one.

00:36:18:29 - 00:36:39:18

But, Mr. Pryor, you've raised that point a couple of times. It's not a safety issue. It's a commercial one. And just for avoidance of doubt, could you just set out whether those economic losses to any other parties, you know, or whether they need to be considered taken into account at all in our considerations?

00:36:40:04 - 00:36:44:16

I think, ma'am, that the question is better answered by my colleague.

00:36:44:18 - 00:36:45:13

Yeah, sure.

00:36:46:27 - 00:37:09:12

It's Tom Morris on behalf of the applicant. So, yeah, obviously our position has been submitted based on a one nautical mile surface infrastructure. Three buffer in the applicant believes that this does minimise disruption and economic loss as required by paragraph. I think it's 2.6.184 of the three.

00:37:11:02 - 00:37:17:12

So yeah, that's our position, that we are minimising economic loss at one nautical mile.

00:37:25:00 - 00:37:26:02

So thank you.

00:37:26:04 - 00:37:54:06

Just jumping in again here in terms of the the perceived changes from one nautical mile to three nautical miles being imposed on you, is that in to take into account or does there need to be taken into account that the proposed wind turbines here are actually going to be higher than the ones in the existing wind farm? Is it in response to these turbines getting bigger, wider that this is coming into effect?

00:37:55:22 - 00:37:56:27

Simon Harlow for Perenchio.

00:37:59:02 - 00:38:29:27

That isn't necessarily that isn't the reason for the three nautical miles. The three nautical miles is because this is what's being agreed with the OR as a result of the working group. The if I do the calculations, the previous calculations gave us 2.7 nautical miles. That's what it was agreed previously. But this is the same aircraft type. But now the aircraft can operate heavier. So we can we can taxi 250kg heavier, which means we can arrive at nearly 250kg heavier at the destination.

00:38:29:29 - 00:38:41:27

So the aircraft are heavier and also the turbines are higher. So doing those calculations, the same calculation that gives you 2.7, which was previously agreed gives us 3.16.

00:38:46:01 - 00:38:48:28

Okay. Thank you. Um, would you like to respond to that?

00:38:49:06 - 00:39:23:27

Thank you. Mark Pryor for the applicant. Um. Just to respond to to that point, I'd just like to make the case against again about current practice. Flights occur safely to wind farms and platforms like the Blythe. Mr. Harlow knows about oil structures like the Fisk Field in Norway, where you have a series of platforms closely located with large drilling rigs.

00:39:23:29 - 00:40:06:10

This is not a new issue at all. The Beatrice wind turbines were put in 15 years ago. This is nothing new. Pilots continue to fly to these platforms safely on a daily basis. So, yes, there may well be some restrictions in the takeoff weight. Um, but again, that is a commercial one. And just to loop back to point, just so that it is completely clear about this three mile figure, this three mile figure the CAA is applying is to this very slight increase to the weather limit.

00:40:06:12 - 00:40:37:09

The CAA is not making any ruling about the distance between a turbine and a platform because if it said you mustn't have them within in three miles, they would need to shut down flights to the Beatrice field, which in fact is closed now think. But to all of the platforms within wind farms, the current and future ones, they all have decks and so on. So there are two issues here.

00:40:37:11 - 00:40:56:18

One is the weather limit, which applies within three miles the distance for a safe approach. That is a different issue and current practice shows you need less than a mile. Albeit with added training and restrictions in place.

00:41:00:00 - 00:41:01:24

Who sponsored pizza Sam and.

00:41:01:26 - 00:41:36:27

Holly for Perenchio. Again think the the point of we should ignore the blithe because the blithe was built after the wind when turbine existed and therefore the limitations on payload and on and operations would have been known by when that was built. When it comes to the others that have mentioned, most of those are aligned in such a way that the prevailing wind suits their landings. So for example, in the in the Morecambe Bay Area, you know, where you're working within three nautical miles, it doesn't matter because they are to the north, so they don't impinge on your operations.

00:41:37:15 - 00:42:12:03

The issue of course with the WAVENEY is that we're talking about, if you like, a moon shape which is cut out of the the northern boundary. So that restricts us, restricts us. We can get in just about east west, but as soon as there is a wind from the south, we have an overshoot issue which we're going to have to maneuver around. Um, I don't disagree that if we flew with no payload, we could get out, but that's not the case. One of the other points that I would take issue with is if we have to turn and it depends very much on what the arrangement of the wind turbines and of the wind farm itself.

00:42:12:05 - 00:42:45:09

But for example, looking at the map with 220, we're going to be pointing right into the heart of that wind farm to make the turn away from that. Even with all systems working properly, we're going to need about 1.1 nautical miles if we're compliant with the latest expectations of the CAA in terms of stabilizer approaches and use of automation. Now, it's absolutely true that if you don't follow those rules, if you fly search and rescue techniques or if you fly that military or if you hand fly slightly more aggressively, you can get around.

00:42:45:11 - 00:43:04:29

And perhaps that's what some people are doing. I don't know. I suspect that most of the rigs that we're talking about is because the approach can be made along the line of the rigs and there is that there is a clear overshoot. Until we know whether there's a clear overshoot, we can't be sure whether or not there's going to be a significant impact on payload or the number of flights required.

00:43:08:22 - 00:43:34:18

Yeah. Mr.. PRIDE just quite specifically say what you have to, but quite specifically, if you could respond to the point about wind, um, which was made here that, you know, the, the, the platforms were less than a nautical mile is possible is because they're aligned, they work with the prevailing winds if I understood that correctly. Is that variability has that been taken into account.

00:43:36:09 - 00:44:06:11

Mark Prior for the applicant at this point? No, it has not, ma'am, because we do not know the final layout. So again, this is a worst case assumption in the access report. And looking to my my colleagues, I'm sure that they will take into account the needs of aviation when they design their layout.

00:44:06:13 - 00:44:36:22

But if I may pick up on some of the comments of Mr. Harlow, which I thought were unfortunate, he talked about aggressive flying. He talked about flying in a search and rescue way now. The rules that

apply to the daily flights into the Hornsea wind farms are exactly the same as apply to the commercial air and the transport flights to platforms.

00:44:36:24 - 00:44:55:13

They will use the same crews, they will use the same aircraft. And so those are being flown in a professional way. They are not being flown in an aggressive way. They are taking into account in industry best practice and they're being flown safely.

00:45:06:14 - 00:45:06:29

Mhm.

00:45:14:10 - 00:45:15:06

While my colleagues.

00:45:15:10 - 00:45:39:27

Discuss. Can I just ask a question of the applicant, which you touched on there? You mentioned that flights into the Hornsey platforms are operated using the same aircraft presumably as per use. The other examples that you cite. Is that the case in every one of those that the same. Is there essentially one helicopter that flies in the North Sea.

00:45:41:10 - 00:45:44:03

Mark Pryor For the applicant

00:45:45:18 - 00:46:01:29

on the southern North Sea, the major type is, as Mr. Harlow mentioned, the AMW 139 into the Hornsea one and two fields. They use that type and they use the slightly smaller one, 69 as well.

00:46:05:13 - 00:46:10:11

I think is that a reasonable summation of the types of aircraft that you use?

00:46:11:08 - 00:46:12:15

Absolutely. Yes, that's correct.

00:46:14:11 - 00:47:06:12

I was going to say, it might be good from both parties to have some more evidence and some more figures. Um, certainly what we've heard today is more than we've had in in terms of evidence so far, and it's been really useful here in that today. Um, so I think as an action note, we would, we would like to see some more evidence from both sides. Um, and also I think maybe as well just some consideration of how there could be, uh, maybe even secured some cooperation between the parties in terms of what would happen going forward and the possibility of cooperation when it comes to final layout as well, because that seems to be quite key because as at the moment we're working on a very worst case scenario.

00:47:06:14 - 00:47:30:20

But it does seem that when when yourselves plank would, if you were involved maybe in in some capacity with looking at the final layout, then I would have thought that would be beneficial for yourselves. Um, so yeah, I think there is some scope for cooperation on that going forward. But certainly as we say, that more evidence from both sides that would be very useful for us.

00:47:45:28 - 00:47:46:13

First of.

00:48:01:06 - 00:48:01:22

Okay.

00:48:02:22 - 00:48:08:04

First of all, I'd just like to go to thanks Mr. Ro, who's there with his hand up on Virtual.

00:48:09:26 - 00:48:43:22

Hello, sir. Thank you. Max Rowe from for Perenchio. And yes, Mr. Pryor mentioned the analogy of flying into the Hornsea wind. And take it, he means flying in to the, um the offshore substations and I don't. Well it may be appropriate for Mr. prior to comment but the distances of the wind turbines from that facility there are not that many and that are within a close distance.

00:48:43:27 - 00:49:22:15

And, and so I think the analogy may not be overly helpful. And maybe a general comment I was going to make earlier, which I think the the discussion led towards is if it weren't for the approach that we're sort of forced to take in this examination of the worst case scenarios. If we had a layout of turbines, think a more meaningful discussion could take place. And I think that's where it's very difficult to try and phrase the sort of protective provisions that are required because unless we know the planned location, we don't know what would work or what wouldn't.

00:49:22:17 - 00:49:23:17

So two points.

00:49:24:16 - 00:49:33:12

Okay. And Mr. Rowe, you also mentioned before sorry, I think I missed the point quite about the secretary of state receiving information today.

00:49:34:07 - 00:49:58:16

So the secretary of state that will the Hornsea four application is with the secretary of State and the Secretary of State has asked the CIA to comment on the status of their discussions and and their plans to update and policy and procedure. And that is due today. Um, so don't know what they're going to say, obviously, but hopefully that will come into the public domain within the next week.

00:49:59:12 - 00:50:05:16

Okay. Mean, is there anything that you have at the moment that could be submitted with regard to that? Is there anything that you have a view of?

00:50:05:27 - 00:50:37:28

I have no insight other than the comments that have already been made about the the once you're within three nautical miles, there are these additional restrictions on cloud based visibility and daylight only. And Mr. Prior earlier mentioned that the reduction in sort of flight operations was only a few percent. I think, um, where we're talking about the current flight to the Waveney platform, which are daylight only. Um, I wouldn't necessarily disagree with his number.

00:50:38:00 - 00:51:02:08

I might have got a slightly different one, but it's not a million miles away. But as soon as we get into a decommissioning phase, we are able to do day and night flights and to a rig. And we would not if we had turbines within three nautical miles. And then it is a very significant reduction in flight availability and the frequency of flights we're making is much greater. It's of order to a day.

00:51:03:07 - 00:51:14:29

Okay. Thank you. Can I come back to the applicant on that point about decommissioning? Because I know from the evidence submitted by Franco they're expecting a lot more flights, maybe a night flights as well. And yeah, how that would be affected.

00:51:15:12 - 00:51:50:20

Um, Mark Pryor for the applicant. Um, during, during the commissioning, of course there will be a rig in place, but flights can be scheduled to take place during the daytime. There will be more flights again. But as the data shows, the impact on the visual flight conditions, it is in fact quite small. And again, just to keep pushing this point, I'm afraid it's not a safety issue.

00:51:50:22 - 00:51:52:15

It is a commercial one.

00:51:52:18 - 00:51:54:27

What about the night flights? That could happen.

00:51:56:08 - 00:52:32:15

You could schedule the flights to take place during the daytime. Now, I know Mr. Harlow doesn't like me using the Blythe's as an example, but just south of DEP set there is the Blythe platform. There is a jack up working there now that has a heli deck on and of course that is restricted to only flying, which if you plan for the correct time of the year, you will have access more than 12 hours of the day.

00:52:33:07 - 00:52:35:22

Okay. Return to the applicant on that.

00:52:37:06 - 00:52:39:00

Simon Hawley for anything.

00:52:39:04 - 00:52:40:00

Sorry. Sorry.

00:52:40:09 - 00:53:05:00

The only thing I would say is that decommissioning takes much more than just one summer. And therefore saying that we could do two flights during the day in the summer. That might be true, but in the winter we're not going to achieve the workload that we need to do if we don't have access at night. So therefore, there will be a knock on effect on the decommissioning. What that effect would be would be for my colleagues to.

00:53:05:26 - 00:53:06:19

Speak on.

00:53:07:24 - 00:53:09:11

Understand. And

00:53:11:00 - 00:53:24:09

again, is that point about the economic impact, is that being quantified by what it could be if you can't get the same level of flights or waiting on flights?

00:53:26:28 - 00:53:40:29

You. I'd say that we're working on it at the moment. We're trying to assess the exact impact of the various restrictions. And obviously, if it's three miles, we have one answer. If it's. One mile. It's another answer. Yeah.

00:53:41:04 - 00:53:47:01

I mean, could you provide that sort of information so we can see that in terms of an economic impact?

00:53:47:22 - 00:53:50:23

We could provide some sort of range, probably. Yes. Yes. That's great.

00:53:50:25 - 00:53:51:16

Thank you very much.

00:53:51:19 - 00:53:57:12

Men would say that on the decommissioning side, obviously, that's in three, 4 or 5 years time. So.

00:53:57:14 - 00:54:02:18

Yes, so 20, 30, I think it was somewhere like that, wasn't it? Okay. Um.

00:54:07:01 - 00:54:43:09

And so just just to clarify that the evidence that we have requested, based on the representations heard from both sides, there's a few points which I just want to highlight. One was about current practice. So if there's any further evidence that can demonstrate that, um, but with respect to current practice, uh, your, your representation talked about wind and how that has affected the current practice and some of the current platforms and would probably not favour it in this particular platform.

00:54:43:11 - 00:55:18:05

So any evidence to support that would be helpful. Economic impact, as Mr. Rennie has already said, if that's greater than what the applicant might have taken into consideration. The third point, which I hope I've understood this correctly, but any further supporting information would be helpful. Mr. Pryor, you said that you've had sight of the new guidance. You've run your figures on it and you feel that there'll be a further loss of roughly 2%.

00:55:18:22 - 00:55:47:21

Franco yourself, you've said that that is probably not accurate and it might be greater than that. Think it was Mr. Rowe who said that. So if we can have comparative information on that, that will be really helpful. Um, and then finally, if there's anything that's being submitted to Hornsey for which is in the public domain, which you feel would be relevant to this examination, should come into this examination. So please do submit that relevant information to us. Um.

00:55:49:20 - 00:56:18:20

That's it. Well, so think that's one, um, combined action point for both sides. Um, but then at the same time, I think Mr. Rennie had one action before this is to think about what kind of cooperation potentially could happen, which could be written in right now for, to satisfy both parties or yourselves. Um, that, that would be taken into account later on. I think that's the two, two overarching things.

00:56:19:18 - 00:56:21:03

Yeah. Hopefully that's the way forward.

00:56:21:05 - 00:56:21:20

Yeah.

00:56:22:14 - 00:56:27:00

Thank you. Someone else got any comments on this agenda item?

00:56:30:23 - 00:56:41:07

No, thank you. Well, thank you to everyone on that one. And we'll move forward to talk about civilian and military aviation radar. Okay. Thank you.

00:57:00:09 - 00:57:36:12

So, yeah, first of all, if you can talk about civilian aviation as much as anything, just an update. Um, so there's been little in the way of correspondence related to civilian aviation impact, particularly radar impacts. Um, I also note that there's not likely to be a statement of common ground with Nats or National Air traffic services. However, Nats have stated in the latest correspondence that whilst they cannot attend this hearing, it has identified and defined a technical mitigation for the site and is currently engaged with the applicant in respect of securing the contractual agreement to secure the implementations of this mitigation.

00:57:36:20 - 00:57:48:26

Therefore, can the applicant give me an update as to the discussions with Nats from the applicant's perspective and any time frames towards necessary mitigation so that the current Nats objection will be withdrawn?

00:57:50:24 - 00:58:21:13

Tomorrow on behalf of the applicant. So, yes, that submission by Naz is completely correct. And we, the legal teams are talking to one another already. The contractual agreement we're expecting over before deadline three. Um, whether that can be agreed before deadline three. Um, we're hoping it will be able to, um, but if not the subsequent deadline.

00:58:21:25 - 00:58:25:08

Um, so yeah, that's the update on that.

00:58:26:27 - 00:58:30:26

And can you let us know a bit about what do you expect to be within the mitigation?

00:58:32:28 - 00:59:03:27

So Nats will produce a mitigation document and we expect this to consist of some radar blanking like has been put in place for the previous projects. Um, that work hasn't taken place by not yet. So obviously we've not. Seeing what's going to be involved in it. Yes. They inform us that they've identified the mitigation and they're, you know, happy with the course of it. So, yeah.

00:59:03:29 - 00:59:07:29

Okay. So they're essentially coming to you with the plan and then for you to agree that if you're.

00:59:08:09 - 00:59:16:13

Exactly that's what the contract will cover is then to go ahead and investigate the mitigation and to be taken forward.

00:59:16:21 - 00:59:20:26

And does that include mitigation in relation to Norwich Airport in particular?

00:59:21:28 - 00:59:55:14

Yes, it does relate to Norwich Airport and that they get secondary radar feed from Class B and Cromer. Um, so there's a little change of personnel at Norwich Airport. So we're a little bit behind on the statement of common ground that is being progressed and the Statement of Common Ground is currently sat with Norwich Airport. We hope to submit that deadline three with agreement on all points. Um, there is a link between the mitigation for Nats and um and Norwich Airport.

00:59:55:16 - 01:00:04:19

Yes, and that's a point for the safeguarding team at Nats and a discussion. So we, we are picking that conversation up between those two parties.

01:00:04:25 - 01:00:09:07

don't think we've heard much from Norwich Airport. So a statement of common ground would be very useful, I think. Thank you.

01:00:12:00 - 01:00:16:28

Is there any other comments anyone else has got in relation to civil aviation? Peter.

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

No. Okay.

01:00:22:08 - 01:00:28:12

In that case, just moving on to, um. Uh, military radar. Um.

01:00:31:02 - 01:00:56:18

So this is the Ministry of Defense radar installations at Neatest head and Trimming turn. The latest correspondence from the MOD or the Defense Infrastructure Organization, stated that there has been no mitigation plan provided to them from the applicant relating to their Norfolk radar installations. So first of all, for the applicant, is that still the current situation or has mitigation been presented as a plan to the.

01:00:59:15 - 01:01:30:09

Tomorrow on behalf of the applicant. So the applicant is fully committed to mitigating the radar head, whether it be located at trimming or neatest head. Um, in terms of the radar mitigation proposal, we've had discussions with the safeguarding team and we've sent them communications recently just to clarify the requirements for that mitigation proposal, waiting their feedback on that.

01:01:30:17 - 01:01:36:14

Okay. Can I begin, Mr. Horton? Think it is from Defense Infrastructure Estates.

01:01:36:27 - 01:01:55:23

Good afternoon. Yeah. James Horton from Safeguarding. Um. Yeah, absolutely. Agree with the applicant. We've received correspondence from them. We're currently considering that correspondence and we're looking to engage with the applicant in due course when we've got an outcome from that. So, yes, we are reviewing their position at this time.

01:01:56:08 - 01:02:08:07

Okay. And can just follow that up with just in terms of the process. Are you expecting the applicant to put forward a plan for mitigation or are you looking to suggest one to the applicant?

01:02:08:29 - 01:02:18:17

We would normally look for mitigation to be suggested by the applicant on the basis of submission. We've got at this time we are checking that and we're reviewing it and we will come back with what we've got here.

01:02:19:05 - 01:02:19:27

Okay.

01:02:20:03 - 01:02:31:02

And for the applicant then, what would you regard as being the next stage? Is that when you hear back from the DIO and then.

01:02:32:21 - 01:02:36:17

Yeah, maybe much work after that. At that point it was what I'm trying to get at.

01:02:36:29 - 01:02:47:06

Yeah. So it's just completely dependent upon what we hear back next from Safeguarding Team. So we're looking forward to the to that and progressing it towards an agreement.

01:02:47:12 - 01:02:48:02

Okay.

01:02:48:04 - 01:02:54:12

And Mr. Horton, do you know when you might be approximately getting back to the applicant with that feedback?

01:02:54:25 - 01:03:05:23

I would hope that we can do that before the next deadline. I can't guarantee it and can't pre-empt any feedback we get from the internal consultees and that sort of thing. Okay. I would hope so, but I can't guarantee it.

01:03:06:06 - 01:03:14:17

Okay. And until that that that is all agreed, I take it there will still be the objection to the to the application.

01:03:14:19 - 01:03:16:06

Yeah, we'll keep that in place, please.

01:03:16:21 - 01:03:27:05

Okay. Um, is there anyone else who's got any questions to do with the matter of the Ministry of Defence Radar Installations?

01:03:28:26 - 01:03:37:29

No. Well, thank you for that. Um. I think we can move on. Is there any anything that anyone else wants to add at all about aviation or radar?

01:03:40:04 - 01:03:43:24

Right. Okay. Thank you. Um.

01:04:00:21 - 01:04:29:01

Yes. Okay. Yeah, we just we just mentioned that we're going to put in a couple of here in action just to cover that, just to note that we're expecting some of that information hopefully back or at least an update, um, by deadline three. Um, so what I'm looking to do then is move on to agenda item number seven. Um, commercial fishing. Um, so have some questions related to this item. Um.

01:04:38:20 - 01:04:43:12

So a couple of questions to the applicant. Um, firstly.

01:04:46:02 - 01:05:25:18

This is to do with electromagnetic fields. Um. I've noticed that the national policy statement suggests export cables should be buried at a sufficient depth, suggesting 1.5 minimum. Amongst other forms of mitigation against the potential impact of electromagnetic fields on fish. Um, so first of all, for the applicant, your study states that the second DEP offshore export circuit mitigate the impacts on marine life by burial techniques which reduced the fields.

01:05:26:00 - 01:05:47:03

Um, is there a concern or is there an issue where you might not be able to bury the cables? Um, because of the underlying geology, for example, very thin sediment or something like that, um, where possibly cable protection would be needed.

01:05:49:10 - 01:06:20:08

Paul Morgan for that weekend. So yeah, guess the first thing just to clarify with there would be no unprotected surface laid cable. So we did our barrier in the seabed or lay cable protection on top of that. Yes. So the. The cave. I guess the other key point is that reduces as a function of distance from the source. So if you were to leak protection on top of that, there would be a a reduction in that as well. So.

01:06:21:21 - 01:06:57:17

In terms of the assessments. They are covered in section 9.6, .2.8 of Chapter nine Fish and Shellfish Ecology, which is AP 095. And in respect of commercial fisheries in section 12.6 .2.5, which is um AP 098. So, yeah. So the burial of offshore expert cables reduces the EMF. And the projects also use armoured cables for mechanical protection, which acts to reduce the mass produced. And also the use of single three core cables compacts, the circuits which reduces the IMFS and localizes these significantly.

01:06:57:24 - 01:07:35:24

So the project specific EMF assessment that you mentioned, which is to seven nine, uh, describes the magnetic fields from all the various scenarios and that that describes they reduce to very low levels within a few meters from the circuit. And that they do assume a one meter cable depth. Uh, so can just run through. Just summarize what the results of that assessment show. So under the, the worst case cable circuit scenario, um, the at the cable circus circuit would be 1653 micro Taser.

01:07:35:26 - 01:08:06:26

But assuming a cable depth of one meter at the surface of the seabed, the magnetic field would be 27 micro Teslas. Yes. So yeah, but it's also important to note that those calculations don't take account of the shielding factors of the cable armoring which would further reduce the field. So just in terms of a context, the the background measurements of magnetic field in the southern North Sea we know are approximately 50 micro Teslas.

01:08:07:09 - 01:08:57:09

So whilst there is potential that boreal depths shallower than one meter would be achieved, which could result in levels higher than 27 micro Tesla, these would still be below those expected to result in significant physiological or behavioural impacts on fish and shellfish ecology and particularly those that are commercially exploited and also along the majority of the cable routes that would be below ambient measurements. So where the external cable protection is, is used, uh, to protect the cables that are unable to be buried to an adequate depth of the barrier provided by those would be expected to attenuate by a factor approximating that are that of a boreal depth of about 0.5m, given that that's the height of the cable protection.

01:08:59:11 - 01:09:30:14

And so it allows me ranks which are in the class of shark, including sharks and rays are the are the most sensitive to effects. And these are defined as having a medium sensitivity in chapter nine fish and shellfish ecology. And then in chapter 12, the Commercial Fisheries chapter, it's noted that a large banks do not form a targeted fishery in this area, and they're not taken in significant quantities as retained or non-target species by any of the fleets in operation across the seven day offshore sites.

01:09:31:05 - 01:09:54:29

It is shellfish that dominate fish landings from the regional study area and these are considered to be a low sensitivity to effects. It's also noteworthy that that the evidence from post-construction surveys of

round one wind farms, including Kentish Flats, lend another dousing and burble. Bank and barrel show no significant effects to fish populations as a result of.

01:09:56:24 - 01:10:42:21

And also in addition, scientific recent scientific research investigated the effect of exposure on brown crab, which is, as I said, an important point commercially caught species in the seven DEP, uh, commercial fishery study area. So that study tested strengths of 250 500 microstates and 1000 micro Teslas and measured stress related parameters and behavioral responses to brown crab in laboratory conditions. The study found that there was a clear attraction of brown crab to shelters exposed to strengths of 500 micro Teslas and above, with a significant reduction in time spent roaming a this stage still in those exposed shelters.

01:10:43:08 - 01:10:51:17

However, no differences were found between the brown crab exposed to 250 micro Teslas and the control group which were not exposed to EMF.

01:10:53:15 - 01:11:16:24

So yeah. So responses were recorded at strengths of 500 micro Tasers, which is over ten times that predicted the predicted level to be produced by the projects, assuming a capable body at one metre depth. So yeah, therefore, based on that, it's our position that EMF is not predicted to have a significant effect on fish species.

01:11:16:27 - 01:11:27:20

Could you just, just go back to what, um, a little bit from what you said, you said with cable technicians about 0.5m. So what would be the impact with that? Sorry, didn't, didn't catch what?

01:11:27:27 - 01:11:36:19

So and the study doesn't specify the EMF for that. It doesn't have a specific micro Tesla.

01:11:37:04 - 01:11:39:24

So it's an equivalent of a point five depth. Yeah.

01:11:39:26 - 01:11:40:11

So

01:11:42:09 - 01:11:52:05

because the reduces as a function of distance, that would be a guess in the region of 50 to 100 likely at the lower lower end of that. Um.

01:11:53:09 - 01:12:01:27

Okay. Um, can I just ask if anyone is still there from the, um, Eastern inshore Fisheries who might want to comment on.

01:12:06:08 - 01:12:33:29

That's not the homebrew from Eastern Shore Fisheries. Um, don't have too much to add to that. Really think just that are kind of our main concern has been that there's not always enough known about the full extent of impacts and that perhaps we can learn and monitor impacts and, and learn from this for the future from, from the wind farms and exist in and other wind farms that are being planned.

01:12:36:02 - 01:12:45:08

Okay. Thank you. And, um, I believe, um, Mr. Jonas from Jonas Seafood is here. Do you want to introduce yourself, sir?

01:12:49:12 - 01:13:03:27

Uh, yeah, I'm Kevin Jonas, and I run Jonas Seafood in In Cromer. Um, would you like me to speak specifically? Because I've nothing to say about the emphasis. It's more on the point. Point two of commercial fishing.

01:13:05:15 - 01:13:22:15

Um, well, we'll come to that in in just a minute, but I'll make sure I've got a couple more questions and then we'll come back to that point. Um, just, just on the point of, um, though, is there anything that MMO wants to add? Are they still. Yeah.

01:13:25:24 - 01:13:28:07

So. No. Okay.

01:13:31:26 - 01:13:34:24

Comments. Um. Okay. Um.

01:13:37:15 - 01:14:12:06

So the the. Follow him point was going to relate to the fishing industry and compensation to mitigation against fishing restrictions. First of all, for the applicant, as discussed in the previous offshore hearing and as set out in the relevant chapters in the IS, there was anticipated to be an impact to the fishing industry, particularly the potting fleet in the area around the southern North Sea. The explains that for the potting fleet they would need to be what is termed as justifiable disturbance payments as compensation.

01:14:12:21 - 01:14:21:23

Um, what I'm looking for is just maybe an update with discussions with the various aspects of the fishing industry about this mitigation and how this has progressed.

01:14:24:17 - 01:15:00:25

At tomorrow's on behalf of the applicant. So in terms of those payments, the the timing at present isn't the kind of correct timing to start discussing the details of those payments. So, um, yeah, as detailed in the fisheries coexistence plan, the outline plan, there are several steps in terms of smart marine operations, uh, coordination of rolling survey areas, role and construction zones.

01:15:01:14 - 01:15:38:16

Um, and subsequent to that, any payments will be made based on, um, you know, most up to date evidence at the time considering the earliest construction dates that we've given and obviously the later construction dates that are possible, it wouldn't be normal for us to enter into those discussions at this time. Nevertheless, that that plan and provisions and the flow guidelines to which that process will follow have all been have all been spelt out in specifically in terms of compensation payments.

01:15:38:18 - 01:16:14:11

We have obviously experience from the existing wind farms and last year in 2022, we followed the same process and made disturbance payments for survey operations. Obviously we have a fisheries liaison officer who's engaged in the project. Um, their details have given in that outline plan. Um, so the process is there and it's been working for survey, but it's not appropriate yet to, to progress those discussions for the actual construction phase of the project.

01:16:14:13 - 01:16:28:00

Okay. And can you just give me a quick overview of how you would identify those who would be in identify those who should get the compensation and how that would be assessed?

01:16:31:16 - 01:16:35:15

And yeah, the details of that are, um.

01:16:38:04 - 01:17:18:05

Basically through the fishermen's organisations and the contacts we already have through the Fisheries Liaison Officer. Mhm. Um, and it would then be a discussion around obviously we'd like to move through the smart marine operations in terms of discussions about how that impact could first be mitigated or managed and then look at the evidence for any payments subsequent to that. Um, obviously with the nature of the industry, stakeholders come and go and, and yes, we have obviously have to give time for that to happen.

01:17:18:08 - 01:17:21:27

Um, considering the construction timelines of the project. So, but you.

01:17:21:29 - 01:17:29:24

Would use lines of communication through existing fishing organizations, first of all, to identify those who. May be impacted, Is it?

01:17:30:11 - 01:17:42:06

Exactly. You know, and there's there's a range of information channels outside of these fishing organizations as well where people could make contact with us.

01:17:43:29 - 01:17:44:18

Okay.

01:17:45:20 - 01:17:51:23

Um, would Mr. Jonas like to make any comments or points that you want to make at this point?

01:17:53:06 - 01:18:23:10

Yes. Thank you. Um, I'm pretty much going to go down to repeat what I said at the at the open floor hearing in Norwich back in in January. So apologies if you've heard this before, but it's pretty much the same, the same points, but thought I'd take the opportunity to to address the issue specific hearing here today. So, yeah, my name is Kevin Jonas. So say run Jonas Seafood in Cromer in Norfolk. And I'm just I'm just trying to highlight the position that Jonas Seafoods find themselves in.

01:18:24:01 - 01:18:59:24

I have previously spoken to Atkin directly regarding our concerns. Whilst offshore wind farm developers are legally obliged to negotiate in compensate affected fishermen, there is no support for our company that is entirely dependent on the supply of their catch. We supply supermarkets across the UK with locally caught crab and lobster, employing between 60 to 70 staff all year round, whereby some distance the largest process of crab and lobster in East Anglia. Our annual payroll is around about 1.6 million and we spend about 1.1 million with the local fishing industry.

01:19:00:27 - 01:19:33:03

During the last construction phase of the Dudgeon wind farm, we suffered terribly due to a lack of supply. All of our details can be verified by our accountants and our buyers and sellers. Receipts to the Marine Management Organisation. We were only able to purchase around 350 tonnes of crab at that time. Since the cessation of operations in both the Dudgeon and Rosebank development, which was around about 2017 and for the dudgeon and early 2018 for the Rice Bank, we have seen our purchases rise to around 550 times per year.

01:19:34:08 - 01:20:05:22

We have made a steady profit being able to make use of the extra 200 tonnes per year but were encouraging incurring large losses before this increase. Now, Equinor will rightly point out that they

cannot account for every subsequent loss for every business in the supply chain. That's that's obvious. But my point is that we're a special case. We operate a factory that can only process crab and lobster. Over 27 years since when started the business, we've developed a workforce that is skilled in processing the smaller crab that is found in this part of the coast.

01:20:06:00 - 01:20:39:24

The smaller crab does not lend itself to the export market and therefore requires a specialised factory like ourselves to process for the domestic market. We cannot purchase crab from out of the area as it's generally much larger and fetches a greater price on the market due to its export potential. It may be said that the overall area of the sea required for this development so very small in comparison to the whole of the sea available off our off of our coast. I do understand this argument, but my point is that if fishermen are being paid not to fish, then we simply do not see the volume of catches for our production.

01:20:40:24 - 01:20:52:18

It's simply not feasible to operate on the much reduced volumes that were available last time. The falloff of catches can be seen in the database attached to my post submission statement on the 17th of January.

01:20:55:14 - 01:21:20:21

And I think I believe most reasonably minded people can see the need for windfarms and the green energy equinor. Equinor will make all the right noises inasmuch as looking after all parties and indeed state as much in their vision statement. Of course, fishermen should be compensated for loss of access to grounds, but for us the effect will be devastating. And if we do not, if we do close, I believe it will be a huge loss to the local fishing industry and economy.

01:21:21:17 - 01:21:23:11

Thank you very much. Thank you.

01:21:24:03 - 01:21:26:12

To the applicant. The sponsor that.

01:21:28:03 - 01:22:02:11

Yeah. To Morris on behalf of the applicant. So yeah, first of all, like to say we hear what Mr. Jones is saying and we are receptive to that and want to continue a dialogue. A compensation payment would follow the flow guidance and there isn't in there anything on paying compensation to, um, you know, the likes of Jones's seed food. And I don't think that's happened on any of our projects either, and that is our position.

01:22:02:26 - 01:22:51:26

Um, Mr. Jones obviously highlights a correlation between the amount of crab we purchased and the constructions of, of wind farms, including Rice Bank and dudgeon. Um, and that's compelling. However, also we paid large compensation payments last year in 2022, when there's a less clear correlation, um, with the amount of crab purchased. I'd also like to reiterate the importance of those smart measures within the coexistence plan, um, and how important they will be to first mitigate and manage the impact rather than go directly to, to payments.

01:22:52:11 - 01:22:52:26

Okay.

01:22:53:03 - 01:23:09:18

But, um, do you, would you accept that there could be special cases that, like Mr. Jones has put forward where they might not come within the flow guidance, but at the same time merit some sort of potential compensation?

01:23:20:04 - 01:23:47:01

Yeah, I think our position remains that the flow guidance was developed specifically for the mitigation of the impacts on the fishing industry and that is the appropriate guidance where to follow. Um, so currently we don't see a case for a special case for additional compensation outside of that.

01:23:49:04 - 01:23:49:20

Okay.

01:23:52:01 - 01:24:13:18

Um. I just want to see if I could bring in the Eastern Inshore Fisheries Conservation Authority on this point about the impact to. Well, fishing. But also if you wanted to make any points you wish on fish processors in the area. We'll see food processors.

01:24:14:02 - 01:24:45:12

Thank you. Samantha Thornberry from Eastern Fisheries. Um, what I'd just like to say is don't have too much to add. It's it is really for the applicant to agree compensation with fishing industry members, but we support that. All industry members are involved in those conversations and that processors such as Jonah Seafoods will be directly impacted as described and would support any compensation for consideration of compensation packages.

01:24:47:04 - 01:24:48:16

Thank you. Thank you.

01:24:51:25 - 01:25:31:14

Okay. Um, thank you for all that. I just like to bring in a few questions that I held off from earlier when we were talking about the the oyster beds that, um, could potentially come forward, um, and maybe its effect on fishing and fish species. Um, so one of them was, um, first of all, I think for the applicant, would the oysters and the culture provide food for fish species? And if so, would that change or impact existing fish species, species composition in the area and their numbers or stock?

01:25:35:21 - 01:26:12:15

Paul Morgan for the applicant. So I guess when answering this question, it's first important to note that any change in the extent or distribution of species fall in the line of couch and oyster is dependent on many variables. So that includes the localized environmental conditions, the sediment type, the hydrogen and regime. Biological communities and the level of change produced by the new habitat. So that could include the density of oysters that's eventually reached and how that affects overall diversity and abundance of other species associated with the bed.

01:26:13:20 - 01:26:38:10

So there's not a lot of studies to base. There's not a lot of evidence really at the minute. At Strangford Loch in Ireland, which is obviously a very different environment to in Cromer, where wild native oyster beds still exist. It was found that species richness was up to three times greater and native oyster beds than on nearby hard substrate with an oyster and also on.

01:26:40:14 - 01:27:11:20

Blue muscle and horse muscle beds. It's been shown that the there's a higher concentration of small fish such as gobies. And then these are also likely to attract juvenile fish and then their prey species that will prey on on those. So in that context, there are that could potentially increase the abundance

of commercial commercially caught species. But. And in the case of our proposals, it would be very localized.

01:27:11:22 - 01:27:30:19

And it. Yeah, it wouldn't. Given the relatively small size of the oyster bed and and the and the context of the fish and shellfish populations in the wider region, we would not expect that any detectable change in the regional population sizes or commercial London's okay.

01:27:31:06 - 01:27:34:16

Thank you. Mr. Jones, have you got any comments to make on that?

01:27:36:13 - 01:27:37:29

On the oyster beds?

01:27:38:01 - 01:28:00:19

Yes, there's a potential that an oyster bed would be planted as a form of compensation. Um, so, um, and just whether you would know of any experience of how that might affect fish or shellfish in the area if such as such a, um, oyster bed was. Introduced.

01:28:01:10 - 01:28:11:10

I really don't. Spent my whole working life with having lobster, and I. Knew nothing of the oyster beds. I really have nothing to add on to bed early.

01:28:12:01 - 01:28:20:06

And there's never been oyster beds that you know of in this area. No, there isn't anything at the moment. But in the past that you would know of just a few.

01:28:20:08 - 01:28:22:25

Of brancaster, I believe I really have very limited.

01:28:22:27 - 01:28:29:14

Knowledge. Okay. Thank you. Um. Is there anything else that the.

01:28:33:12 - 01:28:37:07

And the fishing eastern inshore Fisheries wants to comment on.

01:28:39:08 - 01:28:44:03

Not the whole of me standing for fisheries. Nothing more to add from us. Thank you.

01:28:44:13 - 01:29:20:20

Okay, I'm just got you there. Sorry. Um. The three states that mitigation should be designed enhanced to reasonably possible. Where? Reasonably possible to potentially. Sorry, where reasonably possible. Any potential medium or long term positive benefits to the fishing industry and commercial fishing stock. So from your perspective, um, could the restrictions on commercial fishing for periods of offshore construction, for example, could that actually have some benefit to fish stocks in the area of the cable corridor, wind farms themselves?

01:29:23:24 - 01:29:26:10

And it's not the one recent into a fisheries.

01:29:28:02 - 01:29:38:05

And off the top of my head, I don't think I could give you an answer, but it's something. Could. Could look go and look away and provide an answer, too. Right. Okay.

01:29:38:16 - 01:29:50:17

I understand there's going to be restrictions to fishing. So I was just sort of thinking from the other side of things, whether that could be, um, maybe have some sort of beneficial impact in the long term for fish stock.

01:29:51:17 - 01:29:58:13

Sorry. Can I just come? Are we talking about the proposed me the oyster beds or the cable?

01:29:58:15 - 01:30:10:00

No, just in general, really? In general, where you've got fish and restrictions for some time. Whether there could be some sort of beneficial aspect to that for things like fish stock.

01:30:12:03 - 01:30:36:15

I'm aware of some studies in other areas of the UK where some, um, some fishing restrictions have had kind of benefits to, to shellfish stocks. Can't remember those off the top of my head. Um, and the size of those may need to be quite significant to have those benefits. So that would be a consideration.

01:30:37:00 - 01:30:37:15

Okay.

01:30:37:17 - 01:30:46:21

Thank you. And are there any other enhancements or benefits that could come from the proposed development or the mitigation proposed for the fishing industry, in your opinion?

01:30:53:20 - 01:30:56:25

Yeah. Nothing. Nothing else to add at the moment. Thank you.

01:30:57:09 - 01:31:18:01

Okay. And last question for you. Does the does the conservation authority accept that there would be a need for some restrictions on commercial fishing due to the cables being laid, for example, along the route of the cable corridor? Um. Is that something that you accept is going to be the case here?

01:31:19:15 - 01:31:27:11

Yes, we we understand that there will be some restrictions required during the the construction phases. Okay.

01:31:28:04 - 01:31:45:11

And a few in terms of the route of the cable corridor, for example, or the position of the wind farms, Are you is there any are they particularly harmful or do they have particular impact to commercial fish and activities, in your view, rather than other positions around this area?

01:31:46:26 - 01:32:18:03

So I can only comment within the cable corridor. That's the wind farm doesn't sit in our district, but the cable corridor is in an area that's important to the possum fishery, particularly that inshore area. And there could be potentially significant impacts, particularly to vessels who port near to Weybourne. Whether the cable route comes in as they would likely be most impacted.

01:32:18:23 - 01:32:30:12

Um, and the the vessels that take part in the potting fisheries are very fairly small in size and so they're often limited in how far they can travel to get to alternative grounds.

01:32:31:06 - 01:32:37:11

Nice. I understand. Okay. Thank you. And does Mr. Jonas want to add in on those points?

01:32:37:21 - 01:33:15:03

Yeah. Hello? Yeah. Yeah. Kevin Jonas again? Yeah. So, Mr. Morris just mentioned about compensation paid in 2022 for survey work on both the Dudgeon and Sheringham show. My point is really that the small amounts of compensation for small times is not such. It doesn't have such an effect that I'm not I'm not party to how long they were paid for. But it was a relatively small time, I believe. But what we see in the last period of construction, which went on for 2 to 3 years, is a prolonged period where the guys, the fishing industry, um, um, get work were receiving payments and knew they were receiving payments.

01:33:15:05 - 01:33:47:27

And we see a real huge drop off in, um, in fishing effort and therefore catches. And obviously it seems as though that equinox will fall back to the flow guidance and, and that's fair enough. But all I can really say is represent my own company and say what the devastating it had effect on us last time. And I can see it being exactly the same again and the potential and the huge potential that would have on, on my business and um.

01:33:47:29 - 01:33:51:27

And what sort of impact do you think in terms of scale of impact that it would have in your business?

01:33:52:00 - 01:34:20:05

Well, we need with the staff that we have, we need to sort of round about the 500 tonne to, to, to, to be able to process all year round. And what we found last time is the 350 tonne uh, didn't enable us to process all year round. So we made, you know, substantial losses during the winter period where we shut down for about six weeks. We had no stock at one point. Um, and obviously that is a 70 odd staff that doesn't work.

01:34:23:12 - 01:34:31:24

Were you are you able to demonstrate that that effect on your business was primarily due to the wind farm?

01:34:33:15 - 01:34:52:03

I believe so, yes. We can do that. I've sent a simple document around, but could we? So we send all our buyers and sellers returns into the MO to match up with what the catchers are sending in. Um, and yes. Yeah, I could demonstrate that. Yeah. Okay.

01:34:52:05 - 01:35:05:28

So think that could be an action point for yourself? Um, and just looking at the evidence that we've got from you or representation that we've got from you, an examination of both the hearings and in writing, um,

01:35:07:28 - 01:35:48:03

you just might need to strengthen the point about why you're a special case and think that's, uh, that's, that is for us, but it's also for the applicant. The applicant has a set seizure that it's following. They have a sequence flowchart that determines who gets the compensation and why you're telling them that they should deviate from that process. Why should that be the case? And I think evidence to prove that how what effect a previous development of this nature has had on your business, I think would, um, really benefit us understanding and potentially the applicant understanding.

01:35:48:05 - 01:36:02:01

So, um, while, while we understand in principle we can, we can see in principle how this supply chain has, has affected you, if you could just support that with evidence, that would help.

01:36:02:18 - 01:36:06:26

Yeah. Great. So that would be able to do that. And the post submission hearing for this hearing, is that correct?

01:36:07:02 - 01:36:27:02

You can do that for that. But what I have been suggesting, just to move things along because next deadline is deadline three, which is in May, is that you may because some of this involves a conversation with the applicant, you may actually submit it to the applicant beforehand so that a deadline three, what we see is potentially things having moved forward between yourselves and the applicant.

01:36:28:10 - 01:36:33:03

But would the applicant have a responsibility to respond to me in that case?

01:36:37:17 - 01:36:57:16

I understand, Tom. Sorry. Tom Ross, on behalf of the applicant, understand, What you're asking is that Mr. Jonas submit to us so that it DEADLINE three The update to the panel is not a is is a reaction to that rather than. From this moment onwards.

01:36:57:18 - 01:37:21:26

It's potentially so if if Mr. Jonas can say to make his case of why he is a special case and from what he's saying right now, the reason he's a special case is because of the effect that a previous development has had on his business. And if he's able to demonstrate that, then perhaps we can get your reaction to that submission alongside his submission and Deadline three.

01:37:23:11 - 01:37:33:00

Yes, certainly. Think what we should do is set up a meeting to discuss that. Look at the information Mr. Jonas can provide us and then provide an updated deadline. Three.

01:37:33:02 - 01:37:37:20

That's perfectly sensible to me. Yeah. Okay. Thank you. That's all.

01:37:46:15 - 01:37:47:00

And push it.

01:37:55:16 - 01:37:56:01

Okay.

01:38:08:12 - 01:38:08:27

Great.

01:38:09:08 - 01:38:18:29

Yeah. Okay. Um, well, thanks for that. Um, is there any other comment anyone wishes to make on the issue of commercial fishing before we move on?

01:38:21:06 - 01:38:22:00

No. Okay.

01:38:22:17 - 01:38:31:28

Um, so I want to move on to agenda item eight, which is draft matters. Um.

01:38:33:16 - 01:38:39:27

Should I just check if members from the MOH are available at the moment?

01:38:44:17 - 01:38:46:13

Christie power management organization.

01:38:46:15 - 01:38:47:25

Yes, we're both here. Thank you.

01:38:48:12 - 01:39:18:10

Good. Thank you. Because yeah, this this relates to some of the comments that you've made in particular, which I want to raise today. Um, so this firstly want to talk about this Article five in the draft development consent order, which is the benefit of order, um, which essentially allows for the transfer or temporary lease of benefits of the order, including the what are now draft Marine licenses. Um. And.

01:39:21:00 - 01:39:31:07

How this would work in practice and how this differs from the usual process with Marine licenses. So first of all, just for the applicant.

01:39:33:03 - 01:39:41:19

With the the provisions of the Marine and Coastal Access Act 2009 allow for transfer or lease of benefits of the Marine license.

01:39:45:24 - 01:40:06:20

I'll just introduce myself as this is the first time I've spoken today. So I am Laura Fuller of Burgess Sam as Lister and senior associate of Burgess Salmon, representing the applicant. Um. I'm not going to pretend that I know that legislation better than the. But that is that is my understanding. But perhaps they would want to confirm that themselves.

01:40:07:12 - 01:40:26:05

Okay. Well, we'll come back to MMO in just a minute. Oh, no, actually. Okay. We'll go back to the on that point. Um, it's, it's my understanding from what you've submitted, there is provision for, um, a transfer of benefits within your act. Could you just, um, just set that briefly for us?

01:40:27:20 - 01:40:41:07

Christie Powell for the Marine Management Organization. The Marine and Coastal Access Act does have provision for the transfer of a benefit. However, this would be undertaken through a variation to that license, which would have to be authorized by us as.

01:40:41:09 - 01:40:41:25

The.

01:40:42:17 - 01:41:05:18

Licensing authority. There is no provision in the Marine and Coastal Access Act for the temporary lease in any part of a license. The other concerning point is where the applicant would like to temporarily would like to transfer part of the benefit of the order. There is no concept for that. Under MAKO it would be the entire license is transferred over, not just part of it.

01:41:08:18 - 01:41:23:02

Okay. Thank you. Well, hearing that, just to return to the applicant about why the applicant is seeking this route through the for transfer of lease or the benefits, not just of the order, but particularly the the Marine licenses.

01:41:24:10 - 01:42:08:05

Laura Fuller for the applicant, says We saw the most detailed comments on this at line two and obviously have been considering those prior to this hearing. As part of that, we have undertaken a further review of article, you know, similar the same article in other Echo. So the precedents should just note that there is precedent for the wording that we have included. It was included in Hornsea three and Hornsea four. However, also note that more recently there has been a very slight tweak to some of the drafting in Norfolk, Vanguard and Norfolk, Boreas and A1 North and A2, which actually only provide for the transfer of the whole of the north part.

01:42:09:03 - 01:42:20:25

Um, so in considering all of that in the round, we are actually proposing that we would make an amendment to the draft to address this point. Um.

01:42:22:13 - 01:42:53:27

That that would comprise of amending the wording to make it clear that that it would only provide for the transfer of the whole of the Marine deemed Marine licenses. So the whole of each of schedule ten, 11, 12, 13 and not allow for a transfer of part that wouldn't be included. And also we would be willing to amend the wording so that it only provides for the transfer of the deemed marine licenses and not a lease in the hope that that will address the main concerns.

01:42:55:22 - 01:42:59:12

Okay. If I could return that to, um, representative from the MMO.

01:43:00:29 - 01:43:05:17

Kristi Powell from Memory Management Organization. Yes, the.

01:43:06:17 - 01:43:10:02

Removal of the transfer of part of the benefit and the removal of the.

01:43:10:04 - 01:43:14:15

Reference to leasing the benefit would satisfy the part of our.

01:43:15:25 - 01:43:22:17

Deadline response that raised them. Um, our only other concern is the provision that the.

01:43:24:04 - 01:43:45:00

And apologies. I'm just getting the arkell up. But the provision that the Secretary of State would be in charge of the transfer of the marine licence and that isn't how standard marine licence and marine licence variations happen. It is a variation that comes into us and we are the ones that approve it with notification to the Secretary of State.

01:43:46:08 - 01:43:48:12

So there may need to be further amendments there.

01:43:50:20 - 01:44:15:16

Okay, just return it to the applicant. I did notice that usually it is the MO for marine licenses who have this decision. But I think in the it sort of refers to consultation with the. But the director of state making the final decision. Um, is there some way that um, the is what the MMO is seeking could be incorporated that that for the marine licenses it would be the making the decision.

01:44:16:03 - 01:44:45:12

Laura Fuller for the applicant. I accept that if we were talking not talking about deemed marine licenses that sit within the DCO and the fact that the itself has other provisions relating to offshore, um, and that if you were just dealing with the marine license under the relevant legislation, the 2009, then yes, that would be the case. The memo would be the, the, the, the relevant body to make that decision, however.

01:44:47:05 - 01:45:03:13

It's routinely been accepted by the secretary of state that they are the appropriate body. When it comes to a DCO and deemed Marine licenses to include this provision, that wording is is entirely precedented.

01:45:07:20 - 01:45:47:18

As I referred to earlier, think you have to consider that we're talking about the situation where this wouldn't just be happening in isolation with the Marine license, and the secretary of state would be looking at the all of the provisions in the DCO, all the other articles and requirements that relate to offshore, some of which are slightly overlapping with the deemed Marine license. And in that case, it's entirely appropriate that that that provision in Article five should include the deemed Marine license, you know, the ability to approve the transfer of the benefit of the deemed Marine license along with those other provisions where appropriate.

01:45:48:12 - 01:46:06:12

And I'm not proposing that we would depart from that accepted and established position here. Do understand the Mo's comments, but think the deemed Marine licenses should be treated as intended where they are included in the draft included in a DCO.

01:46:11:17 - 01:46:12:21

Yeah, that's possible. Yeah.

01:46:13:18 - 01:46:14:03

Um.

01:46:16:04 - 01:46:45:06

Okay if I come back to the MO on on that point and also whether there is a route forward in terms of the wording where it says about the consultation with the MO, is there something that could make that a bit stronger for yourself to where maybe you would find that acceptable in the circumstances? Some sort of added involvement from the MMO or something like that. I'm not sure exactly what would help.

01:46:46:06 - 01:47:16:16

Christi Paul from the Marine Management Organization. So I note the comment that the applicant is making about the marine license is being considered part of the DCO. Once that is made, the marine licenses fall under the power of the MMO and we are the authority for them and the licence holder. Nor the Secretary of State has any power to actually vary any terms of a marine license. And it would therefore be necessary for the MMO to undertake the steps to vary a marine license to reflect that it has been transferred to another entity.

01:47:16:26 - 01:47:42:20

We would have to undertake that variation ourselves. So even after a consultation with the MMO and the Secretary of State has made the decision, the variation request would still have to come to ourselves and the standard process would still have to be undertaken. We view this as adding a step that isn't necessary when there is already a process in place for variations on a marine licenses, especially for the transfer of a benefit.

01:47:45:11 - 01:47:54:06

Okay. Um, with the applicant like to come back in on that. It's. It sounds like they might have to go through that process anyway, ultimately.

01:47:56:14 - 01:48:09:21

Laura Fuller for the applicant. I don't think I have anything much further to add here. Obviously we already set out our position. I am happy to take away obviously the most comments to consider further, but.

01:48:11:19 - 01:48:28:09

Removing changing the Article five of this in the way suggested would be, in my view, unprecedented. So it would require some careful consideration as to how that may or may not work. But certainly our current position is that the drafting should remain.

01:48:29:23 - 01:48:30:08

Okay.

01:48:31:23 - 01:48:52:11

Ms.. Powell, can I just confirm, based on what the applicant is saying, do you believe that other echoes are in fact duplicating, adding another complexity to that step where the Secretary of state holds the power, but then it has to go to you anyway, um, for the transfer of benefit? For the transfer of the license.

01:48:53:17 - 01:49:32:12

Chris Palmer in management organisation. I currently don't have sight of another to be able to confirm if their Article five is the same or not. However, if it is worded in the way that this is and is precedent as the applicant is stating it is, then yes, I do believe they are adding on another additional process. Um, the we have set variation. Processes for this. This is something that we undertake a lot, obviously with the transfer of benefit and when assets are sold off to the off till this is something that we regularly undertake, we do have to undertake a variation on the licence itself and we are the ones who hold the power to undertake that transfer.

01:49:34:06 - 01:49:59:20

Okay. I mean no doubt there is a line of communication open with the Marine Management organisation, so may I suggest that this be taken away? And um, if, um, it just, it just seems to me, you know, if there is that duplication of and, and one additional step, um, then this probably does need further consideration, even if that change would be unprecedented.

01:50:02:08 - 01:50:33:28

Laura Fuller for the applicant. Yes, madam. Happy to take that away further. I would just note that. Having had some experience of post consent variations, there is often a situation where there is a variation to the which also requires a variation to the deemed marine licence. So it's not that unusual. I appreciate that it sometimes seems to create this double step, but that just seems to be the nature of how this consenting process works. When you have the and the URLs wrapped up together.

01:50:35:17 - 01:50:53:25

Sorry. Just explain that point to me one more time that you think that because of the. Because if there is a post consent variation to a, there's that variation to a and therefore you feel that it's in the duplication of the step somehow is necessary for that.

01:50:54:20 - 01:51:27:22

Laura Feller for the applicant. So, for example, because there are some requirements that have offshore elements to them, if those requirements were to be varied, which have no happen, then you

have to have a non-material change to the to the drafting in the requirements, which then also potentially requires a variation to the marine license which has to be submitted to the MMO as as they've pointed out.

01:51:27:24 - 01:51:28:12

Okay.

01:51:29:24 - 01:52:00:11

That was actually really helpful. So I look forward to seeing that explanation in your post hearing summary. Um, but yeah, I um, I do think that this needs a further conversation. And Ms.. Powell, if you could perhaps just look at some of the other examples and why, and just give some thought to why that duplication might have been, you know, this additional step might have been allowed there and give it some thought then and that would be really helpful.

01:52:01:11 - 01:52:03:06

Um, sorry. Go on.

01:52:03:17 - 01:52:09:10

I was just going to say that we will do an in-depth review of further and let you know further thought on this. Yeah.

01:52:09:19 - 01:52:26:00

Um, so, and I think the other point that Mr. Rennie raised, which is about the actual drafting and where there's, there's a way to strengthen the role of marine management organization from being just that of a consultee in paragraph five, then I think that is also a further consideration.

01:52:27:18 - 01:52:53:29

It's okay, Laura, for the applicant. Yes, madam, that's fine. And just mentioned that I believe in our, um, responses to the initial relevant representation where this was. Indicated that they were going to provide further input. We may have already provided some of the precedents and certainly we will have put the precedents in the explanatory. The explanatory memorandum. Yes.

01:52:54:01 - 01:52:57:28

Yeah, you're. Yes, that's right. Okay. Thank you. Thank you.

01:52:58:29 - 01:53:29:13

Okay. Um, just got one last question for me here. Um, this next question is regarding again relates to Article five. Um, from representations to the first written questions and comments to those that got rep 136 rep one 118 rep two zero 40 and rep 2059 We understand that some progress has been made here to do with this issue and this is to do with a collaborative collaboration condition.

01:53:29:21 - 01:53:36:10

Um, maybe to the applicant. First of all, can you provide any update on the collaboration condition that is being considered for this project?

01:53:37:16 - 01:53:58:04

Laura Fuller for the applicant. I believe Mr. Morris may be best placed to answer, but my understanding of the current situation is that there is that ongoing dialogue still with the MOH and that they are still considering the form of wording that they would prefer. So we are currently waiting on on that.

01:53:59:08 - 01:54:03:27

Okay. Can I return to the memo and answer that from your perspective?

01:54:05:01 - 01:54:38:18

Christi Paul from the Marine Management Organization. We do have an ongoing dialogue with the applicant regarding this and we will be providing them with updated wording around the necessity of the collaboration condition. What we are trying to gain from it and wording for the condition itself as previously suggested by the Madam, we will be providing it prior to deadline three so that we can both comment on it at deadline three at the same time and it can be submitted. This was something we intended to do for deadline two, but with the tight turnaround time, it was something we never managed to get around to.

01:54:39:27 - 01:54:51:08

Okay? Yes, that's fine. Thank you. Thank you for everyone on that. Um, is there any final comments on the these issues relating to the.

01:54:54:03 - 01:55:05:06

No. Okay. Thank you. Um, any other comments on any of the gender points that have been made today that anyone feels want to make which have been made before? Hello.

01:55:07:05 - 01:55:10:18

Okay. Um. In that case.

01:55:14:11 - 01:55:32:07

Okay. In that case, we'll look to have a break and look at our action points. And it's six minutes to four, so we'll come back at 4:15 and we'll look to reconvene then. Thank you very much.