



# **Awel y Môr Offshore Wind Farm**

## **Statement of Common Ground 10 – Isle of Man Government**

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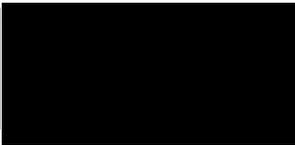
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# 1 Introduction

## 1.1 Background

- 1 This Statement of Common Ground (SoCG) has been prepared between Awel y Môr Offshore Wind Farm Limited (hereafter referred to as 'the Applicant') and Isle of Man Government (IoM) to set out the areas of agreement and disagreement between the two parties in relation to the proposed Development Consent Order (DCO) application for the Awel y Môr Offshore Wind Farm (hereafter referred to as 'AyM').
- 2 The need for a SoCG between the Applicant and IoM was set out within Rule 6 letter issued by the Planning Inspectorate (PINS) on 23 August 2022.
- 3 Following detailed discussions undertaken through pre-application consultation, the Applicant and IoM have sought to progress a SoCG. It is the intention that this document provides the Examining Authority (ExA) with a clear overview of the level of common ground between both parties. This document will facilitate further discussions between the Applicant and IoM and will be updated as discussions progress prior to and during the Examination.

## 1.2 Approach to SoCG

- 4 This SoCG started its development during the pre-examination phase of AyM. In accordance with discussions between the Applicant and IoM, the SoCG is focused on issues raised in the Relevant Representation from IoM.
- 5 The SoCG is structured as follows:
  - ▲ **Introduction:** Outlining the background to the development of the SoCG;
  - ▲ **IoM's remit:** Describing the remit of IoM, the relevance of their interest in the Application, the main areas of discussion within the SoCG and a summary of consultation to date; and
  - ▲ **Agreements Log:** A record of the positions of the Applicant alongside those of IoM as related to the topics of discussion and the status of agreement on those positions.

## 2 IoM's Remit

### 2.1 Introduction

- 6 IoM's territorial waters are located approximately 58 km north/ north-west of AyM at their closest point. IoM is a self-governing British Crown Dependency and sits outside of both UK and European Union (EU) legislative frameworks, though adheres to many of the same environmental safeguards, standards and best practice, implemented through its own domestic legislation.
- 7 IoM is a non-statutory consultee for the purposes of Section 42 of the Planning Act 2008 and has been consulted on the AyM project from the early stages of pre-application consultation in recognition of the proximity of AyM to the territorial seas of IoM and the potential for impacts on Manx features and interests.
- 8 The SoCG covers technical topics of the DCO application of relevance to IoM, comprising:
  - ▲ Offshore ornithology;
  - ▲ Marine mammals; and
  - ▲ Commercial Fisheries.
- 9 The following matters are considered to be adequately addressed and therefore do not need to form part of the SoCG:
  - ▲ Shipping and navigation; and
  - ▲ Aviation.

### 2.2 Consultation Summary

- 10 Table 1 This section briefly summarises the consultation that the Applicant has undertaken with IoM including both statutory and non-statutory engagement during the pre-application and post-application phases.

Table 1: Consultation undertaken with IoM pre-application.

DATE AND TYPE	DESCRIPTION OF CONSULTATION
16/12/2020	Post-scoping meeting following receipt of the Scoping Opinion to discuss the approach to IoM in the Preliminary Environmental Information Report (PEIR).
31/08/2021 – 11/10/2021	Statutory consultation under Section 42 of the Planning Act 2008.
08/12/2021	Post-statutory consultation meeting to discuss IoM's Section 42 response and the Applicant's approach to addressing comments.
June 2022	Relevant Representation on the DCO application.
July – August 2022	Technical consultation response to the Marine Licence application administered by Natural Resources Wales (NRW).
13/09/2022	Meeting to introduce the SoCG process following the comments received on the Application and prior to the Examination.
03/11/2022	Follow-up meeting to discuss updates and progress to the SoCG.

### 3 Agreements Log

- 11 The following sections of this SoCG set out the level of agreement between the Applicant and IoM for each relevant component of the Application identified in paragraph 8. The tables below detail the positions of the Applicant alongside those of IoM and whether the matter is agreed or not agreed.
- 12 In order to easily identify whether a matter is 'agreed', 'not agreed' or an 'ongoing point of discussion, the agreements logs in the tables below are colour coded to represent the status of the position according to the criteria in Table 2 below.

Table 2: Position status key.

POSITION STATUS	COLOUR CODE
The matter is considered to be agreed between the parties	Agreed
The matter is neither 'agreed' or 'not agreed' and is a matter where further discussion is required between the parties, for example where relevant documents are being prepared or reviewed.	Ongoing point of discussion
The matter is not agreed between the parties, however the outcome of the approach taken by either the Applicant or IoM is not considered to result in a material outcome on the assessment conclusions.	Not agreed – No material impact
The matter is not agreed between the parties and the outcome of the approach taken by either the Applicant or IoM is considered to result in a materially different outcome on the assessment conclusions.	Not agreed – material impact

### 3.1 Offshore Ornithology

Table 3: Status of discussions relating to offshore ornithology.

DISCUSSION POINT	APPLICANT'S POSITION	IOM POSITION	POSITION STATUS
<p>Planning and Policy</p>	<p>The EIA has given due regard to all relevant plans and policies of relevance to offshore ornithology insofar as relevant to IoM.</p> <p>The Applicant has provided an ornithological assessment specific to the IoM (REP3-009) that considers the specific Manx sites highlighted by the IoM Government.</p>	<p>Though transboundary effects have been scoped in, in the offshore ornithology sections, despite the presence of relevant species of seabird on the IoM, including regionally-relevant, breeding colonies and recovery programmes, there are only three, non-specific references to IoM in the main chapter. Specific considerations are warranted and have not apparently been taken into account within the EIA process.</p> <p>IoM key seabird breeding sites were not referenced in the ES, though SPA and Ramsar sites further away have been noted, so we were unable to state whether there might be an impact on those sites, including the closest there is no explicit evidence of their consideration.</p> <p>Part of the issue may have been related to only considering European sites, which are not designated under Manx law, which has a different, but equivalent designation.</p> <p>The Applicant provided a clarification note (REP3-009) and IoM Government confirms that consideration has now been given to potential ornithological receptors on the IoM. IoM Government is largely content with the assessment, accepting that in relation to little terns, it is not possible to define the issue any further, based on the data available (see further detail below).</p>	<p>Agreed</p>
<p>Consultation</p>	<p>The EIA has had regard to matters raised by IoM Government via statutory and non-statutory consultation activities in relation to offshore ornithology in respect of:</p> <ul style="list-style-type: none"> <li>▲ Matters raised in the Scoping Opinion (APP-295);</li> <li>▲ Comments on the PEIR raised during the forma consultation under Section 42 of the Planning Act 2008; and</li> <li>▲ Matters raised in pre-application consultation via the Evidence Plan process.</li> </ul>	<p>A copy of the IoM comments following consultation, has been provided in the application but those comments were not included within the log and responses were not provided.</p> <p>The IoM Government confirms receipt of the clarification note (REP3-009) and the IoM Government is now content that the remaining issues have been addressed as far as they can be.</p>	<p>Agreed</p>

DISCUSSION POINT	APPLICANT'S POSITION	IOM POSITION	POSITION STATUS
	<p>Records of consultation in respect of offshore ornithology are accurately described in:</p> <ul style="list-style-type: none"> <li>▲ Offshore Ornithology Scoping and Consultation (APP-095);</li> <li>▲ The Evidence Plan Report and its supporting appendices (APP-301, APP-302 and APP-302, respectively); and</li> <li>▲ The Consultation Report (APP-024).</li> </ul> <p>The Applicant has provided an ornithological assessment specific to the IoM (REP3-009) that considers the points highlighted by the IoM Government.</p>		
Assessment scope and methodology	<p>The EIA has identified and assessed all likely significant effects relevant to offshore ornithology as identified within the Scoping Report and Scoping Opinion, and as assessed in the Offshore Ornithology chapter of the ES (APP-050).</p> <p>The Applicant has provided an ornithological assessment specific to the Isle of Man (REP3-009) that considers the points highlighted by the IoM Government.</p>	<p>The IoM Government confirms receipt of the clarification note (REP3-009) and is now largely content with the assessment, accepting that in relation to little terns, it is not possible to define the issue any further based on the data available (see further detail below).</p>	Agreed
	<p>The methods applied for assessing collision risk in the collision risk assessment (APP-097) are appropriate and have been applied accurately. The Applicant notes that the species assessed for collision risk have been agreed with NRW as the Statutory Nature Conservation Body.</p> <p>The Applicant has provided an ornithological assessment specific to the IoM (REP3-009) that considers the points highlighted by the IoM Government.</p>	<p>We have previously questioned whether Manx shearwater ought to have been added in to the collision risk assessment and noted comments from the JNCC and RSPB to this effect. However, we understand the basis for consideration of Manx shearwater and accept that due process has been followed.</p>	Agreed
	<p>The methods for assessing collision risk to migratory species as presented in the migratory CRM report (APP-098) are appropriate and have been applied accurately.</p> <p>The Applicant has provided an ornithological assessment specific to the IoM (REP3-009) that considers the points highlighted by the IoM Government.</p>	<p>We confirm that little tern migration has been given consideration by the Applicant. We note that it was discounted as an issue due to little tern tending to track the coastline and the lack of evidence of presence within the surveyed area, but we are also cognisant that Manx little terns must migrate away from the coast when leaving or approaching the IoM and are very likely to move to/from the Welsh coast on passage, possibly through the surveyed area. The precise passage routes are unknown. It would be difficult to record presence on passage without constant monitoring, though possible</p>	Not agreed – no material impact

DISCUSSION POINT	APPLICANT'S POSITION	IOM POSITION	POSITION STATUS
		by coincidence of dates, and so it remains entirely possible that Manx terns move through the survey area but have not been detected. This therefore remains an unknown risk that cannot be concluded with the data available, and it becomes a matter of how much survey is reasonable to come to a practical conclusion, but we acknowledge that the standard methods appear to have been followed with respect to the ornithological survey requirements typically expected for such developments, where radar-based migration survey and radio-tagging evidence are not common.	
	The Population Viability Analysis (PVA) for great black-backed gull in the PVA Report (APP-100) are appropriate and have been applied accurately.	We have no complaint as to the approach taken, noting the challenge of assessing a site close to a boundary of published BDMPS.	Agreed
Baseline characterisation	<p>Sufficient primary and secondary data (including site-specific surveys) have been collated to appropriately characterise the baseline environment for the purposes of EIA in the ornithology baseline report of the ES (APP-095), including consideration of Manx interests.</p> <p>The Applicant has provided an ornithological assessment specific to the IoM (REP3-009) that considers the points highlighted by the IoM Government.</p>	<p>We note the comments from the JNCC regarding the Rhiannon site data and the flight heights of Manx shearwaters, some of which fell within the expected rotor area for this development (see ES Volume 4, Annex 4.5: Offshore Ornithology Scoping and Consultation Responses, page 16). With reference to 4.12.14 paragraph 313, we questioned the basis on which Manx shearwater was scoped out of the CRM. Our interest in this is in the protection of a recovering colony of Manx shearwaters on the Calf of Man, and that these birds are a designation feature for the Calf and Wart Bank MNR, and the West Coast MNR. The study area is within the range of the birds nesting on the Calf of Man and there is a likely connection (suggested by the directional data in the assessment). The Calf of Man Shearwater Recovery Project is showing great successes, which must be protected, and this application site is within short foraging range for this species. It is very important that this internationally rare species and its Irish Sea recovery, will not be impacted. As noted above, we understand the basis for the consideration of Manx shearwater and accept that due process has been followed.</p> <p>IoM key seabird breeding sites were not referenced in the ES so we were previously unable to state whether there might be an impact</p>	Not agreed – no material impact

DISCUSSION POINT	APPLICANT'S POSITION	IOM POSITION	POSITION STATUS
		<p>on those sites, including the closest and there is no evidence of their consideration. We note the clarification note provided by the Applicant and accept that consideration has been given to these receptors.</p> <p>We note that no 'significant effects' were found in the ornithological assessments, and therefore site attribution was not undertaken. Nevertheless, site related considerations have arisen in the process. We are largely content with the consideration given to Manx seabird colonies or Manx sources of migrant birds, lying within range on the IoM, where they are a feature of a number of designated sites, in the clarification note provided by the Applicant.</p> <p>IoM Government confirms that Manx data on migrants (little tern colony, significant hen harrier population) has been given consideration in the clarification note.</p>	
	Data gaps and limitations associated with the offshore ornithology baseline assessment have been highlighted appropriately.	The issues raised in the box above have been given due consideration by the Applicant via the clarification note. IoM Government are in agreement that data gaps and limitations have been highlighted appropriately.	Agreed
	<p>The sensitivity and importance of ornithological receptors have been appropriately and adequately described in the offshore ornithology chapter of the ES (APP-050).</p> <p>The Applicant has provided an ornithological assessment specific to the IoM (REP3-009) that considers the specific Manx sites and receptors highlighted by the IoM Government.</p>	Manx receptors have been referenced in the clarification note provided by the Applicant.	Agreed
Mitigation measures	<p>The mitigation measures identified within Section 4.7 of the Offshore Ornithology chapter of the ES and captured within the Schedules of Mitigation and Monitoring (APP-310 and APP-311, respectively) are appropriate and adequate.</p> <p>The Applicant has provided an ornithological assessment specific to the IoM (REP3-009) that considers the Manx receptors and interests highlighted by the IoM Government.</p>	As the applicant points out in their clarifying note, the mitigation is in relation to matters unrelated to the IoM and they have not found significant effects in relation to IoM receptors.	Agreed

DISCUSSION POINT	APPLICANT'S POSITION	IOM POSITION	POSITION STATUS
Outcomes of the EIA	<p>The conclusions of the assessment appropriately reflect the potential effects on offshore ornithology within the study area during the construction, operation and decommissioning phases of AyM.</p> <p>The Applicant has provided an ornithological assessment specific to the IoM (REP3-009) that considers the Manx sites and populations highlighted by the IoM Government.</p>	<p>The IoM Government confirms receipt of the clarification note (REP3-009) and is now largely content with the assessment, notwithstanding that in relation to little terns, it is not possible to define the issue any further based on the data available.</p>	Agreed
	<p>The cumulative effects have been adequately described and the conclusions of the cumulative effects assessment are appropriate in relation to offshore ornithology. With regard to the IoM Wind Farm proposal, it is noted that the project was included in the Applicant's Cumulative Effects Assessment long-list (APP-042), however was screened out of detailed assessment due to the limited specific information available at its early stage of development.</p>	<p>We have raised no issue in relation to cumulative effects, and note that the IoM Wind Farm proposal has been included within the cumulative effects consideration, but if a significant effect on Manx ornithological interests were found, then this element could come under further scrutiny.</p>	Agreed
	<p>No significant adverse effects (in EIA terms) on offshore ornithology are predicted to arise from the development of AyM.</p> <p>The Applicant has provided an ornithological assessment specific to the IoM (REP3-009) that considers the specific Manx sites highlighted by the IoM Government.</p>	<p>The IoM Government confirms receipt of the clarification note (REP3-009) and is now largely content with the assessment, notwithstanding that in relation to little terns, it is not possible to define the issue any further based on the data available.</p>	Agreed

### 3.2 Marine Mammals

Table 4: Status of discussions relating to marine mammals.

DISCUSSION POINT	APPLICANT'S POSITION	IOM POSITION	POSITION STATUS
Planning and Policy	<p>The EIA has given due regard to all relevant plans and policies of relevance to marine mammals insofar as relevant to IoM. Manx marine mammal interests are considered in the marine mammal baseline (APP-106).</p> <p>In relation to continued liaison with Manx Whale and Dolphin Watch, the Applicant confirms that they will be contacted regarding inclusion on the project email mail-out list to receive future notifications and project updates.</p>	<p>It is important that IoM marine mammals, and the relevant protected areas are explicitly stated as having been appropriately considered. IoM Government agrees that due consideration of Manx marine mammal sites and features, including Manx MPAs, has been given in the marine mammal baseline characterisation. IoM Government requests that continued liaison and consultation occur with the Manx Whale and Dolphin Watch during the course of the project with respect to marine mammals (cetaceans).</p>	Agreed
Consultation	<p>The EIA has had regard to matters raised by IoM Government via statutory and non-statutory consultation activities in relation to marine mammals in respect of:</p> <ul style="list-style-type: none"> <li>▲ Matters raised in the Scoping Opinion (APP-295);</li> <li>▲ Comments on the PEIR raised during the forma consultation under Section 42 of the Planning Act 2008; and</li> <li>▲ Matters raised in pre-application consultation via the Evidence Plan process.</li> </ul> <p>Records of consultation in respect of marine mammals are accurately described in:</p> <ul style="list-style-type: none"> <li>▲ Section 7.3 of the marine mammals chapter of the ES (AS-026);</li> <li>▲ The Evidence Plan Report and its supporting appendices (APP-301, APP-302 and APP-302, respectively); and</li> <li>▲ The Consultation Report (APP-024).</li> </ul>	<p>IoM Government is in agreement that the issues raised during consultation have been given due consideration by the Applicant.</p>	Agreed
Assessment scope and methodology	<p>The EIA has identified and assessed all likely significant effects relevant to marine mammals as identified within the Scoping Report and Scoping Opinion, and as assessed in the Marine Mammals chapter of the ES (AS-026).</p>	<p>Agreed.</p>	Agreed

DISCUSSION POINT	APPLICANT'S POSITION	IOM POSITION	POSITION STATUS
	The study area defined in Section 7.4.1 of the marine mammals chapter of the ES is appropriate for the impacts, pathways and receptors considered.	Agreed.	Agreed
Baseline characterisation	Sufficient primary and secondary data (including site-specific surveys) have been collected and described in the marine mammal baseline characterisation (APP-106) to characterise the baseline environment with respect to marine mammals, including Manx interests.	Agreed.	Agreed
	The sensitivity and importance of marine mammal receptors has been appropriately and adequately described within the EIA.	Agreed.	Agreed
Mitigation measures	The mitigation measures outlined in Section 7.9 of the Marine Mammal chapter of the ES (AS-026) and the outline Marine Mammal Mitigation Protocol (APP-107) are appropriate to mitigate the likely significant effects on marine mammals.	Agreed.	Agreed
Outcomes of the EIA	The conclusions of the assessment appropriately reflect the potential effects on marine mammals within the study area during the construction, operation and decommissioning phases of AyM.	Agreed.	Agreed
	The cumulative effects have been adequately described and the conclusions of the cumulative effects assessment are appropriate in relation to marine mammal ecology.	Agreed.	Agreed
	No significant adverse effects (in EIA terms) on marine mammals are predicted to arise from the development of AyM.	Agreed, noting above comments regarding the Isle of Man Offshore Wind Farm project.	Agreed

### 3.3 Commercial Fisheries

Table 5: Status of discussions relating to commercial fisheries.

DISCUSSION POINT	APPLICANT'S POSITION	IOM POSITION	POSITION STATUS
Planning and policy	The EIA has given due regard to all relevant plans and policies of relevance to commercial fisheries insofar as relevant to IoM. Section 8.7 of the Commercial Fisheries Chapter of the ES (APP-054) and the Commercial Fisheries Consultation Record (APP-110) provides a record of how the Applicant has considered Manx commercial fishing interests.	With limited specific reference to IoM fishing interests/ consideration it is difficult to confirm this. Nevertheless, accepting the distance from the development to the Isle of Man, the potential for impact is relatively low.	Not agreed – no material impact
Consultation	<p>The EIA has had regard to matters raised by IoM Government via statutory and non-statutory consultation activities in relation to commercial fisheries in respect of:</p> <ul style="list-style-type: none"> <li>▲ Matters raised in the Scoping Opinion (APP-295);</li> <li>▲ Comments on the PEIR raised during the forma consultation under Section 42 of the Planning Act 2008; and</li> <li>▲ Matters raised in pre-application consultation via the Evidence Plan process.</li> </ul> <p>Records of consultation in respect of offshore ornithology are accurately described in:</p> <ul style="list-style-type: none"> <li>▲ The commercial fisheries consultation record (APP-110); and</li> <li>▲ The Consultation Report (APP-024).</li> </ul> <p>The Applicant has also undertaken consultation via the project Fisheries Liaison Officer (FLO) with the Manx Fish Producers Organisation (MFPO) including on the content of the Fisheries Liaison and Co-Existence Plan (FCELP) (REP1-033) as noted within the Commercial Fisheries Consultation Record (APP-110).</p>	IoM Government is in agreement that the issues raised during consultation have been given due consideration by the Applicant.	Agreed
Baseline characterisation	Sufficient data has been collated (including site-specific information gathering via industry consultation) to appropriately characterise the baseline environment for the purposes of EIA.	Agreed.	Agreed
	The potential impacts identified via the Scoping Report and Scoping Opinion, and as assessed in the commercial fisheries	Agreed.	Agreed

DISCUSSION POINT	APPLICANT'S POSITION	IOM POSITION	POSITION STATUS
Assessment scope and methodology	chapter of the ES (APP-054) provide a comprehensive scope for assessment.		
	The methodologies for assessing impacts to commercial fisheries as outlined in Section 8.4 of the commercial fisheries chapter of the ES (APP-054) are appropriate and adequate for the purposes of EIA.	Agreed.	Agreed
Mitigation measures	The measures identified in the Outline Fisheries Co-Existence and Liaison Plan (REP1-033) are appropriate for liaison and consultation with the fishing industry, including the MFPO (confirmed within the Consultation Report Appendices Part 1 (APP-025).	IoM Government is content that the MFPO has been consulted on the content of the FCELP and is content with the measures outlined within.	Agreed
Outcomes of the EIA	The conclusions of the assessment appropriately reflect the potential effects on commercial fisheries within the study area during the construction, operation and decommissioning phases of AyM.	Agreed.	Agreed
	The cumulative effects have been adequately described and the conclusions of the cumulative effects assessment are appropriate in relation to commercial fisheries.	Agreed (noting comments above regarding the IoM Offshore Wind Farm).	Agreed
	No significant adverse effects (in EIA terms) on commercial fisheries are predicted to arise from the development of AyM following the application of mitigation measures.	Agreed.	Agreed



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