

Morgan Offshore_Liverpool_10 SEPT_ISH1_PT1

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FULL TRANSCRIPT (with timecode)

00:00:05:01 - 00:00:39:03

Good afternoon. It is now 2 p.m. and time for this hearing to begin. Can I just confirm that everybody can hear me clearly, even when I turn to the side? Thank you. Can I also confirm with the case team that the live stream and recording of this event is commence? Thumbs up. I would like to welcome you all to this first issue specific hearing for the application made by Morgan Offshore Wind Limited, who we will refer to as the applicant for an order granting development consent for the Morgan Offshore Wind Project generation assets.

00:00:39:27 - 00:00:52:07

My name is Janine Leyva. I'm a chartered town planner and a planning inspector. I've been appointed by the Secretary of State as a member of the panel. To examine this application, I will allow my colleagues to introduce themselves.

00:00:53:16 - 00:01:00:18

My name is Stephen Bradley. I've been appointed by the Secretary of State as a member of the panel to examine this application.

00:01:03:12 - 00:01:27:06

Good afternoon. My name is Susan Hunt, and I've been appointed by the Secretary of State as the lead member of the panel to examine this application. And together, we constitute the examining authority for this application. And we will be reporting to the Secretary of State for Energy Security and net zero, with a recommendation as to whether the development consent order should be made. And you will also hear us referred to as the ECA.

00:01:30:20 - 00:02:01:03

The case manager for this project is Simon Redwood, who you are likely to have already come into contact with in the pre examination period. Simon sitting towards the back of the room he's supported online by Rebecca Luxton. Please don't hesitate to contact a member of the case team if you have any queries about the process or if you need help at today's event or with the technology. And we have a few housekeeping matters for those attending in person. Can everybody please set all devices and phones to silent? We're not aware of any fire alarm tests or other drills today.

00:02:01:05 - 00:02:33:03

So in the event that we hear an alarm, please exit via the stairs and congregate in the car park and await further instructions by the racecourse staff. This hearing will follow the agenda as published within the rule six letter dated the 5th of August, and it would be helpful if you had a copy of this in

front of you. The agenda points are for guidance only, and we may add other considerations or issues as we progress, if it is pertinent to do so. The hearing is expected to continue until around 5 p.m.. There will be an opportunity for comfort break at an appropriate time.

00:02:34:00 - 00:03:07:20

You'll find information about this application on the project page of the planning Inspectorate's National Infrastructure Planning website, and we encourage you to familiarise yourself with this website, because we'll be using it to communicate with you and to provide access to documents throughout the examination. Today's hearing is being undertaken as a blended event, meaning some of you are present with us at the hearing in entry and some of you are virtually using Microsoft Teams. If you're participating virtually and you wish to speak at the relevant point in the proceedings, please use the hand function on the Microsoft Teams.

00:03:07:28 - 00:03:39:27

There may be a delay before we see it, so please wait until we invite you to speak and then you can turn your camera and microphone on. If you don't manage to raise a point at any relevant point on the agenda, there will be an opportunity to do so under item seven when we cover any other matters at the end of the hearing. A recording of today's hearing will be made available on the project page of the National Infrastructure Project website as soon as possible, and this will include a transcript. Therefore, please ensure that you speak clearly into a microphone stating your name and who you represent every time before you speak.

00:03:39:29 - 00:04:11:28

For the benefit of the recording and the transcript. Please switch your microphone and cameras off when you have finished speaking to avoid interference. You should also be aware that the recording will be retained by the Planning Inspectorate for five years, and that it forms a public record that can contain your personal information, to which the General Data Protection Regulation supply a link to the planning Inspectorate's Privacy Notice was provided in our rule six letter, and I assume that everybody here today is familiarise themselves with this document, which establishes how your personal data is handled.

00:04:12:12 - 00:04:16:23

I will now hand over to my colleague, Mr. Bradley, to go through the participants for today's hearing.

00:04:18:07 - 00:04:54:23

Thank you. The case team have provided us with a list of those interested parties who've expressed a wish to be heard today, representing the following organisations the Isle of Man Government, DFA, BAE systems, Morecambe Offshore Wind Farm Limited and a group referred to as the Orsted IPPs, represented by Sheppard and Wedderburn Solicitors, the Scottish Fishermen's Federation and Stena Line. Can I just check if there's any person or organisation missing from that list and wishing to speak.

00:04:56:21 - 00:05:31:07

No hands raised. Thank you. We'll move on. When I call your organization's name, could you please introduce yourself, stating your name and who you represent and confirming which agenda, item or items you wish to speak on. Um, please also state how you wish to be addressed, sir. For example.

Mr.. Mrs.. Miss. Uh. Mrs.. Uh, or. Doctor, please remember to switch off your microphone after you've spoken. Can we start with the lead speaker for the applicant, please? And then anybody else in the applicant team who will be speaking today?

00:05:32:10 - 00:05:57:21

Good afternoon sir. My name is Patrick Monroe. I'm a director at Burgess Salmon, who had a legal advisor to the applicant. I'll be representing the applicant at today's issue specific hearing. Um, those to my right will introduce themselves in a moment and are likely to speak to some of the first agenda items for the later one. In particular, where there's a number of technical topics we may swap out. Members of the applicant's team, and I'll ask them to introduce themselves at the relevant time. And so I'll just start with to my right.

00:05:59:00 - 00:06:10:12

Good afternoon I'm Rosie Howitt, I'm representing UMW and BP in the joint venture for Morgan Generation Assets and the offshore consent lead for the human Topics.

00:06:13:07 - 00:06:18:19

I'm Jane Grant on behalf of the applicant. I'm DCO lead for the project.

00:06:21:22 - 00:06:26:23

Miriam Knowles, on behalf of the applicant. Um, leading on the environmental impact assessment.

00:06:32:16 - 00:06:47:14

Thank you. Uh, now, moving on to the other organisations who've given notice of their intention to speak. Uh, let's start, if we may, with, um, the Isle of Man government. Uh, I believe is it Mr. Armitage?

00:06:49:08 - 00:07:04:22

Uh, Hi. Yeah. Good afternoon. It's Richard Armitage. I work for the Department of Environment, Fisheries and Agriculture for the island government, and looking to speak on agenda points four and possibly five as well, I think.

00:07:08:03 - 00:07:16:14

Thank you, thank you. Um, moving on now to the other IPS in alphabetical order. Firstly, BAE systems.

00:07:18:18 - 00:07:28:02

Good afternoon. My name is Graham Schueller of DLP planning and representing BAE systems with a particular interest in item five.

00:07:30:00 - 00:07:36:06

Thank you. Um, do we have Morecambe Offshore Wind Farm Limited?

00:07:38:01 - 00:08:22:19

Good afternoon sir. Um, yes. Thank you. My name is Catherine Nolan. I'm an associate solicitor with CMS appearing on behalf of Morecambe Offshore Wind Farm Limited. I'm joined in the room off

camera by Rachel Watson, who is the consent manager for the Morecambe Offshore wind farm generation assets. Miss Sarah Reed, who's the project manager for Morecambe's EIA, consultant Royal DHV and a colleague from CMS, Robin Hutchinson, a partner in our team. Given the reference to the Morecambe Generation Assets Project at item five of today's agenda, Morecambe wish to be present today to support the applicant and to assist the ECA should it be necessary, but otherwise we do not have a representation to make and we're primarily attending just to observe.

00:08:23:12 - 00:08:23:29

Thanks.

00:08:25:14 - 00:08:26:01

Thank you.

00:08:28:08 - 00:08:33:28

So if you could. Thank you. Um, now the Orsted IPPs.

00:08:37:24 - 00:09:09:06

Good afternoon sir. My name is Mr. Conan Ennis, and I'm a partner in the law firm of Shepherd and Wedderburn. And I appear on behalf of Barrow Offshore wind limited ports to the UK limited. Further extension limited when the UK Offshore Wind Farms Limited only extension limited and Morecambe when Limited, which is a part owner of the west of Duncan Sands Offshore Wind Farm collective. I think for ease of reference we will call them the Orsted IPPs.

00:09:09:13 - 00:09:43:16

Um, in terms of the Orsted IPPs, they do not object in principle to the project, but they do, given their interests, have an interest in ensuring that the the projects are appropriately assessed and also to ensure that any likely significant effects in the HRA process are robust with lodged relevant representations. And this afternoon we have four topic matters that we wish to raise. Shipping and navigation, weight loss, environmental assessment and potential impacts on radar.

00:09:43:29 - 00:10:18:01

And that's the one that be a, uh, important, um, in that context. Some of these matters are dealt with in item number five, which are interrelationship with other projects. Um, and that certainly would be a matter of weight class and possibly radar if B wanted to talk on matter five. And in terms of item six, we have brief comments to make. And in, in various um, ecology and ornithology matters, but also on shipping and navigation.

00:10:18:03 - 00:10:25:02

So potentially that might be the split in terms of the agenda items if that were acceptable.

00:10:26:25 - 00:10:27:10

Thank you.

00:10:30:01 - 00:10:32:17

Now Scottish Fishermen's Federation.

00:10:44:12 - 00:11:14:28

Good afternoon, everyone. I'm Faheem Hashimi, uh, offshore energy policy manager for Scottish Fishermen's Federation. Uh, I'm representing, uh, specifically two out of eight constituent members of, uh, SFF at this, uh, event and naming the Scottish Whitefish uh Producers Association and one of uh, its members, West Coast Sea Products Limited and the Scottish Pelagic Fishermen's Association.

00:11:15:12 - 00:11:36:21

Uh, so I'm, uh, interested to talk about item uh, six and seven on commercial fisheries, uh, and possibly efficient shipping navigations. Uh, I would, uh, you can call me easily for him. Uh, for ease of reference, and I'm happy to continue. Thanks.

00:11:40:18 - 00:11:45:02

Thank you. And lastly, I think Stena Line.

00:11:48:27 - 00:11:57:19

Good afternoon. Uh, Mr. Michael Proctor. Um, and we wish to, um, engage on, uh, section six shipping and navigation, please.

00:12:00:24 - 00:12:18:06

Thank you and welcome, everybody. Is there anyone who is either in the room or attending remotely on teams who we've missed out? Those wishing to speak today. I see no hands, so let's move on.

00:12:20:08 - 00:12:38:14

Uh, in fact, if anybody does wish to, uh, interject during the course of the proceedings, um, do feel free to do so. Uh, just raise your hand, either physically or virtually on teams. Um, are there any other comments on agenda item one before we move on?

00:12:41:01 - 00:12:44:09

Nope. Fine. Very good. Hand back now to miss Hunter.

00:12:47:05 - 00:12:51:11

Okay, I'll now briefly explain the purpose of today's issue specific hearing.

00:12:53:10 - 00:13:25:15

So the purpose of the examination overall is for us as an examining authority to examine the information that's been submitted both by the applicants and the interested parties. Hearing today is a structured discussion which will be led by ourselves. The purpose of the hearing is to enable you to answer any questions we may have, to ensure we have all the information we need to make our recommendations for Secretary of State. The agenda for the hearing is unchanged from that settles in appendix F of our rule six letter dated 5th of August.

00:13:26:28 - 00:14:01:10

So item three, coming up next, we will seek clarification primarily from the applicant on a number of matters relating to the scope and description of the developments. And for this item, we recommend you open up the draft development consent order and that's examination library reference as 003. So you can follow the proceedings as we won't be displaying it on the screen. At item four, we will focus

on the involvement of the Isle of Man government in this examination and any other transboundary matters, and that which includes the Republic of Ireland.

00:14:03:03 - 00:14:41:04

At item five, we will discuss the interrelationship of the proposed development with other projects, and we will seek an update on the production of the interrelationship reports with the other infrastructure projects, which are named in the rule six letter and the timescales for those projects, and some up to date information on those um, including Morecambe Offshore Wind Farm, more Morgan and Morecambe transmission projects, as well as more than in and the cumulative effects assessment and in combination assessment for the HRA will be covered, but a very high level only.

00:14:41:06 - 00:14:43:00

We won't be going into detail of those.

00:14:44:20 - 00:15:15:05

At item six we will cover a limited range of environmental topics where particular concerns have been raised by statutory consultees and other interested parties in the relevant representations, and also in those responses received at the procedural deadline, which was 27th of August. These principally relate to ecology, ornithology, shipping and navigation, and commercial fishing, as well as some high level issues relating to the D marine licence and the draft DCO.

00:15:16:17 - 00:15:33:03

Towards the end of the hearing item seven, there will be an opportunity to raise any other matters. Um, and on this other matters section, at the moment we've got very brief section on weight class and um, and on radar.

00:15:35:05 - 00:15:49:10

I participants should bear in mind, this initial hearing is high level only and won't won't be going into masses of detail, and there will be the opportunity to discuss more detailed environmental matters in the next set of hearings, which are planned for November.

00:15:52:09 - 00:16:21:13

We're mindful that the responses to relevant representations, and we do expect more of those as as well as the submission of written representations, local impact reports and initial statements. Common ground will be received at deadline one. And she's in early October, so there may be some overlap between what's heard today. Um, but it's helpful, I think, at this early stage of the examination to summarise matters and set the scene.

00:16:23:26 - 00:16:59:21

We'll examine matters and questions early at the outset of this examination into to ensure that some matters are identified and considered as early as possible. But I would like to make it clear that anything discussed at this hearing is how, without prejudice to our consideration of the broader planet, planning merits of the application. And goes without saying. We're familiar with the documents that have already been submitted, so you don't need to repeat anything at length that's in those documents. And if you do want to refer to any information that's already been submitted, please give the appropriate examination library reference.

00:17:01:26 - 00:17:11:11

And would also like to remind everyone present today that any questions you may have for other parties, either in the room or virtually, need to be asked through ourselves as examining authority.

00:17:13:27 - 00:17:27:10

And also the first time we use any abbreviations or acronyms, can you please give the full title? Because there'll be people watching and attending today that might not be as familiar with with those acronyms or the documents as you are.

00:17:29:23 - 00:17:44:26

So the most recent version of the draft development consent order that we have is as 005003 and the accompanying explanatory memorandum is as 005.

00:17:46:17 - 00:18:04:28

So depending on how the discussion pans out today, we've only got a three hours or so this afternoon. We may add other issues for consideration as we progress, or indeed others may fall away and be go to written questions instead.

00:18:07:09 - 00:18:29:20

So we want to ensure that we stick to time. And we've said 5:00. Um, and we would like to stick to that if at all possible. So it may well be when we have a break at probably around 3:30, will assess how much time we've got left and and what can be left for for other questions later in writing.

00:18:31:05 - 00:18:38:20

Are there any questions relating to the purpose of the hearing before we move on to item three? For the applicant, please.

00:18:40:26 - 00:18:42:14

Add no questions. Thank you.

00:18:43:01 - 00:18:50:10

Thank you. Any other interested parties wish to raise any questions about what's being discussed today before we move on?

00:18:52:26 - 00:18:58:00

No. Hands up. Okay, I'll pass over to miss LaVar for agenda item three.

00:18:59:02 - 00:19:30:03

Thank you. So we'll now turn to agenda item three which relates to the scope and description of the proposed development. It would be useful for the applicant to kick this segment off. If you could explain the key aspects of the proposal, the scope of the development, and giving us a summary of the main provisions of the Draft Development Consent Order in A00 three. If you could point out any novel precision provisions to us, if there are any within that DCO. Now, I would add that we're not looking for you to dissect the DCO.

00:19:30:05 - 00:20:12:26

Line by line. Um, but just give an overview. We also won't be examining you today on the DCO line by line, because we anticipate there will be another DCO hearing, you know, within the subsequent set of hearings. Um, what I will probably come on to focus on, um, after you've given your summary, um, are the following. So clarification of the works described in schedule one of the draft DCO, the explanation of the design parameters in table one, schedule two, requirement two, and condition ten of the draft deemed marine licences and how these control what can be built and operated.

00:20:13:17 - 00:20:55:10

Explanation for seeking a seven year time period to commence the development. The definition of maintain and the power to maintain then article seven relating to the benefit of the order and the power to transfer the benefit of the order, inclusive of the deemed marine licenses. Then why some of the examination documents in condition 20 of the draft deemed marine licenses have not been submitted into the examination. Um, and then clarification on the purpose of the Marine Mammal Mitigation Protocol and which provision or provisions within the draft deemed marine licenses controls how and when a final version is to be submitted.

00:20:56:29 - 00:21:08:06

There may be other points, and you may cover some of these points, at which point I won't ask questions, but they're probably likely to be the focus of of the questions following your summary. So, Mr. Monroe, I'll hand over to you.

00:21:08:08 - 00:21:48:03

Please note for the applicant. So through this development consent order application, the applicant seeks development consent for the Morgan Offshore Wind project generation assets. And that's the infrastructure, um, that constitutes the offshore wind turbine generators, offshore inter cables, offshore interconnector cables and offshore substations. And this application does not include the transmission infrastructure that would form part of the wider project. The transmission infrastructure forming part of the project is being developed in collaboration with another developer, Markham Offshore Wind Farm Limited, and that will be subject to its own development consent order application in due course.

00:21:51:24 - 00:22:08:09

I'll go through the development consent order, um, effectively from the start. And then when we get to the section on how the works are described, I'll pause there and come back to the wider description and how that fits together with the transmission assets if that is suitable.

00:22:13:11 - 00:22:46:04

So the start of the, the main um, starting at the beginning of the development consent order, part two sets out the principal powers that are sought by the applicant. Um, article three seeks development consent for the works that have been applied for, and article four seeks authorization for the operation of a generating station. Section of article five of the Development Consent Order. It gives effect to schedules three and four, which include the marine licenses and for the for the proposed development.

00:22:47:08 - 00:23:08:15

Article six sets out a power to maintain the authorized project through its lifespan. Article seven sets out the benefit of the order and sets out certain circumstances in which those benefits within the development consent Order could be transferred to another party. And that includes the ability to transfer either of the marine licenses set out in schedules three and four.

00:23:11:13 - 00:23:45:20

Moving into part three of the Development Consent Order. This sets out various miscellaneous and general articles in article eight of the Development Consent Order and gives the power to the Secretary of State in the event that any of the works were, um, considered to be abandoned or decayed, that they could require the undertaker to remove them in accordance with the decommissioning plan. Article nine, um, is one of the model provisions for harbors, and it sets out certain provisions for the protection of Trinity House.

00:23:47:22 - 00:24:18:12

Article ten, um, is also commonly used in developing consent orders for offshore wind farms, and sets out certain provisions for the protection of the Crown and Crown rights. Article 11 sets out certification of certain plans and documents that have been submitted through the application process, and they're set out in schedule five of the Development Consent Order. And article 12 sets out provision for service of notices in accordance with the order. Um, I would note at this point in the article 13 Requirements and Appeals was included.

00:24:18:14 - 00:24:51:14

It's a standard article to include in many development consent orders as a mechanism for when the applicant applies for requirements or conditions to be discharged. If that application is refused, it provides a mechanism for it to be appealed to the Secretary of State. And in response to a comment from the Marine Management Organisation querying whether this is needed for a purely offshore development, where all applications either be to detective state or to the Marine Management Organization. If this was necessary, and the applicant has considered that and that will be removed at the next draft of the DCO.

00:24:55:13 - 00:25:30:24

Moving into schedule one of the Development Consent Order, this sets out the provisions of the authorized development that would be authorized by the Development Consent Order. And this is where I'll come back to the works descriptions. The applicant has split the works to be authorised into three parts. Works number one constitutes the wind turbine generators and the interior cables forming part of the proposed development, and authorizes up to 96 wind turbine generators to be constructed. Work number two relates to offshore substation platforms and would authorize up to four to be constructed.

00:25:31:08 - 00:25:39:10

And work number three sets out um provision for subsea interconnector cables between the offshore substation platforms to be developed.

00:25:41:19 - 00:26:07:08

In terms of where the works numbers would be built, and this is set out in the works plan, which is EP 082, and the applicant thinks it's worth noting that all of the works numbers fully overlap, and that

that's deliberate. At this stage, the detailed design has not been undertaken in. The applicant does not know where the final infrastructure will be located in. This then necessitates the overlap of the various works. Here is to provide that flexibility for detailed design

00:26:08:25 - 00:26:15:04

and this follows. Precedent has been set by other offshore wind farm orders such as the Hornsea Four Offshore Wind Farm Order 2023.

00:26:17:19 - 00:27:09:04

One of the reasons that the that the applicant has split the works numbers in the way that it has is that this facilitates a future transfer of works numbers two and works numbers three four, which are within one of the marine licenses at a future stage to an offshore transmission operator. If that is, um, if that is the way that the applicant progress is to development, it's worth noting at this stage that a final decision has not been taken on whether all of the offshore substation platforms and the interconnector cables would be transferred to an offshore transmission operator, which is why the marine licenses have been structured in this way, so that the marine license and Schedule one authorizes all of the activities to be built for the marine licence and scheduled for release only to the offshore substation platforms and the interconnected cables.

00:27:09:06 - 00:27:41:15

And what that would facilitate is a full transfer of that licence to an offshore and the offshore transmission operator in due course, rather than having to split up the marine license, which is something the marine management organization has been clear in the past. There's not does not support. There are provisions within the marine licenses that restrict the works being able to be undertaken under one or the other. So the applicant couldn't build under both. They could only build on their one marine license, where there is an overlap of those offshore substation platforms and the interconnector cables.

00:27:42:24 - 00:27:49:21

Mr. Munro, I think just for the recording, could you just repeat that last sentence and take it a little slower?

00:27:50:08 - 00:28:10:15

Yes, absolutely. Within the schedule three, Marine license one and schedule for the marine Licence two, there is a provision that restricts the ability to build the infrastructure where there is an overlap, either in one marine licence or within the other. So they don't permit a double build of infrastructure.

00:28:17:10 - 00:28:46:18

Two final points touch on in part one relating to the authorized development. This also permits a range of associated development. Um, provided that it falls within the scope of what has been assessed in the environmental statement and in paragraph two or schedule one. There are a list of grid coordinates set out where the development will be constructed, and then within part two of schedule one, there's a list of ancillary works that the applicant is authorized to undertake which do not constitute development.

00:28:50:17 - 00:29:18:24

Schedule two the Development Consent Order sets out various requirements that apply to the authorized development and the requirements in a Development Consent order, the equivalent of planning conditions and the planning permission. The first of those is a time limits article, which sets out the authorized development must commence no later than seven years, beginning on the date when the order comes into force and Subparagraph two provides for an extension of one year in the event that there was a legal challenge.

00:29:20:15 - 00:29:48:27

Requirement two then sets out the design parameters and includes a table, and what the table here does is set out some key parameters from the environmental assessment that ensures that the development is built within the scope of what has been assessed in the environmental set, in the environmental statement. There's a couple of parameters that are going to be added to this and amended in response to comments from other parties, and also one that the applicant has noted was omitted.

00:29:49:02 - 00:29:52:09

I think you might be getting to the nub of what was going to become my question.

00:29:52:25 - 00:30:17:12

Yes, the going through those three that are probably worth noting. The first is this is a swept rotor area is going to be included, and the purpose of including a swept filter area that effectively secures that. The final number of turbines deployed is within the scope of what was assessed in the environmental statement. It means that you couldn't build the maximum number of the largest size. For example, it has to be within the parameters assessed.

00:30:19:28 - 00:30:25:03

Another parameter that will be added is scarab protection volumes, which has been requested by Natural England.

00:30:26:26 - 00:30:54:15

And then a final parameter that's it's not within the table itself, but it's within the marine license tables. And we make them onto is the sound wave clearance volume is going to be reduced. Um, in response to a comment from Natural England. The applicant has been able to confirm the forward and further studies that the volume of sound wave clearance can be reduced from a width of 104m to 80m, and the volumes will be updated in the marine licence to reflect that.

00:30:56:00 - 00:31:18:00

Mr. Munro, uh, rather than pick it up later on, I think efficient at this moment, the dimensional parameter of 1400m, um, between generators, um, between turbines, effectively, Uh, could you just clarify whether that is intended to be between centers or between the extremities?

00:31:20:15 - 00:31:22:28

Of the applicant. It's between centers of the infrastructure.

00:31:23:14 - 00:31:28:12

Um, could you just consider, um, clarifying that on on the draft?

00:31:29:03 - 00:31:30:06

Yes, absolutely. Thank you.

00:31:38:00 - 00:31:53:09

Continuing with the requirements, requirement three sets out various provisions really in for aviation safety, um, and requirement four sets specific provisions for mitigation of radar operated by Nats.

00:31:54:28 - 00:32:02:15

Requirement five requires a decommissioning plan must be submitted um in accordance with the provisions of the Energy Act 2004

00:32:04:06 - 00:32:12:15

and then requirements. Section seven set out some provision for submission of written approvals and for amendment of any details that are approved on the requirements.

00:32:16:27 - 00:32:29:26

Schedule three of the DCO then sets out the first marine licence. As I explained earlier, the works that this permits our works numbers one, two and three. So all of the works permitted by the development consent order.

00:32:34:05 - 00:32:57:24

And I won't go through, um, the initial provisions of this, which would effectively reflect what is in the draft development consent order. Um, they set out as before, the activities that are authorised which mirror those um, in schedule one, the grid coordinates mirror those and schedule one and the design parameters and condition ten again where those and schedule ones.

00:33:07:03 - 00:33:34:14

Don't if examined thought, I wish to go through the conditions in detail. Within this. The most of the conditions that are included are are relatively standard for a development consent order of this type. There's perhaps two that I would, um, possibly turn to condition 22 relating to an underwater sound management strategy, and condition 23 relating to UX or clearance, unless there's any others that would benefit to have an explanation of at this stage.

00:33:36:25 - 00:33:45:17

Um, I will come to touch on condition 20. Um, but as part of questions around, um,

00:33:47:12 - 00:34:02:18

why certain documents haven't been submitted, so I'd rather park that for the moment. So if there's anything specifically about 22 and 23 you want to point out now because they will form part of some questions I've got about marine mammal mitigation.

00:34:03:06 - 00:34:40:27

Action for the applicant. Yes, absolutely. A condition 22 um, requires a submission of an underwater. So management strategy, which is a form of mitigation that's been developed by the applicant to manage, um, underwater sound. And it takes account of other activities that will be ongoing in the

Irish Sea. The intention is that the final mitigation that is included within that plan will be based on the detailed design, based on the programmes of other developers, and the mitigation will be tailored to suit what is required at the time to reduce any potential significant effects to ensure that there not significant impacts on the environment.

00:34:42:29 - 00:35:14:09

If I may, just again, for efficiency, while we're on that topic, uh, there have been representations from the, uh, effectively from the fisheries world, um, to consider underwater sound effects on the fish and shellfish ecology. Um, at the moment, the linkage of the underwater sound strategy is to the Marine Mammals Mitigation Protocol. There may be a way in which you can address the fisheries community at the same time.

00:35:20:15 - 00:35:27:16

That you move for the applicant. That point is noted. I'll take instructions on whether or not an update to that plan might make that link clearer.

00:35:32:06 - 00:36:01:12

And the final condition that I was going to touch on there was condition 23, which relates to, um, unexploded ordnance clearance. And this controls when unexploded ordnance clearance activities can be undertaken prior to that taking place. It requires a method statement to be submitted. And it also requires a marine mammal mitigation protocol, um, specific to the UX clearance to be submitted as well, and to discharge that condition prior to any UX or clearance taking place.

00:36:02:17 - 00:36:21:27

Can I just ask on those two conditions, 22 and 23, if there's any reason why? For the condition 22 it says no activities must commence. And yet on UXO clearance, it's no activity can take place. I'm just wondering if there was a reason for the difference in the wording.

00:36:23:20 - 00:36:35:23

Pattern of the applicant. There's not a deliberate distinction in that wording, and we'll review it in the next draft of the developing consent order to see if consistency there can okay, provides greater clarity.

00:36:42:02 - 00:37:07:24

So rather than go through the remainder of the conditions, I just turned to schedule four, which is the second marine licence form part of the DCO. And that relates to the offshore substation platforms and interconnector cables. And as I said before, the intention of having this as a separate the marine licences so that the the whole could be transferred to an offshore transmission operator in due course, if that was the way that the applicant proceeded.

00:37:09:18 - 00:37:26:26

The final schedule just to touch on is schedule five, which is a list of any documents that were to be certified under article 11 of the Development Consent Order, and this includes the environmental statement and any outline plans that are referred to in the order itself or within the marine license.

00:37:30:28 - 00:37:54:10

Okay. Thank you. Um, for that. Traci, that was helpful. Um, so I'll just go through some of the clarifications, which I'm looking for. Then I understand the reason behind splitting up the work numbers. Um, I'm just not certain why work numbers two and three are separate, and they seem to form a whole.

00:37:56:08 - 00:37:59:01

I mean, you don't have to respond today. Um.

00:38:01:04 - 00:38:04:11

But maybe I just wonder why they weren't combined.

00:38:07:21 - 00:38:13:21

With the applicant. And that's a point that I can take away and take instructions on and come back that they might be helpful.

00:38:13:23 - 00:38:14:16

Okay, thanks.

00:38:16:22 - 00:38:56:14

The design parameters, which I touched upon, I wanted to to cover in table one, schedule two, requirement two, you actually did cover, I guess, for the essay. When we were looking over this, you had two maximum design scenarios for the wind turbines. And it seemed to me that this, you know, the table, um, amalgamate the most maximum of both of those scenarios. And so we were naturally going to be asking a question, well, what stops you building the tallest turbine with the, you know, the largest rotor swept path? But you've clarified that you're going to submit a swept rotor area, um, which in all intents and purposes controls what could be built.

00:38:56:16 - 00:39:01:10

So can you give me some further explanation on that and how that provision is meant to work.

00:39:02:17 - 00:39:33:22

I wonder if the applicant swept through three areas. Uh, one of the key considerations when looking at the maximum design scenario for certain topics or ornithology, for example, the maximum swept rotor area would be one of the considerations and swept rotor areas, the area that the blades, um, turn a simple way, and that, or the maximum number of turbines of the smallest size will be a certain area.

00:39:33:29 - 00:40:17:23

And for the minimum number of turbines, um, of the largest size, there will be another area. The applicant can then build anything within that. Um, but it can't go beyond it. And so what the rotor area prevents or having that as a parameter within the the table of requirements is it prevents the applicant being able to build the maximum number of the largest turbines, because that will exceed what has been assessed in the environmental statement, which will be one of the scenarios, and set out either the smallest number of the largest turbines or the largest number of the smallest turbines.

00:40:18:04 - 00:40:23:09

Yeah, that makes sense. Thank you. That's clarified that. I just wonder then if.

00:40:26:15 - 00:40:51:05

The parameters um within table one need to include things like maximum number of pin piles, maximum area of cable protection, as well as volume. Um, it's not something I'm expecting a response on. We're likely to issue some questions around this, but it's really just putting you on notice that we're asking whether that table needs to be expanded.

00:40:52:22 - 00:41:07:14

If the applicant. I think that is a question that might be better responded to in writing, partly because it's easier to explain the maximum design parameters, how they've been applied for certain topics, rather than go through that just now. That's fine to say that.

00:41:07:17 - 00:41:38:03

Today was just about putting you sort of on notice of the things that were, you know, that we're already considering. Um, so moving on to the next point. It's around the seven year time period, um, to commence the development. Now, we are aware that seven year time period has been included in a number of ICO's. But then similarly, we're aware that it was knocked back in hourly more. Um, Drax carbon capture also went for seven years. Secretary of state pushed that back to five.

00:41:38:22 - 00:41:39:07

Um.

00:41:41:21 - 00:42:13:17

MSN three recognises offshore wind now um as critical national priority, and a backstop of seven years to commence does doesn't seem to align with that critical national priority. Um, I think also there's throughout the Is references to commencing construction in 2026 being operational by 2030. So that backstop date again a seven years just seems a bit of an outlier. And so I think we're going to need more explanation on that.

00:42:13:19 - 00:42:43:24

Specifically why this particular project. Now, we're obviously aware that there's a connection with the transmission assets. That application is yet to come in. It's not under examination. It obviously is coming. Um, we appreciate that, but you will have been aware of that before you put your application in and before you put your eyes out to say 2030 is when we'll be operational. So I think the seven years is just a bit of a sticky wicket at the moment and needs a little bit more explanation from from the applicant, please.

00:42:44:11 - 00:43:16:17

I don't know if the applicant, the applicant set out its position on this at a high level in paragraph 5.6 of the explanatory memorandum, which is A005 and seven year time limit, as you said, has been included in a number of offshore wind farm department consent orders, including tried to null TCD and B, Hornsea Three, Hornsea Four and Sheringham Indulgent Extension Projects. And one of the main drivers for it is the complexity and scale of bringing these projects forward and moving into the construction phase.

00:43:16:26 - 00:43:46:27

There's a number of, um, factors that have to be lined up and in place before the project can move to the next stage, including, for example, securing a contract for difference. And as the financial model. And there can also be long lead in times for equipment and other elements of the project in connection with how that conflicts with or potential conflict with the critical, uh, need for these projects to come forward.

00:43:47:14 - 00:44:23:25

The applicant's position is that having the ability to commence up to seven years from the grant of the development consent order, doesn't mean that that is the timeframe that they would target for this project, and the applicant's intention is certainly to commence construction as soon as it can, but it's always external influences and constraints that could cause a delay to the commencement. And the applicant and the project team have seen other projects that have failed to meet certain milestones. For example, they've not been successful in the contracts for different allocation round, and they've had to go back through a process of redesign and go back out to the market, and that can cause delay to them coming forward.

00:44:26:10 - 00:44:44:12

There is also the as you noted as well, the transmission assets application is a separate development consent order application, and there will be a need to align those and coordinate the two developments coming forward, even though they are ultimately part of one wider project.

00:44:46:11 - 00:44:58:26

So the applicant's position is that there is a justification for that seven year period. And it isn't in conflict with the the needs case that's been put forward and their ambition to have the project operational by 2030.

00:45:02:07 - 00:45:39:24

Thank you. I won't press you through any of the details on the contracts for difference. Um, you I'm sure you will submit something further to us in writing in response to this hearing. I just want to put it out to any of the other interested parties as to whether a seven year time frame, um, has implications for BAE systems, for example, in looking at matters of radar and the stuff that will come up this afternoon, um, and any of the Orsted IPPs or the Isle of Man government, whether the seven year backstop date of commencement has any implications for them, and if so, did they want to speak at this point?

00:45:44:03 - 00:45:53:16

For the A systems, I think it's something I need to take advice on. um, and and come back to you in terms of written responses to to that question.

00:45:55:23 - 00:45:57:04

Thank you, Mr. Chawla.

00:45:59:05 - 00:46:23:04

Nobody else wants to speak on that. Good. Okay. So we'll just move forward then. Um, the definition of maintain and the power to maintain, um, marine management organization picked this up in their

relevant rep, um, which is RR 020 section 3.4. And I know as an ex, before we receive that rep, we should also pick this up. And

00:46:24:20 - 00:46:55:24

um, there's no obligation, it seems, for the Secretary of State to take into account any views of the marine management organization. Oh, sorry, I'm on the wrong one. Um, the concern is about the inclusion of the word materiality. Um, and it seems to include those words aloud. Almost gives the developer the opportunity to veer away from assessed effects in the U.S.. Um, and whether those words in the definition need to actually to be included.

00:46:55:26 - 00:46:56:20

Now,

00:46:58:09 - 00:47:31:15

as you have done throughout your explanatory memorandum, and you've looked at other echoes for precedent to see where those are included. Um, and we note that Norfolk, Boreas, Sheringham and Dudgeon extension, Hornsea Four and a few others don't include those terms. Um, however, we do know there will be more, um, Sizewell C, um, do include those terms. So we're not precedent isn't necessarily made out here, and I think we need justification as to why those words are necessary. And I'm not asking for you to do that on the hoof today, but we will expect a response, um, to this.

00:47:31:17 - 00:47:33:18

So we'll probably issue an action on that today.

00:47:35:04 - 00:47:48:10

Catherine, over the applicant. The applicant has responded to the most comments on that. The reference number that the applicant used was RR 020. Stop 17 and.

00:47:50:12 - 00:48:24:27

The applicant considered that the inclusion of the word materially was appropriate in the development consent order, and in part that reflects the fact that the detail of potential maintenance activities that are included in environmental statement, they are assumptions on activities that could take place. The word materially gives a limited degree of flexibility in this, and but it wouldn't authorize any activities that would give rise to new or different significant effects that would clearly be outside the scope of what has been assessed and outside the scope of the marine licence that has been applied for.

00:48:25:15 - 00:48:31:00

Um, but the applicant does consider the use of the word materially is appropriate for that reason.

00:48:35:19 - 00:49:06:16

Okay, I said we're not going to pick apart, you know, the explanation that's given. Um, we do note the response. We have read the response. Um, it's it's still a sticking point. Um, and we're just again, lots of these points today because their headline, we're putting you on notice that, you know, we will be pursuing this a little bit further. Um, so we'll come on then to article seven. Um, relating to the benefit of the order and the power to transfer the benefit of the order.

00:49:06:18 - 00:49:09:12

Let me just open it up. Um.

00:49:11:27 - 00:49:45:00

Now, we note again, this has become or becoming a standard provision where the Secretary of State does, you know, has the power to transfer the order plus the deemed marine licence. Um, the point I think we picked up as an ex a is there's no obligation of the Secretary of State to take into account the views of the MMO on whether a transfer should or should not occur. Um, it just says shall and shall consult, but there's there's no Tailpiece requirement for them to actually take that into account.

00:49:45:02 - 00:50:09:22

Now, we could assume the secretary should take the comments into account, but it isn't there in the order. And I'm just wondering whether there should be a tailpiece provision, um, to article seven that requires the Secretary of State to take into the take into account the advice of the MMO when they consult. So again, I'm not asking for you to commit today, but something that, um, we will pursue.

00:50:11:15 - 00:50:15:27

I don't know if they can. That point is understood and noted and has one great takeaway.

00:50:16:24 - 00:50:17:12

Thank you.

00:50:19:15 - 00:50:51:15

Coming on then to condition 20 of the draft dreamed up deemed marine licenses. Teeth are getting in my way today. Um, preconstruction plans and documentation. Um, I think it struck the Xa, and certainly a number of IPPs have noted there's no construction method statement or offshore environmental management plan drafts, um, that are before the Exa have been submitted.

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

Um, we appreciate that they play a role once the design is starting to become a little bit more fixed, but they seem to be an important part in consenting, mitigation and management of the development. So it's unclear to us why outline versions of these documents haven't been submitted into the examination. Could you just come back on that, please?

00:51:13:06 - 00:51:44:18

I don't know if the app can. The general approach that's been taken is to submit outline plans where there's likely to or the applicant consider there was likely to be detailed within them that stakeholders would wish to comment on through the examination. Um, and that may be explored by the examining authority through the examination. Other plans haven't been submitted where it was considered that the secure or more standard measures as suppose, in bringing forward a project of this type. So, for example, an offshore environmental management plan.

00:51:45:00 - 00:52:19:06

It will be submitted for discharge of the condition at the appropriate time. But at this stage it wasn't felt necessary to set out full detail of that. And when the applicant has submitted with the application a schedule of mitigation that intends to bring forward, and that much of the detail of that plan and such

as item subparagraph two of that provision, requires a chemical risk assessment, for example. Those were more standard provisions. The applicant didn't feel it necessary to put an outline together, which should be little more than headings at this stage.

00:52:19:08 - 00:52:25:24

Whereas for the other outline plans that have been submitted, it was ones where there was more detail that stakeholders were likely to comment on.

00:52:29:28 - 00:53:05:07

But I guess what I'm trying to pursue is whether agreeing the principles of those documents, even those outline headings. Obviously, there are interested parties that feel that they want to sort of make a start on that. Um, it also probably gets you a little bit further forward, you know, into into the consenting stage once, you know, once you pass through examination. So I think there's still a benefit in submitting or having the discussions with the IPS about drafts of those documents. Um, again, we'll probably pursue this through written questions, but, um, it's likely to come up again.

00:53:06:22 - 00:53:20:23

If they happen. That's certainly noted by the applicants team. And the applicant will explore through the Statement of common ground process, in particular, and with Natural England and the Marine Management Organization, for example, and where additional information might be provided to give them comfort.

00:53:24:19 - 00:53:54:26

Thank you. So of my last list of points I started with, um, was clarification on the purpose of the Marine Mammal Mitigation Protocol and which provision or provisions within the draft deemed marine licenses controls how and when a final version is required. Now, the reason for this coming up here, this is not under a, you know, an ecology hearing. Um, I guess I'm confused over the triggers for the submission of the final, um, marine mammal mitigation protocol.

00:53:56:05 - 00:54:17:11

Now document J 13, which is the underwater sound management strategy. And that's AP 068 and the Outline Marine Mammal Mitigation Protocol, which is App 072. Both state that the Marine Mammal Mitigation Protocol is an annex to the underwater sound Management strategy. Um.

00:54:20:00 - 00:54:36:26

I then look at section 1.1.2 of the outline map to save me getting my teeth around that. Um, it states that it relates to mitigating noise impacts to marine mammals from Compiling UXO clearance and geophysical surveys.

00:54:39:06 - 00:55:02:07

It seems odd, then, that the Dems only seek approval of a final marine mammal mitigation protocol in condition 23 under Us.so clearance. It doesn't feature in condition 22, which relates to piling, and it doesn't feature in condition 20 relating to pre-construction plans, which is where geophysical surveying is pertinent.

00:55:05:18 - 00:55:29:24

For the applicant in condition 20, subparagraph one each, and it provides that in the event that driven or part driven pile foundations are proposed to be used, or in the event that unexploded ordnance clearance is required, a marine Mammal Mitigation Protocol and in accordance to the outlined Marine Mammal Mitigation Protocol and shall be submitted.

00:55:35:08 - 00:55:37:06

Just give me a second. I want to reread that.

00:55:57:01 - 00:55:59:03

Okay. Um.

00:56:01:17 - 00:56:03:23

So whatever you submit under 20.

00:56:03:25 - 00:56:04:19

H.

00:56:04:21 - 00:56:09:08

How does that change under condition 23, or does it change?

00:56:12:10 - 00:56:38:05

One rule for the applicant. There could be a situation where the condition 23, which is specific to us all, clearance and was discharged with a marine mammal mitigation protocol suitable to those activities for the UX o clearance activities, um with condition 20, subparagraph one, each discharged separately and relating to polling activity, for example.

00:56:40:17 - 00:56:53:23

Right I see, I understand that. So in terms of geophysical surveys which were preconstruction surveys or generically, um, I want to just go to the definition of commence.

00:57:00:07 - 00:57:11:09

So it says commence means the first carrying out of any licensed activities, say for pre-construction surveys, monitoring surveys, unexploded ordnance surveys and and so on. Um,

00:57:12:25 - 00:57:27:21

so if the Marine Mammal Mitigation Protocol also covers geophysical surveys, but pre-construction surveys are out with commence. And yet those conditions bite, some of those conditions bite on commencement.

00:57:29:24 - 00:57:35:24

How does how does the Marine Mammal Mitigation Protocol for Geophysical surveys get picked up?

00:57:37:18 - 00:58:07:08

Patrick Monroe for the applicant, the pre commencement surveys that would be authorized or those are non-intrusive. Only the environmental statement hasn't assessed any intrusive surveys in the pre commencement phase. A separate marine license for example for Geotech surveys would be

submitted. And um the applicant is progressing surveys of that nature now. So the applicant has a marine license in place to undertake geotech surveys at this time. And so those would be any intrusive surveys would be applied for under a separate marine license.

00:58:08:26 - 00:58:12:21

Okay. Thank you. That's that's the clarity I was looking for.

00:58:15:17 - 00:58:48:23

So lastly then um, I just want to touch on the explanatory memorandum. Um, it seems a bit light on detail to the essay, um, particularly the DML section, um, where it just seems to lack some detailed rationale for much of the drafting. Now intend to issue an action for this to be revisited as a whole, to ensure the purpose and effect of each provision is fully explained, and why it's appropriate in each specific case. Um, the explanation should be proportionate to the novelty or controversy of that particular provision now.

00:58:49:07 - 00:59:24:29

I'm talking, for example, around that seven year time frame where certain precedent has been cited, but there are other cases which obviously conflict with that. So citing precedent is not a sufficient justification in our view, because there could have been unique circumstances in those cases as to why that particular provision was put in. So what we're looking for out of the explanatory memorandum is to actually say why this particular provision is for this, for the for the Morgan generation assets, why it's particularly necessary. Um, so I think we're going to issue an action on that point, um, for that to be revisited as a whole.

00:59:25:09 - 00:59:27:26

Action. Yep. That's that's well understood.

00:59:30:24 - 00:59:44:24

So I don't have anything further than I want to bring up under the the DCO element under agenda item three. I just want to go to any other IP's to see if they wanted to come in on any of the points that we've just discussed.

00:59:46:18 - 00:59:50:13

And I can see a raised hand, but I just can't make.

00:59:50:15 - 00:59:51:00

Out.

00:59:52:04 - 00:59:54:17

From the letters. Do you want to put your camera on?

00:59:56:12 - 00:59:57:05

Yes.

00:59:59:18 - 01:00:03:05

I can see you now. Um, do you want to introduce yourself, please?

01:00:04:08 - 01:00:36:28

Uh, sure. This is Faheem Hashemi, representing, uh, a Scottish fishermen's Federation. Uh, I would like to thank the applicant for the clear explanations. I had just two quick points. First of all, uh, I would like to conquer the point raised by the examiner in terms of inclusions of the fish and shellfish into the underwater, uh, noise assessment. Uh, because this area is particular for queen scallop and herring, which are susceptible to noise.

01:00:37:08 - 01:01:09:19

And another great concern that we have, this, uh, uh, area is the only, uh, this development is the only one to be built on, uh, queen, uh, scallop fisheries. So, uh, we are very much concerned of the impact of the development on the Queen. Uh, scallop, uh, as well as, uh, the herring, uh, which are in the juvenile stage or nursery stage, they are susceptible to noise.

01:01:09:21 - 01:01:42:04

And their, uh, bladders would be affected, uh, impacting their hearing system. Uh, the, uh, next point is a question for the developer in terms of, uh, dividing works, uh, number into three parts. Would that impact the total amount of years which were, uh, allocated for construction of the, uh, generation assets? Uh, as of environmental statement, it should be about four years.

01:01:42:06 - 01:01:42:22

Thanks.

01:01:44:19 - 01:01:52:04

Mr. Hashimi, I'm not sure I understood your last point about the work numbers. If you could just state that again, please.

01:01:53:14 - 01:02:18:05

Of course I will. Uh, in terms of the, uh, work numbers, which is going to be in three, uh, stages. Uh, well, that impact and the total amount of the time or schedule that was initially allocated for construction of the, uh, generation assets, which was four years initially.

01:02:18:22 - 01:02:19:07

Thanks.

01:02:19:22 - 01:02:39:02

Thank you. Um, I think the applicant did take on notice the issue around the underwater, um, um, statement strategy to look at whether that should include fish. So they've taken that on notice. Um, but I would come to the applicant over the issue, over the word numbers and the timeframe for construction, please.

01:02:39:29 - 01:02:52:18

I wonder if the applicant one point just on the fish and shellfish impacts. I just wanted to confirm that that has been assessed within the environmental statement, a document reference EP 021

01:02:54:15 - 01:03:00:14

on the works numbers and whether that changes the construction schedule. The short answer is no.

01:03:04:16 - 01:03:06:16

Is that okay? Mr. Hashimi, are you okay too?

01:03:07:09 - 01:03:08:10

Yeah. Thank you very.

01:03:08:12 - 01:03:09:17

Much. Thank you very much.

01:03:09:26 - 01:03:10:11

Thanks.

01:03:13:08 - 01:03:44:07

So I'll just go on to the other two parts that were on agenda item. um three, which was array layout principles, including spacing and micro siting. Um, but I think we covered that that was the issue that my colleague Mr. Bradley asked you about the, um, whether the minimum distance between the structures was the center of the turbine. So you've, you've you've covered that point, and then we just come on to the point of the land plan and the status of crown land.

01:03:44:09 - 01:04:17:10

And this is really just something just to put you on notice about, um, as opposed to a specific question. So the application is different from most ships in that it's offshore only and therefore we've no book of reference submitted with the application. So the seabed is crown land. Um, and the Xa understands an agreement for lease has been granted by the Crown. However, for completeness, we will be seeking further comments and clarification on whether a book of reference is necessary and whether the seabed is land for the purpose of the Planning Act.

01:04:17:28 - 01:04:49:12

Um, and this has arisen in our minds from the Bibi Stockholm judgment, which talked about land, um, and whether its land is includes the seabed. And so we're likely to be asking a question in our first written questions at the end of October on this. So you're at liberty to submit a response, um, about the Stockholm judgment and whether that is pertinent to this particular application or not, by deadline. One if you think it would assist us, but to say we were probably likely to go to an ask on the point.

01:04:51:07 - 01:04:56:18

Of the applicant and the advance notice of that as well. I'm not going to comment on those points just now. That's okay.

01:04:56:26 - 01:05:12:14

Okay, great. So if there's nothing else for my colleagues on agenda item three at this point, and unless you have anything further from the applicant team that you wanted to draw to our attention, um, we'll move on to agenda item four.

01:05:15:03 - 01:06:07:02

Yep. Very good. Thank you. Uh, so this agenda item is on the Isle of Man and transboundary matters. Firstly. Um, there are numerous issues set out in the assessment of principal issues which may affect the Isle of Man because the proposed order limits are set within a few metres outside Manx territorial waters. Um, now, uh, at the procedural deadline, uh, in document PD 107 sorry 017 uh, the applicant gave assurance in response to the Isle of Man government's uh, representation that indeed the applicants EIA had assessed um potential environmental effects on the Isle of Man in the same way as effects within the UK.

01:06:08:04 - 01:06:38:21

Uh, the applicant also gave assurance that the Wildlife Act 1990 brackets Isle of Man Brackets has been recognized in the applicants EIA and confirms that equivalent treatment of species and sites protected under Manx legislation has been afforded during this EIA process. With the inclusion of Manx designated sites and protected species throughout. So the question now is to the Isle of Man government.

01:06:38:28 - 01:06:54:29

Are these assurances from the applicant, um, that Iron Man interests, um, are considered as if I am were part of the UK? Are they sufficient? Satisfy the Isle of Man government.

01:06:57:29 - 01:06:59:04

Mr. Armitage.

01:07:01:27 - 01:07:34:07

Hello. Yes, Mr.. Government? Um, yeah. Firstly, I'd just like to say that there is seems to be a bit of a hole in the planning law in the Town and Country Planning Act in that it only requires transboundary effects to relate to EEA states. Um, which obviously the Isle of Man isn't one. Um, but neither is it part of the UK. Um, so we've had with various projects, different approaches, whether we're considered transboundary or part of the UK.

01:07:34:16 - 01:08:11:17

Um, to be honest, it doesn't particularly matter to us as long as the end result is the same that, um, you know, our interests are taken, taken account of, um, certainly going through the, the application, the EIA, um, we have been, um, satisfied that mostly. Yes, our, um, our concerns that have been raised have been taken into account suitably, um, with regards particularly to the Wildlife Act and, um, our marine nature reserves and so on um..

01:08:12:16 - 01:09:11:07

Um. There are still a few items outstanding. Um, and obviously we are currently producing local impact report for yourselves or, um, deadline one which will be will be submitted and together with the the applicant, we are currently producing a statement of common ground as well, um, which will highlight these specific areas. Um, the main issues at the moment are not particularly for the Isle of Man government, but for the Steam Packet Company, um, which has, uh, what we consider lifeline services to our main, um, ferry services through to Hesham and Liverpool, which are potentially put, um, well put at risk in, uh, weather, um, poor weather routings.

01:09:12:08 - 01:09:44:23

Um, the other area that we do also have concerns is with regards to Ronald's way, airport with the, um, effects on radar and so on. Um, which has been mentioned in the EIA, but, um, yeah, at the moment, uh, things are bit of a standstill. Um, we understand that the airport is currently getting a survey together to deal with the effects of, um, the multiple windfarms, uh, or the multiple planned wind farms around here.

01:09:45:26 - 01:10:01:04

Um, but certainly from your question, um, the EIA, yes, has taken suitable account of all our legislation and, um, our particular areas of concern, particularly on the ecology front, um, from ornithology into shellfish.

01:10:03:24 - 01:10:38:15

Thank you. Uh, I think that, uh, in terms of the the way that, uh, That's the Isle of Man. Uh, government is considered within the examination. I've got a question later on, uh, just to prepare you, I'll. We'll hold it just for a few minutes as to whether we deal with Isle of Man government as a single, um, interested party or whether there are different parts that should be. So perhaps you can have a think about that and I'll ask it later. Um, let's pass on now, if we may, to transboundary matters, uh, in particular concerning the Republic of Ireland.

01:10:38:28 - 01:11:21:06

So thank you, Mr. Armitage, for the moment, um, following the first transboundary screening, uh, under regulation 32 of the EIA regulations, um, that which was October 2022, Republic of Ireland requested to be involved in the, uh, consultation procedure. And the second transboundary screening under regulation 32 was issued, uh, on behalf of the Secretary of State on the 3rd of July, 2024. Now, that second screening summarized that the proposed development is not likely to have a significant effect on the environment in Belgium, which had been in the first screening and therefore no further action is required in respect of Belgium.

01:11:21:12 - 01:11:49:09

However, it considers that the proposed development is indeed likely to have a significant effect on the environment in the Republic of Ireland due to potential impacts on shipping and navigation. Um. Could I just ask? Has the applicant, uh uh. Can the applicant confirm that it has seen that, uh, um, screening of, uh, 3rd of July 2024?

01:11:51:01 - 01:11:53:12

Can yes, I can confirm that that has been seen.

01:11:53:16 - 01:12:37:12

Thank you. Uh. I think, um, the most important thing to say now then, is that a submission consequent on that screening and the, uh, Consultation that was published by the Republic of Ireland government. Um. A submission was received from Meath County Council in the Republic of Ireland um only on Friday last, and it was indeed published this morning on the pins website. Um, so I think if I could just ask the applicant to review that response and if it wishes to make comments on it, could you please take an action to respond at deadline one?

01:12:38:22 - 01:12:40:25

Move the applicant? Yes. Certainly. Take that away.

01:12:42:13 - 01:12:43:03

Thank you.

01:12:44:19 - 01:12:57:28

Uh, an opportunity just to ask the applicant then, uh, if there are any further comments to make about, uh, any ongoing engagements within the Republic of Ireland.

01:12:59:28 - 01:13:39:15

I move the applicant. The applicant is continuing to engage with, um, commercial ferry operators that operate between the UK and Ireland. So that includes um Stena Line, for example. Um, just to follow up on the comments of the Isle of Man government as well, the applicant is also engaging actively with the Isle of Man Steam Packet Company as well. Um, in those discussions, um, there's also been a range of discussions with commercial organisations that represent international shipping operators and the UK Chamber of Shipping and the Irish Chamber of Shipping, and the applicant has engaged with the Port of Dublin as well.

01:13:48:22 - 01:14:01:12

Just as a matter of, um, clarity, the Irish Chamber of Shipping and the Port of Dublin are they now part of the MAF, the Marine Navigation Engagement Forum.

01:14:06:23 - 01:14:10:27

I don't know if the applicant. They were invited to participate in the in the forum.

01:14:17:19 - 01:15:11:26

Thank you. Um, so I'm going to pass on now to discussion of other persons status. Um, so in addition to the Republic of Ireland, uh government, the following were invited in appendix B of the rule six letter to become other persons in the examination. Um, and that includes the Isle of Man Department of Infrastructure. So, um, I this is the opportunity again to Mister Armitage to ask whether, uh, the Department of Infrastructure, uh, Isle of Man government will be, uh, a separate, uh, wish to be represented In this this examination separately from yourselves or, uh, are you considering that that can be a consolidated, uh, representation?

01:15:13:17 - 01:15:45:11

Um, no, it will be a consolidated representation. Um, basically, for all of these, um, UK and Ireland projects, we're coordinating everything officially through the DoI because we have what is known as the Territorial Seas Committee, which is run by the DoI. So they are the overarching body. There's they're the ones who will formally submit the documentation and so on. Um, so everything will be on their behalf. Um, it's.

01:15:45:13 - 01:16:16:22

Yeah, just a matter of who's available at the time to, um, you know, uh, partake in these meetings and so on. Um, one thing that I would point out, though, is that the steam packet is a separate commercial entity. So, um, you know, although we take their interests into account, we can't represent them and,

um, you know, can't agree things on their behalf. Um, but as discussed, there is a statement of common ground going in with them separately.

01:16:18:04 - 01:16:54:03

Thank you. That's very clear, very helpful. Thank you. Um, I'm going to pass on though now to Max utilities. Uh, just to check, um, Max utilities again is a separate entity to the government, as I understand. Uh, we don't have a response from them at this stage, but, uh, the intention is that we will consider them as another person in the examination and keep them, uh, informed of progress. Now, moving on from that body, the next one we have is the Department of Agriculture, Environment and Rural Affairs.

01:16:54:05 - 01:17:19:17

Brackets. Northern Ireland brackets. Same thing applies. No response yet to the invitation, but, um, we intend to continue, uh, considering them as another person or an op. And lastly, nature. Scott. Um, there was a comment this morning, uh, about nature. Scott. I'm going to ask applicant if there's anything you would like to add.

01:17:21:07 - 01:17:33:21

For the applicant. No, nothing for a tad. At this stage, it was simply to note that the applicant has contacted NatureScot about potentially progressing a statement of common ground as requested in the rule six letter, and hasn't received a response.

01:17:36:10 - 01:17:40:25

Thank you. Uh, another question for the applicant. Um,

01:17:42:11 - 01:17:51:15

is there any other organization or body that, uh, which should be suggested as another person that we've overlooked?

01:17:52:28 - 01:17:57:13

I wonder if the applicant know the applicant doesn't have anything else to suggest? Thank you.

01:17:58:28 - 01:18:03:29

So that then concludes agenda item four. I'm going to hand back to Ms.. Hunt.

01:18:07:24 - 01:18:15:09

Thank you. Moving on to our agenda item five which is the interrelationship with other projects.

01:18:20:05 - 01:18:50:05

So and this was touched upon this morning as well. But the the rule six letter sets out that the first version should be submitted at deadline. One which show I understand that you're on with and in appendices D and gate of that letter set up the purpose of the document and and what? Where's the examining authority expects it to contain. But that that's not exhaustive. It's um, and it it's an iterative document as well as as time goes on.

01:18:51:14 - 01:19:09:26

So what I'd like the applicant to do just briefly, just set out what we can expect from their forthcoming reports. Whether you've been successfully interacting with with the other name project promoters, um, and it's production and do you understand what we require from this document.

01:19:11:18 - 01:19:49:12

Attachment rule for the applicant, you can consider that it does understand what is intended with this doc document. The way that it's proposing to structure it is using the suggested items, um, that are at the foot of page seven and going over the page on the G8 of the rule six letter as the broad structure. And that will be the the topic headings, as it were. The applicants then going to set out the information in tables, which it thinks will provide some clarity, and setting out how, um, there might be alignment with those other projects under each topic heading.

01:19:50:00 - 01:20:20:18

And the report will be based on information that's in the public domain. Either through application. Application documents or through information that's been made public as part of a consultation process. And so that will be submitted to deadline one and then update a deadline four and deadline six. And it will reflect any changes in the position. For example, if the Morgan and Morecambe transmission Assets application is submitted, then that would be new information in the public domain and the report would be updated accordingly.

01:20:24:01 - 01:20:24:24

Okay. Thank you.

01:20:31:04 - 01:20:49:12

And just to put you on notice as well as we do, we do expect Morecambe to be asked for the same documents. So as you'd be speaking to them about what should be in it and for consistency. Um, I presume you're speaking to Morecambe Windfarm.

01:20:49:25 - 01:20:53:04

Agreement with the applicant? Yes. There's regular engagement with the marketing team.

01:20:54:25 - 01:21:04:06

But we've got more. Come here today. I'll come on to some questions for more. Come shortly. I'll just, uh, just finish this, um, item on the interrelationship report.

01:21:07:09 - 01:21:26:07

So annex one of Natural England's relevant representation, um, which is RR 026, it sets out their concerns with the consenting approach and the generation and transmission projects being separate discos.

01:21:29:27 - 01:22:01:03

So the national policy statements on energy, they do specifically refer to the need for projects to ensure they've provided sufficient information on the indirect, secondary and cumulative effects. And in particular, the decision makers should be satisfied that there are no obvious reasons why the necessary approvals for the other elements are likely to be refused, so that that that's it in a nutshell. These are considerations for the for the the onshore transmission assets and the applicants response.

01:22:01:06 - 01:22:30:12

Procedural deadline PD 1015 uh, that's in response to Natural England. And that refers to the Offshore Transmission Network review and the Holistic network Design review. So just kind of can the applicant explain the implications of this review. Um, and do you know whether the, the, the named projects in the Irish Sea are currently the only projects which have been separated in this way?

01:22:47:00 - 01:22:51:26

I don't know if the applicant and there are others that are still currently under review, but none are decided.

01:22:54:18 - 01:22:55:08

Thank you.

01:22:58:20 - 01:23:37:24

And Natural England's reference to their experience would try to null and say that that's been mentioned in, in, in their relevant representation. And, and you've responded to that and their concerns relate to the issue of so-called stranded assets. And, um, they, they know the potential for a requirement or a condition which prevents works commencing until the grid connection has been consented. So essentially Grampian condition, the you've responded to this um, in your procedural deadline response.

01:23:37:26 - 01:24:20:01

And and you referenced the Secretary of state's decision letter for for Triton knoll um, which disagreed with the examining authority's recommendation to include such a, um, such a requirement or condition. Um, and you've provided written extracts from that decision letter, but it it's an old application. It's an old DCO. Most of the documents have disappeared off the system. And for complete lists, could you submit a copy of the decision? Um, the Secretary of State's decision and the examining authority's recommendation report, um, for interested parties as well.

01:24:20:03 - 01:24:36:15

We might not be able to to access that. And alongside that, could you reference the relevant sections, paragraph numbers, which are particularly, um, relevant to the matter of stranded assets? We could do that as an action point, please.

01:24:37:07 - 01:24:39:10

I can move that. Yes, absolutely. That's no problem.

01:24:41:16 - 01:24:42:03

Thank you.

01:24:58:05 - 01:25:02:03

And also on the matter of the interrelationship reports,

01:25:03:18 - 01:25:33:15

there's clearly some overlap with the cumulative effects assessment, and which is also expected to be an evolving document throughout the examination as as the other projects progress. And we do recognize that there will be some overlap. But the cumulative effects assessment is part of the environmental statement, whereas the interrelationship report is not a standalone, informative document, so to speak. Um.

01:25:35:26 - 01:25:46:28

So it's just seeking to avoid too much repetition between those two documents and making it clear that it is separate. Is it just. Is that clear to you?

01:25:48:04 - 01:26:29:07

I don't know if the applicant. Yes, that is clear. And it might help at this stage just to set out how the applicant is proposing to deal with, um, applications as they're submitted, how it intends to address potential cumulative effects. The applicant is not intending to do a full assessment, and what it would seek to do is what it would term a sensitivity analysis, effectively reviewing the information in the application. That is usually something that's been refined from the statutory consultation stage, and seeing if there's any potential for a change in the assessment conclusions that were set out within the cumulative effects assessment and the in combination assessment and the EIA and the HRA.

01:26:29:26 - 01:27:09:10

And the applicant has undertaken that for more commercial wind generation assets already based on the application documents. And that has allowed them to conclude that there is no change to the assessment, that sensitivity analysis as a term that will be written up and that will be submitted to the examiners as soon as possible. Um, a similar approach will be taken when the Morgan and Morgan transmission assets are submitted. Um, it will not be a full reassessment, but it will be, um, a document will be submitted that sets out by the applicant can be confident that, um, the cumulative effects assessment and the environmental statement, there is no change in those conclusions.

01:27:11:00 - 01:27:19:27

May I just, um, jump in to ask if the same will apply to, uh, um, a sensitivity assessment, if you like, of more than.

01:27:22:18 - 01:27:35:29

To move the applicant if the move on an application was submitted during the timescales for the examination, and then the applicant would certainly consider it. Um, at the moment, the applicant is not aware of when the application is due to be submitted.

01:27:40:20 - 01:27:41:05

Okay.

01:27:45:19 - 01:28:05:11

That was my thoughts about Morecambe. Morecambe Offshore Wind Farm, um, which is currently in with the Planning Inspectorate, uh, due to start examination shortly over the, over the next couple of months. Um, so it's

01:28:07:08 - 01:28:14:19

yes, it was submitted in May, I think it was around 5 or 6 weeks after the submission of Morgan. So and so there will be a bit of a lag.

01:28:16:13 - 01:28:45:12

The so is the submitted application documents are now in the public domain, which they weren't at the time of submission of Morgan. And, and now the relevant representations have closed. They closed a couple of weeks ago on the 19th of August. So there's a bit more information now about for from the interested Parties, and so the applicant will have sight of much more information than they did at at the time of submission.

01:28:47:09 - 01:29:15:28

So this has come up in a few of the relevant representations as well. Uh, about the alignment of data, particularly from organisations such as Natural England, which I won't really go, won't go into now. Um, but could you, could you just confirm and clarify if any updates will be made to the yes or any other documents? Further to the submission of the Morecambe application and a review of its relevant representations.

01:29:17:08 - 01:29:44:26

Of the applicant. There's no intention to update environmental statement at this stage. As I said, based on the review of the application documents and the applicants concluded that there wouldn't be a change to the conclusions of a cumulative effects assessment. The applicant will, however, continue to monitor the Morecambe examination as it progresses. And if there was, and it will take account of any information that is submitted through that process. The applicant also has regular meetings with the Morecambe Offshore Wind Farm Project team.

01:29:51:14 - 01:30:05:08

And now Morecambe's become a tier one project in the cumulative of assessments. Does it, um, change any outcomes of the assessment? I think you've just answered that, but.

01:30:08:02 - 01:30:38:12

I don't know if the applicant. It doesn't change any of the conclusions of the environmental impact assessment. Cumulative effects assessment. Um, the applicant will present basically it's um, it's analysis in the sensitivity analysis it submits, but it the applicant doesn't wish to continuously update the cumulative effects assessments through the process, where there's not going to be any change to the conclusions of the assessment and produce lots more material into the examination where that's not considered necessary.

01:30:40:21 - 01:30:45:10

You are going to submit that by deadline. One that sensitivity assessment.

01:30:47:21 - 01:31:04:15

Action of the applicant. At this stage, I am not in a position to commit to deadline one. It will be done as soon as possible. It is being written up at the moment and certainly the applicant is endeavouring to do so as early in the examination as it can, but it may be deadline to

01:31:06:05 - 01:31:06:20

finish.

01:31:12:24 - 01:31:20:23

Okay. Thank you. I now ask about Morecambe, um, offshore wind farms. It's, uh, it's Nolan.

01:31:22:10 - 01:31:33:00

Would you like to make any comments on, on on what you've just heard and just provide a general update on on the Morecambe application, please?

01:31:33:28 - 01:31:54:27

No, we don't have anything substantive further to add, just to echo what the applicant has already said, which is that the two projects, as you would expect, given the coordinated transmission application, are in constant dialogue and every effort is being made to ensure alignment and to streamline the various processes for stakeholders while keeping separate examinations.

01:32:01:02 - 01:32:02:05

Okay. Thank you.

01:32:06:00 - 01:32:30:22

Moving on to the Morgan and Morecambe Offshore Wind Farms Transmission Assets project and the implications for for this this this project. There's nobody present from that project today as far as I know. Um, but is the applicant able to provide an update on timescales for submission from your discussions with them?

01:32:31:06 - 01:32:38:00

Madam, just before I go into that, I noted that there was a hand on the screen. I don't know if you want to. It was possible under this, the previous agenda item.

01:32:38:21 - 01:32:42:07

Mr. Armitage, put your hand up.

01:32:43:01 - 01:32:44:17

Yes. Hello. Uh, Richard.

01:32:44:19 - 01:33:06:16

Armitage. Um, it was just a quick one because you started discussing more Valin at the start of that, um, piece. Um, as far as our information, is, the planning application for that will be submitted towards the end of Q1 25. So March 25th there or thereabouts.

01:33:08:27 - 01:33:09:12

Okay.

01:33:11:12 - 01:33:17:18

Okay. Thank you very much. Okay. Back to the applicant for for an update on Morgan and Morgan.

01:33:18:23 - 01:33:30:18

I don't know if the applicant um, as so on the project page on the Planning Inspectorate website, the target submission date for this is two, three, 20, 24. Um, and that.

01:33:30:20 - 01:33:31:05

Is.

01:33:31:09 - 01:33:32:10

That is still the case.

01:33:39:12 - 01:33:40:13

Okay. Thank you.

01:33:45:20 - 01:33:46:27

So

01:33:48:24 - 01:34:20:02

if and when you get a better idea of timescales for submission and it it may well be submitted before the next deadline or the deadline too. We don't know. We don't know either. Um, what we'd like you to do at that point is to submit something of a timeline. Um, and how it relates to your submission, in particular, the things we ask you the question earlier about the seven year commencement period.

01:34:20:07 - 01:34:50:08

If there's any other implications, um, we're not going to know in the next few months when examination is going to start because of the there will be pre examination period of several months. But we I think we do expect it to be submitted during this examination. So we just like from you which is sort of a timeline expected dates and whether there's any implications for this examination when it comes in.

01:34:51:27 - 01:34:54:28

Judgment of the applicant. Yes. That's something the applicant can certainly prepare.

01:34:56:23 - 01:34:57:20

I think you.

01:35:14:26 - 01:35:28:01

Know, I think I think that's all the questions I've got on this side of things for interrelationship with other projects. Is there? Is there any other interested parties present or online today that would like to make any comments on these matters?

01:35:34:25 - 01:35:37:12

Graham. Three wonderful P.A. systems. Um,

01:35:38:29 - 01:36:09:22

when we're looking at aviation and and radar, there will be overlap. It'll be an interrelationship between all the projects being discussed. Um, these systems have shown an interest in all the projects

and have made comments in relation to not just Morgan, but, um, the Morecambe proposed generation assets and also the transmission assets by Morgan, Morgan and Morgan transmission assets, which raise slightly different issues for BAE systems to to the others.

01:36:10:01 - 01:36:24:20

Um, so it's quite a complicated picture. Um, in terms of interrelationships and, and then the potential for impacts on the operations of BAE systems. So hopefully we can pick those up as we go through the looking at interrelationships in more detail.

01:36:26:11 - 01:36:34:23

Yeah, I trust that something that will be dealt with with within the report. And as time goes on, when more information becomes available.

01:36:37:27 - 01:36:41:08

Does the applicant have anything else to raise or any other interested parties?

01:36:43:26 - 01:36:45:06

Nothing from the applicant. Thank you.

01:36:54:14 - 01:37:17:25

Okay, I've got no further questions. Will break. Take a break. Now before we go on to agenda item six. So the time now is 337. And I suggest we have a break until five to for 355. Thank you.