



Hearing Transcript

Project:	Morgan Offshore Wind Project Generation Assets
Hearing:	Issue Specific Hearing 2 (ISH2)
Date:	26 November 2024

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FULL TRANSCRIPT (with timecode)

00:00:05:07 - 00:00:22:07

Good afternoon. Welcome back. The time is now 340. And resume this issue specific hearing two. We are now on item four C of the agenda which relates to interrelationship cumulative effects matters.

00:00:24:23 - 00:00:28:09

So firstly I just want

00:00:29:25 - 00:01:02:10

to seek you seeking updates on what's happening with the other applications that are in and around the Irish Sea and the understand that the interrelationship report. The next version will be submitted at deadline for um. The first version was submitted at deadline one rep one zero 17. And we we personally found it to be a very useful summary of the other listed projects and the progress of them and.

00:01:03:00 - 00:01:43:24

Information sharing, that sort of thing. It's it's a good document for just setting that out clearly, I think. Um, so just, just really to say that the, the next version, obviously we know that Morecambe Offshore Wind Farm has progressed to examination. It's just whether there's anything else that's arisen from that. And I understand that deadline one is today. And so whether there's any information arising from from that first deadline that that needs to be included, and also Morgan and Morecambe transmission assets application has now been accepted for examination.

00:01:43:26 - 00:02:06:01

And the the information relating to that is in the public domain. So could the applicant just provide just a summary. Just just to clarify that the both the next version of the interrelationship reports and the cumulative effects assessments. Um will include those updates, please.

00:02:07:06 - 00:02:26:05

Patrick Fabricant um, madam, we've been joined from table now by, um, Mrs. Alex Bowes, who's the offshore project manager for EIA at Tetra Tech. Um, I'll ask her to just give a little bit of a brief overview of the oversight that we've got on the other projects and how they'll translate into updates to application documents.

00:02:29:06 - 00:02:35:01

Alex Bowers, on behalf of the applicant, um, just to provide a bit more background. Um, the.

00:02:35:03 - 00:03:15:04

Applicant carried out a full review of the status of the Irish Sea projects to inform the Cumulative Cumulative effects assessment review that was submitted at deadline two. And this captured a number of updates to Irish Sea projects since the submission of the Morgan Generation Assets application, including the submission and acceptance of the Morecambe Offshore Wind Farms Generation Assets Application and the submission of the applications for a number of the Irish projects such as Oriel, Arklow, um North Irish, CRA, coddling, etc.. Um, and so this deadline to the applicant is aware of one further key update, and that is that the Morgan and Morecambe Offshore Wind Farms Transmission Assets Project application has been submitted and accepted.

00:03:15:23 - 00:03:41:21

Um, and as such, the applicant is currently carrying out a further k uh so cumulative effects assessment review to consider this project and intends to submit this at deadline for. And you've also pointed out that of course, we're aware that the, um Morecambe offshore wind farms generation assets has also, um, commenced examination now. I can move on to the, um, the updates that we're anticipating to submit a deadline for.

00:03:44:08 - 00:04:26:18

June. So in terms of the interrelationships reports, um, there's a there's probably four key updates. So firstly, Um, just because our, um, installation report was initially submitted at deadline one, as you noted. Um, we now want to update the report to signpost it to that cumulative effects assessment review that we submitted a deadline to, and to provide an overview of those conclusions. Um, we can also, as indicated in our responses at deadline three um, update the interrelationships report to include a specific table for scenario two, a summary of the cumulative effects assessment for um Morgan generation plus transmission plus.

00:04:26:20 - 00:04:46:23

Morcom um, we think that would help to address your comment. Um question C 1.4 and we offered that in in that response, um, to include an update on transmission assets, project status and timelines, uh, in section 1.2 and section 1.9 of the report. Um.

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And uh, and to reflect that the Morecambe Generation Assets Project has has entered this examination phase as well.

00:04:58:04 - 00:05:19:15

And then in terms of the update to the cumulative effects assessments, um, and in combination assessment review, as I mentioned earlier, um, we're carrying out that review currently. Um, to um, to recognise that the transmission assets application, the Morgan and Morecambe Offshore Wind Farms transmission Assets application has been submitted and accepted.

00:05:22:27 - 00:05:32:24

So yes, what you just suggested about the scenario and in your answer to written questions. Yes. Yeah, we would expect that to be included at the deadline for. Yeah. Thank you.

00:05:35:06 - 00:05:55:05

We we discussed more than in at some length this morning that was in relation to um shipping and navigation matters. Obviously there are other um issues around Morven in and um, potential cumulative effects. Um,

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understand that yet it's unlikely to be submitted until after examinations finished. Um, but in the event that further information does come forward, um, it's in the public domain. Before that, um, whether it results from the, the, the, the forum that's, that's happening next month, um, shipping and navigation or there's any, any other discussions that are ongoing in the meantime. It's just how you intend to address those within the reports within the examination period, because at the moment it just simply says there's a limited amount of information and doesn't really go much further than that.

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Pattern with the applicant. Um, I think we did discuss it at some length this morning and set our position that any more detailed assessment would need to be based on more detailed assessment information being submitted by morning, so you wouldn't usually update a cumulative effects assessment until you had a detailed assessment work to base that on whether that was an idea submitted alongside an application or in the Planning Act regime. Preliminary environmental information report. Um, at the moment, as we discussed this morning, we don't have that.

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So there is no anticipation at the moment to update any of that assessment work. I appreciate that if there was an application made before the close of this examination and that included that detailed information, the applicant would need to consider how to address that and whether any assessment work needed to be updated, and they would need to do that at the time that the information was made publicly available.

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Is there an opportunity to just add a bit of extra detail to the interrelationship report? So that's not part of the EIA. Um, and that.

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With.

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With the extra information that we, we asked for, um, in our written questions and that we've got now for more than in terms of timelines and, um, what's happening next and if there's any discussions that are taking place, that's that sort of thing. Just to add that bit more extra information.

00:08:12:22 - 00:08:25:12

For the applicant, yes, we can update the timelines based on the information that's been submitted. Again, we'd have to know that those are indicative at this point. Um, and is in control of the applicant when they submit their application.

00:08:29:25 - 00:08:30:22

Okay. Thank you.

00:08:44:06 - 00:08:52:28

I don't have any further questions on this agenda item. Are there any interested parties present here or online that wish to raise any issues?

00:08:55:02 - 00:08:55:25

On this matter?

00:08:58:15 - 00:08:59:00

No.

00:09:03:27 - 00:09:11:00

Okay, I'll move to agenda item five should aviation and radar matters. So

00:09:12:26 - 00:09:16:29

we received. I'll let you move around first.

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Thank you. Matt I think that's okay.

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Thank you.

00:09:41:05 - 00:10:22:24

So we requested a tracker progress report in our written questions, which we've received. Thank you at deadline three, which is rep 3007. Um, and so just just with reference to that. Uh, could the applicant provide an update on discussions with the aviation, aviation and radar interested parties? Um, and just just a note, really, for the for the next version of the progress report, it would be useful to have an extra column also that relates to next steps timescales because it says what's happened already but not what's happening next.

00:10:22:26 - 00:10:37:01

And when partnering with the applicant. Yes that's understood. We can add that in for the next version. Um, Mr. Jamie Grant, um, will speak to the report itself and updates on the progress with the various interested parties.

00:10:52:03 - 00:10:55:20

Hello, Jamie Grant, on behalf of the applicant. Um,

00:10:57:16 - 00:11:29:20

the, uh, aviation matters relate to a number of stakeholders as detailed in the, uh, update report. Um, I'll run through them, sort of in order. And perhaps if there's any further questions you can interrupt as we go. Um, just to perhaps give a summary of of what the issues are and the stakeholders are at the top, and then I'll work through them individually. Um, we've got um, B Walney um, in relation to IFP and MSA matters.

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So that's instrument flight procedure. Uh and minimum sector altitude uh matters. Uh BA Warton similarly have IFP and MSA issues. Uh, furthermore, at B Warton we have primary surveillance radar issues. There's a joint sort of stakeholder relationship there between, uh, Dio and B um, Dio being the defense infrastructure organization. Uh, and then furthermore, at Ronald's, we, um, we have issues relating to PSR.

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That's, uh, that's the civil airport on the Isle of Man.

00:12:09:04 - 00:12:16:06

Um, and then there's a broad question of VHF issues that have been raised at Ronald, Blackpool and Warton recently.

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Um, engagement continues with, with B on, on all matters

00:12:23:18 - 00:13:00:26

with face to face meetings held on the 1st of November and further engagement, um, on matters within the statement of common ground in light of that meeting. Uh, in relation to IFP and MSK matters at Be a walney. Aim to support the process and assessment of those impacts. The applicant had commissioned a study by Osprey or aviation consultant. The operator has deemed that that's an insufficient study as Osprey are not the CAA appointed approved procedures design organisation DPU for this aerodrome um.

00:13:01:04 - 00:13:04:19

Although Sea Osprey are a CAA approved DPU.

00:13:06:19 - 00:13:31:16

Um. Whilst Ospreys advice finds no barrier to mitigation, the applicant accepts this report is incomplete and is not able to consider matters that are not in the public domain but are pertinent. The operational planned operation of the aerodrome. In line with B's request, the applicant has accepted that Nats, who are the appointed ADP for BA Walney, will be appointed to undertake an assessment at the expense of the applicant.

00:13:33:28 - 00:14:10:28

Um, the potential for impact will be dependent on the scale of the turbines. So we would note that no impact was identified at the prior stage of the application process with the 324 meter tip heights, but the rise to 364m with the application created an impact that requires mitigation. Mitigation is therefore best deployed when turbine procurement has confirmed the scale of the machine. The wind turbine generator that is at the site, uh, and mitigation, will be by application to the CAA to change the IFP and MSE in this area.

00:14:11:16 - 00:14:24:06

It's a low cost administrative process and does not require the provision of new assets to manage the airspace. The applicant notes that the change cost of this change procedure will be met by the applicant. Uh.

00:14:29:15 - 00:14:37:18

I am on the applicant notes that through recent dialogue with B. This will be dealt with by a requirement to the DCO.

00:14:47:11 - 00:15:28:07

Now moving on to B Wharton and the IFP, MSK issues there. That um largely mirrors the impacts that we have just discussed at Walney. The significant difference in this case is that Osprey are the CAA appointed ADP for this aerodrome. Um, and they are therefore you accepted to be the correct party to undertake the IFP and MSK assessments. Uh, however, um, we do note from dialogue with BA that there are further details about the operation of the aerodrome that Osprey may not have been privy to, and a further update of that report is needed to conclude the mitigation for the IFP and MSA assets.

00:15:28:09 - 00:15:42:05

Then, as before, mitigation will be by commercial agreement to cover the costs of the administrative process related with the mitigation. And as before, we accept that that will be through a DCO requirement.

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You see, if I can grab a water glass.

00:16:03:13 - 00:16:27:16

I'm sure I'll struggle. Um, in releasing relationship. Relation to Dio and BA Wharton's PSR issues. Um, just to explain the interplay of the stakeholders at Warton, uh, be the owner and operator of the asset. But Dio are responsible for the aerodrome safeguarding due to the military aircraft activity at that site.

00:16:29:26 - 00:17:03:25

It is therefore we have engaged with, with Dio, uh, in relation to a requirement that a requirement within the DCO. Uh, we've been doing that jointly with our sister project, Mona, um, in order to concentrate and make efficient use of steak all the time. Um, we've recently come to an agreement on the wording for the Mona requirement, and that will now be mirrored, uh, for, um, for, for, uh, this project. Um, we look forward to updating that in the next deadlines.

00:17:03:27 - 00:17:05:01

Uh, statement of common Ground.

00:17:17:07 - 00:17:19:06

I am moving on to Ronaldsay.

00:17:20:25 - 00:17:27:23

The principal impacts, um, that need resolution. At Rollins, we relate to primarily surveillance radar services.

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Hey, the mitigation measures outlined in the EIA are appropriate and will result in minor adverse residual impacts. Um, this conclusion is supported by Reynolds themselves. Um, the applicant, um, is aware that the Manuel's. We have undertaken a surveillance strategy to manage air traffic safeguarding, which includes consideration of Morgan generation assets and other um expected changes to the baseline from other generation assets and what the mitigation requirements would be for those we've had or the applicant has received an executive summary of this report.

00:18:10:26 - 00:18:25:24

And discussions have been held between both parties as to how to move forward to deliver the mitigation in due course. Um, the applicant will continue to engage with Ronaldsay with regards to the design of the technical solution, and will update the examining authority at the next opportunity.

00:18:27:09 - 00:18:27:26

Um.

00:18:39:27 - 00:19:00:10

Uh, both my, uh, both parties continue to, um, progress the discussions, and the applicant has provided draft wording for a DCO requirement. Uh, once again, this will be updated in the statement of Common Ground at the next deadline. And we look forward to working forward with Ronaldsay to deliver and define the technical solution.

00:19:04:19 - 00:19:35:08

In regards to Ronald's way, uh, Blackpool and Broughton. And so in the case of Ronald's way in Blackpool, them these have been longer established concerns regarding VHF communications uh with Warton raising concerns only the end of last week in regard to this matter. Um, We will. The applicant in the US, um, scoped out um, VHF assets. Um, and these were not contested.

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The scoping out of those assets and interest was not contested at pier or through the initial submission of the application.

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In the case of Ronaldsay, we know that, um, they have undertaken and that's consultancy assessment of whether there will be impacts and have had positive conversations with them this week as to the significance of of the impact of the generating asset on the VHF, um, uh, their VHF assets.

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Um, but we anticipate that, um, we are unlikely to need to move forward with mitigation in that regard. Again, this is obviously an emerging picture as of this week, and we look forward to updating the examining authority, the the statement of common ground in due course.

00:20:24:04 - 00:20:39:10

Um, as noted in the case of Wharton, the matter has only arisen very recently. And again, we look forward to engaging with you on this matter as to understanding the potential for effects on their VHF transmission asset.

00:20:53:09 - 00:21:33:22

I finally just to, um, address, uh, outstanding matters with with Blackpool. So again, um, matters there could potentially relate to MSA and IFP impacts. However, at the moment there is no expectation that there are, uh, impacts on their, uh, their assets are requiring a change to MSA and IFP. However, uh, they are undertaking their five year review process with the CAA at the moment, and the outcomes of that may require that there are changes made to the um MSP, sorry, the IEP instrument approach procedures.

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In response to that, we have undertaken to support, um, the airport in in managing any of those changes, and we would anticipate that that will be by commercial agreement and not subject to D0 requirement in this case.

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Um, in regards to Nat's,

00:22:03:16 - 00:22:18:02

I think you've actually covered off that point potentially already with my colleagues earlier, but, um, I can cover that matter again if you like. Um, in that case, um, the impacts are on the Hill and, and PSR

00:22:19:19 - 00:22:32:03

Facilities. Aim mitigation has been proposed by Nat, which will utilize blanking and airspace change procedure and the implementation of a transponder mandatory zone.

00:22:33:24 - 00:22:34:09

Um.

00:22:36:13 - 00:22:47:15

The applicant has received details of the preferred mitigation solution formats and will, um, work through those in due course. We will continue to provide updates on that matter in the statement of Common Ground.

00:22:53:01 - 00:22:54:05

Legal covers all the matters.

00:22:54:20 - 00:22:58:20

Okay. Thank you. That was a really useful update. Um.

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Essentially discussions continuing on all of these.

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It.

00:23:06:28 - 00:23:12:27

For me it's more about the time scales. Is this going to be done during the examination? Yes.

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When as you know, discussions are ongoing. I think that's that's an accurate representation of that on all matters. There are ongoing and active conversations, and I think we do not see any barriers at the moment to receive it. Reaching a conclusion before the examination process concludes on all these points.

00:23:32:27 - 00:24:12:29

Pattern of applicant. Madam, if I can just add on that point, I think, as Mr. Grant explained, there is quite a number of technical reports being undertaken to identify the exact mitigation solutions, but in all cases it is the case that a mitigation solution is being worked through and the parties are confident one can be identified and implemented. Um, where that is in place and no commercial agreement is in place before the end of the examination in the usual way, the applicant would seek to control it from a consent perspective through a requirement in the development consent order, just to give you the confidence that that mitigation will be in place before the operation of the turbines commenced.

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So that's how it would be dealt from the consent aspect. Um, And as Mr. Grant explained, the technical aspects and how that is completed in a procedural perspective is still being worked through with all parties.

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Okay. Understood.

00:24:28:08 - 00:24:54:12

Um, just a reminder, not not just on this matter, but other other issues as well. The deadline six is the final deadline. Deadline seven is really there just for us as an examining authority. If there's anything we've got a burning need for anything, we will issue a rule 17. But we would expect all agreements, statements for common ground and everything that's, that's listed in in the rule that's to be submitted at deadline six.

00:25:01:03 - 00:25:06:17

Right. That includes side agreements as well that we have agreement of those.

00:25:07:00 - 00:25:28:21

Partner with the applicant. Yes. Signed statement of Common Ground will be submitted at deadline six. A lot of the agreements between the parties will not be submitted into the examination where they're commercial in nature. That wouldn't be the intention, but where there is a DCO requirement that would be included well in advance, it would aim to include that a deadline five at the very latest. So the examining authority had an opportunity to consider it ahead of deadline. Six.

00:25:30:03 - 00:25:45:17

Okay. Great. Thank you. Okay. I'll come to the interested parties and waiting patiently today the um b first um, for Walton and and Walney. I don't know who wants to go first.

00:25:46:05 - 00:26:18:09

Mr. Graham, for BA systems. If I can start with a high level introduction and then pass it on to my colleagues for more more detail. Um, as Mr. Grant said, um, the applicant and BA systems have been in discussions about the need to assess the potential impacts on a number of assets, um, for assets in particular that are operated by BA systems and which are important to do their ongoing operations.

00:26:18:15 - 00:26:36:03

Um, very general headings. Uh, as Mr. Grant said, um, its impacts on the instrument flight procedure, uh, sorry influenced instrument flight procedures and minimum sector altitude for Walney Aerodrome, similar for Warton Aerodrome.

00:26:37:24 - 00:27:13:06

Um the assessment of impacts on the primary surveillance radar at Warton as well, which is ongoing in in tandem with the Dio and then um, perhaps uh, extending what Mr. Grant said. VHF radio transmissions for both Warton and Walney aerodromes. So it is both aerodromes in that case uh would need to be assessed. Um, so, uh, those four main assessment tasks, Um, need to be undertaken.

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Uh, and, and obviously the outcome of that discussed with, with VA systems, uh, and any, any mitigation requirements. Um,

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our position at the moment is that, um, these matters are best dealt with through requirements within the DCO.

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I think it gives transparency and, um, security for VA systems, if that's the case.

00:27:44:23 - 00:27:50:12

Okay. Can you just explain why the VHF has only come up as an issue recently?

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Please just ask, um, my colleagues to, to explain that.

00:27:55:10 - 00:28:31:08

Uh, so Chris Burkett, on behalf of PA systems there, um, the matter has actually come from the Civil Aviation Authority. Um, who raised it with us? I think only over the last couple of weeks. Um, and has been mentioned to us by our NSP inspector as well. Um, specifically in relation to issues that found at other airfields, uh, due to the proliferation of windfarms both onshore and offshore. Um, and they have mandated now that we consider this as part of this process. Um, as with all these processes and any agreements that we have for mitigations, we are subject to CA approval for all of them.

00:28:31:27 - 00:29:01:05

Um, in the at the end of the day, it's not us that makes the decision as to whether something is safe and acceptable. Uh, we put forward a case as to why we think it might be, and we required the Civil Aviation Authority to approve that. So in this case, they have come to us and said, you must take this into consideration. Uh, I think also for Warton, it's important to note that it's not just VHF communications. We have UHF communications as well. Um, so we have quite a wide range of frequencies that we operate that would need to be taken into consideration as part of that.

00:29:03:12 - 00:29:05:24

Okay. Thank you sir. Car driven.

00:29:06:10 - 00:29:07:12

Yeah. Okay.

00:29:13:12 - 00:29:20:22

Is there anything else Pia Dio would like to raise in terms of.

00:29:22:24 - 00:29:31:18

Slow progress on statement of common ground timescales. You've just mentioned that it's likely to be a requirement rather than an agreement.

00:29:33:26 - 00:29:54:02

Graham Schueller for BIA systems. Um, perhaps if I could ask my colleagues to generally provide a commentary on the timescale for the assessments that are required that they anticipate at the moment, and especially in relation to the, uh, the overall time frame for, for this examination as well.

00:29:55:18 - 00:29:58:04

So Chris Burkett for Bay systems there. Um,

00:29:59:23 - 00:30:38:27

many of the issues that we're dealing with here are obviously quite complex. Um, particularly when we refer to the primary radar issues, um, mitigation for those issues, um, will require a technical solution. Um, and as, as the applicant referred to, uh, discussions with Ronaldsay in that matter as well. Um, the timescales for that are much, much bigger than, than what we can achieve within this examination. So we do support the applicant's approach to, uh, include, um, conditions within the development consent order in order to ensure that those are properly addressed.

00:30:39:14 - 00:30:58:03

Um, we are unable to assess the effectiveness of any proposed technical solution or mitigation until such time as it has been physically tested, uh, which involves the turbines being built and usually some flying taking place. Um, so it will be something that comes much, much further down the line.

00:31:09:27 - 00:31:30:28

Madam, if I can just briefly comment on that point with the applicant, just to confirm that's not not unusual for, um, conditions to be put in consents or requirements to be put in development consent

orders, that requires mitigation to be put in place for aviation and radar assets, but that the actual mitigation and testing is done as opposed consent. That is entirely standard.

00:31:41:14 - 00:31:51:19

There's the Isle of Man TSC and on behalf of Ronalds Way Airport, wish to raise anything what they've heard if they're still around.

00:31:51:21 - 00:31:52:06

Uh.

00:31:53:00 - 00:32:24:26

Yeah, it's Richard Armitage. On behalf of the TSC, I would just effectively agree with what's been said. I understand that there's no well on the way to securing a condition of the in the DCO regarding mitigation for, uh, Rolls-Royce's primary surveillance radar. Um, I understand there was discussions taking place yesterday on the exact text of that and similar to by the actual mitigation is. Yeah, not something that can be sorted out before the end of examination.

00:32:25:00 - 00:32:33:17

So the exact nature of it wouldn't be known by then. But if there is a condition in the DCO requiring it, um, we would be comfortable with that.

00:32:36:26 - 00:32:58:02

And it was mentioned that the commissioner of the independent analysis and that I think in your response to our written question, ah, 1.4, you said that this would could be shared on receipt and submitted into the examination. Is that correct? And when when can that be submitted, please?

00:32:59:12 - 00:33:09:00

Richard Armitage on behalf of the TSC. I will have to check back with Ronald, but I will do that as soon as possible and update the examination.

00:33:10:18 - 00:33:11:18

Okay. Thank you.

00:33:14:29 - 00:33:15:14

All right.

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I can perhaps provide an update on that. So, Jim Grant, on behalf of the applicant, we've certainly received the executive summary of the report already. And we know that further reports have been commissioned by, uh, Ron and Sue in relation to other aviation matters. Uh, verbally, they were shared with me this week, but we look forward to having those or an executive summary of those shared by us in due course.

00:33:41:26 - 00:33:42:25

Okay. Thank you.

00:33:45:29 - 00:33:47:27

Mr. Bradley, did you want to ask something?

00:33:51:24 - 00:33:52:22

I'll follow on from that.

00:34:09:06 - 00:34:09:21

Yeah.

00:34:09:23 - 00:34:37:28

Just a question on monitoring. Before we move on, um, applicant's response to first written question. Ah, 1.5. But it states that no aviation and radar monitoring is required to test the predictions of the. Yes. Um, and like we just said that the agreed mitigation will be tested prior to operational deployment and that that's usual. Um, can you just expand on that?

00:34:38:29 - 00:35:12:00

Uh, Jamie Grant and she began on behalf of the applicant, I think that's in line with Mr. Burke's comments on behalf of B, uh, that, you know, before the mitigation solution can be deemed to be operational and successful, uh, there needs to be an adequate testing of the in situ, In-situ, uh, mitigation against the baseline of the new assets. Um, and that's once once that is been undertaken and mitigation is accepted, there's no need for further monitoring beyond that point. They just need to be demonstrating that mitigation is adequate and sufficient.

00:35:16:20 - 00:35:28:20

Is is that your understanding of it as well, the bar that no further monitoring is required once it's been tested. And it's demonstrated that the mitigation solution works, so to speak.

00:35:29:07 - 00:35:49:18

Chris Beckett on behalf of Pi systems at. Yeah, that's our understanding. Um, we are going through a similar project at the moment. Um, so once we have an approved and accepted safety case with CA and the mitigation has been proven to work, there's no requirement for ongoing monitoring unless any further changes to, uh, the windfarm height of turbines and things should be made at some point in the future.

00:35:52:18 - 00:35:53:20

Okay. Thank you.

00:35:58:06 - 00:36:06:02

So anything else anyone else wishes to raise in relation to radiation and other radar issues?

00:36:19:24 - 00:36:24:26

So I think we've got time to do commercial fisheries.

00:36:26:11 - 00:36:33:26

So okay with you, Mr. Bradley? Yep. Okay. We'll move on to agenda item six, which is commercial fisheries.

00:36:33:28 - 00:36:36:25

Madam, we just have a moment to rearrange our team. Yeah.

00:36:36:27 - 00:36:38:02

That's fine, thank you, thank you.

00:37:26:09 - 00:37:32:14

Madam, it might just be helpful if the new members of the applicant team who haven't spoken yet introduce themselves at this point before we commence.

00:37:32:16 - 00:37:34:18

Yes. Please introduce yourself. Thank you.

00:37:38:00 - 00:37:46:11

Good afternoon. Johnny Lewis, Commercial Fisheries lead, on behalf of the applicant, coordinated the environmental impact assessment.

00:37:50:29 - 00:38:03:01

Hello. Um, I'm doctor Kevin Lennon. I'm from Texas Tech, and, uh, I'm the fish and shellfish ecology lead. Um, uh, for the, uh, for the applicant.

00:38:05:19 - 00:38:06:07

Thank you.

00:38:08:15 - 00:38:39:26

Six a, um, mitigation of effects on queen scallop fishery. Um, I'm going to preface this by remarking that just for everybody's benefit, that this is primarily a written process. So I don't want to take up a great deal of time today, uh, on oral submissions. Um, so if we can keep it, uh, any any answers to high level to be followed up with Britten, uh, summaries thereafter, that would be helpful.

00:38:40:10 - 00:39:16:18

Um, the first question, we don't have very many questions that aren't actually already being well pursued through the written process, but just a bit of clarification. Um, the first one is actually for the West Coast Sea products. Um, they were asked, uh, in our written questions to provide some detail substantiating, um, their earlier, uh, submissions. Um, that, uh, response hasn't yet been received, but we're expecting that, uh, to come in for deadline for, um.

00:39:17:15 - 00:39:31:14

Can I just check with both, um, West Coast sea products and with S.F. if those responses are in hand for, um, December the 10th, first, uh, West Coast sea product.

00:39:33:21 - 00:40:06:22

Well, thanks. Stuart Kane, West coast products. Uh, I was in touch with the Planning Inspectorate yesterday, to which they agreed for me to submit more information by the 10th of December deadline. For. So I am going to do that. So I appreciate what you're saying about high level answers only today.

So I can do that for the 10th. I, I apologize as we have been extremely busy as a business recently and um, yes, I it it passed upon me. So I do apologize and thank you for the opportunity.

00:40:08:27 - 00:40:15:20

Thank you. Uh, and, Mr. Hashimi, um, the same effectively applies to SFF.

00:40:17:10 - 00:40:48:00

Uh, yes. Uh, Fahim Hashimi, on behalf of us of, uh, yes. I, uh, second is talking on this point that we would be submitting, uh, response on this, uh, question by, uh, deadline for, uh, so we appreciate the opportunity provided for us to, uh, submit our written response. And if needed, we can briefly go through the main points of our, uh, response here.

00:40:48:02 - 00:40:52:16

And uh, further detailed response would be submitted in writing. Thanks.

00:40:53:26 - 00:41:23:29

Thank you. I think it's just one point which would be helpful to cover today, because then it gives an opportunity for a broader understanding, uh, and shared understanding for that matter. Um, I think we should talk a little bit about, um, your representations about, uh, the potential problems of cable protection in the, uh, scallop mitigation zone in particular.

00:41:24:12 - 00:41:56:01

And, um, a question I'd like to pursue is, is whether scallop dredging gear can deploy, can effectively be deployed intermittently so as to avoid cable protection where it is fully charted. Is this something that, uh, firstly, um, w ksp should answer or is this an SPH matter? Should we, should we go to West Coast Sea Products first? Hands up.

00:41:57:05 - 00:42:30:20

Sure. Can West coast products? Yes. Um, our our skippers on our fishing vessels fishery in the UK in line with up to date chart information on cables. So that isn't just Admiralty chart data which gives indicative alignments of cables, but up to date data which were provided from Seafish orca. So fashion vessels know to shoot their fishing gear away just north or south. Well, whatever direction f we're talking about, they do see it.

00:42:30:22 - 00:43:02:21

Um, we are already operating in line with six or so east west cables across the ground. That concerns well and a mark and unmute. And so there used to have been able to do that. And if there has been any snags or use a they shouldn't line. But in terms of where there may be exposed cables and that there probably there's probably more knowledge in the fashion industry where those exposed cables and cable operators.

00:43:04:04 - 00:43:51:18

Um, and in respect of protected cables, a fishing vessel will not try to fish over where there's, um, you know, protected cables to speak effects of, like a mattress or a or dumped rockets. It's it's not it's not desired. So they tend to the left their fishing gear and as slightly inconvenient to do that. So that is why with this a proposal we have a a slight disagreement with the the perimeter and rows of turbines,

particularly to the southwest, because the fishing vessels at the moment they they tow and I note that area.

00:43:51:20 - 00:44:21:27

So if if they're not sufficiently buried or if they are protected, if they're not able to achieve burial, then it's effectively off limits. And then they've got to lift their gear and then potentially go back into the scallop mitigation zone, which is by the way, it's a it's a it's a good solution which the applicant has provided. But um, as a bit it's a bit of a practical issue. If you have to lift fishing gear then shoot away again.

00:44:22:09 - 00:44:34:11

Um, yeah. And if you've got any kind of given whether it becomes even more difficult, in fact, to just become a no go zone if, if there's no confidence of the barrier that is.

00:44:37:28 - 00:45:07:22

Thank you. That's, uh, that's useful, uh, insofar as we, uh, have already had quite a lot of to and fro, uh, representations on the question of the perimeter turbines for the seas. Um, I'm going to pass the applicant to see if there's any further comments to add. But the question that I have in mind is that of

00:45:09:17 - 00:45:45:21

the probability of cable protection being necessary. Uh, now, I do realize that until further survey work is complete, there will be no certainty on this, but I think it would be useful for the the conversations that are happening with the fisheries stakeholders to understand whether it's going to be a rare exception Where cable protection is going to be necessary, or whether it's more likely than not that there will be cable protection in that perimeter zone.

00:46:06:00 - 00:46:38:00

Proposal for the applicant. Um, I want to thank West Coast Products for their, um, engagement today. It has been really productive, and we have committed to what we feel are a suite of commitments to ensure coexistence for the fishing, uh, stakeholders in the in the region. Um, are some of our primary commitments are around the cable protection and committing to minimum, um, amount of cable, uh, to Very cables as much as possible and the minimum amount of cable protection.

00:46:38:02 - 00:47:11:16

And, um, all of this is dependent on the cable burial risk assessment, which is completed post consent. Um, we've discussed with the stakeholders about, um, making sure we've aligned cables, um, uh, as much as possible, um, with regards to direction and with their towing directions and, um, bearing below the seabed level wherever possible and protecting with adequate protection. But in the design of that protection, making sure the snagging risks are reduced.

00:47:11:18 - 00:47:42:24

So there's shallow profiles and smooth edges. Um, and in terms of the protection on the, the periphery, um, uh, of the scallop mitigation zone, until we've done that cable barrier risk assessment, we don't know. But we have committed to that 10% of, um, the inter cables requiring protection. And that's across the whole array area. So it would be less than that for the mitigation zone area.

00:47:43:05 - 00:47:43:20

Um.

00:47:44:06 - 00:48:23:10

If I might interrupt, I guess that whilst it's, uh, it's perhaps unreasonable at this stage to expect very much more precision. Uh, we're talking about 10% across the whole array area. Um, if all of that 10% were concentrated around the, uh, scallop mitigation zone, then we've got a different matter altogether. It's I think it's better to have a sense of what the proportion of, uh, capable protection is likely to be in the scallop in and around, I should say, the scallop mitigation zone.

00:48:23:23 - 00:48:39:24

If that's likely to be 10% as well, then we've we've got one conversation. If, however, there's there are indications that that is not going to be evenly spread. Then there's a different conversation to be had.

00:48:43:19 - 00:48:58:03

I guess is, um, consent lead for the project. I'll just come in there. We don't know. You're right. We need to do those site investigation surveys and then do the cable burial risk assessment to get that full detail in knowledge. But what I would say is your question is.

00:48:58:05 - 00:49:29:01

Could 10% capable protection for all of the cabling for all of the turbines, um, occur within the SM z in in the scenario that there are peripheral turbines, there's ten turbines. So you would the chances of there being 10% from all of the turbines and the cabling associated with all of the turbines within that area is unrealistic, I think is my point. And that's probably as much as we can say. So I think you can take comfort that it wouldn't be the entire 10% within the SMS.

00:49:29:03 - 00:49:35:15

I think we can say that with confidence. That just will not happen. But the value? No, we can't say at this stage.

00:49:36:24 - 00:49:59:09

I suppose it comes also to an understanding of pre design, whether there's any sense that by introducing the scallop mitigation zone, this triangular space, whether there is likely to be more uh cable crossing than uh in other areas of the array, or less indeed.

00:50:03:14 - 00:50:10:01

In cases for the applicant again. Um, I can't see how there would be more in terms of cable crossings.

00:50:10:04 - 00:50:10:19

Um.

00:50:12:11 - 00:50:40:16

I don't see this scenario where there'll be more unless you try to take the, the cables that ran from the peripheral turbines and sort of send them all around the edges somehow to avoid the SMS, then I suppose you could create a scenario where theoretically, maybe you could get more crossings, but I'm

not. I'm not sure about that. But if they just ran. However, they need to be up to two for running through the SMS then no, there wouldn't be more crossings than if that was populated with turbines.

00:50:40:25 - 00:51:20:22

And indeed, we've already had a representation from you to say that it would not be sensible to try to contain the cabling to the perimeter of the SMS, uh, for exactly that reason of increased crossings. Um, so what I'm hearing is that, uh, in general, you whilst you don't know, we're not likely to get a greater intensity of cable crossings and, uh, indeed, cable protection in, uh, and around the Scarlett mitigation zone, then, um, the it's not going to intensify, in other words.

00:51:20:24 - 00:51:28:06

Exactly. There's going to be less activity in general. Absolutely. That's the full intention of what we've done here. So.

00:51:29:15 - 00:51:37:26

Um. Now the next question, which is, uh, I think best directed to to applicants team. Um,

00:51:39:15 - 00:52:11:18

no, I'm going to ask it in a reverse way. I'm going to make the observation that the updated, uh, um, outline FLP, uh, has committed to the use of Regional guard vessels were required should cables become exposed. And so the question back to, I think first West Coast sea products and then to, um, SF is, is that commitment enough to satisfy your concerns about cable exposure?

00:52:18:12 - 00:52:54:27

Sugarcane waste products? Um, I mean, these are aspects of the the proposal do not concern us overly. And the scenario where a wind farm is an operation and what what does it what does concern us is an exposed cable, which shouldn't happen with everything that we've had so far. The excellent, um, consultation with had with the applicant. But like having do you mean like the opportunity for guard work because that's, that doesn't interest us because our interest is to continue fishing in this area, which we fish for.

00:52:55:27 - 00:53:33:12

Well, since my grandfather established the business in the 70s, we want to keep fishing less. Area and guard work is of no interest to the workers in the factory. Um, but with everything I've seen in the coexistence plan with, um, I've not kept up too much. It's been more for him and a Raymond Hall of the Scottish White Fish Producers Association, um, Have committed with the LCP. Sorry, not up to scratch with that too much, but um, yeah, I've no qualms there at all with that side of things.

00:53:33:15 - 00:53:35:01

Yeah. That's all.

00:53:35:20 - 00:53:37:08

Thank you, Mr. Hashimi.

00:53:40:24 - 00:53:56:12

The question is, again, the additional commitment that was made at deadline three on regional guard vessels for cable exposure. Is that enough to satisfy one of your concerns? That's outstanding. On the statement of common ground.

00:53:57:14 - 00:54:28:18

Okay. Thank you, Mr. Bradley. Uh, Faheem Hashimi, on behalf of SFT. Uh, well, I think this, uh, provision of God vessel for exposed, uh, cable is like an emergency reaction rather than the mitigation. The mitigation should be that all efforts should be made to ensure cable is properly buried. That no chance for cable burial should remain in the future.

00:54:29:11 - 00:55:05:11

Uh, otherwise, when, uh, a cable is a snack, uh, or the exposed, it might create chance of, uh, snagging for fishing vessels. If we don't know in a timely manner. So the question is, how often? How soon we, uh, regularly monitor the cables to ensure. No, uh, it hasn't been exposed, uh, for us to send a guard vessel over there to warn users of the sea, especially the fishermen. So for me, it would be just, uh, an emergency reaction rather than a mitigation.

00:55:06:00 - 00:55:38:11

Uh, but, yeah, uh, it could be only effective when we know if the cable is exposed. Otherwise, uh, our, uh, main a proposal preference is the cable should be buried more than, uh, half a meter or. Therefore, we are, uh, emphasizing that half a meter minimum burial depth is not acceptable. At least should be 1 or 2m, uh, to make sure that the cable is not exposed at all.

00:55:39:04 - 00:55:39:27

Uh, thanks.

00:55:41:00 - 00:55:52:26

Thank you. Uh, yes. I was going to come back to the applicant to see if there are any further comments that you'd like to make on the, uh, in particular on the progress of the statement of common ground with the different fisheries, uh, stakeholders.

00:55:52:28 - 00:56:23:27

I'll get from the applicant. I'll hand over the statement of common ground point. But just I just want to make sure there's no ambiguity around this guard vessel point. And I don't think we necessarily disagree with anything we've just heard. So we will know. Well firstly we're going to bury cables. Okay. Um, that's going to be the absolute intent. It's in everyone's interest for that to occur in a scenario where a cable does become exposed. We have the technology. And if you ask me what that technology is, I'm going to look at someone else very quickly.

00:56:23:29 - 00:56:56:27

But we have the technology that we will know within a matter of hours that there is an exposure there. What we what we are not proposing is to use guard vessels to then circle around that exposed cable. AD infinitum, to make sure there's no phishing, um, snagging, etc. going on. That would be an emergency action if it was deemed sufficiently risky that we had to temporarily, um, make sure that there was no interactions, etc. the solution would be to rebury that cable, which we would attempt to do, and if for any unforeseen reason that wasn't achievable, then there's a sort of a last resort.

00:56:56:29 - 00:57:04:23

It's rock protection. But but that's you know, there's a whole series of steps that would happen before that occurred. So I think we're we're all pretty much aligned on this.

00:57:04:28 - 00:57:05:25

Thank you. Thank you. Mr..

00:57:08:10 - 00:57:42:14

Raises for the applicant in regard to our, uh, progress with the statement of common ground. And, um, I'd just like to sort of take this back out into the bigger picture in terms of how we've approached the statement of common ground, because we have been engaging with the fisheries stakeholders, you know, for the last 2 or 3 years. Um, the, the points around our commitments and the key issues to draw out in the statement of common ground have been discussed for a long time. And that's part of our overall approach, um, in terms of efficient and effective and constructive discussions with the, with the industry.

00:57:42:16 - 00:58:12:14

So as I mentioned, we're very appreciative of that engagement that we've had and we hope it continues. Um, when the request for the statement of Common Ground was published in the rule six, we sought to update the fisheries stakeholders in our in our what was then the next round of engagement, which was September of this year. And what we look to do was to combine the commitments from the outline fisheries Liaison and coexistence plan into the body of the Statement of Common Ground to draw out the discussions on those key issues.

00:58:12:16 - 00:58:54:28

Cuz. So the way that we approach that was to have, um, statement of common ground with um, as many fisheries stakeholders with common interests as we could. So the Scottish, Irish, Northern Irish, um, and then um noting nfo request for a statement of common separate statement of common ground, um, we undertook that separately with the NFO and Welsh Fisheries Association. So in terms of progress for the NFO, um, around that time of engagement, they hadn't yet, um, uh, had a chance to comment on our, on our outline plan, but now we've received their comments through the written representation, we can go back and reflect those updates.

00:58:55:01 - 00:59:32:21

Um, accordingly, in the statement of Common Ground, um, I'd like to make the point that based on all and based on all of this engagement, we've continued to listen and update the outline fisheries liaison and coexistence plan to keep it a live document and reflecting all the commitments that we've made and discussed throughout the examination process so far. So, um, several of the updates we've made are all there, including making sure the cable burial depths are determined to minimize the risk of snagging and the exposure risk as far as possible, based on local seabed conditions and seabed level change.

00:59:33:08 - 00:59:56:27

Um, undertaking periodic reviews of the plan prior to um construction as required to, during and um and before decommissioning. Um, all of the comments basically the nfo have have um identified uh,

we've progressed so we will continue to engage with the fishery stakeholders and we'll submit final statements for common ground at deadline six.

00:59:58:25 - 01:00:07:21

Thank you. I'm just, um, you've anticipated the question, actually, which was, how are you doing with NFO? Um, WFA uh, but, um.

01:00:09:22 - 01:00:33:29

Just envisage a potential process management issue of signs statement of a common ground when you've got so many stakeholders combined. Um, have you factored that in to your thoughts on timescale? Because deadline six is a hard stop, and it's going to take quite a while to get these documents all signed and.

01:00:36:05 - 01:01:07:01

Factual for the applicant. We will endeavour to get them signed if possible, but I would request that if that's not possible, email confirmations and the applicant confirming that all those parties have agreed to that final text and would be acceptable. Um, just from a mechanics perspective, that would probably be easier. It is. We may be able to get them done electronically. Um, so clearly in a PDF is much easier these days. But, um, just in terms of mechanics, if not, we would just seek to get that confirmation from all parties before saying it was a final confirmed version.

01:01:11:19 - 01:01:16:28

I think that's a pragmatic, sensible suggestion here. Yeah. Um.

01:01:31:17 - 01:01:42:01

I think we've just passed now. Just to see if there's anything that needs to be covered in six B, which is, uh, any other commercial fisheries effects? Um.

01:01:44:10 - 01:02:16:00

Again, Mr. Hashimi, um, we look forward to the written response at deadline for to the question on CF 1.3 in particular. Um, but it would be just helpful to understand why you state in your deadline one submission, which is 159, that pelagic vessels would not be able to operate within the proposed development array area. Um, my understanding is that the applicant thinks they will.

01:02:16:07 - 01:02:18:02

Um, why is it that you think they won't?

01:02:19:18 - 01:02:50:25

Okay. Uh. Uh, Faheem Hashmi, on behalf of SPH, uh, prior to this, as you see, I had raised my hand, uh, and I wanted to just, uh, touch on, uh, statement of common ground. We appreciate the opportunity to work with the, uh, applicants on finalizing that, uh, statement. And, uh, based on our records, we have had some areas of agreement, uh, in terms of, uh, consultation, uh, regular consultations and others.

01:02:50:27 - 01:03:17:10

But there are some, uh, main issues for us needs to be agreed, which is, uh, discussion point. And one of them are mitigation measures and uh, adjusting SMC or uh scallop mitigation zones based on the, uh, demand of fishing industry. So thanks. Now, I go to your question. Uh, I have a picture here. I was wondering that if it is visible. Uh,

01:03:19:04 - 01:03:21:04

can you see this? Yes, we can see that.

01:03:21:06 - 01:03:22:05

Thank you. Yeah.

01:03:23:01 - 01:03:41:26

Uh, this is one of the, uh, pelagic, uh, fishing gear, which is about, uh, 260m wide. And it was about one, one and 1.5km behind the,

01:03:43:16 - 01:04:21:07

uh, fishing vessels with the fishing vessels is between 75 to 85m long. So the nature of pelagic, uh, fishing is different from that of scallop fisheries. The scale of fisheries goes to the direct line touched on the seabed. However, the pelagic one uh fish or follow or chase the shoal of fish within the column of water, and in order for them to be productive and be effective, they need to, uh, maneuver, uh, chasing the shoal of fish.

01:04:21:16 - 01:04:58:01

So that's why, uh, depending on the size of the, uh, fishing gear and size of the, uh, fishing vessels, uh, it is impossible, uh, for pelagic vessels to go, uh, through the wind form, uh, array area. I'll just give you another example of, uh, simple, uh, fisheries. If you see here, uh, there are two vessels towing one, uh, fishing gear, and each of them would be at least a port 1.5km from each other.

01:04:58:06 - 01:05:14:09

So if you go through the, uh, array area. Definitely. You went from the shoal of fish. So that is risky. And that is not possible. And there is also another method of the logic vessels, which we call it scene.

01:05:16:20 - 01:05:48:02

Uh, person, if it is visible from this picture, you see that uh, 75 to 85 meter, uh, pelagic vessel standing and putting uh, uh, person around the shoal of fish, uh, then, uh, encompassing around it, and then they will take it on board through, uh, water pump. So this athlete needs about 2 to 3km area to be conducted.

01:05:48:15 - 01:06:34:10

Uh, at the same time, uh, the fishing vessel would draft, uh, due to the, uh, wave and movement of, uh, the, ocean. So this is, uh, this would be risky for a larger vessels to do it within the, uh, Ouray area. Uh, no matter. It is fixed or foundation. Fixed foundation or floating, but totally, uh, both of them or no go zone for pelagic. Although we assume that we can resume for, uh, we can return with some with some type of fishing, uh, activity within the fixed foundation area that Morgan is one of the example and scale of fishery is, uh, an example of fishery that we have talked about it.

01:06:34:13 - 01:06:43:21

So I hope, uh, it has made the point clear. Uh, if you have any further question, I would be happy to take it. Thanks.

01:06:43:23 - 01:06:47:00

Thank thank you, Mr. Yoshimi. Um, any comments from the applicant team?

01:06:48:27 - 01:07:19:21

Uh, Johnny Lewis, on behalf of the applicant. Um, yeah. Thank you for that information. There was nothing in there in terms of methodologies Theologies that was new to us. We understand the various methodologies for pelagic fishing. I think the main query we have based on, I think the most recent recent submission dated 3rd of October, I don't have the exact reference, was a figure provided by SF, which was gratefully received. It appeared to show the majority. It was basically a pelagic fishing activity in and around the site.

01:07:19:26 - 01:07:51:13

It was very much focused on the very edge of the array. Yeah, and the majority was clearly in Manx waters as well. So the first point is just I think we've requested or we would like information on the exact amount of activity of this nature on that western edge of the array, noting that there's already a very well established scallop fishery there. So there's you know, there's an element of how do these two activities overlap and work now because they do actually overlap temporarily.

01:07:51:15 - 01:08:23:06

There is a crossover in time with the herring and the scallop fishery, especially the queen scallop fishery. Um, I think the main point again. I made a promise in hearings like this in the past, never to try and talk to a fisherman about the exact methods of fishing, because that's their job. I'm not a fisherman. I've spent a lot of time at sea. But, you know, I'm not going to try and argue against the fishing methodology. Precisely. But the turbine spacing has to be factored in here. You know, a quick review of turbine spacing in recent applications.

01:08:23:18 - 01:08:45:26

You know, ours is by far the largest at 1400 with all the related layout principles and micro tolerances that we spoke about before. So I think that needs to be factored in. And yeah, I think for today and noting that we'll have more written representations, I just welcome more discussion on this point, um, whilst highlighting that there is a considerable space in that array still.

01:08:47:26 - 01:09:19:09

My question now, I suppose, is what's the best way forward we could ask? uh SF to submit for deadline for not only the questions we've already asked, but further action to elaborate. Uh, all we could say is this something that should be coming out of direct conversations between yourselves and SF, uh, and basically save time that way? I think it's it's an open question. How would you prefer to play this?

01:09:30:13 - 01:09:38:26

Actually loose on behalf of the applicant. Uh, we would welcome the information included in the eminent representation so we could review it properly.

01:09:41:00 - 01:10:05:15

So, uh, back to you, Mr. Hashimi. Would you be happy, then, please, to take on that action to, um, give the clarification that is sought sort on that, uh, existing pelagic activity, which I understand is essentially to the the north and west of the proposed array area. Uh, partially overlapping.

01:10:07:06 - 01:10:50:17

Yeah. Uh, for him, I assume, uh, on behalf of myself. Uh, yes. The area that we are concerned of is the western, uh, corner of the Ouray area. Uh, which presumably, uh, this scallop mitigation zone will, uh, take place. Uh, so, uh, yeah, I would be happy to provide further information and clarification on the, uh, facts, uh, requested. Uh, so, and that is just to reiterate, uh, based on the existence of, uh, pelagic fishery activity over the western, uh, corner of the Ouray area.

01:10:51:01 - 01:11:22:03

Uh, we were proposing that the, uh, uh, turbines should not be used on the perimeter of the, uh, Ouray area for the same reason on that specific, uh, western corner. So I would be happy to provide further clarification on this within the, uh, deadline for time frame. And if still there is any need for clarification or if there is any need for follow up meeting. Uh, the fishing industry is more than happy to set up a time and discuss it for that.

01:11:22:05 - 01:11:22:20

Thanks.

01:11:23:05 - 01:11:53:16

Thank you. I think it, uh, for it would be helpful, uh, if at the same time, you would clarify not only the spatial but the temporal, in other words, the timing aspects of, uh, the fishing in that it sounds like there is the same space being occupied at certain times by scallop fishery and at certain time by pelagic fishery. Um, just looking at the applicants team. Have I characterized that correctly?

01:11:53:28 - 01:12:15:04

Johnny Lewis, on behalf of the applicant. Uh, yes. It's also worth noting that, you know, all those aspects already reflected in the original assessment that, you know, that recognition of the timing of the fishery overlapped spatially and temporarily. So whilst we welcome you asking for the clarification, we understand it. I think from my point of view, the clarity is more on

01:12:16:19 - 01:12:28:05

the sort of how recent activity has been taking place in that area because we have an understanding of it not not being a particularly active area in recent years, especially from the Scottish fleet. So that's what we would welcome.

01:12:28:25 - 01:12:39:19

So your, your, your um, uh, focus of the request to uh, SF really is bring that up to date.

01:12:41:08 - 01:12:44:03

Johnny Losner on behalf of the applicant. Yes. Thank you.

01:12:45:14 - 01:12:46:13

Yeah. And

01:12:47:29 - 01:13:20:22

can I just request I think sometimes when we're talking about this topic area and the array, we sort of get focused in on the overlaps, the solely the overlap of the array with that activity. Often when we're referring to coarse ground, we start thinking about the core scallop ground being the area that overlaps. Obviously this this is broader. And so it's just a simple request that when when time provides that information, it's set in the context of that wider fishery, so that we can put it in that context ourselves, which I think is quite important.

01:13:21:18 - 01:14:03:27

Thank you. Indeed. It's it's um again anticipated another, another, uh, question that I had, which, uh, I think is important, um, Mr. Hashimi, for you to take that on board, uh, in your written representations is put it in context of the wider area, in fact, um, both for the scallop fishery and indeed for the pelagic fishery. Um, I think we need to understand whether we, rather than looking at the, um, the very local effects, uh, whether we have a, uh, a better understanding of the context of the whole scallop fishery in that, uh, eastern North Sea region.

01:14:07:04 - 01:14:43:09

Um, uh, if I hear my shimmy on behalf of myself, I would be more than happy to do that. Certainly. And just to clarify one point in terms of what, uh, Johnny mentioned about the, uh, Scottish, uh, fleet, uh, Scottish pelagic fleet, uh, fishing at this, uh, area. Uh, we would like to reiterate that we have two members from northern uh, Ireland, uh, and the membership of a Scottish Pelagic Fishery Association and those 2 or 3 members or the, uh, one, which are mostly fishing over that area.

01:14:43:11 - 01:15:06:17

So possibly you may see that, uh, fishing vessel with the Northern Irish, uh, flag, but, uh, they have the membership of Scottish Pelagic Fishermen Association, and that's why we are arguing and, uh, raising the point here. So just to clarify at that point, and I will further, uh, provide update and my written response. Thanks.

01:15:07:03 - 01:15:10:03

Thank you very much, Mr. Chairman. Um, so sorry.

01:15:10:05 - 01:15:43:01

Cornelius, on behalf of the applicant, that was a really useful clarification because we've obviously engaged with the SFF and the Scottish Whitefish producers since, uh, 2021. Um, but we've also engaged with Northern Irish organisations. So I think the conclusion is, you know, between all the engagement we've done, we probably have already spoken about this specific fishery, and if it's limited to a small number of vessels, we definitely would have. But just to repeat my, um, request that we just have as much up to date information as possible in the next submission.

01:15:44:29 - 01:15:45:29

Noted. Thank you.

01:15:48:22 - 01:15:58:22

Is there anything else that the applicant team would like to raise before we pass on from the fisheries fisheries topic?

01:16:01:22 - 01:16:34:00

No. Raise your hand for the applicant. Um, I'd just like to, um, make the point that we have committed to scallop monitoring. In our last update of the, um, outlined fisheries liaison and coexistence plan. Um, that is purely on the basis of acknowledging the, um, consideration that our stakeholders are having with regards to that. So we have, um, made that commitment to undertake monitoring, um, for the details of which to all be confirmed post consent.

01:16:34:12 - 01:16:34:27

Thank you.

01:16:38:07 - 01:16:44:16

The hand up from, uh, West Coast Sea Products. Over to you.

01:16:44:18 - 01:17:23:16

Yes. Okay. West coast products? Yes. Um, it has been probably the best liaison we've had with an offshore wind farm developer. We're not new to these. We've we're fashioned on the fringes and within offshore wind farms around the UK. But the difference of why this one's been so emotive is because, as Mark bang on the middle of the queen scallop grounds like that, the greatest commercial probably queen scallop grounds in Britain, um, which spreads it kind of fans from Anglesey fans out and then it comes back up to Douglas.

01:17:23:23 - 01:18:01:15

So it's unfortunate that the lease area was granted for both right and top of this ideal gravelly, sandy ground which supports the queen scallop habitat. And it's also, Um, you know, commercially viable for us. So it has been welcomed that the developer has looked, you know, to provide a scallop mitigation zone in each of them. But the main aspect of why I wrote my written representation the way I did, and I put a lot of work into it, is because it is almost there as being a solution for coexistence, but it's not quite there.

01:18:01:27 - 01:18:47:12

So if you're talking Morgan, it's a triangle area of the scallop mitigation zone. And it's approximately it could be three miles by three miles or four miles by four miles, however you perceive it. Um, whether you know, the the arrays have to be set back or whatever from the, the territorial sea. And so as a large area, it covers most of the queen scallop ground. But what we're nervous with and the reason I wrote the representation the way I did was because the coexistence plan, it just hinted at 2 or 3 things at the end, which I can't remember the sections, but it just said there's no guarantee that cables won't be brought across this.

01:18:47:14 - 01:19:23:15

The cable body or risk assessment will inform what's done. But the surveys that have went on for three years and somebody must know if we can body cables there or not. So how can we provide a response in a positive light if we don't? You know, it might be I think they will be able to body cables,

but there's no guarantee. And that the one thing we kind of did ask for was the, the southwestern perimeter. If that was just removed, we would purely perceive that suspicion on the periphery of another offshore wind farm.

01:19:23:17 - 01:20:03:22

But the fact that it's there is going to put off shippers maybe going in there effects and poor weather, and especially if there was no guarantee that the cables budded or if there was some form of protection either fishing vessel there last Friday and 20 knots of weather in the marginal area and the and the e-c-m-c. And he wasn't towing in and out in that case of a future scenario, but his tow was one and a half miles long. So east to south, southwest to northeast, one and a half miles quite close to the elements, a 12 mile limit.

01:20:04:10 - 01:20:36:21

And if there are, I think, the applicant saying there's not going to be any cables that they perceive that there's the envisaged, there's not going to be any cables that are brought through. But if there is even one cable or two cables brought through that area, that will completely defeat the purpose of the scallop mitigation zone. So that is why in my representation, I don't see it she has a true coexistence plan. It's almost there, but it's not quite there.

01:20:36:23 - 01:21:13:06

I don't really have any more comments to see at this point, and I will provide them more on the by the 10th of December, but that is the reason. Late to date, no fishermen have of mine have entered any wind farms such as Seagreen or Moray East. When it's not been, I would say over ten knots of wind, they will not enter a wind farm. Um, but you never know. But first one with our four mile or four mile area. And if it is proposed, if it does go ahead, then they may be more encouraged, but it has to be absolutely spot on.

01:21:13:08 - 01:21:26:03

And no, no cables exposed. If there's any hazard such as that, they'll just not go in and it will be lost. Fishing ground I don't have anything more to add.

01:21:27:13 - 01:21:59:23

Thank you very much. It's been very articulate and, uh. And your position is clear. Um, Mr. Hashimi has his hand up. But before we pass to that, I just, uh, like to observe. It's. It's been useful, I think, to have this dialogue in public. Um, I'm expecting that the dialogue will be continuing in private. Is that does the applicant confirm that that's the case, that the the engagement is still continuing.

01:22:01:21 - 01:22:05:28

For the applicant? Confirm that we will continue to engage with the fishery stakeholders.

01:22:06:27 - 01:22:14:01

In in particular, I think with, uh, with West Coast products, specific points about the mitigation zone.

01:22:14:03 - 01:22:21:12

Yeah. And that is all picked up in our statement of common ground, because that is one of our key commitments that we have made in the outline plan.

01:22:22:15 - 01:22:40:20

It seems to me that, uh, ongoing conversation is going to help to make that scheme more useful by deadline six than than than otherwise. So it's. To be encouraged. And I'll let Mr. Hashimi perhaps have a final word before we conclude this part of the agenda.

01:22:42:15 - 01:23:26:18

Uh, yeah. Uh, Faheem Hashmi for Asif, uh, I'm sorry for, uh, exceeding, uh, from the time limit. Just I have two, uh, important question, but very short one to raise. First of all, as I heard here, uh, we had a discussion about confidentiality and confidential annex. Is it, uh, feasible to have any confidential annex for commercial fisheries if, uh, required? And secondly, uh, I see uh, point for CEF 1.7, which is a question for the applicant that says that EMU should be removed from, uh, being, uh, act as a, uh, Arbitrator.

01:23:26:28 - 01:24:06:14

Uh, from the FLP. Uh, if that is the point, uh, who will? Uh, facilitate, uh, coexistence between users of the sea, specifically fishing industry and the developers. Uh, so our experience from other development shows that, uh, putting, uh, fishing industry in a field with the developers, uh, wouldn't take the world, uh, to the destination that we want to go. So, uh, we definitely, uh, believe that it is required for, uh, regulator to be involved in order to facilitate coexistence between fishing industry and the developers.

01:24:06:16 - 01:24:07:01

Thanks.

01:24:08:26 - 01:24:29:01

Um, just a quick observation. That is that, uh, every wind farm I've, uh, examination I've been involved with, the MMO has steadfastly refused to arbitrate, uh, on these, uh, ecosystems plans. Um, so I think that's a, you know, it's a it's a no go. Um,

01:24:30:25 - 01:24:42:06

applicant, any observation on that open question, then, if not the MMO, uh, who acts in, in the if you like, a moderating role.

01:24:45:02 - 01:25:11:12

For the applicant. I think the memo was concerned was that they were asked acts as an arbitrator in some form of future commercial negotiation. The parties could agree to have a third party arbitrator or mediator appointed, um, if that was considered necessary, to facilitate a discussion. And the Mo's point was just that they didn't want to be through this plan, have anything imposed on them in that arbitrator role. But for a commercial negotiation, the parties could agree an alternative party.

01:25:13:02 - 01:25:31:00

Uh, useful clarifications. And I know, um, that that's, uh, is that clear? There, there. Uh, um, request to not, uh, be put in an arbitration role is in regard to commercial agreements. Is that clear?

01:25:32:08 - 01:25:34:13

Uh, yes, that is clear for me.

01:25:34:15 - 01:25:52:02

For us. Uh, however, my question is, uh, who from the regulator side would make sure that coexistence happen between fishing industry and the developers? It is for examining authority or anybody else who wants to take this question. Thanks.

01:25:53:15 - 01:25:57:21

Is there an easy answer to that to the applicants team?

01:26:01:19 - 01:26:14:06

Uh, might be an idea to just reiterate that. Um, basically, um, the enforcement of the, uh, the coexistence plan. My understanding, it's the MMO.

01:26:15:09 - 01:26:36:14

The applicant. Yes, MMO was confirmed, and it's a deadline for submissions that it considers the Fisheries Liaison Coexistence plan enforceable, and the final version will be submitted to the MMO for approval as part of the marine licence condition. And once that's approved, the MMO would have an enforcement role. It is just the arbitrator. Point is that they do not act in commercial negotiations.

01:26:38:02 - 01:26:43:18

Yeah, I think that pretty much wraps it up then. And uh.

01:26:44:00 - 01:26:51:21

I'm going to one final point, which was Mr. Hashimi had asked if he could submit something on a confidential basis. Um,

01:26:53:10 - 01:27:23:24

from the applicant's perspective, if it's being submitted through the examination, I just wanted to draw attention to the fact that it will be published by the planning inspector as standard. Um, it's difficult for the applicant to rely on any information. As we discussed earlier, the applicant cannot place any weight in this public examination process on confidential information. It can't be taken account of through the EIA process, for example. And it's not something that, um, And the examining authority could have a proper regard to if it wasn't part of the examination.

01:27:23:26 - 01:27:28:06

So I just want to note that point because it had been raised by Mr. Hashimi.

01:27:32:14 - 01:27:34:09

Thank you very much for the clarification.

01:27:34:11 - 01:27:46:01

So I'm going to pass now to Mrs. Hunt. Um, is there anything you want to observe on that last point? But, uh, if not, then over to you to conclude the session.

01:27:49:06 - 01:28:20:13

Okay. Thank you. Um, I'll now move to adjourn. Thank you all for your very useful contributions today. And we will reconvene here tomorrow. And a reminder that it starts at 9:30, um, in the same venue. And there's a couple of outstanding agenda items to be discussed tomorrow. That would be item seven, offshore ecology and Ornithology. And this will include outstanding matters of contention, statutory nature conservation bodies.

01:28:20:24 - 01:28:50:02

And there'll be some questions for us relating to the answers to the written questions received at deadline. Three and there will also be habitats regulations matters. Um, and then item eight, we'll seek an update and ask questions regarding the draft development consent order and the deemed marine licences. Um, but overall it's not likely to take long. Um, it will definitely be finished in good time before lunchtime.

01:28:52:19 - 01:29:06:16

So I'll just move to close to adjourn. The time is now 5:09. The second issue specific hearing for the Morgan Offshore Wind Project generation's assets is now adjourned. Thank you.