



Hearing Transcript

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

Please note: This document is intended to assist Interested Parties.

It is not a verbatim text of what was said at the above hearing. The content was produced using artificial intelligence voice to text software. It may, therefore, include errors and should be assumed to be unedited.

The video recording published on the Planning Inspectorate project page is the primary record of the hearing.

Morgan Offshore_Liverpool_26 NOV_ISH2_PT3

Created on: 2024-11-26 14:00:52

Project Length: 01:23:32

File Name: Morgan Offshore_Liverpool_26 NOV_ISH2_PT3

File Length: 01:23:32

FULL TRANSCRIPT (with timecode)

00:00:05:03 - 00:00:19:12

Afternoon. Welcome back. It's now 2:00 and it's time for this issue specific hearing to be resumed. I'll pass back to Mr. Bradley, who is on item three B of the agenda. Thank you.

00:00:20:09 - 00:00:57:14

Thank you. Uh, I think you're probably pleased to hear that. I think this part of item three will be much quicker than the first one, but, uh, three b is effects related to adverse weather, maritime route deviations for scheduled ferry operations. And what we are going to try to do is to understand some further information on the Strategic Sea Services Agreement, uh, and the commitments therein, and how frequently the Steam Packet Company considers that the effects identified in its deadline three submission, uh, might occur.

00:00:58:11 - 00:01:41:09

Um, So if we could, um, I just as you preface this by saying that, um, we've also noted the applicant has given a fully reasoned answer to, uh, written question, uh, SN 1.14, uh, concerning interference to navigation and shipping, uh, with regard to the NPS. So, um, broadly, I'm going to first ask the, uh, Steam Packet Company to just, uh, let us have a bit further information on the, um, agreement commitments, and then we'll ask a couple of questions about frequency of effects.

00:01:41:26 - 00:01:42:16

So.

00:01:46:19 - 00:02:17:05

Uh. Good afternoon. Yeah. Good afternoon. Uh, Robert Hunter. Uh, Steve packet company. Yeah. The steam packet. Um, the sea service has an agreement. Is assigned agreement between the company and the Isle of Man government for the provision of uh. Sole service uh, to to the between the UK and the Isle of Man with the um addressable agreed items of key points that must be fulfilled.

00:02:17:17 - 00:02:44:05

Uh, subject to safety considerations, of course, between establishing the routes and the use of links bands and, um, and, uh, I believe my colleague, Mr. Tom Turner, he can he's got a lot more knowledge on the, on the, um, the SSA than I do. So, uh, he's just come online now, so I'll, I'll pass you over to my colleague, uh, Tom Turner, who can, uh, we can talk a bit more in depth about the Strategic Sea Services agreement.

00:02:46:18 - 00:02:53:03

Thank you. Could you just, uh, introduce yourself for the recording by name and your role in the company? Thank you.

00:02:53:26 - 00:02:54:22

Yeah. So my name's.

00:02:55:26 - 00:03:43:27

Tom Turner worked for the elements team for the company is fleet operations manager, and I've recently just come ashore from work on the ship as one of the ship's captains. And the Strategic Services Agreement is an agreement between the island government and the steam packet, the operator, and we have to deliver a certain amount of sailings, schedule sailings per year. And there's a few other objectives, same KPIs within there that we have to we have to meet Aim. Our take on this in terms of weather and with windfarms being placed in this part of the Irish Sea, we just need to fulfill this, um, agreement and not to, um, be, um, restricted in terms of being able to weather and to still fulfil these sailings and to meet the sea surface agreement.

00:03:43:29 - 00:03:59:16

So it's as simple as that, really. Um, the, the government representative, David Goodwin was in this morning, uh, morning, which could have talked about a little bit more than, than I can in terms of the government. But and that's really as an operator. That's where our objectives lies with it.

00:04:03:09 - 00:04:25:26

Thank you. Uh, now in the deadline, three representation from the Steam Packet Company. Um, there were a number of effects, uh, port effects of essentially that, uh, were identified as potential, um, effects of delay. But, um, could you give us a little bit more, uh, understanding of

00:04:27:15 - 00:04:34:14

how frequently those kind of adverse weather, um, effects might occur? Um,

00:04:36:00 - 00:04:50:05

and in particular, you made a, uh, representation about our potential tidal constraints, uh, leading to the need to depart, even if not fully loaded.

00:04:52:02 - 00:04:55:11

Is this something that you can put a frequency on?

00:04:57:11 - 00:04:59:14

It's very hard to say.

00:04:59:23 - 00:05:33:27

Yeah. So Robert Hunter, uh, Steam Packet Company. Yeah, it's very hard to determine precise, uh, numbers, the tidal issue. We can know that that's predictable. And we could, according to the depth of water within the ports that we, uh, that we service, it does vary. And we have to schedule around, um, if, for example, Heysham if, if the, the the sounding chart, the soundings in the port get quite low, then we have to make adjustments for that. And obviously the tides are a massive factor in that with maintaining a safe under keel clearance.

00:05:33:29 - 00:06:07:12

We have different uh risk assessments for um undercarriage clearance, whether it's stationary alongside or it's making way. So the tidal implications are primarily affecting us within the ports that we serve primarily is our conventional vessels that serve, uh, between on the routes between Douglas and uh, and Hisham in terms of, of whether, um, we have to cancel several times a year. We'll be fair to say, uh, for weather for varying degrees, sometimes we have to do rescheduling if we can get weather windows.

00:06:07:14 - 00:06:40:09

But otherwise, like we've just seen with the recent storm. Burt, we've just had three days of cancellations, uh, due to to safety reasons. Uh, and it's not only, uh, entering or departing port. We also have to consider passenger comfort and the safety of the cargo on board, because massive rolling, uh, would, uh, generate high gravitational forces, and we don't want trailers and, uh, and that type of cargo, for example, uh, falling on the sides, but primarily with the maneuvering of the vessel, the port considerations is a massive impact for weather.

00:06:40:12 - 00:06:58:15

And we have different risk assessments for different types of vessels, depending on their the type and construction of the the vessel and then the wind ultimately affects the vessel's ability to maneuver within a port and then subject to the tidal streams and height as well. And, uh,

00:07:00:00 - 00:07:37:27

yeah, it does affect us and as we've seen with recent storms. But, you know, uh, a couple a day, you know, the island is recovered, but the island relies on us to get many, many goods and services of commercial and non-commercial, uh, items across to the island and a couple of days of cancellations. It really does affect us. And you start to notice the, um, the shelves going empty in the shops or, you know, and that type of thing. It has a knock on effect, uh, for a social and economic impact on the Isle of Man, which is, which is vital that we try and put on as many sailings as possible.

00:07:38:06 - 00:08:13:15

And the, um, the limitations of a corridor may focus the vessel to sail on a particular heading where if it was open sea, See for example with weather, weather routing, as it was said earlier on, the master can vary the speed and the course to effectively feel the way across the positions. So with some of the sailings that are sort of borderline, do we go? Do we cancel if those sailings are restricted in any way by directional constraints? Um, there may be an increase in likelihood of cancellation.

00:08:13:28 - 00:08:23:10

Uh, but it's fair to say that several times a year, um, particularly around this time of year, now we do have to cancel because of the weather. And then that varies.

00:08:27:00 - 00:08:55:24

Thank you. So there's been a substantial amount of consultation between the applicants and yourselves on this, um, which I understand is ongoing. Uh, are there any matters on the statement of common ground where you feel that there are any obstacles that are going to take further time to resolve. Is there anything that is likely to be outstanding towards the end of the examination?

00:08:57:04 - 00:09:37:23

I guess the concern that we have with the statement of common ground with the Morgan developers is the corridor gap between uh Morgan Field and uh N.V.. Uh, and that's an ongoing source of, uh, debates. And it's we're liaising with both the developers and, um, and the and the Morgan team, you know, with regards to that. It is our wish. And we've said it to from a steam packet perspective, we have we have voiced it to both sides, you know, the idyllic situation, as if they could both work together to resolve this corridor issue, but how practical that is in the real world.

00:09:37:29 - 00:10:11:21

That's for them to decide between themselves. But ideally, I mean more of an end for us, um, in isolation doesn't cause any problems. It's the combination of Morven and Morgan together. Morgan displaces the. The vessel routes to the north through that corridor. Uh, for our Douglas Hessian route. And we believe that will be a a bottleneck, albeit it's not exceptionally busy, but it will focus the attention of not us, but other ferry operators, uh, and displace fishing boats.

00:10:11:24 - 00:10:42:21

And also we anticipate with a number of, um, wind farm fields and construction and the maintenance and the maintenance of them whilst they are there. There'll be a number of work boats increasing in the area as well. And not to forget that this is an area where we have a high speed vessel which is of, uh, aluminum and steel construction, carrying uh, many, many hundreds of people at very fast speed where it's a very different operation to a conventional vessel. That's much slower by comparison.

00:10:43:00 - 00:10:51:04

So as you as you asked. Our main concern with the between the two parties is the, uh, MV corridor with Morgan.

00:10:53:19 - 00:11:03:03

Just a quick clarification. Does the high speed vessel, your high speed vessel ever pass through? Uh, what would be that gap between the two, uh, wind farms?

00:11:03:15 - 00:11:30:23

Occasionally it's not its main route, but occasionally it will, because occasionally it does go on the Hessian route as well, particularly at high demand times of year, such as the Isle of Man TT. But its primary route is the is the Douglas Liverpool route, and that would be between the Morgan and Moana Field. But occasionally it does go between, uh, the it would go between the MV and Morgan uh corridor on its routes to Heysham.

00:11:33:10 - 00:11:44:08

Thank you. Uh, unless there's anything further you'd like to add, I'm going to pass back to the applicant for an opportunity to respond. Is there anything further you want to add?

00:11:44:21 - 00:11:45:26

No, not at this time. Thank you.

00:11:47:17 - 00:12:18:04

Again, it just goes back to what we were saying earlier about maintaining freedom of movement. You know, one consideration that we have to keep as well is the prevailing wind direction in this part of the rock is southwesterly and the ships ability to move to in the event of cargoes shifting or for whatever reason. And we need to reduce the stresses on the ship. You know, one potential scenario is we could end up facing directly at the the market wind farm. So it's and it's as Rob said before, it's the gap between the the moor running and Morgan to to ensure that we have got sufficient room.

00:12:18:06 - 00:12:23:22

So if we do need to take action as such, such as both two that we do have sufficient sea room to do this.

00:12:26:20 - 00:12:28:10

Thank you. Um.

00:12:30:27 - 00:12:33:21

Both the applicant opportunity to respond if you'd like to take it.

00:12:40:18 - 00:13:17:18

Andrew Rosson on behalf of the applicant. Um, as we thank the Steam Packet for their submission, and as noted on our application, we we we note that there is a moderate adverse impact on their routes. Uh, I think I think that is undisputed. I would like to just make a couple of, couple of observations. So the first one is that, um, we don't entirely agree that the presence of Morgan diminishes any ability to adverse weather routes. There is still the optionality to pass West Morgan, but it would have a, uh, an impact on journey times, which, um, as was explained, could lead to cancellations.

00:13:17:22 - 00:13:51:12

It doesn't necessarily mean it would lead to cancellations. And I probably draw attention where we've, uh, briefly discussed storm, but this weekend, um, our understanding is that the steam packet brought forward their, uh, Friday evening sailings. Um, as a way of mitigating the potential impact of the storm came through Over the weekend, so that they have some optionality in which to, to, to manage those sorts of operational impacts. All services were then cancelled all weekend, so there was no adverse weather routing.

00:13:51:14 - 00:14:08:02

It was a decision made that it would be unsafe to sail in those conditions, and that decision would have been irrespective of the presence of the Morgan Array area. The Morgan Array area wouldn't have contributed to to any further cancellations. Uh, in our view. Um,

00:14:09:18 - 00:14:53:02

the other point we'd like to make is on the C services agreement. Um, from our understanding the Sea Services Agreement, strategic Services agreement sets out a required, um, required number of sailings. The our analysis of historical traffic suggests that the steam packet currently exceed that by a reasonable margin. So? So we don't believe that, Um, notwithstanding, there is a potential that there could be some cancellations in very specific marginal conditions caused by the Morgan Array area,

that it would not be conceivable to think that there would be enough cancellations to to threaten the required number in that agreement.

00:14:53:11 - 00:15:05:21

Um, and that required number is laid out in the strategic Strategic Agreement, and it defines that number as the sufficient number of sailings to meet the economic and social needs of, of the Isle of Man.

00:15:11:10 - 00:15:25:13

For the recording, uh, we are inviting Stena Line to comment on anything that's come up, uh, in the hearing, uh, in particular on this, this, uh, agenda item on adverse weather deviations. Um,

00:15:27:01 - 00:15:44:02

and just to note that there are some written questions, uh, still outstanding to be answered, uh, from Stena Line, uh, which we would like to have answered by deadline for, which will give the applicant good opportunity to to address them before deadline five.

00:15:47:05 - 00:15:47:20

Um,

00:15:49:17 - 00:15:59:18

I'm going to move on now to item three, see which the final item on this part of the agenda, which is, uh, any other shipping and navigation or emergency response effects.

00:16:01:10 - 00:16:18:10

And, um, I think first we will just open it to, uh, the Orsted IPPs. Um, Mr. Innis for Orsted IPPs. Is there anything that you would like to make by way of observation on?

00:16:20:16 - 00:16:24:07

Uh, any emergency response matters.

00:16:25:28 - 00:16:30:18

Including some of the Orsted IPS? Uh, nothing at the moment, so thank you.

00:16:31:09 - 00:16:32:00

Thank you.

00:16:33:27 - 00:17:08:06

Um, I would just note that in your deadline three submission, um, the IPS are seeking a a formal commitment to direct engagement on development of the TMP, the vessel traffic management plan. Um, and they suggest that this could be secured by a provision in the outline plan. Um, why do you consider that, um, that engagement will not be achieved through the, uh, nf the Marine Navigation engagement Forum.

00:17:10:12 - 00:17:44:16

For the use of IPS. Um, what we would is a formal mechanism to ensure that we're properly consulted. We don't want it to fall through. At the end of the day, the people who deliver this project are not the people sitting in the room today. And that's the fundamental point. If matters are properly covered off in outlined plans, they get delivered. Um, commitments made without that tend to get lost. It's the where of the implementation of a DCO is that effectively, these plans are scrutinized very carefully to ensure that the properly complied with.

00:17:44:18 - 00:17:56:09

And that's the course of action. But we haven't made representations that we're doing today, is we're in direct discussions with the applicant to try and achieve that. And um, certainly would seek to try and achieve it outwith the examination, if at all possible.

00:17:57:16 - 00:18:01:18

Thank you, Mr. Ennis. Uh, to the applicant. Any comment from the applicant?

00:18:06:06 - 00:18:36:20

Uh, rosy, for the applicant, um, we would maintain that the outline vessel traffic management plan already notes in section 1.6.2.1 that consultation will be undertaken with stakeholders and groups of stakeholders in the development of the Vessel Traffic Management Plan, and that includes existing users of the relevant relevancy area to ensure that the Vessel Traffic Management Plan addresses potential and actual vessel interactions, um, using the sea area.

00:18:36:22 - 00:19:03:25

So this would include all stripes. Um, and we would say the, the MMO is the the appropriate and competent authority for, uh, discharging that plan and will consult with the MCA on the relevant matters. So, um, I don't necessarily feel it's appropriate or consider it necessary for the all stripes to be cited as a formal, uh, consultee as part of the plan approval process. Thank you.

00:19:05:23 - 00:19:23:25

I think this is something we must leave to you to resolve directly. But, um, you know, on on the face of it, uh, there's a strong argument being put. We'll leave. We'll look forward to seeing that some resolution on that in the next iteration of the CCG.

00:19:25:12 - 00:19:40:16

Um, on that point, could, uh, could you report in general terms on the progress being made on any outstanding points of difference in the SoCs, not just with the IPS, but any other, um, of the stakeholders in shipping and navigation?

00:19:42:09 - 00:20:15:29

Yeah. Rosy, on behalf of the applicant. So we have, uh, five statements of common ground, um, to, uh, Chamber of Shipping. Um, there's two outstanding points. Currently we're discussing with the chamber on emergency Terje vessels and, uh, point on socioeconomics. Um, we will endeavor to update the SOG for deadline 5 or 6. Um, in terms of the MCA, we have all other matters agreed pending the final DCO.

00:20:16:09 - 00:21:04:24

Um, and there's an outstanding, uh, point on the more than in part that we were discussing Trinity House. All matters are agreed, Um, pending the final DCO. So we will, um, do next update at deadline six inches terms of a final statement of common ground with Trinity House, Stena Line. Um, we have, um, a an update to the statement of common Ground. There was, um, regarding the definition of a traffic separation scheme. So we can look to discuss that further with um Stena on uh, clarification from the maritime and coastguard agencies, written representation in terms of the definition of traffic separation scheme, um, a point on marine radar and the residual mitigation.

00:21:04:26 - 00:21:35:01

So we are engaging with Stena on, um, the, the residual moderate effect. And we are having weekly meetings, um, with Sena on that. Um, so we will be able to update the statement of common ground, um, an appropriate point to, to reflect progress there. And finally with steam Packet. Um, that one last point. Um, in terms of engagement, the same as uh, center in terms of residual mitigation.

00:21:35:17 - 00:21:55:28

Um, and that process is agreed. And in terms of uh, or discussing, um, further on that, but, um, yeah, the mitigation itself is an ongoing point of discussion. Um, we will continue those and update the statements of common ground, um, at the deadline. 5 or 6.

00:21:57:21 - 00:22:09:23

Thank you. I can't remember what we have already stated, but I think deadline five is where we really should be pressing for because, uh.

00:22:12:17 - 00:22:34:13

I think we've really start to realize that we've run out of time beyond deadline five. And I think it would be unwise to to let it slip. If you could, um, flag any items which are looking as though they're not going to be resolved by the end of the examination, that would be helpful. And then we'll decide whether we need to take any further action.

00:22:36:02 - 00:23:02:08

The two points I picked up in the, uh, SG with the Chamber of Shipping, um, they noted they're dissatisfied with the engagement on environmental impact for, um, uh, the, um, impacts from, um, route deviation. And is that something that's going to get resolved?

00:23:04:03 - 00:23:08:00

How well do you have any detail on their level of dissatisfaction?

00:23:56:16 - 00:24:11:03

But you see how it for the applicant in terms of the route deviations, um, that is a matter where engaging directly with the operators on. Um, so through that, the members of the Chamber of Shipping, um,

00:24:12:18 - 00:24:13:27

answer to your question.

00:24:14:16 - 00:24:34:24

I just wonder whether something is out of sequence. But it was surprising to see from CEOs that they're still raising that as unresolved. Um, maybe I think Ron put you on the spot here. It's something you could take away and let us know if there's just a

00:24:36:10 - 00:24:37:20

a process problem there.

00:24:42:03 - 00:25:01:27

Please, Don, on behalf of the applicant, we're slightly struggling to find a point, um, in question. Um, so, uh, it's something, um, assuming we do run over to tomorrow, which is looking likely, um, that we can confirm, um, either later today or tomorrow in terms of our understanding of of the position, we were just slightly struggling to see to find that point.

00:25:01:29 - 00:25:10:09

Thank you. Stan. Uh, at the same time, perhaps you'd look at one other thing, which is that they, uh, identified that, um.

00:25:12:26 - 00:25:27:25

An unresolved matter or ongoing discussion on the adequacy of analysis of socio economic impact on the shipping sector. Um, so the same thing applies. Leave that for you as a takeaway, if we may. Thank you.

00:25:29:18 - 00:25:32:13

Um, and finally, um.

00:25:34:26 - 00:25:52:16

I'm going to just in a moment, ask for if there are any further comments from other IPS, but on item three. But, uh, something that I didn't manage to, uh, insert this morning and item three, a, um,

00:25:54:02 - 00:26:27:06

could you submit a note as an action points, uh, on any precedent for restricted, uh, passage between wind farms, uh, of the sort of nature that we were discussing this morning? I think it would be very useful to to know, um. Where such navigation corridors of restricted dimensions have resulted in an assessment of risk as tolerable if controlled to lab.

00:26:28:09 - 00:26:30:06

Is that a clear enough action point?

00:26:40:16 - 00:27:08:06

List done on behalf of the applicant. So is the question that you're asking us to comment on. Is there any precedent for the current spacing between the Morgan Generation project and the more valid scoping area boundary having been found to be acceptable from a navigational risk assessment perspective?

00:27:08:26 - 00:27:34:24

I think that's a good restatement because you've already submitted that the corridor between Walney Extension and uh, and the proposed development is at an acceptable risk level, so that's fine. Um, I think when we get down to the sort of dimension that we're, uh, looking at between more Vernon and the proposed development,

00:27:36:10 - 00:27:48:27

uh, we'd be very interested to know where else. Um, there are such very limited sea spaces between, uh, wind farms and hard constraints.

00:27:52:01 - 00:28:25:24

Andrew Robson, on behalf of the applicant. And we can submit a note in writing. But, um, I would draw attention to, um, section 7.6.3 within the cumulative regional navigation risk assessment, um, where we have undertaken some benchmarking of um, the routes between adjacent offshore wind farms, primarily in the context of the Morgan Walney um uh sea area. But within there we note, for instance, the the passage between uh Ormonde and Barrow and Walney and Western Sands.

00:28:25:26 - 00:28:31:04

So to the east of Walney is only 2.2 nautical miles wide. Um,

00:28:33:00 - 00:29:10:18

uh, the Hornsea Four Hornsea Two route has a particular pinch point of 2.2 nautical miles wide. And, um, whilst it's currently going through examination, the five estuaries um proposal has a um has a navigation corridor of 2.9 nautical miles wide. We would note that navigation risk assessments need to be undertaken on a case by case basis, and take into account the local factors and the local conditions, um, which is why we arrived at our particular conclusion.

00:29:10:20 - 00:29:16:18

But I think these examples here demonstrate that there are some there is precedent.

00:29:18:11 - 00:29:48:06

Thank you. It's useful, and I'd indeed noticed that in in 7.6.3. But I think what we're looking for is just a little more commentary. So if you could submit a note elaborating that 7.6.3. Uh, there may be other examples that you, you wish to draw in as well, which I think will be helpful to us. Thank you. Um, so over to, uh, before we conclude on this agenda item, any comments from other IP's?

00:29:50:08 - 00:29:52:23

No hands raised that I can see.

00:29:55:13 - 00:30:00:25

Anything else that the applicant would like to observe before we move on?

00:30:05:00 - 00:30:09:20

Thank you. Mr.. So I'm going to pass back now to the Senate for agenda item four.

00:30:12:27 - 00:30:13:16

Thank you.

00:30:15:03 - 00:30:45:05

I'm firstly, I just want to give an update on today's agenda. Um, it was spent longer than we expected on shipping and navigation. Um, so it will look like we'll definitely get through items four and five today, which is other offshore infrastructure Corporation cumulative issues and then aviation and radar. Um, not sure yet about item six fisheries. So we'll just park that for now.

00:30:45:07 - 00:31:07:20

Um, depending how long the next discussion takes. Um, but it does look like we'll go definitely tomorrow for the ecology ornithology and DCO matters. Um, if that gives an indication, um, but we, we certainly don't wish to plough on and finish late tonight. We will definitely go into tomorrow.

00:31:10:01 - 00:31:20:07

Okay, so item for a, um relating to potential weak effects for other offshore wind farms in the Irish Sea.

00:31:22:08 - 00:32:14:12

So both the applicant and the Orsted IPPs will have seen each other's responses to our first written questions. I enf 1.3 to 1.6, and we're fully aware of both parties respective position on whether a weight loss assessment should be submitted or not. Um, which we specifically requested in question ENF 1.5. Um, so essentially for for anyone else listening, the the Orsted IPPs consider that such an assessment is necessary to satisfy paragraph 2.8.197 of MP's m3 uh, whilst the applicant maintains that the potential energy loss for existing operational offshore wind farms is not a matter that requires to be assessed and reported on within the environmental statement.

00:32:15:00 - 00:32:47:20

So we're clear about that. Both parties have provided additional justification to their previous submissions on the matter. And in response to our written, first written questions. So we do have a certain level of information that's got us that bit further along the road. Um, and we do expect detailed responses at deadline for to to each other's submissions. So I don't expect a lengthy discussion today. I do have some questions of clarification for both parties.

00:32:47:28 - 00:32:53:19

Um, but just firstly, who's who's acting for the applicant on this matter?

00:32:54:24 - 00:32:56:00

I am Madam Leader.

00:32:56:02 - 00:33:15:11

Okay. So, Miss Dunn, firstly, could you just provide a brief summary of your response to the Orsted IP submissions at deadline three. Um, just what we can expect to see a deadline for, and then I'll have some questions for both parties. Thank you.

00:33:15:20 - 00:33:47:06

Thank you, Madam Lasdun, on behalf of the applicant, um, substantial material was submitted by the Orsted IPPs, um, at, um, deadline three. And we're just going to give a kind of high level overview of

what we think the key points are, um, in respect of those, um, we're not. And just to sort of set, um, some expectations about what we will be providing in response, we won't be providing a line by line review of the academic papers and all those materials, but we will be responding to the key points made.

00:33:47:17 - 00:34:20:19

So there are sort of 4 or 5 key points. I think that the Orsted IPPs um, have uh, have made out of the material submitted at deadline three. I think the first one is the question of, um, the existence of wake effects beyond 20km. Uh, the second one which you've picked up on already is this need for a weight loss assessment. Um, firstly, from a policy perspective, but secondly, from an environmental impact assessment perspective, and particularly in the context of a greenhouse gas assessment.

00:34:21:03 - 00:34:54:24

Uh, thirdly, the ability to undertake an assessment and particularly comments around the provision of confidential information, uh, in respect of that. And then fourthly, um, uh, representations are made by the Orsted IPPs about the extent to which the Secretary of State can consider their compliance with NPS policy in three paragraph 2.8.3.5, in relation to site selection and design, effectively minimising disruption, economic loss or adverse effect on the safety of other offshore industries.

00:34:54:28 - 00:35:28:09

And I've got some very high level points, um, in terms of of the applicants response to each of those. Um, on the first of those, the existence of lake effects beyond 20km, which is, I think, the thrust of the papers that have been, uh, that have been submitted, I think it's very clear from the applicant submissions that, uh, it's not claiming that wake effects do not exist beyond 20km. Um, but the important thing to draw out is that, uh, the length of awake doesn't actually equate to the magnitude of any wake effect.

00:35:28:11 - 00:36:01:00

So whilst wake effects may exist beyond 20km, which we agree they can do, uh, that doesn't lead to a direct, um, uh, correlation to the magnitude of, um, any wake effect. And it's the applicant maintains its position that as wake effects do decrease with downstream distance and then other factors that come into play, um, as you get further away, they do become negligible beyond a certain range, um, even where they're deemed to still exist.

00:36:01:02 - 00:36:33:29

And that's the point from the Crown Estates Frazer Nash paper, which the applicant has put in. Um, the applicant has also provided in its response to um examining authority question ENF 1.4 um further information on actually what Wak effects are, um because they exist both internally within projects and to do with the relationship between wind turbines to each other and then externally, um, with other, um, white other wind farms in an area.

00:36:34:01 - 00:37:06:02

And I think the key point to make, which I think comes out from the Orsted papers and from the Fraser Nash paper, is that biggest lake effects are experienced when turbines are close together. So the lake effect, the internal lake effect within a project, far exceeds anything that you may experience for

other projects and that the greater distance you can create between turbines, then the less interaction there will be between them. As the engineers reliably tell me that the wake effects affected.

00:37:06:04 - 00:37:37:14

Airflow therefore has more space to recover and regain the velocity from the ambient airflow around it. So that's the technical justification. So I think on that point, I think it's clear we are we're not saying that wake effects don't exist beyond 20km. Um, what we're saying is that they, uh, they become very, very small. Uh, it's very much, uh, based on the particular conditions, uh, wind speed, velocity and all sorts of other elements that feed into that.

00:37:37:18 - 00:38:14:24

So the second point, um, and I think we have probably rehearsed this quite extensively, is whether an assessment is required from a policy perspective, uh, with reference to National policy statement in three. Uh, I think the applicant has put its position quite clearly in respect of its interpretation of paragraph 2.8.197, which is the paragraph which says that we're a potential offshore wind farm, is proposed close to existing operational offshore infrastructure, or has the potential to affect activities for which a licence has been issued by government.

00:38:14:26 - 00:38:47:07

The applicant should undertake an assessment of the potential effects of the proposed development on such existing or permitted infrastructure or activities, and coming to some of the words in that, um, that piece of policy which are very important, um, because as we know, words are very important. Um, it is a principle of legal interpretation that where words are not defined and we don't have a definition of close, um, within, within the national policy statement, um, they have to be given their ordinary meaning.

00:38:47:09 - 00:39:23:18

It's a, it's a simple principle of legal interpretation and close, if under any dictionary. Any dictionary definition means proximate or not far from um, and we would say that there needs to be the potential for a very direct interaction between those projects. Um, our submissions are it's simply not sensible or reasonable to claim, as the Orsted IPPs do in their deadline, three submissions that close should be interpreted effectively on the basis of the potential for effects on existing infrastructure.

00:39:23:22 - 00:40:06:27

If that had been the intention of the drafting, the word close would not have been used to limit or contain the reasons for an assessment. It would just have said, uh, where a potential offshore wind farm is proposed. Um, uh, an assessment needs to be done on that existing operational infrastructure. And that isn't the wording. The word close is used. Uh, I think the applicant's position is very clear, um, in terms of whether it is considered to be close to those existing operational, uh, Orsted IP wind farms, and that is on the basis that it exceeds the Crown Estate's spacing of 7.5km.

00:40:07:03 - 00:40:44:05

Um, that is the only constraint that, uh, exists in a, in a sort of formal leasing basis. Um, around the distance between projects, um, that's been increased to 8.1km through the boundary changes that have been made. Um, and it's the applicant's position that because it has adhered to that spacing, uh, and

there are no other types of control. The Crown Estate, uh, uh, leases out the seabed. Uh, it requires projects, uh, within that 7.5km to have the consent of another project before they come forward.

00:40:44:09 - 00:41:14:13

Um, the Morgan Generation project is outside of that distance, and therefore no consent or no approval is needed from those existing wind farms. So that's the first point as to whether whether the scheme is close and therefore that part of the policy is engaged. The second part is whether the because there's an or in there whether the Morgan Generation project could adversely or could affect the activity for which a licence has been issued by government.

00:41:14:17 - 00:41:55:01

Um, and again, the The Morgan Generation Project's answer to that is no. Um, in terms of those licences, the, uh Orsted IPS projects have a marine licence, some sort of consent that allows them to put their turbines on the seabed, um, and will in all likelihood have a generation licence. Um, those licences are entirely unaffected by the Morgan Generation Project. As I've said, a marine licence or consent authorises effectively the deposit of structures on the seabed and a generation licence ensures that the construction and operation of a wind farm is not a criminal offence.

00:41:55:24 - 00:42:27:15

Neither of those licences authorise or guarantee the operation of a wind farm at specific level, or guarantee anything like a right to wind. Um, and unlike other types of licence, where effectively the government authorises the taking of a substance from the seabed. So like an oil and gas extraction licence or anything like that and levies a charge, uh, there is no charge, uh, in incurred by the, uh, by the project for the use of wind, uh, in those circumstances.

00:42:27:17 - 00:43:02:01

So the applicant's position is that element of, uh, that policy is not engaged, um, by the Morgan Generation Project. We would also highlight, though, that in paragraph 2.8.198 of, uh, National Policy Statement. And three, it does highlight that where assessment is needed. It says that assessment should be undertaken for all stages of the lifecycle of the proposed wind farm, in accordance with the appropriate policy and guidance for offshore wind farm IaaS.

00:43:02:23 - 00:43:44:13

And we've made pretty substantial, um, uh, submissions to date about the ability to undertake an assessment and the fact that there is no appropriate policy or guidance for offshore wind farm areas in this context, there simply isn't any. And it is really important to recognise that where other areas where, for example, regulators have driven the development of an approach to EIA and assessment. So where you have guidance, for example, on marine mammals assessment from the MMO, sorry, the Marine Management Organisation or Natural Resources Wales or Natural England or ornithological assessment.

00:43:44:15 - 00:44:21:04

So you have some, uh, guidelines around how things should be done and sort of key parameters. Um, this requirement for an assessment is not being driven by the regulators or by the government. This is not the the Morgan generation application was accepted for, for examination by the Secretary of State and the the environmental impact assessment on that basis was considered to be adequate. This is not

something that's being driven by the regulators. And even if it is a policy requirement, which I think we've made very clear, uh, we don't consider it.

00:44:21:06 - 00:44:54:17

Is it absolutely isn't for individual projects or examinations to be making these up on the hoof, whether as well as there being no recognised sort of model for undertaking an assessment, there is no accepted framework for quantifying the extent of effects and the measures that should be explored to mitigate effects, so is that the only thing you can do is not construct, um, new generating capacity and the examining authority. You may be aware that these issues are coming up on offshore wind farm projects, uh, or a number that are in examination at the moment.

00:44:54:19 - 00:45:25:01

And all of the promoting projects are taking the same position, which is they are simply not in a position regardless of of the the points around policy. It is you potentially have a situation where five different, uh, interpretations of how you should be doing this are being done by five different projects on five different examinations. So our position is there is no policy requirement for this. And if there was, it has to be driven by the Secretary of state.

00:45:26:18 - 00:46:04:13

Um, coming on to other points that have been made by the Orsted IPPs, they have, um, they have, uh, as we know, put in some very high level figures, um, based on an assessment they haven't explained which particular model they've used, um, to come up with those numbers. And, you know, we're very aware that different companies do have their own weight loss models. Um, however, every company does have its own bespoke model, and we could very easily spend the rest of this examination arguing about both the appropriateness and limitations of any modelling tools used or proposed.

00:46:04:15 - 00:46:48:15

And I really do think that would be a complete and utter waste of everybody's time. Um, so there is no consensus around a model that can be used that would actually be accepted by all parties, and there has been no success, no suggestion as to how an assessment should be undertaken or what the appropriate policy or guidance is for offshore wind farms that actually deals with this issue. Um, the only suggestion the Orsted piece have come up with in that context, um, is that this should be part of the applicant's greenhouse gas Assessment that there should be a sort of netting off of, um, a consideration of any effect on the Orsted IPPs projects netted off um against the applicants assessment.

00:46:48:25 - 00:47:25:03

Um, if the Orsted IPPs provide some detail on the figures they've put in which they haven't, and the examining authority may have noted that the same figures have been entered into the Morgen examination, and that examining authority has asked for the background, uh, the, the how they've come to those figures to be put in as a matter of priority. If you were to ask for the same thing, um, and were to ask, consider that an update to the, um, the applicant's greenhouse gas assessment needs to consider those figures.

00:47:25:05 - 00:47:33:09

Then that is something that we could provide, but that would be without prejudice to the basis on or the the acceptance of those numbers.

00:47:35:04 - 00:48:15:10

Um, The next point was around, um, the information required for an assessment. Um, and I think the applicant has highlighted on a number of occasions that, um, the data that's needed from other operational wind farms, um, in order to undertake an accurate assessment, um, is not publicly available. Um, in response to that, the Orsted IPPs have offered to provide confidential information from their operational wind farms under a non-disclosure agreement, and they have suggested that similar arrangements exist with other, um, with other sort of stakeholders, for example, in relation to commercial fisheries.

00:48:15:26 - 00:48:52:20

Um, that's quite simply wrong in terms of an approach. And it I have to say, I think it really does call into question whether the Orsted IPPs are actually interested in an open and transparent approach to assessment. Um, the provision of confidential information, um, I would submit, is not appropriate for undertaking an environmental impact assessment unless you've got something that's a legal matter. So for example, uh, a badger annex, um, which is there's a legal requirement not to identify badger sets and therefore badger survey information is put in confidentially.

00:48:53:14 - 00:49:24:12

Data sets should be open and transparent and capable of independent verification. Um, there's a mention of whether fisheries information is provided commercially or, sorry, provided confidentially. Um, and that isn't the case. And it's certainly not the basis on which the, uh, Morgan Generation Environmental Impact Assessment was undertaken. The information in the Commercial Fisheries Baseline report was all provided openly and has been submitted into that.

00:49:25:08 - 00:50:02:24

I think the other point to make in respect of the information required for an assessment is that in order to do a proper Assessment. Um, it shouldn't just be those projects that have raised a concern about something. It should be all projects. And that would require all projects in the vicinity to be providing information, um, under a non-disclosure agreement, which again, we say is a very unsatisfactory way and in fact, an inappropriate way of carrying out an environmental impact assessment. Um, so those are the sort of high level submissions, uh, on the, um, on that, uh, on those key parts.

00:50:02:26 - 00:50:46:03

The only other parts I did want to draw out was, uh, a suggestion by the Orsted IPPs that, um, because an assessment hasn't been put in, uh, it's not possible for the, um, for the secretary of state to reach a conclusion, uh, in respect of this matter, on paragraphs 2.8.344. Sorry, three four 4 to 3 four five of National Policy statement and three. And that's the the section that requires the Secretary of State to be satisfied that the site selection and site design of a proposed offshore wind farm has been made with a view to avoiding or minimizing disruption or economic loss or adverse effect on safety to other industries.

00:50:46:24 - 00:51:17:27

Um, the applicant put in, um, quite a detailed response to ENF 1.4. We appreciated that. It wasn't a question that was directed at us, but we thought it would be helpful to, um, to submit our position on that. And really, what that highlights. Um, and it's a it's a point I made at the start is that it's the distance that between wind turbines, which is the key factor for wak effects and that greater distance you have, the less interaction there'll be.

00:51:18:18 - 00:51:56:02

So in terms of looking at that, that test, um, in 3.8 or 2.8 .3.5, and in terms of the ability to increase the distance between the Morgan generation assets and the Orsted IPS project. I just draw out some of the key points made in that 1.4 ENF 1.4 response, which is that, um, there was a diagram put in with that which indicated the position of the Morgan project in relation to the Orsted IPPs project, but also had um, uh, wind speeds, average wind speeds across there.

00:51:56:04 - 00:52:26:03

And it's very clear from that that the Morgan generation assets are located in a higher wind speed area compared with the Orsted IPP projects, and that the Morgan generation assets, as they are, they are future generation turbines, will have a materially higher hub height than those operational projects. What that means is that, um, not only is this project in a high wind speed area, but it also with a taller hub height.

00:52:26:05 - 00:53:03:18

It has access to high wind speeds as well. So, um, uh, wind speed increases with heights, so the higher you go, you're in a higher range area. So not only are you starting from a position where there's a high wind speed, but with a taller hub height, you're increasing that as well. And what that means is that the gross capacity factors for the Morgan generation assets, um, will be higher than those for the Orsted IPPs project, and they will be more efficient. Um, and what that means is that this project, um, will produce more energy per megawatt of installed capacity than the Orsted types projects.

00:53:04:11 - 00:54:00:24

So going back to that point around what could be done to increase the distance, the location of the um, of the uh applicants project is limited to the Crown State lease area, so increasing the distance can only be achieved by shrinking the Morgan Generation assets site area. And as I said at the start, the greatest lake effects happen when you put turbines closer together. So if that if the site was to be reduced, to increase that distance and to seek to minimize, uh, impacts on the Orsted Ypres project, this would have a disproportionately greater effect on the new clean energy generation and carbon savings from the Morgan generation assets than the lesser effect that would be as a result of, um, of increasing that distance and mitigating lake effect on the existing projects.

00:54:00:29 - 00:54:26:26

And, um, as I've said, if the if it would be helpful to the examining authority for us to use the figures from, um, the that have been put in by the Orsted IPPs, not in any way giving any credence to those figures to understand what the greenhouse gas difference would be. Um, we'd be happy to also model what those, those differences would look like in terms of that ability to mitigate.

00:54:39:03 - 00:54:41:04

Okay. Thank you very much. That's useful.

00:54:46:03 - 00:55:01:20

Before I come back to Orsted on that, obviously expect them to do their full response at the deadline for in writing. Anyway, I've just got a couple of questions of clarification. Um.

00:55:05:27 - 00:55:17:14

As the quoted paragraphs in Empson, three um, in section section 2.8. Various paragraphs have been quoted.

00:55:19:25 - 00:55:56:08

Mr. Innes initially, I'm kidding. Can I just check whether those paragraphs have changed since the previous 2011 version of MSN three? Um, or whether there's any other changes within the MPs that are relevant to the impacts on other offshore wind farms, which could be applied, um, to this, this particular arguments. Um, and also that you've mentioned the EIA regulations in your submissions, the 2017 regulations.

00:55:56:10 - 00:56:07:02

And has there been any change to those that are relevant to your argument? Can I ask Mr. Minister, for Orsted IPPs to to clarify this first place?

00:56:07:21 - 00:56:40:15

Recall of that 2011 to 2023. But I'll have to look that up. I don't have it in front of me at the moment, but insofar as the 2017 regulations. Now But the 2017 regulations, um, uh, essentially the there was a change to EIA regulations to incorporate climate change as to one of the factors to be considered, and that was from 2014 directive. And that was ultimately implemented through our 2017 various sets of regulations.

00:56:40:17 - 00:56:48:07

So the new 17 regulations did introduce a different aspect that needed to be taken into account in assessment terms.

00:56:49:22 - 00:56:51:09

So yes, there was a change.

00:56:53:03 - 00:56:56:27

Okay. Thank you. I'm just ask the applicant if it's helpful.

00:56:56:29 - 00:57:26:20

We've just found the 2011 National Policy Statement and three um, and there is no change. Um, from it was paragraph 2.6.179 of the 20, sorry, 2011 National Policy Statement, the original one. And it is identical to 2.8.197. So that's 2.6.17 9 to 2.80 .197. We haven't done a comparison. Not not those.

00:57:26:22 - 00:57:35:06

Paragraphs actually just drawing out that that particular paragraph that's been mentioned. Okay. That's useful. Thank you. Um.

00:57:37:23 - 00:58:12:23

So Mr. Ennis is just what I'm just trying to establish is why this has become an issue. Now, um, with the round four wind farms and, um, as has been said by the applicant, it's it's come up on all the current examinations for for the round four wind farms, as we're aware. Um, this is putting aside a welly more. We're fully aware of what's in there, what was said by both the examining authority and the secretary of state.

00:58:13:09 - 00:58:22:18

Um, so the policy not having changed the legislation, not having changed. As far as we know. Um.

00:58:25:05 - 00:58:31:11

And that it's always been an issue. Why clos so why why now?

00:58:32:17 - 00:59:11:27

Um, and it's on behalf of the all stripes. Um, what we've put in is a body of evidence about weak effects. Um, and of course, we have been known, uh, to the offshore industry since the early days because it is one of the fundamental, uh, issues of the development, both of the wind farm itself and its effectiveness and the returns that are made from it. So it's a fundamental concept of understanding wind and wake. What was less well understood is how weak effects, uh, from one set of turbines affected another.

00:59:12:02 - 01:00:01:09

And effectively, what you've got is a growing body of evidence that understands the nature of those effects and the consequences for, uh, essentially existing wind farms being impacted by new wind farms. And what you have in is an existing and a growing body of data which is being shared, uh, in relation to that matter. And indeed, um, in terms of the evidence from the Orsted IPS, uh, that they shared operational data at a wind technology workshop in 2023, which is precisely this point about what was happening in locations where, uh, there was an increasing frequency of wind farms and how they all interacted with each other.

01:00:01:18 - 01:00:42:14

I do observe that there's a further study that's emerged, uh, which is one from this year, which is with RW and I think DNV reported at a conference. Um, and this is essentially the industry sharing data. And you may wonder why industry does that, but that's the only way the industry, such as offshore wind moves forward, is understanding these matters because they're important industry wide. So that's the basis as to why, um, there is an increased focus on this issue of weight loss, because the evidential basis is growing, that the effects are now greater than that which were potentially anticipated.

01:00:42:19 - 01:01:14:01

And that's really the key factor is this is something which, um, has emerged, um, and it's now seen as very important both to existing, uh, operators, but also those proposing development because they need to understand what the likely effects are on their development from other, uh, from existing wind farms. So it's a question of increasing understanding of knowledge and effect, uh, with uh, theory being, uh, backed up by But some of the facts at operational wind farms.

01:01:14:06 - 01:01:28:23

So that's the. As I understand it, the fundamental basis as to why this is emerged as an issue, because existing windfarm operators have been candid and shared data, uh, at conferences about these effects.

01:01:31:25 - 01:01:55:09

Okay. Thank you very much. Um, are you sorry, Mr. Ennis, before I come back to the applicant? Um, just another question for Mr. Ennis on that. On that matter. Are you aware of any weight loss assessments being submitted? Um, on other current applications or not necessarily even in this country, but elsewhere?

01:01:57:06 - 01:02:28:16

Well, um, a comment on behalf of the Orsted IPS. What I'm aware of is data has been, um, shared on the impacts of, uh, of, uh, wind farms and their interactions with others. That data has been shared. Um, and, uh, in that context, I'm aware that, um, uh, as I say, that there's been further, uh, one further study that's helpful from AWB in understanding those interactions, which I understand this has also been shared.

01:02:28:24 - 01:02:59:24

Um, what that essentially does is, is it fancies the science insofar as the likely being able to predict and model the facts, because you've got real life examples of what the facts on these are, as I say, reported, uh, data sets and they help inform, uh, the movement forward and understanding those interactions. Uh, and of course, that helps also with those that are interested in trying to model a fact because they've got better, uh, data and understanding those types of relationship.

01:03:03:04 - 01:03:05:23

Okay. I'll come back to the applicant on that one. Thank you.

01:03:06:11 - 01:03:28:25

Thank you, Madam Liston, on behalf of the applicant, am I? It isn't correct to say that this has become an issue because of, or that this has come up the agenda because, um, there is increasing data as a result of it. Uh, it the as I said in my submissions, um,

01:03:30:20 - 01:04:08:00

weak effects are to do with the distance between turbines. And they have always been there and they will always be there. The question is that or the issue is that they are now being claimed to be a policy issue where previously they've never been a policy issue. Um, under the, for example, the, uh, round three projects. So, uh, the previous leasing Crown Estate leasing round, um, was known as round three. And rather than leasing projects on a, a kind of individual boundary basis, which is what the Crown Estate has done for round four.

01:04:08:09 - 01:04:43:29

Uh, the Crown Estate leased zones in round three. You may be familiar with the East Anglia zone, the, uh, the Dogger Bank zone. I'm going to run out of the rest of them, but there were a number of zones, um, uh, particularly across the East Coast, um, where numerous projects have come forward. Uh, many of those projects in quite close proximity to each other. Uh, and generally because those projects were, uh, were taken on by a consortium. Um, and, uh, they were those projects were developed one after the other.

01:04:44:09 - 01:05:15:23

Any wake issues were dealt with between those projects on a, uh, on effectively than being the same organisation basis. Um, and if we look at, uh, potentially the Orsted IPS portfolio that we're looking at across the Irish Sea, clearly there are lake effects that must be occurring between all of those projects, given how close they are to each other and how they're operating, but they have not been raised in decision making or examination as policy issues that need to be considered.

01:05:16:06 - 01:05:23:05

And it's the question of whether this is a policy and an EIA matter. That is the point that we are considering here.

01:05:29:13 - 01:05:30:11

Okay. Thank you.

01:05:38:03 - 01:05:40:10

I think my next question will already be answered.

01:06:01:05 - 01:06:38:16

Yeah. So, Miss Dunn, what you said earlier about the greenhouse gas assessment, following on from whatever additional information that Orsted will supply. Um, when backing up the figures, the percent AEP um that's been quoted in their answers to written questions at deadline three. Um, we are putting down as an action point. This is for this for Orsted IPPs. Um, we do require that further analysis, um, to to justify those figures.

01:06:38:27 - 01:06:45:04

What we would also like is just that, that broken down. That's.

01:06:47:07 - 01:07:25:29

So you say 3.5% from the project alone, up to up to and up to 5.3% cumulatively with Mona and Morcom. Um, but that's for all six of the Orsted Irish Sea wind farms and then it say somewhere else in response to the Walney Extension and Westwood and Sands that are most affected. And we did ask a question as well, like are they all affected? Are they all affected? Um, in the same way, um, given the distance is this seems unlikely.

01:07:26:01 - 01:08:10:11

So we would also like that broken down um, into which the most affected, whether that's just Walney and west of Dublin Sands or whether there's others that that have such percentage AEP loss as well. Um, we don't know. Um, it's just some general figures in front of us at the moment. So we would like that further justification. Um, at deadline for and that's really so we can then get a response from the applicant on that at that deadline five, which can feed into, um, the climate change chapter of the yes and greenhouse gas assessment deadline.

01:08:10:13 - 01:08:15:18

Five is is that possible, Mr. Innis? The deadline for.

01:08:16:11 - 01:08:33:28

The colony and also IPS um, that that's what we proposed to do. Um, we are working towards finalization. These were interim figures based on the report of the the modelers have been run. Then we're finalizing, uh, that position and will set out in a report.

01:08:37:09 - 01:08:38:09

Okay. Thank you.

01:08:39:23 - 01:09:12:07

If I could come back on one matter. That is quite an important evidential matter. Um, first of all, Miss Dunn claims that there's been no greater understanding of wake effects that have emerged. And that's not the reason why, uh, the Orsted IPPs or other parties are making these submissions. Well, simply put, I don't know how Mr. Duncan can get around or other developers who are making representations at examinations. And also the clear evidential basis which continues to develop about these matters.

01:09:12:09 - 01:09:46:01

So, number one, there is clear and evidential change in understanding the nature and extent of work effects. And the second point that I would observe that has been made on repeated basis by Miss Dunn in her representations, is that weak effects are all about distance. And simply put, the consequences of weaker facts are related to a series of factors which we have set out in our response to your questions.

01:09:46:15 - 01:10:11:18

And distance is but one of those factors. And as we said, I think clearly what we're really dealing with Here is how the wind resource is impacted between developments. And that in itself is very dependent on other matters such as the wind rates. And as you can see, uh,

01:10:13:04 - 01:10:55:19

essentially the outline diagram which was produced at 3053, um, we attached at the back of that, uh, a representation with the proximity distance of, uh, this proposal, uh, to the various Orsted IPPs and provided a wind rose, giving the indication, um, of the relationship of wind, uh, and the wind resource, uh, in this general area. And as you can see from that, that the extent of wind speeds at the both the higher end are predominantly from the west, uh, southwest, uh, wind directions and those.

01:10:55:21 - 01:11:29:08

Of course, if you take Morgan and its relationship to the vast majority of those, uh, uh, Orsted IPPs immediately to the west and northwest or Morgan, uh, are directly in line with that key wind resource. And I think it's really very important to understand this isn't just about distance. There is a locational aspect to this about where the additional wind farm is being put in and its consequences. So it's not just a matter of distance.

01:11:29:11 - 01:11:52:21

It's also about that relationship with where the wind farm is located relative to the wind resource that is collectively being exploited. And I think that's a point which, as I said, was continued and lost, uh, in the submissions on behalf of the applicant. And as I said, next deadline, we will produce that material for you. Thank you.

01:11:54:01 - 01:12:13:19

Okay. Thank you. Yeah. We got got that from your previous submissions as well. And that is. Yeah. We do understand that it's not not just distance. That's an issue when we do also expect the applicant to provide a response to that deadline, a deadline for in response to written questions. Um.

01:12:17:28 - 01:12:19:27

Just moving forward, if,

01:12:21:24 - 01:12:52:06

if Orsted's own assessment shows that there's such effect on their own wind farms that needs mitigating. Um, it's just what what do you suggest that the examining authorities should do with that? Um, if we if we agree with you that there is an effect, what what should be done about it? Um, and ourselves is recommendation. And and the secretary of state is decision maker.

01:12:52:23 - 01:13:12:22

Is there something that would need to go in the DCO? Is there. Is there some sort of agreement or protective provisions that's needed? Um, this is obviously not pre-empting what your analysis is going to say. Thank you, Mr. Innis.

01:13:14:04 - 01:13:46:05

Both of the IPS at this stage, um, we're attempting to put before you, um, uh, the scale and magnitude of the effect, um, ultimately, how that plays out in terms of what the consequences are, uh, are for me down the line, um, at this stage, we would hope that the applicant, uh, would at least, at least engage, uh, on a basis which sought to agree, uh, the general level of, of effect.

01:13:46:17 - 01:14:16:24

And then it's ultimately a matter for you and the decision maker, how those effects are taken into account, and also the extent to which it is acknowledged that the the applicant, um, has not considered these in any detail before producing them, for which they have sought, uh, uh, uh, consent for um, and it's the extent to which there should be attempts at uh, mitigation, which we will address later in, uh, examination.

01:14:16:26 - 01:14:47:15

But at this stage, we're trying to set out, uh, the basis of the effect. Um, and as I say, uh, our preliminary indications are that these effects collectively are very material and it will have consequences. And I think the Secretary of state, uh, will need to understand, uh, those matters. And equally, uh, the issue about, um, whether the Crown Estate has distance or separations, the Crown Estate doesn't warrant that.

01:14:47:17 - 01:15:28:07

That's the basis on which decision making should be made at all junctures. The Crown Estate says that's for individual applicants to take forward and manage. So the fact that the Crown Estate may have have suggested separation distances does not remove the requirement to assess a fact. In addition, it is it's not clear on what basis the Crown Estate, uh, made those, uh, separation distances and whether or not it was based on, uh, information which now has been superseded by better

understandings of what the consequences are of locating particular, uh, proposals in such such proximity.

01:15:33:13 - 01:15:37:12

Okay. Thank you. I've just come back to the applicant for a response on that place.

01:15:38:12 - 01:15:45:00

Uh, lays down on behalf of the applicant, um, I think we've made our submissions on the on the Crown Estate leasing position. Um.

01:15:45:25 - 01:15:47:15

Uh. Uh.

01:15:48:21 - 01:16:10:12

I'd be very interested to understand. I think the applicant would be very interested to understand what, um, what the Orsted IPPs are seeking to achieve out of this, um, in terms of the sort of mitigation, um, of effect. Um, I think and it was a point I'd sought to make in submissions, which is you have to

01:16:12:04 - 01:16:55:25

setting. It's important to understand what mitigation is available in order to minimise an effect. And that's the that's the point the applicant has been made in its response to um, uh, question 1.4 around actually is there mitigation that's available and what does that mitigation achieve. And I think, um, it using using those numbers that um, that the Orsted IPPs have presented, um, and as we've, as we've offered, putting those into the greenhouse gas assessment and then actually looking at if you were seeking to reduce those numbers, um, what would that mean in terms of the carbon balance, I think will be very informative.

01:16:55:27 - 01:17:24:26

Um, in terms of understanding, um, what mitigation is available, um, and how how that, uh, how you look at it from an overall, um, carbon balance perspective or greenhouse gas basis. So, um, I think it's an important consideration. Um, you have to look at the effect of mitigation in a whole as to what it's seeking to achieve. And, um, that's something that we will be we will be providing further information on.

01:17:28:15 - 01:17:29:17

Okay. Thank you.

01:17:35:23 - 01:17:48:13

I don't have any other questions on. Is there any other parties here today we wish to raise anything else. Before I move on to item B of this section.

01:17:51:05 - 01:17:51:22

No.

01:17:55:02 - 01:18:01:21

Uh, coexistence and cooperation. Um,

01:18:03:06 - 01:18:34:00

we asked a question. First written questions. INF 1.1 and got a commercial side agreements tracker that refers to only two agreements which are in progress, which is with Nat's and Manx utilities. So just want the applicant to provide an update on any further discussions, next steps, timescales and whether they're going to remain the only two or whether any more are likely to be added.

01:18:36:13 - 01:19:09:06

For the applicant. Um, regarding the Max utilities, Um, we will have a proximity agreement with them. Um, and this is, uh, as reflected in the commercial side agreements tracker. Um, the, uh, we're in positive discussions with Manx Utilities, and we will progress an agreement as required. Um, but we are looking to execute that pre-construction once the detailed design is known. So, um, we have an intention to share a proximity agreement template over the coming months.

01:19:09:17 - 01:19:40:09

Um, and we will execute that prior to pre-construction and, um, engagement regarding the routing of their second interconnector is ongoing. Also with regards to Nat's. Um, we are engaging in discussions regarding the agreement. Um, they are currently reviewing the the markup of the documents. Um, they haven't indicated any concerns with regards to meeting timescales for for getting, uh, closure on the agreement.

01:19:40:11 - 01:19:46:14

So that's the update on on those, uh, two existing agreements.

01:19:52:02 - 01:20:26:02

I just want to ask about the Harbor energy response. We had an additional submission in the last couple of days, and I understand that that that's a, a, a joint submission, so to speak, um, that you're engaged in discussions to identify mutually agreeable mechanism and then it says such as a coexistence and cooperation agreement or alternative mechanism. So just wanted, uh, some explanation on what an alternative mechanism might be.

01:20:26:04 - 01:20:30:09

And, um, just a progress on that place.

01:20:31:22 - 01:20:59:25

Uh, les Dan, on behalf of the applicant, um, those discussions are still, um, ongoing, so it's it's finding the appropriate mechanism, um, to ensure that that, um, the, the there's an agreed position between the parties. It may be a, may be an agreement, it may not be an agreement. And that still needs to be worked through. And that's, uh, that's why it says it may be an agreement or it may be an alternative mechanism, but it's something we're seeking to establish with them as soon as possible.

01:21:02:14 - 01:21:05:24

So this feeding statement of common ground in due course.

01:21:08:04 - 01:21:10:00

Uh, Liz, done on behalf of the applicant. Yes.

01:21:18:28 - 01:21:42:11

Are there any other parties where there might be a potential agreement? I know, raised by Morecambe Offshore Wind Farm in their original relevant representation, RR 022. I don't I don't know if the they're still present. Virtually. Um, but I think this fell away. But I just want confirmation of that.

01:21:42:15 - 01:21:50:25

I'm happy to go. Liz Dunn, on behalf of the applicant. Uh, an agreement is not being progressed, and I think the parties have agreed it's not needed.

01:21:57:08 - 01:21:59:19

A more commission to confirm that.

01:22:00:06 - 01:22:05:02

Oliver Gardner, on behalf of, uh, Morecambe Offshore Wind Farm Limited. I can confirm we are in agreement.

01:22:06:04 - 01:22:07:12

Okay. Thank you very much.

01:22:33:05 - 01:22:40:24

I think we'll have a break. Before I move on to item four. See?

01:22:43:20 - 01:22:53:19

I'm just having a recce of the timings. That's not likely to take more than 20 minutes or so, I don't think. And then?

01:22:56:09 - 01:23:08:13

Then we'll move on to aviation radar with the BA. Have been waiting very patiently today. Um, so we'll definitely get through that. But let's see if we have a break until

01:23:10:12 - 01:23:19:04

340 and then we'll, we'll certainly finish those two agenda items. So afternoon. Reconvene at 340.