



## Hearing Transcript

<b>Project:</b>	Morgan Offshore Wind Project Generation Assets
<b>Hearing:</b>	Issue Specific Hearing 2 (ISH2)
<b>Date:</b>	27 November 2024

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## **Morgan Offshore\_Liverpool\_27 NOV\_ISH2\_PT5**

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### FULL TRANSCRIPT (with timecode)

00:00:04:26 - 00:00:28:06

Good morning. It's now 9:30 a.m., and the second issue specific hearing for the application made by Morgan Offshore Wind Limited for an order granting development consent for the Morgan Offshore Wind project generation assets is resumed. Can I just confirm? Everybody can hear me clearly, and that the live streaming and recording of the events has commenced?

00:00:29:21 - 00:00:37:28

And welcome back. My name is Susan Hunt, and I've been appointed by the Secretary of State as the lead member of the panel to examine this application.

00:00:39:15 - 00:00:45:25

Good morning everybody. I'm Janine Leyva, I'm a chartered town planner and planning inspector, and I'm also appointed to examine this application.

00:00:47:08 - 00:00:50:19

Good morning. Stephen Bradley, also a member of this examining authority.

00:00:52:13 - 00:01:24:19

Together, we constitute the examining authority for this application. We will be reporting to the Secretary of State for Energy Security and net zero, with a recommendation as to whether the development consent order should be made. You will also hear us referred to as the EXR case manager for the project is Simon Wood, who's here in Liverpool today, supported online by the Case team. Just a few housekeeping matters for those attending in person. Please can you set all devices and phones to silence? And there is no fire alarm tests or other drills this morning.

00:01:24:21 - 00:01:38:27

I understand there will be one around 1:00 today, but we should be finished by then. Um, in the event of an alarm this morning, please exit via the main stairs and congregate outside the hotel in Queens Square.

00:01:41:11 - 00:02:14:06

A recording of today's hearing will be made available on the project page of the National Infrastructure Project website as soon as possible, and this will also include a transcript. Therefore, every time you speak, please speak clearly into the microphone stating your name and who you represent And switch your microphone cameras off when you finish speaking to avoid interference.

Just a reminder, the recording will be retained by the Planning Inspectorate for five years. It forms a public record that can contain your personal information to which general data protection regulations apply.

00:02:15:15 - 00:02:19:20

I'll now hand over to Miss Leyva to go through the participants for today's hearing.

00:02:21:04 - 00:02:45:27

Thank you very much. Um, Case Team has provided me with a list of people who wish to participate today. Um, it's less people on the list today than there was yesterday. Um, when I call your organization, could the lead speaker please introduce themselves, um, and identify if there are anything specific? Um, on the items that they wish to speak to today. And I'll come to the applicant first, Mister Monroe.

00:02:47:01 - 00:03:01:13

Good morning. Madam. My name is Patrick Monroe. I'm a director at Burgess Salmon, and I'll be representing the applicant at the hearing today. Um, there's a number of members of the applicant team to my right who may participate in agenda items seven and eight, and I'll just ask them to briefly introduce themselves.

00:03:03:05 - 00:03:10:09

Good morning Pete. Geishas and gashes. It wasn't only about, uh, consent made for Morgan. Jen.

00:03:14:08 - 00:03:20:19

Good morning, doctor Sarah Randall and the marine biology lead. And I'm representing the applicant this.

00:03:24:17 - 00:03:36:05

Morning. Uh, doctor Kevin lannon. I'm. I work for PSE, Tetra Tech, and I'm representing the applicant. I've been leading on the evidence plan process during the pre-application phase. Thank you.

00:03:38:20 - 00:03:46:10

Morning. Uh, Mr. Matthew Hazelton, uh, principal consultant at nurse Group UK. Uh, representing the applicant on offshore ornithology matters.

00:03:49:03 - 00:03:50:18

Everybody. Mr. Monroe. Yes.

00:03:50:20 - 00:03:51:05

Thank you.

00:03:51:07 - 00:03:59:20

Thank you. Okay, so onto other IPS. I understand we've got representatives again from BAE systems. Mr. Trella, are you leading today?

00:04:00:21 - 00:04:23:22

Good morning. Yes, my name is Graham Truelove of DLP planning and representing BA systems are interested. This morning will be in the draft um development consent order and in particular the requirements um attached to that or to be attached to that um supported today by colleagues from BA systems if they could introduce themselves.

00:04:24:15 - 00:04:28:17

Good morning Christopher Burkitt BA systems er for a Warton aerodrome.

00:04:31:07 - 00:04:37:13

Good morning, Miss Helen Tinsley from BAE Systems and legal Counsel. Thank you.

00:04:41:02 - 00:04:47:21

For BA systems okay. Thank you. Um, do we have a representative for Morecambe Offshore Wind?

00:04:52:06 - 00:05:05:29

Good morning. Uh, my name is Mr. Richard West. I am representing Morecambe Offshore Wind Generation Assets project, and I'm here to answer any questions that may arise to item seven on the agenda.

00:05:06:17 - 00:05:11:27

Okay. Thank you very much. And the anybody from the Isle of Man government.

00:05:14:16 - 00:05:22:03

Hello. Yes, it's Richard Armitage. I'm representing my government and here for any issues that may come up on item seven.

00:05:23:28 - 00:05:25:13

Great. Thank you very much.

00:05:27:11 - 00:05:32:12

Are there any other parties that wish to speak or participate today?

00:05:34:09 - 00:05:37:21

Please raise your hand if will come on to screen if you're a virtual.

00:05:41:07 - 00:05:49:28

Nope. So if anybody does wish to participate in any item, please raise your hand later on. So I'll hand back to you, Mrs. Hunt. Thank you very much.

00:05:54:21 - 00:05:55:09

Okay.

00:05:57:10 - 00:06:45:10

It would be helpful if you had a copy of the agenda published on 15th of November in front of you. That's examination library ref EV 4001. We will not be displaying it on the screen. At yesterday's

session we discussed shipping and navigation, other offshore infrastructure and sea users, including consideration of existing and proposed offshore wind farms, talks about co-existence, cumulative effects, aviation and radar, and commercial fisheries. So this morning we start on item seven of the agenda and we will be completing the issue specific hearing this morning with discussions on ecology, ornithology, habitats, regulations, matters and then moving on to the Draft Development Consent Order and deemed Marine licences.

00:06:46:15 - 00:07:05:15

We have been taking a note of action points, which we'll publish as soon as possible after the hearing. Most of these are for submission at deadline for, but it will say otherwise if there for deadline five and some of the actions will be for interested parties who who who were not present either yesterday or today.

00:07:07:00 - 00:07:14:16

Towards the end of the hearing at item nine, there will be an opportunity to raise any other matters that haven't been discussed that you wish to raise.

00:07:17:06 - 00:07:38:18

And can I remind you the first time you used an abbreviation or an acronym, please give the full title because people will be watching today that may not be as familiar with the terms as you are. And just to also remind you that no cross-examination is permitted. Are there any questions relating to the agenda or the practical arrangements for the hearing? Before I move on to item seven?

00:07:41:04 - 00:07:41:19

No.

00:07:43:08 - 00:07:44:13

Okay, Slava.

00:07:45:21 - 00:08:21:25

Thank you. So I don't expect this item to take much time this morning. Um, not because the matters are not important or there aren't any of concern for us, but it's a bit difficult to examine in person when we don't have the statutory nature parties with us in the room. So most of what we will cover will be just updates. We have a few points to touch upon with you in the room. The applicant, um, but primarily we'll reserve what we need to cover in writing. Um, as we have been doing. So we'll just need to really kick off from the applicant, um, with an update, post the deadline.

00:08:21:27 - 00:08:45:08

Three submissions, um, on any discussions that you're still having with the statutory nature conservation bodies and the content and timescales for any additional submissions that address the points which they have raised. So I'll hand over to Mr. Munro's team. Um, I'm assuming Doctor Randall, you're stepping in for this one. Thank you. That's correct.

00:08:45:10 - 00:09:15:23

Good morning. Um, so, yes, we can provide a bit of a summary of where we are and the key points from the applicant's perspective and respect to the key issues marked as outstanding by the statutory

nature conservation bodies. I'll be using SCB from this point onwards. They are all considered capable of resolution, and there is an agreed way forward with the SNC, as we've been able to make significant progress to resolve issues since, especially since deadline three, across all topics, and particularly for Natural England.

00:09:15:25 - 00:09:36:28

We're very advanced now in minimising the significant risks which have been narrowed down, and there are now only three which categorised as red in their risk and issues log. We can go into more detail in these in a bit, but in essence they are the ornithological methodological matters which the applicant anticipates will be resolved by deadline five.

00:09:37:02 - 00:09:40:06

Oh, sorry. Could you just move your microphone a little closer?

00:09:40:08 - 00:09:40:23

Yeah, sure.

00:09:41:20 - 00:09:42:08

Thank you.

00:09:44:15 - 00:10:24:13

So the, uh, Are ornithological methodological matters, which the applicant anticipates will be resolved by deadline five following presentation of data in a different format. The underwater sound and noise abatement systems, uh matters, which we expect to be resolved by the end of examination and the termination period of post consent plans, which we continue to engage with the MMO on. So what I'll do is I'll, um, propose to explain the engagement we've had with the sac bees and then um, and the MMO and the RSPB, and then Doctor Leinen can expand on the technical details a little bit more.

00:10:25:05 - 00:11:03:19

Um, we can confirm the engagement so far with the, um, SNC bees for Natural England. They have and they will be remain engaging on the project throughout examination as the lead SNC be. However, due to resource implications with the multiple offshore wind farm examinations, Natural England will only be able to focus their engagement on key issues. And recently we have had the update that they will no longer be able to provide full marine mammal advice. Natural England Natural Resources Wales will continue to provide advice on all ecological matters, as deemed relevant to their statutory function in Wales.

00:11:04:06 - 00:11:38:25

The Marine Mammal Management Organisation will remain fully engaged on the project throughout examination and continue to provide advice from Cfws where required, and they have positively engaged throughout the pre-application examination period. Jen Susi um, we've had the confirmation that they will look to defer to Natural England. So the Joint Nature Conservation Committee, NCC um, therefore they would not look to develop a statement of common ground. And we've had an update since deadline three that this still remains the case that they will be deferring to Natural England.

00:11:40:00 - 00:12:10:06

The RSPB have said that they will look to engage with the applicant throughout, and we have been able to develop a statement of common ground with them. However, they have also said that due to the number of offshore wind farm projects, they face significant demands on their limited capacity. Um, and we're currently in process of arranging our next meeting with them so that we can provide the saint with the common ground for the next deadline. Nature's got. However, um, we've, um, they've not been able to reply to the examination contact that we've had.

00:12:10:11 - 00:12:48:26

Um, and therefore we assume that their priority lies with Scottish projects. So we're very grateful for all the engagement that we've had and to date from all of the SNC BS, and we've thought to progress all the statements of common ground with Natural England, Natural Resources Wales, the Marine Management Organisation, the RSPB and NatureScot. Um, we've been able to develop the Marine Management Organisation, set the common ground, the Natural Resources Wales and RSPB Common Ground and Natural England have their principal areas of disagreement, risk and issues log and central common grounds.

00:12:48:28 - 00:13:29:29

So we are trying our hardest to resolve all these outstanding matters raised by all parties. But we have had challenges through their resourcing constraints with limited accessibility for meetings. But we are doing what we can by providing the clarification notes to address matters and engaging in between deadlines as well where we can. We consider that the project to be carrying far less ecological risk than many other offshore wind farm projects that have come forward in recent years. For example, the projects very well sited where outside of all designated sites, the nearest site is over eight kilometres away and it doesn't support high numbers of seabirds that are connected to designated sites.

00:13:30:01 - 00:14:04:06

And there's no annex one habitats recorded within the array either. So despite these challenges of resource constraints, we've been able to make significant progress to resolve the issues, particularly for Natural England, were very advanced and minimising what they consider as the significant risks in comparison to other previous projects. It's understood by most stakeholders that overall the project has very low ecological impacts. We have a number of plans that will be updating, uh, for deadline for and a number of new plans as well.

00:14:05:00 - 00:14:40:12

The new plans, um, are the Outline Offshore Environmental Management plan, which will be providing a deadline for which will include the Marine Pollution Contingency Plan and outline measures to minimise the potential spread of non-invasive, um invasive non-native species. And also it has the measures to minimise disturbance for of marine mammals and rafting birds. We'll also be providing the outline construction method statement as requested, including the outline cable specification and installation plan.

00:14:41:29 - 00:15:21:12

We also anticipate submitting the Great Orme Triple Sci note, including the cumulative aspects which has been requested by Natural Resources Wales. Alongside the justification note, for reasons as to why the cumulative effects are different in comparison to other projects who have also been working

on providing the gap filling and keen assessments. We will also be providing the conservation objectives as requested and the Commitments Register, which is the updated version of the mitigation and monitoring schedule.

00:15:22:27 - 00:15:29:18

By deadline five, we will be providing an ornithological methodological issues documents as well.

00:15:32:03 - 00:15:48:18

And the plans to be updated, which we have already submitted are the marine management Marine Mammal Mitigation Protocol. App 072. And then a number of other human topic documents as well.

00:15:51:00 - 00:15:59:09

On our hand over to my colleague, who can run through each of the statutory nature conservation bodies and describe their outstanding matters in greater detail, unless you have further questions.

00:16:00:02 - 00:16:00:17

Thank you.

00:16:01:27 - 00:16:26:07

Uh, doctor Kevin Lennon for the applicant. So I was just going to run through a brief overview of where we're at with key issues and discussion on the on the ecological with the key ecological stakeholders, mainly focusing on Natural England and W and MMO. Um, are you happy for me to run through that and then um, afterwards then if, if you've got any questions on, on, on some of those items.

00:16:26:19 - 00:16:29:09

Yeah. Because I think you might cover some of the points I've got.

00:16:29:12 - 00:17:06:06

Right. Yeah. Okay. So, um, as, um, Doctor Randall, um, outlined, we have been engaging, um, you know, as, as much as possible with, with, um, with Natural England. And we have made some significant progress on, on their, um, principle areas of disagreement that they outlined their, uh, relevant rep as Sarah outlined the, um, the first issue on the first red issue, I suppose, um, um, on the principle areas of disagreement was to do with collision risk modeling and displacement methodological concerns and the cumulative effect assessment.

00:17:06:14 - 00:17:37:27

Um, so we have looked to resolve these through clarification documents, um, submitted into examination already a deadline two and three. And um, Sarah's outlined a couple of others that are coming. Um, there's also a number of points raised in these issues. And, but, um, they can be resolved, we feel, in the next couple of deadlines. So we continue to have really useful engagement with Natural England on these issues. And we had a very useful meeting two weeks ago to try and work out how we can get to a position of agreement, um, on the methodology issues.

00:17:37:29 - 00:18:09:02



So there's two fundamental points on the methodology. Uh, one is to do with kind of an understanding of the SNC B's position versus the applicant's position, and presenting the numbers in a way that, um, helps the SNC BS get to get to a position of, um, um, where they can advise, um, and then the second one is cumulative assessment, um, differences. Um, so I suppose that at a broad point that are on a broad level, these assessments, there are numbers of ways of doing the different assessments, and they're all technically correct.

00:18:09:04 - 00:18:41:26

What the applicant has done in the applicant's position is that we've presented an assessment that's based on the best available scientific information to inform our assessments. Um, we don't, um, feel we need to update, um, our, um, or to provide new assessments. Um, just provide clarification on how to present the information in a way that satisfies the SNC BS. Um, so we have again worked through pre-application post application to try to get these numbers in a format that naturally none of the other SNC bees are content with.

00:18:42:06 - 00:19:20:17

Um, it was generally agreed that the risk from this project to ornithological receptors is low. Um, so the applicant is keen to provide as much information and much clarification information as possible. Uh, and that's including included things like calculating the impact estimates from the historic gap field projects, which hasn't been done at this scale for any offshore wind farm in the UK. Um, and the sea bees are now noting that this gives a really comprehensive account of, of those historic projects, which, again, we're looking to be as helpful as possible to, to help the the stakeholders come to a view on these.

00:19:20:19 - 00:19:52:09

So it's amazing coming back to the meeting that, that I discussed. Um, um, it was held a couple of weeks ago. Um, naturally, to have confirmed that they're not expecting an updated chapter and impact assessment. What they're requesting is either a table or a spreadsheet with all their parameters to allow comparison with the applicant's position in a, you know, in a way that just makes it makes it, um, fairly straightforward for them. So that's on the methodological issues. On the CEA issues. Again, Natural England have confirmed that they don't want a complete reassessment.

00:19:52:11 - 00:20:24:26

Rather a final table with the CEA numbers updated with the various points raised during examination. So, for example, the more come offshore wind farms and numbers to be updated from what was presented in the peer um to what is presented in Morecambe final. Yes. Um, another example that they wanted to include is a gap filled CEA project. They want that included in the CEA table. So, um, uh, yeah, we're keen to, to, to address that point, and we're confident that we can address that in the next, um, over the next couple of deadlines.

00:20:25:05 - 00:20:56:04

Um, and ultimately, this is because naturally, they're keen to ensure there's a clear set of numbers from which future projects can kind of, you know, relate to. So, you know, I think I think that's something that we can we can close out. Um, as I say, we're confident that we can work through the methodological issues. And once we have those resolved, there will be a conclusion of no adverse

effect on integrity. And that's been the applicant's position throughout, naturally, and agrees that the risk of adverse effects is low, um, as set out in their response to examining authorities questions.

00:20:56:06 - 00:21:36:18

Rapid 3048 um and they do not anticipate a derogation case being required. Similarly, NSW have noted that it's unlikely that an adverse effect on integrity, uh, will be concluded for any European site, and that's set out in their response. I think it wrapped 3051 as well. Um, so just before coming to the second key issue with Natural England, um, I would just like to say a few words on the point of adverse effects on integrity, particularly in combination. So in general, the project has tried to look to reduce effects on ornithological receptors as much as possible early through the consent early and threat consenting process.

00:21:36:20 - 00:22:16:00

So the applicant is, as Doctor Randall outlined, fortunate enough to be, to have a project that's very well sited from the ornithological perspective. So in general, the impacts on ornithological receptors are generally very low compared to many other offshore wind farms that a lot of the people sitting around me have worked on. And the applicant has also committed to an air gap that is well above the minimum industry standards to ensure that risks to birds are further minimized. Um, so because the level of impact from collisions is generally very low for the project as a whole, once you apportion those to individual space, they become further, um, reduced.

00:22:16:02 - 00:22:51:20

So the applicant's position is that in most cases, um, the impacts on the features of the space of sorry and features of space is so low that it doesn't materially contribute to any in combination. Um effect. Um, so, for instance, when apportioned to individual space, impacts on certain species equate to a fraction of a single bird. So that might be potentially one bird lost over a period of five, 10 or 20 years of an operational wind farm, um, depending on the species and depending on the individual space.

00:22:51:22 - 00:23:24:08

So I suppose that's. So while we're keen to work with the SMC, is to try and close out these methodological concerns as soon as possible, it is the case that the impacts from these projects on individual space is very, very small and that in most cases, the applicants positions that these shouldn't be considered to be adding materially to, to an in combination effect. Um, I promise my other points, um, are a bit shorter than that. There was a, there was a few, um, uh, yeah. There was obviously a few points to cover on that one.

00:23:26:03 - 00:23:35:26

Um, can I just stop you, Mr. Lane? Just a second. Um, to ask if my colleague Miss Hunt wants any clarification there. Susan?

00:23:39:04 - 00:23:53:07

Not yet. I think we'll let it run through. I do have questions on on the adverse effects on integrity coming up. Okay. Thank you. Potential derogation. But let me see that. Come in. But, um. Yeah, I'll let you finish. Thank you. Thank you.

00:23:54:19 - 00:24:26:24

Uh, so the second point is in relation to noise abatement systems. Um, again, Natural England's position is their recommendation that they're recommending NAS, um, is used as a mitigation measure for piling and UXO clearance. Uh, the applicant position is that NAS has noise abatement systems. Again, um, is being proposed as a mitigation option within the underwater sound management strategy, alongside other measures to reduce the magnitude of underwater noise. Um, With a specific consideration of the key species at risk.

00:24:27:08 - 00:25:06:25

Um, there's general, um, um, positivity coming from the SNC and from the MMO about the underwater sound management strategy. And generally, I think most of the stakeholders are keen to work with the applicant on the development of that post consent. I see this is later on the agenda. So you know this coming up later on the agenda. So perhaps we'll come back to the underwater sound management strategy. Um, and the last point on the last red issue on the, um, uh, Natural England, um, principle areas of disagreement is to do with signing off of plans and the post consent phase and the timing associated with that.

00:25:06:27 - 00:25:37:03

And, um, we're, uh, we are still discussing that with Natural England. We hope we can find a compromise, um, for just a couple of the plans that are relevant. So, uh, with regard to the MMO, the applicant again is focused engagements on the MMO. um, with the MMO and the scientific advisor Cifas. Again, we've made good progress and resolving issues with the MMO. Uh, key areas um, of continuing discussion include the underwater sound management strategy.

00:25:37:05 - 00:26:09:06

Seasonal restrictions for fish and the use of NASA's, um, high order clearance. Um, so again, these are continuing discussions. We are trying to work through these issues to get to to to position a resolution, and we're confident that we'll be able to do so in the remaining part of the examination. There are a few other points which are still being discussed and clarified with the MMO as part of their latest statement to Common Ground, one of which is in relation to scallop larvae, which again is on the agenda I see. So we'll probably come back to that later on.

00:26:09:08 - 00:26:45:25

And a lot of the other ones are relatively minor, and we hope that we should be able to close them out through, um, correspondence and clarification. Uh, with regard to enter w, um, we have raised comments on the methodology used by Morgan Generation in a similar vein to Natural England. So we've been in we've been in touch with them and continue to work with them through these issues and some other issues. And we'd hope that, um, the potential path that we've identified with Natural England earlier this month would also close out the concerns raised by NMW on the methodological concerns.

00:26:46:08 - 00:27:21:06

Um, and yeah, we as Sarah mentioned, we have a meeting coming up with NSW shortly to try and, uh, agree a way forward, um, for our region for on marine mammals. There's a number of clarifications which we're working through with our w on the impact assessment at the moment. Um, but um, generally NSW along along with the other Seabees are on board with uh, developing the

underwater sound management strategy post consent with the applicant and other stakeholders. So that just gives a bit of an overview of where we're at with with discussions.

00:27:21:15 - 00:27:24:15

Um, on those three key stakeholders.

00:27:24:29 - 00:27:56:18

Okay. Thank you. Um, you did touch upon some of the things I just wanted to cover. Um, and the first one is with the MMO and their issue with seasonal piling restrictions. Um, obviously, they're they're holding the line at present in deadline three, but the seasonal restrictions being necessary. What I get from their reps is that they're really concerned about the applicants lack of a commitment on a particular strategy or technology for noise abatement.

00:27:57:02 - 00:28:32:03

Um, and the applicant is saying, well, this will be dealt with post consent. Um, we're waiting on a different policy for the Exa. We don't know when that policy is going to come in. Um, we did put an excu out to the to Natural England to hopefully shed some light on that, which they didn't. Um, we're still sort of in a holding state of we're expecting a policy, but the MMO holding the line on seasonal piling restrictions. So I guess what we want to really understand is why the applicant isn't committing to a particular technology or strategy now just to deal with the MMO issue.

00:28:32:16 - 00:28:41:00

Um, you know, that that might just smooth that smooth way through the rest of the examination. So if we could get some clarity on that, please.

00:28:41:14 - 00:29:17:29

Sure. Thank you, Madam Gates, on behalf of the applicant. Um, I, I don't think we've got any fundamental disagreements with the concepts that can be used to mitigate this risk if needs be. I think there's some important points there. So firstly, there is no certainty we will be piling we can build this project with gravity based solutions or with suction bucket solutions, neither of which necessarily require piling. So there's not a certainty that we're going to be sort of in a situation whereby there is a requirement for this Conversation based consent.

00:29:18:07 - 00:29:49:28

We absolutely recognize that if there's piling um, this is a valid conversation. So we need to get through that final design process first. Um, in terms of establishing exactly what that looks like and where and how much, etc., and what the durations are. Um, we've also, as you've rightly said, got the policy point. I think what is clear in our minds is that we're being asked for mass and commitment and a seasonal piling restriction commitment. Those two functions serve the same objective.

00:29:50:00 - 00:30:22:25

So if we were to have them both, that wouldn't make any sense to anyone. I don't think so. It's we need to see what that policy comes out and says, and then we will react to that accordingly. That says thou shalt commit to mass under every circumstance. That's pretty clear what's going to happen there. Um, so we need to see that that play out a little bit, which is going to be quite soon. We understand. Um, with regard to to the, to the um process. It is the MMO have fundamental control of this.

00:30:22:27 - 00:31:03:21

We will not be able to start construction activity of this piling in the envelope without the appropriate measures in place. We're not disagreeing about what those measures are. So to us we have the this is quite a tried and tested process. I think all of us on this desk sorry. Across many windfarms have worked with the MMO and Natural England across many projects and have been through this sort of process before, and it's quite a well tried and tested process of of sort of establishing these kind of mechanisms or this particular underwater noise management strategy, um, is I don't want to say the word new because that sounds like it's a novel concept, but the process is well-established, um, in that sense.

00:31:03:24 - 00:31:12:14

So I do not think there's any risk here. Fundamentally, this if I question whether you're sort of following my my logic here.

00:31:12:16 - 00:31:45:02

No, I am following what you're saying. But for an essay, we have to report to the Secretary of State a recommendation that we consider that the impacts on fish, for example, you know, can be dealt with. We've got the MMO at this point saying, well, we hope that's the case and we will deal with this post consent. And we realize as an A, as will the Secretary of State, the MMO ultimately will hold the trump card, you know, post consent. But we still have to report. And what we're getting from the MMO is they can't sign off on a seasonal period restriction.

00:31:45:04 - 00:32:15:07

They can't say, but they don't want to implement one. So how do we as an Exa get beyond that? Because if we don't have the Defra policy before the end of this examination, we've got a statutory a major statutory party saying you should put in a seasonal piling restriction, which of course you guys don't want to do. Um, you don't want to have to, to take that, um, as an impact. As I understand from the MMO, you want the restriction to not be in place. So how do we get beyond that?

00:32:16:25 - 00:32:43:02

Guys, I don't necessarily think it's a case of we don't want something. I think it's a case of it's it's a timing issue in terms of how the right measure is established, if that measure is indeed required. So the control is in place. We cannot build this project. We won't be able to build this project unless the right control is in place. So do we that are available to us or sorry.

00:32:43:14 - 00:33:06:18

So do we get to a point where we have a fallback condition in the in the DCO? Because it was one of the questions we put out, excuse as to whether we needed a draft, you know, fallback condition, that senior planning restriction will be required unless and in the memo said they would come back to us at deadline for on that.

00:33:06:22 - 00:33:40:28

Yeah. Patrick Minor for the applicant at this stage the applicant doesn't consider it needs to put forward a without prejudice condition, for example. It means for the reasons that were set out. The applicant's position is that the underwater sound management strategy can deal with this, and is the

appropriate mechanism to do so. I think the examining authority in your report to the Secretary of State can say that these measures have been put forward by the applicant within an outline plan, where the MMO has the final determination on what measures are secured for the project based on the final design.

00:33:41:00 - 00:34:21:17

And for that reason, the Secretary of State can be satisfied that the suitable mitigation will be in place because the MMO as the discharging authority, will have that ultimate control. Now, I appreciate the MMO have asked for on the face of the DCO now, but we respectfully disagree with that position and we have set out reasons why we consider it is suitably secured and in our submission, the examining authority are Entitled to agree with us. And even even though they may have said they would prefer it on the face of the DCO, we do not think that is necessary, and we think the under the underwater sound management strategy is the suitable form.

00:34:21:19 - 00:34:36:12

Now we will continue to engage with the MMO on that and seek to persuade them that they can accept that position as well. But if we get to the end of the examination and there's still no resolution, then in our submission, you can agree with the applicant on that point.

00:34:40:06 - 00:34:48:24

Oh, sorry. Thank you very much, Mr. Monroe. Mr. Casey's, did you have anything else you wanted to add? Because I don't want to keep pressing and going round in a circle at the same point.

00:34:48:26 - 00:35:03:29

I don't think so. I mean, this is it is quite a nuanced thing. And it's a shame in in some ways, I suppose that I'm suppose I'm quite used to having these conversations on these projects with, with sort of the MMO on actually and present.

00:35:04:01 - 00:35:06:01

So and that's the difficulty we have.

00:35:06:03 - 00:35:38:11

It is the difficulty and I understand that and I understand their reasons etc.. So but but I think, you know, it's just to really make sure we're clear on, on the context around, you know, we've got an assessment that assumes, you know, an amount of piling is a worst case scenario and that sort of a days worth of piling, etc.. And, and, and we've got a seasonal, um, period of spawning. There's nuances to all of that in terms of exactly how long will be piling, where will we piling, if we will be piling, what are the key spawning periods, etc.. And, you know, there were similar conditions on the warning extension project.

00:35:38:21 - 00:36:13:11

Um, and, and my understanding having worked on that was that, um, was that, that that piling restriction actually wasn't implemented. In the end. There was once it became clear what the piling plan was and the timing of that, etc. now it's obviously it's own, you know, project and it had its own issues, etc. that or sort of specifics, etc. and I'm not saying that therefore it will. The same logic will apply here, but it's that point of there is a process that needs to be gone through with regard to the

design to work out exactly what fits and how and how it works, and that's what that underwater sound management strategy serves to do.

00:36:13:13 - 00:36:29:21

And the MMO will be consulted throughout as we go through that final design process and develop it. And they have the ultimate control. So, so from from where we're coming from, there really is no risk that anything can happen. That sort of fundamentally, from an ecological perspective shouldn't happen.

00:36:30:25 - 00:36:58:23

Okay. Thank you very much. Um, we'll leave that matter there. Um, Mr. Lin, you did predict and probably because it was on the agenda about, um, shellfish larval stages, um, and the MMO, um, suggesting that it should be considered in the underwater sound management strategy. Um, is the applicant willing to make a commitment in that regard? Um, and how is this going to move forward?

00:36:59:12 - 00:37:37:08

Uh, so, Kevin, Kevin Lannon for the applicant. Um, so, yes, in the in their latest deadline three response to the MMO have highlighted a paper in relation to underwater noise and scallop larvae, um, with the paper indicating that deformities are deformities in certain larval um scallop larvae life stages. So the impact assessment has um given consideration to the effect of noise um, on uh, shellfish, adults and larvae. Um which considers the evidence in the DeSoto 2013 paper that the MMO have um have have referenced in their entry response.

00:37:37:18 - 00:38:08:12

Um, when looking at that paper, it is quite difficult to determine kind of equivalence with respect to noise levels between the paper and the modeling undertaken as part of the Is. So, for example, the paper that that's been referred to is it's talking about or it's, you know, um, presenting noise levels in an enclosed environment versus a free environment in the Irish Sea, sound pressure levels referred to in the paper. Um are also included, but particle motion may be more relevant for shellfish in particular.

00:38:08:14 - 00:38:39:20

So it's quite difficult to kind of talk about equivalence in terms of noise levels. Um, but what we have done in the year chapter is we have, um, given specific consideration to shellfish and invertebrates in the fish and Shellfish chapter. That's up 055. And section 3.9.3.73 covers fish and shellfish or sorry shellfish and invertebrate species specifically, including reference to the soda paper, um, and particle motion. Again, sensitivity, which is probably more relevant for shellfish.

00:38:39:22 - 00:39:14:15

That's also described in detail in the Underwater Sound Technical Report. Uh section 110 uh five. I don't have the app number in front of me. I'm sorry, I can I can check that, um, in terms of effects on scallop larvae, they would be expected to be limited and wouldn't, uh, lead to significant effects on kind of population on a kind of population level. Um, the DeSoto paper, which, which the MMO referred to expose larvae and experimental tanks to high noise levels continuously over a period of 90 hours, basically.

00:39:14:24 - 00:39:52:10

Um, and this extended exposure led to deformities, slow growth rates of larvae and things like that. So this isn't at all a comparable scenario to that of Morgan Generation, where you would never have continuous piling over a, you know, several day period in the same area or even across the array area as a whole. Piling occurrences are intermittent, um, over that kind of timescale, basically. So, um, in addition to that, due to water movement as well, in the Irish Sea, uh, larvae will never be within one particular impact range for even a full piling sequence.

00:39:52:16 - 00:40:32:22

Um, but they'd rather kind of drift in and out of the, the, the impact ranges where the noise levels will be highest. So as such, the scenario presented in the DeSoto paper. It's not a realistic representation of what of of the risk posed by underwater piling noise associated with Morgan Generation Project on scallop larvae in the Irish Sea. Um, and again, the fact that we've considered this paper already within the es, um, it it doesn't change the conclusions of the overall assessment that we're not predicting significant effects on, um, scallop larvae as a result of piling noise.

00:40:32:24 - 00:41:10:06

Now, with regard to the suggestion about including scallop larvae in the underwater sound management strategy, as as my colleague Pete gauges indicated, the overarching aim of the underwater sound management strategy is to reduce the magnitude of effect from piling operations to such a level. There's no residual significant effects on the sensitive marine mammal and fish species. Um, it's therefore been designed, um, for those activities where potentially significant effect were were identified during the pre-application consultation and the outcomes of the impact assessment.

00:41:10:08 - 00:41:41:06

So the underwater sound management strategy is is um, again, it includes further mitigation measures that are required to reduce the risk to key marine mammal and fish species, not all marine mammal and fish and shellfish species. So while the applicant accepts that there may be some effects on um on scallops due to construction operations, and again, um, I would I would say the main um, effect on scallops would be to do with habitat loss and disturbance.

00:41:41:15 - 00:42:08:28

Um, although again, not significant because we, we, um, feel that the evidence presented shows that scallop will recover in those areas. Um, uh, inevitably there will be some effects from on scallops and scallop larvae from pilot operations as set out in the iOS chapter, but these would not be significant and therefore it's not appropriate to include scallops, either adults or larvae, in the underwater sound management strategy. As a general point, though,

00:42:10:14 - 00:42:47:28

the the while the underwater sound management strategy is is specifically targeted at a fish and marine mammal species, the benefits in terms of reduction in the magnitude of noise emissions on herring, cod, bottlenose dolphin and harbour porpoise will also benefit other fish and shellfish species, um and and marine mammal species. So in terms of project refinements that that Pete was talking about, if the the hammer energy um to be used during the during the final design is lower, if there's



fewer foundations that require piling, all of these things will benefit fish and shellfish species in general, including scallop.

00:42:48:00 - 00:42:56:12

But the strategy itself is targeted at those four key species where it's been identified, there's a risk of significant effects.

00:42:58:12 - 00:43:18:22

Okay. Thank you very much. I don't press any further on that. Um, because I know you'll put a written response into the Moz position. Um, but that was really helpful to hear. Thank you. Um, I've got a hand raised, um, on the screen. Is it Mr. Hashimi from the Scottish Fishermen's Federation?

00:43:21:01 - 00:44:05:26

Uh, yes. Good morning again. Uh, this is Mohammad Faheem Hashimi. Uh, on behalf of the Scottish Fishermen Federation. I appreciate the explanation, uh, that the applicant provided in terms of, uh, fish and shellfish, uh, specifically the, uh, susceptibility of, uh, scallop, uh, against noise. Uh, so I noted that, uh, the based on the study which has been done in 2013 And the conclusion they have made, uh, scallop has not been a part of the, uh, noise, uh, prevention or noise management strategy.

00:44:06:22 - 00:44:37:15

Uh, our concern is, first of all, the scallop that we are talking about in this field. Mono and Morgan, both of them are queen scallop. And these are, uh, this is the first time in the history, uh, that, uh, when form is going to be built on the, uh, queen scallop area. So queen scallop are very susceptible to any, uh.

00:44:39:28 - 00:45:12:18

Uh, changes in the environment, specifically noise, EMF, uh, as well as possibly weak effect that may, uh, disrupt the environment and affect your, uh, food system. Uh, and we appreciate that the applicant has provided justification and their, uh, EIA report, as well as to our written report that there might not be any significant effect on escala. However, we are afraid that we don't have evidence.

00:45:12:20 - 00:45:57:08

We don't have knowledge of EMF noise and, uh, effect on Queen escala. One of the example that I can give that in one of the, uh, Scottish, uh, offshore wind project and Firth of de uh, which was powered last year, the, uh, assessment showed that there would be no, uh, no significant effect on, uh, prawn fishery. However, when the, uh, project was powered last year, this year at the springtime, uh, a small storm happened in the area and the prawn stock totally disappeared from the wind farm area.

00:45:57:12 - 00:46:35:17

Although we don't know a specific reason that what happened and what was the main factor that we cannot directly blame offshore wind for that. We have asked Scottish Government for research to find out the main causes for it. However, no evidence have been found so far to show the main cause for that disappearance of prawn stock within that specific wind farm. So our concern is that we don't know, uh, a lot about the, uh, noise effect, EMF effect and wave rig effect on queen scallop.

00:46:35:19 - 00:46:57:27

And therefore we propose that appropriate consideration to be given at the, uh, determination stage to make sure that we shall not create an this disaster on fish and shellfish ecology that we can never repair. As I give you an example of prawn fishery in one of the windfarm and Scottish Water. Uh, thanks.

00:46:59:12 - 00:47:14:02

Thank you, Mr. Hashimi. I think that raises a valid point for the applicant, really, to respond on how we would determine whether your assessments are correct. Um, do you want to talk about monitoring process?

00:47:16:19 - 00:47:50:22

Yep. Okay. So on behalf of the applicant, um, I think if the specific evidence that, um, Mr. Jamie mentioned there that he wants to pretend that I encourage him to do something we can engage on on that. Um, I think just in high level terms on the scallop point, we have got scallop monitoring. And I think what we have proposed is quite good in the sense that we're not just talking about our project, but we are talking about sort of being mindful of other projects in the region and indeed other broader monitoring programs.

00:47:50:24 - 00:48:26:04

I think one of the one of the issues, and in fact, I actually touched on it a little bit. That monitoring and offshore wind suffers from. It's the ability to detect change what point one and two if it can detect change, attribute that change to anything. I think that's a really fundamental point. And the way that you can, um, deal with that or essentially one of the beneficial ways is doing larger scale programs. And so you'll have noted within our submissions that we're not just talking about an isolated bit of monitoring on the Morgan Coast Gallup grants here.

00:48:26:06 - 00:48:56:00

We're talking about making sure we're cognizant of other work that's going on within the region. So we get a regional perspective, because if, for example, we solely monitored the Morgan array and we saw one year a decline, what does that mean that we don't necessarily know what that means if we've got the broader context that we can set that in, then we can start saying what that means, what that, you know, we can start drawing some conclusions from that. And that's what we're seeking to achieve with that. So I think on that point, I think we're we've got quite a good monitoring proposal.

00:48:56:21 - 00:49:00:20

So the monitoring proposal is five years. Is that correct?

00:49:01:15 - 00:49:33:18

Cases on behalf of the applicant that that is what we've suggested. But as with all of our monitoring, we will be adaptive, as I think is an important point. And I think it's been well recognised in written submissions for the need for that. And we we totally on board with that. So we would undertake monitoring with an adaptive mindset in that we will engage on what we are seeing and what that means for the monitoring, both in terms of its duration or its strategy or whatever that might be. I think that's an entirely pragmatic way to sort of view it, but we have to have some sort of definition at the start, and that's where we sort of set out.

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We think that's a reasonable duration to know.

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I appreciate that. So just taking it a step further. So you undertake the monitoring, as you said, you can't really look at it so much in isolation but more of a regional basis. Um, if you're monitoring for whatever period of time, whether it's one year or five years or a bit longer, because, as you say, it should be adaptive. Um, determines that there has been a significant effect on queen scallop. They don't return um, or there's diminished, um, just because of from their larval stage. They're affected. What does that then mean.

00:50:07:20 - 00:50:31:22

So the ES was probably not as it we thought it would be. But then we've still got an effect. And I'm talking what ifs. But I can understand from the Scottish Fishermen's Federation that they're obviously concerned at a loss of a key resource, um, from the commercial side. And we did cover commercial yesterday, but we're still on the fringe of, of ecology and commercial fisheries today.

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Uh, Kevin, and on on behalf of the applicant, um, yes, you're right, there is there's there is that inevitable crossover between the commercial fisheries and the and and the fish ecology side of things. I mean, from the assessment perspective, we um, as Pete said, if if Mr. Shiny can can provide that um, that further evidence from from another project, we can we can have a look at that and see how that might affect the conclusions of our assessment. But, um, it's our position that we have fully assessed all of the impacts on scallops in the fish and shellfish.

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Um, chapter up zero 55 during construction, O&M and the decommissioning, um, phases, we have relied on on, you know, the the best available scientific evidence and that that includes monitoring from historic wind farms, but also the rest of the marine evidence based sensitivity assessment by the Marine Biological Association and various other scientific studies on scallops. And we can clarify that in, um, uh, in written submissions. Um, I suppose, again, taking taking a step back on the assessment during the Peer and section 42 consultation.

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Um, we presented a lot of a lot of the same data sources basically, and did not predict a significant effect. Um, on, on on either queen or king scallop, um, uh, species. Uh, that assumption was based on, again, a lot of the information sources. Um, although stakeholders did point us to further evidence sources which which um, um, further supported our impact assessment. The pier was also based on a larger maximum design scenario. And since pier the the I suppose the spatial footprint and a lot of the other parameters have been reduced substantially.

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And of course, the other side of this uh assessment, um, also related to the fact that the, the, the maximum design scenario is a maximum scenario. And in a lot of cases, the maximum scenario for offshore wind farms isn't fully realized. So there is a level of precaution inherent within the assessment. However, it is also, you know, it also draws on the best available scientific information as

well. Um, so yeah, I suppose I suppose overall the evidence presented within the EIA strongly indicates that both queen and king scallop will return into impacted areas.

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We won't have significant effects, um, on on the populations and and that's given a, you know, an overly precautionary, um, uh, impact assessment. So I'd say that we're we're confident that, you know, that.

00:53:13:28 - 00:53:45:10

I understand that you're confident. Of course, that's what you're going to say. You told the line, you've done an assessment, you've submitted it to us. We you know, the the impacts, you know, are a very worst case. And in fact, you consider that they're they're not significant. I fully understand that I the next step, however, is that you are proposing monitoring, um, as an initial five years adaptive management process. But you wouldn't undertake that monitoring. Necessarily, um, if everything was absolutely, fundamentally set in stone, that there wouldn't be an impact.

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We monitor to to obviously come back to the original assessment to determine if, you know, the assessments stacked up. And I guess I'm asking the next step, what happens if it doesn't. And it is theoretical, but we we monitor to determine that we were right in the first place. And if we're not, what does that mean for the resource?

00:54:07:28 - 00:54:22:09

Now, you know we're here in the room. We can put it, you can put it in writing, but it would be appreciative if we could just rather than just say, our assessment we're comfortable with when it's insignificant. There is a next step of monitoring for a reason.

00:54:23:06 - 00:54:54:10

Cases on behalf of the applicant. Um, I think there's a couple of points there perhaps I'll touch on, I suspect, um, my colleague Mr. Monroe will add two, but I think on on the first point, um, I would make is, um, this is the marine environment. Um, we have to, to an extent, accept some level of, of uncertainty and risk based decision making around that. Um, it's just the nature of the environment within which we exist.

00:54:54:12 - 00:55:31:19

We simply cannot know and be certain of everything. And I think that the sector has got. It's not a new sector. It's not a novel sector. It's it's quite well established now. Um, so I think that, you know, there's sort of a proven process that we've gone through. We've not seen, um, any ecological car crashes, so to speak. As far as we are aware, from this, this sector to date. So we are we are confident. I think the second point is that, um, this, this monitoring from our perspective is to recognise the concerns, understandable concerns that have been raised by the fisheries on this matter.

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Um, for this this is not based off the conclusions of the s that we obviously fully stand behind. So I think this is really, in our view, at least, to be able to provide the evidence base on which any future development coming forward, etc., can then rely on as better evidence to inform their assessments and

enable that future dialogue with fisheries sectors on this specific matter. So I think that's really our sort of fundamental position on this.

00:56:03:02 - 00:56:25:06

That's that's helpful. Thank you. Um, just to close this item out, Mr. Hashimi, you referenced this, um, particular research around the prawn industry, and the applicant would be appreciative of receiving it. So if you could submit, um, the evidence that you're referring to into the examination, that would be helpful.

00:56:26:21 - 00:56:58:27

Uh, for me, on behalf of SFF, Scottish Fishermen's Federation, uh, of course, uh, I would be happy to, uh, even name in the development if the applicants want. Now, just to clarify that there hasn't been any research done yet, but this is the experience of our fishermen who used to fish within that specific wind farm. The name of the wind farm is Seagreen, and that was powered last year. Uh, the construction completed last year in 2023.

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And, uh, since this spring, spring of 2024, there was a, uh, storm at the area. Uh, and after that, the prawn fishery, uh, prawn stock totally declined. It was just fall from the cliff and that, uh, the fishermen who used to fish on, uh, historic fishing grounds, uh, they see no prawn to fish. So, uh, if the applicant has any further, uh, question or need further information, we would be happy to, uh, touch base and provide, uh, further reference and a similar concern has been, uh, witness and other wind farms that I'm not sure about the name yet, but that was the EMF effect on, uh, of shellfish.

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I think crop and lobster was affected due to the effects of the cables. So this is not the only example. One example that we are referring about screen, but other examples exist. I'm sure there would be numerous examples out with Scottish and UK water and other, uh, area of the world. So, uh, yeah, I would and.

00:58:09:19 - 00:58:47:14

Just to come back on that point, though, Mr. Hashimi, I would suspect the applicant, you know, has gone through a fair level of research. Um, in looking at other monitoring that's been undertaken on other offshore wind farms. Um, so what I was specifically looking from you, you referenced that there was evidence of impacts on prawns. Um, yes. But if there isn't that monitoring evidence It's available, it's going to be difficult for the applicant to form any conclusions on the back of that. And similarly for the exa, um, if there is published research on that or if you're suggesting Seagreen has published monitoring data on that, then we would welcome you to submit that.

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But if it we really can't send the applicant off to look at another project. Um, if the if the evidence hasn't been published.

00:58:59:14 - 00:59:30:29

Well, for him or me on behalf of SFF. Yeah. As I, uh, indicated earlier, this is a new incidence. And our, uh, fishermen reported this concern about 3 to 4 months ago. We have been in touch with, uh, a

Scottish Government marine energy research programme. Scotland. We have reported to them, and we have asked them to conduct research. We haven't heard any update about it. Uh, I'm sure there is no, uh, published research.

00:59:31:01 - 00:59:47:14

However, there is, uh. Experience and, uh, report from our fishermen, uh, who reported this issue. And, uh, if, uh, the applicant wants, we can, uh, cross examine it, examine them, and, uh,

00:59:49:09 - 00:59:59:20

provide an opportunity for them to meet with our fishermen, uh, who used to fish there. And they have experienced decline and, uh, uh, prawn fishery at the area.

01:00:00:07 - 01:00:06:26

Okay. Thank you, Mr. Hashimi. I will come back to Mr. Garcia, who's, um, come back on a few points.

01:00:07:17 - 01:00:16:22

And also, I have another question relevant to your point here is that if the, uh, monitoring and evaluation or monitoring of, uh.

01:00:18:27 - 01:00:48:22

Uh, queen scallop in the area, which we appreciate that the, uh, applicant has planned to do it for five years. Uh, sure. In negative consequences. Uh, what would the applicant do? And my question for you as the examining authority, what your decision, uh, would be what, uh, practical action would you take to prevent, uh, the loss of, uh, queen scallop? Uh, if, God forbid, something negative happens? Thanks.

01:00:49:12 - 01:00:52:16

Thank you, Mr. Hashimi. Mr.. Gracious.

01:00:53:27 - 01:01:27:12

Thank you so much. I think there's a there's a couple of, um, there's a couple of points just just to pick up on. I think actually, um, it's raised it's quite useful in the sense that potentially in, in some regards there is a, um, in some instances anyway, where perhaps this key fisheries, there might be a lack of evidence. Um, and this study is going to help provide an evidence base. So situations like he has just described where it sounds like perhaps there aren't the monitoring programs in place.

01:01:27:18 - 01:02:04:13

This bill will help prevent that same situation occurring. So I think that that's a good a good point. I would note there was a couple of other points I don't want to dwell too much on on all of the points raised, but there's just a couple of high level points. I mean, I think there's some there are interconnectors connecting through the scarlet grounds that connect to the Isle of Man. Um, and so I think there's comprehensive scarlet monitoring in Ireland waters. So I think if there were things like EMF issues, etc., I think that would have been picked up already. And we've not we're not aware of any evidence of that. And I would also just point out that the MMO did a review of of offshore wind monitoring and findings, and that was a 2014 study, I think.

01:02:04:15 - 01:02:15:21

And I think the conclusions on that on, on fish and shellfish populations were that, um, we're not seeing significant effects on those, but that's just to some sort of additional points.

01:02:15:23 - 01:02:20:11

But okay. Thank you, Mr. Monroe. Does that close that matter out?

01:02:20:27 - 01:02:23:26

Yes, ma'am. I do have anything further. Thank you, thank you.

01:02:24:02 - 01:02:26:21

Um, I've just got one last point. Um.

01:02:28:07 - 01:03:17:15

on the ecology area. And I'll come on then to hand over to Miss Hunt. And it's, um, it's not something that we can really deal with today, but, um, Doctor Randall made a point when she was giving a summary of of Natural England's position and how they're resourced, um, is that they are unable to engage fully with all marine mammals and providing advice on marine mammals. But what they did do in their report, 3047 submission, um, was to say that whilst they welcome, you know, new monitoring that had been put into the in principle monitoring plan, um, they still felt that there wasn't sufficient monitoring being put forward for marine mammals and ornithology.

01:03:17:17 - 01:03:48:03

Now Mr. Hunt will pick up on ornithology separately, but, um, they still feel that this monitoring needs to occur. Now, I understand the applicant's position that you're not predicting significant effects on marine mammals. Um, but Natural England are saying this is still insufficient to say just because there are no significant effects identified, that you're not doing any further active monitoring of marine mammals post consent. So I'm not looking for a response today, but I would and I know that you will respond to that point.

01:03:48:10 - 01:04:12:20

Um, in Natural England's Rep three um, submission. But I'm just urging if there is any way to close this matter out with Natural England to to have them engage with you. It's not in your gift to deliver Natural England. Um, but it's a matter which is there and it's read, um, and they've. And we need to move that along.

01:04:13:09 - 01:04:48:13

Yeah. Okay. Some of that. And I recognise what you said there. I think, um, I think we are, um, obviously trying to deal with the challenges of the resourcing, resourcing issues, etc. and I think, you know, I think this project isn't opposed in any way to monitoring as well set out where we feel it's merited in this, um, justification etcetera. I think we're nervous about, um, broad commitments to monitoring that we just don't feel are going to tell us anything, answer any questions, or deliver valuable sort of questions to answering key uncertainties that the sector has got, etc.,

01:04:48:15 - 01:05:19:27

or the project's carrying. Um, so I think that, um, well, you understand our position on this. I think we've had really good engagement as a sector and, um, on these aspects in past rounds with the likes of Natural England in the MMO and where we've had that, you've seen really pragmatic solutions to these sorts of issues raised. And there's been many of the round three projects were in much more sensitive areas of ornithology and marine mammals, and some of the solutions that were developed there for monitoring are really quite exemplary, I would say.

01:05:20:06 - 01:05:37:04

Um, and, and so I think without that engagement it is quite difficult. But I do I do think, as Lennon pointed out, this project really isn't sitting in in that kind of territory of carrying risk or uncertainty, etc.. So I think there's a couple of points there. But as you said, we can we can deal with things in writing.

01:05:37:06 - 01:06:09:06

But thank you, Patrick, if I can just add one point on to that. Just looking back to the legal and policy context. I don't want to go to the regulations themselves, but regulation 21, three of the Infrastructure Planning, Environmental Impact Assessment Regulations 2017 does specifically address when monitoring might be considered. And it says that the measures should be proportionate to the nature, location and size of the proposed development and the significance of its effects on the environment. I think that that is the fundamental approach that the applicant says it has taken.

01:06:09:08 - 01:06:32:03

It has looked at what the significant effects might be and where there is any uncertainty or where there are significant potential effects. It has looked to impose monitoring or where it's been a specific concern of a stakeholder in respect of the fisheries, the wider blanket requirements for monitoring that have been requested by Natural England, the applicant says, aren't justified based on the evidence that has been put forward.

01:06:34:01 - 01:06:40:18

Thank you. I don't want to press any further on that. Mr. Gaetjens, I'm going to give you the final sign if you wanted to say anything in response.

01:06:43:02 - 01:06:51:00

In case on behalf of the applicant. Yeah, I think I was just just going to sort of, um, I, you know, let's not I think we've we've made the point somewhere.

01:06:51:11 - 01:07:00:19

Okay. Does anybody else wish to make any points on those matters before I move over to miss Hunter? Nope. Okay.

01:07:03:19 - 01:07:37:15

Yeah. Thank you. Just just following on from that point in, in relation to ornithology and the, the red and the issue issues, um, log from Natural England. Um, and yeah, you've, you've previously set out in numerous responses. Uh. Um, why? Um, there's no ornithologist. Ornithological monitoring. Um, and answer to our question. Mo 1.13 um, that you don't you've said again, you don't consider it necessary.



01:07:37:17 - 01:07:53:21

Um, we acknowledge your position. Um, but then and we acknowledge, um, what you've just said about the regs, but we, we remain mindful about the MPs and, and three in setting out the importance of monitoring. Um,

01:07:55:08 - 01:08:07:12

and that that's where our concerns lie in, in relation to the uncertainties, the evidence gaps rather than focusing on it's not significant how much we understand. Um.

01:08:10:20 - 01:08:36:05

So yeah, we accept that it doesn't need to be monitoring of all birds, um, eat. So you have seen Natural England's response regarding Lancashire water. Um, specific monitoring in terms of a discrete species. Um, do you have do you have a response to that? Was your understanding that you were responding at deadline for anyway? Sure.

01:08:36:07 - 01:09:10:03

Yeah. Some of the applicants are probably go beyond my my depth. I have spent quite a lot of time talking about ornithology over my career. Um, but I suspect I'm not an ornithologist, so I will probably look to Mr. Dunn at some point. But I think there's some headline points, and I think I recognise fully within the NPS, there are examples of monitoring that are suggested, and the words ornithology do exist in there and recognise that. I think that they are examples and I recognise for this sector, ornithology has been a headline topic for the vast majorities of offshore wind farms that have come forward.

01:09:10:05 - 01:09:59:29

So when you say offshore wind farm and ecology, you automatically say birds. And on some instances, like the round three projects that were developed within a marine mammal sac. Marine mammals came into that equation as well. So I think that's just the natural default, um, sort of mindset when we talk about offshore wind monitoring issues affects this project. It is different in that regard. It is not in those situations. And I think we have to think about what will actually deliver, even if we put aside the effects point and the confidence in the assessments and all the rest of it, if we're going to undertake monitoring, that monitoring has to be able to deliver meaningful outputs for mobile species that occur over significant ranges and moving around all of the time, that's really quite difficult to achieve.

01:10:00:01 - 01:10:30:16

Now. I've sat in meetings with Natural England and MMO, etc., and some of these projects where there's much higher numbers of of birds or mammals, etc. and we've reached agreement that project specific monitoring is not going to have the power to answer any questions. And we've worked collaboratively as a sector to come up with strategic initiatives. And there are so many programs out there specifically targeted at answering questions that site specific projects simply do not have the means to answer. Mank shearwater is actually one of those.

01:10:30:18 - 01:11:04:04

There's ongoing research studies at a level that projects simply cannot deliver, that are going to answer some of the questions around shearwater, Manx shearwater. Until now, this project, I think, has not been assessed for offshore wind. I recognized the geographical point, but it's not been considered sensitive to offshore wind farm development. That's probably the limit. I would start deferring to Matt for further further information on that. But the other more project, as an example that I was I was involved in, we had agreement with the state statutory bodies that we didn't need to be assessing that that feature.

01:11:04:06 - 01:11:40:02

So but on that as well, I would just point out in that specific example of Manx shearwater that occurs or has been recorded very rarely with from our baseline surveys. There are a couple of months in the year when numbers are higher, and that's to do with post breeding sort of loafing. And my understanding is they occur regionally throughout the southwest and in this sort of Irish Sea region, and they're sort of blown about, or they follow wind movement patterns. So you get sort of occurrences of them. They're not targeting this area as a, as a specific feeding ground where they routinely occur, etc..

01:11:40:04 - 01:12:12:22

If you look at our data, it's quite clear year one was hardly any recorded at any point through the year. Year two, there's a clear spike in two months. So let's say we did monitoring in year one. We record like that. That little peak in two months. Okay. Yeah. We then come to Post-construction and do a survey and we record none. What does that tell us? It doesn't tell us anything. It just tells us that one year there was some. In the second year there wasn't these kind of problems that we're sort of faced with.

01:12:12:24 - 01:12:45:27

And that is why those strategic programs deliver far better knowledge, or a far better at village filling knowledge gaps than any sort of site specific monitoring that we're able to do because of the geographical scale, because of the nature of what we're trying to deal with here. So I, I understand the the desire from yourselves to try and sort of come together and to try and find something with Natural England that, that, that could be of value. But I just think potentially in this instance, wrong, wrong project, wrong.

01:12:46:04 - 01:13:16:07

You know, in that sense, I don't think we're going to have a site specific monitoring perspective, the numbers to deliver any meaningful outputs. And I think that's so it's not just us saying, well, our assessment doesn't say any significant effects. It's broader than that. It's we want to do things where we can deliver real good, meaningful, um, or sort of produce good, meaningful outputs that are going to help this industry move forward and not come forward with any uncertainties. So I hope that's sort of fairly clear. I welcome any specific questions I can defer down the line as well I think.

01:13:16:09 - 01:13:34:10

But it is it is an intriguing one and it does merit conversation, this sort of thing. It is important we sort of talk through this stuff and try and, you know, um, understand the context. So it's not just what they simply said. They didn't think there was a significant effect. I think it, you know, again, it's unfortunate we haven't got nothing in here as well to talk about it.

01:13:34:29 - 01:14:04:09

Yeah. I think we'll await your written response anyway. I do understand the position on that. Um, and that Lancashire water is quite unique to this, this area and it hasn't, hasn't come up so much on, on the other wind farms. And so that that's why we're asking the questions, um, and the that you'll provide a response to Natural England's suggestion on that point anyway. So we'll leave it at that. And unless you've got anything else you wish to add. No.

01:14:05:12 - 01:14:10:20

Apart from that, no, I think we'll leave it there. And as you say, will respond to Natural England's specific request a deadline for.

01:14:10:27 - 01:14:12:02

Okay. Thank you.

01:14:21:12 - 01:14:34:16

A question about a Ramsar sites and proposed Ramsar. So Isle of Man. Um, because we've got the Isle of Man government present today, I don't I don't know what the House needs to

01:14:36:01 - 01:15:17:10

hear. Is it Mr. Armitage? He's, um, remit is in terms of ecology, ornithology. Um, but there was the the applicant's response to our first written question, Mo 1.17, which is in rep 3006. And that regards the the five proposed Ramsar sites on the Isle of Man. Um, so, Mr. Armitage, I don't I don't expect a full response today, but just wondered whether you had any initial comments on that and that just that we will we will be expecting something at deadline for from you.

01:15:18:24 - 01:15:42:09

Yeah. Richard Armitage, on behalf of the TSC. Um, unfortunately, I wasn't aware of that and it wasn't on the agenda for today, so. Oh. That's okay. Um, I, I do know about the questions. We've actually been forwarded them on by the applicant as well. Um, with regards to those areas. So our specialists are looking at that at the moment. Um, so we would expect to be able to get an answer relatively quickly.

01:15:43:13 - 01:16:14:13

Yeah. That's that's that's fine. It's just just a reminder really. And, and and to flag that up. Yeah. Um, and to the applicant, you just we will ultimately be seeking an update to the HRA screening report in terms of to, to record consideration of, of the rams of proposed, existing and proposed Ramsar or sites. All the information is in one place. So towards the end of the examination, I think, I think we originally said deadline six.

01:16:15:12 - 01:16:19:10

Um, is that acceptable to you.

01:16:20:22 - 01:16:24:25

Apart from the applicant? Yes. Then advanced notice is welcome. Thank you. We can make that update.

01:16:29:12 - 01:16:32:17

So again, in terms of the HRA.

01:16:34:27 - 01:16:43:22

So the applicant's response to HRA 1.1 in the written questions. And regarding um.

01:16:46:28 - 01:17:10:19

The adverse effects and integrity of future European sites or AUI. And so you and as you set out earlier in, in your very useful summaries that that you expect the methodological issues to be resolved and that the SNC base will ultimately be able to rule out ROI on the listed space.

01:17:12:12 - 01:17:52:00

Um, but as it currently stands, we don't have that. Um, so they're not committing to it in writing, which is what we'd expect to see at some point during the examination. So this this is more about timing. And I assume if you've seen the Moana, um, report on the impacts on European sites and the questions that are posed at the end of that, um, we don't wish to be in the same position by the time we issue our report on the impacts on European sites, which is the six of February.

01:17:52:02 - 01:18:36:11

So it's some some way off. But we're we're thinking ahead. We we want this matter to be bottomed out before then. We we don't want to be recommending this as an outstanding issue to the Secretary of State, and the Secretary of State is quite clear that they don't want this sort of thing outstanding either. Um, and just just to express the importance of paragraphs 5.4.2 6 to 2 a of the MPs M1 um, that if the SNC B gives an indication that the development is likely to adversely affect impact the integrity of habitat site, the applicant must include.

01:18:36:13 - 01:18:59:17

And then it talks about potential derogation and without prejudice. And I'm sure you're fully aware. Um, and then it goes on to say that if such information is not supplied by the applicant, there will be no expectation that the Secretary of State will allow the applicant to the opportunity to provide such information following the examination. So this is where our, our

01:19:01:09 - 01:19:31:23

our concern is not necessarily concerned, but our priority lies in. We would like this matter to be sorted during the examination. So it's just putting that out there. Um, we we therefore put down the same points as Mona has done in their race, but we're putting them down earlier. Um, we would like the applicants natural England, Natural Resources Wales JNC to confirm at deadline for um.

01:19:31:25 - 01:20:07:11

I know that's, uh, that's following hot on the heels of this hearing, but the ROI on all European sites alone and in combination can be excluded. Um, we will put that in action, point to the SNC, bes, and and we'll be making sure they've seen that. Um, and then there's the second strand of that, which is the same as Mona, if it's not Confirmed by deadline for the applicant, is requested to submit a derogation case by deadline five, which is in January.

01:20:09:07 - 01:20:10:17

So.

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And that's so we have the information we need to make our recommendation. Secretary of state. And there's an opportunity at deadline six for that to be followed on and realize these are tight deadlines.

01:20:24:26 - 01:20:36:29

I'm not seeking detailed comments on this at present, but just to let you know that that that is going down as an action point and just want you to check with you that you understand our position on that.

01:20:37:23 - 01:21:22:09

With the applicant. That's fully understood. I think the where the difficulty might lies is not unusual for the SNC to basically have a holding position on. They can't rule out adverse effect and integrity until all of their methodology concerns, for example, have been addressed. Um, even where they consider it's the case that ultimately they will be able to conclude that adverse effect on integrity can be ruled out by the end of an examination. And I think referencing the provisions in the national policy statements, where you emphasise that it's where any NCB indicates that an adverse effect on integrity is likely, then the applicant should progress a delegation case as soon as possible.

01:21:22:11 - 01:21:59:20

And it is the case that the NCB are continuing to not indicate that, and quite the opposite, they're engaged with the applicant on addressing those methodology concerns, the hesitation on the applicant's part in introducing without prejudice derogation case, even if it's not needed, is that that will ultimately distract attention away from addressing those outstanding points. The SNC will be required to consider that and comment on the specifics of it, rather than being able to focus time, which, as has been repeated throughout this morning, and with limited resource constraints.

01:21:59:22 - 01:22:34:00

The applicant does want to focus with the SCB on getting those matters addressed so that a definitive confirmation can be provided. The applicant explained in their update this morning that the anticipation is that the methodology concerns will be addressed by deadline five. That's when the applicant will be able to provide that full spreadsheet that has been sought at. My full expectation is that Natural England will not be willing to say definitively no adverse effect on integrity until they have that spreadsheet, even if they could reach a professional judgment otherwise, until those points are ironed out.

01:22:34:02 - 01:23:06:13

My experience through other examinations has been that they will hold that position until all of their records are turned to orange, yellow or green. So I think it's absolutely can be an action, but I would fully expect by deadline for they will not be able to give that confirmation. And I appreciate the difficulty for the examining authority and all the applicant can say will do is work with the SNC BS to try and get that matter resolved as quickly as it can. Um, and in advance of deadline five if possible.

01:23:09:23 - 01:23:18:25

So I'll just come back to you. Yeah. That's understood. Um, and I'm sure you can understand why we're trying to bring things forward and Focus Matters.

01:23:20:14 - 01:23:27:04

Cases on behalf of the applicant. I would just absolutely agree with that. I've been involved in every not every actually.

01:23:29:26 - 01:24:25:09

I've been involved in a lot of projects, including the first ones have been through this. And Patrick is absolutely right. This is not the SNC be saying, we think for this species that this site, there's a risk here. This is the SMS. SNC be saying we can't rule this out because you haven't addressed all of our concerns. If we were to do something like that, there is no clarity as to what sites we're talking about or indeed what species we're talking about. So that is another indication that that is not the case. We are not in that territory. Really not for this project. I think you've seen that in written form and it is scattered throughout things like the consultation report and elsewhere, where there have been statements in meetings made, including ones very recently that I've personally been involved in as well, where it has been verbalized as far as they can at this stage, understanding like their situation on this, where they're saying there is nothing pointing towards this being derogation, it's just that we can't come out and say those words until everything has been resolved.

01:24:25:11 - 01:25:05:17

So there is nothing leading to that. Notwithstanding all of that, if there were to be something submitted, finding compensation and this is our problem, right? Not not yours, etc. and I understand that. But just as a kind of context point, we'd be trying to set out compensatory measures for naught point something of a bird, um, across all of these, these sites, etc.. And I just don't think that is, um, one particularly achievable, or indeed the sort of, um, the sort of the basis in which this, this, uh, this compensatory measures, etc.

01:25:05:19 - 01:25:31:26

was, was brought forward, etc.. I appreciate the, the sort of the galaxy elements behind it all, etc., but I think what you would see from us would be if we were to submit something would be so high level, because we wouldn't know what species, what sites, and the numbers would be so diminishing these small that we would be able to actually say very limited amounts in terms of what, what our compensatory proposals would be. But yeah.

01:25:33:11 - 01:25:43:04

Yeah, I think it would be useful to have something just further from you on that I it's all ifs and buts, but it's

01:25:44:21 - 01:25:51:13

what if you did provide um, that derogation and the, the, the.

01:25:51:15 - 01:25:52:00

Lack.

01:25:52:02 - 01:26:00:03

Of compensation that would be possible. And what you've just said, just just some sort of commentary on that would be useful.

01:26:03:24 - 01:26:34:13

Uh, Kevin Lennon, for the applicant, it's not so much that there's a lack of compensation. It's just we don't know what species, what sites. Um, and the and, you know, and the number of birds that would need to be compensated for. So if you take the North Sea projects, there's very clear, you know, kittiwake, Flamborough, um, Flamborough, Filey coast and there's clear numbers that each project has to compensate for.

01:26:34:15 - 01:26:52:10

Those projects are not compensating for all of the in combination effect. They're compensating for their contribution to that. Now in the case of Morgen Jen, again, we don't we're not clear on which species and which space we're talking about. Um.

01:26:54:12 - 01:27:26:14

But when we look through the, um, the, the Morgan gen contribution to that in combination effect, it is vanishingly small. Um, so compensation measures are available, but I suppose, you know, the level of compensation that would be required is so vanishingly small that, I mean, it's effectively meaningless, like, like the we would effectively be compensating for one period per annum because our, because our impacts are effectively a fraction of, of um.

01:27:27:06 - 01:28:04:08

Yeah. Well yes. Yeah. In, in some cases in some space, we're talking about one bird per decade or one bird over the lifetime of the project, such as the other very, very small impacts on ornithological receptors from those specific space when you, you know, apportion or all the different numbers. So, you know, we are looking for very, very or we are looking at very, very small numbers of birds that could theoretically become compensated. And as I said earlier on, I don't think that the that the Morgan Jan project is actually meaningfully contributing to that in combination.

01:28:04:10 - 01:28:39:09

In fact, when you when you look at other projects in there where they're impacting, you know, several or tens of whole birds effectively, we're talking about maybe a 10th of a bird or a 20th of bird or something like that. So I suppose that's kind of the point. There are compensation measures available, but it's just whether it's reasonable and proportionate to to put forward a compensation case for a 10th of a bird. And, and also we don't have an indication from the SNC B's about which s which space and which species we would actually require compensation for.

01:28:39:25 - 01:29:15:03

Um, it would end up being a very long list, with very small numbers of birds being compensated through lots of different measures. So it's this is the difficulty that that the applicant. The difficult position of the applicant is in at the moment. And we have looked to try and resolve this throughout the pre-application phase. We understood very early on in the essence, CVS understood very early on that the numbers coming out of the theological modeling were very, very small and that I remember pre-application having discussions that, you know, the risk of adverse effects on integrity alone and in combination were very, very low in the stakeholders.

01:29:15:15 - 01:29:38:03

Um, recognize that, um, we are we are doing our best to try and resolve that and to try and close this issue out. But I suppose, you know, from the from the derogation point of view, it's very difficult to effectively guess what it is we're compensating for in terms of species sites and the magnitude of impact, the number of birds that we're actually compensating for.

01:29:40:16 - 01:29:58:27

Yeah. In, in in your written follow up deadline for this. The reason and proportionate issue that you've just mentioned. Um, they focus on that and what you've just said and, but we'd expect to see that in writing at deadline for anyway.

01:30:00:09 - 01:30:00:24

Thank you.

01:30:00:26 - 01:30:07:29

Okay. Does any other interested parties present like to make any comments relating to ornithology?

01:30:12:12 - 01:30:12:27

Yeah.

01:30:14:20 - 01:30:39:19

We'll, uh, have a break. So 11:00. Good timing. Um, so we'll start agenda item eight after the break, which is the draft development consent order. Marine licenses. Um, don't expect it to take long. So if we just have a 15 minute break now, we'll reconvene at 1115. This hearing is adjourned.