



Trawsgrifiad Gwrandawriad

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Grandawriad:	Gwrandawriad Mater Penodol 4 (ISH4) – Rhan 1
Dyddiad:	23 Hydref 2024

Sylwer: Bwriad y ddogfen hon yw i gynorthwyo Partion â Buddiant, nid yw'n air am air.

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Hearing Transcript

Project:	Mona Offshore Wind Farm
Hearing:	Issue Specific Hearing 4 (ISH4) – Part 1
Date:	23 October 2024

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FULL TRANSCRIPT (with timecode)

00:00:05:25 - 00:00:18:26

Okay. Good morning everyone. It's 930 and it's time for this hearing to begin. Can I just confirm that everybody can hear me? If no one puts her hands up, I'll presume that you can.

00:00:20:21 - 00:00:27:17

Okay. And I just confirm with Mr. Stevens that the live streaming and recording has commenced. Thank you.

00:00:29:03 - 00:00:59:03

I'd like to welcome you all to this issue specific hearing, which is issue specific hearing for on offshore matters in relation to the application made by Mona Offshore Wind Limited, who we will refer to as the applicant for an order granting development consent for the Mona Offshore Wind farm. My name is Caroline Jones. I'm a chartered town planner and an examining inspector, and I've been appointed by the Secretary of State to be the lead, the lead member of the panel to examine this application. I will just ask my fellow colleagues to introduce themselves.

00:00:59:18 - 00:01:07:12

Good morning and border. My name is Graham Hobbins and I'm a chartered civil engineer with a background in major energy and rail infrastructure.

00:01:09:19 - 00:01:16:20

Florida. Good morning. My name is Jessica Powis. I'm a chartered town planner and examining inspector, and I've been appointed as a member of this panel.

00:01:19:15 - 00:01:31:20

Florida. Good morning. I am Jason Rowland. I'm a chartered civil engineer and chartered environmentalist with a background image. Energy and highways infrastructure.

00:01:33:16 - 00:02:07:00

Thanks everyone. Whilst there are five panel members who make up the examining authority today, we are missing Mr. Corsie as she is still feeling unwell following last week. Unfortunately, the panel were hit by a virus last week in Wales. Mr. Rowlands is currently feeling slightly under the weather but has nonetheless endeavoured to join us today, albeit from a different location to the rest of the panel. Um, to take the lead on his agenda items. However, in order to give Mr. Rawlins an adequate break between those agenda items, we have changed the running order of the agenda today.

00:02:07:02 - 00:02:39:09

And this was published on the National Infrastructure website yesterday afternoon. I apologize, the original banner heading did have the incorrect issue specific hearing on it, but it is for issue specific hearing for. So just to let you know, the running order for today will now be agenda item two. Purpose of the hearing. Agenda item three will be Offshore ecology. Agenda item four shipping and navigation. Agenda item five commercial fisheries. Agenda item six other offshore infrastructure and activities.

00:02:39:11 - 00:02:44:26

And agenda item seven which will be civil and military, aviation and defense interests.

00:02:47:15 - 00:03:09:14

The agenda is for guidance only and we may add other considerations or issues as we progress. We'll conclude the hearing as soon as all relevant contributions have been made and all questions asked and responded to. But if the discussions can't be concluded, then we may have to defer some of our questions to written questions. Similarly, if you cannot answer anything that we ask you today, then you also may defer to writing.

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

Today's hearing is being undertaken wholly, virtually. That means everybody is participating through Microsoft Teams. Could I just ask for everybody participating? If you could just make sure that you stay muted throughout the meeting. If you do wish to speak, just use the hands up function or turn your camera on.

00:03:30:19 - 00:04:05:02

So the hearing is also being live streamed today. If you are watching on the live stream, I do have to remind you that if we adjourn proceedings and you will have to refresh your browser page to rewatch the live stream, a recording of today's hearing will also be made available on the moon or offshore wind farm section of the National Infrastructure Planning website, as soon as practicable after the hearing has finished. With this in mind, can we just ask that everybody speaks clearly and stating your name and who you're representing every time you speak today? The digital recording and notes are the only official record that we have of today's proceedings.

00:04:06:16 - 00:04:31:28

A link to the planning Inspector's privacy notice was provided in our rule six letter. We're going to assume that everybody today, today has familiarize themselves with that. We handle the personal data of our customers in accordance with the principles set out in the data protection laws. So as this event is recorded and published, it's important that you do not add information to the public record that you do not that you wish to be kept private or that is confidential.

00:04:34:04 - 00:04:41:15

We look to take a break mid-morning today and at lunch and again this afternoon. We are looking to finish no later than 5 p.m. today.

00:04:43:17 - 00:05:08:16

Turning to language, we welcome contributions in both Welsh and English. Mr. Rowlands, on the panel, is a native Welsh speaker and Mr. Stevens, or case manager can also speak Welsh. The rest of the panel will do our absolute best to pronounce names and places correctly, but we do apologize in

advance for any mistakes we make. Please do feel free to correct us. Do we have anybody with us today that would like to address us in Welsh?

00:05:13:03 - 00:05:15:07

I'm not seeing any hands raised,

00:05:16:27 - 00:05:33:11

so I'm now going to ask those of you who are participating in today's hearing to introduce yourselves in the interest of expediency. Can I just ask that if you have more than two people representing you, could you just introduce the main representative and then you can introduce to further people at the relevant part in the agenda today.

00:05:37:08 - 00:05:39:15

Could we start with the applicant please?

00:05:41:23 - 00:06:20:25

What a dog. Good morning. My name is Liz Dunn. I'm a partner at Burgess Salmon and I am representing the applicant, Moana Offshore Wind Limited. Um, as you'd expect, we have a number of people, um, with us here today to participate in the various, uh, agenda items. Um, and as requested, they will introduce themselves as they speak. Uh, we also have Emma Chappell, who is from Tetra Tech, who will be running the, uh, document sharing. So if people do, uh, would like documents shared, um, and we have the list that's been provided by the planning inspector, then please, uh, do ask and Miss Chappell will, uh, put those up.

00:06:21:02 - 00:06:40:13

Can I ask, um, that, um, if if documents are requested to be shared and from the panel, um, that you let us know when you'd like us to share those documents, because sometimes I think we've shared them slightly early. So if you can just confirm at the point at which you're ready for us to share something, uh, then we will do that.

00:06:40:29 - 00:06:44:02

No problem, mister, and we will do so. Good morning to you all.

00:06:46:10 - 00:06:54:24

Okay, I'll move on to organizations and individuals who have registered to speak. Do we have Mr. Mary Lees with us today?

00:07:01:16 - 00:07:05:26

Not seeing any hands raised. Uh, do we have Mr. Proctor?

00:07:11:14 - 00:07:17:29

Okay. Uh, Mr. Salter, Nick salter, do we have Mr. Salter?

00:07:18:20 - 00:07:19:06

Good morning.

00:07:19:29 - 00:07:20:14

Good morning.

00:07:20:24 - 00:07:26:02

From the Maritime Coastguard Agency. Be speaking for the shipping navigation item.

00:07:26:13 - 00:07:29:03

Okay. Thank you. Welcome, Mr. Salter. Yeah.

00:07:30:22 - 00:07:34:03

Do we have, uh, Richard Armitage with us?

00:07:41:00 - 00:07:47:00

Hello. Yes, it's Richard Armitage, representing the Isle of Man government, Territorial Seas Committee.

00:07:48:11 - 00:07:50:17

Good morning, Mr. Armitage. Thank you.

00:07:54:17 - 00:07:56:28

Do we have Raymond Hall with us?

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

Do we have Mr. Innis?

00:08:05:18 - 00:08:37:13

Yes. Good morning madam. My name is Colin, is a partner in the law firm of Sheppard Wedderburn, and I represent the. Which I'm going to describe as the Orsted IPPs. I'm not going to read out all the names again, but I'm instructed by John Nazar of commercial manager, toasted. In terms of the agenda items, we have made submissions in respect of the reordered numbered matters three, four, uh, six and seven. Um, in terms of in terms of three, four and seven, we're here really just for the watching brief.

00:08:37:15 - 00:08:46:09

And it's likely that we will have a limited contribution in relation to six A. And that would be our likely contribution for for today. Thank you.

00:08:46:11 - 00:08:52:17

No problem is to just raise your hand if you do want to come in on any of those other agenda items. Thank you.

00:08:54:24 - 00:08:58:04

Do we have anybody with us today from the Welsh Government?

00:09:05:07 - 00:09:07:06

Do we have George Merrick with us?

00:09:11:13 - 00:09:18:20

Nope. We're not having much luck with the joining later. Okay. Thank you. Uh, and Mr. Peter Morrison.

00:09:26:12 - 00:09:30:27

And finally, do we have, uh, Mr. Neil and Miss Face with us?

00:09:36:24 - 00:09:37:09

Okay.

00:09:40:05 - 00:09:44:09

Is there anybody else on the teams meeting. Who wishes to speak today that I've missed off?

00:09:49:14 - 00:09:50:00

Okay.

00:09:52:03 - 00:09:56:02

Does anybody have any comments they wish to make under agenda item one before I move on?

00:09:58:06 - 00:10:26:17

Not seeing any hands raised, in which case we'll move to agenda item two, which is the purpose of this issue specific hearing. Now, before I make some remarks about the purpose of today's hearing, I would just like to pick up a couple of issues arising from issue specific hearing three last week that we promised to revisit today. And this is for, uh, the applicant. Um, I think you were going to come back to us and respond to us on the errata issue that we raised in issue specific hearing three last week.

00:10:29:02 - 00:11:04:27

Thank you, madam. Liz. Don, on behalf of the applicant, um, uh, in response to the request for an update and perhaps a different approach to errata from the applicant. Um, going forward. Um, I think I'd start by saying, um, the applicant's uh, been, I would suggest probably quite zealous in terms of, um, identifying errata, um, to date through the, uh, through the errata document and, uh, potentially, um, identified matters that perhaps were not true errata.

00:11:04:29 - 00:11:41:12

Um, and, uh, we apologize if that's caused any, any difficulties or issues. Um, so the, um, the approach that we are looking to take going forward, um, will be, uh, I think, madam, picking up on the comments you made around the, um, the the format of the document being quite difficult to follow in terms of it being done on a deadline basis rather than on a document basis. Uh, so going forward for deadline for our proposal is that we, we, um, we really reformat the errata.

00:11:41:14 - 00:12:13:06

So it is on a document basis rather than, um, rather than a deadline basis. Uh, I think you'll and others will have picked up that, um, we've also sought to include in that document, um, changes that have been made to documents through the examination process. So, for example, where we've had outline plans, um, which necessarily are updated through the application process, we've included those as errata, where perhaps if we had our time again, we wouldn't have done that.

00:12:13:09 - 00:12:53:20

So, um, it so the errata document will going forward from deadline for focus on those matters which uh which need to be read as corrections to documents which have not been updated so far. So for example, we have already submitted, uh, an update to the offshore anthology documents. Appreciate. We're not talking about those today. Um, so those will be cancelled from the errata document going forward because effectively they've been dealt with through the documents that have been updated with those documents where there are remaining, um, uh, matters that need to be read alongside those documents.

00:12:53:22 - 00:13:31:27

The and this is principally in relation to the environmental statement chapters as opposed to other documents, which, as I say, are updated through the examination process. The proposal is that, um, that each of those chapters of the environmental statement, insofar as there are matters that require updating or correcting, will have a front sheet, um, which will be the, uh, the, the table that will be taken forward from deadline for. So for each, each um, chapter of the environmental statement, they'll effectively be a page which identifies if there are any errata within that document.

00:13:32:15 - 00:14:03:25

Um, the applicant's proposal. We're sort of working this one through. But if there are, we're suggesting at this point less than ten corrections within that document, it will be it will maintain it will be maintained as a sheet, which, um, at the end of the examination, we would issue a new chapter of the, um, a new PDF of the chapter of the es, uh, of that particular chapter of the environmental statement with that document effectively pdf into it at the front.

00:14:03:27 - 00:14:34:05

So when you read that document, you'll be able to see that, say, for example, there's a a paragraph 4.2 should have said 37 and it says 32 that you'll read that as a as you'll see it at the front of the environmental statement. If there are more than ten, uh, errors, which we're hoping there won't be, um, then we will be submitting an updated, uh, chapter for that environmental statement to incorporate those. We think this is a proportionate approach.

00:14:34:07 - 00:15:07:09

We clearly don't want to update documents where we don't need to, um, and uh, and want to ensure, as I know, comments have been made about this, that when that, that hopefully post consent. Um, when those documents are used that it's very clear how the environmental statement should be read because it's obviously a it will be a certified document for the purposes of the development consent order. And it's important that obviously there is accuracy and clarity in those in that document.

00:15:07:13 - 00:15:37:25

So just to summarize, um, from deadline for we will we will remove anything that has been dealt with already in documents from that errata document, we will go to a single sheet a it'll be one document, but effectively there'll be a, um, there'll be a schedule for each of the relevant, uh, As documents where there are still errata to be dealt with. Um, and at the towards the end of the examination.

00:15:37:27 - 00:16:05:21

And we're suggesting that's towards possibly the last deadline. Those documents will be either updated if there are, as I said, more than ten errata in them. Uh, and if there are less than ten that the chapter will be resubmitted with that errata sheet effectively bound into the PDF version, and those will be the certified documents that are then there for the purposes of the development consent order.

00:16:07:02 - 00:16:20:00

Thank you. Mr.. That seems like a sensible and proportionate, um, approach. Can I just check? Sorry, you probably did say this. In case I've missed it, you're going to reorder the errata as well so that it's done by, um, topic rather than deadline.

00:16:21:03 - 00:16:33:15

Let's done on behalf of the applicant. Yes, it will be by. It'll be by document rather than by topic. So it's very clear where those documents read, and they will be grouped by topic as well. Okay.

00:16:33:18 - 00:16:42:07

Yeah. Thank you. And can I just check when you say that you're going to resubmit those um, the environmental statement. Is that a deadline seven you intend on doing that?

00:16:43:12 - 00:16:45:25

The intention is deadline seven. Yes. That's fine.

00:16:46:07 - 00:17:06:29

Um, I think it's sensible. The, you know, ten seems a sensible number. The only thing that I would ask at if within those ten, there are some very detailed errata that need to be changed, if you could take a sensible approach to that and maybe update those chapters where there's quite considerable detail within within that list of ten, even if it's less than ten.

00:17:07:13 - 00:17:28:01

Less done on behalf of the applicant. Yes, we will it we are. The intention is to make these as easy to read as possible and not to update documents where they don't need to. But absolutely take the point that if there is detail that we think it would be helpful where it doesn't read as an errata in in that way with the front sheet, Yes, we would be doing that.

00:17:28:18 - 00:17:36:04

And would you be providing a track to change version of the chapters where you do provide an updated chapter as well?

00:17:36:23 - 00:17:37:08

Uh.

00:17:37:12 - 00:17:53:16

Lasdun, on behalf of the applicant. Ideally, not just because of the number of documents that that will require then. Because that could. But but again, we will we will look at that. Uh, in terms of, of whether that's needed. Yeah.

00:17:53:21 - 00:18:02:09

Yeah. I think well, hopefully it's not very many. If it's not, if it's not very many chapters that you need to do that too. But I think a track change revision would be helpful to come in with those chapters. Yeah.

00:18:02:11 - 00:18:03:13

That's noted.

00:18:04:28 - 00:18:11:28

Um, my I don't have any. That's fine. That's fine. Okay. Thank thank you for that update. Mr.. That's really helpful.

00:18:14:21 - 00:18:31:26

Um, just moving on. There was one further matter last week which we said we would revisit this week, and that was in relation, um, to a without prejudice compensation case for the Isle of Anglesey National Landscape and every national park. Do you have any updates for us?

00:18:34:09 - 00:19:06:04

I, Paul Carter, on behalf of the applicant. Uh, yeah. Thank you for the question and the opportunity to feedback on this. Um, so I think just to reflect on where we were last week, um, you know, and to

reiterate that we're maintaining that based on the outcome of our assessment, uh, we don't see any significant effects on the special qualities of any of the designated landscapes from the project alone. Um, however, we have obviously taken on board the comments that were made and the questions that were asked by the panel and by NRW.

00:19:07:12 - 00:19:41:04

Um, so we appreciate the chance to give consideration to an enhancement scheme on a without prejudice basis. We are willing and will be exploring what that might look like, which would involve, in the first instance, Discussions with key consultees. So I'll have Anglesey Council and NRW and we'll be reaching out to them after this hearing in order to initiate some discussions. Um, I think in the first instance we need to understand what those parties think is required.

00:19:41:15 - 00:20:14:16

Um, so we'll be talking to them. About what? Um, some sort of without prejudice, compensation or enhancement process might look like. We appreciate that both NRW and others have mentioned the Aldama example. Um, I think our view is that the level of impacts on Alamosa that were accepted as significant from the project alone, by all the more were clearly larger than those for Moana. Um, and we're related to both Isle of Anglesey, um, National Landscape and R3, um National Park.

00:20:14:18 - 00:20:46:15

So therefore we want to understand and consider what an appropriate approach might look like for this project in both the content and purpose of a enhancement package and also the structure of it. Um, but as I say, we're willing to have those conversations and explore that that process. Um, we will then come back and update the examining authority once we've had further discussions. Um, uh, possibly at, uh, deadline for although that would seem probably a bit premature given the need to have those discussions, it may well be at deadline five or later.

00:20:47:18 - 00:21:05:27

Thank you, Mr. Carter. That's most helpful. Um, obviously we are halfway through, so I would urge you to sort of get in touch as soon as possible with with the parties. Um, even at deadline, if you haven't had those discussions, maybe you could give us an update as if you have one in the diary, for example, you could maybe give us an update, a deadline for. If that's the case.

00:21:06:24 - 00:21:10:03

We'll provide an update on what we can at deadline for that. That's appreciated. Thank you.

00:21:10:05 - 00:21:10:24

Very much.

00:21:15:08 - 00:21:47:01

Okay. So today returning to today's hearing, it's going to be a structured discussion which will be led by the examining authority. We are familiar with what you have already submitted, so there's no need to repeat at length anything that you've already put to us in writing. All submissions do carry equal weight, regardless of the format that they are put to us. Then if you do refer to any documents, it would be helpful if you could give the correct examination library reference. Also, please try to avoid using any acronyms today, as people watching might not be as familiar with those as you or we are.

00:21:50:06 - 00:21:53:20

Does anyone have anything else they wish to raise on what I've just outlined?

00:21:57:17 - 00:22:03:29

In that case, then I'm going to hand over to Mr. Rowlands, who will introduce item three, Offshore Ecology.

00:22:09:06 - 00:22:11:27

Oladapo. Good morning everyone.

00:22:13:15 - 00:22:59:11

Let's start with benthic subtitle and intertidal ecology and the matter related to ecosystem reliant resilience and enhancement opportunities. The overarching National Policy Statement for energy and RPS, and one recognises that in Wales, the Welsh National Marine Plan sets out Welsh ministers expectations that national significant infrastructure projects contribute to the sustainable management of natural resources and should seek to deliver lasting legacy for the environment.

00:23:00:23 - 00:23:55:15

The Biodiversity Benefits and green infrastructure statement and that's documents app Dash 193 notes that the applicant has identified a number of opportunities within the Irish Sea, which could deliver additional intertidal and offshore biodiversity benefits to the Moana Offshore Wind Farm project. It goes on to say that discussions are ongoing with stakeholders, which are expected to continue into the Mona Offshore Wind Project examination and, if requested, the applicant can provide an update to the examining authority on progress and decisions regarding these elements.

00:23:56:05 - 00:24:00:20

Can the applicant therefore provide an update on progress, please?

00:24:05:00 - 00:24:44:19

Hannah Adams um, I'm the offshore Biological Consents lead for the Mona Offshore Wind project and speaking on behalf of the applicant. Um, so, yes, as as you've identified, um, there are a number of opportunities that are set out within, um, the, uh, app. 193 um, and so to provide an update on that, um, so the applicant, um, has begun and is continuing to engage with prospective project partners, including statutory nature conservation bodies, uh, such as Natural Resources Wales and also non-governmental organisations, um, to explore those opportunities.

00:24:44:28 - 00:25:16:21

Uh, the applicant also acknowledges that, uh, there's value in delivering, um, environmental net gains strategically rather than on a project by project basis, and is therefore also engaging with other offshore wind farm, uh, projects being proposed in the Irish Sea on ecological enhancement opportunities. And also we're, you know, also engaging with the onshore consents team to, um, sort of ensure a cohesive, uh, approach across the project. Um, as I said, those those discussions are ongoing.

00:25:16:26 - 00:25:50:09

Um, I'm not in a position to be able to say anything more specifically on, on the, the opportunities themselves. Um, but yeah, I just wanted to confirm that, um, yeah, those discussions are in progress. Um, the other element that set out within, um, the document is reference, um, to the, uh, Wales Coast and Seas Partnership, which is in the process of developing a marine fund. Um, again, we're continuing to, to engage with that organisation. Um, and we received the most recent update on that on the 16th of October.

00:25:50:13 - 00:25:55:12

And we understand that that that fund, um, should be operational in 2025.

00:26:02:24 - 00:26:15:22

Thank you very much for that. Uh, overview. In terms of meetings, have you any planned meetings? Uh, looking forward, uh, with any parties that you can share with us.

00:26:19:00 - 00:26:41:21

Um, Hannah Adams, on behalf of the applicant. Um, I don't have any specific details. Um, there are a number of sort of regular meetings series that are taking place with respect to, um, ecological enhancement, but, um, I'm not I'm not able to say specifically dates and times of those meetings or kind of, uh, attendees for those. Thank you.

00:26:42:28 - 00:27:05:20

Would that be possible maybe at the next deadline? Just to give us a brief synopsis of what you've, uh, shared with us, but as well indicate if you have, uh, planned meetings and, say, the next quarter and possibly share who those parties are that you're meeting. Is that something that you're able to share with us?

00:27:07:02 - 00:27:53:23

Uh, At least done on behalf of the applicant. Yes. We can provide a summary of where where matters have got to and any, any meetings that are planned going forward. Um, I think I think it's worth sort of noting that, um, the likelihood is that the detailed discussions on what these proposals will be will happen post consent, um, into and and pre-construction in terms of identifying what opportunities uh, there are um going forward for the project and where those um, those particular um, uh, sort of projects or proposals that the applicant, um, has, has highlighted that are being run by third parties where those have progressed to um, and which are most appropriate in the context of the project.

00:27:57:05 - 00:28:12:06

And Adam's on behalf of the applicant. Um, just to add to that as well, um, a number of the opportunities are looking at nature based design. And so that will be considered at the detailed design stage post consent. So, um, just yeah. Just wanted to add that. Thank you.

00:28:14:18 - 00:28:51:04

Okay. Um, thanks. I've heard what you've said. If I can just very briefly, um, pick up that thread about detailed design and obviously that, um, sometime in the future, um, at this moment in time, as the applicant, um, considered ways to encourage species colony no section on its marine infrastructure. And if it hasn't, um, can the applicant explain why is it not appropriate to consider it at this preliminary design stage?

00:28:54:06 - 00:29:35:14

And Adams, on behalf of the applicant. Um, yes. So that is outlined in the Biodiversity Benefit and Green Infrastructure Statement app. 193. Um there. That includes some examples of the types of opportunities that are being considered, uh, in relation to nature based design options. Um, and that talks about, um, increasing the biodiversity value of infrastructure such as, um, turbine foundations. Um, we are aware that there is there is a number of active research projects going on currently, and a growing body of, uh, literature demonstrating the potential ecological value of nature based design and as well as a growing market of nature based design products for offshore developments.

00:29:35:22 - 00:29:55:24

Um, so yes, we are we are considering that and that is, um, captured within, uh, within that document. But as we've said that, you know, that is does form part of the, you know, the detailed design. Um, and

so um, whilst it's, it's been it's been considered it's um, it's kind of priority is to be considered post-consumer.

00:29:58:28 - 00:30:17:09

Um, just so that it's clear in the examining authority's mind. When, uh, does the applicant, uh, think, uh, you'll be able to tell us what the possible opportunities will be considered? What will those opportunities be?

00:30:22:03 - 00:30:46:27

I think to manage. Uh, sorry, Hannah Adams, on behalf of the applicant, I think to manage expectations. Um, I, I don't think the applicant is going to be in a position to be able to provide any detail on that before the close of examination. Um, but we do anticipate that, though, you know, that element of detailed design will, um, you know, be undertaken in consultation with the, um, the relevant licensing authority and also the SNC base.

00:30:49:22 - 00:31:18:28

Case. Um, thank you for clarifying the position. Uh, regarding what, uh, information you can provide at this preliminary, uh, phase of the design. Um, could I ask then, uh, whether the biodiversity benefits and green infrastructure statement, uh, could that be included, uh, in schedule 15 documents to be certified in the DCO?

00:31:21:01 - 00:31:53:02

Uh, Liz, done on behalf of the applicant. Um, it, uh, the the biodiversity benefit statement isn't, um, secured through anything, uh, presently through the, um, through the development consent order. And, um, certainly my working understanding of the, um, of the reason for certifying documents is that they are documents that are referred to within the draft development consent order and therefore effectively form part of that consent.

00:31:53:15 - 00:32:24:16

Um, uh, we will certainly review, um, the position on whether it should be a certified document. But as I say, my initial position is that it wouldn't be because, um, because it doesn't attach to anything at this stage. And, and the applicant has been very clear, uh, the basis on which the biodiversity benefit statement has been, uh, put forward whilst, um, I think we've noted the, uh, references to, um, policy.

00:32:24:23 - 00:32:57:09

Um, it's also very clear from the National Policy statement and one and paragraph 4.6.5, um, is that there is no current obligation on proposals of projects in the marine environment to provide enhancement with their proposals. Um, so whilst the applicant is looking ahead and has sought to identify those matters, and I think has made a very clear commitment to, uh, discussing them, as Mr. Adams has said, with the relevant bodies at post consent.

00:32:57:18 - 00:33:06:07

Um, presently there there is no obligation to provide those. So this is effectively being done on a voluntary basis.

00:33:09:23 - 00:33:42:14

Can I just, um, refer to the Biodiversity Benefits and Green Infrastructure statement? It describes how biodiversity net benefits will be achieved across the onshore, intertidal and offshore elements of the

project. And in addition to that, um, if we can pick up on a different paragraph in the NPS. So, Ian, one paragraph 5.4.

00:33:42:16 - 00:34:16:18

19 requires applicants to show how the project has taken advantage of opportunities to conserve and enhance biodiversity and geological conservation interest. So, um, there needs to be further clarity on what those opportunities are and also what weights would the applicant then expect us to give as an examining authority to those opportunities?

00:34:19:25 - 00:34:39:10

Let's start on behalf of the applicant. Um, that's noted. Um, and we would be happy to, um, provide in our hearing summaries, um, an indication as to the weight that we consider these matters should be given for the purposes of, um, the examining authority's recommendation.

00:34:40:04 - 00:34:41:10

Okay. Thank you.

00:34:42:25 - 00:34:51:23

Um, can I check to see if another Blue or Welsh Government have joined us to see if they have any comments to make?

00:34:55:10 - 00:34:57:09

They don't think we have them yet, Mr. Rowland.

00:34:58:01 - 00:35:22:25

Okay. Um. Is it possible for us to consider maybe asking, uh, Welsh governments and and w an action for them to tell us their position on, um, the proposed development approach to, uh, to, uh, ecosystem resilience and enhancement opportunities.

00:35:25:06 - 00:35:55:12

Okay. Um, we'll go on to then, uh, the next item I want to discuss, and that's to do with habitat loss, uh, including the maximum design scenario. So can I ask, please, uh, for Miss Chappell? Uh, could she, uh, briefly put up figure 2.4? Uh, from the benthic subtitle and intertidal ecology. Yeah. Thank you.

00:35:55:14 - 00:35:56:09

That's lovely.

00:35:58:27 - 00:36:23:10

Um. It's difficult to interpret. From the late June, the boundary extent of the proposed Moana Array area. Is it possible that the applicant could just maybe briefly, um, clarify. What is the Moana array extension area on that, uh, figure?

00:36:33:21 - 00:36:47:15

List done on behalf of the applicant. Um, the array area is the green line around the, um, around the orange. Um, uh, vaguely triangular shape.

00:36:49:17 - 00:37:26:24

Um. Well, yeah. Okay. Um, I wasn't sure when I was looking at it. There's a dashed yellow as well. And then the shape of the array area, um, say, project description doesn't quite, uh, reflect the shape

that you have there delineating, say, the. This is the blue, the green. So it wasn't quite clear to me when I was looking at it, but maybe that could be a post, uh, action meeting if I can move on to the point that I want to make.

00:37:26:26 - 00:38:05:27

So, um, this figure shows species living on the surface of the seabed and in the sediments of the seabed. And I believe the maximum design scenario table. Um, that's table 2.18 identifies something in the region of is a 1.39km square of long term habitat loss habitat alteration in the proposed moon array area.

00:38:07:09 - 00:38:42:11

So if we look at, say well of the bio scope and on that figure, the shaded green, uh, and that's assessed as CSX, uh, um, of that green shaded area. Um, could the applicant, uh, advise how much of this biota would be lost due to the proposed development?

00:39:02:00 - 00:39:03:24

And a prior, um, from Tetra Tech.

00:39:04:02 - 00:39:37:24

Yes. Uh, benthic. Benthic. Ecology. Technical lead for the projects. Um, speaking on behalf of the applicant. Um, so it's not currently possible to determine, um, where exactly the infrastructure associated with the project will be placed on the seabed, which explains why it hasn't been possible and hasn't been presented in the, um, volume two. Uh, chapter two, benthic subtitling ecology um app CFP for chapter. Um, why it hasn't been possible to apportion the impacts on a biotic by biotic basis.

00:39:38:12 - 00:39:45:03

Um, so the impacts have been presented as a proportion of the, um, the Marina Benthic Ecology Study area.

00:39:48:24 - 00:40:08:19

Um, in terms of standard practice, is that's an acceptable standard practice to do that? Obviously, you've identified the total, uh, long term habitat loss. But if I'm trying to look at difference here because that information is not there in the ass, is it?

00:40:13:04 - 00:40:59:02

An API on behalf of the applicant. Um, I can confirm this is a fairly standard approach for, um, offshore wind farm assessments. I should note that this has been a point, uh, raised by JNC. Um, it's an issue we've discussed in meetings between the applicant and JC on both the 4th of September and the 14th of October this year. Um, and what the applicant has agreed is to provide some greater clarity to Jane CC um, on exactly this point, and we're intending to submit some information, um, additional information at deadline for um in response to changes the deadline three submissions um, which will put the maximum design scenario in the context of some of the, um, the bio types and the habitats affected, um, for example, the sea pens and burrowing megafauna habitat.

00:40:59:04 - 00:41:04:23

So give it as a percentage of um, of the total area of that habitat to provide some context.

00:41:05:18 - 00:41:27:06

Okay. Um, if it means that, uh, say, more than half of the biota is lost, um, for the one that I've, uh, um, mentioned, would that then change the conclusion of the. Yes. The significance.

00:41:38:23 - 00:42:10:00

And apply on behalf of the applicant. We say it's not a realistic scenario that over half of any particular habitat could be affected. Um, on the basis of the likely distribution of the infrastructure across the array area. Um, and it's probably also just worth noting that, um, whilst those different buyer types have been, um, assigned, actually, you know, the area of the green and the orange actually represent very similar habitats. Um, so whilst we've delineated them largely the habitats were, um, homogeneous across the area.

00:42:10:02 - 00:42:17:27

So, um, yeah. So it's, it's it wouldn't be correct to say that, um, over half of a particular habitat could be lost.

00:42:19:21 - 00:42:40:13

Okay. Thank you for clarifying that in the context of, uh, half is sort of a percentage, uh, whereby that would then mean a trigger points, which would then mean a downward spiral for that habitat. So could it be less than half? That could make a difference.

00:43:00:12 - 00:43:25:24

And apply on behalf of the applicant. Um, I'd say that it would entirely depend on the exact nature of the buyer types and the sensitivity of those buyer types present. The communities that we've mapped across the mono array area, uh, common, um, across this part of the Irish Sea, as was reflected in the um, desktop data as well. So we wouldn't consider that that would be, um, you know, something that would advise for this arise for this project.

00:43:27:01 - 00:43:39:00

Okay. Can you make sure when you've, uh, put in the submission to, uh, clarify this particular aspect, that you highlight that as well, so that it's clear and I've got a point of reference.

00:43:41:15 - 00:43:43:17

And apply on behalf of the applicant. Yes, we can do that.

00:43:44:12 - 00:44:21:23

Thank you. Um, I'd like to just, uh, briefly quotes, uh, the National Policy Statement for Renewable Energy Infrastructure and PCN three states that applicants assessments of the effects on the subtitle environment should include loss of habitats due to foundation type, including associated seabed preparation, predicted scholar scalp protection, and altered sedimentary processes.

00:44:22:00 - 00:44:46:05

For example, uh, UXO clearance. So the uh MPs considers the effects of the highest charge up to 907kg. For all 22 unexploded ordnance in the proposed array.

00:44:49:05 - 00:45:01:11

So the size of, uh, the seed blast, as that's that's the effect of that being considered in the context of the different items.

00:45:29:16 - 00:46:02:09

On a prior on behalf of the applicant. and we can confirm that the destination of UX has been assessed in the Benthic and Subtitle Ecology chapter in section 2.9.2. Um, within that assessment, we've given some um, consideration of the likely crater size. And also in that section there's um, discussion on the

the likely recoverability of the sediments, uh, following that activity and then also the associated communities, but for the same reasons, um, I outlined before, in terms of not knowing where the infrastructure will be placed.

00:46:02:11 - 00:46:16:11

Equally, we don't know where, if any, UX AUVs may be located that will require clearance. Um, so the assessment hasn't been broken down, um, as you asked, into different habitat, uh, or how habitat or biotope types.

00:46:18:09 - 00:46:48:09

Okay. Um, well, it makes reference to the size of the blast. Can you, uh, in your submissions, just confirm which particular paragraph just so that I can, uh, read it, uh, context and also, um, just, uh, confirm what you've just told me regarding, uh, the effect on the biota and the blast size crater. Okay. The figure can now be taken down.

00:46:48:11 - 00:46:50:11

Thank you. Uh, chapel.

00:46:52:24 - 00:47:34:04

So, uh, the maximum design scenario. Table 2.18. Identify something like 48.8km square of temporary habitat loss disturbance during construction. Then the proposed array area. And section three states that applicants assessments of the effects of the subtitle environment should include predicted rates at which the cytosol might recover from temporary effects.

00:47:35:04 - 00:47:47:04

So can the applicants advise on the predicted recovery rates for the 48.8km² of temporary habitat loss disturbance.

00:48:08:07 - 00:48:45:20

And a prior on behalf of the applicant. And I can confirm that a consideration of the sensitivity and recoverability of the habitats affected as a result of temporary habitat disturbance is outlined in full in section 2.9.2 of volume two. Chapter two of the Benthic Subtitling and Ecology Chapter. Um, we can confirm that this has drawn on a number of, um, data sources for this assessment, including, for example, the RSA, but also the Crown Estate Cable's report, which is also referenced in the report, um, drawing on, uh, evidence from analogous, uh activities and also other offshore wind farm projects.

00:48:46:01 - 00:48:50:13

Um, so in terms of the recoverability, the sediments, um, and the communities present.

00:48:52:09 - 00:49:13:23

Okay. And then, uh, can you advise if, say, the colonization patterns and rate of recovery would be different, say, between foundations and the middle of the array and the foundations along the border of the array.

00:49:16:27 - 00:49:20:00

And apply on behalf of the applicant. Would you be able to repeat the question please?

00:49:20:02 - 00:49:42:29

Sure. So can the applicant advise if the colonization patterns and rates of recovery would be different, so would it be difference between foundations and the middle of the array? Uh, to that, compared with foundations that are along the border of the array.

00:50:06:12 - 00:50:45:09

And apply on behalf of the applicant. Um, there's no evidence to suggest that the recovery will be different from, uh, construction activities occurring in the center compared to the, for example, the boundary. Um, it's also worth noting that, uh, construction phase obviously progresses, and it's not all constructed at once. So there's a gradual introduction of both infrastructure and, um, the activities associated with that over the four year construction phase. Um, and similarly, with respect to your question about colonization, again, um, assuming you're talking about the colonization of the, um, the turbines and any associated associated scarab protection, for example.

00:50:45:11 - 00:50:55:19

Then again, uh, no evidence to suggest that what we've described in the chapter would be any different given the, you know, the different locations of the of the infrastructure within the euro area.

00:50:57:26 - 00:51:10:24

Okay. Can you just make sure, um, in your submissions, that you quote the relevant paragraphs where it's been considered and that, um, concurs with, uh, statement that we've shared with us now.

00:51:17:28 - 00:51:21:04

And I pray on behalf of the applicant. Yes, we can confirm why that's assessed in the chapter.

00:51:22:01 - 00:51:39:02

Okay. Thank you. Um, before I move on to management plans, I just want to check if, uh, again, if, you know, w, uh, Welsh Government or JNC have got any further comments to make on benthic loss.

00:51:42:06 - 00:52:13:00

No, I'm not seeing any show of hands. So, um, we'll move on swiftly to the management plans. Uh, so table uh, 2.19 in the Benthic Subsoil and Intertidal Ecology outlines measures considered to be part of the design of the proposed developments. I would like to focus on a few key deliverables in this table.

00:52:13:12 - 00:52:49:03

I would like to start with a document that has not being submitted into the examination. That is the offshore construction method statement. Now, the relationship of offshore plans included within the DCO is given in ref 3-014. It shows that the offshore construction method statements is secured via schedule 14, condition 18 1d.

00:52:50:19 - 00:53:13:17

It would be useful during our discussion to have at hand the draft development consent pages 1612162. Perhaps I can ask Miss Chappell to put those pages up. So that's in rap 2-004 and pages 161 and 162.

00:53:24:11 - 00:53:27:15

So page is hundred and 61 and 162.

00:53:35:16 - 00:54:34:13

Okay. Thank you. So this list, uh, can be seen on condition 18 1D. And that's cable specification installation among the string. And it goes on to 18 1d, uh, six uh, which is guard vessels to be

employed. This particular list does not appear to include pre-construction activities such as seabed preparation, nor does that appear to be anything about pre installation surveys and us.so clearance? Can the Capricorns please clarify if these type of pre-construction activities would have a standalone pre-construction method statement.

00:54:35:08 - 00:54:45:02

And you can put the, uh, um, the pages now down, please. Off, please. Uh, chapel. Take them down. Thank you.

00:54:47:19 - 00:55:31:26

Liz Dunn, on behalf of the applicant, um, we have dealt with some of these matters already in representations. Um, so in respect of, um, uh, matters which are considered not to commence, um, uh, uh, not to commence the marine licence effectively, um, the definition of commence in the in schedule 14 and the uh deemed marine license. So just to remind ourselves the D marine license relates to the array area only because any transmission works, um, need to be authorized separately by natural resources whales under a separate marine license.

00:55:31:28 - 00:56:21:14

So in respect of the Diem marine license, which deals with the Ouray area and the generation assets, the development consent order has been updated to um, do clarify that that only relate that that effectively. Um, the the things that are excluded from that are non-intrusive pre-construction surveys, unexploded ordnance surveys and clearance of unexploded ordnance. Um turning to unexploded ordnance that has its own uh require a own marine license condition uh, which is condition 21, uh, which requires, um, that, um, that nothing can be done in respect of removal or detonation detonation, apologies of unexploded ordnance.

00:56:21:20 - 00:56:55:05

Uh, until there has been a method statement for that, um, a written scheme of investigation, a marine mammal mitigation protocol and other matters. Uh, agreed with Natural Resources Wales. So unexploded Ordnance has its own uh marine licence requirement in respect of the uh, the array area which is dealt with there, uh, in respect of those matters which um, which can be done um, uh, without commencing, uh, development.

00:56:55:07 - 00:57:24:04

In that sense, we've the applicants made it very clear that that just relates to non-intrusive survey. Um, so that that type of non-intrusive survey is not something that, uh, would, would require a marine license. Uh, and any type of survey that would be intrusive, the applicant has confirmed, would require a separate marine license from Natural Resources Wales to undertake those works.

00:57:27:04 - 00:57:51:28

Thank you. Um, can I just check with you? Uh, the applicant's, uh, intention regarding the method statement. And would that be just one method statement? One construction method statements that would cover all activities? Or would you have a standalone, uh, method statement for pre commencement?

00:57:56:08 - 00:58:30:10

At least done on behalf of the applicant. It's not presently specified. Um, as to, um, as to how many construction method statements there would be. But just to be absolutely clear, um, in terms of those activities that can be undertaken as pre commencement activities, the only activities that can be done, this is very different to the onshore context. The only activities that can be done offshore, as I've said,

are those non-intrusive pre-construction surveys which don't in themselves require a marine licence because they are so minor.

00:58:30:25 - 00:58:52:29

Um, uh, anything else? Um, uh, will will need to have an, an offshore construction method statement. Uh, that may be done per activity. It may be done. Um, it may be they may be done per, uh, they may be done for, for the array as a whole. That hasn't been determined at this stage.

00:58:54:23 - 00:59:09:21

Okay. Um, so I'm gauging from your response, there may not be a method, a standalone method statement for what you've deemed to be minor works such as surveys.

00:59:11:21 - 00:59:27:10

The that they're at this stage as as I've made clear, the the only activities that can be undertaken without this method statement being in place would be those non-intrusive surveys. Yes.

00:59:27:27 - 00:59:29:27

Yeah. Okay. That's clear. Thank you.

00:59:31:22 - 01:00:04:29

Um, for condition 18 1DI, uh, again, uh, which is the cable specification, installation and monitoring plan. Can the applicant briefly summarize how ensures that this plan complements the scope of the work assessed by the environmental statement? Um, maybe if I can give an example, might help.

01:00:05:03 - 01:00:49:03

So for example um cable specification would include technical spec for say the inter cables and interconnector cables. Um, yes. Obviously is taken into account the electromagnetic fields from subsea electrical cable and benthic. So how do you ensure that the say the technical spec doesn't actually inadvertently enable maybe cables that are bigger in size or discharge greater voltage.

01:00:49:08 - 01:00:51:29

And what's been assessed in these.

01:00:56:13 - 01:01:33:25

Lies done on behalf of the applicant. Um, two things to point out here. The first thing is that, um, uh, the marine licence condition 18 1d. Uh, says that the offshore construction method statement must be in accordance with the construction methods assessed in the environmental statement. And the environmental statement has assessed a worst case in terms of cable voltage and therefore EMF. So it's captured through the requirement that the uh, offshore construction method statement accords with the, uh, details set out in the environmental statement.

01:01:34:18 - 01:01:57:18

So whoever's the author of the technical specification would be aware of what the parameters are. So they couldn't inadvertently, as an example, put in a bigger, uh, cable or something that, uh, discharges, uh, a bigger voltage. Uh, it's that connection that I'm trying to understand

01:01:59:05 - 01:01:59:20

Let's start.

01:01:59:22 - 01:02:32:18

On behalf of the applicant, it's. It's very standard practice for, um, the point where, um, a consent, um, and the parameters set out in an environmental statement to then pass to the contractor in terms of providing the, uh, the sort of the, the, the, uh, design envelope within which the project needs to be constructed and that and that would be part of that process and the procurement exercise, it's the applicant's responsibility to ensure that those things are done.

01:02:32:20 - 01:02:50:00

And the contract would only be awarded on the basis that it complies with the consent and with the environmental statement parameters, because ultimately, if the applicant was to do any works that fall outside of those parameters, um, it's the body which would be enforced against.

01:02:50:22 - 01:03:26:18

Okay. If you could just make sure that that particular statement that you've shared with us is included in your submissions would be appreciated. Um, if I can go on to condition 18 1d, I again and, uh, within that, um, this, uh, sub points is a, B, b and that refers to limits on, uh, navigable depth. Um, however, if I look at BP and say CC within the that doesn't appear to be supplementary.

01:03:26:24 - 01:03:41:12

Uh point, referring to the 10% limits on cable protection or the total length of the export cable. So, um, just wanted to, uh, gauge response from the applicant and that.

01:03:59:09 - 01:04:15:20

List on behalf of the applicant. Um, that isn't referenced there because it's secured elsewhere. So the maximum, um, the maximum, um, cable protection footprint is one of the parameters, um, within the, uh, trying to find the right table

01:04:17:14 - 01:04:36:16

condition ten table for um, of the draft development consent order. Sorry, that's the, um, that's in the Dean marine license. Um, is set out there. Uh, and that commitment to 10% is also within the schedule of monitoring and mitigation, which itself will be a certified document.

01:04:37:03 - 01:04:39:24

Okay. Thank you for clarifying that then.

01:04:43:07 - 01:04:43:22

Um,

01:04:45:06 - 01:05:28:20

the relationships of offshore plans included with the DCO obviously is given in web three 3-014. And that shows that schedule 14 condition 18 covers pre-construction plans and documentation. Uh, however, condition 18, one of the uh deemed marine license, notes that the Offshore Environmental Management Plan covers the period of construction and operation, but does not seem to include pre-construction activities.

01:05:29:13 - 01:05:30:15

Is this correct?

01:05:35:15 - 01:05:54:19

Uh, Liz Dunn, on behalf of the applicant, um, that's a clarification that needs to be made to the relationship of offshore plans. Um, it it that clearly refers to both, um, construction and operation. Um, and, um, yes. that that change needs to be made.

01:05:55:06 - 01:05:57:27

Okay. Thank you. Um.

01:06:03:09 - 01:06:33:13

Obviously, um, not having outlying offshore management plans for factors related to the proposed generation assets and the deemed marine license puts us at a slight predicament. And I'd like the applicant to reconsider. Consider whether it can provide these outline management plans into the examination.

01:06:34:04 - 01:06:42:00

Other answers have included such plans. So I would like to ask the applicant for us for a response to this.

01:06:58:05 - 01:07:30:17

List done on behalf of the applicant. Um, the applicant does consider that it's taken, um, uh, a similar approach. Um, uh, certainly to those working on other projects has been done, uh, to, um, the production of offshore outline offshore plans, um, and has as, as the applicants responded to at deadline three provided those um, which are considered to secure very key mitigation um or are very specific to this project rather than general outlines.

01:07:31:03 - 01:08:01:18

Um, we will take that away. We will review other projects and see, uh, what has been done. Um, and if there's an ability to do that. But, uh, I think we would just refer back to our, uh, our previous responses, we have been very clear as to where the, um, as to where matters are secured and where they need to be secured, uh, and have done that also in respect of the standalone marine licence.

01:08:01:20 - 01:08:04:24

Clearly that is a matter for Natural Resources Wales.

01:08:06:02 - 01:08:39:01

Okay. Yeah, I heard what you said then. Thank you for your response. Um, I then said if I wanted to quote a couple would be five estuaries and Norfolk Boreas. Um, if I can now move on, uh, to my next point, um, which is that benthic subtitle and intertidal ecology assessment has determined no significant effects and that no monitoring is being proposed.

01:08:39:20 - 01:09:14:26

And for reference, uh, this is within benthic subtitle and intertidal Title ecology up dash 054. I think it's paragraph 2.9. 12.1. However, uh, an environmental monitoring plan is identified in the marine license principal document. That's wrap 2-0 28 at page 24 of that document.

01:09:15:09 - 01:09:43:29

The summary refers to the environmental monitoring plan specifying pre-construction, construction and post-construction monitoring to take place across the construction area, which includes benthic habitats. This, therefore appears to be odds at odds with a no monitoring uh, statement. Can the applicant please clarify its position.

01:09:45:11 - 01:10:28:04

List done on behalf of the applicant. Um, so this may be one we need to take away and just check. Um, I would again just stress that, um, uh, the marine license principles document, um, is, is, uh, the applicant's best guess at what the marine license might look like. Uh, it isn't a, uh, it and and it has been provided to the examination to assist the examining authority, principally, um, and others, in understanding how the Natural Resources Wales marine licence is likely to fit and align with the D marine license in the draft development consent order.

01:10:28:19 - 01:11:03:03

Um, it it as I say it, the the final terms of the marine license, the NSW marine license are for NSW to determine. And all this document does is identify where the applicant considers, uh, that that might the matters that the applicant considers, that might license might cover. We will review it against your point, to make sure that, um, that that we have that there is a consistency there. But ultimately the matters for the natural resources marine license are for Natural Resources Wales.

01:11:04:20 - 01:11:49:06

Yes. I hear what you say in the context of generation. Uh, that's something to consider. Um, can I move on to NPS in three? Um, whereby paragraph 2.8.221 says that applicants must develop an ecological monitoring program to monitor impacts during the pre-construction, construction and operational phases to identify the actual impacts caused by the project and compare them to what was predicted in the EIA HRA.

01:11:50:09 - 01:11:53:15

Can I ask the applicant to respond to this, please?

01:11:56:08 - 01:11:58:11

It's done on behalf of the applicant. Um,

01:11:59:28 - 01:12:33:09

the applicant's position, which I think it's made clear, is that, um, in respect of that monitoring, it would only be where significant effects are identified in order to establish whether mitigation um or or monitoring um is, is, is has been successful and is appropriate. Um and we clearly have the in principle monitoring plan which will pick up any matters, um, that the various regulators consider are relevant in terms of, of that going forward.

01:12:35:09 - 01:12:41:27

Okay. Um, if I can just pick up that thread where you, uh,

01:12:43:24 - 01:12:45:29

mentioned significant,

01:12:47:19 - 01:12:58:22

uh, effects, paragraph in section three doesn't actually say significant. It's actual impact. So, um,

01:13:00:20 - 01:13:06:23

are you able to just clarify that a little bit more for me, please?

01:13:06:27 - 01:13:39:04

It's done on behalf of the applicant. Um, the environmental impact assessment process is focused on, uh, and and the environmental assessment impact regulations require the identification of likely

significant effects. It is structured and factored around likely significant effects and mitigation. Uh, is uh, is generally the indication being that um mitigation is required to reduce those significant effects wherever possible.

01:13:39:13 - 01:14:17:14

Um, it would be unrealistic and impossible for a project to, uh, to actually monitor every single impact of that project across the whole lifetime of the, uh, of the of the scheme. Um, and it isn't where the EIA process is focused. Um, if we consider that for many, uh, in many areas, impacts are either, um, are scoped out or indeed are so negligible that they are considered to be not material to the assessment.

01:14:17:16 - 01:14:34:27

So the applicant's position is that, um, is that it's provided an appropriate and, uh, and reasonable approach to, uh, to monitoring of the actual impacts of the project based on the identification of significant effect.

01:14:37:27 - 01:15:26:22

I think I'm going to have to ask you for a submission dismissed, then, because, um, we're discussing two different things here, although they do maybe amalgamate in some sort of way. Um, we have policy and we have EIA regs. I'm focusing purely in the context of policy, national policy statement, not the environmental impact assessment regulations. So, um, rather than discuss this any further, um, I think would be helpful is if drawing again my attention, uh, to paragraph 2.8.221, um, there's no inclusion of significance that it's actual impacts.

01:15:26:24 - 01:15:48:19

So if you can maybe submit something to me along that point addressing that and why you, uh, then believe that the policy, um, has to consider the, uh, EIA regs as well, although I think maybe they're two different things at this particular paragraph. Is that okay to submit something?

01:15:48:23 - 01:15:49:10

Yes, sir.

01:15:50:10 - 01:15:51:28

Thank you. That'd be helpful.

01:15:53:24 - 01:16:10:25

Um, okay, I'm going to leave the interrelated effects, uh, for examining authority. Second written questions. So what I'd like to do now is move on to the examination progress tracker.

01:16:12:12 - 01:16:43:26

Um, that is, uh, rep 2-091. Um, so the placement of cable protection in the shallow, uh, nearshore environment, um, and I w has raised this matter in relevant representation and written representation, and then the applicant's response to cable protection and the shallow nearshore environments. And that was was a wrap to dash.

01:16:43:28 - 01:17:15:01

Zero eight notes that the applicant recognizes that the best form of cable protection is achieved through cable burial to the required depths, and this is not the applicant's intention to place cable protection in shallow water, but to avoid this, if at all possible. Can the applicant briefly summarize what scenario could arise if it is not at all possible?

01:17:42:02 - 01:18:00:26

List done on behalf of the applicant. Could you repeat the question, please? I think I understand it. I think the question was in what circumstances could there be cable protection within the intertidal area? Is that correct?

01:18:00:28 - 01:18:04:08

Yes, yes. What scenarios where you'd find you have to do that.

01:18:20:14 - 01:18:23:15

Is this something that you'd like to take away from this then?

01:18:25:15 - 01:18:36:29

Liz Dunn, on behalf of the applicant, you'll appreciate that we don't have any. This is a this is an ecology, um, hearing or ecology topic. And we don't have our engineers present.

01:18:37:11 - 01:18:38:22

Um, you can take that away.

01:18:39:06 - 01:18:53:02

But we can confirm the position and and apologies. I think I might have slightly missed mis led. It's is it the intertidal or the nearshore area that is of concern or with the question relates to.

01:18:53:26 - 01:19:02:02

It relates to the statement of placement of Cape in the shallow nearshore environments. That's what you have. Yes. Okay. Yeah.

01:19:02:18 - 01:19:04:04

Thank you. Okay.

01:19:04:24 - 01:19:35:00

And then, um, similarly there's another thread that you might want to take away. Uh, the tracker, uh, identifies that the applicant will ensure that any cable protection is sufficiently row low profile to minimize changes to wave, tide and set them a transfer. So obviously I'm asking what is sufficiently low profile and how that parameter has been considered in the.

01:19:35:02 - 01:19:35:17

Yes.

01:19:40:08 - 01:19:43:22

Let's start on behalf of the applicant. We'll take that one away as well.

01:19:44:07 - 01:19:46:02

Okay. Thank you.

01:19:48:09 - 01:20:17:29

Um, I think I'll leave the following question that I have. Um, um, um, maybe if we can just very briefly, um, just have a quick update on your discussions, uh, with the Isle of Man, uh, Territorial Sea Committee. Uh, regarding the consideration of, is it more vein on the benthic subtitle and intertidal ecology assessment?

01:20:26:27 - 01:20:39:00

Lace done on behalf of the applicant? Um, we're not entirely sure what, uh, what the question is, um, and in respect of of updates there in respect to more than in. Yeah.

01:20:39:06 - 01:21:16:15

So apparently, um, we are considering, uh, uh, consideration on the benthic subtitle. I'm just reading what you have on your examination tracker. Uh, so 17, uh, on benthic and intertidal ecology, the applicant, uh, has responded to this issue raised by the Isle of Man. Uh, the applicant is progressing a statement of common ground and believes the issue is capable of resolution.

01:21:16:17 - 01:21:22:01

So I'm just wanting to know what steps have you taken out to resolve this particular thread.

01:21:46:02 - 01:21:49:11

We have a hand up as well from Mr..

01:21:50:29 - 01:22:27:15

Lasdun on behalf of the applicant. If I can respond first and hopefully Mr. Armitage will confirm. Um, these are matters. Um, this, as I understand it, was in relation to the potential cumulative effect of more than in, um, with the Mona project. Um, these matters have been closed out in the statement of common ground with the territorial territorial Sea Committee submitted at deadline three. The, uh, the, uh, tracker hasn't been updated, um, to take account of that, but it will be or it is being for deadline for.

01:22:27:29 - 01:22:37:23

Okay. Thank you. Uh, Mr.. And yeah, if we can ask Mr. page to, um, come on screen, please. And just if he's got anything else to add?

01:22:39:02 - 01:22:59:03

Yeah. Well, Richard Armitage for the, um, and Territorial Seas Committee. Yes, I can confirm we've closed out all those issues with the applicant. The main thing that came out of it was to have us names as a consultee on the underwater sound management plans, when those are drawn up. Um,

01:23:00:18 - 01:23:19:07

because of the strange situation of the Isle of Man, we wouldn't be a statutory consultant to that. Um, but yeah, the applicant has agreed that we will be consulted in the preparation of that. Um, that was our main, um, or one of our main concerns regarding that with the more than. Cumulative effects.

01:23:20:19 - 01:23:32:09

Thank you very much for clarifying that, and it's good to hear that this particular matter has been closed. So thank you. Okay.

01:23:32:11 - 01:23:32:26

Thank you.

01:23:34:02 - 01:24:05:09

So, um, I think I am going to bring my line of questioning to an end now, uh, which means this particular topic, um, I'll bring to a close and we'll look to adjourn, uh, the hearing. And it's what's coming to 1055, and we'll have a 15 minute break. So that makes it 1110.

01:24:05:11 - 01:24:10:20

Is it? So we come back for 1110. Thank you.