



Trawsgrifiad Gwrandawriad

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Hearing Transcript

Project:	Mona Offshore Wind Farm
Hearing:	Issue Specific Hearing 4 (ISH4) – Part 3
Date:	23 October 2024

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00:00:23:26 - 00:00:29:21

Good afternoon. Can I check that the recording is recommenced?

00:00:30:18 - 00:00:31:04

Yes, sir.

00:00:32:21 - 00:00:56:08

Thank you. Um, so this is agenda item five, commercial fisheries. And for this particular agenda item, I believe one party. Uh, but Dorgan Marine Limited has noted a desire to speak. Can I check whether this is correct?

00:00:58:10 - 00:01:01:05

Have we got Mr. Merrick on the line.

00:01:08:07 - 00:01:11:15

I'll see if he joins us. Uh, later on.

00:01:11:23 - 00:01:17:15

Uh, Mr. Rollins, I believe that this is about to join us, that we're just. We're just waiting for him.

00:01:18:03 - 00:01:25:21

Okay. Um. I'll continue. And then obviously, I'll address this particular, um, points later on, and I.

00:01:26:04 - 00:01:29:08

Mr. Rowland, sorry to interrupt you. Do you have somebody with the camera on?

00:01:29:15 - 00:01:30:05

Yeah, I.

00:01:30:07 - 00:01:30:24

Believe Mr. Hall.

00:01:30:26 - 00:01:37:20

Mr. Hall? Yeah. Um, welcome, Mr. Hall. And I'm glad that you've been able to join us as well. Thank you.

00:01:39:14 - 00:01:48:17

Um, can I check if there's anybody else present who wishes to speak on commercial fisheries topic that evening?

00:01:50:18 - 00:01:56:06

Uh, we have a show of hand. So, um, if I can ask that person to introduce themselves.

00:02:00:18 - 00:02:01:29

So you see, that's what they can see.

00:02:02:07 - 00:02:04:26

Uh, how do I speak? Okay. Can you hear me, chairman?

00:02:05:24 - 00:02:08:10

Hello? Yes. Um, you can introduce you.

00:02:09:02 - 00:02:15:01

Yes. My name is Sir George Merrick, and I am sitting with James Wilson of Deep Dog.

00:02:16:10 - 00:02:41:18

Thank you very much for joining us. I understand that you have a desire to speak. So, um, I'll look to invite you, Mr. Merrick, to raise your points when we get maybe to the last item, which is the examination progress tracker update. And then that will be, uh, the probably the most adapt place for you to put your points over. Is that okay with you?

00:02:42:11 - 00:02:43:03

Thank you very much.

00:02:43:28 - 00:02:49:15

Thank you. If you could put your camera back off, um, that would be appreciated.

00:02:51:06 - 00:02:57:11

Okay. Can I just check to see if there's anybody else who wishes to speak on commercial fisheries topic.

00:02:59:27 - 00:03:22:12

Oh, okay. So I'd like to start with the effects on scallops. And, uh, is it Miss Chappell? Could she please, please put on the screen figure 2.1, uh, which is in documents, uh, scallops mitigation. So and that is rep 3-0 66.

00:03:24:17 - 00:03:26:18

Thank you. Uh, Miss Chappell.

00:03:28:12 - 00:03:38:14

So, uh, this figure shows the queen scallop crown fished by Scottish vessels within the proposed Moana Array area.

00:03:40:12 - 00:04:12:13

Um, I have a few queries on this, so I'm not sure if it's the applicant or whether Mr. Hall is the best party to maybe, uh, give a response. I might check with Mr. Hall first, if that's okay with you. Um, the election, uh, actually shows, uh, a pink area as good fishing in Estonia. Ground. Can I check if this pink area is for queen scallops? Now, I'm not sure if that's Mr.

00:04:12:15 - 00:04:17:15

Hall or the applicant is the best party to answer that query.

00:04:20:02 - 00:04:30:21

I am at all representing the Scottish White Fish Producers Association. Yes, I could confirm that as one of the the richer areas for the screen Queen Charlotte fishery.

00:04:31:14 - 00:04:52:09

Okay. Can you maybe just stay on, uh, screen for a little while? I've just got a couple more queries. So for the green shaded area there. Um, apparently. Can you explain why it is an unfinished area for queen scallops? Is that correct? The green shaded area?

00:04:52:19 - 00:05:05:22

Yes. To my understanding. The area of further east there is of harder ground. Yeah. And it's not a prolific Queen Charlotte area. And that green site.

00:05:06:08 - 00:05:10:27

And it's not the same for the western side as well. There's another green area.

00:05:11:01 - 00:05:17:02

That's quite hard on there, but there is there is a number. There is a bit of Queen Charlotte fisheries within that area.

00:05:17:21 - 00:05:39:08

Okay. And then, uh, in terms of the yellow shaded area, uh, apparently was not as prolific this year, and I'm presuming this year I'm not sure which year would that be? Uh, but it wasn't as prolific in other years for queen scallop fishing. Do you know why that could be?

00:05:40:10 - 00:05:59:17

I have no idea. Uh, Queen scallop, for sure is quite flighty. Although every year is good years within these areas, fisheries fishing goes up and down, uh, with certain pathogens. And scallops particularly could go as much as a seven year cycle. Uh.

00:06:00:28 - 00:06:13:00

Okay. So the yellow shaded area can still be areas for good queen scallop fishing, but it's just a particular year might not have been as productive as other years.

00:06:13:02 - 00:06:14:09

Yes. That's correct.

00:06:14:23 - 00:06:29:27

Okay, great. Um, in terms of the size of these areas, there's um are you have you got any data to, um, delineate what the, uh, area of these of the pink and the yellow sizes are.

00:06:31:24 - 00:06:34:14
Area as in square kilometers?

00:06:34:21 - 00:06:35:14
Yes.

00:06:35:21 - 00:07:05:23
Yeah. We could we could certainly get that to you. Although the, the area in red is, has been deemed as a scallop migration zone. The content would go far beyond that. I mean, Yeah, we could possibly finish it now if the cables are buried correctly. But the impact of the that particular wind farm and other wind farms close by that will have on the the queen scallop fishery themselves. We just don't know the impacts yet.

00:07:06:07 - 00:07:12:16
But as far as this, the square kilometers mean we could easily get that to you. I don't have that on the top of my head at the moment.

00:07:13:13 - 00:07:48:20
Okay. Yeah. If you could take that as an action point, that would be appreciated. Um, and just for the moment, you can put your camera, uh, off, if that's okay with you and mute. And I'll go back now to, uh, the question for the applicant. So the commercial fisheries concluded that for Scottish vessels, the impact of loss or restricted access to fishing grounds would be minor during the different phases of proposed development.

00:07:48:22 - 00:07:52:05
This means is not significant in terms of EIA.

00:07:53:27 - 00:08:07:24
Can I ask the applicant to briefly summarize why it believes the sensitivity of the receptor is medium and the magnitude of impact is low?

00:08:15:01 - 00:08:51:15
Good afternoon, Johnny Lewis. Uh, commercial fisheries lead from IRM on behalf of the applicant. Uh, I was part of the team involved in the impact assessment. So on the first part of the question, uh, sensitivity of the receptor, um, I don't have the exact definition in front of me, but the the sensitivity assigned to the West Coast scallop receptor group for what we're talking about here to took into account aspects such as its sort of spatial tolerance, its extent, its ability to fish in other areas, uh, the specificity of the fishing grounds themselves.

00:08:52:06 - 00:09:28:18
And I think it's it's understood and agreed that this is a fairly nomadic fleet. But in the same way, this is a key fishing ground. So this was a higher sensitivity assigned to this receptor than others on the actual magnitude of impact. I think it's worth pointing out that at the preliminary environmental Information report stage so far, the section 42 consultation, we did actually assign a higher, um, magnitude of impact because we're not taking account of what we see on the screen, the scallop mitigation zone.

00:09:29:18 - 00:09:59:17
And that was based on our assessment to that stage upon the development of the scallop mitigation zone and its inclusion in the final assessment presented in the final environmental statement, we took

the view that this reduced the magnitude of impact to low, and when those two are combined, we ended up with a minor adverse impact. So to summarize, the scallop mitigation zone was a key factor in reducing our conclusion of significance.

00:10:02:04 - 00:10:10:23

Thank you very much, Mr. Lewis for the summary. Can I ask Mr. Hall if he's got any observations to make to what he's just heard?

00:10:12:24 - 00:10:47:07

Yes, thanks for that. A couple of points that the applicant raised of the the ability for the fishing vessels to fish elsewhere. I mean, that's not strictly true because the queen scallop fishery within Moana is the biggest queen's carp fishery beds. And in Europe, if not the world. Now, if that is taken away from the fishermen, they have nowhere else to fish for queen scallops because there's no other queen scallops bed around about Britain.

00:10:47:15 - 00:11:18:24

It's not like king scallops where they could perhaps fish down in the channel or the East Coast. Queen scallops are predominantly within the Irish Sea. Uh, and many, many people require that fisheries as a cook for their coastal community support. So it goes on to the second point where he's making it makes that the the fleet is nomadic. The queen scallop fisheries is a nomadic just for the reasons of what I've just said. This is where they're caught than anywhere else.

00:11:18:29 - 00:11:26:21

So the argument that it's a nomadic fleet, I'm afraid, doesn't fit with this. The more array. Thanks.

00:11:29:13 - 00:11:36:02

Thank you. Uh, Mr. Hall. Um, I'll ask the applicant if they want to respond to what they've just heard.

00:11:39:12 - 00:12:12:12

Uh, John Lewis, on behalf of the applicant. I've now managed to just pull up the exact definition used in the EIA, the guides to the first part of your question, the medium sensitivity. And just to read it really quickly back, the definition was limited spatial ability adaptability, limited spatial tolerance due to dependence on a specific fishing ground and limited recovery ability due to a loss of a specific fishing area. So that's why we that's why we assigned that. I think that sort of concurs with Mister Hall's assertions just then.

00:12:12:14 - 00:12:35:28

And I totally take his point about the the nomadic nature I was referring to Scarlett. More generally, we accept that the Queen Scarlett fishery here is is very discrete. On the same point, we also recognize that, you know, the scallop beds are not constrained by either this project boundary or others that we may speak about in cumulative later. They do extend between the project sites as well.

00:12:40:27 - 00:13:00:21

Okay. Um, so the red shaded area on the figure, uh, delineates very important green scallop area. Can the applicant and advise if it recognizes the red shaded area as an important fishing ground?

00:13:07:13 - 00:13:25:00

Jerry Vella for the applicant. Yes. We did recognize do recognize the fact that our fishing stakeholders reported it as a very important queen scallop fishing ground. And that's the reason why we placed our scallop mitigation zone over its extent.

00:13:26:21 - 00:13:56:27

Okay. Thank you. So obviously, the, uh, NPS for renewable energy infrastructure, uh, and three uh, states that where the Secretary of State considers the wind farm would significantly impede fishing activity, uh, recognized in ports and fishing grounds. This should be attributed a corresponding significant way. Bait.

00:13:58:13 - 00:14:29:15

A commercial fisheries concludes that for Scottish vessels, the impact of displacement of fishing activity into other areas would be negligible during the different phases of the proposed development. So this is not significant in EIA terms. Um, this is based again on similar uh receptors sensitivity and magnitude of impact being negligible.

00:14:30:12 - 00:14:37:04

Can I therefore ask the applicant to briefly summarize why he believes that magnitude of the impact is negligible.

00:14:47:00 - 00:14:55:10

Less done on behalf of the applicant. Could you reference the specific paragraph from N3 that you're referring to, please?

00:14:55:12 - 00:15:02:15

Oh yeah. 2.80.3 20. So 2.80.320.

00:15:03:26 - 00:15:05:22

Thank you. Okay.

00:15:09:26 - 00:15:12:11

Then if I can ask the applicant just to.

00:15:14:21 - 00:15:19:06

Summarize why he believes that magnitude of impact this negligible

00:15:20:28 - 00:15:24:05

both displacement of fishing activity into other areas.

00:15:25:09 - 00:15:58:21

Yeah. Johnny Lewis, on behalf of the applicant, I think the best way of answering that in terms of displacement, which you kindly clarified, that's the specific impact you're interested in, as opposed to the loss or reduced access from a construction phase. As you'll you'll note from the submission, you know, we propose a non closure of the entire construction area, um, during the construction period. So a series of safety zones and rolling, uh, voluntary exclusion zones around vessel sorry, around construction vessels.

00:15:59:07 - 00:16:16:18

And then similarly in the operational phase, again, on the assumption of the efficacy of the scallop mitigation zone and other mitigations, that fishing access would be continued and be able to continue within the site as well. Hence the conclusion about magnitude of impact.

00:16:18:21 - 00:16:24:20

Thank you, Mr. Lewis. Can I ask Mr. Hall if he has any observations to make on what he's heard so far?

00:16:27:25 - 00:17:03:15

Yes, thanks. Yeah. I get where the applicant's applicants coming from. But I'm going from past experience from other wind farms and the commitment to to do so have a few role and 500 meter safety zones to battery cables at the same time as lane them. As always been the case where it never happens. So we have to look. When you look at an EIA, we look at the worst case scenario, which everybody should do. So and the worst case scenario for us is that cables would be laid, surface laid.

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

They can't get buried. The fishing industry is displaced quite a bit because of the motor vessel trafficking. For instance, I think it was 2200 vessel traffic per annum and during construction. So all these things taken into the mix, I think the impact should have been raised quite a bit. Thanks.

00:17:25:24 - 00:17:28:10

Okay. Thank you. Um,

00:17:30:07 - 00:17:42:17

can I just double check with the applicant? Um, but, uh, the applicant is implying that it's not necessary, uh, for scallop fishers to relocate elsewhere.

00:17:46:14 - 00:17:48:25

Gerard Vella for the applicant. Yes. That's correct.

00:17:49:09 - 00:18:03:06

Okay. Thank you. That's clear. Can the applicant therefore confirm on the potential reduction of queen scallop stocks due to the proposed development?

00:18:36:16 - 00:18:37:16

Uh, hello. Um.

00:18:37:26 - 00:19:14:23

Uh, I'm Doctor Kevin Lannon, uh, from Tetra Tech, and I'm the fish ecology. Um, fish and shellfish ecology. Lead. Um, for, um, the Moana examination on behalf of the applicant. Um, in terms of ecological impacts on, um, on scallops within the fish and shellfish ecology is we have fully assessed, um, uh, construction, operation and maintenance and decommissioning effects on, on scallops. And, um, we haven't predicted any significant effects on, on on queen scallop working scallop populations as a result of those, um, of those impacts.

00:19:15:05 - 00:19:29:15

Um, yeah. So, so, uh, with respect to the, to the, um, to the stocks as well, we wouldn't be predicting any significant effect on the, on the queen scallop or king scallop stocks as a result of construction activities.

00:19:32:16 - 00:19:46:20

If I was trying to press lightly on this particular point and in terms of potential reduction of queen scallop stocks, is there a figure or a percentage that, uh, has been considered?

00:19:49:25 - 00:20:21:17

Kevin Aran for the applicant. Um, again, so so the evidence that we've presented within the Fish and Shellfish Ecology assessment is drawn on a range of, um, uh, a range of evidence sources, including the RSA, um, and scientific studies on scallops, um, and scallop ecology, um, and things like that, and also looked at kind of, uh, historic offshore wind monitoring, looking at, uh, recovery of sediments following cable installation activities, for example.

00:20:21:19 - 00:20:57:06

And, um, all of that evidence, um, strongly indicates that, um, both queen and king scallops, um, will return into the, um, into the, uh, impacted areas, um, through a range of through either adult migration from on impacted areas into impacted areas or through um larval dispersion um and settlement um, into those uh, into those areas. Um, to, to reiterate, one of the points that was made this morning and the ecology sessions by my colleague, um, uh, Miss Prior, um, construction again won't all happen at once.

00:20:57:13 - 00:21:27:29

There will be kind of construction affecting a small proportion of the total area, um, occurring, you know, throughout the four year construction period. Um, and recovery, um, of, uh, scallop individuals and scallop populations will occur throughout that, um, that, uh, construction phase, um, and, and post-construction. So based on that, we don't we don't see any significant reductions on the, um, on the scallop stocks.

00:21:28:10 - 00:21:45:21

Um, occurring. And again, just to reiterate, that's based on, you know, a lot of evidence, including, um, the, the, the Marissa various scientific studies on, on, on scallops and, and monitoring from offshore wind farms. So, um, yeah, I, um, I don't think that they've,

00:21:47:10 - 00:21:54:06

I don't, I don't think it is possible to quantify it, um, other than to say that, um, we don't expect effects on the population.

00:21:54:27 - 00:22:07:17

Okay. Thank you for making, uh, your position clear on that. I'll ask Mr. Hall if he's got any observations to make on the potential reduction of queen scallop scallops due to the proposed development.

00:22:09:03 - 00:22:42:21

Thanks, sir. Yeah. Again, I appreciate the applicant's point of view. However, there's never been really any studies done, particularly on the queen scallops, which is basically as what was speaking about here And it's unfortunate that there's not been a monitoring fisheries monitoring regime be put in place. Uh, of this project gets developed so we could have a baseline, uh, during construction and post-construction just the might of the facts, if for any positive or negative.

00:22:42:28 - 00:23:13:07

But going from other experiences from other windfarms, the scale up and particularly the regeneration looks to be a problem when, uh, an offshore wind farm for kings comes is being built. The fishermen don't go near, but when they do go back within a fixed foundation offshore wind farm, the catches are very good, yields good. But the regeneration, the smaller size scallop is nowhere to be seen. So that's a big worry.

00:23:13:16 - 00:23:46:25

Now the Queen, Queenie scallops are different breed altogether. They're very likely they're very susceptible to Water noise. So this is a big concern for the local fishermen and also the the lack of general touch upon larval distribution. If things are changed because then I will see and build on all these wind farms of the tidal streams of change or change because of the offshore wind farms and a lot of the dispersal changes, the ones they won't then go to the Queenie beds.

00:23:46:27 - 00:24:13:21

They will go elsewhere and perhaps not have the chance to regenerate. And so there's a lot of question marks around the science side of things with the scallops. And I appreciate the really, really difficult thing to assess. But we're not we don't seem to be applying the precautionary principle here. We're just charging ahead without doing the science first. And that is one of the biggest concerns from the local fishermen. Thank you.

00:24:14:28 - 00:24:20:07

Thank you, Mr. Hall. Can I ask the applicant to respond to what we've just heard. Please.

00:24:21:06 - 00:24:51:06

Jerry Vella for the applicant. Um, I think there's there's a few points that we want to respond to here. Um, first of all, uh, monitoring commitments. Um, secondly, with regard to the science and larval resupply. Um, and then thirdly, also, um, Mr. Hall made a point about, um, cable laying and the risk of cables not being buried or becoming unburied and potential effects. Um, and and if, if, if possible, I'd like to to respond to the three of those.

00:24:51:16 - 00:25:01:28

Um, I'll cover monitoring and cabling. And my colleague, Doctor Lennon will we'll cover the, um, larval resupply, if that's okay.

00:25:02:07 - 00:25:03:00

Yeah. That's fine.

00:25:03:02 - 00:25:36:05

So in terms of, um, I think if I can just take a step back and talk about cables because that that has been a key concern raised by, um, our fisheries stakeholders, um, through our engagement in the last few months, both in in July following submission of the written representations. And then more recently, we met again with our stakeholders in September. Um, we appreciate that. Uh, as an industry, we don't have a fantastic track record at burying cables or keeping cables buried.

00:25:36:15 - 00:26:07:00

Um, we have made significant commitments, I think, with regard to, um, cable burial, which were presented within the Outline Fisheries Liaison and Coexistence plan. But based on the concerns that Mr. Hall and colleagues presented in their written representations, we have tried to tighten up some of the language and the commitments in the Outline Fisheries Liaison coexistence plan that was, uh, submitted, submitted, uh, um, updated at um deadline three.

00:26:07:15 - 00:26:38:05

Um, for example, you know, uh, I won't go into detail unless you want me to, but we we've included, for example, Consideration in the cable burial risk assessment of seabed level change over time. And consideration of gear penetration and snagging risk as key factors to determine, um, target burial depth. So again, we can come back and talk about that more if you would like to. But I did want to to make that point on our side in response to Mr.

00:26:38:07 - 00:27:17:06

Paul's point on cables. Um, in terms of the monitoring, again, um, the our fishing stakeholders have raised the need to consider monitoring for um, queen scallop, um, uh, against the construction and operation of our project. Um, we maintain the accuracy of our impact assessment, but we understand that in, in this situation, monitoring data would be useful to better understand, uh, whether, um, uh, what changes we'll see in seeing the environment through construction and operation.

00:27:17:08 - 00:27:53:08

And therefore we made a commitment after discussing it with our fishing stakeholders in the updated statement of Common Ground at Deadline three to include a Queen Scarlett monitoring program. Um, we haven't gone into huge amount of detail on the nature of the program at this stage, but we've confirmed that it would include pre and post-construction monitoring up to five years, um, with adaptive management in terms of the duration of the monitoring, if if we can demonstrate that there's no effect under five years, we would make the argument to, to, to, uh, finish the monitoring program earlier.

00:27:53:10 - 00:28:06:01

But likewise, you know, if we hadn't been able to conclude, um, after five years, we might do a little bit more, um, and we would engage on the outputs of the results annually with the fishing community.

00:28:07:17 - 00:28:09:07

I'll stop there.

00:28:11:01 - 00:28:12:12

And, Kevin.

00:28:13:29 - 00:28:56:18

Uh, doctor Kevin Lannon for the applicant just to come in on the, um, on some of the points that Mr. Hall raised, um, early on in the evidence, uh, I mean, as a as I said before, we have drawn on, uh, a range of scientific studies and we'd be happy to signpost to some of those within the hearing, um, uh, within the the written summary of the hearings, rather than repeating them all here on the point of, um, impacts on, um, tidal streams and, uh, physical processes, we have fully, um, assessed that within the physical processes, um, assessment and that's included site specific modeling of, you know, changes to wave and tidal regimes and the, um, sediment transport processes associated with that.

00:28:56:20 - 00:29:37:22

And that has been taken into account within the relevant ecological, um, assessments, um, to, you know, to see whether or not there is, um, there's any potential for those, um, changes in the physical process to kind of translate down into the, um, into the food web. Those the changes that are predicted from, uh, will say operation of um, of of the offshore wind turbines, the presence of the foundations have been found to be very, very limited. Um, in extent. It's not going to affect the, the overall um, uh, tidal regime or sediment transport processes, either alone or cumulatively with um, with other projects in the um, in the Irish Sea.

00:29:37:24 - 00:29:56:02

So we'd be happy to, to, to signpost to the relevant modelling that has been undertaken. But I suppose I, um, I just summarize by saying that we have taken, um, a precautionary approach. We have presented a robust assessment with um, uh, scientific evidence, um, backing up our conclusions.

00:29:58:11 - 00:30:11:24

Thank you, thank you. Yes, that would be useful. You could summarize, uh, in your written response as well. Um, Mr. Hall, um, have you got anything else to add? Hearing what the applicant has just said.

00:30:15:13 - 00:30:46:23

So no. Nothing. I mean, I mean, science is science at. Yeah. Appreciate we all need data etc. and things based on science. However, being been a fisherman for for over 40 years, a lot of the time the science gets laid on the table to us with stock assessments, etc. and it's not exactly what we have seen at the sea. So yeah, there's no argument against science and we'll have to take it on board.

00:30:46:25 - 00:31:12:09

But we also have to take on board what the fishermen see, uh, or at ground level. Uh, and I just want to say, too, that the engagement between the applicant and the fishing industry has been really good. Uh, we don't always agree, but has been good so far. And and I hope that continues as the process goes on. So I just thought I'd add to that. Thanks.

00:31:14:26 - 00:31:58:25

Thank you for highlighting that answer. Your, um, invaluable input, Mr. Hall. Um, can I, um, just. Yeah, later on on particular points. Um, so there's the scallops mitigation. So, uh, amounts to something like 30%, 37% of the wider queen scallop area. And the scallop mitigation zone is something like 57 kilometer square. So this then, um, implies that the other 67% of the queen scallops area starts something like 97 kilometer square is beyond.

00:31:58:27 - 00:32:05:22

So that is to be protected. Can I check with the applicant. Is is this That's correct.

00:32:14:18 - 00:32:21:00

Jerry Vella, for the applicant, in terms of the proportions that that you've just stated, they they are correct.

00:32:21:02 - 00:32:22:22

But 67.

00:32:24:00 - 00:33:01:19

Yeah, 63% not rather than 67. Um, but we'd also like to make the point that when considering how best to mitigate potential impacts on access to to scallop grounds, we were also considering wider site selection and mitigation requirements, uh, across the the project. So as we've discussed earlier today on shipping and navigation, we were looking at what changes we needed to make to the project to address shipping and navigation, commercial fisheries, and a number of other factors.

00:33:01:21 - 00:33:51:01

So with respect to commercial fisheries, we looked at the information that had been provided to us, the very important area that that the fishermen had marked as very important queen scallop grounds for them and on the basis of needing to come up with a, um, a an array area that addressed all of the concerns we focused on, on protecting the core scallop grounds being that very important area that that is only 37% of the wider scallop grounds within the Moana Array area, but it is focused on the key area that was that we were being advised by the, um, fishing stakeholders, and we did engage with them on the location of that scallop mitigation zone that that we were proposing.

00:33:51:03 - 00:34:35:15

When we engage with, um, with fisheries stakeholders in winter of 2022. Additionally, scallop fishermen and other fishermen can continue to fish throughout the rest of the Moana Array area, and that was intrinsic in our, um, aim to, to to retain a minimum 1400 meter spacing between rows of turbines. Um, yeah. Turbines. Also, um, in terms of the orientation of wind turbines that that we sought commitment within the business to north south orientation to allow them to continue fishing for scallops outside of the core area, outside of the Smz3.

00:34:35:17 - 00:34:56:25

And and finally, you know, um, it's not to say that the scallops don't extend outside the Moana array area. They do both to the south and to the north. Um, so so, you know, it was a mix of, of, um, points that we were trying to, to address in, um, addressing potential effects on access to the scallop.

00:34:57:12 - 00:35:46:11

Uh, so just to carry on Lasdun, on behalf of the applicant, um, I did just want to point, uh, everyone's attention, having heard, um, Mr. Vella submissions in respect of the other paragraphs of National Policy statement and three that are relevant to the consideration of commercial fisheries and fishing. Uh, so you highlighted 3.8.3 20. Uh, I would also highlight 2.8.3 22, uh, which refers to the Secretary of State being satisfied that the applicant has sought to design the proposal, having consulted the MMO or an LW and representatives of the fishing industry, which has clearly happened here with the intention of minimizing the loss of fishing opportunity, taking into account effects on other marine interests.

00:35:46:13 - 00:36:27:13

That's exactly what's just been explained. And then in respect of 2.8.323, the Secretary of State will need to consider the extent to which disruption to the fishing industry, where the short term to construction or long term um has been mitigated where reasonably possible, and the applicant's position is they have sought. They've gone beyond a reasonable mitigation here in terms of protecting the key, the identified most important scallop area within the Mona array area, with allowing other fishing to continue within that area with the spacing of the turbines and with the fact that there is queen scallop fishing outside of this area as well.

00:36:27:15 - 00:36:34:10

And all of those things should be taken into consideration when considering the mitigation that's been applied by the applicant here.

00:36:39:10 - 00:37:12:22

Thank you. Uh, Mr.. Um, can I just go on to was it paragraph 2.8.251 of NPF cm3? So mitigation should be designed to enhance where reasonable Possible any potential medium and long term positive benefits to the fishing industry. Um, I hear what you've said. Uh, but I would like to just pursue this matter a little bit more.

00:37:12:24 - 00:37:45:19

So in the context of the, uh, the scallops mitigation zone area, uh, which is 57 kilometer square. Um, the applicant has commented on this and deadline three, uh, which was, uh, wrap 3-0 66 and you've explained that the particular constraints in place, which means that the area can't really be too much bigger than what you've put forward.

00:37:45:21 - 00:38:09:24

So constraints such as ground conditions, uh, unexploded ordnance, uh, commitments of the array layout with minimum of two lines of orientation, um, that, uh, an increase in the size of the skull of mitigation. So may risk the proposed development not achieving target capacity.

00:38:11:10 - 00:38:43:19

So, um, paragraph 1.2.3.3, in the scallops mitigation zone documents, uh notes, uh, that with an array area of 243 kilometer square, uh, and a target capacity of 1.5GW, the capacity density is 6.2MW/km square.

00:38:44:04 - 00:38:50:07

Could the applicant briefly explain what is capacity density?

00:39:02:08 - 00:39:03:24

Jerry Vetter for the applicant.

00:39:05:29 - 00:39:37:29

So the the capacity or power density of a wind farm area is the target capacity of the wind farm at the onshore connection point divided by the area of the wind farm. So we have established a capacity density of 6.2MW/km² on the basis that, um, the onshore capacity, the capacity of the project at the onshore connection point is targeted at 1.5GW. And we've divided that by 243.

00:39:38:19 - 00:40:15:20

Okay. Thank you. Um, so, um, we we've heard briefly, uh, this morning about the minimum distance between the wind turbine generators Is, um. Um, I think it's the minimum. Putting aside the micro sighting is 1.4km. So, um, hypothetically, um, if you had spacing of 1.4, uh, then turbine generator, you could have a grid pattern.

00:40:16:01 - 00:40:55:11

I was saying, say 96 wind turbines. So this would probably, uh, fill up a space of 122 kilometer squared. Um, so that means every, uh, 31 kilometer squared, there would be approximately 25 wind turbine in place. So if you're applying a target capacity of 1.5GW for the smaller size, um, that would mean the capacity density would be in the region of six, but it would be, uh, around 12.

00:40:55:28 - 00:41:10:18

So the question I have is, is it possible based upon that, uh, minimum, uh, offset of the spacing, that you could increase the size of the scallops mitigation. So.

00:41:21:09 - 00:41:26:00

That pool costs on behalf of the applicant and see if we can get onto camera. Um.

00:41:28:26 - 00:41:37:21

It's okay. Um, miss Chapel, um, you can maybe put the, uh, slides, figure, uh, off as well, please. Thank you, Mr. Carter.

00:41:38:22 - 00:42:10:21

All cards on behalf of the applicant. I think there's two points to consider here. One is that, um, you can't consider the seabed to be homogeneous and empty of other constraints. There are, of course, a number of other constraints within the wind farm that have been outlined earlier today with respect to some of the other topics, but also to do with commercial fisheries in respect of UXO, in respect of

ground conditions and respect of other infrastructure such as cables, which do require to be taken into account when drawing up the layout of the windfarm.

00:42:11:17 - 00:42:41:18

Um, the second consideration is that, um, whilst theoretically you could, of course, pack the turbines as close to each other as possible based on the, um, constraints of the layout principles that we've provided, the reality would be that that density would reduce the overall yield of the wind farm, and therefore would reduce the efficiency of the project in terms of energy produced, but also reduce the viability of the project in terms of its ability to generate yield energy.

00:42:41:20 - 00:43:21:23

The purpose of the project itself, both from an energy yield point of view onto the grid, but also from its ability to compete with other projects in a contract for difference scenario. So, um, the sorts of densities that you talked about there, upwards of, um, 10MW/km², uh, would create significant impacts for a project of this nature for any project. Um, and therefore wouldn't, wouldn't present a viable solution. So combine those two things, and we do need to be able to have the flexibility within the remainder of the remainder of the array area outside of the Skynet mitigation zone to be able to site turbines in order to facilitate the flexibility for both of those aspects.

00:43:23:25 - 00:44:08:15

Um, in terms of the different scenarios, uh, for the scale of mitigation. So, so we briefly, uh, discussed, uh, the, the shaded pink area, uh, which was good fishing and, uh, stony ground. And then we had the yellow shaded area. What effect would those areas if they were included, have um, the uh, uh, capacity density. So in that context, uh, I hear what you're saying about not being able to, uh, pack 96, uh, wind turbines, uh, within a minimum offset of 1.4.

00:44:09:09 - 00:44:35:29

Uh, it appears currently you are looking to have a factor of two in terms of spacing. So, uh, would inclusion of either the pink or the yellow or the pink and yellow would have to have a significant impact on your target capacity? And what effect would that have on the capacity density? Uh, Mr. Carter.

00:44:41:00 - 00:44:58:27

Jerry Vetter for the applicant, we we can't quantify that now, but I think there's a couple of key points here one. We aren't preventing phishing from continuing in those other areas. And in fact, we've designed the site to facilitate that as much as possible. And and secondly.

00:45:01:00 - 00:45:33:20

We when when we came up with it. So so taking a step back apologies this is this is my my thought process. Taking a step back, we sat down with key fishing stakeholders early in the development phase of this project. And we we asked them what would be their key concerns and what they would like to see based on that information. And that included for things like sufficient spacing between infrastructure to allow phishing to continue, ideally areas without infrastructure if possible in key areas.

00:45:33:22 - 00:46:05:16

You know, we took that information away and design the mitigation zone and then engage with the fishermen, the fishing stakeholders on that zone. We asked a number of questions such as is there a risk that if we if we are to limit ourselves in placement of infrastructure in this area, that the scarlet might move after a few years into one of the other areas that you've highlighted, put the relative

importance of fishing amongst these areas change. And the feedback that we got was no, it's been like that for 15 years as long as we can remember.

00:46:05:18 - 00:47:03:09

So that was the basis really for making the commitment to that specific area over the that the area that they identified as very important. So I think the two key things here is we're already seeking to protect the key area that they are fishing for scallop, and we have done everything we can to minimise impacts on access throughout the rest of the array area. Um, in terms of what the eventual array layout and things like that might look like, that is as as Paul said, it's very difficult for us to quantify at this stage, but maintaining flexibility is intrinsic in every offshore wind DCO application because those issues will come up at the post consent compliance post consent pre-construction phase when we collect final um site investigation data and information to to finalize the design of the project.

00:47:05:22 - 00:47:29:22

Okay. Thank you. Um, I've heard what is what you're saying? Um, also sharing with you in terms of the capacity density, um, of 6.2, there is appears to be a way of increasing that slightly. Uh, and there may be a way of doing it, uh, without, uh.

00:47:32:23 - 00:47:50:27

Putting the development at risk. Uh, but I'm not going to pursue this, uh, uh, Any more at this particular hearing? Um, I'll ask if Mr. Hall has got anything else to say to what he's heard. Before I move on to the next item.

00:47:54:22 - 00:48:03:05

No, thanks. I'm quite happy for you to move on. I think everyone that has been spoken about on this subject day, so I'm quite content with that. Thanks.

00:48:03:29 - 00:48:37:27

Okay. Thank you. So if we can move on to table 6.13, uh, which is, uh, the MDS and considered for the assessment of potential impacts on commercial fisheries, uh, during construction, there would be lots of restricted tasks as to fishing grounds due to seabed preparation. Um, I just wanted to check with the applicant if size, an area size has been worked out for seabed Seedbed preparation.

00:48:59:25 - 00:49:13:25

The list done on behalf of the applicant. Um, uh, is this something we can respond to? Um, perhaps after the break? Um, just in terms of making sure that it that we're not making things up on the hoof.

00:49:14:01 - 00:49:23:09

Yeah, that would be fine. I would like you to be able to answer the question, uh, rather than put you on the back foot and similarly, um, sorry.

00:49:23:23 - 00:49:42:19

Um, sorry. It's Kevin and and for the applicant. Sorry for interrupting. Simmons. Um, uh, and just to clarify what it is you're looking for here. This is the footprint of sand wave clearance. Um, that the the seabed. Sorry. Seabed preparation. Uh, footprint. Is that is that what you're looking for?

00:49:42:23 - 00:49:43:08

Yeah.

00:49:43:18 - 00:49:46:26

Yeah. Seabed preparation. So, yeah.

00:49:47:19 - 00:49:48:14

Just for.

00:49:48:16 - 00:50:05:05

The applicant. Yeah. If we if we could come back to you, I think the information is there. For example, maximum seabed footprint of up to 735 four 88 meter squared, inclusive of scale protection. But I think we probably need to make sure that we package that really clearly for you.

00:50:05:16 - 00:50:34:23

Okay. And can you. Similarly um, during construction that appears to be there would be a reduction of access around infrastructure, uh, due to integrate cables being buried. So it's a similar question about the interior cables. Um, you've got a length, you've got a depth. But for some reason I couldn't figure out what width. Um, and. Yeah. So if you could take that as well.

00:50:36:20 - 00:50:55:28

Um, and there are similar items in the MDS. Um, which goes through, um, interconnect the cables, uh, um, the area size, the footprint. And it's not quite clear to me, but it might be me. Either way, I'm reading it, but if you could take that on board.

00:50:57:13 - 00:51:23:02

Um, okay. Um, I'm going to move on then from the, uh, MDS. And I'd like to go on to the examination progress tracker. So, um, I would like to invite, uh, both Organ Marine Limited, uh, Mister Merrick to speak on the matter. Uh, that he wants to raise.

00:51:26:12 - 00:51:30:18

Uh. Thank you. Chair. Can you hear me clearly enough?

00:51:31:14 - 00:51:32:27

Yes. You're coming over loved.

00:51:32:29 - 00:51:39:26

And so. So I wanted to raise two policy points this afternoon.

00:51:42:02 - 00:52:05:00

Uh, and, um, because we are concerned that these two policies have not been, uh, their requirements have not been satisfied. The first policy, uh, requirement, those set out in paragraph 250 and 251 of section 2.8 of National Policy Statement. And three,

00:52:06:21 - 00:52:12:12

in short, this is a policy that deals with how mitigation should be designed.

00:52:14:08 - 00:52:25:20

And the policy requirement is that the mitigation should be designed to enhance medium and long term positive benefits. That's the first policy requirement.

00:52:27:29 - 00:52:36:26

The second policy requirement His policy. Econ zero two of the 2019 Welsh Marine Plan.

00:52:38:11 - 00:53:08:17

This is a broader policy, as I understand it. It does not focus specifically on how mitigation of commercial fisheries should be designed to. Broader policy in this policy requires proposals to demonstrate how they are considered opportunities for coexistence with other sectors in order to optimise. And that's my emphasis to optimise the value and use of the marine area and marine natural resources.

00:53:10:29 - 00:53:21:29

As we see it. These are twin requirements and these twin requirements are of enhancement and optimisation of fisheries.

00:53:26:01 - 00:53:34:19

We then come on to How we see that the applicant has addressed these twin policy requirements.

00:53:37:06 - 00:53:42:18

So the first place I look is the outlined fisheries Liaison and coexistence plan.

00:53:44:13 - 00:53:57:10

This deals with policy requirements at paragraph 1.1.4. There is no reference to these twin policy requirements of enhancement and optimization of fisheries.

00:53:59:16 - 00:54:08:25

We then move on to the environmental statements. First of all, volume two, chapter six that deals with commercial fisheries.

00:54:13:11 - 00:54:22:12

The policy requirements of National Policy Statement and three paragraphs 250 and 251 are referred to at table 6.2.

00:54:25:23 - 00:54:34:05

But the substance of the applicant communication approach is set up in section 6.7, which deals with measures.

00:54:36:29 - 00:55:08:22

The focus of these measures is appears to be on reduction of impact. We can see nothing on enhancement of fisheries or optimization of fisheries. And I would see in particular paragraph 6.7.1.2, which reads a number of measures have been adopted as part of the offshore wind project to reduce the potential for impacts on commercial fisheries, but nothing on enhancement or optimization.

00:55:13:03 - 00:55:24:21

Volume six deals with. Chapter six deals with the 2019 Welsh Marine Plan requirements at paragraph 6.2.2.

00:55:26:29 - 00:55:41:29

But what it does is it actually, uh, doesn't deal with these requirements in this particular volume, but refers to two other volumes, the one on socioeconomics and the other on interrelated effects offshore.

00:55:43:29 - 00:55:52:24

Turning to volume for chapter three on socioeconomics. I can't see anything on enhancement or optimization of fisheries.

00:55:55:00 - 00:56:00:11

Turning next to the volume two, chapter 11 on Interrelated Effects.

00:56:02:10 - 00:56:25:28

Commercial fisheries are dealt with at paragraph 11 .6.4 where it reads. For commercial fisheries, the following potential impacts have been considered with the interrelated assessments, and a number of issues are set out, but nothing that I can see on enhancement or optimization of fisheries which are the twin policy requirements.

00:56:29:03 - 00:56:37:29

One of the comment, it seems to me that the applicant has appeared to conflate coexistence with co-location.

00:56:39:25 - 00:56:52:23

I would note to the inspectorate that co-existence and co-location, as those terms are understood in Welsh waters, are set out at paragraph 98.8, which is the text that precedes the policy. Two.

00:56:53:26 - 00:56:54:21

Ah ah.

00:56:58:03 - 00:57:26:00

So as we see it, the twin requirements for enhancement and optimisation of fisheries are not dealt with anywhere in the application documents. And if that is the case and as much as then at present, we don't believe that the Secretary of State could lawfully discharge the section 104, subsection two, subsection A, and A Planning Act 2008. Duties. Thank you sir.

00:57:29:17 - 00:57:51:19

Thank you, Mr. Merrick. I will ask if you can provide a copy of your position statement of what you read out. Um, and that should be in before the deadline for, uh. If you can do that, it'd be appreciated. Um, I'll ask the applicant if they want to, uh, respond to any key points that they've just heard.

00:57:53:12 - 00:58:27:20

So less done on behalf of the applicant. And we welcome submission of that statement as clearly there are a number of points there that, um, are being raised for the first time, which would be good for us to be able to respond to. I would just point out two things, uh, in respect of the, uh, national policy statement and three, that Mr. Mirrlees quoted in paragraph 2.8.251, he did actually miss out three very important words in respect of mitigation being designed to enhance where reasonably possible and in any medium and long term positive benefits.

00:58:27:22 - 00:59:17:26

Um, and uh, that is an important, uh, consideration in terms of the mitigation, uh, enhancing. We've explained, um, why the focus is on the protection of the scallop, the scallops through the scallop mitigation zone and why, why that is the appropriate, uh, why we consider it's the appropriate area for mitigation. I'd also point Mr. Mirrlees to paragraph three, .6.3.1 of the applicant's Biodiversity benefit and green infrastructure statement, uh, which at bullet point two uh, second subparagraph, uh, identifies opportunities to restore fish and shellfish habitats in the offshore environment, uh, as part of the, uh, of the um, additional intertidal and offshore biodiversity benefits.

00:59:17:28 - 00:59:33:14

So those there are a number of measures that are proposed there. And we welcome, uh, submission, apologies and Mr. Merrick's statement in order that we can respond in detail to that, uh, at, uh, once it's been submitted.

00:59:38:12 - 00:59:45:02

Um, Mr. Merrick, um, I'll just come back briefly to you, uh, to see if you've got any further comments to make.

00:59:47:22 - 01:00:19:06

Thank you sir. Uh, just two very brief ones is the second point that was made about the diversity benefits. I worked closely with those two with those. But the first point is the key words in paragraph 2.1, National Policy statement. And the three are of course the words are where reasonably possible. But in my submission, we haven't even got to that kind of conversation because I don't believe the applicant is properly understood. It's false.

01:00:19:08 - 01:00:20:09

The policy requirement.

01:00:20:26 - 01:00:21:11

Okay.

01:00:24:18 - 01:00:27:25

Uh. The applicant. Do you want to respond to that?

01:00:28:06 - 01:00:32:13

Final thought list on behalf of the applicant. I've got nothing further to say, sir.

01:00:33:13 - 01:01:00:05

Okay. Thank you. Um, just one further question for me, then. Um, to the applicant. So, um, how does the applicant's approach align with the Welsh National Marine Plan at con? Uh oh two Co existence and the sector objective related to aquaculture to help sustain economic development.

01:01:01:02 - 01:01:12:25

So unless done on behalf of the applicant. Um, I suggest this is probably something to put into your next set of questions. Um, in terms of the detailed policies you'd ask us to respond to, and we can respond in writing.

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

Okay. That seems reasonable. Okay. Um, then.

01:01:22:06 - 01:01:36:27

If I can go on, uh, for an update, uh, from the applicant, uh, with your discussion, uh, with the island government regarding cumulative impacts and monitoring, uh, for commercial fisheries.

01:01:54:03 - 01:02:49:23

Jerry Vella for the applicant. Um, as set out in the updated statement of Common Ground with the Isle of Man Territorial Seas Committee. With respect to commercial fisheries, um, the matters of um, continuing, uh, discussion relate to, um, the commitment to Monitoring pre and post construction of scallop. Um, I think you'll be able to go to Mr. Armitage for confirmation, but we had a very positive conversation about this in preparing the updated statement of Common Ground, and we agreed that

we would seek to, uh, keep it as a point of, uh, ongoing discussion until such time as, um, the Isle of Man, uh, Territorial Seas Committee and the Department for environment on the Isle of Man and Fisheries had seen the commitment being made in writing within the Outline Fisheries Liaison coexistence plan.

01:02:53:16 - 01:02:56:22

Thank you, Mr. Armitage. Do you want to. Yeah.

01:02:57:08 - 01:03:30:18

But sometimes for the Territorial Sea Committee. Um, yes. The applicant um, statement there is, is correct. We've had quite extensive discussions on that. And yeah, our main concern outline I'm standing was the monitoring. And we now have the, uh, fisheries liaison and coexistence plan and currently just reviewing that with our technical specialists and so on. Um, to hopefully come to some agreement, um, if that is acceptable.

01:03:30:25 - 01:03:37:20

Um, that was yeah, that was our only one outstanding concern, really with the, the project at that time.

01:03:38:23 - 01:04:24:18

Okay. Thank you for confirming a position. That's very helpful. Thank you. Um, the applicant's response to the examining authority's written question on cumulative effects assessments, um, notes that, uh, the cumulative effect assessments on Moana, uh, Morgan and Morecambe for potential loss of fishing ground during operation uh concluded minor adverse significance of effect And I read this, it was because it would not lead to, uh, more than 5 to 10% reduction on the annual value of fundings.

01:04:25:06 - 01:04:35:29

Now, uh, in terms of the annual value of landings, um, is it possible to equate that against the annual value of queen scallops landings?

01:04:40:00 - 01:04:42:24

Johnny Lewis, on behalf of the applicant. Um,

01:04:44:18 - 01:05:08:00

at the start of the assessment process and having prepared a lot of these assessments in the past, we look to introduce these measures, um, of value in annual value in landings and revenue as to try and add a bit of semi quantification to the process, because looking back on previous assessments, they were quite generic in their wording at times. But as to your specific point.

01:05:08:05 - 01:05:09:06

Well firstly.

01:05:09:16 - 01:05:23:10

We have not done a forensic analysis of the exact loss of revenue that may happen. It's being used as a proxy effectively, and it's not specific to Queen scallop to answer your question. It's across all the fishing receptors that we assessed.

01:05:23:28 - 01:05:37:18

Okay. Thank you for confirming that particular point. Um, can I just come briefly to Mr. Hall to see if he's got any, uh, further points to make on this particular agenda item?

01:05:39:17 - 01:06:12:08

Thank you. I'm glad that was raised because 5%, 5 to 10% reduction in anyone's business is accused a huge reduction even in offshore wind farm, five 5 to 10% yield reduction. We'd come to a quite a large figure annually. So this this figure, we can't look at that flippantly, because fishing businesses rely on that never.

01:06:12:10 - 01:06:34:26

Profit margin was just 5% and there was a 5% reduction in first sales. It could have a devastating effect on a fishing business. So I just wanted to highlight that 5 to 10% maybe not seem a lot, but it could be a case of a make or great break for for an industry. Many industries. Thanks.

01:06:37:10 - 01:06:43:27

Thank you, Mr. Hall. Um, finally a right, uh, to reply, uh, to the applicant.

01:06:45:24 - 01:06:55:19

Johnny Lewis, on behalf of the applicant. Yeah, those points noted. Um, but we stand, you know, we stand by the assessment and the criteria used at this point. Thank you.

01:06:57:24 - 01:06:59:00

Okay. Um,

01:07:00:22 - 01:07:07:22

let me just check if anybody has any further matter that they wish to raise under this agenda item.

01:07:09:10 - 01:07:25:17

Not seeing any show of hands. So I'm going to bring this agenda item to a close. Um, so we'll move on to the next agenda item. Um, presumably you'll need to move people around. Uh, Mr..

01:07:27:01 - 01:07:32:25

Thank you sir. Less than half the applicant. Yes, we could do with a couple of minutes just to reorganize things here.

01:07:32:27 - 01:07:38:23

Okay. Shall we just maybe have a very quick break of, say, ten minutes? Is that okay?

01:07:39:12 - 01:07:41:10

That would be very helpful, sir. Thank you.

01:07:41:20 - 01:07:57:22

Okay, so the time will say it's 1438. Uh, so shall we start again? Uh, 1448. So we'll adjourn before going on to the next agenda item.