



## Trawsgrifiad Gwrandawriad

<b>Prosiect:</b>	Fferm Wynt Alltraeth Mona
<b>Grandawriad:</b>	Gwrandawriad Mater Penodol 4 (ISH4) – Rhan 4
<b>Dyddiad:</b>	23 Hydref 2024

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## Hearing Transcript

<b>Project:</b>	Mona Offshore Wind Farm
<b>Hearing:</b>	Issue Specific Hearing 4 (ISH4) – Part 4
<b>Date:</b>	23 October 2024

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## Simon Says

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### My New Project

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### FULL TRANSCRIPT (with timecode)

00:00:03:01 - 00:00:18:01

Back. The hearing is now resumed, and we're moving on to item six of our agenda, which is other offshore infrastructure and activities. It's confirmed that live streams restarted, Mr. Stevens.

00:00:21:00 - 00:00:54:17

Thank you. Okay. Item six is the topic of other offshore infrastructure and activities. And that this is not something that we discussed in our July hearings, but it has been the subject of various written evidence in the first half of the examination. The item for this agenda falls into two main parts. Firstly, the question of potential wak effects for other offshore wind farms. And secondly, the matter of coexistence. Um, I have Mr. Innis on behalf of the Orsted IPPs, and I have the applicant down.

00:00:54:19 - 00:00:57:27

Is there anybody else who wishes to contribute on this topic?

00:01:02:15 - 00:01:36:12

Okay. I'm not seeing any hands coming up. Obviously. Do chip in if anybody would like to contribute. Before we move into detail, I would start by saying that we have read all of the relevant submissions up to and including deadline three, so we don't need written submissions to be repeated. The purpose of today's session is just to explore and test the arguments on both sides, and then to have a look at how things can move forward in the time that we have remaining in the examination. Before we dive in, I will just check with the applicant whether there's been any change in your position since deadline three on.

00:01:36:14 - 00:01:38:03

We're talking about week effects now.

00:01:42:13 - 00:01:46:04

Uh, Liz, done on behalf of the applicant. No, there's been no change in our position.

00:01:46:14 - 00:02:23:06

Thank you. Okay. So then starting off on week effects, obviously, um, the DCO regime has been operational since 2010. We've been having offshore wind farms coming through since then. And to date, weak effects haven't played a big part in offshore wind examinations. But having said that, it did come up on their well and more examination, um, due to the proximity to the Real Flats project. Um, and when we talk about weak effects, we're talking about one offshore wind farm potentially reducing

the energy yield of another offshore wind farm, which may lead to a reduction in revenue for the other offshore wind farm.

00:02:24:02 - 00:02:44:24

Um, as the number of operational wind farms increases over time, it seems inevitable that there will be an increased interest in the question of wake effects. Um, so this is a relatively new issue for offshore wind echoes, but I'm conscious we're not the only live examination grappling with the question of wake effects. Um,

00:02:46:09 - 00:03:18:10

before we go any further, I'll just check. We have got Mr. NASA. I can see you on the screen. That's fine. Could I ask the applicant to bring up, um, App 062, which is the S chapter on other. C users and it's figure 10.4 that I'm after. On page 22, please. I just thought this might assist with context before we dive in. So this is, um, a plan showing the other offshore wind farms and cables and the facility of the Moana Array.

00:03:18:28 - 00:03:56:15

Um, and the the avoidance of doubt, the bright purple projects are the ones that are existing operational wind farms, and yellow is consented wind farms. And again, for the avoidance of doubt, the Orsted IPPs who are represented here today by Mr. Ines are Burbank Burbank Extension, Walney, Walney Extension, Barrow and the West of London Sands Projects. Um, so that accounts for some of the operational wind farms. But there are other operational wind farms in the Irish Sea who are not, uh, particularly engaged in this process or some who have submitted a relevant representation but are not appearing here today.

00:03:57:06 - 00:04:20:23

And we heard this morning that the prevailing wind direction in this area is southwesterly. So that just helps to provide a bit of context. And if you could just, um, Miss Chappell, scroll down to the next page where there's table 10.10. And again, just in headline terms, that table sets out the approximate distances of each operational wind from from the Moana Array as proposed. And the cable corridor.

00:04:22:14 - 00:04:58:17

We may come back to that, but that's all I need needed to show for now. Thank you. You can stop sharing. And so that's the context. And so in terms of today's um, session, I'd just like to lead the parties through some questions. Firstly on policy context and compliance matters. Secondly then on this question of whether or not a wake effects assessment is required. And then thirdly to try and look at some ways forward, um, starting in on policy compliance, we have uh, some pretty comprehensive written submissions about the application of relevant policy to the issue of wake effects, and I don't intend to go through that in detail.

00:04:58:20 - 00:05:15:18

But I did do want to look at just two sections of MPs and three. The first is, in fact, this might be helpful to have on screen briefly as well. Please, if that's possible, it's MPs Ian three and it's paragraph 2.80.345.

00:05:19:05 - 00:05:22:13

And um, ma'am? Yeah.

00:05:22:17 - 00:05:26:15

Apologies. Can I stop you for a moment? We don't have that in the examination library.

00:05:26:17 - 00:06:04:27

Oh, okay. Um, don't I mean, it's it's fine. We have it in front of us here. If you have it in front of you there, I'm sure Mr. Innes can access it. We can do it without having it on the screen. Thank you, thank you. Um, but essentially, that paragraph says that the Secretary of State should be satisfied that the site selection and site design of a proposed offshore wind farm and offshore transmission has been made with a view to avoiding or minimising disruption or economic loss or any adverse effect on safety to other offshore industries. Um, we have the applicants s chapter on site selection and alternatives that we've already talked about that bit this morning, and we don't need you to repeat what's already set out there.

00:06:05:11 - 00:06:44:19

Um, the chapter mentions refinements being made to the Amona array area boundary related to minimizing interaction with other sea users existing offshore wind farms. Um, and there's a table, I think it's table 4.23, which describes how a general reduction in the array area at the pre-op stage had the effect of reducing the potential for impacts on existing, operating and recently consented offshore wind farms. I'd just like to ask the applicant to just talk us through a little more on how the sighting of the array area, including the refinements made during the pre-op stage, sought to minimize interactions with other existing offshore wind farms.

00:06:49:22 - 00:07:32:18

A pool cutter on behalf of the applicant. Um, I think our main point here is that the separation distance between the project as it stands, um, and the um, projects, the operational projects in question is significant over 30km in the closest, uh, for the Orsted IPPs. Um, close to for some of the others, as you mentioned, aren't represented here. Um, with respect to the distance between, uh, the Mona array area, as, um, put forward in our consent application and the Orsted IP project, um, to the north east, that distance increased as the boundary change was made following our statutory consultation at the pier stage.

00:07:32:20 - 00:07:42:01

So, so therefore, the distance between the projects increased. Um, and it's with that that we are making reference to the reduction in any potential for impact.

00:07:44:18 - 00:08:00:02

Thank you. And so, um, as I understand it, you you consider that you've complied with that requirement of N3 that I've just read out in terms of using site selection to avoid or minimise disruption to other offshore wind farms. Is that correct?

00:08:04:21 - 00:08:35:13

Uh oh. Carter, on behalf of the applicant. Uh, yes. But both both because of that, that minimization, um, that occurred in that final refinement, but more importantly because of the distance that either now or at the prior stage there was between the project and those um, interested parties, um, projects, operational projects. So, so it was by dint of the design of the original site rather than any refinements in particular. That's the the main part of that. Um, that case.

00:08:36:19 - 00:08:37:14

Thank you.

00:08:40:13 - 00:09:06:21

Um, I'm going we're going to stay focused on this particular paragraph of Ian three just for a moment, and I'll bring in Mr. Innes for the AusAID IPS. But just we'll we'll move on to look at other areas in a moment. But just on this, on this particular duty, um, are the authors satisfied that the site selection and site design of the proposed array has been made with a view to avoiding or minimising disruption or economic loss?

00:09:08:29 - 00:09:46:19

Uh, comments on behalf of the author IPS. Um, insofar as the as I understand it, the reasons for the changes in the boundary in relation to the array areas was for other reasons. Um, what this is a byproduct of the change in the array, uh, was the increase in distance. But I do want to raise one fundamental matter. If you have not assessed the effect, can you say It seems that you have reduced the impact.

00:09:46:21 - 00:10:21:20

And that's the fundamental point here, is the applicant is refusing to assess the effects. And that is the concern of the Orsted IPCC. Uh, another key aspect of that, and as we've set out in evidence, I'm not going to repeat our written submission, but we have set out evidence about the extent of effect. And it's not purely about distance. It's about the relationship as to where the particular wind farm sits relative to wind resource and wind speed.

00:10:22:17 - 00:11:00:06

And these are all factors taken. And it, uh, come out of, uh, our understanding of, uh, the wake of facts, uh, and therefore these are matters which can be and properly taken into account in modelling a fact and therefore, if you're just talking about distance, that is only one of the characteristics that's likely to influence weight loss. And therefore, without understanding the impact on the prevailing winds, wind speeds, etc.,

00:11:00:08 - 00:11:05:24

matters are being left out of account relative to the potential effect.

00:11:07:25 - 00:11:09:02

Thank you, Mr. Ennis.

00:11:09:04 - 00:11:19:25

Um, madam, can I just. It's Liz Dunn on behalf of the applicant. We're suffering a bit with an echo from Mr. Innis. I don't know if there's something that can be done, but we're actually struggling to hear him at this end.

00:11:20:02 - 00:11:31:16

Okay, Mr. Innis, we are hearing a bit of feedback when you're speaking. I don't know whether there's a speaker on your one of your devices that might be causing that feedback. I don't know if there's anything you can be done.

00:11:34:00 - 00:11:39:13

Sometimes it happens when you've got two speakers on. You might want to.

00:11:46:03 - 00:11:47:04

Yeah, they close out of that.

00:11:55:26 - 00:11:58:01

I kind of adjustments, but better.

00:11:58:03 - 00:12:00:25

That is better. That's better for us, Miss Dunn. Is that better for you? Yeah.

00:12:01:10 - 00:12:03:03

Yes. Thank you. That's much better for us.

00:12:03:05 - 00:12:03:26

Thank you.

00:12:05:18 - 00:12:07:14

Okay. Um,

00:12:09:12 - 00:12:46:23

I'm going to give the applicant plenty of, um, opportunity to respond. But before we do, I do that. I just want to. Because Mr. Ennis has already moved us into the next bit of the NPS that I wanted to look at, which is, again, with the N3, it's, um, para 2.8.196 onwards, that sort of collection of three paragraphs there. And this is the one that, uh, I'll read out one nine, seven, which says there's where, where a potential offshore wind farm is proposed close to existing operational offshore infrastructure, or has the potential to affect activities for which a licence has been issued by government.

00:12:46:25 - 00:13:29:00

The applicant should undertake an assessment of the potential effects of the proposed development on such existing or permitted infrastructure or activities. Um. Now, we're very aware that the equivalent of these provisions in the previous iteration of N3 were considered at some length in the examination of the well and more project, uh, where it was concluded that another existing offshore wind farm did fall within the definition of existing operational infrastructure. Um, and so I suppose I'm just trying to test, first of all, as a matter of principle, whether the applicant accepts that that's the case, you don't you don't seek to differ with that, with that interpretation of of that paragraph.

00:13:31:15 - 00:14:13:27

Uh, Lasdun, on behalf of the applicant, um, I think it's a very important paragraph and is probably fundamental to our position in respect of this. Um, the paragraph refers to projects, a potential wind farm close to existing operational infrastructure. Um, in the hourly mall case that you're referring to, madam. Um, the project which um, uh, was under consideration, which was the real flats project, was 5.1km from the proposed hourly more scheme. Um, it's also worth noting if and you can read it back through the information provided in that examination, that real flats, which is about seven and a half or eight kilometres, I think, from the hourly north, North.

00:14:13:29 - 00:14:44:17

Hoyle. Sorry. North Hoyle. Um, uh, which is 11km from the proposed hourly, more offshore wind farm, also made the claim of, uh, weight loss effects at the start of the examination and actually dropped that, uh, partway through on the basis of distance. So where for the purpose of the hourly more decision, uh, the point around the project being close to was in respect of the Real Flats project, which was 5.1km from the boundary of our limo.

00:14:46:02 - 00:15:18:08

I think I think I'm just sorry, just to, um, we may well get on to it, but, um, I think it's also important to look at the second part of that, uh, paragraph 2.8.1.7, which is about the potential to affect activities

for which a licence has been issued by government. So I think our case is that, um, that the Mona project is not close to the Orsted IPPs projects in any sense. It's between 30 and 40km away.

00:15:18:10 - 00:15:50:24

And I don't think in anybody's reckoning that could be considered to be close. Um, but also there's a question of whether it has the potential to affect activities for which a licence has been issued by government. In terms of those licences, the two licences, the two licenses we could only be considering. It doesn't talk about a consent. Um, it talks about licenses. Those two licenses would arguably be the marine license and or potentially, um, uh, some sort of or the generation license for the project.

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And it's, again, really important to consider. The words are really important in this policy because it's not about those licenses. Do not they authorize a marine license, authorizes the ability to put objects onto the seabed. That's what the marine license does. It doesn't authorize the operation of a wind farm, and it certainly doesn't authorize the taking of wind or the any kind of, uh, economic activity. In that sense, it allows you to put structures onto the seabed.

00:16:21:28 - 00:17:05:14

Equally, a generation license is something which allows a project to operate, uh, as an operational wind farm, which, if it didn't have that, it would be, uh, in breach of the requirements of the Electricity Act. Neither of those things authorize a kind of an economic activity in the same way as, say, an oil and gas abstraction license might, or indeed a minerals licence or a minerals extraction licence might do. So our point is that not only is the Mona project not close to those projects, but it also does not have the potential to affect any activities for which that license has been issued.

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And on that basis, we say there is no basis on which the next part of the policy applies, which is that we should undertake an assessment of the potential effects of the development on the Orsted IPPs wind farms.

00:17:20:22 - 00:17:21:21

Thank you for those as.

00:17:21:23 - 00:17:23:02

Distinctly as I can.

00:17:23:13 - 00:17:32:20

Thank you. Um, I will be inviting Mr. Innis to come back on these points, but I just wanted to ask a few questions first. Um,

00:17:34:12 - 00:17:51:09

so my understanding is essentially that I've taken what you've said there about licensed activities, and we'll consider those submissions. But essentially, you're saying that that policy is not engaged due to the distance. That's that's all there is. That's correct. Okay.

00:17:51:11 - 00:17:52:16

We're not close.

00:17:53:06 - 00:18:07:10



And is that the case even for the other operational projects such as 20 more or indeed are well and more, which would be sort of 17.8km and 13.5km distant.

00:18:08:17 - 00:18:16:14

Plays done on behalf of the applicant. It's the same point. And clearly none of those parties have made a representation arguing that it should be done.

00:18:18:08 - 00:18:42:04

And um, clearly these points were, it seems evident from the application they were being raised. They've been raised throughout the pre-application phase as well. Um, did that as in terms of taking account of that feedback through the pre-application phase. Has that altered your approach in any respect in terms of the need for a week effects assessment?

00:18:46:15 - 00:18:58:09

Les Dunn on behalf of the applicant, no. The applicant has been aware of the submissions from the Orsted IPPs, um, since the section 42 consultation stage and the position hasn't changed.

00:18:59:29 - 00:19:31:14

And we've talked about distances and, um, it can become a bit, um, theoretical. Obviously we've talked about the 5.1km, uh, where real flats it was deemed necessary. And we've talked about North Hoyle. Um, and, and we've talked I know there's been numbers around 20km, um, derived from the Frazer Nash study, etc.. Um, in your view, is there a particular separation distance at which that paragraph becomes engaged. Appreciate direct wind direction.

00:19:31:16 - 00:19:34:20

And, uh, speed obviously comes into play as well.

00:19:38:23 - 00:20:17:11

Lays down on behalf of the applicant, I think it has to be on a case by case basis. But I would also say that the the Crown estate's position in terms of, um, its leasing arrangements is also an important consideration, um, for the um, for the round for projects. The Crown Estate had a distance of 7.5km, um, between any new project and existing projects. And it's also worth being aware that for the purposes of the Crown Estate leasing, there are certain interests that the Crown, um, that that that are relevant.

00:20:17:13 - 00:20:48:18

Uh, there are certain other interests, uh, that the Crown has granted whereby when a new offshore wind farm needs to come forward. The Crown requires that the consent of that party is secured in order for the new project to come forward, because they recognize that there is the potential or there is an interaction between those projects. Some of those are where there is a direct interaction. So for example, cables or, or indeed, uh, areas that have been leased for minerals extraction or other things.

00:20:48:26 - 00:21:11:01

Um, but also there are buffer areas that the Crown requires consent to be, uh, to be secured from that party, from the new party, before the project can go ahead. And they are not at this type of distance. And I think that has to be a starting point for, uh, for when, uh, distances may be relevant for the purposes of this policy.

00:21:12:06 - 00:21:43:12

And we've had uh, on the basis of that 7.5km. We've had some submissions from the AusAID IPS that that that distance is based on the objective of maximising the energy production from the whole portfolio, which is a different aim to avoiding the effects of one on another. Now, I'm conscious that you've had this, um, fairly some weighty, um, submissions on this in writing at D3, and you will no doubt want to respond at D4, which is the way we need to receive those submissions anyway.

00:21:43:14 - 00:21:48:04

So, um, I won't ask you to come back in detail on that particular point. Um.

00:21:55:21 - 00:22:17:04

I will ask Mr. Innes to come back. Now, you've heard, um, some points there from the applicant about the justification for their approach. Is it accurate to say that you disagree with the applicant, that the distance between the Mona array and other operational windfarm negates the need for the assessment? For an assessment? Under the terms of that, uh, in three paragraph we've been looking at.

00:22:18:13 - 00:22:54:14

Well, if I could do this in two stages, The first is that, in essence, in our response to your question, one 19.3, we've provided you with a series of, um, bases on which weight loss occurs, uh, based on analysis and, uh, real effect. Um, against that background, the statements about distances, uh, simply are there is no basis for the statements.

00:22:54:16 - 00:23:49:18

Then, you know, if you could say that there was no effect at 7.5 or make that point and produce the evidence for it, there is absolutely no evidence produced by the applicant on this matter at all, apart from a survey undertaken by Crown Estate for different purposes, which wasn't effectively a weight loss assessment. Um, against the background of the applicant providing no evidence in relation to the matter in my submission. The examining authorities should place weight on the actual evidence that's been submitted in the first question, and that you actually, quite properly, ask, is that a potential for this development to impact upon these existing operations? Um, and that is a matter which we say according to the material that we have submitted is absolutely the case.

00:23:50:01 - 00:24:38:09

Um, and if that is the case, then one has to construe, uh, the policy in terms of where that impact and the distances over it might be fact, because what is closed is not defined and must relate in essence to the potential for a fact or otherwise. Uh, we'd be left with arbitrary distinctions being drawn between potential effect. It has to be related to the potential for a fact. And equally in that context, it also has to have regard to the specific relationships between the proposal and the existing windfarms and in particular, uh, whether or not it sits within the wind resource that is likely to materially affect the alternative wind farm.

00:24:38:11 - 00:24:56:04

And that, again, will be relevant to take into account in assessing likelihood of effect. And again, we have made submission on that matter already. So against that background, we say that the first question has to be answered in the affirmative that there is the potential for a fact.

00:24:57:24 - 00:25:33:04

Secondly, having identified that there is the potential effect on other and existing users, uh, I would suggest that when N3 is read properly across the various sections under 2.8, in relation to other offshore infrastructure and activities, and also the concluding paragraphs about what the Secretary of State is to do, that where these effects are potentially there. That is an examining authority that you

should be ensuring that the applicant discusses them, and that you're able to report to the Secretary of State on these matters.

00:25:33:06 - 00:26:11:29

The matter is now clearly in dispute, with evidence put to before you in relation to the matter. And as I say in my submission, if you properly read a section 2.8 in its entirety where there's likely to be an effect on an existing user that should be properly assessed and that has potential consequences depending on the outcome of that assessment. So that is my primary submission is a sense of closure has to be in the context of the, uh, effectively the the effect that's likely to occur and the extent to of which effects would occur.

00:26:13:09 - 00:26:45:08

And I think at that point there's a number of other examples were raised. Quite frankly, they're wholly irrelevant because the relationship is not the same. Um, we've set out our position on that. And as I say, I don't think, um, other examples, apart from the fact that we do have acknowledgement from the Secretary of State's decision making that this is an issue which has already been won, which has been taken into account, and therefore in my submission, it should probably be taken into account.

00:26:47:06 - 00:27:23:01

That's the direct bit of why it should be taken into account. But there's also the indirect bits of if there is weight loss at existing wind farms, uh, that the supposed benefits and benefits of the proposal should probably be judged against those. And that has a bearing on wider decision making and also the main claim for the benefit of the project, which is obviously, um, a proposal which through operation will reduce uh emissions and also leads to a low carbon electricity system.

00:27:23:03 - 00:27:43:04

All the benefits need to be identified, and the benefits also need to be identified as we have identified very clearly. Um, and our submissions are the these we consider that there will be, um, those benefits that occur and they should be properly evaluated and put into the equation.

00:27:45:13 - 00:28:20:24

Thank you very much, Mr. Ennis. There's, um, a lot in the submissions you've just made, and I'm going to unpick a bit of it now, um, before we just before we move off, um, policy and into the workforce assessment question, I just wanted to also flag, um, the Welsh National Marine Plan policy, SAF zero one, which is on safeguarding existing activity, and that's, um, just I'm not going to ask for detailed submissions from either party on that now, but you might want to follow up at deadline for on that.

00:28:21:02 - 00:28:53:05

Um, in the sense it echoes in three section 2.8 about avoiding, minimising and mitigating significant adverse effects on established offshore activities. Um, but I will come back to the applicant. So obviously, um, we've in our written first written questions, we asked the applicant to undertake a week effects assessment and the applicants declined that request. We've just heard a little bit about why that is. Um, but I will just give the applicant an opportunity just to expand.

00:28:53:07 - 00:29:06:19

If there is anything else you want to add. As to we understand that distance and necessity is the question is, is the reason the prime reason? But I'm wondering if there's anything else in terms of the resource required to undertake an assessment.

00:29:09:12 - 00:30:07:22

Thank you. Madam Lisbon, on behalf of the applicant. Um, yes. And we have made some submissions. Um, in respect of this, and I think it's important, um, when we start to look at, um, that alternative of, you know, could an assessment be undertaken? I have to say, when we start this, that, um, I think we have made it very, very clear that we don't consider assessment is required here. Um, and I it's very important that that that's the context in which we're discussing this. Um, but, um, in, in terms of looking at this in the kind of, in the, in the generic sense of, um, should an assessment be undertaken? Um, it's important to look at that in the context of paragraph 2.8.198 of, uh, and three, which says that the assessment should be undertaken for all stages of the lifespan of the wind farm in accordance with the appropriate policy and guidance for offshore wind farm areas.

00:30:08:00 - 00:30:45:29

Um, and this paragraph has been raised. There simply is no appropriate policy or guidance for offshore wind farm areas on which to undertake, um, such an assessment. And I think it's also relevant to note that, um, I'm not aware that the Orsted IPPs for any of the projects that they have brought forward or indeed for the more than nine project which is being promoted at the moment, uh, have suggested or considered undertaking an uh, assessment of, uh, the impacts of their projects on existing operational projects.

00:30:46:01 - 00:31:13:26

Uh, it's not something that has ever been done to date, and there certainly isn't any, uh, any guidance, uh, any, any uh, EIA approach, uh, or any of those matters that would allow a, uh, a transparent, um, and a sort of acknowledged assessment to be undertaken of the, uh, effects.

00:31:13:28 - 00:31:14:19

Of.

00:31:14:27 - 00:32:09:03

One, uh, of of a new windfarm on the, uh, yield of other wind farms. I'll just talk about some of the issues that are very relevant, kind of in terms of that, um, in that context. So, um, you'll have seen the submissions, um, a lot of the modeling of wake, while all of the modeling of weight loss effects, um, is entirely dependent on very accurate information of, uh, the wind farm that's being proposed, but also the existing operational wind farms in terms of their current yield, um, where they have, uh, downtime, uh, what the internal there are, of course, internal wakes, which are very important, uh, in the context of existing schemes, all of which is confidential commercial information for these types of projects.

00:32:09:17 - 00:33:23:29

Uh, in the context of the Orsted IPP wind farms, you've obviously also got the very interesting interaction between all of those wind farms on each other, uh, in terms of being able to create an existing baseline as to actually be able to accurately identify, um, what the existing, uh, wind yield is for those, for those schemes. You've also got a situation where for the Moana project, um, this is at application stage. There isn't a detailed design, there isn't a turbine model, there isn't turbine spacing or any of those, uh, considerations which mean that, uh, even if you did have something of a baseline, um, in terms of how the Orsted or or any other, indeed, um, operational wind farms were operating, um, you haven't really got anything meaningful from a, um from a, from the, the new project perspective, being able to um, to to consider that you also need to build in uh agreed meteorological parameters, including things like wind speed, uh, atmospheric stability, turbulence, intensity to give you anything that's even slightly meaningful.

00:33:24:08 - 00:34:02:09

Uh, you also need some sort of validated software model that everybody agrees is the right model to use for the purposes of considering a building in all this data and then coming out with something that is meaningful. Um, and you'll also have seen that there is no accepted industry standard model for doing a weight loss assessment. And therefore, um, certainly within the context of this examination, we could spend an awfully long time, uh, producing something and then having it not agreed by any party, because actually there isn't any accepted methodology or approach to doing that.

00:34:02:11 - 00:34:39:23

There is also no recognized approach to assessment that accords with the IMF guidance, and allows you to undertake any kind of robust analysis. Um, uh, we've also got an interesting situation where you've got the potential cumulative effects of other projects coming forward, including both, um, uh, Morgan and Morecambe and indeed more than in, um, coming into the picture in terms of being able to put anything together from a, uh, from an assessment perspective, in terms of looking at not only project alone, but cumulative.

00:34:39:25 - 00:35:12:01

Um, uh, and that's just the start, really, in terms of where the complexity around trying to, uh, to undertake such an assessment, uh, comes from. Again, it isn't the applicant's position that we're not doing this because it's too hard. Um, it is very hard. And I think everybody would accept. It's very hard. Uh, I'm not sure that, uh, Mr. Ennis position that they've presented evidence on weight loss is correct. They've noted a few papers, a number of papers that have been written.

00:35:12:03 - 00:35:44:21

I'm not sure that is evidence in terms of the potential effect of the Mona project on the Orsted IPS project. Um, but as I say, putting aside that incredible complexity of trying to undertake such an assessment, um, our position is that, uh, that in accordance with paragraph 2.8.1.97, we're not close to the Orsted IPS project. And even if we were close, we don't have the potential to affect activities for which a license has been issued.

00:35:47:15 - 00:36:02:08

Thank you, Miss Dunne. Uh, for those useful points, I don't think anyone is, um, suggesting this is not a complicated area. And indeed, um, and quite an unprecedented area. And that's why it's, um. That's why it's a difficult one to grapple with. Um,

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

I suppose.

00:36:07:03 - 00:36:39:22

We need to consider whether there's, there's something here that needs to be investigated further than it has been. I mean, as it stands, we've got your position based on, um, largely the Crown Estate siting criteria and the arguments around distance. And on the other hand, we do have, um, the case being made by the Orsted IP so that there is that potential for adverse effects. So, um, we understand that you're very much at odds in terms of whether that could be possible at that distance.

00:36:40:06 - 00:37:13:02

Um, but ultimately we're going to need to adjudicate this, um, somehow and report on it. Um, I would say, um, while we're on the subject of the studies and articles referred to in Mr. Iness submissions at deadline three um, I think those are currently hyperlinks. No, they're not even hyperlinks. They're just references to articles with some extracts taken, aren't they? Um, I think we are going to need, um,

sadly, full copies of those studies if you want us to be able to have regard to the mystery illness. So we will need, um, not hyperlinked, but PDF copies of those articles if you're able.

00:37:13:12 - 00:37:19:20

We can't take quotes out of context. So we do need to see the articles in their entirety if we are to have regard to them.

00:37:20:02 - 00:37:25:15

Sorry, madam, can I just interrupt there? We also need full copies if we're to respond to them in detail.

00:37:25:26 - 00:37:26:11

Okay.

00:37:26:13 - 00:37:29:02

So if we are, they will need to be provided. Yep.

00:37:29:21 - 00:38:02:25

So if we're able to have them by D4 which is the 4th of November, then that would give um and Mr. Anders can tell me whether that's realistic or not. Then that would give you the opportunity to respond at deadline five. I'm reluctant to get into, uh, the depths of academia on this, but we obviously we need to find a way through. Um, we lost the applicant for a moment, or they just switched off. That's okay. Mr. Earnest. Does it seem possible that you are could get those copies of those articles submitted in full to us by deadline for.

00:38:03:26 - 00:38:45:02

Yes, uh, colonies and for all stripes. Absolutely. Um, I do want to just come back on a couple of matters that the applicant has set out that, um, the assessment of, uh, uh, essentially a week of facts is a matter of which, um, uh, developers offshore wind farms, um, uh, have expertise in, in the sense of I have absolutely no doubt that the applicant has analyzed, uh, their particular application, having regard not only to the existing operational wind farms, but those proposed to understand the economics of their own project.

00:38:45:10 - 00:39:24:06

So to come to an examination say that effectively, the examination of weight loss and the impacts and on relationships between projects is a matter that is so complicated that can't really be presented. Um is in my submission. Um, something which is not accurate. We agree that if you, as a panel, decided that you wish this information and you wished that material should be before you on weight class, then there may well be, um, a need or assistance that may be provided by parties to make that more effective.

00:39:24:08 - 00:39:58:14

And I think, as we've alluded to, in relation to our position, in order to really do an an assessment of the potential for the applicant's position, we need to have some understanding of a potential act. Now it's fully accepted that that that is not would not necessarily be the end of the day, because there would be a further refinement of the ultimate project. But in terms of understanding the potential for these effects, and that's what we're really talking about is that there are numerous assessments that don't come down to be reliable and reliable to a 0.1.

00:39:58:16 - 00:40:41:26

What we're understanding is that just the nature and extent of the effects, and we say that that is capable of assessment through appropriate methodologies that are widely recognized within the industry. Um, so, as I say, our positions on that matter don't agree with the with the applicant. Exactly. In terms of, of of the parties that I represent, the IPS, given the extensive operational experience of operating offshore wind farms, do understand, uh, the extent of impact from, uh, further development in proximity of wind farms, and therefore that is the reason why they are raising this issue, because they believe it to be a very real issue.

00:40:42:09 - 00:41:19:04

And secondly, the complexity of the cumulative situation that is likely to emerge makes that position potentially is worse and of even greater concern. And in that context, one of the other projects is, of course, a sister project. And of course, the sister project in itself is also connected to the other project in the sense of the shared grid and must be sharing information and have, in their examination, clearly expressed the view that they're sharing extensive information to enable, um, those projects to be brought forward.

00:41:19:21 - 00:41:34:14

Um, it is therefore not just the individual effect of Mona, but the cumulative effect. That is the concern here as well. Um, and that complex picture, uh, being of even greater concern than an individual project.

00:41:36:13 - 00:41:59:10

Um, and so against that background, um, we'll obviously provide you with the relevant information. The deadline for and no doubt you can consider the material and then take a decision. But I think if you did take a decision to seek that there should be assessment, then you can expect parties to at least cooperate to facilitate that information being provided.

00:42:00:18 - 00:42:15:01

And so thank you, Mr. Anderson. So on that final point about the, um, certain information being confidential and commercial, um, then you're saying that there would be a, there would be a willingness to share that that level of information if it was required.

00:42:15:29 - 00:42:30:11

Well, indeed, there's got to be a realistic assessment. And, uh, in other circumstances, I know, um, non-disclosure agreements have been used to share certain information, um, to lie at Manchester progressed to provide these sorts of matters. So.

00:42:33:03 - 00:43:06:01

Thank you. Um, and Miss Dunn, on the point about there not yet being a detailed design and therefore it being difficult to know, um, the project that's being assessed is. I'm struggling to see how that's different from any other impact on a on an end step where we are, where we have a maximum design scenario or Rochdale envelope approach, would you not just use the maximum design scenario? And I appreciate that. You will say that will produce an overly precautionary outcome as we, which is something we have to grapple with on almost every issue.

00:43:06:03 - 00:43:08:03

But could you not do it using the MDS?

00:43:11:05 - 00:43:42:19

At least done on behalf of the applicant? Um, the point around, yes, projects are done on a worst case, but they're done on a worst case with some key parameters in there. And I think our point is that it, um, without an understanding of, uh, which turbines going to be brought forward and therefore, you know, the details of that turbine. Um, it you are modeling something that, frankly, is, is is kind of meaningless. There is something else I wanted to come back on.

00:43:42:21 - 00:44:21:14

And that's this point around the ability to do an assessment, and are very grateful that the Orsted IPS would be willing to share their commercially sensitive information under a non-disclosure agreement. Um, obviously, the purpose of environmental impact assessment is for there to be an open and transparent, uh, consideration of material so that it isn't just the parties that are interested, but actually the wider public and others who are able to access and have regard to that information and environmental impact assessment, uh, typically does not um, uh, is not information isn't provided or sought under a non-disclosure agreement.

00:44:21:16 - 00:44:42:26

It's publicly available information that can be tested, um, by all parties. Um, and given that the reference in the um, in the the national policy statements is to that being done in accordance with policy and guidance for offshore wind farm areas, it's very much in that that this is this is where the complexity arises in that this is.

00:44:44:12 - 00:45:14:14

Well, it's one of the issues where the complexity arises around the nature of the confidential information and the details that are being provided that, um, yes, uh, operators have weight loss models, but they are private internal models that they use for various purposes. They're not things that are made public. And the information that is, uh, that is secured from is not made public either. So, so in terms of, uh, that very gracious offer for Mr.

00:45:14:16 - 00:45:16:11

Ennis to share that information.

00:45:16:19 - 00:45:17:06

Um, uh.

00:45:17:23 - 00:45:55:23

Our position is that doesn't allow for a proper er and open and transparent EIA. Um, it's also the the point around, um, there isn't a public, there isn't an accepted model that can be used in order to model these things. The Orsted IPPs have their model, other promoters have their models. Everybody has a different model. There isn't a single accepted model that that all parties agree on and would be comfortable with, or is endorsed by a third party, uh, on which such an assessment could be undertaken.

00:45:57:18 - 00:45:59:29

Thank you. Um.

00:46:04:20 - 00:46:41:21

I suppose in terms of the I think we do need to be careful about the difference between, um, effects that need to be assessed in line with the EIA regs and the effects that need to be assessed as policy requirements. And I understand what you're saying about, obviously, the EIA process needing to be taken, um, forward in a public forum. But I'm also thinking about, um, parallels with things like



commercial fisheries, where, for example, there may be commercially sensitive information about fishing grounds and things that may be information shared between, uh, those interests and applicants in order to progress and to arrive at some kind of agreement.

00:46:41:25 - 00:47:16:01

Um, and that seems to be an accepted way of taking forward other matters. So I'm, I keep that one on the table. But, um, I've got a couple of questions just for Mr. Innes. Um, based on the submissions we've had at deadline three, if I may, um, as we're talking about modelling and I accept what both parties are saying about, um, this being a frontier in terms of not being established, modelling and, um, practices. But, um, Mr. Innes, you've talked about, um, some internal modelling that you've undertaken.

00:47:16:28 - 00:47:28:29

Um, can I just ask about that? Uh, is that based on the maximum design design scenario for Mona? What what inputs going into that modelling?

00:47:30:29 - 00:48:11:26

Um, Colin is on behalf of the stripes. I've not been involved in the inputs or output to that particular private model. Um, um, in essence, what we were saying is we've, we've done our internal modelling, which we will fully accept. Um, our internal modeling, um, would not be something which effectively was something which we would put in evidence because we'd probably suggest there are, um, uh, shall we say, third parties who do, um, in the open models, which they are essentially, um, providing to, uh, different parties.

00:48:11:28 - 00:48:20:04

Our internal modeling is our own internal model, but I have not been party to these specifics that have been put in there. But they will have to have been some assumptions made.

00:48:21:21 - 00:48:54:28

And, um, I appreciate what you're saying about that information entering the public domain. Um, but I think it would be useful since we're, since this debate is continuing, um, if we could have a deadline for ideally if we could have a, like a simple table from the AusAID IPS, which just sets out for each of the Orsted projects that you're representing here, what year that wind farm is expected to end operation. Um, just so that we can start to have a look at the temporal overlap here between the operation of the Marina project, which has an indicative start of 2030 with those Orsted projects.

00:48:55:05 - 00:49:09:11

I appreciate those projects might be subject to repowering, and it may not be that you have can give us an absolute end date, but we just I think we'll just ask for that information because I think it would be, um, useful to have it to hand. Does that sound possible?

00:49:09:25 - 00:49:11:24

Uh, something else to constructions on that one.

00:49:12:07 - 00:49:57:26

Thank you. And I suppose, um, the other question was around. We've looked at the map. We can see that each of the projects you represent are in different locations, uh, relative to the proposed mono array. So it feels that reasonable and logical that there would be different if there are effects, there could be different effects on each of the projects that you represent. But at the moment, we're looking at them very much in blanket terms, which I think if it can't be the way that we continue, if we are

going to keep pursuing this argument. So I don't know if you're able to today, but I think if not today, then again, in writing, we need to see a little bit more about, um, if you've taken some into internal modelling, um, there must be some outputs about, uh, which of the projects, if there are particular projects you're particularly worried about,

00:49:59:18 - 00:50:11:05

or is it that you're just saying the principle? In principle, there needs to be an assessment because it's the onus is on the applicant to, um, to demonstrate that they wouldn't be in effect.

00:50:11:14 - 00:50:18:05

I think most certainly be, uh, review that and come back to you with, with with with some text around around that. Thank you.

00:50:18:16 - 00:50:19:04

Thank you.

00:50:19:14 - 00:50:50:11

Can I just Lasdun, on behalf of the applicant, can I also ask that if that's provided it also takes into account any impact of the operational, um, uh, AusAID IPS projects on each other? Because clearly there are they are very close to each other. Um, and there will be existing wakes, um, presumably or existing, uh, positions. So, so that it's looking at it not only on an individual projects basis, but also, um, effectively what the baseline would be.

00:50:53:05 - 00:50:55:00

Is that something you can take away, Mr. Ennis?

00:50:55:04 - 00:50:58:29

Yes, certainly. Yeah. That whole piece. Yes, certainly.

00:51:00:17 - 00:51:34:16

Um, I mean, obviously we're hearing submissions from the author on this, but we are also keeping in mind that anything that we ask for here, um, could have implications for other non Orsted schemes that are existing operational wind farms. And we've heard submissions from the applicant that we haven't had objections from others. And therefore um, we'll we're just keeping that in mind. I suppose the difficulty from the SSAs perspective is that it's not that we have two parties here disagreeing about the magnitude of an effect that has been assessed we're talking about.

00:51:34:24 - 00:52:03:29

One party saying that there is no effect and it doesn't need to be assessed, and the other saying that there is an alleged effect, but there is no assessment. And um, in the absence of an assessment, we are grappling somewhat with how to weigh any potential effects in the overall planning balance, because if we're in this same position at the end of the examination, we are going to have to adjudicate the issue. Um, and again, questions like how, uh, the mitigation hierarchy have been properly applied. Um.

00:52:06:14 - 00:52:47:27

We've talked a little bit about parallels with other, uh, potential effects on commercial interests in the marine environment, and that's something that we have been thinking about, too. Um, but it is quite hard to accept the argument that there would be no effect without some, uh, evidence or guidance to support that, especially in the face of evidence to the contrary from other The parties. So I take what

we're hearing about the complexity of lake effect assessment. And I suppose partly I'm wondering if there's some interim step that could be taken that isn't a full blown way effect assessment, but could be some kind of, um, high level, uh.

00:52:50:00 - 00:53:27:25

Look at look, look at the map. I can't even give it a name, but it's some there's some step in in that direction that could assist with the arguments. Um, this isn't a question. I'm just. This is just an attempt to explain to to both the parties the situation from our perspective, because we're we're trying to look at how this plays out. Now, um, if we're in the same situation at the end of the examination and, um, it's, it's there's not an easy answer. Um, I just wanted to come back on the question that or the matter that was briefly raised there about, uh, the sort of the, the indirect impact.

00:53:27:27 - 00:53:51:06

So this so obviously we're talking about some commercial direct commercial impacts that could be on the on the table. But then that wider issue about um, if there were to be found some weak effects, whether that could uh impact on the, the, the basically the case in terms of the benefits of the scheme in terms of carbon savings, uh, etc.. Um, and again, um,

00:53:53:00 - 00:54:16:22

I don't think we've, we've heard we asked the question in Q1, we've had some answers to it, but it's just something that's also just to be aware, something that's also in our minds in terms of if one project is reducing the yield even by a small amount of another scheme, then does that reduce the overall net carbon benefit of a scheme is something else that we're thinking about. I don't know if the applicant would like to come back on that.

00:54:36:12 - 00:54:45:29

Please stand on behalf of the applicant. I'm not sure we can add anything to to our response on that one so far. Um, it, it it's, um,

00:54:47:21 - 00:54:49:05

without having,

00:54:51:02 - 00:55:26:12

without having some specifics around what an effect would be. Um, I don't think you can take anything into the wider carbon balance. Um, except to say that clearly. Um, the and again, it's our position that the, the, an assessment isn't required and therefore that information would not be available to go into that assessment because at the distance, because it isn't required as a, as, as a point of policy, um, I guess there's a kind of backstop position.

00:55:26:14 - 00:55:43:04

It would be that, um, you'd probably end up into the position of the, um, uh, and I can't remember which specific bit of the, um, of the policy is, but it, um, the National policy statement talks about, um, of, um.

00:55:44:01 - 00:55:44:19

Uh, there.

00:55:44:21 - 00:56:18:16

Being a point where where one scheme would affect the, um, the continued operation of the other one. So I can't remember the specific paragraph haven't got in front of me at the moment. Um, uh, uh, and

we're certainly not in that position. And I don't think anybody's arguing that as a result of the mono project, that any of the Orsted IPS projects would cease to be commercially viable. Um, and so what you'd be looking at in terms of some sort of, uh, loss of carbon effects has got to be, um, pretty minimal in that context.

00:56:20:01 - 00:57:12:22

Thank you. And I, I, uh, my understanding of the submissions is, is also that there's no there's no suggestion that that we're into the questions of challenging the viability of existing schemes. Um, I suppose, um, I feel like we've we have laboured over this nearly enough. Um, I suppose I wanted to, um, come to Mr. Innes and just really ask what it is that the Orsted IPPs are seeking from engaging on this. So, um, if if, um, in a hypothetical world a week effects assessment was undertaken, um, what then would you be seeking? And would it be within or outwith the DCO process? Um, assuming you've kind of worked that through that question, through with your clients.

00:57:13:17 - 00:57:45:03

Coming out of the, um, Orsted IPPs? The first question that needs to be answered is through the fact And we say, yes, there is. If there isn't a fact, therefore it's a matter that we say will be relevant to your consideration, but also to consideration of what mitigation might well be required. And, um, I suppose in the first instance, we're trying to get to the stage of understanding and getting some level of agreement on the nature and extent of effect.

00:57:45:07 - 00:58:35:29

And the consequence of that would then come into your equation. And I think you've already alluded to mitigation hierarchies, etc., and that within, um, factors, there'll be a whole range of factors which um, in terms of the subsequent development of the scheme, uh, there may need to be some element of justification for uh, designs and other matters arising from it. So at this stage, as they were keen to understand and get some level of agreement on a fact. But if, um, our evidence is Excepted, then clearly we do also believe that it has consequences for being an important factor that needs to be properly considered, both in decision making and also potentially in the further design of the scheme.

00:58:42:16 - 00:58:50:25

Thank you. Um, okay. Would the applicant like to come back on that?

00:58:54:28 - 00:58:59:23

Please, Don, on behalf of the applicant, I don't think we've got anything to respond. Thank you.

00:59:00:10 - 00:59:30:13

The only other thing I suppose I wanted to pick up was obviously I know it's a different applicant, but I also know that it's some of the same, um, team members. And I'm just wondering whether there's any emerging experience from what's been happening on the well and more requirement 23 and, and seeking to discharge it. And I mean, obviously a weak effects assessment has been required there in mitigation if if shown to be necessary. Are you able to say anything at all about whether that process has started and indeed.

00:59:30:15 - 00:59:34:13

Um, what's it in, what it has involved? I'm just thinking whether there's any learning.

00:59:37:08 - 00:59:42:01

That is done on behalf of the applicant. You'll have to ask that of the hourly more project team.

00:59:45:02 - 00:59:48:25

Thank you. Okay. Um,

00:59:50:12 - 00:59:54:17

we've, I think gone as far as we want to go today. Um,

00:59:56:02 - 01:00:13:11

yeah, I think bearing in mind the time as well, we want to we want to be able to move on. Is there anyone who wants to? I suppose the only other thing I just wanted to check is, is there active engagement between these, between the applicant and or IPS outside of the formal examination here, or is that not happening in behind the scenes?

01:00:24:12 - 01:00:52:21

A pool caster on behalf of the applicant. There have been meetings previously between the applicant and the Orsted IPPs. Um, we aren't currently engaging with them. Given the difference in position on this, there are obviously engagement between the Orsted IPPs, and I think there was mention of Morgan, the sister project to this with respect. Um, of of more recent meetings. But between Mona and the Orsted IPPs, there hasn't been recent engagement because of the difference in positions.

01:00:55:06 - 01:01:36:21

Okay. Thank you. I think we'll go away and have a think about everything that we've heard today. There's a lot in there to consider, and, um, we'll decide next steps, I think. Um, I don't think there's anything else. Anything else from my panel? No. Okay. Um, the second part of the, um, Agenda item six was about coexistence, but I'm. I'm conscious. We've already covered, uh, some coexistence issues in relation to commercial fisheries this morning. And one of the things that we asked for, which was about, um, the ongoing commitment to the Marine Navigation Engagement Forum, um, in the post consent phase that's now been secured properly, which at deadline three, which is welcome.

01:01:37:09 - 01:01:56:14

Um, there was just a, um, kind of a final point, which again, had come through from the Orsted IPPs about the need for some coordination between the projects and the wider Irish Sea, uh, over and above what's being offered as part of the Marine Navigation Engagement Forum? I don't know, Mr. Innes, do you want to make any further points on that today?

01:01:57:25 - 01:02:28:15

Uh, comments on behalf of the Orsted IPPs? No, and there was some helpful discussion about other matters earlier today that we're going to consider as well. So, um, I don't have anything to add at this stage, but I think perhaps this morning's pictures illustrated some of the the matters which, if you look at all the projects that that what we're really talking about is some degree of cooperation. So those pictures probably said a thousand words in terms of some of the issues arising. But as I say, we're nothing further at this stage. And I will respond further if you need to.

01:02:29:03 - 01:02:29:24

Thank you.

01:02:31:09 - 01:02:37:04

Okay. And, uh, give the applicant a final opportunity to come back on this item six before we then move on.

01:02:38:06 - 01:02:39:17

Thank you. Madam. Nothing from us.

01:02:39:28 - 01:02:56:06

Thank you. Okay. We are going to move straight into item seven, which is, um, the aviation and defence interests. I appreciate you'll probably want to move your team around. Um, is that something you can do just for. If we give you a couple of moments.

01:02:56:13 - 01:02:58:18

Uh, two minutes would be great.

01:02:58:20 - 01:03:10:02

Thank you. That's fine. We'll, um. We won't. We won't adjourn. We'll just. You can turn your camera off and, um, come back as a new team if you like, but we'll just. Thank you. Okay. Thank you. Well, we'll just take a breather for one moment and then come back to you.

01:04:21:28 - 01:04:26:29

I will make a start on item seven. I'm sure we'll see the applicant reappear in a moment, but, um.

01:04:28:15 - 01:04:58:27

Item seven deals with the effects of the proposed development on civil and military aviation and defence interests. Um, we've covered this topic at issue specific hearing to back in July, and so I don't anticipate needing a lot of time on this item, but I think it's just an opportunity to check back in on progress with some of the unresolved matters. I have, uh, Mr. Anderson potentially wanting to speak on the BA Warton issues. Is that correct?

01:04:58:29 - 01:05:08:00

Mr. Innis appointed some half of the Orsted IP. It's more a watching brief. I don't have to say anything. Um, okay, so it's more and more. We're still here.

01:05:08:12 - 01:05:20:08

That's fine, thank you. And I don't know whether we have Mr. Armitage with us still, whether there's anything that, um, the Isle of Man Territorial Seas Committee might want to contribute on this topic. Mr. Armitage?

01:05:20:23 - 01:05:40:11

Um, hello. Yeah, we would like to, but unfortunately, um, our airport directors had to step out. He had another meeting booked at this time. Okay. Um, what we would suggest is possibly if we could submit something in writing, um, after this meeting, that probably best, best approach. That's okay.

01:05:40:23 - 01:06:11:07

Thank you. We will deal with, um, probably the runway. Airport staff will come up under item B part being so. Um, yes, absolutely. Listen to the, um, the conversation and then feel free to submit at deadline for as part of a, um, post hearing submissions would be fine. Thank you. Yeah. No. That give the option. Thank you. And the applicant can respond at deadline five then. Yeah okay. It's the applicant. Um, does the applicant have its team ready?

01:06:11:27 - 01:06:13:17

Thank you. Ma'am. Yes we do.

01:06:13:19 - 01:06:49:09

Perfect. Thank you. Okay. Lovely. Welcome back. Okay. Um, so we're going to start with the Blackpool airport. Um, issues. So we we did explore the Blackpool Airport matters at issue two. And we've since had two iterations of the statement of common ground between the applicant and Blackpool Airport, the most recent being at deadline three. Um, there's still outstanding disagreement between the parties in relation to the assessment of aviation and radar effects from the project alone and cumulative with cumulatively with other projects and in respect of appropriate mitigation.

01:06:49:11 - 01:07:06:09

And this comes down to the need to wait for the outcomes of the ongoing safeguarding assessment, which is being undertaken by the airport's uh approved Procedure Design organisation. We don't have Blackpool Airport with us today, so I'll just ask the applicant if there's any update that you can provide on this.

01:07:08:15 - 01:08:00:13

Jerry Vetter for the applicant. Um, as a first point, I would say that there isn't a disagreement between the applicant and Blackpool Airport. I think it's it's the second part of your point that there is this ongoing process. Um, so I did actually reach out to the airport to make sure that we had sort of an agreed position to present today, uh, in terms of an update. And, and that is that, um, Blackpool Airport are still undertaking their five year review. Um, a point that they, they did make and emphasize is that the five year review that they are undertaking is already taking into account the impacts, uh, the potential impacts of the Moana wind farm and will design in the mitigation required, which, as we've discussed at issue two, uh, relates to, uh, a change to the minimum sector altitude.

01:08:00:18 - 01:08:39:17

So, um, so that process is ongoing. Um, it's not yet been completed. They are still on target to complete that for the end of November. Um, the issue is then that they then have to, uh, I'm probably not using the right terminology, so apologies for that. But they then have to pass that document on to the CIA and uh, the Civil Aviation, Civil Aviation Authority, um, who will then, um, do their checks to make sure that they're happy with all of that. And there is a risk that the point at which CAA confirm the mitigation that's been identified by Blackpool Airport's, um, independent.

01:08:39:20 - 01:08:40:05

Um.

01:08:43:05 - 01:08:45:14

What's that procedure design or.

01:08:46:24 - 01:09:19:08

Blackpool Airport's approved procedure design organisation, which is, um, serious, um, that there is a risk that that won't finalize until after the examinations ended. However, they are looking at the mitigation requirements. At this stage, there is no indication that the mitigation requirements differ from our view on what they were, which was an increase to the minimum set to altitude of 200ft from 2000ft to 2200ft.

01:09:19:10 - 01:09:20:10

And um,

01:09:21:28 - 01:09:35:12

uh, as uh, again, we presented at issue two, Blackpool Airport are completely in control of that process, uh, in control of, uh, implementing of implementation of the mitigation. And, uh,

01:09:36:27 - 01:09:37:21

I'll stop there.

01:09:39:17 - 01:10:18:17

We understand the point of that. That is very helpful. Um, and we do appreciate that you are somewhat reliant on the outcome of that separate process. Um, I suppose, um, we'll ask you just to keep the pressure on, to make as much progress as possible. It's helpful to have that slight update on the timescales, um, end of November for the completion of that work. Um, and just keep us posted during the examination. And I wonder whether, um, there if we if you're in a position where you don't yet have that CAA approval by the time we close, whether there's any sort of letter of no impediment or anything that can be provided in terms of comfort from Blackpool Airport, that would assist.

01:10:18:19 - 01:10:47:15

I appreciate it's, um, subject to a separate, um, approval process. In any event, I suggest that you use the closing submissions at deadline seven to set out your position fully and just again, just to corral all of the information that you have. Bearing in mind we're not having active engagement from Blackpool Airport directly into the examination. So it is going to be evidence from yourselves that gives us, uh, what we need to go as far as we can in reporting, if that's the that's the situation we find ourselves in. Does that all seem reasonable?

01:10:48:26 - 01:10:51:15

Jerry Vella for the applicant? Yes, absolutely.

01:10:51:28 - 01:11:24:13

Thank you. Um, is there anything else on item five a or should we move straight into part B of this item. I can't see any hands being raised. So, um, so part B looks at, um, the mitigation of effects on civil primary surveillance radar. And again we explored this at issue specific hearing to in terms of the interests of Nats en route, um, this comes down to the potential effects on air traffic control radars that allow the hill a Saint Anne's and Great Dunn fell.

01:11:24:15 - 01:11:58:00

Now we've seen a deadline three that there's agreement with gnats um, that the the the assessment has been um correctly undertaken in terms of and the outcomes are agreed in terms of the project load and cumulative effects. And so it's just down again to pinning down the mitigation. Um, we can see that the parties are engaging on a commercial agreement and also a requirement. And we have a draft of that requirement, um, in The statement of common ground.

01:11:59:04 - 01:12:13:13

I just wondered that's obviously very closely following the requirement, and that's a parallel requirement in the well and more order. Um, is that still under discussion with Nats, or is that, uh, are you able to provide any update on your discussions with them?

01:12:14:22 - 01:12:49:23

Gerard Vella for the applicant? Uh, in terms of the, um, the mitigation services agreement, we are engaging on that. Um, we've both agreed that we want to complete this before the end of the examination, and we'll be working towards that, and we'll update you at deadline four and five. Fingers crossed. Will be done at deadline five. Um, in terms of the DCO requirement. Um, as you noted, we've included, uh, drafting within the updated statement on common ground submitted that deadline three.



01:12:50:06 - 01:13:15:14

Um, we haven't yet engaged with Natts as to the adequacy of the wording there, but as you pointed out, it's based on hourly more. One of the most recent, um, um, made DCS, uh, and therefore we are assuming it will be appropriate, but we'll engage with them and, uh, and ensure that that's, uh, finalized along with signing of the contract.

01:13:17:25 - 01:13:44:08

Thank you very much. And just to kind of side point, um, in the I think the commercial side agreements tracker that the, um, there's reference made to an agreement between Mona Offshore Wind limited and to Nat's bodies, nat service Nat's Services limited and that's on route plc. I just wanted to understand the difference between those two maps bodies. It may be one you can follow up as an action point. Just for completeness.

01:13:44:16 - 01:13:51:26

Let's done on behalf of the applicant. Yes we will. There is a reason for it. Um, but none of us at this table know it off the top of our heads at this moment.

01:13:51:29 - 01:14:26:03

Well, I'm like, exactly what I thought. There must be a reason. And obviously we only have Nats on root as an interested party in this examination. So it's just for completeness. Um, is there anything else on the gnats issues or so we quickly look at the Ronalds way in Liverpool Airport's PSR matters. We'll move straight on. Um, so in terms of the potential effects on primary surveillance radar at Ronald's, um, Isle of Man Airport and Liverpool Airport. We've asked, uh, the issue we've had is that we haven't had direct engagement from either of those airports in this examination.

01:14:26:05 - 01:14:54:11

So, um, we've asked in the SSC one for confirmation of certain details by deadline seven, so that we can report as fully as possible, which hopefully you've, um, you'll keep on your on your radar until the completion of deadline seven. Um, and we are conscious that the gnats mitigation could also assist with the PSR matters at those airports. Um, is there any update on Ronald's Way or Liverpool Airport's Mr. Vella?

01:14:55:28 - 01:15:28:05

Jerry Vella for the applicant. Um, in terms of Ronald's way, airports. Uh, at issue, um, we explained that, um, engagement had been paused with Ronald's Way airport whilst they undertook a surveillance strategy to understand their safeguarding requirements for the next 20 years. Um, that surveillance strategy is now complete. Uh, we met with the airport on the 10th of October, and they shared a copy of the report with us.

01:15:28:20 - 01:15:58:28

Um, so as we have only just received that, we are still digesting the contents of the report. Um, and, um, thinking about next steps. We do actually have a meeting set up with, um, Mr. Pugh, who was on the call earlier today with Territorial Seas Committee. Um, but it's no longer available. We do have a meeting with him tomorrow to go through the report and discuss next steps. Um, we are engaging with the airport, both in terms of Mona and Morgan.

01:15:59:00 - 01:16:14:11

So some of our colleagues will be attending that meeting tomorrow. Um, I'll be in the the DCO hearings so I won't be there, but we will provide you an update on the outputs of that meeting at deadline for on the 4th of November.

01:16:15:28 - 01:16:26:22

That's really helpful. Thank you. And it's encouraging to hear that. Um, but that work is, um, being shared with you now. Um,

01:16:28:12 - 01:17:04:22

I would I'm, I'm not seeing a hand up from astrometry, so I'm assuming you don't want to come in, but do raise a hand if you'd like to. Um. Okay. I don't have anything else on part B then, and so we will just move on then briefly to look at the, um mitigation of effects on military ser on um at VA Wharton. And we can note from um the deadline three statement of common ground that um Bay systems water and aerodrome are in the process of um.

01:17:06:24 - 01:17:37:24

Implementing a new PSR radar at Wharton, Arizona. So this is an extract from the from the statement of Common Ground. And that's expected to be online by the end of 2024. So, um, we're I think it's mid-October, where, um, the AI systems were hoping to be in a position to give more information. And I think what it says is the deadline five is when we should expect an updated statement of common ground, so we don't have the mod with us. Um, but I'm wondering whether the applicant has got any update in terms of, um, those ongoing discussions with the Mod.

01:17:40:10 - 01:18:22:25

Uh, Jerry Fuller for the applicant. Um, I'll update you both on engagement with BA Systems Walton and and also with the Defense Infrastructure Organization. So starting with BA ba systems Walton. Um, as you noted, they are uh or we reported in the statement of common Ground that they are, um, implementing a new radar at the aerodrome. Um, uh, it's expected to be online by the end of the year, subject to site acceptance and flight trials and, uh, the, the, the the entire the entire process is, is, uh, subject to a non-disclosure agreement.

01:18:23:13 - 01:18:56:11

Um, when we met with BA water, uh, BA systems, uh, back in, um, July, I think it was July the 12th, uh, after the issue had been highlighted by BA Systems and Dio. Uh, they were anticipating being able to provide further information by mid-October and at that time by systems, did indicate that mitigation was likely to include as a minimum optimisation of the radar for the mono project flight files and a safety case to the CIA.

01:18:56:16 - 01:19:38:12

So since then, um, we have engaged with BAE systems, um, and most recently that was on the 15th of October when they provided an update to us on timescales for both discharging the non-disclosure agreements and enabling them to be able to engage with us on, um, any mitigation requirements. Um, now, they explained to us that being able to remove the non-disclosure agreement, um, isn't possible until full commissioning of the new radar that's now not likely to be until January 2025 at the earliest.

01:19:38:26 - 01:20:29:02

Um, however, BAE systems is looking to see if they can achieve an earlier discharge of the NDA, provided certain conditions are met and in agreement with all parties to the NDA. Um. Additionally, BAE systems have stated that they would be willing to review a request from the applicant for specific technical information for immediate release, subject to agreement with the NDA. Um parties.

We have then followed up um with an information request that will allow us to start to consider what we think the mitigation requirements might be, and we have a meeting secured on the 1st of November, um, with BA systems to, to discuss that further.

01:20:29:04 - 01:20:40:19

So I'm hoping that there should be sufficient time to provide you with an update at deadline for on the 4th of November. Um, Now,

01:20:42:05 - 01:21:16:08

we appreciate that. The key concern here is, of course, that, um, if it's not possible to confirm until after January 2025 what the mitigation requirements might be, that's likely after the close of the examination. So so in parallel with that, we have sought to, um, engage with Dio on a DCO requirements for which drafting was included within the updated statements of Common ground with Defence Infrastructure Organisation at deadline three.

01:21:17:00 - 01:21:52:00

Um, the initial feedback from Dio is um is not completely clear on, on on that requirement. We do need to engage and understand exactly what their concerns are with the with the requirement. And we'll be aiming to do that. Uh, we have reached out and tried to set up a meeting. Been unsuccessful so far. um, but we have put, um, drafting for a DCO requirement requiring mitigation to be in place prior to commencement of, uh, of, uh, operation of wind turbines, uh, etc.,

01:21:52:02 - 01:21:52:24

etc..

01:21:54:12 - 01:22:29:09

Uh list done on behalf of the applicant. I think what I'd just add, and probably Mr. Vilas, um, alluded to is what we don't know because of the non-disclosure agreement is what the new radar can do and therefore whether actually the new radar will cover Mona and therefore nothing's needed. Okay. Um, or whether actually the new radar won't do that and therefore some sort of mitigation sitting alongside that will be needed to run in parallel. So I think, uh, it it's not a situation or we're certainly not expecting a situation where there isn't a solution.

01:22:29:11 - 01:23:00:17

It's just does is anything going to be needed. And clearly from an applicant perspective, um, we need to be just as the as yourselves and the Secretary of State need to be clear that mitigation is deliverable. We also need to know what we're signing up to in terms of making sure that there's clarity on that around. So that's that's where the kind of that's where the challenge is at the moment because of the because of the situation with Walney, obviously. I'm sorry, Walton, um, implementing the new radar, but we are, as you've heard from Mr.

01:23:00:19 - 01:23:05:07

Valley, we're working very hard to try and unlock that in any way possible.

01:23:05:18 - 01:23:24:12

Thank you. And it is, um, it's welcomed. And so as I understand it, then the, the, um, the DCO requirement that you're working on is kind of a backstop for the situation that the mitigation isn't agreed before the close of the examination. It would basically require the mitigation to be agreed.

01:23:27:26 - 01:23:40:00

Yes. That's right. So effectively it's it's a it's a yes, it's a backstop position in the event that that whatever's being implemented now doesn't address or doesn't deal with the Moana project.

01:23:40:14 - 01:24:14:23

Thank you. And as I've said with the other matters on this topic, um, just keep us informed as you as you have been. And, um, if we are in that position at the end of the examination, then obviously set it all out in in closing submissions at D7. Um, and give as much evidence as you can of any support from the um, Defense Infrastructure Organization and indeed, um, Wharton. Um, Mr. Innis, did you want to raise anything here in terms of the Walney and extension and extension mitigation and.

01:24:15:22 - 01:24:20:25

All of this on behalf of those particular Orsted IPPs? No, I've got nothing to add. Uh, thank you, madam. Thank you.

01:24:21:03 - 01:24:21:26

Thank you.

01:24:23:23 - 01:24:53:09

Okay. Um, and before we leave that, I will just note that the mod has also made some, um, I should probably say defense infrastructure organizations, or. She also made some suggestions about the wording of requirement three on aviation safety. And because they're drafting matters, we will cover those points at issue specific hearing five tomorrow. Um, is there anything else that anybody would like to raise under this aviation and defense topic?

01:24:56:03 - 01:24:59:20

In that case, I'm going to pass over to Mr. Hobbins now.

01:25:00:12 - 01:25:28:00

Thank you very much. Um, I'm now going to deal with item eight, which is the review of issues and actions that um, so we've been taking down a list of the action points from today's hearing. Uh, but given the time and the number of actions which are over 20, I won't read them out now, but we'll be getting this action list finalized and translated and will publish it as soon as practicable, which is hopefully by the end of this week. Uh, would anybody wish to comment?

01:25:30:03 - 01:25:36:19

No, I see no hands up. Um, so in that case, I will now hand over to Mrs. Jones. The next item on the agenda. Thanks.

01:25:37:17 - 01:25:46:28

Thanks, Mr. Hopkins. That takes us to agenda item nine, which is any other business. Does anybody wish to raise anything else with us before we move to close?

01:25:50:09 - 01:26:22:21

I'm not seeing any raised hands, so I will move to close. Just before we do, I'd like to thank everybody for all their contributions today. We've had some very detailed submissions, but it has all been really helpful to us as an examining authority. Um, our next hearing is tomorrow. That's issue specific hearing five. And that's on the draft development consent order. That's also a virtual hearing. And that starts at 930. So the time is now 1614. And issue specific hearing for for the Moana offshore wind farm project is now closed.

01:26:22:23 - 01:26:24:07  
Thank you. Dialogue.