



## Trawsgrifiad Gwrandawriad

<b>Prosiect:</b>	Fferm Wynt Alltraeth Mona
<b>Grandawriad:</b>	Gwrandawriad Mater Penodol 6 (ISH6) – Rhan 2
<b>Dyddiad:</b>	10 Rhagfyr 2024

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## Hearing Transcript

<b>Project:</b>	Mona Offshore Wind Farm
<b>Hearing:</b>	Issue Specific Hearing 6 (ISH6) – Part 2
<b>Date:</b>	10 December 2024

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FULL TRANSCRIPT (with timecode)

00:00:00:13 - 00:00:03:04

Just check that the live stream is up and running, please.

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

Yes, sir. Thank you. Um, so we are at agenda item four, which is the progress update, and that is now for the landscape and visual elements and good design items. So I have a few update questions to ask to the applicants. And then I will come to Mr. Hussey at the end. As I know you've indicated that you would like to speak on this item

00:00:29:03 - 00:00:49:01

so I could come to the applicant first and ask please for an update on progress with regards to discussions concerning the Without Prejudice landscape enhancement scheme, which was discussed at issue specific hearing three and then which is being referenced in the statement of Common Ground with the Isle of Anglesey, which was provided at deadline five. Thank you.

00:00:51:13 - 00:01:36:19

Thank you, Paul Carter, on behalf of the applicant. Um, so the applicant has met with the Isle of Anglesey Council, and we met on the 13th of November for an initial discussion to understand their positions on this and how we might move forward. Um, at that meeting they pointed to the Alamo, um, landscape seascape enhancement package as a potential model to be used. Um, we then met subsequently on the 5th of December, at which we presented, um, a possible, uh, set of heads of terms to former without prejudice, um, seascape enhancement fund based on the Alamo precedent that we were appointed to.

00:01:36:27 - 00:02:16:11

Um, we sent those heads of terms to an RW in the Isle of Anglesey on the 8th of December. So. So, um, uh, actually, I think that should be the 9th of December. Apologies. So yesterday. Um, so we're therefore looking to, uh, receive comments on those. We are also looking to set up a follow up meeting, ideally before, um, deadline six, noting the time available in the examination. Um, we have made contact with the, uh, National Park Authority to keep them abreast of developments, but haven't had a response with respect to, um, to that, noting that they're not an interested party in this examination.

00:02:17:08 - 00:02:56:09

Um, so I think our next steps will really depend on the responses that we receive from NRW and the Isle of Anglesey on those proposed heads of terms. Um, I think, uh, not not sort of, um, speculating too much on, on where we will we'll get to um, I think based on the discussion that we've had to date, there's a good chance that we will reach an agreed position on or without prejudice basis on, um, on the terms of the, um, agreement, uh, potentially with the exception of the value of that, we presented a, um, uh, proposed Opposed value.

00:02:56:18 - 00:03:30:19

Um, in the discussions that we held, and that's in the heads of terms that we've sent, um, and we're expecting, um, a response from um and W in the Isle of Anglesey. Um, on that, we obviously need to await that response before we decide how to progress. Um, obviously, ideally, we would like to reach an agreed position on this with respect to an agreed, um, uh, heads of terms for a fund. Um, but but that does depend on the, the level of response that we receive. So we need to look at potential avenues for how we will progress this in the absence of, of agreement.

00:03:30:23 - 00:04:06:12

Um, irrespective of of that, we are looking at how this might be secured and are looking at the precedent set on the Alamo scheme with respect to a requirement likely to be similar to the Alamo one, um, that that would, um, secure a section 106 agreements in line with the, uh, heads of terms, um, to be put in place once there is land available for the project to to bind it to, but we need to consider our position on that, and we haven't settled on that as the appropriate term, appropriate way forward, just as a as of yet.

00:04:07:12 - 00:04:18:15

Um, all of that obviously would be provided on or without prejudice basis to yourselves and the Secretary of State for a decision to be made as to whether that would be needed. And that position hasn't changed from our perspective.

00:04:20:27 - 00:04:21:16

Okay. Thank you.

00:04:30:17 - 00:04:31:03

Okay.

00:04:33:00 - 00:04:38:07

Um, yeah. Can I ask, um, it will be expected to see something or not at deadline six. So.

00:04:40:14 - 00:04:59:28

Paul Carter, on behalf of the applicant, we can certainly provide an update beyond anything that I've provided here. If things have moved forward by deadline six. Um, I think given the timescales, it's unlikely that that update will be that we have Agreed. And I think but certainly we can let you know what we can let you know if there are any updates beyond what we've just just discussed now.

00:05:01:12 - 00:05:01:27

Thank you.

00:05:03:20 - 00:05:21:14

Yeah. If I just just come in for a moment, just in relation to that, obviously can provide an update. And you've given us some possible routes forward depending on where you get to with your, uh, discussions. Will you be, um, suggesting wording for a potential requirement by deadline? Six

00:05:23:02 - 00:05:57:14

list down on behalf of the applicant. Um, yes. We'd be looking to pull together for deadline seven. Um, where we got to in terms of, uh, of that level of agreement, um, on the hourly more consent, there was a there was a, a there was a requirement which, um, secured the agreement sort of further down the line when, um, when the, um, when the applicant has that those rights in land that are needed, and that was based on a sort of agreed heads of terms that were in place at the end of the examination.

00:05:57:25 - 00:06:40:24

Um, uh, I think Mr. Carter's point here is that, um, there's clearly a sort of frame that we can follow to do that on or without prejudice basis here. The question is how we would resolve the issue of not perhaps agreeing the amount of that fund with the authorities at the end of the, uh, examination and how that matter might be dealt with going forward. And that would be something that we would need to build in. So I think to reassure you, those conversations are taking place. We will we will update as far as we can for deadline six, but will at deadline seven present that sort of this is the position we've got to this is how we think it needs to work going forward.

00:06:41:02 - 00:07:00:03

Uh, and that will then be there for obviously the, the Secretary of state, um, to make that decision as to whether, uh, he or she, he feels that, um, that that that is necessary in terms of the consent. Thank you. So I guess what you're talking about, there is potential, some sort of arbitration.

00:07:00:05 - 00:07:21:18

Available for that those funds. Because if you haven't come to an agreement on on those funds and you then can't come to an agreement. Um, should the DCO should, should should the sector decide that that requirement should be added in the series made? You would need to have something in place if that that funding couldn't be agreed between the parties.

00:07:21:27 - 00:07:42:21

Lasdun. That's correct. Or it would be a unilateral offer from the applicant to say, uh, this is this is this is the amount of the fund that is being offered. Um, and, and that's the basis on which it's being offered. So it's, it's, it's kind of looking at how those two scenarios would, would best play out.

00:07:43:27 - 00:07:45:00

And I said thank you.

00:07:48:13 - 00:08:03:24

Okay. Thank you. Um, so I'll just move on now to, um, the outline landscape and ecology management plan. Um, I'd just like to ask you for an update on this as well, because I know there's been, um, discussions ongoing with the councils. Um, so just to see where you're at there with that, please.

00:08:07:09 - 00:08:32:09

Uh, Phil Williamson, on behalf of the applicant. Uh, so, uh, Conwy County Borough Council and Denbighshire County Council have agreed to review the outline landscape and environmental management plan and have agreed to provide an update after deadline five. Uh, so the statement of common ground as it stands has those matters still to be discussed, but the applicant is confident that we will be reaching an agreement for deadline six submission.

00:08:34:10 - 00:08:40:25

Okay. Thank you. Um, I think council was here, I think, um. Do you have anything to add to that tool?

00:08:42:24 - 00:08:44:12

Absolutely. Can you hear me? Okay.

00:08:44:19 - 00:08:45:23

Yes I can, yeah. Yes.

00:08:45:25 - 00:09:10:02

Good. Uh, Thompson. Uh, on behalf of the councils. Um, nothing that I'd particularly. I agree with that, that position. Um, we are underway with reviewing the, um, updated lamp and, uh, equally confident that we can provide an update for the deadlines. Six um, which will hopefully be positive in nature. So. Yeah. Um, that's I would concur with that position at the moment.

00:09:11:04 - 00:09:12:12

Okay. Thank you. Thank you.

00:09:21:03 - 00:09:49:01

Okay. Um, I'll move on now to, um, a couple of questions on good design. Um, so just referring to the updated design principles document and then, uh, the design Commission for Wales, uh, deadline five submission. Um, firstly, could I ask the applicant, do you have anything further to comment on or add, um, concerning uh Design Commission for Wales submission deadline five, which was the summary of the joint meeting held in November.

00:09:51:10 - 00:10:23:00

Jess Furlong on behalf of the applicant. So we met with the Design Commission for Wales on the 21st of November, and that report that they've submitted is the outcomes of that meeting. Um, so we're going to respond to the report at deadline six, but we've already got some plans to update the design principles document again. Um, principally, that's going to involve some changes to the proposed consultation to engage with the design Commission a little bit earlier in the process so they can be more involved with discussions with supply chain and the form of the design guide before we actually draft it.

00:10:23:15 - 00:10:35:20

Um, but it's also worth noting, because of the order of that meeting, some of the updates were made to design principles at deadline five already addressed comments in that report because we knew about the actions from the meeting, if that makes sense.

00:10:36:28 - 00:11:07:06

Yeah, that makes sense. Thanks. Um, and just I think just touching on that and, um, the design commission for Wales touched upon also the design work that would remain, um, should consent be granted. Um, again, I think rather than asking detail about this now is something I was going to ask if you could come back to us on and perhaps just, um, provide clarity on that process. Um, you know what? Remain in theory, post consent. Um, and potentially then that goes into the design principles document if there's further updates to be made to it.

00:11:09:09 - 00:11:37:25

Just on behalf of the applicant. Applicant. Yeah. That's correct. I think one of the things we discussed in the meeting with the Design Commission for Wales that maybe hasn't come through in their report, was the the meeting was sort of cross purposes, both for the design principles for examination and

also some of the next steps for detailed design that will compose consent. So what we're hoping to do in both our response and the update to the design principles has made that clear. Where the next engagement comes in, which parts fall in design principles versus engagement post consent.

00:11:38:28 - 00:11:44:21

Okay. Thank you. And just to, um, to check again something then we can expect to see at den one six. Is that right?

00:11:45:28 - 00:11:48:21

Just on behalf of the applicant. Yeah. That'll be deadline six. Okay.

00:11:48:23 - 00:11:49:08

Thank you.

00:12:02:07 - 00:12:15:08

Okay. That's it for my questions. Um, Mr. Hussey, you indicated earlier on that you'd like to speak on this item. Um, so would you like to ask any questions? Yes. Yes. Thank you, Martin Hussey.

00:12:15:18 - 00:12:47:24

Um, just really some clarification to aid my understanding, if that's possible, please. Um. Rep 5020. Design principles. It may well have been in originally, but I only just noticed it. Really? Uh, in section 1.9.1.2. It says that where visual mitigation at the onshore substation in the form of woodland or tree belts is required, the cables will pass underneath the area of land to be planted using trenches techniques to allow the planting of tree species.

00:12:48:08 - 00:12:58:25

It may be I've assumed it wrong, but I assumed that whether it be trenches or trenched, they wouldn't be planting trees above the cables. Is that correct?

00:13:00:03 - 00:13:01:16

Yeah. Guys, the applicant, please.

00:13:05:15 - 00:13:35:26

Up. Phil Williamson, on behalf of the applicant. Um, Mr. Hussey is correct that there is, um, there are, uh, there is an area identified where the, the there would be a requirement for trenches, techniques, um, to pass beneath the landscaping areas as currently identified within the outline Landscape and environmental management plan. Um, whilst it's true that we we it will not be possible to plant some of, uh, some of the taller species, some of the shallow rooted, uh, tree species can be planted over trench loss techniques.

00:13:36:13 - 00:14:01:09

Um, and obviously we will we will need to establish what can be planted where, um, at the discharge process during the discharge um, of the outline Landscape and environmental management plan, which will obviously speak to the onshore construction method statement, which will identify the method of the cable. Uh, the two the 220 kilovolt cables, um, passing into the onshore substation.

00:14:04:02 - 00:14:04:28

Okay. Mr. Hussey.

00:14:05:20 - 00:14:40:02

Yeah. Thank you. Um, would it be possible then, in your illustrative, um, drawings or your visualizations to show, uh, that difference, whether it be a shallow planting of vegetation at the moment, it just seems to imply that you get a complete tree coverage over the areas where the cables lie. Um, I say I assume that your indicative permanent cable easement with a 30m would mean that you wouldn't be planting anything over it, but you're saying you actually will be planting some sort of Tree mitigation over the cables.

00:14:40:17 - 00:15:13:12

Um, but it's not clear from visualizations or indicative drawings or anything that that that sort of, uh, easement area exists, and nor does it in the I think it should work stream 31 or somewhere around there. There are Scottish power overhead lines that go, which again, I assume that you're not going to be planting trees near there. So I just wondering what whether you could actually show some sort of an indicative, illustrative, um, way of showing that rather than at the moment, which doesn't.

00:15:15:03 - 00:15:15:27

The applicant is.

00:15:20:17 - 00:15:50:17

Uh, Phil Williamson, on behalf of the applicant, uh, we don't believe it's necessary to update the visualizations. The, uh, the visualizations are based on an indicative design, um, uh, for the purposes of the assessment. And that indicative design, obviously, is to inform the assessment. Um, the and therefore, uh, when the detailed design information becomes available post consent, the visualizations uh, will be reflected. Sorry, sorry. The outline landscape and environmental management plan will adapt accordingly.

00:15:50:27 - 00:16:14:27

Uh, the indicative visualizations are an aspect of the landscape and visual impact assessment, but are not the, um, do not, uh, the entire assessment is not based on the visualizations. They are a tool and aid for that purpose. Uh, so we do not believe it's necessary to update those visualizations either for the impact assessment or necessarily for the outline landscape and environmental management plan.

00:16:20:25 - 00:16:37:11

Um, just thinking, I mean, on those visualizations, is there any possibility perhaps annotating them so it's at least in theory visible or perhaps not obviously showing the planting, but just annotating where it could be? Um, I know you have provided previously. Further annotations on those.

00:16:41:00 - 00:16:59:15

At Phil Williamson on behalf of the applicant. And whilst it's not necessarily indicated on the visualisations, their parcel numbers which are on the um, uh, the, the end of the outline landscape and environmental management plan provide the indication of, of where that shallower rooted planting may be.

00:17:01:10 - 00:17:05:29

Okay. Thank you. Um, Mr. AC, do you have any further comments or questions?

00:17:08:21 - 00:17:16:28

Uh, not not at this stage now. Um, obviously that will form part of my next submissions. I guess, depending on what comes back from the deadline. Five ones. Thank you.

00:17:17:19 - 00:17:23:17



Okay. Thank you, Mr. Hussey. Um, and I can see I think that's, um, Mr. Barlow. Councillor Barlow, you hand your hand up.

00:17:26:06 - 00:18:05:10

Uh. Thank you, Martin Barlow community council. Um, the design commission report, for Wales Design Review report has been, uh, alluded to obviously. Uh, and, uh, I just wanted to draw attention to something in it because it's critically important really for the community that I represent and um, its future. Um, and under the well, I'll quote it under key points, uh, it says there remains an issue of cumulative impact of various interventions related to the national grid connection point at Bodelwyddan for Butterworth and Reed.

00:18:05:12 - 00:18:37:22

Kevin Marietta, of course, which needs to be considered, and that would benefit from strategic coordination given the context for renewable energy in Wales. The local authority working with neighbouring authorities, Welsh Government, National Grid and other stakeholders which I presume would include the applicant, should take steps to develop a comprehensive strategic masterplan that addresses this particular location and its landscape capacity as renewable energy development proposals increase in number and at pace and then under strategic coordination.

00:18:38:10 - 00:18:46:00

It says we again urge the key stakeholders to engage in a landscape led master planning approach to the area. Um.

00:18:48:09 - 00:19:12:23

To somebody representing the communities, I do you know that that seems absolutely critical and fundamental to the whole future of of the community. And I suppose I would ask the applicant whether to date, you know, have they participated in to what extent have they participated in or seen evidence of that um, master planning approach to the area?

00:19:18:00 - 00:19:48:03

Councillor Barlow, just just before uh, we let the, the the applicant make some responses on that. We've, we've also seen that point raised in that report and it is a very good point. And it's something that we asked about as our last set of hearings. What I would have to say is, though, that that wider master planning isn't necessarily the responsibility of this examination or the responsibility of this applicant, albeit this applicant would be, um, one of the stakeholders if something like that was taken forward.

00:19:48:12 - 00:20:09:13

Um, I think as an examining authority, we wholeheartedly agree with that sentiment in that report. Um, but I think if you read the report, I think the suggestion is that that needs to be a more, uh, it's a strategic master plan that needs to come from much higher up. And I think it does suggest that the local authorities and perhaps the Welsh Government take the lead on that.

00:20:12:14 - 00:20:33:12

Thank you for that. Um, I would hope that, um, you know, it's that reflected perhaps in the Planning Inspectorate, um, recommendations Nations brought. More broadly speaking, shall we say, that such an approach is taken? Thank you.

00:20:33:25 - 00:20:37:19

Thank you. Councillor Barlow, that the applicant like to add anything to that?

00:20:39:06 - 00:21:12:09

Uh, Phil Williamson, on behalf of the applicant. Um, just to agree, I think we said at the previous hearings that we are, um, certainly willing to work with the local authorities direction in terms of strategic master planning. Um, although there has been, um, nothing of note to date. Um, within section 1.8 of the design principles we have committed to, um, uh, further strategic landscaping in the area. Working with other developers that are around the border with a National grid substation so that that is included, that commitment to work with other developers is included as a commitment.

00:21:12:11 - 00:21:16:04

And, um, it's obviously secured through the the design principles.

00:21:18:26 - 00:21:26:15

Okay. Thank you. Um, are there any further questions, um, concerning the landscape for visual or good design updates.

00:21:28:07 - 00:21:34:29

Um, I can't see any virtual hands, so in that case, I will now hand over to Mrs. Jones for traffic and transport. Thank you.

00:21:36:07 - 00:22:05:12

Thank you, Mr. Hopkins. Um, now, we did originally have this on the agenda, and we've moved it to more of a progress update because we noted at deadline five, there were quite a few changes made in terms of how site accesses would be agreed and implemented in terms of timing as well. Just wanted, um, just so that we, um, can clarify what we understand. Can you just run through us what those changes are in terms of onshore prep works and the changes to requirements.

00:22:12:03 - 00:22:55:00

That Phil Williamson, on behalf of the applicant. Um, so in terms of the update to requirement ten and the Outline Highway Access Management plan, we discussed at the specific five that we were seeking to Alleviate concerns from the local authority in respect of delivery of those construction accesses. So we have updated requirement ten now to require, um, undertake to submit details of permanent and temporary accesses to the relevant planning authority or approval prior to the formation of those accesses. Those final details will be submitted in the form of either a fine or Highways Access Management Plan, in accordance with the Outline Highways Access Management Plan, or um via um discussions directly with the local highway authority.

00:22:55:21 - 00:23:27:14

Um, so the Outline Highway Access Management Plan was also updated at deadline five to include the relevant elements from the outline Code of construction practice that is relevant to the delivery of highways works. Therefore, that allows for the management the Outline Highway Access Management plan to set as a standalone document tied directly to requirement ten, as opposed to within requirement nine, where it was previously covered under the Code of Construction, Outline Code and Construction Practice. Um, we've we've discussed this position with the highways authorities, um, at the most.

00:23:27:23 - 00:23:51:22

Well, we had two highways teams, uh, meetings with uh, Denbighshire County Council in the 9th of October and Conwy County Borough Council on the 19th of November. Um, and at a planning level, we believe that the local authorities are satisfied with this approach. Um, I believe they are engaging

with their highways team, um, and hopefully will, uh, we will seek an agreement through the Statement of common ground process that that is satisfactory and submit at deadline six.

00:23:52:15 - 00:23:57:22

And site accesses have now been removed from onshore works. Is that right?

00:24:04:23 - 00:24:17:03

I Phil Williamson on behalf of the applicant. Um, so site accesses are still included within the within the onshore site preparation works. Uh, they will need to be delivered in line with the outline highway access management plan.

00:24:19:09 - 00:24:22:03

Okay. I think um, Does some.

00:24:22:05 - 00:24:23:06

Wording need to.

00:24:23:08 - 00:24:30:03

Be added to requirement ten, in that case to bring it in line with the other requirements which involve onshore prep works?

00:24:48:13 - 00:25:23:02

Olivia Henninger, on behalf of the applicant, I I'm not sure the, um, think oh, yes. Here we go. Um, so in respect of requirement ten, the obligation to approve the final details of the highways access management plan does not have to happen prior to commencement. It only has to happen before the point at which the accesses are formed. In that sense, it can be delivered. Those works can be delivered through onshore site preparation works. And it will be that those works are carried out in accordance with the final Highways Access Management Plan.

00:25:23:04 - 00:25:36:27

So the intention is that the applicant or the undertaker will have those details approved in advance of delivering those accesses. Um, through discharge of requirement ten without commencement having been triggered at that point.

00:25:38:18 - 00:25:42:27

So this is a slightly different way of working to the other management plans.

00:25:42:29 - 00:25:54:14

Exactly. And is the reason, uh, sorry, Olivia Hannigan, on behalf of the applicant, is the reason why we took it out of, um, requirement nine in respect to the code of construction practice so it could sit as a standalone discharge.

00:25:54:23 - 00:25:56:18

That's understood. Thank you. Thank you.

00:26:00:25 - 00:26:10:11

Miss Sally, do you have anything you can update us on with regards to the new proposals for, uh, discharging the site accesses?

00:26:17:24 - 00:26:19:12

Mr. Lee, I can't. I can't hear you.

00:26:28:12 - 00:26:29:06

Can you hear me now?

00:26:29:09 - 00:26:30:00

I can hear you now.

00:26:30:21 - 00:27:10:08

Apologies. My headset, I think, is, uh, not working very well. Uh, Tom. Sincerely, on behalf of the councils. Um, yes. Thank you for the clarification on, uh, on how that's going to be implemented in terms of that, uh, discharge of requirement ten. That does align with my understanding that that the works, uh, are still able to be to be delivered a site preparation works, but require that approval from um, from the higher authority before being implemented that, uh, I think resolves concerns that we previously raised, um, in principle, really, regarding the, um, the sort of the inclusion of creation of site accesses within those preparatory works.

00:27:10:21 - 00:27:53:17

Um, so, yeah, I think we are in a position we are content with those changes. Um, notwithstanding the discussion we've had earlier around, um, sort of concerns around excesses and things relating to the change request specifically, and the fact that there would obviously still need to be further engagement between the, the highways teams, um, and the applicant on, uh, on those proposals and generally on some of the proposals for access in order to ensure that that those approvals can come through in a timely manner, particularly given that the applicant is wanting to do them as part of site preparation works and therefore quite early in their programme, you know, um, implications.

00:27:53:19 - 00:28:05:02

So, yes, and I understand that there is sort of progress in organising a meeting between, uh, DCC highways and the applicant, uh, for this week. So hopefully we can sort of push those matters forward. Yeah, that's.

00:28:05:04 - 00:28:06:08

Good to know. Thank you.

00:28:08:00 - 00:28:32:28

I think finally, I might come back to you in a minute, Miss Celia, I think, um, then just looking at, uh, the remaining outstanding matters in the statement of common ground with the with the councils. They relate primarily to, uh, cumulative effects. I think on the wider highway network has just to the applicant in the first instance. Uh, is there likely to be any progress made on this area of disagreement?

00:28:35:00 - 00:29:09:16

Uh, Phil Williamson, on behalf of the applicant. Uh, so with regard to the outstanding points within the, uh, statements of Common Ground with Conway and Denbighshire, uh, we have requested a traffic specific meeting on those two outstanding points with with the local authorities. That request was only sent, um, yesterday. And we'll deal with a slightly different team to the the highways team, which is the meeting arranged for Thursday morning. Um, so that request has only been submitted fairly recently, but, um, considering the engagement that we've had with the local authorities recently, we expect to, um, close those matters.

00:29:09:18 - 00:29:15:18

And the applicant is hopeful they will be agreed, um, before submission of the Statement of Common Ground at deadline six.

00:29:16:13 - 00:29:20:12

It's great. Thank you, miss Sally. Do you have anything you wish to add to that?

00:29:23:09 - 00:29:40:06

Thompson. Kelly, on behalf of the councils? Um, no. No not really. We are looking to get some availability from our traffic specialist to attend the meeting. Um, around those outstanding issues on, on sort of how the cumulative assessment in particular has been undertaken on, um, in relation to transport and traffic.

00:29:40:08 - 00:29:55:16

Yeah, yeah, yeah. I mean, um, not to put pressure on people, but we are running out of time. And so I would encourage these meetings to take place as soon as possible, if we can have as much information as we can by deadline six, that would be extremely helpful to us and examining authority.

00:29:56:23 - 00:29:57:16

Yeah. It's appreciated.

00:29:58:28 - 00:30:31:11

Uh, Phil Williamson, on behalf of the applicant, if I'd just like to add in terms of our forward plan with respect to the change request, um, and our engagement with the Denbighshire County Council highways team, uh, as was mentioned, we've, we've we've set a date of Thursday morning to have that conversation. And we'll be seeking to alleviate the concerns that have been raised and in theory, submit an agreed position statement as soon as possible after that meeting so that that may be considered by the examining authority, hopefully in advance of deadline six.

00:30:32:04 - 00:30:33:11

Thank you for letting us know.

00:30:35:18 - 00:30:40:19

Okay. Um, does anybody else have anything they wish to add on traffic and transport?

00:30:45:12 - 00:30:55:05

Okay, then before we move on, are there any matters that we haven't covered as an examining authority that the applicant would like to give us an update on the.

00:31:05:20 - 00:31:31:23

List done on behalf of the applicant? Um, no. I think we're making good progress. We're clear on the matters that we need to continue to make progress on. Uh, and, uh, welcome the engagement, um, from others in terms of doing that, because obviously they're not things we can do on our own. So, um, uh, are very grateful for, um, for those that are assisting with that and prioritizing those meetings, but, um, nothing to add in in addition to that. Thank you.

00:31:32:08 - 00:31:40:06

Okay. Um, in that case, that brings us to the close of this agenda item, and I'll hand over to Mrs. Powers for agenda item five.

00:31:42:11 - 00:31:43:15

And, um.

00:31:43:17 - 00:31:44:07

Item five.

00:31:44:09 - 00:31:45:01

Is navigation and.

00:31:45:03 - 00:31:45:18

Shipping.

00:31:45:20 - 00:31:46:15

So does the applicant.

00:31:46:17 - 00:31:48:02

Need to have two minutes? Yeah.

00:31:48:04 - 00:31:49:00

That's fine. Yeah.

00:32:38:19 - 00:32:40:29

Thank you. We're all sorted at this end now.

00:32:44:22 - 00:32:46:03

Excellent. Thank you.

00:32:47:28 - 00:32:48:21

Okay.

00:32:49:03 - 00:32:50:14

So we've examined.

00:32:50:16 - 00:32:52:25

Navigation and shipping matters in some detail.

00:32:52:27 - 00:32:53:18

Both in writing.

00:32:53:20 - 00:32:54:05

And.

00:32:54:07 - 00:32:54:27

At previous.

00:32:54:29 - 00:33:07:03

Hearings. So the purpose of this item is just to review matters that are not yet agreed between the applicant and relevant parties, and to understand which matters are likely to be resolved before the close of the examination and which are not.

00:33:07:21 - 00:33:08:06

Um.

00:33:08:12 - 00:33:12:12

I know we had Stena Line with us at the beginning of this hearing, and hopefully.

00:33:12:14 - 00:33:13:20

Mr. Proctor is still with.

00:33:13:22 - 00:33:14:12

Us.

00:33:15:22 - 00:33:16:07

Looking on the.

00:33:16:09 - 00:33:16:29

List.

00:33:17:13 - 00:33:18:24

Mr. Proctor, we are excellent.

00:33:18:26 - 00:33:21:12

You are there. Great. Thank you.

00:33:21:14 - 00:33:34:03

And the Isle of Man territorial seas Committee. Um, Mr. Armitage, I think you were accompanied by a colleague who could also speak to this item, potentially.

00:33:34:09 - 00:33:34:24

Yeah.

00:33:34:26 - 00:33:44:21

Richard Armitage, on behalf of the Territorial Seas Committee. Um, yes. My colleague David Goodman's online at the moment. Um, so he'll be dealing with shipping and navigation.

00:33:44:23 - 00:34:04:03

Excellent. Thank you. Okay. Um, firstly, just to check with the applicant, we haven't had any updated statements of Common Ground with the MCA or Trinity House at this deadline. And I'm assuming that's simply because the final agreement is being held open until all of the DCO drafting matters are finalised. Is that correct.

00:34:05:09 - 00:34:10:05

Jared Vetter for the applicant? Yes. That's correct. All other matters are closed out and agreed.

00:34:10:15 - 00:34:35:19

Thank you. That's helpful. Um, so we will just run through in the order noted on the agenda then. Um, we did invite the Isle of Man Steam Packet Company. Um, but they are not present today. Um, could I just ask you, we've obviously now got a new statement of common ground at deadline five, which is very helpful. Um, could you just give us a brief update as to where your discussions are with the Steam Packet Company, please?

00:34:37:11 - 00:34:38:21

Jared Vella for the applicant.

00:34:40:20 - 00:35:09:24

So, yes, we we submitted a statement, Common ground at deadline five. That's 5079. Uh, all matters are agreed in that state and the common ground, with the exception of mitigation for the moderate adverse impact on operations associated with adverse weather routing. Uh, that's an ongoing point of discussion. Essentially, that means we are still engaging on the commercial Agreements. Um, the intention is to close out that commercial agreement for the end of the examination.

00:35:11:21 - 00:35:13:19

Thank you. Um,

00:35:15:06 - 00:35:37:27

some of the statements in that statement of common ground on the steam packet side, um, refer to the Morgan project. Um, I just want to check, for the avoidance of doubt, that all of the agreements applied to the Mona project. I can understand how that may have happened, but I just want to make sure, um, perhaps in the final version, that we have complete clarity that this is also agreed in relation to Mona.

00:35:39:16 - 00:35:47:20

Uh, Jared Vetter for the applicant. Uh, yes. We'll make sure that, um, stating the common grounds appropriate for the final submission.

00:35:47:24 - 00:36:02:11

Thank you very much. Um, and that statement of common ground, it looks at cumulative effects, excluding the more than an scoping boundary. It doesn't look at the cumulative effects, including the more than nine project. Is there a reason for that?

00:36:03:08 - 00:36:33:08

Jerry Feller for the applicant. Um, that's because the, um, the routes between Douglas and Liverpool. Um, um, no, I'm not saying it's very well, the contribution of Mona to the, uh. Well, there's no contribution project alone. Uh, with respect to the inclusion of the more volume project, and cumulatively, we don't contribute either. So for that reason, um, Steam Packet Company were happy to, uh, to leave that out of the statement of common ground.

00:36:34:01 - 00:36:48:12

That makes sense. Um, considering what we discussed in the issue specific hearing for. That's that's okay. Um, and then you've talked about the commercial agreement, which I think is referred to in there as a ferry mitigation agreement. Um,

00:36:49:28 - 00:36:55:13

so that is essentially a commercial agreement. And would there be nothing required in the DCO itself?

00:36:57:14 - 00:37:10:15

Uh, that's correct. The ferry mitigation agreement. Uh, the purpose of of that agreement would be to offset the operational fact, um, and as a result of that, there wouldn't be a requirement for any provisions within the DCO.



00:37:12:08 - 00:37:29:08

And so, in terms of evidence into the examination of that, assuming that is, um, finalized prior to the end of this examination, we would see an update in the Commercial Agreements tracker. Is that everything is that the everything that we would see in terms of what agreement has been arrived at between the parties?

00:37:29:23 - 00:37:45:13

Uh, Jerry Weller for the applicant. Yes. But we would also have, um, a position within the state of the common ground, which probably won't say it very much more, to be honest, but would confirm that that agreement has been reached.

00:37:46:00 - 00:37:59:19

And so I know we won't go into the detail of the commercial agreement. Um, but just so that we understand it, that would basically be an ongoing financial commitment to compensate or offset any financial losses. Is that generally what it would, what it would comprise.

00:38:00:05 - 00:38:04:12

Gerard Butler for the applicant. Yes, that that's essentially what it would comprise.

00:38:05:26 - 00:38:26:00

And there's a statement in there about the steam packet requesting that it that takes account of the increased costs associated with the UK Emissions Trading Scheme, which we're aware due to kick in, I think, January 26th. Um, is that something that in principle you're open to uh, in discussions?

00:38:29:08 - 00:38:49:00

Gerard fellow for the applicant. Uh, we're still, uh, engaging on the, um, on the, uh, provisions within the agreement. Um, but it certainly the intention is to include, for, um, the cost of increased emissions associated with the adverse weather rating. Okay.

00:38:50:18 - 00:39:06:05

Thank you. I think there's a point in there, um, requesting consultation with the chamber of the Isle of Man Chamber of Commerce and Isle of Man government about supply chain disruptions. And I think you've said that you'll do that through the Territorial Seas Committee. Is that correct?

00:39:06:21 - 00:39:24:19

Uh, Gerard Vella for the applicant. Uh, we are indeed, um, doing that. Um, the Territorial Seas Committee represents, uh, both Chamber of Commerce and and, um, Department of Infrastructure, um, within the government. And I'm sure, uh, Mr. Armitage can can expand on that if necessary.

00:39:25:04 - 00:39:30:13

Thank you. I will ask Mr. Armitage if you could come in just on that point.

00:39:34:23 - 00:40:06:03

Yes. Uh, Richard Armitage, on behalf of the Territorial Seas Committee. Yes, I can confirm we've been, uh, fully engaged with the applicant on these matters. Um, effectively, on the economic side, it's the Department for enterprise that is the sort of overarching body, but they're represented on the Territorial Seas Committee and the Department of Infrastructure cover the actual sort of shipping and navigation side. So, um, they're they're represented, um, as I say, Mr.

00:40:06:05 - 00:40:32:28

Koopmans on and he can expand further on that if necessary. Um, yeah. With with respects to what's been discussed in the Statement of Common Ground, we have effectively closed out most items. Now it is just, um, with regards to issues for delays of ferries, um, particularly on poor weather routing, which, as I say, we're still still engaged with the applicant on.

00:40:33:23 - 00:40:44:05

Thank you. And presumably, if agreement is reached between the applicant and the Steam Packet company, does that mean that you're likely to be satisfied on those outstanding points within your own statement of common ground?

00:40:46:15 - 00:41:16:18

Uh, Richard Armitage, on behalf of the Territorial Seas Committee. Uh, yes. Effectively it would, um, what? We're all sort of outstanding concern is that impact to the steam packet could then, um, result in higher, um, prices for either freight or passengers to come across. So their agreement with um the applicant is is of relevance to ourselves. Okay.

00:41:17:06 - 00:41:24:28

Thank you. And then, um, well, if Mr. Huberman wants to add anything, then you'd be very welcome to come in now. Mr. Goodman.

00:41:27:14 - 00:41:54:22

Thank you. David Goodman. Um, chair. Committee. Uh, no, Richard, actually, you put it across very well, to be honest. Really. We are engaged with, um, steam Packet quite a lot, and they are. We know they're still talking to the applicants. Um, we do cover social, economic as well through Department of Enterprise. Um, and they have been engaged all the way through. So nothing really to add. Just two outstanding items. Um, in the, in the common ground, uh, which is the cumulative effects. And I believe the discussions are ongoing with the applicant and the steam packet.

00:41:55:06 - 00:41:55:27

Thank you.

00:41:55:29 - 00:42:15:02

Thanks for that. Helpful, uh, update. So then just coming back to the applicant, if you had to say if it's just kind of just for us to get a sense of how this is going to look at the end of examination, are you optimistic that we'll get to a point of agreement and that will close out all of the state and the common ground, uh, outstanding matters?

00:42:26:10 - 00:42:36:00

For the applicant? Yes. We are committed to, uh, finalizing the agreement prior to the end of the examination and confirming that at deadline seven.

00:42:37:02 - 00:42:37:23

Thank you.

00:42:39:29 - 00:42:40:24

Okay.

00:42:41:17 - 00:42:42:03

Um.

00:42:44:06 - 00:43:18:10

We'll move on then. Unless anyone's got anything else on the steam packet effects, we'll move on to look at stem line. um. And again, we have a new statement of common ground now at deadline five with stand in line, for which we thank the parties. The statement of common ground indicates quite a wide range of matters that are yet to be agreed. And I'm not going to ask the applicant to go through these line by line, but you can work on the basis that we've read and understood it. And we've also received written submissions from stand in Line at deadline five, with, again, a fair amount of substance in there.

00:43:18:12 - 00:43:51:27

And I'd suggest that the proper place for the applicant to respond to those is going to be deadline six in, in a kind of full submission. But then I would like to pick up a few points. Um, the first one was about, um, the interference with use of recognized sea lanes essential to international navigation. And, um, just picking this up because it's a point of disagreement and, uh, I, I suppose I want to explore it a little because it's not something that's been raised by any other parties in this examination, uh, to date.

00:43:51:29 - 00:44:01:22

So I was going to come first. Mr. Proctor, would you like to, um, just elaborate on your reasons for considering that that's the case for the Mona project?

00:44:03:10 - 00:44:40:10

Good afternoon. My proctor stand alone. So I think when you look at the chart, which we produced and, uh, added as an addendum, it's quite evident that our course lands, uh, either north or south of the Isle of Man. Uh, our deviation as, um, Stalin and its predecessors have operated commercial routes between Belfast and Liverpool since the mid 1800s. We say that the, um, a sea lane, which is, uh, been established as being impinged upon by the construction of all four, um, wind farms in the area.

00:44:41:00 - 00:44:50:17

The cumulative deviation for us when travelling to the north of the Isle of Man would be approximately five and a half miles, and An approximately one and a half miles from Devens to the south.

00:44:53:09 - 00:45:09:18

Thank you. And so this is, um, from what you're saying, this is a concern about the the accumulation of the effects when you look at the for proposed projects. Um, I'll just ask the applicant to come back on that specific point, because it's it's one that it's important we have clear positions on.

00:45:11:11 - 00:45:43:23

For the applicant. Um, we we maintain the the position set out in the national policy statement is correct. That's the basis of our understanding for, um, um, uh, sea lanes. Um, but I think the other key thing is that it's not really material to the, to the outcomes of the assessment or our engagement. So I think it is a point that we will, we will differ on. But I don't think as a substantive, um, effect on, on the conclusions of our assessments or the engagement we've been undertaking.

00:45:47:06 - 00:45:54:20

But I suppose it could have, um, some implications for the way that it performs against the policy, potentially in terms of.

00:46:01:26 - 00:46:04:22

Uh, Andrew Robson, on behalf of the applicant. Um.

00:46:06:29 - 00:46:17:04

Section 1.8.2 of the NRA, um, describes our position on on sea lanes, um, as referenced in the national policy statements,

00:46:18:23 - 00:46:45:09

um, where the national policy statements talk about not interfering with, um, uh, sea lanes essential to international navigation. Now, we've referenced that back to the UN close, um, un convention of the Law of the Sea. And article 22 of UN clause states that the coastal state shall clearly indicate such sea lanes and their positions on charts to which due publicity shall be given.

00:46:47:02 - 00:47:27:10

So there is kind of implicit in that a conflation between sea lanes and traffic separation schemes. Um, so therefore our interpretation of the national policy statements is the impact on on traffic separation schemes. We have, through statements of common ground with the Maritime Coastguard Agency, agreed that there are no impacts on traffic separation schemes and, by extension, sea lanes. And note that this this question has come up on previous examinations. Um, I refer, for instance, to the fantasy extension where this was debated at length, and the MTA again agreed that a traffic sea lane constitutes a traffic separation scheme.

00:47:27:27 - 00:48:05:29

Um, similarly, the responses by the MTA to SSC one during the Morgan examination, they also agreed that the only uh sea lanes essential to international navigation are the traffic separation schemes within the Irish Sea. So our position is that there are sea lanes essential to international navigation in the Irish Sea, but those are the off Liverpool Bay RTS and the off Skerries RTS, which is to the south of the Moana um array area. And um, our assessment concludes that, um, there is no significant impact on the use or access to those traffic separation schemes.

00:48:06:05 - 00:48:22:26

Our view is that the ferry routes, um, as clearly indicated through, um, all the vessel traffic analysis we have undertaken are strategic routes and lifeline ferry services. So therefore fall under a separate um section of the National Policy statement.

00:48:24:20 - 00:48:41:00

Thank you very much, Mr. Ralston. Um, Mr. Proctor, would you like to come back at all on anything you've just heard in terms of the interpretation of policy or indeed, um, precedent and other cases, or are you content to just to rely on your written submissions?

00:48:41:20 - 00:49:25:07

No, I think I think this is a very narrow interpretation to only define traffic separation schemes as being the only thing which constitutes a ceiling. It's very evident where the traffic separation schemes are, and we don't make any, uh, uh, argument that, uh, that there's no traffic separation schemes being impinged upon. That's very clear. However, when you look at the uh, uh, UNCLOS, article 67, which I believe should really be the overarching document when deciding this, it says artificial islands, installations and structures and the safety zones around them may not be established where interference may be caused to use or recognise sea lanes essential to international navigation.

00:49:26:05 - 00:49:27:11

I think that's very clear.

00:49:28:20 - 00:49:29:11

Thank you.

00:49:30:00 - 00:50:04:21

Okay. I think we have everything we need on this issue, and it sounds like you probably aren't going to come to agreement on it, but I think we have everything we need to be able to form a view on this. So unless anybody wants to go any further on this particular point. I suggest we move on. Yes. Okay. Um, and actually, while I have you, Mr. Proctor, one of the, um, couple of points that have come up through your submissions or indeed the statement of Common Ground, which I don't think we've seen from you before. So I just wanted to explore them so we fully understand them. The first was about marine radar, and wanting to know about whether marine bands were affected would be likely to be affected.

00:50:04:23 - 00:50:07:14

Are you able to elaborate on that particular point, please?

00:50:08:14 - 00:50:38:27

We have, um, read some, um, papers which refer to the interference by wind turbines on marine radar. And these are relatively new and we have shared them with the applicant. Um, we do fully acknowledge that, uh, the the effect is not fully known, but we do have reason to believe that there is a definitely a possibility that this may occur. Obviously, it's a primary tool in, in And navigation.

00:50:39:06 - 00:51:16:11

And for an anti-collision device. So anything which would impinge upon the accuracy or effectiveness of marine radar will be obviously something which was would be of concern to us. So the the paper that we've submitted does highlight some areas. And also in our submission we've identified some examples specific to the location of where loading occurs. The applicant has, um, endeavored to give us some comfort and that they they understand that the with the turbines being larger that this will not be the case.

00:51:16:27 - 00:51:50:14

We still have a level of, um, trepidation about that just because this is, uh, because of the the number of turbines in the area and the possibility of what effects that this could have. We're also aware that 13 projects were cancelled by the Swedish government in the last month. Uh, we realized this was on the basis of radar, albeit that this could possibly be a band of radar, which is, uh, doesn't come onto the marine band. Again, it's a question, and it's just something we would like to seek some further assurance on.

00:51:52:06 - 00:52:02:01

So it sounds like an area of emerging evidence that something you're just trying to, um, seek comfort on. Is the applicant able to respond to that point?

00:52:05:24 - 00:52:39:14

Andrew Robson, on behalf of the applicant. Um, the the impacts on, on marine radar, um, and other navigation communication systems are considered within the NRA in section 1.8. 11. Um, there has been a long standing acknowledgement that offshore wind turbines do in some circumstances have impacts on marine radar, such as creating spurious effects, and those have been studied since 2004, 2005 and some of the early offshore wind farms.

00:52:40:04 - 00:53:21:15

Um, the number of points would just quickly like to make. So the first one is that, um, there are obviously a number of offshore wind farms within the Irish Sea currently. Um, the operators, including Standard Line, pass in quite close distance to those offshore wind farms. And those risks are being managed successfully by the masters of those vessels. Um the um marine guidance note six five, four notes in particular that the greatest effects on marine radar are four passages within half a nautical mile of an offshore wind farm, which is far closer than, um, we would expect any, um, prudent master to to navigate their vessels.

00:53:21:17 - 00:53:58:19

They can extend up to 1.5 miles. But, um, again, much of that impact degrades as you, as you increase the passing distances, um, that we might expect commercial vessels to pass. Um, with respect to, um, some of the studies Mr. Proctor quoted, um, the National Academies study, um notes that um, the more modern offshore wind turbines with larger, um, larger turbines and greater spacing theoretically will mitigate a lot of those impacts than are currently experienced.

00:53:58:21 - 00:54:33:15

So we anticipate that a project such as such as the Moana Offshore Wind Project with, uh, approximately twice the spacing between turbines, might reduce the interactivity of or radar pulses between between the structures. That contributes to a lot of that interference. Um, the, um, the applicant understands that the, um, decision by the Swedish government, um, was really around defense radar and, um, missile sort of early warning systems not to do with um, marine radar.

00:54:33:17 - 00:55:16:02

Um, these systems, we believe, are much more sensitive than typical marine band radar systems. So we don't really believe that this is a, uh, a kind of a fair comparison. So we are we are confident that there is nothing inherent in the moment offshore wind projects design, um, to to make it any more impactful and marine radar than both the existing offshore wind farms in the Irish Sea but elsewhere in the UK. And note that the MCA are content, um, through the statement of common ground, that these impacts, um, would not be significant and indeed believe that actually the impacts for Moana will be less than, than than those pre-existing projects.

00:55:19:21 - 00:55:24:07

That will make sense. Thank you. Um, Mister Proctor, would you like to come back on any of those points?

00:55:24:17 - 00:56:00:05

Um, microcrystalline? Yes, I, I hear what you're saying with regards to that. And I would really hope that what you're telling me is proves to be the case. And I'd be quite happy if that were the case. Post-construction. And as the operator who will own the risk once the wind farms are constructed, the risk then lies with us. And should that not prove to be the case, we find ourselves in a position where certain transits will have additional risks, um, particularly during periods of reduced visibility, and we would need to take that into account.

00:56:00:17 - 00:56:12:27

Um, it's just that it's a, it's a, it's an unknown for us as an operator. It's an additional risk that is not quite quantifiable at this time, I believe. And as I say, it's just something that we want. Noted.

00:56:13:21 - 00:56:35:09

Thank you. And I suppose I'd come back to the applicant and just ask if again if, if, um, in having this, um, scheme in place, uh, it turned out that there were, uh, effects that were greater than currently expected. What mechanisms are there to, uh, I'm presuming through the, um,

00:56:36:28 - 00:56:50:05

the marine safety provisions of the DCO, there's the as we discussed earlier, there's the ability to, um, adapt and mitigate should greater effects be found. I won't just assume that. I'll check. Thank you.

00:57:09:09 - 00:57:40:02

At least on on behalf of the applicant, um, I think we understand where you're going with this, but the applicant's position is that the there there isn't an identified risk here based on, um, the navigation simulations that were done, the the work that's been done to date. And all the evidence is that there this isn't a risk, and therefore it wouldn't be appropriate to be putting in place mitigations for something that, um, that, that there's no evidence is going to, uh, or is likely to occur.

00:57:40:04 - 00:57:53:20

I mean, we can take it away and, and have a think about whether that might fit into some other, um, element that we're doing. But the applicant's position is that it's not something that, um, that there's a requirement to mitigate for at the moment.

00:57:54:20 - 00:58:08:03

I suppose, um, one thing I'm wondering is whether there's already something in, for example, engine six, five, four that provides for that mechanism. You know, um, Mr. Olsen, do you want to come in?

00:58:19:02 - 00:58:52:27

Uh, Chair Vella for the applicant. Okay. I think our position is that this hasn't been happening. Hasn't happened in decades. There's quite a lot of work done on this matter by the neural group, which was a government navigation industry group that was formed during round one and round two to look at these issues. Uh, certainly, certainly issues were identified. A lot of that related to, um, uh, the way that, um, uh, radar infrastructure on the vessels was placed and used and things like that.

00:58:52:29 - 00:58:54:02

I think

00:58:55:18 - 00:59:25:27

I think it's safe to say that if, if and we think it's a very low likelihood effects were determined once the project's in operation, then it would be something that we could discuss through the Marine Navigation Engagement Forum, which we've committed to maintaining. Um, I think without a huge amount of knowledge. And I'm going to say I don't think there's much that you can do from the windfarm side, but possibly there will be more work that could be done to look at the radar systems on vessels and things like that.

00:59:25:29 - 00:59:35:07

And maybe we could, you know, discuss and and think about some, some sort of follow up actions and whatnot through the Marine Navigation Engagement Forum.

00:59:38:11 - 00:59:42:28

Yeah. I'm reiterating the point that this is an issue that's been raised by MCO.

00:59:43:28 - 00:59:45:13

Thank you. Mr..

00:59:45:21 - 00:59:47:21

Do you want to briefly come back before we move on?

00:59:47:26 - 01:00:11:16

Yeah. The only comment I would make. The applicant has made the position that transiting close to turbines can sometimes cause this. We've seen the the example there of the North oil. One mitigation was that we keep further off some of the the wind farms. Obviously that's an additional deviation. But if that's what was required in order to ensure the integrity of marine radar, that was something that we would have to consider. That obviously is an additional deviation for ourselves.

01:00:17:09 - 01:00:20:01

Thank you. I will move on. Um,

01:00:21:26 - 01:01:05:22

the only other one I had was just on, uh. Again, Mr. Proctor, your submissions referred to some confidential data in a framework document about financial impacts on the business that you are sharing with the applicant. Um, I think you asked the question, should that be something that we would want to see? And I think my answer at the moment would be it's most appropriate that stays between yourselves and the applicant for now. Um, uh, and yeah, and so we we don't need to see it at this stage. Um, and we note that, well, from the statement of common ground that you're engaging on, uh, this commercial side agreement aiming for completing that process by deadline seven.

01:01:06:15 - 01:01:19:01

Um, I will just ask the applicant is again, is this as similar to the Steam Packet Commercial Agreement in the sense that it would look to offset commercial impacts?

01:01:21:11 - 01:01:23:20

Jerry Heller for the applicant. Yes. That's correct.

01:01:26:27 - 01:01:38:27

And I know the standardized submissions mentioned DCO protections. Does the applicant currently plan to have anything in the DCO to protect the interests of centerline.

01:01:39:25 - 01:01:45:23

Lays down on behalf of the applicant? No, there is no intention to put anything in the DCO.

01:01:49:29 - 01:02:04:25

Thank you. Um, before I could come back to Mr. Proctor, is there anything else you want to say about the those ongoing discussions about the commercial side agreement? Or you can tend to keep working on that outside of this examination.

01:02:05:09 - 01:02:16:27

We're happy to continue to work on that with the with the applicant. I think the rest of our submission is makes our position clear. Anything else would just be, um, repeating what's in there.

01:02:17:07 - 01:02:22:14

Thank you. Um, and nothing else you need to draw to our attention today, then, Mr. Proctor?



01:02:22:16 - 01:02:23:20

No, that's a thank you.

01:02:23:23 - 01:02:55:21

Thank you. Okay, we'll move on then to look at the UK Chamber of Shipping. And again, we don't have the UK Chamber of Shipping with us today. But, um, I just want to check in on the status of discussions. Um, in the statement of common ground, there's mostly agreement on shipping and what are entitled shipping and navigation issues. And any of the outstanding issues mainly sit under the socio economic topic. But I think it's they are related back to shipping and navigation. So I think this is an appropriate enough place to talk about them.

01:02:55:24 - 01:03:16:19

I so I just wanted to raise a couple of points with the applicant. The first being on the, uh, the matter of emergency terror vessels that we discussed briefly last time. Um, we understand the argument. I think we understand the arguments on both sides as we've been presented with them. Um, I just want to know whether there's any update, firstly, from the applicant on that.

01:03:18:04 - 01:03:37:19

Gerard Butler for the applicant. Um, we we, uh, haven't been able to engage with, uh, the chamber since submission of their response to, um, the extra second questions. Uh, we have reviewed the the, uh, information within the chamber's, uh, representation. Um,

01:03:39:17 - 01:04:17:11

what what we know that there are the chamber is sort of, uh, requested actions that are wider than the than the project, that sort of, um, EC level. And, um, you know, we note those points. I think there is reference more specifically to the development and, uh, the chamber recommending, uh, that the applicant undertake an analysis into storage availability of third party, uh, entities. Um, um, uh, that will be, uh, associated with the project, uh, as well as the likelihood of project vessels having towing capability to us to assist Assistant incident.

01:04:17:23 - 01:04:48:12

Um, this emergency storage vessels is a matter that was discussed in the NRA hazard workshop. Um, I appreciate that you're aware of that. So I won't go into detail. And I'm not going to go into, uh, dwell on the fact that MCA haven't raised this as an issue either. However, we don't think that this is, um, that this is unreasonable to consider and therefore subject to, um, MCA agreeing. And I do want to put this up with the MCA first. I think we would be happy to make a commitment.

01:04:48:18 - 01:05:16:08

Uh, in an update to the Outline Vessel traffic Management plan, to say that we would look at these, um, based on the interpretation that we have here, it's when preparing the vessel traffic management plan, post consent for approval by the licensing authority in consultation with MCA, yada, yada, yada, that we would have a look at total availability, um, from our third parties, uh, associated with the project and on our own project vessels.

01:05:19:19 - 01:05:56:17

Thank you. That's, um, feels like a reasonable response. And, yes, I would endorse you checking what? Um, that the MTA content with that. But, um, I do think that whilst this is a strategic point, it is also feels like a reasonable point. And I appreciate it's not something that it's solely in the responsibility of the applicant. But, um, I'm also aware it's not only being raised on this case. So, um,

appreciate you taking that. And I will look out for the next iteration of the outline vessel traffic management plan or strategy and see how that's looking in there.

01:05:56:19 - 01:06:02:23

I wondered also whether whether condition 22 of the DMs, which deals with offshore safety management.

01:06:02:25 - 01:06:03:10

Whether.

01:06:04:01 - 01:06:11:11

Whether anything in terms of the CoC, which is kind of implicit in in that condition, would also pick up emergency powers.

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

Gerard Vella for the applicant. Yeah, I think that probably the natural place for this and post consent is probably the natural place where we'd deal with it. But given that we don't have an outlier cop, um, we would incorporate the commitment into the vessel traffic management plan. But yeah, I.

01:06:31:27 - 01:06:37:16

Or put it in there and or and or put it in the mitigation and monitoring schedule.

01:06:37:24 - 01:06:38:18

Okay.

01:06:38:20 - 01:06:39:15

One of the two.

01:06:41:25 - 01:06:55:09

I'd rather it was in the outline vessel traffic management plan because that's actually secured by a provision of the DCO. Whereas the I don't think the mitigation monitoring plan actually is I know it's I know it's a certified document, but I don't think it's.

01:06:56:18 - 01:07:00:10

Valid for the applicant. Yeah. We'll include it in the outline vessel traffic management plan.

01:07:00:13 - 01:07:01:03

Thank you.

01:07:01:21 - 01:07:34:18

And then um, and then the other side of the points being raised by the Chamber of Shipping relates to the kind of, um, the operational and commercial effects on the shipping sector more generally. And again, this, this, it feels like this is the Chamber of Shipping representing its members and talking about, um, engagement, um, particularly on things like, um, the methodology for calculating greenhouse gas emissions and some supply chain effects matters. So, um, is that something that sort of bundle of I know it sort of says that there's some ongoing engagement happening.

01:07:34:20 - 01:07:41:07

Are you expecting that that will be resolved by the end of the examination, or is that something that's, um, we're running out of time on.

01:07:42:07 - 01:08:12:25

Uh, Jerry Vella for the applicant, I think, um, I wouldn't be misrepresenting, uh, Mr. Mirrlees to say that the outstanding action really is, uh, for the chamber to confirm with their members that we are engaging on, um, addressing the residual, uh, operational effects, uh, associated with with the project, um, and that, um, the other matters, uh, that are noted in Statement of Common Ground are on. Don't need to be progressed.

01:08:12:27 - 01:08:15:09

I'm going to say okay.

01:08:15:14 - 01:08:42:23

All right. Thank you. Nothing else in the Chamber of Shipping unless you wanted to raise anything. Um, and then I just wanted to very quickly talk about any UK limited only just a flag that obviously we don't have. We haven't had an updated statement of common ground. And we have we just haven't heard anything since deadline three and there are still some outstanding issues. So I just wanted to check, um, whether you're seeing any impediments to reaching agreement with them by the end of the examination.

01:08:42:27 - 01:09:10:11

Gerard Vella for the applicant. No, I don't think there are any outstanding issues. I did try to, um, to secure a meeting to update the state and common ground ahead of D5 wasn't successful in doing that. Um, I think it's a case of they are still working through the materials. The last time we spoke, um, it's a large volume of work on on shipping and navigation. So I'm hoping that we will close that all out for um, for deadline seven.

01:09:14:23 - 01:09:17:11

Thank you. Um,

01:09:18:28 - 01:09:19:27

now

01:09:21:21 - 01:09:44:25

I'm going to get to the end of shipping and navigation before we break for lunch so that we can stay roughly on track to where we thought we were going to be and that, um, a couple of small points just to pick up. Um, firstly, just to check with Mister Innes, you've, um, you have said you don't want to come in on and give any oral submissions on shipping and navigation, but I just wanted to check that that's still the case since you're here.

01:09:45:26 - 01:09:50:23

Uh, comments on behalf of the IPS. Yes, that's our position, madam. Thank you, thank you.

01:09:51:14 - 01:09:51:29

Um,

01:09:53:15 - 01:10:26:01

um, then a quick point on, uh, mitigation. And this is the point about posting consent engagement. And I note that the commitment to the ongoing Marine Navigation Engagement Forum is now part of the outline. Ms.. Um, it's still a little bit vague in terms of the way that the commitment to how much to how long post consent that forum would be in existence.

01:10:26:03 - 01:10:54:19

So we appreciate that there needs to be some flexibility about kind of, um, the terms of reference and things of that group into the post consent stage. But at the moment, I think it refers to continuing for a number of years into the operation and maintenance phase. I'm just thinking about some of the issues we've even talked about this morning in terms of how do things play out as as the scheme became operational. And I think we'd prefer to have a bit more of a commitment in terms of a specific number of years that that the Marine Navigation and Engagement Forum, as a minimum, would continue into the post consent stage.

01:10:56:05 - 01:11:15:20

Uh, Gerard Vella for the applicant, um, we're happy to update that we're going to update the document anyway to make reference to, uh, so so we could update it so that it will be for a minimum of five years into the operation and maintenance phase. And then we'll take a view on whether it's required to be maintained beyond that and set that out in writing.

01:11:16:00 - 01:11:28:25

Thank you. That would be helpful. Would that be for deadline six or deadline seven that the updated document? I don't think it's particularly controversial. So if it's deadline seven that's probably okay. Yeah.

01:11:32:27 - 01:11:37:23

Jerry Vetter for the applicant. Yeah. Um, to confirm. Yes, we'll submit it at deadline seven. Thank you.

01:11:37:29 - 01:11:38:19

Thank you.

01:11:40:09 - 01:12:05:28

Um, I think then just very briefly on monitoring, because we discussed before about the offshore in-principle monitoring plan. And I note that that's been updated at deadline five, which is welcome. And just to say that we are now satisfied that you've now put in basically the links to which specific provisions of the DML, um, secure the various commitments and that now, um, satisfies us in terms of what we were looking for. Um,

01:12:07:21 - 01:12:40:21

and that. Yeah. So we're happy with all of that. Um, I suppose it only point was about agreement with the parties who are going to be responsible for, um, for that monitoring for, for, uh, policing that monitoring so or approving or indeed, um, discharging commitments around it. So in terms of the bodies that have the greatest role to play in discharging those monitoring equipment commitments for shipping and navigation, it's likely to be the MCA and Trinity House. And I think the whole monitoring approach has agreed with those parties as far as I'm aware.

01:12:42:14 - 01:12:46:11

Jeremy Vella for the applicant. Yeah, that's correct. And of course, the licensing authority.

01:12:46:21 - 01:13:00:05

That was my next question. I was hoping we might have Mr. Morrison here today, but are you aware of any outstanding concerns on approaches to monitoring in the DML, particularly in relation? I'm not talking about ecology here, but just shipping and navigation monitoring.

01:13:06:06 - 01:13:17:00

Paul Carter on behalf of the applicant. And no, we're not aware of anything and we're not aware that the submission that, um, uh, the marine licensing team made with respect to open issues about the DML included anything of that nature?

01:13:17:02 - 01:13:34:18

No, that was my reading of that submission as well. So. Okay. Um, okay. So that deals with all of the questions that we've had on shipping and navigation matters for today. I will just check we will be breaking shortly, but I will just check. Is there anybody else who wanted to raise any matters on shipping and navigation?

01:13:36:15 - 01:13:45:03

Okay. In that case, I suggest we take a break now and we would return at 2 p.m. as PM. We'll see you then. Thank you.