

MONA OFFSHORE WIND PROJECT

Hearing Summary Onshore and Offshore Environmental Matters (ISH6)

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F01



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1 Hearing Summary Onshore and Offshore Environmental Matters (ISH6)

Table 1.1: Written Summary of the Applicant’s oral submission at ISH6

ID	Agenda Item	Notes
1	Welcome, introduction, arrangements for the hearing	
2	Purpose of the Issue Specific Hearing	
3	The Change Application	
	Consultation and responses	<p>(1) The Applicant confirmed that it undertook the consultation process for the change request as made on 1 November 2024 (the Change Request) as directed by the Examining Authority (ExA) in its letter of 8 November 2024 (PD-015). The Applicant explained that consultation took place over 15 days from 19 November 2024 to 5pm on 3 December 2024 during which time the Applicant made direct contact with the relevant landowners and interested parties through letters, phone calls and emails and published a notice in the Daily Post on 18 November 2024 in both English and Welsh. The Applicant explained that it displayed physical notices in the vicinity of the land subject to the Change Request where they would be visible to the public, including two additional locations in response to comments from a local resident, and left the relevant documentation to the Change Request at two deposit locations. The Applicant explained that it selected the same deposit locations as were used at the beginning of the project for the statutory consultation process rather than going to new locations. In relation to hard copy documents, the Applicant confirmed that it sent out a selection of the relevant documents to the Change Request in hard copy, but confirmed that all documents are available on the Planning Inspectorate’s website. The Applicant confirmed that parties can contact the Applicant directly with a request for hard copy documentation, but that it has not received any such requests.</p> <p>(2) The Applicant confirmed that it received responses from Cefn Meiriadog Community Council (CCC), Cadw, National Plant Enquiries, Welsh Water, SP Energy Networks, Councillor Martin Barlow, Mr Hussey, Denbighshire County Council Highways Team and the Executors of the Late Sir David Watkin Williams-Wynn (Cefn Estate). The Applicant confirmed that the comments on the Change Request primarily related to change 1a and 1b and principally related to traffic related impacts in respect of the new proposed temporary access to the onshore substation (Temporary Access 1a). The Applicant confirmed that it also received comments from consultees in relation to changes 2, 3 and 4 relating to the proposed changes to permanent and temporary access roads, which principally related to interests from SP Energy Networks in respect of their assets. The Applicant confirmed that it would respond to the consultation feedback at Deadline 6 as set out in Change Request: Consultation Report (CR1-043). [Post hearing note: see Change Request Consultation Feedback Response (S_D6_2).]</p> <p>(3) [Post hearing note: as confirmed in the Examining Authority’s Procedural Decision dated 19 December 2024, the Change Request has now been accepted into the Examination.]</p>

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	Nature of the changes	<p>(4) The Applicant confirmed that the nature of all changes brought forward relate to an increased understanding by the project team of how the project needs to be brought forward in its early stages. The Applicant explained that this knowledge has come about by undertaking a more detailed design process and planning the detailed project programme to ensure all aspects align appropriately. The Applicant confirmed that it needs to be able to access the onshore substation site prior to the temporary construction access road at Glascoed Road being in place. The Applicant explained that there will be a period of time when the design of this access is being discharged and built out, during which time the Applicant will require access to the onshore substation site to carry out onshore site preparation works. The Applicant explained that some of these works have seasonal constraints, and need to be carried out prior to the temporary construction access being built out to avoid delays which could be detrimental to the project.</p> <p>(5) The Applicant explained that the programme set out in the Environmental Statement (ES) is indicative. The Applicant confirmed that it has updated the project programme to include onshore site preparation works which would require additional temporary access to the onshore substation for a period of approximately 12 months. The Applicant confirmed that this access would be temporary for the period of the onshore site preparation works to be carried out, and that as soon as the temporary construction access at Glascoed Road is in place, Temporary Access (Change 1a) will no longer be used by the Applicant. The Applicant also confirmed that the nature of activities to be undertaken via the Temporary Access would be limited and the types of vehicles using the access would be similar to those previously used on this track during the application phase of (for example, access to carry out trial trenching, ground investigations, ecological surveys and other activities commensurate to onshore site preparation works). The Applicant confirmed that it would not bring heavy goods vehicles through the Temporary Access. The Applicant explained that since submission of the application it has continued to develop the project, which in turn has led to a greater understanding of project programming and design. The Applicant confirmed that the ExA granting the Change Request would allow the project to be brought forward with the greatest chance of meeting its grid connection date and achieving its project objectives of providing clean energy.</p> <p>(6) The Applicant explained that there was previously an incident on the Temporary Access where an excavator being delivered on a trailer was unloaded early, and that the incorrect trailer was used for transporting the excavator. The Applicant confirmed that it understands the need to ensure appropriate controls are in place to avoid incidents reoccurring and confirmed it will update the Outline Construction Traffic Management Plan to include clear controls for onshore site preparation works to ensure they are carried out correctly [Post hearing note: see Outline Construction Traffic Management Plan (J26.13 F04)]. The Applicant confirmed the anticipated vehicle movements on the Temporary Access would include the transport of equipment to and from the site; this would comprise deliveries at the start and end of the relevant works, meaning only a small number of deliveries would be required. The Applicant confirmed that it anticipates the number of vehicle movements requiring delivery with a trailer would be limited and that the Outline Construction Traffic Management Plan (CTMP) contains controls that deal with limits on deliveries. The Applicant confirmed that the level of traffic movements anticipated are minimal and would be short-term. The Applicant agreed to include an indicative number of traffic movements anticipated to site in the Outline CTMP [Post hearing note: see Applicant's response to December Hearing Actions Points (S_D6_3), row HAP_ISH6_01]. The Applicant confirmed that it has had a meeting with the local Highway Authority and they have</p>

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		<p>agreed to the updates in the Outline CTMP. [Post hearing note: Denbighshire County Council have now written to the Examination to confirm they withdraw their representations on this matter.]</p> <p>(7) The Applicant confirmed that it is not its intention to remove hedgerows, but that hedgerows would only be trimmed as a worst case to include visibility splays around the Temporary Access. The Applicant reiterated the need to discuss its approach with the local Highway Authority, particularly as other projects will be using the Glascoed Road and the Applicant will need to understand what other controls are in place in the area and how these will tie in with the Mona Offshore Wind Project. The Applicant confirmed that because the Temporary Access will be required for onshore site preparation works, any necessary controls will be included in the Outline CTMP (as opposed to the final plan) [Post hearing note: see Outline Construction Traffic Management Plan (J26.13 F04)]. The Applicant confirmed that no update is required to the Outline Highways Access Management Plan.</p> <p>(8) The Applicant asked the ExA for clarity on when the Applicant should expect to receive a decision on the Change Request, and submitted that it will need to include any changes allowed through the Change Request into the final application documents at Deadline 7.</p>
4	Progress update	
<p>The Exa will ask the Applicant for an update on any outstanding matters and likely resolutions, including timescales on the following matters:</p>		
	Civil and military aviation and defence interests	<p>(9) The Applicant provided an update on where matters stand with Blackpool Airport. The Applicant confirmed that it did not submit a Statement of Common Ground (SOCG) at Deadline 5 as the ExA questions covered pertinent parts of the SOCG. Blackpool Airport provided a robust response to ExA questions and confirmed that the mitigation identified in the Applicant's assessment (being a 200 foot increase to Minimum Sector Altitude (MSA)) is likely to be the correct mitigation required to address residual impacts. The Applicant explained that Blackpool Airport's 5-year review is nearly complete and will be issued to the Civil Aviation Authority (CAA) soon, but that the CAA then need to go through its processes which means there is a strong likelihood that this matter will not be resolved prior to the end of examination. The Applicant confirmed that it has been progressing a funding agreement to secure the funds for Blackpool Airport to make the necessary changes to MSA once the CAA has completed its processes. The Applicant confirmed that it has issued a draft funding agreement to Blackpool Airport on 9 December 2024. The Applicant submitted that it is not intending to propose a DCO requirement to deal with this mitigation, as this will be covered by the funding agreement. The Applicant added that it will discuss the safeguarding assessment raised by Blackpool Airport with Blackpool Airport directly, but explained that given the Applicant's assessment was undertaken based on a maximum design scenario, no further assessments should be required. The Applicant confirmed that, subject to agreement with Blackpool Airport, any issues arising from this matter can be dealt with through the funding agreement. [Post hearing note: for further information see Applicant's response to Blackpool Airport ExQ2 submission (S_D6_27)].</p> <p>(10) The Applicant explained that as a result of issues between Prestwick Airport and onshore wind farms, the CAA has issued a notice to licenced aerodromes in relation to the potential of interference to Very High Frequency (VHF) communications. The Applicant confirmed that a set of CAA guidance is contained within Civil Aviation Publication (CAP) 670: Air Traffic Serves Safety Requirements, which sets out a two-step process: the first step being undertaken is to determine through theoretical, mathematical modelling, the conceptual effect of the project against</p>

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		<p>the maximum design scenario. The Applicant noted that this includes an assumption that the wind turbine generators would be facing the VHF radio antenna at all times to create a worst-case scenario (despite this not being physically probable). The Applicant confirmed that it undertook this first step and presented the analysis conclusions to Blackpool Airport on 25 November 2024. The Applicant confirmed that Blackpool Airport now needs to undertake its own assessment as the second step (as per the guidance provided in CAP 670), but that it will not be able to do this until the end of January 2025 after the end of examination. The Applicant explained that it does not see VHF communications as being an issue as a result of the project, as this issue does not widely occur in practice, but that Blackpool Airport nonetheless needs to undertake its own assessment.</p> <p>(11) The Applicant submitted that it is preparing a 'without prejudice' DCO requirement in case Blackpool Airport does identify an effect on VHF communications as a result of the project in its assessment. The Applicant explained that this matter is not considered in its ES because this issue is new, raised by the CAA as a result of an issue identified at Prestwick Airport due to an overland issue resulting from an onshore wind farm in an area of high topography. The Applicant confirmed that since this issue was identified, there has not been a technical issue with VHF communications identified as a result of offshore wind farms, and that the Maritime and Coastguard Agency (MCA) have not raised any concerns on this point. The Applicant explained that this potential issue has been identified as a result of the theoretical, mathematical modelling undertaken (the results of which were provided to the Airport on 25 November 2024) which is undertaken on a worst-case scenario, conservative basis. The Applicant explained that whilst wind farms might cause degradation to VHF communications, any such degradation would be minimal, degradation from the optimal, not total loss, and would contribute to many other environmental factors that may also cause radio propagation degradation. The Applicant submitted that it would not be known whether the Mona wind turbine generators would have an effect on VHF communications until the turbines have been erected. The Applicant confirmed that this issue has also been raised for Ronaldsway Airport but that there are sufficient adaptive management measures in the DCO requirements being put in place for the relevant airports. The Applicant confirmed that these requirements are structured slightly differently because of a differing preference of wording between different airport operators and confirmed that these requirements are drafted for mitigation to be maintained throughout the operation of the wind farm. The Applicant agreed to submit relevant 'without prejudice' DCO requirement wording for Deadline 6.</p> <p>(12) The Applicant provided an update on where matters stand with NATS. The Applicant confirmed that it is still engaging with NATS on the Mitigation Services Contract (MSC) and although it hopes to complete this prior to the end of examination, negotiations are ongoing. The Applicant submitted that it has therefore included a requirement in the DCO at Deadline 5 in case the MSC is not completed prior to the end of examination and is seeking feedback on the drafting of this requirement from NATS prior to Deadline 6. The Applicant confirmed the wording of this requirement as currently drafted is standard and follows precedent. The Applicant reiterated that it is still nonetheless progressing with the MSC.</p> <p>(13) The Applicant provided an update on where matters stand with Ronaldsway Isle of Man Airport. The Applicant confirmed that it intends to submit a draft requirement for mitigation into the draft DCO at Deadline 6. The Applicant confirmed it is also engaging with Ronaldsway in negotiating a commercial side agreement, although it does not expect this to be agreed prior to the end of examination. The Applicant confirmed that it has used previous NATS requirement wording as a base for the Ronaldsway Airport radar requirement and is looking to capture mitigation for</p>

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		<p>wider traffic implementation of radar in this requirement. [Post hearing note: for further information, see the Applicant’s response to the Isle of Man Airport’s Deadline 5 submission (S_D6_25)].</p> <p>(14) The Applicant provided an update on where matters stand with Liverpool John Lennon Airport (LJLA). The Applicant confirmed that it reached out to LJLA on 28 November 2024 and met with the airport on 5 December 2024. The Applicant explained that the Mona Offshore Wind Farm could affect radar and traffic services at LJLA based on the maximum design scenario, but given the airport is 38 miles from the Order Limits and doesn’t provide air services over the Order Limits, effects are unlikely [post-hearing note – this last point was incorrect. Whilst LJLA does not direct aircraft over the Mona Array Area, a part of it is within the area that they provide ATS]. The Applicant confirmed that it is nonetheless preparing a ‘without prejudice’ DCO requirement in the event that Liverpool Airport’s radar supplier Raytheon establish that mitigation would be necessary through its assessment. The Applicant confirmed that the mitigation requirements are nonetheless well understood and comprise software updates to the radar, flight trials and an update to the existing safety cases to the CAA. The Applicant confirmed that it intends to negotiate a commercial side agreement ‘without prejudice’ for LJLA and has a meeting with the airport on 17 December 2024, but explained that this matter may not be resolved prior to the end of examination, which is why the Applicant will submit a ‘without prejudice’ DCO requirement at Deadline 6.</p> <p>(15) In relation to BAE Warton, the Applicant confirmed that the wording of requirement 23 is not yet agreed by the Defence Infrastructure Organisation (DIO). The Applicant confirmed that it has continued trying to engage with the DIO, and will seek feedback on the DCO requirement wording ahead of Deadline 6 and hopes to include this in the SOCG. The Applicant confirmed that the DIO confirmed by email on 31 October 2024 that no changes are required to requirement 3 ‘aviation safety’, and that this confirmation from the DIO will be recorded in the final SoCG submitted at Deadline 7. In relation to the drafting of requirement 23, the Applicant confirmed that this is drafted based on precedent and is drafted in a way to avoid any trigger preventing the turbines being erected (which is why the requirement comes into effect prior to rotation of the wind turbine generator blades). The Applicant explained that engagement on the mitigation requirement for BAE Systems Warton is contingent on the non-disclosure agreement related to the new radar. The Applicant explained that it is not sure when this will be discharged, but reassured that it is confident the effects on BAE Systems Warton are mitigable, involving manipulation of radar, flight trials and submission of a safety case to the CAA.</p>
	Commercial fisheries	<p>(16) The Applicant provided an update on its scallop mitigation proposals. The Applicant noted that whilst it has secured pre and post-construction monitoring in relation to queen scallop through the Outline Fisheries Liaison and Co-existence Plan (REP3-016), it has now made additional monitoring commitments to include king scallop in its monitoring programme. The Applicant also confirmed that it has included reference to consideration of regional monitoring programmes such as the work being done at Bangor University and any similar monitoring committed to by Morgan Generation Assets in development for the Environment, Food and Agriculture. The Applicant also confirmed that the updated commitments are made in the revised Offshore In-Principle Monitoring Plan (REP5-026) and will be incorporated into an updated Outline Fisheries Liaison and Co-existence Plan which will be submitted at Deadline 7.</p>

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		<p>(17)The Applicant confirmed that it would update the examination progress tracker (REP4-089) to take account of any disagreements that have now been resolved on the part of the Scottish Fisheries Federation, West Coast Sea Products Ltd and Scottish Whitefish Producers Organisation at Deadline 7.</p> <p>(18)The Applicant confirmed that it would respond to the points raised by the Welsh Government concerning scallop stocks at Deadline 6. The Applicant highlighted how commitments already made will address the Welsh Government’s recommendations that relate to scallops. The Applicant submitted that it has committed to collection of baseline scallop resources data pre-construction and to review other regional monitoring programmes in developing the monitoring scope which would include the existing programme at Bangor University in accordance with the Welsh Government’s first recommendation. The Applicant submitted that it has committed to a monitoring programme pre and post-construction which would gather evidence on the impact of construction on both king and queen scallop covering the Welsh Government’s second recommendation. The Applicant submitted that it has committed to liaising with fisheries stakeholders to provide them with confidence that fishing can continue in and around the Mona Array Area with snagging hazards being mapped, as secured through conditions 13 and 26(6) of the deemed marine licence which require notification to Kingfisher Information Services and mariners. The Applicant submitted that it therefore already meets Welsh Government’s recommendation 3.</p> <p>(19)In relation to Welsh Government’s recommendation 4, the Applicant submitted that it has committed to monitoring the impact of fishing businesses in and around the Mona Array Area as a result of the proposed development in the Outline Fisheries Liaison and Co-existence Plan (REP3-016) through its commitment to review vessel monitoring (VMS) and in-shore vessel monitoring (iVMS) data and landings data for up to 5 years post-construction through the operations and maintenance phase, reporting on results and engaging on next steps where necessary. The Applicant highlighted that it has made a number of commitments in the application to limit the displacement of fisheries as a result of the proposed development, and provided the examples of a (a) minimum spacing of infrastructure of 1400m within the Mona Array Area, (b) a commitment to north-south orientation of the wind turbine generators, (c) securing the scallop mitigation zone over the core area of scallops in consultation with fisheries stakeholders, and (d) committing to cable burial and minimising cable protection where possible. The Applicant reiterated that it would respond to the submissions made by the Welsh Government at Deadline 6 and signpost to where the relevant commitments are set out in the application documentation.</p> <p>(20)The Applicant added that it has engaged with relevant fisheries stakeholders, and that it met with members of the Welsh Government Marine Enforcement and Fisheries team in March 2022. The Applicant confirmed that it will add specific details of relevant meetings in its written response to the Welsh Government [Post hearing note: see Response to Welsh Government Fisheries Division D5 Submission (S_D6_24)]. The Applicant added that it started engaging with fisheries stakeholders in early 2021 and held a total of 8 discreet consultation exercises, each comprising multiple meetings, which have involved getting to site for in-person meetings as much as possible (unless Covid restrictions prevented this). The Applicant submitted that it has undertaken significant engagement in the fisheries sector and feels that it has represented accurately the nature of the activity within the Mona Array Area as a result of engagement from the industry. The Applicant confirmed that the beam trawl fishery, which primarily targets sole, has been included as a discreet receptor group in the Commercial Fisheries ES Chapter (APP-058). The Applicant confirmed it engaged with Rederscentrale (Belgian Fishing Organisation) who highlighted the importance of the beam trawl fishery, with sole being a target species and plaice being a bycatch species. The</p>

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		<p>Applicant therefore confirmed that it is confident it has assessed potential impacts on the sole fishery appropriately in its ES. The Applicant confirmed that it would include further detail in its Deadline 6 Government [Post hearing note]: see Response to Welsh Government Fisheries Division D5 Submission (S_D6_24)].</p> <p>(21) In relation to aquaculture and the difference between the Applicant’s views and those of Bodorgan Marine Limited (Bodorgan), the Applicant submitted that the policy position being submitted in representations by Bodorgan are a complete misunderstanding and misinterpretation of how planning policy should be considered. The Applicant submitted that Bodorgan has taken paragraphs and words out of context and that Bodorgan’s position is unsupported by policy or any sensible interpretation of it. The Applicant confirmed that it would make a detailed response to Bodorgan’s submissions at Deadline 6.</p> <p>(22) The Applicant submitted that Bodorgan has taken an incorrect approach to the consideration of the National Policy Statements (NPS) and determination of Nationally Significant Infrastructure Projects (NSIPs) under section 104 of the Planning Act 2008. The Applicant referred to paragraph 10 of Bodorgan’s Deadline 5 submissions (REP5-103) and submitted that there is nothing in policy that requires colocation by the Applicant and it is not the responsibility of the Applicant to try to find partners for colocation in the respect set out by Bodorgan. The Applicant submitted that this is the first the Applicant has been made aware that Bodorgan has ambitions to collocate a mussel farm with the Mona Array Area. The Applicant submitted that it is unrealistic for it to be aware of this suggested colocation without knowledge Bodorgan’s proposal and because the Welsh Government’s marine planning database does not identify the Mona Array Area as being a preferred area for this type of aquaculture. The Applicant refuted any suggestion by Bodorgan that any alleged ‘failure’ to make provision for offshore bivalve aquaculture as part of the Mona Offshore Wind Project would outweigh the substantial benefits of this scheme. The Applicant submitted that Bodorgan’s representations at REP5-103 fail to take into account that policy must be read as a whole. The Applicant highlighted paragraph 36 of REP5-103 which seems to suggest that the Applicant should have taken actions to assist Bodorgan in being a consentable project, for example through identification of blocks of marine space and grant of a sublease on appropriate terms to enable Bodorgan to deliver its proposed aquaculture assets. The Applicant explained that the Mona Offshore Wind Farm does not have the ability to grant a sublease over any of the Mona Array Area due to restrictions in its Agreement for Lease (AfL) with The Crown Estate (TCE). The Applicant explained that the AfL granted by TCE prohibits the Applicant from subleasing any part of the Mona Array Area or from undertaking activities which are not permitted within the AfL (noting that the permitted activity in the AfL is an offshore wind farm). The Applicant also noted that the AfL is not a lease and does not create property rights. The Applicant submitted that it has no right to grant what is requested by Bodorgan and that to suggest that the Applicant had an obligation to consider colocation with specific bivalve infrastructure in its application is a misunderstanding of the NPS and Welsh National Marine Plan, both of which set out aspirational policies to take into account colocation but noting there may be certain limitations to this such as the AfL between Mona Offshore Wind Limited and TCE. The Applicant nonetheless submitted that it is willing to discuss possible future engagement with Bodorgan, but strongly refutes any assertion by Bodorgan that the project is not in accordance with policy.</p> <p>(23) In response to oral submissions made by Bodorgan, the Applicant submitted that Bodorgan is selecting parts of policy to reference, without viewing policy as a whole. The Applicant referenced ECON_2 from the Welsh National Marine Plan, which states: <i>“It is recognised projects may not be able to identify realistic coexistence opportunities”</i>. The Applicant submitted that Bodorgan has referred to aspirational policies as being imperatives for the Mona</p>

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		<p>Offshore Wind Project whilst they are policies designed to encourage co-existence where possible. The Applicant reiterated that it is not currently in a position to grant what Bodorgan is requesting, and that Bodorgan would need to approach TCE in relation to any lease or sublease it wishes to obtain over the seabed. The Applicant added that Bodorgan has not submitted an application for a marine licence which would be a necessary part of bringing any application by them forward.</p> <p>(24) The Applicant added that it is familiar with, and regularly uses, the Welsh Government’s marine planning portal, which shows clearly defined areas for aquaculture around the Welsh coast. The Applicant submitted that this portal does not show the Mona Array Area or surrounding areas as either a “Resource Area” for existing aquaculture activities or indeed an area for “potential bivalve marine development”, i.e. in the future. The Applicant submitted that the request for 5 blocks of marine space within the Mona Array Area has not been made previously. The Applicant submitted that it will consider whether this request can be accommodated, but clarified that it will not respond to unnecessary or irrelevant information going forward.</p> <p>(25) The Applicant added that it wrote to fisheries stakeholders throughout the commercial fisheries study area in 2021 including representatives of the aquaculture industry and the Applicant did not receive a submission from Bodorgan during the statutory consultation on the Preliminary Environmental Information Report (PEIR). The Applicant submitted that following Bodorgan’s written representation in this examination, the Applicant reached out to set up a meeting to which Bodorgan did not attend. The Applicant confirmed it attempted to set up two further meetings with Bodorgan which were both cancelled by Bodorgan the day before. The Applicant confirmed that the onus is currently on Bodorgan to come back to the Applicant with a new proposed date for a meeting. [Post hearing note: for further information, see the Applicant’s response to Bodorgan Marine Limited’s ExQ2 submission (S_D6_28)].</p>
	<p>Seascape, Landscape and Visual Impacts</p>	<p>(26) The Applicant provided an update on a potential enhancement fund in relation to residual seascape, landscape and visual impacts on a without prejudice basis. The Applicant confirmed that it had a Meeting on 13 November 2024 with the Isle of Anglesey County Council (IoACC) and NRW to understand their positions and their requests for how to move this matter forward. The Applicant confirmed that both parties pointed to the Awel y Mor enhancement model as one to be used. The Applicant confirmed that a further meeting was held on 5 December 2024 to present a draft set of heads of terms (HoTs) for an agreement. The Applicant explained that it sent draft HoTs to NRW and IoACC on 9 December 2024, and is looking forward to receiving their comments. The Applicant agreed that intends to set up a follow-up meeting, hopefully before Deadline 6. The Applicant confirmed that it made contact with Eryri National Park (who is not an Interested Party) to keep them abreast of developments, but has not yet received a response. The Applicant confirmed that next steps will depend on the response from NRW and IoACC to the HoTs, but hopes that it can reach an agreed position and submit a joint position statement to ExA by Deadline 7. The Applicant noted that it expects to be able to agree all aspects of the HoTs with the potential exception of value) The Applicant submitted that if the HoTs cannot be agreed then it will have to consider how we present this to the ExA. The Applicant confirmed it is reviewing how to secure any enhancement, but submitted this will likely be secured through a Requirement similar to AyM, to implement a section 106 agreement in line with the HoTs once the land for the project is secured to which the agreement will be bound. The Applicant nonetheless clarified that its position on the best approach for this is not yet settled. The Applicant submitted that if an agreement is not reached by Deadline 7, the Applicant will need to present a final position which would likely be a unilateral offer from the</p>

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		<p>Applicant. The Applicant submitted that it will update the ExA with any further update at Deadline 6, submitting its final position at Deadline 7.</p> <p>(27) The Applicant confirmed that Conwy County Borough Council (CCBC) and Denbighshire County Council (DCC) have agreed to review the Outline Landscape and Ecology Management Plan (J22 F04) and the Applicant is confident that it will reach an agreed position in the SOCG by Deadline 6.</p>
	Good Design	<p>(28) The Applicant confirmed that it met with the Design Commission for Wales (DCfW) on 21 November 2024 and that the report submitted by the DCfW (REP5-112) is the outcomes of this meeting. The Applicant confirmed that it would respond to this report at Deadline 6, but noted that it has already updated the Design Principles document (J3 F04) to incorporate changes from this meeting. The Applicant confirmed that it intends to add clarity on what processes will remain post consent into REP5-020 and how it will engage with DCfW earlier in the process so that they can be more involved in discussions surrounding supply chain and the form of design guide at Deadline 6.</p> <p>(29) In response to submissions made by Mr Hussey, the Applicant confirmed that there would be a requirement for trenchless techniques to pass through landscaping areas as set out in REP5-020. The Applicant submitted that whilst it would not be possible to plant some of the deeper rooted tree species, some shallower species can be planted over trenchless techniques. The Applicant confirmed that this will be dealt with through the final Landscape and Ecology Management Plan at the time of discharge of Requirement 12 of the development consent order (DCO) and the Outline onshore construction method statement (REP4-019) which will identify the method in which the onshore export cables will connect into the onshore substation. The Applicant does not believe it is necessary to update the visualisations to show whether there will be shallow rooted species over trenchless techniques. The Applicant submitted that the visualisations are based on indicative design to inform the ES and when detailed design information becomes available, the final landscape designs will be prepared and REP5-034 will be refined accordingly. The Applicant explained that indicative visualisations are one aspect of the landscape and visual assessment, but that the landscape and visual resources assessment is not wholly based on these. The Applicant explained that parcel numbers are provided at the end of the REP5-034 and there is a table which provides an indication of how each parcel will be used (e.g. woodland planting, habitat enhancement etc.).</p> <p>(30) The Applicant submitted that it is willing to work with the local planning authority's direction in relation to masterplanning and within section 1.8 of REP5-020 has committed to further strategic landscaping work with other developers around Bodelwyddan substation.</p>
	Traffic and Transport	<p>(31) The Applicant confirmed that it has updated requirement 10 of the DCO to require submission of the details of permanent and temporary accesses to the relevant local planning authority for approval prior to the formation of those accesses. The Applicant confirmed that those final details will be submitted in the form of the Highways Access Management Plan (in accordance with the Outline Highways Access Management Plan) or through discussions directly with the local highway authority (REP5-007). The Applicant added that it updated the Outline Highways Access Management Plan at Deadline 5 (REP5-047) to include the relevant elements from the Outline Code of Construction Practice relevant to the delivery of highways works. The Applicant submitted that these updates allow the Outline Highways Access Management Plan to sit as a standalone document tied directly to requirement 10 (as opposed to sitting in requirement 9 through the Code of Construction Practice as was the case</p>

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		<p>previously). The Applicant confirmed that it has discussed this updated approach with the highways teams at DCC on 9 October 2024 and CCBC on 19 November 2024 who have confirmed they are satisfied with this approach. The Applicant confirmed that it will seek to record agreement with these councils through the SoCGs at Deadline 6.</p> <p>(32)The Applicant confirmed that the site accesses are still included within the onshore site preparation works and will need to be delivered in line with the Outline Highways Access Management Plan prior to the accesses being formed, as opposed to prior to commencement of development. The Applicant confirmed that its intention is to have requirement 10 discharged in advance of delivering the site accesses, prior to commencement of development.</p> <p>(33)In relation to the Change Request, the Applicant added that it has a meeting on 12 December 2024 with DCC Highways Team and will be seeking to alleviate concerns raised and agree a joint position statement as soon as possible thereafter. [Post hearing note: for further information, see the Applicant's response to CBCC/DCC's ExQ2 submission (S_D6_22)].</p>
5	Navigation and shipping	
Outstanding areas of disagreement with:		
	The Isle of Man Steam Packet Company	<p>(34)The Applicant confirmed that an updated SOCG with MCA or Trinity House was not submitted at Deadline 5 because the final version of this SOCG is being held open until all DCO drafting matters are finalised. The Applicant confirmed that all non-DCO related matters are closed out and agreed.</p> <p>(35)The Applicant confirmed that it submitted an updated SOCG with the Isle of Man Steam Packet Company (IoMSPC) at Deadline 5 (REP5-079). The Applicant confirmed that all matters are agreed in this SOCG, with the exception of mitigation for the moderate adverse impact on operations associated with adverse weather routing, which is an ongoing point of discussion relating to the engagement on a commercial agreement. The Applicant confirmed that the intention is to close out this commercial agreement for the end of the examination. The Applicant confirmed that it will review any incorrect references to Morgan Generation Assets in the SOCG with the IoMSPC and update this for Deadline 7.</p> <p>(36)The Applicant confirmed that cumulative effects are left out of the SOCG with IoMSPC because the Liverpool to Douglas route is only affected by the Mona Offshore Wind Project, and the Heysham to Douglas route is only affected by other Tier 1 and Tier 2 projects, for which the contribution of the Mona Offshore Wind Project is negligible. The Applicant confirmed that it does not propose to include any drafting in the DCO as this mitigation will be sufficiently covered through the commercial agreement which would cover operational impacts. The Applicant confirmed that it is engaging with the Isle of Man Territorial Seas Committee about supply chain disruptions.</p>
	Stena Line Limited	<p>(37)The Applicant submitted it maintains that it's interpretation of the NPS is correct in relation to sea lanes. The Applicant referred to section 1.8.2 of its Navigational Risk Assessment (APP-098) which sets out its position on sea lanes as referenced in the NPS where the NPS discusses not interfering with recognised sea lanes essential to international navigation (NPS EN3 Paragraph 2.8.326). The Applicant referred to Article 22 of the United Nations Convention on the Law of the Sea (UNCLOS) which states that the coastal state clearly indicates sea lanes and traffic separation schemes on charts to which due publicity must be given. The Applicant submitted that there is a conflation between sea lanes and traffic separation schemes and that the NPS should be interpreted as such. The</p>

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		<p>Applicant confirmed that the SOCG with the MCA (REP3-026) agreed that there are no impacts to sea lanes essential to international navigation as a result of the project. The Applicant noted that this question has come up on previous examinations, and referred to the Thanet Extension (EN010084) where the MCA agreed that a sea lane constitutes a traffic separation scheme, and was agreed by the MCA in this case and in the Morgan Generation Assets examination. The Applicant submitted that there are sea lanes essential to international navigation in the Irish Sea but that these are Off Liverpool Bay TSS and Off Skerries TSS which is to the south of the Mona Array Area. The Applicant reiterated that its assessment concludes that there is no significant impact on the use of or access to those traffic separation schemes as a result of the project. The Applicant submitted that the ferry routes around the Mona Array Area are strategic routes and lifeline ferry services which fall within a separate section of the NPS.</p> <p>(38) The Applicant confirmed that the impacts on marine radar and other navigation communication systems are considered within section 1.8.11 of APP-098. The Applicant submitted that there has been a long standing acknowledgement that offshore wind turbines do in certain circumstances have an impact on marine radar, such as creating spurious effects and these have been studied extensively since 2004/2005. The Applicant submitted that there are number of offshore wind farms within the Irish sea currently, and that operators including Stena Line pass in quite close distances to these offshore wind farms and that these risks are being managed successfully by the masters of those vessels. The Applicant referred to MGN654 which notes that the greatest effects on marine radar are those passages within half a nautical mile of an offshore wind farm, which is far closer than the Applicant would expect any prudent masters to navigate their vessels. The Applicant confirmed that these impacts can extend up to 1.5nm, but the impact diminishes greatly at the passing distances that one would expect a commercial vessel to navigate. The Applicant referred to the studies quoted by Mr Proctor (National Academies), and commented that this study concludes that more modern offshore wind turbines with larger turbines and greater spacing, such as the Mona Offshore Wind Project, will theoretically mitigate a lot of the impacts currently experienced by operators due to reduced interactivity of radar pulses between structures. The Applicant understands that the decision by the Swedish Government referred to by Mr Proctor related to defence radar and missile early warning systems which are much more sensitive than typical marine radar systems. The Applicant submitted that it is confident that there is nothing inherent in the Mona Offshore Wind Project's design to make it any more impactful on marine radar than existing offshore wind farms in the Irish sea and elsewhere in the UK. The Applicant reiterated that the MCA are content through the SOCG (REP3-026) that these impacts would not be significant and would actually be less than the impacts of existing offshore wind farm projects.</p> <p>(39) The Applicant submitted that based on its assessments, including APP-098, there is no identified significant risk to radar systems and it is therefore not appropriate to put mitigations in place for something where there is no evidence it is likely to occur. No previous studies have shown a significant effect and the decades of operational experience in the UK has validated these findings. The Applicant agreed to review whether it might be possible to cover this within an existing element being provided but reiterated that there is no requirement to provide such mitigation. The Applicant further submitted that in the highly unlikely event that it was determined once operational that adverse effects were occurring, mitigation could be discussed through the Marine Navigation Engagement Forum which the Applicant has committed to maintaining. The Applicant submitted that it is not aware of any actions that the Mona Offshore Wind Project could take to mitigate these effects further, but that actions can be taken by</p>

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		<p>vessels in terms of increased passing distance from the Mona Array Area, as suggested by Mr Proctor or adjusting the settings or location of radars on vessels.</p> <p>(40)The Applicant confirmed that the commercial side agreement being negotiated with Stena Line is similar to the that of the IoMSPC in terms of looking to offset commercial impacts. The Applicant reiterated that there is no intention of adding any drafting in relation to Stena Line into the DCO. [Post hearing note: see the Applicant's response to Stena Line UK Limited's ExQ2 submission (S_D6_40) for further information.]</p>
	UK Chamber of Shipping	<p>(41)The Applicant confirmed that it has not been able to engage with the UK Chamber of Shipping since submission of their response to ExA's second questions (REP5-124). The Applicant confirmed that it has reviewed its response and is aware that the Chamber requested certain actions. The Applicant noted one request was for the Applicant to undertake an analysis into towage availability in the Irish Sea as well as the likelihood of Mona Offshore Wind Project vessels having towing capability. The Applicant confirmed that emergency towage vessels was a matter that was discussed in the NRA hazard workshop and deemed to be disproportionate and therefore not taken forward as a mitigation measure, with the MCA in their SOCG not suggesting it is required either (REP3-026).</p> <p>(42)The Applicant nonetheless submitted that subject to the MCA agreeing, it is content to make a commitment in an update to the Outline Vessel traffic Management Plan to review post-consent towage availability associated with the Mona Offshore Wind Project for approval by the licensing authority in consultation with MCA.</p> <p>(43)With regards to socio-economic items that are ongoing points of discussion with the Chamber of Shipping, the Applicant noted that there is an outstanding action for the Chamber to confirm with their members that the Applicant is engaging with them to address the residual impacts on operations associated with route diversions. [Post hearing note: for further information, see the Applicant's response to the Chamber of Shipping ExQ2 submission (S_D6_42)].</p>
	Eni UK Limited	<p>(44)The Applicant confirmed there are no outstanding issues with Eni UK Limited. The Applicant updated that it tried to secure a meeting to update the SOCG ahead of Deadline 5 but was unable to do this. The Applicant confirmed it is hoping that it is hoping to close out the SOCG by Deadline 7.</p>
	Mitigation and monitoring	<p>(45)The Applicant confirmed it would update the monitoring commitment to operating the Marine Navigation and Engagement Forum (MNEF) for a minimum duration of five years into the operation and maintenance phase of the Mona Offshore Wind Project for Deadline 7.</p>
6	Other offshore infrastructure and activities	
	<p>Potential wake effects for other offshore wind farms</p> <p>Coexistence and cooperation with other commercial sea users</p>	<p>(46)The Applicant confirmed that it only received the report by Orsted on 5 December (REP5-120) when it was uploaded to the Planning Inspectorate's website and has not been able to undertake a detailed review. The Applicant submitted that whilst it appreciates the ExA is looking to resolve the matter of potential wake effects, it is important to take into account that this is also being considered across a number of other offshore wind examinations (Five Estuaries, Outer Dowsing, Morgan and Morecambe) taking place simultaneously. The Applicant highlighted it appreciates that the ExA wants to present a clear position on this to the Secretary of State, but the Applicant is concerned that this is being dealt with differently on a project-by-project basis. The Applicant submitted</p>

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		<p>that its view is that this matter should be dealt with centrally as there is no clear guidance or approach as to what is required. The Applicant confirmed it appreciates guidance will not be issued prior to close of this examination and the Applicant is doing its best to respond to points coming forward, whilst recognising this is an industry matter and there is inherent risk in trying to push too hard to resolve this point in individual examinations without appropriate guidance.</p> <p>(47) In relation to the Orsted IP's report, the Applicant submitted it is not clear there is any reference to effects that the Orsted IP projects are having on each other in the baseline. The Applicant submitted that this is an important consideration to understand what the current baseline is. The Applicant also highlighted that the Awel y Mor Project (AyM) is a consented project whereas the others in the report (Mona, Morgan and Morecambe) are not yet consented, but this discrepancy is not noted in the report. The Applicant submitted that this report should be undertaken in a logical way, firstly by understanding the impact the Orsted IP projects have on each other, then including AyM as the first project (consented) and noting that Orsted IPs did not object in the AyM examination on the basis of potential wake effects. The Applicant highlighted that there is quite a lot of language used in the report that is concerning, notably reference to the report being independent, whilst it was commissioned by the Orsted IPs on the basis of substantiating wake loss claims. The Applicant submitted that with an EIA there are recognised methodologies and standards, but that this isn't the case with this report as there are no recognised methodologies for assessing wake loss effects. The Applicant highlighted that although a wake loss assessment tool was used in this report, not much detail is included around the assumptions that have gone into its application and it is therefore not repeatable. The Applicant reiterated that because there are no industry standard methodologies a degree of caution must be applied when reviewing this report, also noting that it is not independent. The Applicant referred to previous submissions it made about why it considers that a realistic assessment or accurate assessment cannot be undertaken. The Applicant noted that there is nothing in this report about the operating performance of Orsted IP's windfarms and apart from AyM, the report does not consider other consented or operational wind farms (for example Gwynt y Mor, Rhyl Flats and North Hoyle are not considered in the report). The Applicant also highlighted that the Orsted IP's Mooir Vannin project is also not included in the report on the basis that it is not consented, but neither Mona, Morgan Generation nor Morecambe Generation are consented. The Applicant submitted that there is a lack of transparency over data inputs, how the wake loss model was set up, and how user settings in the model have been applied, making it difficult to verify the information in this report. The Applicant referred to fatigue from increased wake with other projects being an issue raised in the report, whilst supporting evidence referenced in the report contradicts the report's claim that this could be relevant to the distance Mona is from the Orsted IPs assets.</p> <p>(48) The Applicant confirmed that it has a number of concerns around the report, namely the assertion that Mona has a large effect but without any context or baseline or anything to quantify these claims. As a result the report does not progress matters much further than the position at Deadline 4. The Applicant submitted that there are many areas where information and detail is lacking in the report, with generalised conclusions and a lack of context provided. The Applicant confirmed that it doesn't dispute the results presented in the report because it cannot validate or repeat the results due to lack of context or methodology- it is simply not possible to agree or dispute the results based on the information provided. The Applicant submitted that the number of inconsistencies and errors in modelling assumptions would need to be resolved for the report to be considered valid in its own terms, based on the assumptions used, but even then this would only be one of multiple different possible approaches to</p>

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		<p>understanding this issue which would all have equal validity. The Applicant highlighted that it does not have Orsted IP's confidential data to undertake its own assessment and given the almost endless possibility for different outcomes in wake loss modelling, the Applicant does not know where the report sits in the overarching issue and possible outcomes. The Applicant submitted that it does not think the report is a relevant way of looking at this issue.</p> <p>(49) In relation to the effects identified in the report, the Applicant submitted that it has never claimed that there would not be wake effects on other projects. The Applicant submitted that it cannot give a view on the percentage identified in the report because of all uncertainties outlined above and the Applicant could not place a value in where the percentage identified in the report would sit within the range of other possible models.</p> <p>(50) In relation to the maximum design scenario, the Applicant emphasised the difficulty of undertaking an assessment of this nature with no power curves available for the Mona MDS size turbines (364m to tip). The Applicant agreed that this is an inherently difficult point to deal with as assessment based on the MDS is the normal approach for projects of this nature. The Applicant submitted that it is relevant to understand the annual variability of the output of the individual Orsted IP projects as a cluster. The Applicant also noted that the report deals with just wind energy, and not all the other factors that influence the energy output of a wind farm. The Applicant submitted that it is necessary to take into account O&M activities, outages for grid and all aspects that affect ultimate energy production other than just wind climate.</p> <p>(51) The Applicant confirmed that the anticipated commissioning date of the Mona Offshore Wind Project is 2029/2030 and that the earliest decommissioning dates for some of the Orsted IP projects is 2030/2031. The Applicant submitted that there are a number of factors that go into the decision making surrounding the lifetime of a project and it is an overstatement to suggest one of the Orsted IP projects would need to be decommissioned solely or principally as a result of potential wake effects caused by the Mona Offshore Wind Project. The Applicant submitted that it would be more relevant to look at how the decommissioning of one of Orsted IP's projects could have a positive effect on the energy yield of its remaining projects, given their proximity to one another.</p> <p>(52) The Applicant submitted that paragraph 2.8.197 of EN-3 must be read in the context of activities for which a licence has been issued by Government as opposed to simply activities in the Irish sea. The Applicant submitted that the words of this paragraph are important and because this relates to activities for which a licence has been issued, this paragraph is not engaged in this context. The Applicant submitted that a consent or licence is the ability to install and operate a project and does not guarantee generation from a project or flow of wind. The Applicant drew comparison to activities for which licences are granted to allow exploitation of a particular resource (e.g. minerals extraction) where there is a specific resource extraction activity being licenced. The Applicant distinguished this from offshore wind projects where a licence is granted to construct and operate projects, which does not guarantee a revenue stream or wind flow. The Applicant submitted that this policy provision has not been revised since the 2010 version of the NPS and is only now being interpreted in the way suggested by the Orsted IPs. The Applicant submitted that the issue of wake loss was not raised in the applications for the Round 3 projects on the East coast of the UK where projects were in greater proximity to each other than in this case. The Applicant submitted that if this policy provision had the intent as suggested by the Orsted IPs, it would have been engaged in these previous projects, which it was not. The Applicant confirmed that many offshore wind farms have gone through examination and been granted consent since 2010, and it was not required in any of these projects to undertake an EIA for wake</p>

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		<p>effects. The Applicant submitted that if a policy provision has existed for 14 years, it cannot mean something different to how it has been previously interpreted. The Applicant submitted that if the policy intent of this provision was to apply to circumstances such as the issues being raised here, then it would have applied to previous offshore wind projects as well.</p> <p>(53) The Applicant continued that paragraphs 2.8.197-198 of EN-3 must be read together and that the word assessment in these paragraphs means an assessment of the potential effects that should be undertaken for a lifespan of a project. The Applicant submitted that these paragraphs cannot be read separately. The Applicant confirmed that understanding cumulative impacts is important in an EIA context, but there is no guidance on undertaking an assessment for wake effects. The Applicant submitted that when looking at new type of impact, different regulators produce guidance on how an assessment should be undertaken but this is not the case here, as a commercial entity is dictating that an assessment must be undertaken in the absence of guidance from the government. The Applicant submitted that it is difficult to conceptualise how to deal with cumulative effects and potential mitigation with a number of schemes coming forward and what the outcome of this would be. The Applicant referred to the key factor in this case being the distance between the projects. The Applicant submitted that with wake effects, inter-scheme impacts are greatest and the further away a scheme is, the less of potential there is of a project having wake effects. The Applicant confirmed that if it increases the distance between Mona and the Orsted IP projects, this would mean having to increase the density of turbines within Mona Array Area in a particular direction. The Applicant continued that relative effects of this would be unnoticeable presented in an assessment similar to the one provided by Orsted, but for the energy output of Mona would be highly noticeable. The Applicant submitted that this project is to bring forward renewable energy generation and the net effect of undertaking such mitigation would be negative on UK renewables and the benefits to the Orsted IPs would be minimal. The Applicant submitted that the impacts on new generation would far outweigh any small benefits to the Orsted IP projects.</p> <p>(54) The Applicant confirmed that it intends to review the report to understand whether it has sufficient information for the Applicant to be able to undertake a calculation on the effects on greenhouse gas (GHG) emissions. The Applicant submitted that its GHG assessment should already have capacity to handle a degree of uncertainty within it in terms of abatement of future baseline emissions and what generation will be on the system in the future. Therefore, the sort of changes highlighted will be lost in the noise of the marginal forecast. The Applicant submitted that it needs to review the report in more detail and the assumptions made therein to decipher whether the numbers can be used to inform any useful update. The Applicant nonetheless submitted that the report will not change the outcomes of assessment that Mona will have an overwhelming positive effect on GHG emissions.</p> <p>(55) In terms of being able to determine whether an effect is significant the Applicant submitted that there needs to be a framework for measuring this. The Applicant continued that taken out of context the figures in the report don't mean anything and there is no way of determining significance of effect. In this context, the Applicant submitted that the effect alleged by the Orsted IPs may well not be significant. The Applicant reiterated that NPS requires an assessment to be undertaken in accordance with policy and EIA guidance; in this case there is nothing to measure impacts against.</p> <p>(56) The Applicant confirmed that effects can exist beyond 7.5 km, but this point triggers whether there is a need to undertake an assessment. The Applicant cited The Crown Estate's letter submitted to the Outer Dowsing Offshore Wind examination which makes clear that 7.5 km is the buffer between wind farms for the purposes of Round 4</p>

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		<p>leasing, meaning both existing operational projects and new projects, unless developers consent to closer proximity. The Applicant submitted that this buffer distance is therefore a starting point set by TCE where it does not envisage direct inter-wind farm effects arising. The Applicant submitted that TCE in setting this distance was taking into account wake effects. The Applicant submitted that TCE letter does not suggest that there is a framework in which to undertake a project specific analysis in the context of EIA and simply because the Orsted IPs have undertaken an assessment, does not suggest the same.</p> <p>(57)The Applicant referred to the SOCG with the Orsted IPs and confirmed that the next iteration at Deadline 6 is unlikely to set out the areas in disagreement beyond the detailed submissions already received by the ExA. In relation to the submissions made by Orsted IPs on mitigation, the Applicant submitted that given it has not heard these submissions previously it will respond in writing at Deadline 6 [post hearing note: [ref to Orsted IP report response]]. The Applicant confirmed that its previous submissions on the net effect of any mitigation on the overall outputs GHG abatement stands, and that controls on the turbines in terms of curtailment would have significant detriment on Mona Offshore Wind Project. The Applicant questioned whether operational control through wake steering would have any meaningful effect with a distance of 30 km between projects. The Applicant reiterated that any kind of control would have a potentially significant impact on Mona and at best a very a minor change on any impacts felt by the Orsted IP projects, but confirmed that it needs to look at proposed mitigations in further detail. The Applicant referred to its previous submissions made at ISH3 on seascape and NPS in relation to selecting smaller turbines; mitigation cannot be brought forward by a selection of smaller or larger turbines. The Applicant confirmed that moving away from optimal turbine height would have a significant effect on the Mona Offshore Wind Project and minor effects on the Orsted IP projects. The Applicant suggested that all possible mitigation options will have significant effects on the energy output of Mona, which will provide a significant clean energy output for the UK. In relation to the feasibility of commercial side agreements in this context, the Applicant submitted that it is negotiating commercial side agreements with parties where there are identified residual effects under the EIA process undertaken against established guidance by established regulators in the relevant field, which is not the case for the Orsted IPs.</p> <p>(58)In relation to the potential to arbitrate on this matter, the Applicant submitted that this would not be the correct mechanism to deal with this issue. The Applicant submitted that this is an industry wide issue that needs some guidance and resolution needs to come from the Secretary of State rather than on a project by project basis. The Applicant referred to paragraph 2.8.262 of EN-3, and noted that the Secretary of State has an overarching position on resolving this issue, rather than it being resolved by way of examination. The Applicant added that it would be typical where an arbitrator gets involved that they have some kind of guidance against which to arbitrate, which is not the case here. The Applicant submitted that in the absence of policy or guidance, it would be very unclear what achieving good mitigation would be and what might satisfy the Orsted IPs. In the absence of understanding this, is difficult to know whether an arbitrator could judge whether effective controls have been out in place.</p> <p>(59)The Applicant submitted that it is intending to come back on the Orsted report at Deadline 6 insofar as it can and review the suggested mitigations proposed by the Orsted IPs and revert on these insofar as possible. The Applicant reiterated that in relation to the proposed mitigations, it suspects that any mitigation that might reduce the numbers provided in the Orsted IP's report would have a disproportionately large effect on the Mona Offshore Wind Project and would not be appropriate. The Applicant confirmed that it will nonetheless provide greater clarity in its written</p>

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		<p>submissions (S_D6_XX). The Applicant submitted that it may come down to the case of either having the Mona Offshore Wind Project and accepting there may be some wake loss effects or not having it at all. The Applicant submitted that it is not the intention of policy that existing operational projects should preclude future clean energy projects. The Applicant reiterated that to reduce the numbers in the Orsted IP's report, would have a disproportionately large impact on the Mona Offshore Wind Project and on other projects coming forward. The Applicant also noted that some of the mitigation options put forward by the Orsted IP projects would have an ongoing reduction in energy generation for the Mona Offshore Wind Project beyond the lifetime of the Orsted IP projects once they are decommissioned. The Applicant submitted that some mitigation, for example changes to the spacing of the wind turbines generators in the Mona Array Area would have a substantial effect on the energy generation output of the project beyond the anticipated lifetime of the Orsted IPs projects, and does not accord with policy provisions in terms of rapid deployment of large amounts of clean energy generation. The Applicant submitted that if this approach to mitigation was also taken with the Morgan and Morecambe Generation Assets projects, the effect would be substantial and would not accord with policy.</p>
7	The water environment	
	<p>The effects upon Tan-y-Mynydd Trout Fishery Outline Construction Surface Water Drainage Plan [REP2-050]</p>	<p>(60) In terms of the construction relation concerns raised by Mr Chambers, the Applicant confirmed it has undertaken borehole monitoring in locations along the onshore cable corridor where trenchless techniques may be required. The Applicant confirmed that at a location which is south of the Tan-y-Mynydd Trout Fishery (Trout Fishery) it was able to use boreholes to extract groundwater data and that monitoring data has been used to form a basis for aspects of the hydrogeological risk assessment. The Applicant confirmed that borehole logs along with the conceptual model and risk assessment will be submitted at Deadline 6 [Post hearing note: The borehole logs and monitoring data have been appended to the Tan-y-Mynydd Trout Fishery Hydrogeological Risk Assessment (S_D6_8) submitted at Deadline 6]. The Applicant confirmed that the conceptual model should expand on some of the groundwater sources identified within the risk assessment and gives some indication of what the catchment for the Tan-y-Mynydd Trout Fishery may be. The Applicant confirmed that the conclusion from the risk assessment is that the risk of connectivity from construction activities on the onshore cable corridor is low because of where the groundwater fed catchment for the Trout Fishery is (to the south-east of the Trout Fishery) and because there is a large lateral distance between construction activities and the Tan-y-Mynydd Trout Fishery (roughly 525m and 70m of height). The Applicant added that there is a small area of extent of the construction area compared to the large size of groundwater catchment area that supports the Trout Fishery. The Applicant concluded that given the low risk associated with the construction activities, it believes that a monitoring strategy is appropriate for the construction phase of project in relation specifically to the Tan-y-Mynydd Trout Fishery. Paragraph 1.6.2.2 of the Outline Construction Surface Water and Drainage Management Plan (J26.6 F03) sets out the Applicant's commitment to undertaking monitoring of groundwater resources to determine the baseline flows and quality conditions. The Applicant confirmed that the specific monitoring strategy at Tan-y-Mynydd Trout Fishery, will be determined through detailed design but is likely to include continued monitoring of the locations within the onshore cable corridor and demonstration of continued overflow from the top pond at the Tan-y-Mynydd Trout Fishery, all whilst noting there is a low risk associated with construction activities.</p>

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		<p>(61) The Applicant agreed to send the borehole logs, and assessment directly to Mr Chambers and to the ExA at the same time to accept at their discretion [Post hearing note: See Applicant's response to December Hearing Actions Points (S_D6_3), row HAP_06_13]. The Applicant confirmed that the reason why the borehole logs have not yet been circulated is because the data does not hold value without the accompaniment of the risk assessment.</p> <p>(62) The Applicant confirmed that a monitoring strategy is appropriate to monitor effects at the Tan-y-Mynydd Trout Fishery and a commitment to undertake monitoring is included within measures in outline REP2-050 and would be implemented as part of the discharge of the relevant stage of works within which the Tan-y-Mynydd Trout Fishery would fall. The Applicant confirmed it is doing as much as is reasonable in order to ensure that the measures that are proposed in terms of mitigation and type of monitoring are included in the outline plans. The Applicant referred to the local planning authorities having been part of this examination and that they will be aware where there are specific concerns. The Applicant confirmed that it is therefore for the local planning authorities to undertake their role in context appropriately, having benefit of the relevant outline plans. The Applicant submitted that it is not the Applicant's responsibility to take the local authority's position and that it is doing what it can to ensure that plans are prepared for discharged in the appropriate manner.</p> <p>(63) In relation to the onshore cable route, the Applicant clarified that the Onshore Crossing Schedule (REP5-012) identifies obstacles that will be crossed by trenchless techniques. The Applicant explained that because this technique is a deeper underground technique, there is a requirement to understand the ground conditions in those locations, which is why the Applicant has established boreholes in those locations. The Applicant nonetheless submitted that there will be both trenched and trenchless techniques for the onshore cable route to the south of Trout Fishery, but the connectivity associated with the groundwater will be primarily associated with deeper excavations for trenchless techniques. The Applicant nonetheless clarified that it is maintaining optionality for both trenched and trenchless techniques. The Applicant confirmed that because it has borehole data, it is able to use this to inform any potential connectivity between the boreholes and the groundwater associated with the Tan-y-Mynydd Trout Fishery. The Applicant confirmed that its construction activities represent a low risk to the spring due a number of factors including the lateral distance and vertical height between the onshore cable corridor and the Tan-y-Mynydd Trout Fishery and the small and temporary nature of the construction activities. The Applicant clarified that this should become more apparent once the risk assessment is provided to Mr Chambers and the ExA.</p> <p>(64) In terms of the location of the boreholes within the onshore cable corridor, the Applicant confirmed that this is primarily geared at understanding ground conditions, groundwater levels and the hydrogeological make-up at the boreholes for the purpose of the construction activities. The Applicant has nonetheless used data from this for the purpose of undertaking the hydrogeological risk assessment. The Applicant confirmed that in terms of post-construction works, once the ducts are in the Applicant does not anticipate any issues associated with the hydrogeological regime and the Tan-y-Mynydd Trout Fishery and as a result there is no requirement for post-works operation monitoring or liaison.</p> <p>(65) The Applicant agreed to review the relevant outline plans to check whether these need to be updated to reference groundwater. [Post hearing note: the Outline Construction Surface Water and Drainage Management Plan (J26.6 F03) has been updated to make explicit reference to the Tan-y-Mynydd Trout Fishery. This has been submitted at Deadline 6].</p>

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		<p>(66) In response to a query from the ExA on page 487 of the Book of Reference (D4 F06), the Applicant confirmed that the Trout Fishery is not a category 3 interest because it does not fall within the specified legal framework for category 3. The Applicant clarified that REP3-006 sets out what a category 3 person is in terms of the type of impact and the Trout Fishery in this case is not an impact that would fall within category 3. The Applicant confirmed that an interested party is unable to choose which category they fall under and it is not something that a party can have conferred on them unless they have the relevant interest or are able to make a claim under those specific areas of legislation. The Applicant confirmed that the category is based on whether a party has a relevant legal interest or right to claim in respect of the category that falls within either section 10 of the Compulsory Purchase Act 1965 or part 1 of the Land Compensation Act 1973. The Applicant confirmed that s44 of the Planning Act 2008 deals with consultation and does not deal with relevant claims [Post hearing note: See Applicant's response to December Hearing Actions Points (S_D6_3), row HAP_ISH6_17]. The Applicant clarified that just because Mr Chambers is not a category 3 claimant does not mean he cannot make a claim in the event that there is a demonstrable effect from the project in respect of the Tan-y-Mynydd Trout Fishery.</p> <p>(67) The Applicant clarified in regards to monitoring, section 1.6.2 of REP2-050 states that monitoring of surface and groundwater resources will be undertaken at agreed locations to determine the baseline flows and quality conditions. The Applicant reiterated that it does not deem post-construction monitoring necessary, but notwithstanding this if the local planning authority deemed it appropriate to continue monitoring post-construction, this can be discussed through the discharge of REP2-050.</p> <p>(68) The Applicant confirmed that 6-weekly meetings are in place with Mr Chambers, but confirmed it would be useful have a meeting with engineering once Mr Chambers has had a chance to review the hydrogeological risk assessment.</p>
8	Noise and vibration	
	<p>Construction Noise and Vibration Clarification Note [REP4-045 Outline Construction Noise and Vibration Management Plan [REP2-044] The potential for site specific mitigation The adequacy of Requirement 14 of the dDCO</p>	<p>(69) The Applicant confirmed that it included a definition of mobilisation activities in REP5-006 and explained at REP5-008, which means the arrival of staff and vehicles to their place of work. In relation to unloading, the Applicant confirmed that unloading is not meant to be included in this definition and will be removed in the updated plan submitted at Deadline 6 [Post hearing note: see Draft DCO (C1 F07)]. The Applicant confirmed that it is seeking engagement with the local planning authority on resourcing and is the process of negotiating a planning performance agreement (PPA) which will include specialist support for the local planning authority to expedite discharge process and provide technical support.</p> <p>(70) The Applicant agreed to review whether a noise limit would be appropriate for the mobilisation period [Post hearing note: See Applicant's response to December Hearing Actions Points (S_D6_3), row HAP_ISH6_27].</p>

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9	Draft Development Consent Order (dDCO)	
Articles and schedules of the dDCO (excluding Schedules 2, 10, 12, 14 and 15)		
i.	The Applicant will be asked to briefly explain any substantive changes made in the latest iteration of the dDCO.	<p>(71)The Applicant took the ExA and interested parties through amends to the latest iteration of the draft DCO (REP5-006).</p> <p>(72)Following discussions at Issue Specific Hearing 5, the Applicant reviewed the definition of “commence” and provided updates within the Deadline 5 draft DCO (REP5-006). The Applicant confirmed that the intention of that drafting change is to link the meaning of “commence” to all offshore activities, not just licensable marine activities. The Applicant explained that this is so that any activities taking place under both the standalone Natural Resources Wales marine licence and deemed marine licence are restricted before relevant Requirements are discharged, namely Requirements 3 and 21. The Applicant confirmed that certain activities will continue to be excluded from the definition of “commence” for offshore works and those are noted in the definition as “<i>non-intrusive pre-construction surveys, unexploded ordnance surveys and clearance of low order unexploded ordnance</i>”. The Applicant confirmed that activities will otherwise be controlled through the conditions of the standalone Natural Resources Wales marine licence and deemed marine licence.</p> <p>(73)Following discussions at Issue Specific Hearing 5, the Applicant reviewed the definition of “maintain” and provided updates within the draft DCO (REP5-006). The Applicant noted the Examining Authorities’ suggestion of reviewing the Sheringham Shoal and Dudgeon Extensions Offshore Wind Farm Order 2024 but continues to consider that definition to be unclear and overly restrictive. The Applicant confirmed it understands the intention of the drafting of that definition in the Sheringham Shoal and Dudgeon Extensions Offshore Wind Farm Order 2024 was to ensure the undertaker could not replace the onshore substation building without seeking another, separate consent. However, in seeking to do so, casts doubt on whether the onshore substation foundations could be replaced during construction in the event a defect was identified before the whole of the onshore substation building was constructed. Instead the Applicant confirmed it has proposed a new definition which it believes will ensure “maintenance” is not construed too broadly such that it would provide for the ability to replace the substation building but still allows the undertaker to carry out the maintenance works necessary to ensure the safety and integrity of the construction works. The Applicant confirmed the overarching control on all maintenance works still applies in relation to restricting those works to those which “<i>do not give rise to any materially new or materially different environmental effects to those identified in the environmental statement</i>”. [Post hearing note: a further update to the definition of “maintain” has been included in the Deadline 6 Draft DCO (C1 F07) to more closely align the drafting with other recent DCO precedents [Post hearing note: See Applicant’s response to December Hearing Actions Points (S_D6_3), row HAP_ISH6_20].</p> <p>(74)Following the helpful discussions during Issue Specific Hearing 5 and following further consideration of the drafting of Article 47 the Applicant has made a number of changes to the Article. The Applicant confirmed the purpose of including the Article remains the same which is to avoid any issues arising in respect of implementation of the Mona DCO in the event of the DCO overlapping with a separate planning consent. The Applicant explained the origin of this risk is the case of <i>Hillside Park v Snowdonia National Park Authority</i> [2020] EWCA Civ 1440 which was explained during the last hearing, the position under that case continues to be the same. The Applicant confirmed a</p>

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		<p>full explanation of Article 47 is set out in paragraphs 1.4.1.158 to 1.4.1.163 of the Explanatory Memorandum (REP5-008). The Applicant noted that this drafting follows what is in the Lower Thames Crossing Order which is currently in the decision stage. The Applicant explained the sub-paragraphs bring together provisions which first alleviate any risk of a breach arising under the Mona DCO as a result of a third party planning consents affecting land within the Order limits. The Applicant explained this is in paragraph (1) and is based on principles which have been accepted in a number of other highways DCOs including the A303 (Amesbury to Berwick Down) Development Consent Order 2023. The Applicant added that the article specifically deals with matters arising out of the <i>Hillside</i> case and the risks posed by overlapping consents, ensuring that where there is a separate consent under the Town and Country Planning Act 1990 and/or conditions attached to those consents which conflicts with the Mona DCO, the inconsistency is to be disregarded such that there should be no barriers to implementation (which would otherwise be caught under the <i>Hillside</i> case). The Applicant added that where there is inconsistency, no enforcement can be undertaken in respect of that third party consent where it is inconsistent with the Mona DCO. The Applicant confirmed that, the same then also applies but the other way around for Mona. As such it seeks to alleviate risks to the undertaker from an inconsistency between a third party consent or associated conditions and the Mona DCO where that might prevent implementation of the DCO or lead to a breach. The Applicant explained it considers this article is necessary in relation to interactions at the onshore substation where the Order limits are expected to overlap with the National Grid Bodelwyddan substation extension application under the Town and Country Planning Act 1990. The Applicant confirmed this will ensure there are no implementation issues with the Mona DCO or the NG substation extension in that area.</p>
ii.	<p>The ExA may ask questions in respect of articles and schedules in the dDCO, seeking responses from the Applicant and Interested Parties (IPs).</p>	<p>(75)The ExA and Applicant discussed particular clauses within the main articles of the DCO and the Applicant agreed to make various amends and review various provisions which will be included in an updated draft DCO at Deadline 6. [Post hearing note: see the Deadline 6 Draft DCO (C1 F07) for updates.]</p>
iii.	<p>IPs will also be invited to raise any matters in relation to Development Consent Order (DCO) articles and schedules.</p>	<p>(76)In relation to Article 8, the local planning authority confirmed that they are reviewing this article and hope to have a clear position by Deadline 6. The Applicant confirmed that in the event that the local planning authority does not agree to this provision, it is aware this provision would need to be removed. The Applicant confirmed that it would make any necessary updates to this article at Deadline 7.</p> <p>(77)The Applicant noted that the local planning authority confirmed it is content with the wording of article 12.</p> <p>(78)In relation to submissions made by Mr Parry, the Applicant confirmed that the intention of article 16 is to cover public drains and sewers and that private drains would be controlled appropriately through voluntary agreements where there is a need to connect into private drains or reward would be agreed through compulsory purchase provisions where relevant. The Applicant confirmed that article 16(3) requires the consent of person to whom a watercourse, sewer or drain belongs prior to discharge of any water. The Applicant confirmed that article 16(3) is very clearly a consent provision and without consent of owner can't take place. [Post hearing note: see Response to Griff Parry on behalf of Harriet Mary Parry, Robert Wynne Parry, Griffith Wynne Parry and Elizabeth Wynne Wade D4 Submissions (REP5-067).]</p>

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		<p>(79) In relation to submissions made by Mr Parry, the Applicant confirmed that the wording of article 20 is clear and has clear precedent in orders. The Applicant referred to its submissions made at Issue Specific Hearing 4 in relation to justification for the land take in this case. The Applicant confirmed that this article relates to compulsory acquisition of permanent rights on land and in both cases when an undertaker seeks to exercise compulsory acquisition powers to secure permanent acquisition of rights this needs to be through a general vesting declaration to demonstrate that land is required. The Applicant confirmed that at that point if a third party considers there is more land than required, this is when would that party would make a challenge. The Applicant confirmed that there are suitable controls through the DCO and compulsory acquisition process for the exercise of these powers. The Applicant confirmed that no further changes are needed to articles 20 and 21. The Applicant added that it has fully explained the rationale for the drafting of the compulsory purchase articles in the DCO and has detailed how temporary possession powers sought minimise impacts on landowners. [Post hearing note: see Response to Griff Parry on behalf of Harriet Mary Parry, Robert Wynne Parry, Griffith Wynne Parry and Elizabeth Wynne Wade D4 Submissions (REP5-067).]</p>
<p>Schedule 2 and Schedule 12 of the dDCO (Requirements and approval of matters specified in requirements)</p>		
<p>i.</p>	<p>The Applicant will be asked to briefly explain any substantive changes made in the latest iteration of the dDCO.</p>	<p>(80) The Applicant confirmed that the requirements have been updated throughout Schedule 2 (REP5-006) to seek to take a uniform approach to how the Requirements are structured.</p> <p>(81) The Applicant confirmed it has included “mobilisation activities” under sub-paragraph (2)(f) of requirement 14 such that those can take place one hour either side of the core construction hours of 7am to 7pm. The Applicant explained that those mobilisation activities are then defined within the Requirement so activities during that time are limited to only those activities specified and that this approach has been taken in other DCOs, including offshore wind DCOs, most recently the Sheringham Shoal and Dudgeon Extension Projects DCO. In addition, the Applicant confirmed that sub-paragraph (3) has been updated to clarify that notification to the local planning authorities regarding extended working hours will be given at least 48 hours before the extension of those working hours. However, the Applicant explained that local planning authority approval must still be forthcoming in advance of the works and that the 48 hours is only a minimum period for notification. The Applicant confirmed that the assumption therefore is that works will be approved within the 48 hours period, which is considered achievable as those works will have been assessed in the environmental statement. The Applicant added that if the LPAs require longer then the works will not take place until the approval is given in any event. The Applicant confirmed that 48 hours advanced notice is also given in respect of 24 hour working for trenchless installation techniques, which is also a minimum period. [Post hearing note: see Applicant’s response to December Hearing Actions Points (S_D6_3), row HAP_ISH6_27].</p> <p>(82) The Applicant explained that requirement 19 has been updated to state that the undertaker will consult with the ‘relevant authorities’ on the final skills and employment plan prior to submission of that final plan for approval. The Applicant confirmed that the final plan will be submitted to DCC for approval prior to commencement of the authorised project and DCC will therefore discharge that plan on behalf of all relevant authorities. The Applicant confirmed that this has been agreed by the local authorities as evidenced in the Statement of Common Ground.</p>

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		<p>Richard Armitage confirmed on behalf of the Isle of Man Territorial Seas Committee that he is content with the wording of requirement 19.</p> <p>(83) In relation to requirement 22, the Applicant confirmed that NATS' preferred aviation requirement has been added to the Draft DCO to mitigate impacts on the Great Dun Fell, Lowther Hill and St. Anne's Primary Surveillance Radar.</p> <p>(84) In relation to requirement 23, the Applicant confirmed that the aviation requirement proposed to the Defence Infrastructure Organisation has been added to the Draft DCO to mitigate impacts on the Warton Aerodrome Primary Surveillance Radar.</p>
ii.	<p>The ExA will then ask questions, seeking responses where appropriate from the Applicant and IPs.</p>	<p>(85) The ExA and Applicant discussed particular clauses within the schedules 2 and 12 of the DCO and the Applicant agreed to make various amends and review various provisions. [Post hearing note: see the Deadline 6 Draft DCO (C1 F07) for updates and Applicant's response to December Hearing Actions Points (S_D6_3).]</p> <p>(86) In relation to requirement 9, the Applicant confirmed that the name of the management plan has changed and that the DCO will be updated accordingly [Post hearing note: see Applicant's response to December Hearing Actions Points (S_D6_3), row HAP_ISH6_26]. The Applicant confirmed that the naming of the plan reflects that no significant impacts in relation to groundwater were identified in the ES, but that nonetheless groundwater is included in the plan. The Applicant agreed to review whether specific known monitoring locations should be added to this outline plan.</p>
iii.	<p>IPs will also be invited to ask questions of clarification in relation to DCO requirements.</p>	<p>(87) In relation to queries by Mr Hussey in relation to mobilisation, the Applicant submitted that mobilisation will involve personnel movement to their place of work, but not machinery itself. The Applicant confirmed that most plant and machinery will remain at site and will not return to temporary construction compounds at the end of every day. The Applicant agreed to review the controls in the Outline Code of Construction Practice to ensure sufficient controls are in place over the mobilisation period. In relation to the suggested maximum noise limit, the Applicant noted that the maximum noise limit in the National Grid (Bramford to Twinstead Reinforcement) Order 2024 was imposed by the Secretary of State, rather than being proposed by the developer. [Post hearing note: see Applicant's response to December Hearing Actions Points (S_D6_3), row HAP_ISH6_29.]</p> <p>(88) In relation to queries raised by Rebecca Face, the Applicant confirmed that it is only proposing floodlights where working is required in darkness through, for example, trenchless techniques but that this is controlled by the Outline Artificial Light Emissions Plan (REP2-057). The Applicant also referred to the Lighting Clarification Note submitted at Deadline 4 (REP4-043).</p>
iv.	<p>The ExA will ask IPs, in particular Denbighshire County Council and Conwy County Borough Council as the relevant planning authorities, whether there are any concerns with the approaches taken to the discharge of requirements, or for</p>	<p>(89) In relation to Schedule 12, the Applicant confirmed that it cannot comment on the position taken in the Awel y Mor DCO but the Applicant's view is that 40 working days is well precedented and it is an adequate timeframe for discharge to allow the Applicant to bring forward the project in a timely manner. The Applicant reiterated that it is looking to provide support through planning performance agreement to the local planning authorities.</p>

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	managing appeals or disputes under the dDCO.	
Schedule 10 of the dDCO (Protective Provisions)		
i.	The Applicant will be asked to briefly explain any substantive changes made in the latest iteration of the dDCO.	<p>(90)The Applicant confirmed that Part 4 for the protection of SP Manweb as electricity undertaker was updated following agreement with SP Manweb, and it is expected that SP Manweb will write to the Examining Authority confirming these are now agreed.</p> <p>(91)The Applicant confirmed that Part 6 for the protection of the Welsh Ministers as Strategic Highway Authority was updated following agreement with Welsh Government and the Welsh Government have confirmed the PPs were agreed in their response to ExQ2 (REP5-090) and the agreed PPs have been included at D5.</p> <p>(92)The Applicant confirmed that Part 7 for the protection of National Grid Electricity Transmission was updated to more closely align the parties' positions on the protective provisions and that the provisions continue to be subject to ongoing negotiations but the updates made represent a narrowing of the outstanding issues between the parties. [Post hearing note: see Hearing Summary (CAH2) Compulsory Acquisition Hearing 2 (S_D6_5) for further details.]</p>
ii.	The ExA will then ask questions, seeking responses where appropriate from the Applicant and IPs.	N/A
iii.	IPs will also be invited to ask questions of clarification in relation to DCO requirements.	N/A
iv.	If there are outstanding disagreements on wording contained within the Protective Provisions then the Applicant may be asked to highlight where the disagreements lie and the positions of the parties.	N/A
Schedule 14 (Deemed Marine Licence)		
i.	The Applicant will be asked to briefly explain any substantive changes made in the latest iteration of the DML.	(93)The Applicant confirmed that following discussions at Issue Specific Hearing 5, the Applicant reviewed the definition of "maintain" and provided updates within the D5 DCO. In line with the Article 2 updates to the definition of "maintain", the Applicant confirmed that the deemed marine licence definition has been updated to clarify that works consisting of "maintenance" will be restricted by condition 11, which is specifically included in the deemed marine licence to control maintenance. The Applicant explained that the overarching control on all maintenance works still applies in relation to restricting those works to those which " <i>do not give rise to any materially new or materially different environmental effects to those identified in the environmental statement</i> ". The Applicant confirmed that

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		<p>condition 11 also refers to the operations and maintenance plan for which the Applicant has submitted an outline, which will also apply suitable controls on maintenance.</p> <p>(94) The Applicant confirmed it has been in ongoing discussions with the Joint Nature Conservation Committee and there continued to be a concern regarding the sound impacts on marine mammals and fish arising from high order clearance. In order to provide comfort to the Joint Nature Conservation Committee, the Applicant confirmed the dML has been updated to remove the ability to undertake high order clearance under the deemed marine licence. Any necessary consent for high order clearance will now be sought through a standalone marine licence following unexploded ordnance surveys having been undertaken. The Applicant confirmed the deemed marine licence has therefore been updated to include two new definitions for “high order” and “low order” unexploded ordnance clearance. The Applicant explained that these specify that low order clearance does not seek to detonate the unexploded ordnance whereas high order clearance does involved detonation.</p> <p>(95) Throughout the deemed marine licence, the Applicant explained that consequential changes have been made to the deemed marine licence which clarifies that low order unexploded ordnance clearance. The Applicant confirmed that this includes at Condition 20 in which reference to unexploded ordnance clearance was removed due to the fact that low order unexploded ordnance clearance does not give rise to sound impacts to the extent that mitigation through the underwater sound management strategy is required. The Applicant confirmed that all necessary mitigation will be delivered through the marine mammal mitigation protocol which is referenced in Condition 21. The Applicant added that within condition 29, reference to unexploded ordnance clearance is no longer needed as the details to be submitted to the marine noise registry need only be made in respect of high order unexploded ordnance clearance.</p>
ii.	The ExA may ask questions about the provisions of the Deemed Marine Licence and the Marine Licence Principles Document [REP4- 011].	(96) The Applicant confirmed that it has arranged a meeting with the JNCC 12 December 2024. [Post hearing note: Please see updated Mona and JNCC Statement of Common Ground (S_D1_15 F02) submitted at Deadline 6.]
Schedule 15 (Documents and Plans to be Certified)		
i.	The Applicant will be asked to briefly highlight any changes to this list in the latest iteration of the dDCO.	(97) The Applicant confirmed that no changes were made at the last deadline but another update will be made at Deadline 6 and Deadline 7.
ii.	The ExA may ask questions about the contents of Schedule 15 including in relation to submissions made throughout the Examination.	(98) The Applicant agreed to split Schedule 15 into tables and to review the ExA’s list of proposed documents to be included in Schedule 15. The Applicant agreed to either (a) include the relevant document in Schedule 15 or (b) explain to the ExA why it does not considered it appropriate for the document to be certified. [Post hearing note: Please see Annex 1 of the Applicant’s response to December Hearing Actions Points (S_D6_3).]
Consents, Licences and Other Agreements		
i.	The Applicant will be asked to provide an update on progress and	(99) The Applicant confirmed that the updated Other Consents or Licences Required (REP5-018) document confirms approval of the listed building consent.

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	timescales for completion of any other consents and licences required and any commercial side agreements.	(100) Applicant confirmed that it had a meeting with NRW marine licencing team over the course of examination who undertook consultation on the updated information at Deadline 3 to which the Applicant responded. The Applicant confirmed that it provided the updated information after Deadline 5 and subsequent deadlines and the NRW marine licencing team are likely to undertake additional consultation on this additional material.
10	Review of issues and actions arising	
11	Any other business	(101) The Applicant updated the ExA in relation to its discussions with the JNCC on Ornithology. [Post hearing note: Please see updated Mona and JNCC Statement of Common Ground (S_D1_15 F02) submitted at Deadline 6.]
12	Closure of the hearing	