



Planning Inspectorate
Arolygiaeth Gynllunio

Hearing Transcript

Project:	Morecambe Offshore Windfarm Generation Assests
Hearing:	Issue Specific Hearing 2 (ISH2) – Part 1
Date:	04 February 2025

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FULL TRANSCRIPT (with timecode)

00:00:05:22 - 00:00:39:12

Good morning, everybody. Um, it's now 10:00, and it's time for this hearing to begin. I would like to welcome you all to this issue specific hearing for them on environmental matters in relation to the Offshore wind Assets project. Can I just confirm that everybody can hear me clearly. Uh, can I also confirm with the case team that the live streaming has started and that, uh, the recording has been has been made? Thank you very much. Uh, my name is Robert Jackson, and I've been appointed by the secretary of State to be the lead member of the panel to examine this application.

00:00:39:18 - 00:00:42:18

I'm now going to ask my fellow panel members to introduce themselves.

00:00:44:05 - 00:00:50:27

Good morning everybody. My name is Mark Willis, and I've been appointed by the Secretary of State to be a member of the panel to examine this application.

00:00:52:11 - 00:01:02:07

Good morning everyone. My name is Guy Rigby, and I've also been appointed by the Secretary of State to be a member of the panel examining this application.

00:01:02:18 - 00:01:33:13

Thank you. Together, the three of us constitute the examining authority, often referred to as the Exa for this application. And we report on the Secretary of State for Energy Security net zero, the recommendation as to whether the development consent order should be made. We are accompanied today by two members of case team staff from the Planning Inspectorate. They are Tracy Williams, our case manager, and Daniel Hurley, who is our case officer. Please approach them if you have any questions. I'll now deal with a few housekeeping matters for those in attendance in person.

00:01:33:28 - 00:02:08:10

Uh, could everybody please set all devices, including phones and watches, to silent? Uh, the toilets are essentially out on this side. If you go through these immediate doors, there's another set of doors you have to go through to get to them. Um, we're not expecting any fire alarms today. Um, so if it goes off, we have to assume it's the real thing and trip out. Obviously, the doors are here. The meeting point is down outside. Byron, down here on the north side of the building is north, south, west, around.

00:02:08:25 - 00:02:11:22

Um, so,

00:02:13:10 - 00:02:36:12

um, this hearing will follow the agenda published on the National Infrastructure Planning website on the 29th of January, 2025. Examination library reference EV four. Hyphen 001. It would be helpful if a copy if you have you had a copy of this in front of you. And also if they could have that displayed on the screens.

00:02:41:08 - 00:02:42:21

Thing. And that's the.

00:02:45:27 - 00:02:47:07

That's the exam library.

00:03:01:23 - 00:03:03:02

Yeah. Yeah.

00:03:03:14 - 00:03:04:27

Yeah. Unhelpful.

00:03:08:11 - 00:03:41:17

Not sure what went wrong there. And in case you saw that, could you just take it up? And could you have a look to make sure the ones for the tomorrow and Thursday, as they're working as they should be? Thank you. Well, we I'm sure we will manage. Um, today's hearing is to be undertaken in a blended way. Meaning some of you are present with us in the venue, and some of you will be joining us virtually using Microsoft Teams. We will have ensure that. Have you decided to attend today? You'll be given a fair opportunity to participate.

00:03:42:18 - 00:04:15:28

A recording of today's hearing will be available on the Morecambe Offshore Wind Asset section of the National Planning Infrastructure website, as soon as practicable after the hearing is finished. A transcript will also be made which will utilize artificial intelligence technology. With this in mind, please ensure that you speak clearly into the microphones taking your name. And there we go. And who you're representing each time before you speak. Um, the microphones have a button on the front with a red, which I go red, as you can see on this one, when they are live.

00:04:17:24 - 00:04:51:20

Um, if you're not at a table and, uh, then back and you need to speak, then do come up to the table for this particular, particular event. Um, if you are taking part in the hearing today, you will need to be aware that the recording will be retained by the Planning Inspectorate for a period of five years, and it forms a public record of for which the date General Data Protection regulations apply. A link to the planning Inspectorate's Privacy Note was provided in the notification of this hearing, and we assume that everyone here is familiarise themselves with it and which.

00:04:51:22 - 00:05:24:00

And how it establishes how the personal data of our customers is handled in accordance with the principles set out in data protection laws. Please speak to Tracy Williams if you have any questions about it. Before I ask Mr. Wallace to go through, he's here today. I think I must express our disappointment as to how some and I would emphasize only some interested parties have not responded to our questions at deadline three, indicating that they will respond a deadline for or even quotes in due course, unquote.

00:05:24:14 - 00:05:56:15

Not providing us with information as requested can only delay the examination and lead to unnecessary and waste expense. We're particularly concerned about this. When the examination timetable was amended at some parties requests to give additional time in which to respond to our initial round of written questions. Can I emphasise to all interested parties the importance of ensuring that questions are there in our next written and oral response to rule 17 letters are responded to on time. As I said, we're very disappointed to have to said this.

00:05:56:17 - 00:06:18:20

I don't want to say it again, and we would hope that those petitions participants who have not met their deadlines, and they're probably not the ones here today, make appropriate arrangements to make those meet deadlines in the future. On the other hand, to those participants who have met deadlines, can I say thank you? Your efforts are appreciated. So I will now hand over to Mr. Willis to go through the attendance for the hearing.

00:06:19:29 - 00:06:53:23

Thank you. So I'm now going to ask those of you who are participating in today's meeting to introduce yourselves. I'll start with those present in the room and then pass on to those persons that are online. When I state your organization's name, could you please introduce yourself clearly stating your name and who you represent? It would also be helpful if you could set out which agenda item you wish to speak on. If you are not representing an organization, Please confirm your name. Summarize your interest in the application and confirm the agenda item you'd like to speak on.

00:06:53:28 - 00:07:05:07

Also, it would be helpful if you could identify how you'd wish to be addressed, whether that be Mr., miss, miss, etc. so can I perhaps start with the applicant team, please and their advisors?

00:07:07:19 - 00:07:45:04

Good morning panel. Good morning. My name is Mr. Robin Hutchison. Counsel for the applicant. I'm joined today on the front bench as as we are currently arranged by my co-counsel, a project manager for the applicant and some of the applicant's specialist consultant team. And I'll perhaps just invite them in due course to introduce themselves. Um, just one further point. We have a number of other specialists today in the room noting the wide ranging agenda, which we would propose just to bring in in relay fashion as, as the topics evolve.

00:07:45:09 - 00:07:50:09

but I wouldn't propose to introduce them now. We can do that as we go. If that suits.

00:07:53:09 - 00:07:59:01

Good morning. My name is Katherine Nolan, and online. I'm a solicitor on behalf of the applicant.

00:08:01:08 - 00:08:06:21

Good morning. My name is Oliver Gardner. I'm the consent manager on behalf of the applicant and Mr.. Thank you.

00:08:09:08 - 00:08:16:04

Good morning. I'm Sarah Reed, a principal marine consultant. On behalf of the applicant, referred to me as miss Reed. That's fine, thank you.

00:08:19:08 - 00:08:30:18

Good morning. My name is Ed Bolger, senior environmental consultant. On behalf of the applicant. You can refer to me as doctor. Um, I will be speaking on agenda item four. Benthic and fish and shellfish ecology.

00:08:33:07 - 00:08:45:15

Good morning. My name is Alex Scullion. Um, I'm a senior environmental consultant on behalf of the applicant. And I'm DCO coordinator for the Generation Assets project and the coastal Processes lead. And so I may be speaking on item three.

00:08:48:10 - 00:09:01:05

Good morning. My name is Mr. Richard West. I am speaking on behalf of the applicant. To agenda items 4.4 and 5.1. And I am a principal of your consent to leading on ecology.

00:09:05:03 - 00:09:30:21

Okay. Thank you. And that's I say fine with regard to the rotation as we go into today's session. Uh, in that case, can I move to, uh, any organizations and individuals that were given their intention to speak today? Um, we did notice there was some people on the attendance list to speak. Um, possibly more to do with items tomorrow, but I just want to check if there's anybody in the room who wanted to speak this morning, regard any of the items on the agenda.

00:09:32:26 - 00:09:57:29

No, I'm not seeing anybody. Okay, in that case, um, I'll move straight on to those virtual attendees and and just again, just to check if there is anybody online who's joining us via Microsoft teams today, if you'd like to raise a virtual hand and then we can invite you in. And in doing so, again, introduce yourselves in which item you wish to speak on.

00:09:59:22 - 00:10:09:29

Again, we had a notification that was potential virtual attendees, but looks like not getting anybody. Okay, so we have okay, Mister Armitage.

00:10:13:04 - 00:10:34:19

Uh, hello. Yeah. Good morning. It's Mr. Richard Armitage on behalf of the Isle of Man Territorial Seas Committee. Um, it's not specific points that designed to raise, but, um, it, uh, there may be questions on items four and five, I think, uh, particularly relevant to us.

00:10:37:01 - 00:10:38:11

Okay. Thank you, thank you.

00:10:40:08 - 00:10:51:19

Okay. So I think that concludes the the item on the agenda with regard attendance. Uh, in that case, I will move on to uh, agenda item two, which is the purpose of the, uh, issue specific hearing.

00:10:53:20 - 00:11:20:21

So the purpose of an issue specific hearing is to examine orally the information submitted by the applicant and by interested parties to help us make our recommendation to the Secretary of State. The hearing will be structured discussion, which is led by us as the examining authority, as the examination is primarily a written process. I would like to remind everybody that any questions need to be directed through ourselves, as no cross-examination is permitted.

00:11:22:16 - 00:11:59:10

But during today's hearing, we'll be asking parties to answer any questions that we may have and which we consider will benefit from an oral discussion. We would also encourage parties to take the opportunity of being gathered at the hearing, to have side discussions outside of the hearing, with the aim to resolve any outstanding matters as early as possible. As we said, the agenda for the hearing was published on the 28th of January. And as you see, that's been displayed on the screen. We would say the agenda is for guidance only. And as you will have seen, focus on various environmental matters such as marine environment and the effects on ecology, as well as a few other items.

00:12:00:09 - 00:12:10:16

Issues relating to other users and aviation will be considered in a separate hearing tomorrow. And issues relating to the Draft Development Consent Order itself will be considered on Thursday.

00:12:13:17 - 00:12:40:29

This hearing will include an examination of the responses we received at our first set of written questions at deadline three, which was the 22nd of January. Whilst we have read those responses to the questions again, as we've said before, I'm sure you will appreciate there is a lot of information. So if we ask a question where the answer has already been provided, Please direct us to the relevant document or response in the examination library so we can look this up later.

00:12:42:19 - 00:13:01:04

It's also important to note that if we don't ask a specific question or raise something that you were expecting today, it's not necessarily that we view that matter as satisfactory at this stage. We may, for example, wish to pursue and follow up issues at other aspects of the development in future written questions or future hearings.

00:13:03:04 - 00:13:29:22

In terms of the timings for today, we will adjourn for a lunch break at around 1:00 and there will be an opportunity for some comfort breaks mid-morning and mid-afternoon. The timings of those will obviously depend on how we progress, and we aim to conclude proceedings when all relevant contributions have been made and all questions asked and responded to. That's likely to be around 5 p.m. however, it could be sooner depending, as I say, how we get on today.

00:13:31:22 - 00:13:55:24

If for any reason it looks like discussions cannot be concluded by the close of day. Then it may be necessary for us prioritize matters and to defer other matters to either be considered as part of the issue. Specific issue hearing. Five, which is a reserve session we've got scheduled for Thursday afternoon. Or alternatively, we may decide to pursue these questions through further written questions.

00:13:58:00 - 00:14:19:20

Coming back to today when responding to our questions today, if you cannot answer a question that's been asked of you or require time to get the information requested, then please can you indicate that you intend to respond in writing unless otherwise agreed by us? We will expect written responses to be received by deadline four, which is Tuesday the 18th of February.

00:14:21:15 - 00:14:38:06

Finally, whilst we're keeping a record of the actions that we identified during today's hearing, we would also recommend that the applicant and the interested parties take their own notes as towards the end of the hearing, we will review those actions and there will be an opportunity to clarify any action points that may have been requested.

00:14:39:28 - 00:14:48:24

So in terms of the purpose for today's hearing, does anybody have any questions or issues you wish to raise at this stage? Seeing any.

00:14:50:26 - 00:14:51:11

Okay.

00:14:53:24 - 00:15:02:04

In that case, I will pass on to, uh, Mr. Rigby, who will be leading on items 3 to 6 for today's agenda. So, Mr. Rigby.

00:15:02:24 - 00:15:04:00

Thank you, Mr. Willis.

00:15:08:11 - 00:15:46:01

Agenda item three. I've got six issues to note and discuss on this item to begin with. To note that in its deadline three summary Mo. Uh, power 2.1.8 of its summary says that it considers matters in relation to benthic ecology, closed, and also in other paragraphs that it considers previous matters regarding marine geology, oceanography and physical processes closed and in respect of marine sediments and water quality.

00:15:46:10 - 00:16:12:11

It will provide a response regarding the type of chemical analyses performed on samples, the location of samples that exceeded action level two, and comparison against quality standards at deadline four. So, with reference to Mr. Jackson's previous comments, um, we look forward to receiving that material at deadline four

00:16:14:05 - 00:16:54:00

and then to note the written ministerial statement made on the 29th of January, 2025 by Minister for Water and Flooding Emma Hardie MP, and in particular the proposed new MPA designations and associated management at bullet point one of that statement, and to invite views from the applicant and other parties on its impact on the proposed development. So I wondered if the applicant first and then other parties had anything they wanted to say by way of comment at this stage.

00:17:04:09 - 00:17:07:12

At Robin Hutchison for the applicant. Um,

00:17:09:07 - 00:17:23:01

first question of the day would be one that we could perhaps respond to in writing. Um, it's not a document. I think that we as a team yet have have absorbed. So if we have comments on it, if you'll permit us to respond in writing by deadline for that would be appreciated.

00:17:24:18 - 00:17:25:03

Thank you.

00:17:29:09 - 00:17:36:03

And in respect of the mess. Sorry. Did you have anything you wanted to say?

00:17:44:29 - 00:17:51:13

Robin Hutchison for the applicant. Sorry. The first part of your question. If. Could you just repeat the. So the focus.

00:17:51:24 - 00:18:21:20

In there was the the MMO would respond at deadline for and I presume you're geared up to to deal with that. It's just that we originally were assuming that, um, we would get things at deadline three, but that's not always been happening. Um, it's just in the second part is really just general comments about the written ministerial statement in general as to whether you had any comments to make in general at this stage. Olive garden, on behalf of the applicant. Um, to the first part, yes.

00:18:21:22 - 00:18:22:21

Obviously we're we're.

00:18:22:23 - 00:18:23:12

Um, happy.

00:18:23:29 - 00:18:25:11

And prepared to respond.

00:18:25:13 - 00:18:48:23

To anything from the MMO when it's submitted. Um, obviously reflect your, um, previous comments. That would have been preferable to have had it by now, but we are prepared to respond as and when required. Um, and then to reiterate, um, Mr. Hutchinson's comments regarding the ministerial

statement. We haven't had a chance to fully digest that, noting that it was only made a number of days ago. Um, and that we'll we'll provide a full response to that. Um, our position on that at deadline for.

00:18:49:19 - 00:18:51:24

Thank you. So anything else? Yeah.

00:18:52:23 - 00:19:30:01

So read on for the applicant just to come in on the sediment samples and, um, Mo's review of those. So those sediment samples were undertaken as part of the benthic characterization campaign. And those were also available within the preliminary Environmental Information Report. So have have been available for for a number of a number of years and have been discussed through the evidence plan process with the MMO. So our analysis of those sediment samples where their locations are, um, the contaminant levels within those are within our environmental statement and were within the preliminary environmental information report as well.

00:19:30:03 - 00:19:40:26

And the levels have been discussed through evidence plan meeting, attorney meetings, expert topic group meetings with the MMO throughout the pre-application process.

00:19:41:15 - 00:19:47:26

So you're sort of partly geared up to what's in that statement in any case. Is that right?

00:19:49:12 - 00:20:06:01

So read for the applicant. Um, so yeah, the, um, contaminants across the site doesn't highlight any levels of contaminants of concern that we'd be expecting to hear back from, from the MMO with, but that we will wait for their response on their further analysis of the sampling.

00:20:06:06 - 00:20:06:26

Yeah.

00:20:06:28 - 00:20:07:15

Thank you.

00:20:13:01 - 00:20:21:04

Are there any other parties who want to make any comments at this stage, noting that Certain parties are absent.

00:20:23:06 - 00:20:53:14

Thank you everyone. At this point, um, had MMO and Natural England been in attendance, I would have asked them for their views at this point. So hoping that those people will be listening to the recording. Please ensure that you do present your comments to us no later than deadline for that is addressed to parties not present if you like. The next

00:20:54:29 - 00:21:08:28

little sub item I wanted to look at the design of the mattresses and the use of anti fouling or biocides. Firstly, the use of microplastics relating to the type of scalp protection that's proposed.

00:21:11:00 - 00:21:41:18

In paragraph 4.3.5 of the most relevant representation, The MMO and Cfas suggest that the final design of from mattresses should be detailed in the offshore construction method statements and secured in the DCO. So just briefly to the applicant, do you consider that this information has been provided, or do you think that further detail will be required?

00:21:43:21 - 00:21:46:23

Alex. Colin for the applicant. And just to note for our mattresses.

00:21:47:10 - 00:21:48:23

Sorry, can I can you speak up a bit?

00:21:48:25 - 00:22:14:27

Thank you. Alex Scullion for the applicant. Um, just to note from mattresses are one of several options being considered. It's not quite decided yet on what option to go for, and the detail of the chosen scour protection will be detailed in an offshore construction method statement, which is secured in the draft DCO, and we have not yet supplied an outline construction method statement, but it will be something that is supplied, um, if requested.

00:22:15:28 - 00:22:17:04

Right. Thank you.

00:22:21:28 - 00:22:55:27

So much, Robin Hutchison for the applicant. If I may just, um, um, add some color to the construction method statement or the outline construction method statement. Um, as my colleague Miss Scullion explained, um, the front match is our important, uh, technique that may be required depending on the detailed current conditions. And, um, Alex and Richard would speak to it more accurately, but it's important to keep it in the project design.

00:22:56:03 - 00:23:30:09

Depending on the conditions that detailed surveys and detailed design works actually show, um, the what is going to be deployed in reality will be set out in the construction method statement, which is secured in the DCO, um, as requiring approval. Post consent. The point about if requested, is that at present, the applicant hasn't submitted an outline construction method statement, principally because we don't consider it's going to actually include anything of substantive relevance that isn't

00:23:32:03 - 00:24:02:00

already clear from commitments made elsewhere or in the commitments register that it would really just be a another signposting document. But but equally, if it would assist the examining authority and looking down the down the line, but if it would exist the examiner authority to have an outline CMS. And so we would redraft that condition to refer to a CMS based on the outline, which would then be a certified document. And that would then, I suppose, expressly capture that from addressing will be a matter to be determined later.

00:24:02:09 - 00:24:02:24

Yeah.

00:24:03:20 - 00:24:08:20

Yes. I think I think it's fair to say the view is that it would assist us. But Mr. Jackson made sure.

00:24:08:26 - 00:24:24:09

That I think I think we can concur that and say, what I'll do next, which is how quickly do you think you could be able to pull the outline together? You know, given that deadline for is a fortnight. I've got I've got to be I just I've got to be realistic to you. Doesn't exist as a document.

00:24:25:03 - 00:24:31:17

Uh, olive garden, on behalf of the applicant. Yes. Appreciate deadline for would be a bit of a push. I think deadline five being more realistic. Um.

00:24:31:19 - 00:24:58:23

It's really it's really. I think you mentioned in your submissions that the information is already there in various other places. I think what would assist us now, and would probably assist the consenting authorities later, is to have it all in one place so that your final is we can see where you're going to your final. Okay. So that would be if given that it's already available in various places, hopefully it shouldn't take too much time to stick it all together.

00:24:58:25 - 00:25:07:18

Olive garden off of that point. Yes. We'll, um, endeavour to get it for deadline for if we can, but noting that it may well be that it's something that has to be submitted to deadline five.

00:25:09:03 - 00:25:10:22

Right. But. Okay. Thank you.

00:25:15:02 - 00:25:16:21

And then just the the other

00:25:18:07 - 00:25:56:02

matter here was anti fouling and biocides. Um, we note in paragraph 4.3.7 of Mo's relevant rep, which is the the joint obviously relevant rep and written rep MMO and Cfas. The MMO requests clarification of whether anti fouling or biocides will be used on gravity based structures. Now it's our understanding from your response to relevant representations at RR oh 4750 that the use of biocides and anti fouling measures won't be required.

00:25:56:22 - 00:26:05:27

Um, so I was wondering whether you could say why you think that's the case or whether they might be required in some circumstances.

00:26:29:22 - 00:26:43:11

Robin Hutchison for the applicant. Just while we are identifying those paragraphs, I should perhaps know we will take a pause at the beginning of, um, some of the questions that refer to a detailed paragraph just while we look at that.

00:26:43:16 - 00:26:44:16

That's absolutely fine.

00:26:46:04 - 00:26:48:24

As you can see, before you.

00:26:49:12 - 00:27:03:11

Request on behalf of the applicant, um, our understanding was that the, um, the question was about ballast water and would that be required for the gravity based structures which we, the applicant confirmed would not be required.

00:27:04:16 - 00:27:07:09

So they might be required. So.

00:27:09:10 - 00:27:09:25

You won't.

00:27:09:29 - 00:27:11:06

Not for no bias.

00:27:11:12 - 00:27:19:15

Thanks. So I was just wondering what. Why that is. If you're able to explain why. Why that is having established that we've got our. Got that right.

00:27:19:25 - 00:27:40:21

Can we take that one away and respond in writing, please? Um, on on the buyer side issue. Um, in terms of anti fouling, which was the other question you mentioned, um, that may be required for gravity based structures. Um, and that would be a matter that we'd determined as we're designing the foundations.

00:27:41:03 - 00:28:13:00

You know, it might tie in with the outline LCMS, possibly. But if you if you think that the anti fouling might be required, then under certain circumstances it would be useful to know what that is, because we've noted at deadline three, MMO says at paragraph three 214 of its deadline three submission that with Defra, it's reviewing chemical use on offshore wind farms and it wants a condition changed.

00:28:13:28 - 00:28:44:24

Condition 71 to say that unless otherwise agreed in writing by the MMO. All chemicals and substances, including paints and coatings used below for the undertaking of the licensed activities, must be improved in writing by the MMO prior to use, and that submission for approval submission to the MMO for approval must take place ten weeks prior to use, unless otherwise agreed in writing. So that's a bit of a change from the existing condition.

00:28:45:06 - 00:29:00:13

Um, I'm expecting we'll deal with that also on Thursday, but it's kind of just sort of a heads up that we might want to, uh, go there at some point and get your views. Is there anything you want to say, um, on that at the moment? Just while.

00:29:00:15 - 00:29:40:27

We can. Yeah. Kathryn Nolan on behalf of the applicant and in respect to the changed condition wording, that is something that the applicant is considering and is having discussions as part of the Statement of Common Ground process with the MMO and others. Um, it does represent, obviously a change from the standard chemical usage condition that's been in deemed marine licenses previously. So it's just working through the approach. Obviously, if that's the approach from the regulator, that they want a different condition that is highly persuasive to the applicant. So I think what we will commit to do is that will be revisited and reworded in the version of the DCO that submitted at deadline for.

00:29:41:09 - 00:30:08:11

Yeah, we can also take away the action point to consider to what extent it also needs to be secured or detailed in an outline construction method statement, if that's appropriate. We obviously don't want to duplicate unnecessarily, and we will also take away, just in more detail, the action point of responding to the memos, comment on the usage of the potential for anti fouling and where that would come about. Just to clarify.

00:30:08:25 - 00:30:09:10

Yeah.

00:30:09:12 - 00:30:30:11

And you'll be discussing things between now and deadline for perhaps because noting that the MMO is not present. We would urge them to respond also by deadline for so that if you're both having conversations outside of here, then we can hear from both of you at the next deadline. That would I think that would help us, wouldn't it?

00:30:30:27 - 00:30:43:10

Yeah. Kathryn Nolan, on behalf of the applicant, we certainly can take that away. We obviously can't commit to what the MMO can or cannot do, but we will do everything in our power as part of our ongoing discussions to get resolution on that matter by deadline for.

00:30:44:15 - 00:30:45:00

Thank you.

00:30:47:11 - 00:30:54:05

The next item I got on my list was about the outline offshore construction method statement. But I think we've

00:30:55:25 - 00:31:00:00

we've done that. So I think we can move on rapidly.

00:31:00:15 - 00:31:06:20

Um, Katherine Nolan, on behalf of the applicant, I should say we obviously have made the commitment. We will try to get that to you for deadline for.

00:31:06:27 - 00:31:07:14

That would be really.

00:31:07:16 - 00:31:32:10

Helpful. But what we will certainly do is we will suggest alternative wording in the draft DCO at deadline for that incorporates that revision to incorporate an outline construction statement. So ideally we will get them to you at the same time at deadline for you. So you have both the reworded condition and the outline itself. And failing that, though, the outline will be at deadline five.

00:31:32:21 - 00:32:21:28

Yes. I mean, you're obviously open to develop the outline if other things arise during an examination, but it'd be great for us if we had a start of a ten if you'd like to. So we could we know where to go with things. So the next matter I've got really is for the MMO actually. Um, but I'll recite it anyway so that other artists may respond if they wish. The related matter about sand wave clearance material disposal sites the the MMO deadline three response to your response RRO 4747 says that the MMO is currently working to designate disposal sites and will provide further comments in due course.

00:32:22:10 - 00:32:52:29

So my question to the MMO would be could they say, could they say when these further comments will be available, and do they have any updates now? So to the MMO when they're hopefully listening to us later, could they give us an update along with other submissions they may make at deadline for? And that's the purpose of that, of course, is to put you, the applicant on notice that that's what we're asking them to do.

00:32:53:27 - 00:33:00:04

Ordinarily, that would mean that you would also maybe wish to say things at deadline for as well.

00:33:02:22 - 00:33:03:07

Thanks.

00:33:05:16 - 00:33:11:10

Is there anything you want to say on that at this point, though? No, it's not a response to sort of getting your retaliation in first.

00:33:14:04 - 00:33:17:12

Sara read for the applicant. No. Just to add that we have.

00:33:17:21 - 00:33:18:06

So are.

00:33:18:08 - 00:33:40:29

You sorry? Sarah read for the applicant. Just to add that we have had the discussions with with the MMO about the need to designate the the order limits as the disposal ground. And again, part of that

link to their responses is around the reviewing the contaminant levels as part of that disposal licence process. So yeah, we we are keen to move that forward with the, the MMO as efficiently as we can.

00:33:41:07 - 00:33:42:03

Yeah.

00:33:42:05 - 00:33:45:07

Thank you. And just the last

00:33:47:03 - 00:34:05:12

thing I've got on this item is we've Dealt with it partly already, but it's to do with potential for chemical use and discharge. And again, I wanted to ask the MMO. They say in paragraph 4.3.6 of their relevant representation,

00:34:07:09 - 00:34:38:28

it's suggested that chemicals, paints, coatings may be required and that drill fluids and cements or cement additives should be notified to the MMO prior for approval prior to use. Um, now, this matter would probably be discussed on Thursday as well on the DCO uh, hearing, but I would want the MMO please to signpost us to what specific action they require to be taken in relation to the draft order or the DML, and where this should be secured.

00:34:39:08 - 00:34:58:04

Again, possibly in the outline, CMS is an obvious home for it. So for the parties present, that's a recital of what I would have asked MMO to uh, to say to us, uh, do my panel colleagues have any comments they want to make at this point that we close item three?

00:34:59:28 - 00:35:00:13

I think.

00:35:00:15 - 00:35:01:26

Miss, sorry to say something.

00:35:02:09 - 00:35:03:06

Sorry. Sorry. Apologies.

00:35:03:08 - 00:35:35:23

Sorry. Nope. Sorry for the applicant. You hear me? Right? Um, it was just to add the link in terms of, um, chemical use to the project environmental management plan and the need for a chemical risk assessment as part of that as well. So I think that's, again, something when we come back on, on writing, we can we can clarify, um, all the ways in which the sort of chemicals that could be used across the project are, well, will be approved for use in the marine environment and how that's managed across the project, environmental management plan and any measures.

00:35:35:25 - 00:35:39:21

We also need to to put in the construction method, the outline construction method statement.

00:35:39:23 - 00:35:40:08

Yeah.

00:35:41:09 - 00:35:42:12

Great. Thanks very much.

00:35:43:28 - 00:36:17:06

Robin Hutchison, for the applicant, I can just direct you to where that secured it. It's all. It's, um, condition 91E of the draft de marine license. And that secures the project environmental management plan and item Roman numeral one provides that that will include the marine pollution contingency plan. Um and marine sorry Roman numeral two includes the chemical risk assessment. So yeah, I think these matters are, to the applicant's mind, already secured in the DCO.

00:36:17:17 - 00:36:18:18

Yeah. Thank you.

00:36:23:07 - 00:36:23:25

Okay.

00:36:24:00 - 00:36:24:16

So.

00:36:27:17 - 00:36:40:00

Let's move on to item four, which is broadly following the environmental statement structure. Benthic and fish and shellfish ecology.

00:36:41:18 - 00:36:48:08

Um, the first bullet point I've got here is to do with ecological monitoring.

00:36:51:12 - 00:37:07:08

And firstly on this topic. The applicant is in principle monitoring plan at table 2.3 we note that the blue header says monitoring secured considered to be required.

00:37:09:08 - 00:37:45:24

And we note that at 2.1.5 of the Moz deadline three summary. The MMO says it's largely content with the IPM, and will continue to review and support any requests from Natural England at 2.1.9. It will provide further comments regarding fish and shellfish ecology at deadline four, so that might be something else for your shopping list when you're talking to them. Um, and at 2.9 it will provide further comments regarding fish and shellfish ecology at deadline four, but later on at 5.1.1.

00:37:46:17 - 00:38:15:03

MMO said that it requires further information included within the IP MP regarding standardisation of monitoring and adhering to best practice, and also notes at 412 Natural England comments regarding the applicant not proposing monitoring for marine mammals within the Mitigation and Monitoring Schedule documents and the offshore IP MP. So

00:38:16:27 - 00:38:18:02

so the applicant

00:38:20:00 - 00:38:41:14

at tables 2.3 and 2.4, we note in relation to marine mammals and offshore and ethology that your blue header says monitoring secured considered to be required. So just to confirm that all this monitoring that you've detailed is secured and where it is in the DCO.

00:38:54:02 - 00:38:55:18

Patient.

00:39:06:25 - 00:39:47:00

Kathryn Nolan on behalf of the applicant. So the applicant's position is that the principal monitoring plan is secured by condition nine onesie of the Dean marine license. And so that condition requires the final monitoring plan to be approved by the MMO in consultation with Natural England and any other stakeholders to be in accordance with the outline that's been submitted. So the applicant's position is that all monitoring that has been identified within the in principle, the outline in principle monitoring plan, that's before the panel, and those would automatically be taken through because in order to be in accordance with the outline.

00:39:47:06 - 00:40:20:27

Yeah. Anything that's said as being required. There are obviously points within the IPM, and there is broader monitoring where there are still discussions as to whether or not that will be required. And that would be something that will be determined as part of post consent. Detailed design in the extent that, um, if the MMO and stakeholders consider it is required, then as part of the approval of that monitoring plan, they would only give approval once they were satisfied on that point.

00:40:21:02 - 00:40:29:26

But the applicant's position is that everything identified in the IPM as being required is secured by that condition.

00:40:30:01 - 00:40:43:05

Yeah, fine. Yeah, that's just what I wanted to bottom out, because I do realise that you've got to cover all the bases because some things you might, with luck, Block later on. Fine. You don't need at all, but you need to have it there in the first place. Thank you.

00:40:44:17 - 00:41:16:22

Fareed, for the applicant. Just to note that we did at deadline three, provide a revision to the principal monitoring plan and designed to clarify those points as to what was secured in the DCO and where. And there were other, other options that that may or may not be required. And to provide further clarity on our position on on those, I think in terms of marine mammals, and just to step through through that one in more detail if you wanted to.

00:41:16:29 - 00:41:51:00

So for marine mammals, I think the table that you identified. So we have um, secured in the DCO the condition to monitor the first four piles for, for noise. So that's in that that first table. Um, since

discussions from application, we have also made the commitment through Deadline submissions to do monitoring for red throated diver. So that would be aerial surveys. So we've also made um updated the principal monitoring plan to include that during those aerial surveys for red throated diver.

00:41:51:02 - 00:42:01:06

We can also make a record of marine mammal presence as well. So that that's also been updated in the in-principle monitoring plan that was supplied at deadline. Three.

00:42:03:18 - 00:42:04:05

Thanks.

00:42:04:13 - 00:42:40:27

Robin Hutchison for the applicant. If I may, just a final observation on on this topic. Um, the it's going to be the case in any condition which secures a two step process, a final plan based on an outline that the discussions between the applicant and the regulator are going to bring up, you know, some issues which are more appropriately held over until the approval of the detailed plan is always going to be a slightly fuzzy edge between what should be should be secured in the outline and what is actually moving into pre-emptively discussing the detail of the final plan.

00:42:41:10 - 00:42:53:13

And so we shouldn't try and sort of preempt the full and final plan at this stage, because obviously the purpose of a two step condition is to secure the broad parameters and then lock down the detail.

00:42:53:21 - 00:42:54:08

Mhm.

00:42:54:10 - 00:43:15:01

Yeah. I suppose from our point of view, when we're reporting to Secretary of State, the more we've got under our belt at this stage, the better it's going to be for everybody. I would think in the long run. So that you've you've identified items. Even if they're not it turns out you don't need them in the end. It's just I think it's good to at this stage if we can have as much information as possible.

00:43:15:14 - 00:43:41:04

Um, understood. And that is the applicant's position that we would tend to err on the side of, of caution in these plans. And if detail needs to be refined out because it's proven to be, um, you know, not appropriate in the detailed circumstance of the instances of the final design, then. Yeah, that's fine. And I mean, it's also in this particular circumstance. The comments are from the MMO, who will also be the body responsible for approving the plan. So yeah, there's.

00:43:41:12 - 00:44:15:09

But it should make that process more straightforward if you've got a better idea at the beginning, because it's my mind, it's easier to take things out than it is to think, oh, ouch, we need that in. And it hasn't. It's not there. And how do we get it there? So yeah, that's fine. I note that, um, you're proposing that the red throated diver monitoring will also pick up marine mammals. Now, is this information just passive and available on request? If someone wants to review it or will it be formally interpreted and reported somewhere?

00:44:18:14 - 00:44:45:29

Is that a read for the applicant? Sarah Reed for the applicant? Um, I think the detail of that would be, I guess, developed in the final monitoring plan and post consent. It is largely extra information that we can that we can collect. Um, and that would be, that would be reported. But yes, it is, it is extra information. Um, on from the red throated diver surveys. That would be useful information.

00:44:47:07 - 00:45:03:01

Because I suppose thinking further down the this agenda, it's almost like it's part of sort of collaboration thing where if it's made available to other people who might find it useful, then that would be good. It would be good if it's proactive rather than having to go and dig for it.

00:45:03:06 - 00:45:20:03

Yes. The applicant is, um, very supportive of being able to provide any information it gathers and make that available. Um, and I think we've added that into the monitoring plan also in terms of providing to the marine data exchange, the information that is collected.

00:45:21:09 - 00:45:32:03

All I've got that just to say as well that it is a requirement of our agreement for lease, that we provide this information to the marine Data Exchange as it's collected. So that's something that we're required to do through our agreement with the Crown Estate as well.

00:45:32:05 - 00:45:39:00

So the problem is that through the lease, not through the DCO. So we need to go to the DCO, I'm afraid.

00:45:41:24 - 00:46:17:13

Catherine Nolan, on behalf of the applicant, just to draw your attention to the specific, as miss Reed mentioned, that has now been added to the IPM piece. So there is a paragraph in the track change version that discusses submitting monitoring reports to the Marine Data Exchange. So that is at page 18 of the updated in principal monitoring plan that requires that um data to be shared. So the broader environmental monitoring to be shared. And so then that would be in turn secured by the condition requiring the final IP MP.

00:46:20:13 - 00:46:23:06

Sorry. Can I just ask what paragraph again is that, please?

00:46:24:08 - 00:46:41:00

Rather unhelpfully, it's in a bullet pointed paragraph. It is directly above paragraph 1.4 of residual effects. So if you go to digital page 18 of the updated PMP and you'll see it in track changes to show that commitment that's now been added.

00:46:45:09 - 00:47:05:06

It does however, say supportive rather than which is it, which is a bit of a neutral term. It means we might we might not. It doesn't doesn't say we will positively make an action about the source. Might need to come out a different word, supportive, slightly more positive.

00:47:05:17 - 00:47:12:09

All have gone about that. But yeah, we're happy to make that change. To say we are required through our lease anyway to do it so it makes no difference. Yeah. No problem.

00:47:12:20 - 00:47:19:02

If you could just have a look at changing that the word supportive into something a little stronger.

00:47:23:02 - 00:47:23:17

Thanks.

00:47:25:15 - 00:47:56:27

Secondly, paragraph 41 of the IP MP says in relation to fish and shellfish ecology, that there is a desire from the fishing industry for assessments made in the environmental statement to be validated, and that the data collected would be used to inform discussions as part of the fisheries liaison and coexistence plan. Now we've got a bit of an overlap here because fisheries discussions will take place at tomorrow's hearing.

00:47:57:24 - 00:48:14:20

But meantime, we note from para 1.2.1 that the approximate offshore construction duration is two and a half years, and that the five year monitoring period needs to be secured. So.

00:48:16:21 - 00:48:26:22

To the applicant, first off, how would pre-construction and Construction monitoring periods fit around that two and a half years.

00:48:28:08 - 00:48:28:23

And.

00:48:31:01 - 00:48:42:04

At this point we're thinking I'm thinking environmentally, ecologically. But obviously it's a general thing going into other areas. But, um, I just wondered if you could elaborate.

00:48:45:16 - 00:49:25:05

Sarah read for the applicant. So in terms of fish and shellfish ecological monitoring, we haven't proposed to do a specific targeting, sampling and programme for fish and shellfish ecology. However, as you've picked up, we do through commercial fisheries identify that we will be monitoring fishing activity in the this five years fisheries monitoring. Now, I know there's been questions around we've made that commitment to five years of monitoring and there have been questions in terms of when that five years is most beneficial.

00:49:25:11 - 00:50:07:29

So we have had discussions, I think, last week with the NFO on the monitoring period, and also we've seen the comments come in from other parties on that five year period. I think we and we're keen to align with with other projects as well. So we've yet that that five years of monitoring, we can commit to that and update that to be five years post consent. I'm sorry, five years Post-construction. And to

align with the key period that the and that was discussed with the NFO, that that would be five years Post-construction would be the key time to sort of target that five years worth of of monitoring effort.

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So.

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The idea of doing monitoring before construction, during construction and Afterwards and wrapping that into five years. Is that not something you're contemplating?

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So we had some weed for the applicant. So we had outlined the five years that could encompass pre, during and post construction and through consultation, particularly with the NFO, and that the advice there was that it would be better off that those five years would be post post construction monitoring to look at active fishing activity. Post construction.

00:50:57:13 - 00:51:05:02

Right. So then you'd presumably want to compare that directly with the baseline information that you've already got.

00:51:05:29 - 00:51:19:07

Sarah Reed for the applicant. So yes, we do have baseline baseline data. And we're looking at public data sets here of fishing vessel movements and landings. So it's publicly available information that we would be that we would be using.

00:51:20:25 - 00:51:35:02

So that means you've got a baseline for comparison. Then effectively when you do that, I've just anxious to ensure that when you do the monitoring, it's with reference to something you've already got. So that yeah.

00:51:44:27 - 00:51:47:15

On tables 2.0 sorry.

00:51:49:27 - 00:52:14:18

Sorry. So just just to clarify the point, I appreciate you saying, um, there's been discussions around post-construction monitoring period being, um, longer than those currently supplied. So just to be clear, the pre-construction period. So, um, there's still going to be a monitoring period for during the pre-construction period, a period for the construction period and a longer period. Post-construction is that what we're talking about.

00:52:17:05 - 00:52:44:11

Sarah Reed for the applicant. We do have our commercial fisheries lead around, so I will just take that one away and come back to you later. Just to confirm, I think we we yeah, we definitely can confirm that we can focus that five years of commitment. Post-construction. And if I can come back to you just on how we'll deal with that sort of what we might need to do pre-construction and during

construction compared to the baseline that we've already got through through the EIA. If I can come back to you on that one.

00:52:44:13 - 00:53:01:02

Then yeah, certainly, I'll say tomorrow we had to go on the agenda about the Post-construction. Yeah, I guess the point is it's not in lieu of pre-construction. What we still want to make sure is that there's a period during the pre-construction construction and then post. So that was the point really. Okay.

00:53:01:06 - 00:53:34:08

Catherine Nolan, on behalf of the applicant. Yes. So just to take a step back and maybe look at monitoring not specific just to commercial fisheries. We do still have the obligations for pre-construction Construction monitoring, which is that condition. We have condition 14 in the DML, which is specifically around monitoring, and that does include methodologies and timings of that monitoring to be approved. And then you're correct. We then have condition 15 which is the wider construction monitoring. And then we step into 16 which is post-construction monitoring.

00:53:34:10 - 00:54:11:16

So for certain topic areas depending on discussions with those stakeholders, they have identified a preference for certain windows in particular. And as you say certain comparison points for a baseline as opposed to not because for fisheries in particular, they are more concerned with having a baseline that is as close to the construction period as possible, rather than something based on kind of pier pre-application surveys. So it's considered that there are mechanisms in the conditions when those monitoring plans are approved for the the methodologies and timings to be approved again.

00:54:11:18 - 00:54:33:13

So they would be. The expectation is that they would be. As Mr. Hutchinson explained, they would be in accordance with the principles in the outline. But there would be another opportunity for fisheries stakeholders or others to suggest particular timescales that they wanted as part of those monitoring and final monitoring plans.

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So

00:54:37:01 - 00:54:50:20

you've got a way of comparing because you've got preconstruction monitoring as one item, and then the five years is actually the post-construction monitoring period. Have I got that right? And you can compare the two.

00:54:52:00 - 00:55:29:27

Robin Hutchinson for the applicant. And in response to the specific element of monitoring. Yes, that's that's the position that there's already baseline data in the environmental statement. So there is a point of comparison. The question has been when best to carry out the next tranche of monitoring to compare with that baseline and the preference of stakeholders is that that should be post-construction. So that's secured. And I think we probably could capture that in a state of common ground if that was of assistance, to demonstrate that actually there is agreement that the baseline plus post-construction five years is is the most proportionate and appropriate way of, of capturing that.

00:55:29:29 - 00:55:36:20

But we understand the point that it's you need a point to compare against because data one data point tells you nothing if you can't compare it.

00:55:37:24 - 00:55:55:23

Thank you. Um, presumably you'd endeavor to standardize the methodology in some way, um, to help being able to compare apples and apples and perhaps also talking to other parties so that other projects would do it in a similar fashion as well.

00:55:59:04 - 00:56:04:14

Oliver got off that one. Are you referring here specifically to just to the commercial fisheries monitoring?

00:56:06:00 - 00:56:15:09

Sorry. Are you referring here just to the commercial fisheries? Are we still speaking specifically around the the the baseline and then the post-construction monitoring for commercial fisheries.

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Just there's the way you've done the pre-construction monitoring. So you want to be able to ensure that the monitoring that's done afterwards is done in the same way. So that you can compare things and also

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preferably if possible, in the same way as other people. Other parties might do it so that when you're talking to each other, you can know that you've done it in the same way with the same methodology.

00:56:47:08 - 00:57:18:15

Kathryn Nolan, on behalf of the applicant. Yes, of course. I think to use simplistic terms, obviously we there's no point in comparing apples to oranges. And so the baseline, um, the methodologies used for pre-construction would be followed through for post-construction taking account for, you know, best practice or how science is evolved. And then to take your second point, there would be no point in this applicant doing sort of, um, zucchinis to courgettes as opposed to apples to oranges.

00:57:18:17 - 00:57:41:09

If everyone else in the Irish Sea or all other developers do it one way. So, um, there will be a standard approach taken to monitoring that will then be specific to obviously concerns that are bespoke to the site, but the general methodology will reflect what is being done on other projects so that stakeholders have a degree of consistency in reading across data.

00:57:42:24 - 00:57:43:10

Thank you.

00:57:51:08 - 00:57:51:26

Right.

00:57:51:28 - 00:57:52:22

I think.

00:58:03:05 - 00:58:06:23

Just having a look to see what more I need to ask here.

00:58:14:03 - 00:58:17:02

The MMO deadline. Three.

00:58:18:21 - 00:58:24:24

Made general comments on other documents, one of them being the PMP,

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and it says at 5.1 of its response

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says the MMO would like further information included within the IP MP.

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In addition to comments regarding the in-principle monitoring plan, which I presume it's going to provide a deadline for. So.

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That's something you might want to just

00:59:00:19 - 00:59:06:11

Cover off with them before deadline four. I think there were things that they were going to

00:59:07:26 - 00:59:45:20

provide a deadline for, but they're not here to clarify what that might have been. Um, because they say that they're currently undertaking a project on the standardization of offshore wind post consent monitoring data. This project aims to standardize the collecting and reporting of offshore wind environmental monitoring data in English waters for receptors and monitoring techniques, where a widely recognized standard for monitoring already exists, and to implement this approach in post consent monitoring for wind farms in English waters, they've engaged a range of stakeholders.

00:59:47:29 - 01:00:20:00

And they want to try and make it easier to compare and collate monitoring data from different projects so that we get the most value out of monitoring. It will also ensure that developers know what is expected from them in terms of monitoring and add weight to previously agreed standards. They say that the final list of standards is expected to be agreed this year in 2025, and these will then become the default approach to post consent monitoring of these receptors

01:00:21:15 - 01:00:28:14

and their requesting that the PMP be updated to reference this project. So

01:00:30:08 - 01:00:46:24

I'm just wondering to what degree you're in sync with their program, bearing in mind that it's we're talking about this year, and I'm not sure whether they're trying to get you included as an early project or quite what they intend there.

01:00:47:02 - 01:01:19:10

Yes. Catherine Nolan, on behalf of the applicant. So this is something that the applicant can commit to discuss with the MMO over the coming the remaining period of the examination and will be discussed in iterations of the IPM. Obviously, with the final list of standards not expected to be finalized until at some point during the course of the year, it's difficult for the applicant to presuppose what those detailed standards will be now so that it can include them in the IPM.

01:01:19:12 - 01:01:54:06

But what we can take away is looking at how we can include a sort of, um, a general commitment to work with the the projects that the MMO is carrying out to ensure that the results of that project are factored into future iterations of the IPM. And so taking on board that comment in 5.15 of the MMO response, I think that's something we can look to. We will discuss with them, um, in our wider discussions about the various points.

01:01:54:08 - 01:02:03:01

And we can also look to unilaterally update the IP MP to just reference that project so that it's secured.

01:02:04:00 - 01:02:31:00

Because that's that's starting up an initiative. And I suppose it's just the point at which they start taking projects on board. Um, obviously we'll discuss this in more detail in relation to commercial fisheries. I'm just interested from the ecological monitoring angle. So thank you very much for that. Had had MMO been present, I would have asked them a couple of things to say. Firstly, we know this is one of several issues that you'll comment on at deadline for,

01:02:32:19 - 01:02:34:07

and presumably that'll

01:02:36:07 - 01:02:59:08

be on the deadline. Three versions of the application documents, because now that you've put documents out at the last deadline, they've got the the opportunity to roll that into whatever they, they, um, they comment on and really just to ask Mo in more detail. Bearing in mind their current timetable for the standardisation project.

01:03:01:20 - 01:03:38:20

What further information would you like to see included within the IP MP other than a general commitment to ensuring that any standards or best practice adhered to during monitoring is outlined clearly within the relatively. But the relevant monitoring reports? If that makes sense to you, that's what I'd be asking them. Can you? Can you tell the applicant what you want? I suppose part of the issue will be if they're in the early stages, they may not be entirely clear themselves, but I would hope

to the MMO, if you're listening to the recording, you would care to elaborate and tell us where you're up to with that.

01:03:38:28 - 01:03:42:15

And again, you've got a shopping list of things to talk to them about.

01:03:44:03 - 01:04:21:27

All I've got I'm with the applicant. Just a general point on that. I mean, there are a number of initiatives and things that are being worked on by, by various regulators around standards and guidance and others that may come up later in the day. And obviously, as an applicant and as a developer, we're engaged in those processes and we're monitoring them and we will as necessary be part of that. But obviously we can't commit and secure things that are yet unknown. What we can do is include a commitment that at the stage when these things are finalised, you know, and that is secured within the DCO, these discussions will be had. And if there is new guidance that comes forward, obviously anything that is prepared and submitted for approval to the MMO will reflect the guidance as it currently is at that time.

01:04:22:16 - 01:04:36:15

So yeah, but obviously we are aware of these things and are monitoring them and as they become available, will will update documents. But we can't um, we can't include a commitment to a yet unknown at this stage. We can engage on the process.

01:04:36:21 - 01:04:43:23

Yeah. I was just thinking because if you if you're getting in sync, it's going to help everybody later, isn't it? You're not going to do have any wasted work.

01:04:45:28 - 01:04:51:11

Thank you. Do my panel colleagues have any comments on this first part of agenda item four?

01:04:53:20 - 01:04:58:00

Thank you very much. Thank you. So the second, Richard.

01:04:58:17 - 01:05:17:01

For the applicant, if I could just pick up on a point you made earlier. It's something we will need to be mindful of is comparing apples and pears. So we do need to be mindful of the data that we've collected as a baseline and make sure that the, um, whatever new requirements there are for monitoring are will allow us to compare apples to apples.

01:05:17:14 - 01:05:18:11

Yes. Thank you.

01:05:23:13 - 01:05:31:08

So just moving on to the second bullet points. Fish spawning and avoidance periods.

01:05:33:19 - 01:05:38:09

Uh, now for the applicant. We note your responses.

01:05:41:08 - 01:06:04:20

To our ESC one, BM five, BM ten and BM 12 covering sediment composition, seabed preparation and changes to the tidal regime due to structures on the seabed. So I just want to cover three things in relation to the effects during the operational phase.

01:06:06:19 - 01:06:13:21

Firstly, the extent of change in suspended sediment concentrations

01:06:15:14 - 01:06:23:12

and secondly, the risk of muddy sediments in the east of the site spreading to the west due to scour effects.

01:06:24:27 - 01:07:04:06

And thirdly, whether the significance of effects is correct in relation to effects on habitat loss and disturbance during the spawning period. Um, I'm thinking particularly because there's the possibility of Cpan being present. So your response on Cpan suggests that low sensitivity is correct. Whether or not CNN is present. But in the Mario essay table, it says that the sensitivity both to the removal of substratum and to penetration of the seabed is high.

01:07:04:28 - 01:07:23:20

And the response to our question one BM 13 then concludes that medium sensitivity is acknowledged in line with the Morgen assessment. So what do you consider to be the final significance of effect?

01:07:29:04 - 01:07:33:23

Sarah Reid for the applicant. So is your question around the mag?

01:07:33:25 - 01:07:36:20

Sorry, I can't hear you very well. Can you just stand close to the microphone?

01:07:37:06 - 01:07:46:23

Sarah read for the applicant. Sorry, was your question around the, um, sensitivity or the significance of effect.

01:07:50:01 - 01:07:58:02

It's how you get to the final significance because the seeping presence might affect

01:07:59:27 - 01:08:01:06

the sensitivity. Yeah

01:08:03:01 - 01:08:03:23

or not.

01:08:04:06 - 01:08:27:11

So read for the applicant. So in the benthic characterization surveys, CPN weren't identified in any of the sample stations across the wind farm site and isn't identified as one of the buyer types in the characterization report. However, in terms of.

01:08:34:01 - 01:09:12:27

Sea pens and burrowing megafauna. While no sea pens were identified because of the um burrows within the site. Its precautionary been also assigned as a potential habitat, but no CP and were identified within within the surveys undertaken for the for the baseline. So our view is that the significance that we have assigned in the sensitivity that we have assigned is, is sufficient and adequate to be able to identify a significance effect, which is not significant, significant in EIA terms.

01:09:14:24 - 01:09:24:26

So you're satisfied that the final position is is correct.

01:09:26:14 - 01:09:28:22

Sarah Reid for the applicant. Yes, that's the case.

01:09:29:27 - 01:09:30:14

Thanks.

01:09:32:20 - 01:09:38:24

Just moving on to suspended sediment concentrations. Um,

01:09:40:15 - 01:09:42:14

I think we're probably

01:09:44:04 - 01:09:47:16

satisfied with that. Um.

01:09:52:08 - 01:10:12:06

The two issues really were why the assumption of settlement within one tidal excursion ellipse, which is based on the Morgan modelling, is valid when the Morecambe site contains substantially more muddy sediments. But I think you've probably covered that in your response to our written question.

01:10:15:26 - 01:10:23:04

And just to confirm, your view is that blanketing isn't likely to occur because.

01:10:25:26 - 01:10:42:24

Mud could redistribute from east to west, but it wouldn't be to the extent that it would result in blanketing and changing the composition of the seabed and affecting spawning potential. That's where we're coming from on that one.

01:10:46:26 - 01:10:47:27

Is that correct?

01:10:50:17 - 01:10:53:06

I told you on behalf of the applicant. That is correct. Yes.

01:10:54:09 - 01:10:54:26

Thanks.

01:10:57:27 - 01:11:01:04

And on a related issue, um.

01:11:04:06 - 01:11:13:08

Relating to the abundance of harbour porpoise, we note your response to our SSC one HRA 33.

01:11:16:04 - 01:11:32:00

And that this could be due to mating because the site's more valuable than identified. I think the point you were making was that you got a snapshot and it was a one off. So a higher recorded figure was factored in to the magnitude and the assessment.

01:11:33:20 - 01:11:49:10

But there might be some other reason why that is the case. But also given that grab sampling is not really optimal for Sandy, or is there a risk that the habitat is actually more suitable for Sandy or than stated in your assessment?

01:12:00:20 - 01:12:37:14

At Boulder, on behalf of the the applicant, the um the baseline for Sandy URL presence is um, primarily derived from um, grab sampling and then analysis of the particle size distribution within the grab sample. So whilst grab sampling doesn't directly capture Sandy effectively, it is actually the particle size analysis of the sediment within the grab sample that gives us information as to whether the habitat is appropriate for Sandy. And within the wind farm site, we're comfortable that the levels of fine particles or fine particulates within the sediment.

01:12:37:23 - 01:12:43:27

Samples that we have taken in the wind farm site demonstrate that it's not appropriate habitat for sandhill.

01:12:44:27 - 01:12:56:06

So does that then mean that monitoring and further survey needs to be undertaken to develop suitable mitigation for this species?

01:12:58:17 - 01:13:34:14

Apologies on behalf of the applicant. Um, no. Because, um, the, uh, the site specific ground truthing that we've done via our, um, sediment sampling, um, via our grab samples demonstrates that sandhill, um, are not present in the site because the, um, the sediment is unsuitable for them. Um, and therefore it would not be appropriate to, to monitor the extent of sandhill, um, in the wind farm site. Um, and no significant impacts have been found via the impact assessment process, so there's no driver to monitor.

01:13:37:20 - 01:13:38:09

Thank you.

01:13:40:14 - 01:13:55:07

Were the other parties present? I'd been very inviting them to comment. And no doubt they will do so at deadline for if they've been listening to what you've been saying. Uh, just.

01:13:57:21 - 01:14:04:25

I think we're just coming up to 11:15, so I think we'll take a break until.

01:14:05:01 - 01:14:23:21

Well, yes, we'll have a break to adjourn now until half past, I believe there's tea and coffee through the other room. I think if you if you don't mind, because obviously we don't have to talk to you. But if you, if you we do a bolt for it to grab the tea and coffee then disappeared. We would be all right. Okay. We'll adjourn until half past like.