



Planning Inspectorate
Arolygiaeth Gynllunio

Hearing Transcript

Project:	Morecambe Offshore Windfarm Generation Assets
Hearing:	Issue Specific Hearing 3 (ISH3) – Part 1
Date:	5 February 2025

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FULL TRANSCRIPT (with timecode)

00:00:05:14 - 00:00:41:23

Good morning. Um, it's now 10:00, and time for this hearing to begin. I would like to welcome you all to this issue specific hearing on other sea users and aviation in relation to the offshore wind assets project. Can I just confirm that everybody can hear me clearly at the back? Thank you. Um, can I also confirm with the case team that live streaming has commenced and the recording of the event is also commenced? I've been given the thumbs up. Thank you. Uh, my name is Robert Jackson, and I have been appointed by the Secretary of State to be the lead member of the panel to examine this application.

00:00:41:27 - 00:00:47:14

I'm now going to ask my colleague panel members to introduce themselves. Thank you.

00:00:47:16 - 00:00:55:05

And 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 and to examine this application.

00:00:58:17 - 00:01:08:12

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.

00:01:09:07 - 00:01:39:16

Thank you. Together, we constitute the examining authority, often referred to as the Xa for this application. And we were reporting to the Secretary of State for Energy Security and net zero with a recommendation as to whether the the development consent order should be made. We are accompanied today by two members of our case team staff from the Planning Inspectorate. Tracy Williams is our case manager and Daniel Hurley is a case officer. Please approach them if you have any questions.

00:01:40:07 - 00:02:14:21

I do know some of you were here yesterday, however, as they may well be parties to joining us today who weren't here previously. I will quickly run through a few housekeeping matters for those intending in person. Could please everyone. Set all devices, including phones and watches, to silent. Um, for your information, the toilets are out through that way, behind there. And there's another door set of doors through that way. Um, they were not expecting a fire alarm today. However, should there be a a go off in there, be the real thing.

00:02:14:26 - 00:02:30:24

Then obviously the two green doors are here are highlighted, and we meet outside, essentially outside the bar on restaurant, which you will, which is adjacent to the upside down house on the side. You'll know where the upside down house is from when you when you came in.

00:02:32:16 - 00:03:06:16

Um, the hearing will follow the agenda. Published on the National Infrastructure Planning website on the 28th of January, 2025. Examination library Reference EV 501. It would be helpful if you had a copy on of this in front of you. Um. Today's hearing is being undertaken in a blended way, meaning some of you are present with us here at the hearing venue, and some of you are joining us virtually using Microsoft Teams. We will make sure that however you decide to attend today, you will be given a fair opportunity to participate.

00:03:07:14 - 00:03:39:21

A recording of today's hearing will be made available on the Morcombe Offshore Wind Assets section of the National Infrastructure Planning web page, as soon as practicable after the hearing has finished. A transcript will also be made available, which will use AI technology. It's not wonderful, but it's okay. With that in mind, please ensure that you speak clearly into a microphone stating your name and you who you are representing each time before you speak. The microphones have a button which is white, which goes red when it's live.

00:03:40:11 - 00:04:24:17

If there's anybody who's sitting on the table sitting at the back. But if you if we need you to speak, if you need to speak, we'll come bring you up to the table and necessarily move somebody else out of the way. Thank you. Um, you also need to be aware that if we are taking part in the hearing today, uh, that the recording will be retained by the Planning Inspectorate for a period of five years, and that will form a public record to which the General Data Protection regulations apply. A link to the Planning Inspectorate Privacy Notice was provided in the notification of this hearing, and we assume that everyone here today has familiarized themselves with this document, which establishes how the personal data of our customers is handled in accordance with the principles set out in data protection laws.

00:04:25:15 - 00:04:34:01

Please speak to Tracy Williams if you have any questions about that. I'll now hand over to Mr. Rigby who's going to go through the attendance of this hearing. Thank you.

00:04:34:24 - 00:05:12:13

Good morning everyone. I'm going to go through the attendance. There's quite a lot of people here today, so please bear with us while we get through this. If I could start with the applicant, I'm going to ask those of you who are participating in today's meeting to introduce yourselves and deal with those present in the room and then those who are online. So when I state your name, if you could please introduce yourself clearly stating your name and who you represent and which agenda item you wish to speak on.

00:05:13:16 - 00:05:29:12

If you're not representing an organization, please confirm your name. Summarize your interest in the application and confirm the agenda item on which you wish to speak. And also if you could state the title by which you wish to be addressed.

00:05:31:15 - 00:05:36:10

So if I could start with the applicant, please to Robin Hutchison.

00:05:37:25 - 00:06:11:05

Good morning panel. Good morning everyone. My name is Mr. Robin Hutchison. I'm a solicitor and legal counsel for the applicant. And I'll be speaking Inevitably to most issues. Today I am joined on the front bench with the applicants team, um, consisting of the environmental, um, lead project manager, my co-counsel and the applicant's representatives from our team on shipping and navigation, giving the the topic of the first agenda item.

00:06:11:08 - 00:06:18:00

But perhaps I'll ask each of them to introduce themselves individually. Starting on my extreme left, if that suits.

00:06:18:04 - 00:06:18:20

Thank you.

00:06:21:04 - 00:06:27:03

Good morning, Sarah Reed, for the applicant and principal marine consultant. And if you could forgive me as misread.

00:06:27:08 - 00:06:28:00

Thank you. Thank you.

00:06:29:21 - 00:06:31:10

Good morning. Oliver Gardiner.

00:06:31:12 - 00:06:34:28

The consent manager for the applicant. You can refer to me as Mr. Gardener.

00:06:35:00 - 00:06:35:15

Thank you.

00:06:36:29 - 00:06:42:06

Good morning, Katherine Nolan. I go by miss, and I am a solicitor on behalf of the applicant.

00:06:45:06 - 00:06:51:00

Good morning. Editor Rogers, Uh, shipping and navigation specialist working for National Maritime. On behalf of the applicant.

00:06:53:04 - 00:06:56:28

Good morning, Miss Fraser. On behalf of the applicant.

00:06:59:19 - 00:07:06:17

Good morning, Doctor Dunoon. Uh, for the applicant representing Manchester Advanced Radar Services. Shipping, navigation. Thank you.

00:07:07:05 - 00:07:12:16

Thank you. Do you have any representatives online, Miss Atchison?

00:07:14:13 - 00:07:23:09

Uh, Robin Hutchison for the applicant. Um, not for this initial session. Later in the day, on the aviation topic, we have one representative online.

00:07:23:22 - 00:07:28:27

So if you could perhaps introduce some at that time, that would be helpful. Thank you very much.

00:07:34:13 - 00:08:06:08

So I'll now move on to the organizations and individuals attending that have given notice of their intention to speak. Again, I'll start with those present in the room and pass on to those who are online. And again, if when I state your name, if you could please introduce yourself clearly stating your name and who you represent and which agenda item you wish to speak on and how you would like to be addressed. So I'd like to start with Mr.

00:08:06:10 - 00:08:09:24

Graham Truelove from BAE systems.

00:08:12:14 - 00:08:43:21

Good morning. My name is Mr. Graham of DLP planning, representing BAE systems. Our main interest is in item five. Today I'm accompanied by a number of people from BA systems. And we'll we'll alter who's at the table, depending on which, uh, which topic we're discussing. Um, but initially it's Chris Burkett of BAE systems. We also have Helen Tinsley and Paul Pemberton Brown or Black BAE Systems.

00:08:44:09 - 00:08:47:26

Thank you. If those people could introduce themselves to the hearing, please.

00:08:50:08 - 00:08:50:24

Good morning.

00:08:50:28 - 00:08:55:11

Uh, Christopher Burkhardt, senior air traffic control officer for BAE Systems Operations Limited at Warton.

00:09:02:28 - 00:09:08:23

Good morning. Miss Helen tinsley, I'm legal counsel at BAE Systems Marine Limited.

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

Thank you.

00:09:11:29 - 00:09:17:18

Good morning everyone. Mr. Paul Pendleton Brown, manager of air traffic at Warner Aerodrome. Now item five.

00:09:17:21 - 00:09:18:22

Is what we were looking at.

00:09:20:06 - 00:09:26:26

Thank you very much. And next I have, um, Nick Salter.

00:09:29:16 - 00:09:34:12

Good morning. Um, Nick Salter from the Maritime Coastguard Agency here for item number three.

00:09:35:29 - 00:09:42:08

Thank you. And next I have Katherine Knight.

00:09:44:00 - 00:10:09:17

Says Katherine Knight are DWF on behalf of Blackpool Airport. Interested in item? Topic item number five. So to my left, if I may introduce Steven Steve Peters, the managing director of Blackpool Airport. To my right is Natalia Hall, the air traffic services manager at Blackpool Airport. To my right again is Richard Ingles. Cirrus limited and online, sir, as Louise Middleton of Blackpool Council.

00:10:12:09 - 00:10:19:06

Thank you. So moving on to my next I next have James Gibson.

00:10:21:27 - 00:10:22:17

Good morning sir.

00:10:22:19 - 00:10:54:22

My name is James Gibson. I'm a partner at Eversheds Sutherland law firm and I am instructed by Spirit Energy Production UK limited. Parts of Spirit Energy Group and spirit are particularly interested in participating in agenda item three. Shipping and navigation. And agenda item six. Other. Offshore infrastructure and marine operations. I am joined by four representatives on behalf of spirit. To my left is Mr.

00:10:54:24 - 00:11:34:24

Peter Hepburn of Spirit Energy. Mr. Hepburn is the asset director for the Morecambe Hub, and should be able to assist you with any questions associated with safety impacts to spirits assets and in connection with agenda item three and agenda item six. Further to my left is Mr. Nigel Blackstock of Evotec international. Mr. Blackstock was commissioned by spirit to prepare an aviation report that

was appended to its written representation, and will be principally able to assist you with any questions associated with that as part of agenda item six.

00:11:35:22 - 00:12:08:20

To my right I have Mr. Dennis Eustace. Mr. Dennis Eustace is the head of Logistics Operations at spirit and is responsible for the delivery of all its logistics operations across the UK, including to the Morecambe hub. Mr. Hrustic will be speaking with respect to marine and navigation and shipping related impacts on spirits assets as part of Agenda Item three, and also in connection with helicopter operations as part of Agenda Item six.

00:12:09:11 - 00:12:27:27

Further to my right, I have Mr. Jonathan Clark, who is a senior portfolio analyst who is assisted with modelling work to support spirits submissions in connection with aviation, and he will also be able to assist you with any questions associated with that as part of agenda item six. Thank you.

00:12:29:02 - 00:12:34:15

Thank you very much. And next along I have Sir George Merrick.

00:12:36:01 - 00:12:36:26

Yes. Good morning.

00:12:37:08 - 00:12:49:02

Uh, I am Sir George Merrick. I represent the Dawg and Marine. We are here to discuss item number four, commercial fisheries. And I would like to be addressed as Sir George.

00:12:50:23 - 00:12:53:20

Thank you. And, uh, Chris Stratford.

00:12:54:23 - 00:12:56:11

Thank you, sir. Good morning.

00:12:56:15 - 00:12:57:12

Uh, Chris Stratford.

00:12:57:26 - 00:13:10:02

Um, I, I will take Chris or Mr. Stratford or Chris Stratford. It doesn't matter. I'm a town planner. Some 50 years experience, and I'll be supporting Sir George. Um, on item four.

00:13:10:21 - 00:13:23:00

Thank you. So if we can go to those who are with us online, I have, um, Alistair old.

00:13:25:21 - 00:13:26:23

Good morning. Astro.

00:13:26:29 - 00:13:33:09

Um, head of safeguarding for national air traffic services. Uh, and I'll be speaking on item five. Aviation.

00:13:35:03 - 00:13:38:16

Thank you. And I have Richard Armitage.

00:13:42:14 - 00:13:54:08

Uh. Good morning. Uh, yes, Mr. Richard Armitage. I'm representing the Isle of Man Territorial Seas Committee. And primarily, it'll be item four on the agenda that I would be speaking on.

00:13:55:26 - 00:14:00:02

Thank you. And last on my list is Trevor Harris.

00:14:02:13 - 00:14:18:24

Good morning sir. I'm Captain Trevor Harris, the navigation manager at Trinity House, the general lighthouse authority for England and Wales. I'm here for agenda item three, and, uh, have nothing specific to discuss, but here for any questions if they arise within our remit.

00:14:20:06 - 00:14:21:02

Thank you very much.

00:14:22:19 - 00:14:27:12

Is there anybody else who's in attendance who I've missed?

00:14:31:03 - 00:14:35:05

If so, please raise a hand or raise a virtual hand.

00:14:35:07 - 00:14:40:22

We have a couple of virtual or three virtual. We're all good. We have got some virtual hands.

00:14:40:29 - 00:14:41:23

Excellent.

00:14:41:27 - 00:14:51:23

The problem which we have is we don't know who's who because all we've got is initials. Uh, however, with a bit of luck, teams has given them numbers. So if we go number one. And then.

00:14:51:25 - 00:14:52:10

If you.

00:14:52:12 - 00:14:54:18

Can introduce yourselves in order, that would be a brilliant.

00:14:54:21 - 00:15:03:14

That's just a slight digital delay, isn't there? So can whoever is number one see that they are number one and introduce themselves please.

00:15:04:23 - 00:15:09:02

Hi. Good morning. I'm Michael Proctor. Uh, I'm the DPA at stand line.

00:15:09:11 - 00:15:11:09

I'm sorry, I can't hear you very well.

00:15:13:08 - 00:15:14:23

Is that any better? Can you hear me now?

00:15:15:15 - 00:15:17:00

That's better. Yes. Thank you very much.

00:15:17:10 - 00:15:25:05

Yeah. Uh, Michael Proctor, DPA and CSO at Stand Alone Limited, and we wish to speak on items three and possibly item six as well.

00:15:30:01 - 00:15:34:03

Thank you. And hand number two, please.

00:15:35:06 - 00:15:48:17

Good morning. Uh, Laura van der Merwe from the Defense Infrastructure Organization, which is part of the Ministry of Defense. I wish to speak on item five, um, relating to the safeguarding of um by Warton.

00:15:49:25 - 00:15:55:18

Thank you very much. And hand number three just now. Hand number one, please.

00:15:56:14 - 00:15:56:29

Yes.

00:15:57:01 - 00:16:29:24

Good morning sir. My name is Collins and I'm a partner in the law firm of Wedderburn. I am here today on behalf of Barrow Offshore Wind Limited. Orsted Burma UK limited, Burma Extension Limited only UK offshore wind farms limited only extension limited and more wind limited and for convenience, I've collectively called these entities the Orsted IPPs and we have an interest in the second bullet point of item six on the agenda in relation to weight loss.

00:16:31:18 - 00:16:33:07

Thank you very much, Mr. Ennis.

00:16:40:21 - 00:16:51:09

There we go. That concludes this. First item on the agenda, and I'll now move on to agenda item two, which is the purpose of this issue specific hearing.

00:16:54:12 - 00:17:25:25

Like yesterday. This hearing will be a structured discussion which is led by us as the examining authority. It's an inquisitorial rather than adversarial process. So there's no cross-examination and any questions that you may have. You may wish to raise today need to be directed through us as the examining authority. During the hearing, we'll be asking parties to answer any questions that we may have and which we consider will benefit from all discussion.

00:17:27:08 - 00:18:00:14

The agenda for this hearing was published on 28th of January 2025, and its examination library reference EV 001. The agenda is for guidance only and focuses on matters relating to other Sea users and aviation. Again, as we advised yesterday, this hearing will consider the information submitted to date and this includes an examination of the responses we received to our first set of written questions at deadline three.

00:18:01:17 - 00:18:38:07

It is not our intention or desire that you repeat in detail submissions that you may have made previously. So when responding to our questions today, please keep your responses short and focused wherever possible. With this in mind, while we've read all the information received today, if we do ask a question or seek clarification on the matter where the information or answer has been given previously. Please direct us to the relevant document or response and give us the examination library reference number so we can find this later.

00:18:40:05 - 00:18:44:07

It's also important to note that if we don't ask a specific question.

00:18:47:12 - 00:19:03:01

Or raise something that you were expecting today, it doesn't necessarily that we view that matter as satisfactory at this stage. We may, for example, wish to pursue and follow up issues about other aspects of the development in future written questions or hearings

00:19:04:19 - 00:19:53:10

in terms of timings for today. Will adjourn for a lunch break at around 1:00, and there'll be an opportunity for other comfort breaks mid-morning and mid-afternoon. The timings of those will depend on how we progress, and at a convenient point, And we'll conclude the hearing as soon as all relevant contributions have been made and all questions are asked and responded to. So this is likely to be no later than 5:00 this afternoon. If it looks like discussions can't be concluded by then, it may be necessary for us to prioritize matters and defer other matters, either to be considered as part of issue specific hearing five, which is the reserve session we've scheduled for Thursday afternoon, if required.

00:19:53:21 - 00:19:59:21

Or alternatively, we may decide to pursue these matters through further written questions

00:20:01:07 - 00:20:42:28

when responding to our questions today. If you can't answer the questions being asked or you require time to get the information requested, please indicate to us that you need to respond in writing unless otherwise agreed by us. We'll expect all written responses to be received by the deadline for which is Tuesday, the 18th of February 2020, 2025. That's just almost a fortnight away. And finally, whilst we'll be keeping a record of any actions that we identify during today's hearing, we'd recommend that the applicants and the interested parties also take their own notes.

00:20:43:20 - 00:20:52:09

That's towards the end of the hearing. We'll review these actions, and there'll be an opportunity to clarify any action points that may have been requested.

00:20:53:28 - 00:20:55:02

Okay. So.

00:20:57:22 - 00:21:01:26

Does anybody have any questions about the purpose of the hearing today.

00:21:04:26 - 00:21:17:00

Don't just allow for digital hands to appear. Nope. Great. In that case, I'll now pass on to Mr. Jackson for the next item, which is on shipping and navigation. Mr. Jackson.

00:21:17:27 - 00:21:51:17

Thank you, Mr. Rigby. Um, back in October, uh, those who were present. We will recall, we had a discussion about the question of overselling of wind turbine generators. At our previous hearing, the applicant indicated that the extent of the blades would be such that they would not over sail outside the outside of the order limits. However, unlike some other development consent orders, as far as we can tell, this is not yet explicit in the order. Um, I'm just going to ask the applicant. This is more for tomorrow, but there's a logic for why we get to it for the shipping and navigation.

00:21:51:19 - 00:21:57:21

In a minute. Can I ask the applicant, is there a reason for this, or are you proposing to mend the draft development consent order?

00:21:59:12 - 00:22:35:19

Robin Hutchison for the applicant. Uh, the the reason is that the applicant considers that the whole of the authorized development must be located within the red line or the the order limits. And so as the blades themselves form part of the authorized project or authorized development. It wouldn't be permitted if they were sailing outside of the order limits. The whole wind turbine generator must be located within the order limits. So our position is that it's already captured within the drafting of the DCO.

00:22:36:01 - 00:22:49:28

Having said that, if it would add to clarity and comfort, we'd be happy to clarify that the entire wind turbine generator must be located within the order limit. I'm not familiar with having seen this drafting in other offshore wind.

00:22:50:08 - 00:22:58:21

The more the Morgan one does have a requirement to two. Um, so I have seen it in one. So you might want to have a look at that particular one.

00:22:58:23 - 00:23:05:21

We are not trying any funny business on this. We're happy for the whole development to be located in the order limits and to state that on the face of the order, if that.

00:23:05:24 - 00:23:38:09

Is part of the reason we're trying to get consistency without obviously there, each exam has to be done on its own terms. Very much so. But we are looking at the other exams of what's in the public domain. So just be aware of that. Um, then this flows to the potential effects on the shipping and navigation. Uh, could I have, um, appendix A to the applicant responses to our written questions displayed? Uh, these are the notional lay and array arrangements. Rep 3068. And it's near right near the near the bottom, please.

00:24:09:18 - 00:24:13:01

And if you just drop down to what? But.

00:24:17:18 - 00:24:19:23

It's up a bit further. Eventually.

00:24:23:17 - 00:24:24:11

He got up.

00:24:29:08 - 00:25:12:15

Right. Yeah. It doesn't it? For these purposes, it doesn't matter which one's which. Um, for those who not familiar with that, there are two notional layouts, uh, which have been submitted as response to a question. Um, this is the one which has 30, uh, wind turbine generators. There's another one which is the next one drawing down. But for these purposes, it doesn't matter. They're the same, uh, which has 35. Um, my question relates to the quote unquote constrained areas along the, um, north, east and southern boundaries, and particularly the fact that the southern boundary is notably wider than those to the east and north.

00:25:12:20 - 00:25:33:01

And obviously, given the scale of the drawing is more, it's impossible to work out whether the the I'm trying to work out is the constrained area, um, normally to do with the, uh, potential over sale or not. And if and if so, why is it so very different on the, on the, on those the, the southern compared with the eastern North.

00:25:34:00 - 00:26:04:09

Catherine Nolan on behalf of the applicant. Yes. So what we did in preparing these notional layouts was we were mindful of the comments about over sale. And so the boundary at the north and the east includes a boundary for the blade turbines themselves. So it factors in that over sale. At the south of

the site you will see a yellow line which is the lattice one telecoms cable. And that has the benefit of protected provisions. That has a wider buffer for that.

00:26:04:11 - 00:26:14:18

So it's that's why there is, um, what appears to be a wider buffer. It's because that isn't just over sale. That is also a 500 meter buffer for that cable infrastructure.

00:26:15:23 - 00:26:40:04

That explains it, but actually then means some of the next my next questions are slightly redundant because we were concerned about construction vessels and then safety zones to the to the south, constraining the um, nominal uh, route through to the south and bringing. But that's that explanation means that those questions are redundant. So I'm just going to therefore move through.

00:26:42:22 - 00:26:45:14

Okay.

00:26:45:16 - 00:27:18:02

Okay. Um, so I'm now going to and therefore having missed out on my last jump because I have an answer to our questions for both sinner and the Isle of Man territorial Territorial Seas Committee, a few questions relating to steamers operations, or the effect of its or on its operations. In both sets of submissions you have made comments about just in time deliveries. Now I know everybody here will have looked us through the examining authority up to see what projects we've been pointed to in the past.

00:27:18:19 - 00:27:23:15

And you will all know that my last intercept was the strategic rail freight interchange.

00:27:24:11 - 00:27:25:09

One of the things we were.

00:27:25:11 - 00:27:59:02

Continually being told about by that applicant was that the logistics industry was moving away from just in time deliveries, as there had been issues with non provision of goods with the influences of Covid 19 pandemic, Brexit and other global factors. So I would therefore be grateful for Stena and the Isle of Man Territory Committee's comments as to how much customers are still relying on just in time deliveries, and how much are there ensuring that stock is kept closer to the end user and what effect this might have on operations? Can I ask Dana first, please?

00:28:00:20 - 00:28:39:08

Good morning, Michael Proctor. This is not my specific area of expertise, but I am aware from our commercial department that our customers do require. Um, are they work on a just in time model? Um, I think you'll find that, uh, post-Brexit, there is an enhanced importance to the port of Belfast, both for serving Northern Ireland and the Republic of Ireland, and that, uh, on the island of Ireland as a whole. The the just in time model is the one that still works. Uh, the fact that, uh, less passes through the ports of Holyhead and Dublin now, uh, puts all the more importance on Belfast as being that hub.

00:28:40:26 - 00:28:48:25

Thank you. Um, thank you, Mr. Proctor. Uh, Captain Proctor and and the Isle of Man Services Committee.

00:28:50:09 - 00:29:02:08

Um, hello, Mr. Armitage, on behalf of the committee. Could I just introduce one of my colleagues that is actually online who is a specialist in this? This is Mr. David Goodman.

00:29:04:16 - 00:29:40:07

Good morning. I'm David Goodman, and I'm actually the chair of the tariff policy Committee. Interesting item number three. So in relation to your question regarding just in time, um, the Isle of Man being an island, uh, by its nature will always have to rely on some just in time, um, during Covid. Uh, we did build up some resilience, so we learned a lot for that one. But there's lack of storage in certain areas on the island. So just in time, we'll always feature, uh, I think to be fair, uh, in emergency situations and also storage through talking to our freight hauliers. Uh, it's not like the UK where you've got freight hubs, um, situated in convenient locations.

00:29:40:21 - 00:29:54:10

Um, you'll always rely on the ferry services. And if you get disruption for a few days due to weather, which you quite often can. Um, that's one matter. But talking about freight colleagues, they do rely on just in time in certain areas, although we're trying to mitigate that.

00:29:55:11 - 00:29:59:13

Thank you very much. Does the applicant have to want to make any comments on any of that?

00:30:04:03 - 00:30:06:07

Robin Hutcheon for the applicant. No, thank you, sir.

00:30:06:12 - 00:30:40:18

Okay, fine. Thank you. Um, I just want to have a discussion about the United Nations Convention on the law of the sea. Um, un clauses. I think it's pronounced in its interpretation. Uh, Stella. Limited. Limited have referred to article 60.7, which states artificial islands, installations and structures and the safety zones around them may not be established where interference may be caused to the use of recognised sea lanes essential to international navigation. What I'd like to discuss is what is quotes, international navigation and quotes.

00:30:41:03 - 00:31:22:02

I'm not aware, and this may well be my ignorance in this matter as to what that international navigation entails for these purposes. There's no definition within UN clause itself, and add it to the complication. We find ourselves in the Irish Sea with routes between England and the Republic of Ireland, Northern Ireland and the Isle of Man. With the last three all having three different statuses. So since the point was raised by Stena Limited, I would like if you could address us on them first and should it be necessary? Can you please do so in the context of navigation between England and the three other territories? And we're looking at the definition of international and navigation.

00:31:22:15 - 00:31:23:20

Thank you. So if.

00:31:24:07 - 00:31:57:24

Um hey, good morning again. Uh, Michael Stein. Um, when we look at the, the young class definition, we believe that this falls very much in line with this. And I do, uh, accept that the applicant has drawn on other national legislation. Um, I suppose from our perspective, the the UN definition would be the, the leading definition for with regards to this, uh, whether it's regarded as an international voyage. Uh, I would point out that, uh, more recently, during the closure of the port of Holyhead.

00:31:57:27 - 00:32:41:00

We had direct services operating between the ports of Heysham and Dublin, which. Very much is an international voyage. And while there are domestic voyages between, uh, by definition from Belfast to Liverpool, uh, most definitely the, the, uh, the passage is impeded and by the construction of all four wind farms in the area are passages deviated circa 5.5 miles, which, uh, on with regards to three vessels, uh, operating on a 364 day uh schedule is a considerable deviation over any period of time, particularly when we look at the, um, the lifestyle, the lifetime of the project.

00:32:41:05 - 00:32:45:23

And it's and it's a period of construction and we have possession.

00:32:46:07 - 00:32:56:24

We have that. But do you see there is a difference within the international navigation between the Republic of Ireland, Northern Ireland and the Isle of Man.

00:32:58:18 - 00:33:03:00

Yes, there are three. The legal status of the three states is different.

00:33:03:07 - 00:33:09:18

And you are saying that the Republic of Ireland is international and the other two are not?

00:33:09:20 - 00:33:10:11

Question mark.

00:33:11:19 - 00:33:16:14

By definition, what got Northern Ireland to England is a domestic ferry route.

00:33:17:06 - 00:33:18:07

And the Isle of Man.

00:33:19:24 - 00:33:25:14

I wouldn't, as we don't operate from the Isle of Man and there's Isle of Man representatives. I would be careful not to comment.

00:33:25:27 - 00:33:35:09

If that's that's that's perfectly acceptable answer in the circumstances. Thank you. Uh, and the Isle of Man Territorial Sea Committee, do you have any comment on on those?

00:33:39:12 - 00:34:07:24

David. Chairman, chair of the committee. Uh, yes. We are classed as international, uh, for some methods and we are domestic for others as well. Um, it's quite Complex in that when we get, um, our relationship with the with Ireland is international, with the UK slightly more complex. Uh, with the UK, we're a Crown protectorate. Yeah. Census purposes, you're probably going down the route of international.

00:34:08:12 - 00:34:08:27

So for.

00:34:08:29 - 00:34:09:14

You.

00:34:09:16 - 00:34:29:28

Your view is for the, for for you, you constitute international navigation rather than rather than anything else. That's fine as long as we have that. That's the position. That's not a problem. I'm obviously going to turn to the applicant to see if they have any views or and, or and, or may or have something they're able to provide in that regard. So can I turn to the applicant, please.

00:34:31:10 - 00:34:56:04

Robin Hutchison for the applicant. Um, in some ways, I'm hopeful that this will become a moot point. Um, and I don't know if you would like a brief update on exchanges, in particular between the applicant and Stena Line since the last deadline for submissions, because there has been some progress made, which I think might be of of interest. I could do that now. Or I could answer the specific question.

00:34:56:12 - 00:35:00:19

If we answer the specific question, then I'll. Then we can come back, come to that point.

00:35:01:01 - 00:35:36:19

Absolutely. So so on this specific question, um, I think the applicant would draw attention to the words surrounding international in the, um, National Policy Statement paragraph. So it's the the first tier of protection under the NPS. Those routes which have the, the most strict um, policy protection are recognized sea lanes essential to international navigation. So it's not simply sea lanes or routes between two different countries.

00:35:36:24 - 00:36:22:06

They need to meet the rest of the criteria. Recognize sea lanes essential to to international navigation. Um, and I think the the the applicant has certainly taken, um, Comfort in its position on this. From the submissions that the MCA have made in relation to the Morgan Generation Project. Where and I hope you don't mind me paraphrasing from a submission to a different examination, but but the explanation was given is that sea lanes essential to international navigation, viewed in the context of the

surrounding words, means IMO adopted traffic separation schemes or as everyone refers to them colloquially.

00:36:23:03 - 00:36:48:01

But going back to the point that question I asked of the three journeys between England and Republic, Northern Ireland and the Isle of Man. Are you of the view? Do you disagree with Stena and the Isle of Man? That the Isle of Man and the Isle of Man are international routes? The importance of this is a different question. Um, and the Belfast is a domestic route.

00:36:49:16 - 00:37:15:20

Robin Hutchinson for the applicant. I certainly agree that Belfast is a domestic route. That I think is the only route that we consider there to be to be engaged or have connectivity with the, uh, project in question with the Morcom project. So, um, I would need to come back in writing on the question of the status of the Isle of Man. I would not want to misstep in this space. Off the cuff.

00:37:15:25 - 00:37:34:04

What I'm what I'm looking at is within the terms of enclose and article 60.7 that that that's the specific question is relates to the wording of article 60.7 of UN clause and the term international designation within that.

00:37:38:09 - 00:37:57:10

Uh, Robin Hutchison for the applicant. Um, in terms of the the routing which, which we believe is engaged the route to Belfast, not international either in terms of uncross or. It's the same wording in the NPS. So. So either way, um, we very much view Northern Ireland as part of the United Kingdom.

00:37:58:29 - 00:38:01:06

And Isle of Man.

00:38:01:08 - 00:38:04:07

But I'm afraid, sir, I don't have an answer for you, and I.

00:38:04:15 - 00:38:06:25

Can pass on that one. And the Republic of Ireland.

00:38:07:16 - 00:38:10:03

We would agree, is international. Fine.

00:38:10:05 - 00:38:10:20

So.

00:38:12:12 - 00:38:18:25

Yeah, we'll we'll put that down as an action point for the, uh, for you in, in, in this particular regard. Okay. Thank you.

00:38:20:28 - 00:38:49:26

Um, I'd like to now have a discussion about the frequency of the route through. Oh, yeah. Sorry. If we do the discussion you were going to have, you were going to say where things have gone between moved on since the deadline. Three were in discussions between your the applicant and um Stena. If Mr. Proctor would like to come online then as it were then he can either confirm or deny his understanding of once it's been made by the applicant. It's probably easiest.

00:38:51:02 - 00:38:54:19

Michael Proctor has done. It might be helpful if the applicant made his statement first.

00:38:54:24 - 00:38:56:18

Yeah, I concur with that.

00:38:57:05 - 00:39:27:24

Yeah. Robin Hutchison for the applicant. Hopefully this will be a vanilla explanation that isn't need of a strong rebuttal, but then we'll see. So, um, the applicant received an email from, uh, Mr. Greenwood of Clyde and Co solicitors last week, week today on the 29th of January, um, proposing that protective provisions and a side agreement would be an appropriate way to resolve the, um, objection raised by by Stenger.

00:39:28:24 - 00:40:08:28

Um, and the applicant has acknowledged that there is, um, one route through the applicant site, which in a small number of circumstances would require diversion. Um, I should say this is without prejudice to our position That's it. These are not strictly necessary. But that caveat in hand, we receive. We received draft protective provisions on Monday. And so review them, um, after the, uh, travel on Monday. And the applicant was able to confirm to Stella yesterday that those protective provisions are broadly in line with their expectations.

00:40:09:10 - 00:40:33:09

So it looks as if the parties are now engaging on draft protective provisions in a timeline that we would hope would be ready for inclusion in the next draft of the DCO. That isn't too far, I think, in terms of distance between the parties, and we are hopeful of of being able to provide you with a agreed set of protective provisions that we think adequately address the issues at the next deadline.

00:40:33:14 - 00:40:36:19

Thank you. Mr. Proctor, do you have any comment on that?

00:40:38:07 - 00:40:41:29

Michael Proctor's deadline. I can confirm that we are in dialogue with the developer.

00:40:42:16 - 00:41:18:12

Okay. Thank you. Obviously, from our point of view, we still have to report on these matters. So I just kind of on that very point. Mr.. Mr. Proctor, the next question is for you anyway. Um, we've got, uh, obviously the route you, uh, Mr.. Just referred to, um, which the applicant considers is comparatively infrequently used when compared with the other routes. Um, do you agree? Well, i.e. less than one crossing, one per day on six crossings. Um, do you, as the owner, agree with that analysis as to the frequency through that route, or do you have some other figure?

00:41:19:29 - 00:41:43:09

Um, I would agree that it is the lesser of the two, uh, used routes, but, uh, the exact statistic I couldn't give you right at this moment in time. And I would point out that the this route does form part of our heavy weather route, with the predominant weather coming from the southwest to pass through the north of the Isle of Man, is generally a more comfortable and safe route to take.

00:41:44:19 - 00:41:56:15

Thank you. Okay. Yeah. Uh. I'm assuming you. In one sense, there's no you haven't got a reply to that because it's just been made, hasn't it? You have anything else you wish to say on that point?

00:41:59:02 - 00:42:07:15

Ed Rogers. Uh, for the applicant. Um, I think I heard you just say that there was one transit a day through the wind farm site. Was that what you said?

00:42:07:29 - 00:42:09:20

It's less than one per day.

00:42:10:13 - 00:42:23:07

Yeah. Edward. The applicant? Um, generally, it seems to be around 1 or 2 days or thereabouts. Um, is the analysis as presented in table 23 of the, uh, NRE?

00:42:26:19 - 00:43:09:00

Thank you. Um, Stella has also been making the point about the narrowing of the available water space, resulting in a potential funding the statement of Common Ground. Standard position is that development of these four projects changes an open water navigational passage to a near coastal passage at best, and at times to a near pilotage situation from a bridge resources management perspective. Um, can I have some clarity as to how far from a coast do you need to get to, quote unquote, open water? And secondly, while Senator is not saying that pilotage needs to be would need to be introduced, what would need for that to happen to be for it to occur? Can I ask Stena first for that please?

00:43:11:14 - 00:43:42:25

Um. Michael Proctor standalone. Um, the main factor here is with regards to bridge resources management. So when our vessel is, say approaching the River Mersey, the, the the team on the bridge will be the master, uh, an officer of the watch, a lookout and a helmsman. Uh, when the vessel is in open waters, once it's cleared the bar at Liverpool. That bridge team will reduce down to an officer of the watch and the lookout, which is perfectly acceptable for open water navigation.

00:43:43:16 - 00:44:22:13

The point we make is that with the development of all four projects, we need to review from a risk assessment perspective, what the Now constitutes a safe bridge team. We appreciate that the four projects are being put forward, and until that, we actually have some clarity as to which projects are going ahead. That will then give us the opportunity to actually go through the process of carrying out a risk assessment as to what that bridge team should, should consist of. I would point out that there

will be multiple factors with regards to this, such as the weather, the visibility, the the amount of traffic that we experience on the on the passage.

00:44:22:25 - 00:44:31:03

Due to the additional following. So it's not a process that we have engaged in at the moment, but we're aware that we will have to do it.

00:44:32:13 - 00:44:36:11

Thank you. Thank you. Does the applicant want to make any comments on that, please?

00:44:37:08 - 00:45:15:00

Ed Rogers. Uh, for the applicant, I think this question really relates to the cumulative situation with the, uh, wind farm to the west, um, the limit and the corridor that's then produced between the two wind farms, which is in broad numbers around about six nautical miles wide. Um, the presence of the Morecambe wind farm is, uh, sort of inside to the east of the West Calder platform. So the presence or not of the Morecambe wind farm doesn't really affect, um, the, um, traffic width between the West Calder platform and the, um, offshore wind farm.

00:45:15:08 - 00:45:46:00

So it's probably also worth noting that the distance between the West Calder and the central processing plant is, uh, round about 3.8 or so nautical miles wide, which is of less than the cerium that would be available in the corridor between the Mona and the, uh, of the West Calder platform. In terms of the specifics of resource management, that would really come down to to Stella to understand, and that's their operational procedures that would need to be discussed and developed in view of the all projects going ahead.

00:45:46:22 - 00:46:01:16

But you would accept that the route along the south it was is likely to be more heavily trafficked than one running essentially through your current site. And when the proximity of the 3.8 Calder that you have just referred to.

00:46:03:15 - 00:46:12:24

Ed Rogers for the applicant, the the route to the to the west of Calder southwest will be more heavily, uh, um, transferred. Yes.

00:46:13:22 - 00:46:15:22

So I'm just wondering.

00:46:15:24 - 00:46:16:09

What.

00:46:16:11 - 00:46:34:15

The difference if the volume of traffic against the width. Because obviously if you if I appreciate they do work particularly in running into Liverpool, they work on in lanes. But if you've got more. More room and more traffic. If it becomes more congested.

00:46:36:12 - 00:47:12:05

For the applicant. I think in the context of that, that one vessel, every second day over the six nautical mile width of the corridor produced between Monet and West Calder. And also in the context of the simulation exercise that was done as part of the cumulative navigation risk assessment, where we undertook various different, uh, interactions of multiple vessels. In other situations, um, it was uh, the simulations were successful with the, the es, uh, boundaries. And also in terms of the analysis that we're actually presenting in terms of number of times that vessels would actually meet in these corridors.

00:47:12:07 - 00:47:24:05

And that's the probability of, uh, more than two vessels meeting is very, very rare. And most of the vessel meeting is probably centered on stellar vessels in the Moana, uh, Morecambe corridor.

00:47:25:03 - 00:47:28:09

Thank you. Does Steiner wish to make any comment on any of that?

00:47:30:11 - 00:48:06:06

Michael Proctor. I suppose the only point we would make. Yes. Cumulative effect of the four projects together does result in funding. We would anticipate that there will be an increased vessel encounters, particularly at the corners of the various wind farms. We do appreciate that they, uh, simulation exercise has been carried out and that LRP has been returned in the majority of the exercises. I would just point out that even though it's a valuable exercise, it is not a real world scenario and that it's based on everybody following the the rule of the road, the collision regulations.

00:48:06:17 - 00:48:17:07

Uh, unfortunately, that's not always the case. And we do anticipate that it will um, we will have a higher level of risk post the construction of the of the four projects.

00:48:18:00 - 00:48:35:11

Yes. That that which is the next point I was going to come to, um, was that very point made by Stena about the additional particular vessel encounters, particularly at the corners of development which would which would be emphasised by visibility and radar issues. Does the applicant have a response to that particular issue?

00:48:44:00 - 00:49:27:19

Robin Hutchison for the applicant, and perhaps I'll just start with the national policy statement that we think is engaged here and then pass over to Mr. Rogers. So I think the the National policy statement in three reads that the Secretary of State should be satisfied that risk to navigational safety is as low as reasonably practicable. And in their statement of statement of common ground, Stena also, except that the cumulative um navigational risk assessment returned an acceptable rating And that's at reference SGL 15 of the Statement of Common Ground.

00:49:28:10 - 00:49:41:07

Um, so in terms of the policy test, what the aim is, is a Larp. Um, and I'll pass it over to Mister Rogers to comment on the actual, uh, whether that's been achieved.

00:49:43:15 - 00:50:26:26

Said Rogers. For the applicant. Um, in terms of the assessment was taken, then all the hazards related to Morecambe were assessed as a Larp or lower, uh, meeting the, uh, the policy statement requirements, the cumulative risk assessment, uh, hazards that weren't allowed were related to issues of Morven and Morgan project. Um Morecambe as a as a partner in the tripartite or uh cumulative navigation risk assessment um to a degree or to the same brush albeit the presence of the Morecambe Project are not material, does not impact those hazard risk scores that that fell outside of the elapse zone.

00:50:28:12 - 00:50:35:11

Thank you. Back to Senator. Do you accept that they are that the applicant has through.

00:50:35:26 - 00:50:36:13

Through.

00:50:36:19 - 00:50:42:19

Through the risk assessment got the down to a lap notwithstanding that would increase the risk to yourselves?

00:50:44:26 - 00:51:17:25

Michael Proctor. Scanlon yes, we would agree with that, that position. I just point out that because that there is obviously the vessels that we're operating in carry up to a thousand passengers. There's obviously the risk to a large number of human life, not just seafarers, passengers as well. And that the it's an elevated risk above the current baseline. And that I was just pointed out that as being the owners of the risk, once the project was being constructed, we would reserve the right to determine what is an acceptable risk.

00:51:18:10 - 00:51:52:06

Yeah. So it's essentially if within the terms of the National Policy statement which referred to by Mr. Hutchinson, um, it is then a matter of weight as to what the effects are on sea navigation. Um, having got it's achieved a lot, but then it's in effect the effects in your terms, and then it's a matter of judgment for the ex and the Secretary of State in due course as to the how, how that plays out in the final judgement, in the final balance.

00:51:54:00 - 00:51:54:15

Okay.

00:51:54:26 - 00:51:57:28

Thank you. Does the applicant accept that proposition?

00:51:59:23 - 00:52:03:17

Robin Hutchison for the applicant. Um, yes, we would accept that proposition.

00:52:05:04 - 00:52:33:05

Um, there's there was also an issue related, which then raised over the number of red lights and possible confusion between lights on wind turbines and, um, on offshore substation platforms and port

navigational lights and boat and boats and shipping. Um, and I was wondering if the applicant has any views as to how that might be mitigated. Uh, to the lowest possible extent.

00:52:37:00 - 00:52:46:07

Ed Rogers, uh, for the applicant, uh, are you referring to this in the more commonly scenario or within the cumulative scenario? Both

00:52:47:28 - 00:53:24:13

for the Morecambe only scenario, um, the um mitigation is primarily related to the distance at which the route passes to the west of the site, um, with the route through the site no longer being available. So the see the available time to distinguish the and identify um, red lights particularly uh, that, that that may also, um, um, I guess overlap with the the red aviation lights of the turbines, which is not really up for debate as I understand it.

00:53:25:00 - 00:53:41:06

Um, then that there should be sufficient room and, um, for the, uh, the vessels to be able to identify and distinguish between the edge of the wind farm and the and the passage plans that they are taking to identify the, the targets, the port.

00:53:41:08 - 00:53:42:18

The port lights on the ships.

00:53:42:21 - 00:54:08:06

Yeah. Um, also, the there will unlikely to be any major ships passing through the windfarm site itself that would possibly be at a height that would, uh, um, sort of overlap and obscure with the turbine lights themselves. Um, most of those vessels are probably likely to be smaller yachts or recreational vessels, which will travel at a relatively low speed compared to the ferries themselves.

00:54:09:15 - 00:54:11:05

Thank you.

00:54:13:22 - 00:54:44:03

Uh. Uh. This is moving on slightly. This is moving on to an issue for question for Spirit and Harbor. Um, at deadline three, we received an updated, uh, radar early warning system report from the applicant. Um, I have a couple of questions about it, but before that, I was wondering whether Spirit and or Harbor Energy had any comments they wish to make, or whether they'd prefer to provide written comments at deadline for, um, comments here could just be now of a general nature if you felt that was appropriate.

00:54:47:11 - 00:55:00:04

James Gibson for Spirit Energy. Uh, we are in the process of reviewing that updated report. Um, I am conscious of pre-empting any work that is going on to that. So the intention is for us to make a submission on that deadline for sir.

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

That's fine. It was just if you happen to be able to give us a heads up of what was coming, it obviously makes our life a little easier at this point in time. Thank you. Um, there are a couple of questions, though, um, of that which may well help. Um, the applicant has assumed that the radar early warning systems utilized by your good self are integrated with an automatic identification system. Um, whilst I understand this is not shouldn't be the only method of, um, of identification, particularly as transponders can only either be fitted, may not be fitted, or may have been turned off.

00:55:36:16 - 00:55:42:05

Um can confer can spirit confirm whether AIS is incorporated within your systems, please.

00:55:43:12 - 00:55:49:21

James Gibson for the outlook for the outlook for spirit. If I could pass to my right to Mr. Stitch, who would be best placed to answer that question?

00:55:49:23 - 00:56:05:11

And then it's usage from Spirit energy. So, yes, uh, the system is integrated within the system. However, as described in our submission, the system can be spoofed and switched off. It can be relied as an acceptable means of tracking shipping.

00:56:05:16 - 00:56:39:26

Now we appreciate it can be they can be switched off. It's just the applicant's assumption was that it did exist, and I was just checking whether that assumption was correct, because otherwise we'd been going back to the applicant and saying, could you have another go without it, please? That's the point at trying to speed that through. Thank you. Um, I now want to move on. I've got some questions for Trinity House. Um, which to do with painting of the lower sections of the wind turbine generators and the offshore platforms. Um, it's really a matter of drafting for the development control hearing tomorrow.

00:56:39:28 - 00:57:14:21

But since Trinity House aren't going to be able to join us, um, I thought we'd deal with it today. Um, it's in relation to proposed conditions. Six relating to the painting of the main vertical spire to a minimum of 15m above high astronomical tide. Um, the issue has been put in a in a deadline to following our comments at that. That particular draft was put in at in line two following our comments at issue specific one. And Trinity House thinks it's too prescriptive at two points for Trinity House.

00:57:14:29 - 00:57:50:27

Firstly, one of the tests for conditions is precision. So I'd like Trinity House to explain why and how a non precise drafting meets that test. And secondly, although I'd accept it to reductio in an absurd argument, is there a maximum. Otherwise it would be theoretically possible for the whole of the central spar of the wind turbine generator to be painted bright yellow. And I know that hasn't been expressed, for example, in the Slavia terms. So can I have some comments from the Trinity House as to at maximum heights above? Highest astronomical tide, please.

00:57:52:15 - 00:58:48:05

Trevor Harris, captain Trevor Harris for Trinity House. Yes, sir. As we said in our representation, the 15m is within the international guidelines. That's what's Set within the Erle G 1165 guideline. Trinity House are aware that when wind turbine generators and offshore platforms are constructed, the 15m, being very prescriptive, may not be achievable or may not be practicable for those building the structures and coming up with the painting schemes in that we have had incidents where structures and the applicants and the operators have come to us and requested a different height in that.

00:58:48:07 - 00:59:27:15

And so Trinity House's opinion, we use 15m as the guideline, but if there are maybe a metre or two either side, we we accept that and we'll come up with an acceptable Ball height with the operator. Whilst they're constructing the structures in that. So 15m may be too prescriptive because if the operator has to maintain the 15m, they may practically be not able to do it at the physical time of the maintenance at sea.

00:59:28:15 - 00:59:34:27

So it's 15m is is closer to being a maximum rather than a minimum.

00:59:37:07 - 00:59:44:01

Uh, yes. It could be sort of around the maximum in all of that sort of thing. So yes. So and so.

00:59:45:01 - 01:00:17:27

Yeah, it might be rather than having a minimum of 15m, it has a maximum of say 16m to allow for peculiar circumstances or something. Could I suggest the applicant and Trinity House have a conversation over, over that. You've got the point that we made about the reduction inside our argument, but it's the it's and and we from our point of view a condition should be precise. And the drafting as suggested by the Trinity House to us seem to have lacked precision.

01:00:17:29 - 01:00:27:09

So that's I understand I understand the reasoning for it now. Um, it's just finding a precise word of form of words to actually resolve that particular difficulty.

01:00:27:29 - 01:00:33:18

Yes, sir. We have been in communication with the applicant in our legal team, working with them on this.

01:00:34:11 - 01:00:58:10

Super. Thank you very much. Okay, fine. That's all the questions we had to deal with on, uh, shipping and navigation. Um, is there anything else anybody wishes to raise, particularly at this point? We haven't done given those the main issues we have concerns about? Um, I appreciate it. It's a bit early, but we're next going to go on. Do you? Could you just bear with me for a second?

01:01:05:25 - 01:01:19:11

So we're going to keep going for a little bit. We'll have a break in about 15 to 20 minutes. Um, but we'll do that in the meantime. And uh, my colleague, uh, Mr. Willis is going to move on to item four, commercial fisheries.

01:01:21:01 - 01:01:53:18

Thank you, Mr. Jackson. And good morning, everybody. Um, as we say, we'll now move on to the next topic which relates to commercial fisheries. Um, I'd really like to begin by seeking an update, as you'll see from the agenda, uh, with regard to the discussions that have been ongoing with the fisheries, in particular interested parties. Um, this is primarily because we're disappointed by the lack of response that we've received from parties such as the National Federation of Fishermen's Organisation and the Traditional and Sustainable Commercial Fishing Association.

01:01:53:28 - 01:02:28:18

Uh, we don't appear to have had much representation since the relevant representation stage one more recently in response to our first written questions. That said, we do appreciate and accept that discussions may be taking place behind the scenes. Um, and that the applicant has also sought to address some of the previous concerns have been raised by those parties in previous submissions that, for example, includes updating the baseline information and spatial data relating to fisheries activities and also recent changes to outline fisheries um liaison coexistence plan.

01:02:29:15 - 01:03:02:28

Um, I'll come on to that issue a little bit later. Um, so really the purpose of De really is in the absence of the other parties, with the exception of the Isle of Man, which I appreciate are here today. Um, can I ask the applicant really to give us a brief summary and update on any discussions that have taken place with those fisheries stakeholders, in particular the NFO, uh, and the Traditional and Sustainable Commercial Fisheries Association, and in particular, whether things have moved on. Uh, and are we likely to see any differences or different changes in the next SoCs?

01:03:04:14 - 01:03:41:21

Kathryn Nolan, on behalf of the applicant. Yes. So the applicants position is that good progress is being made with the fisheries stakeholders, in particular the NFO. Um, I understand that there was perhaps some administrative difficulties in the reaching the NFO, and my understanding is that detailed responses have now been submitted via the case officer. So obviously, um, it will be at the A's discretion to accept those. And the intention is that an updated statement of common ground with the NFO will be submitted at deadline for, um, that shows good progress.

01:03:41:23 - 01:04:06:12

I understand a number of items have gone green, and there are a number of items that, while they remain in discussion, it's been agreed that there's no material impact on the assessment. Conclusions I should introduce. We joined at the front bench by Fiona Nimmo, who is the applicant's fisheries consultant from Nima Consultants. So I'll just ask Fiona, maybe just to give a brief update of discussions with the various stakeholders.

01:04:08:15 - 01:04:09:00

Good morning.

01:04:09:02 - 01:04:40:09

Fiona Nimmo on behalf of the applicant. So we have continued discussions with the NFO, including meetings that were held on the 4th of November and also the 30th of January last week, where discussions have progressed in relation to the statement of Common ground. The NFO submitted

yesterday some answers to the Q one, which we have reviewed, and they are intending to review the outline fisheries Liaison and Coexistence plan, the FLC.

01:04:40:23 - 01:05:23:26

So we will take those comments into consideration for the updated LCP submitted at deadline for they have some Um. They have some disagreements remaining in relation to the resumption of fishing within the wind farm, specifically in relation to mobile gear. The applicant would like to stress that within the Morecambe Wind Farm site, the main fishery in operation is the potting fishery using static gear, and we are in the position that this fishery will return during the operational phase of the wind farm and have secured monitoring in order to ensure that that is the case.

01:05:28:06 - 01:05:58:24

Okay. Thank you. That's helpful. Um, and obviously I'd say we haven't seen that submission yet from the NFO. And as you say, we'll need to look at that and make a decision, um, about accepting that. Um, just on that second point, then with regard to monitoring, that actually leads me on to the next point, which, um, we did briefly touch on yesterday. Um, but are mindful that, um, some people weren't here yesterday. And that's to do with the seeking clarification around the period it's proposed for the monitoring of landings data.

01:05:59:22 - 01:06:36:04

Um, so really, as I say, we discussed this briefly yesterday. Um, but notice that obviously some people perhaps who have an interest in this topic weren't available or available in the room. Um, so just quickly go back over that issue for the benefit of those people and arguably ourselves as well. Um, let's check the understanding of what we've discussed. So we understand from the response given to our first written question, CF three, that the principal monitoring plan confirms that monitoring of landings data will be carried out, and that further details of that will be included in the Fisheries Liaison and Coexistence plan.

01:06:36:23 - 01:07:28:10

And that plan was updated at deadline three to to include some wording around that. Um, the Isle of Man Territorial Seas Committee in response to our same question, commented that the monitoring shall be for a period of five years, and the applicant's response to that same question in rep 3068 stated that you were committed to five years of monitoring, and that those years will be focused on post-construction. Um, my issue really is that when we look at table 2.5 of the principal monitoring plan, and that's the tracked version, which was rep uh 3046, it doesn't appear that there's been actually any change to the previous wording, and it still refers to the period for monitoring encompassing pre-construction, construction and post-construction.

01:07:29:11 - 01:08:04:26

Now, I think what we said yesterday, and it'd be helpful to clarify that, is that you were in discussions with the NFO and that you were looking to update, um, the imp at deadline for, um, but again, for the benefit of the people in the room and who might be online. Could you perhaps just clarify position regarding the period that's proposed for post-construction monitoring of landings data? And is it your intention, in particular, to amend the IP MP to make it clear that it will cover five years post construction, in addition to any monitoring during the pre-construction and construction stage?

01:08:06:20 - 01:08:43:09

If you want to move on behalf of the applicant, yes, that is correct. We will update the principal monitoring plan in line with the Outline Fisheries Liaison and Coexistence Plan, which secures that monitoring will be a five year period post construction. The intention is that the first monitoring report that's submitted will include an extended baseline from the point obtained at EIA, up to the point of post construction. So we have a continuous baseline across that period from which we can compare the post-construction monitoring against.

01:08:45:28 - 01:09:23:19

Okay. Thank you. And actually that then leads on to the next question I've got, which was relating to the reporting back of that information. And I say if I understand it correctly, um, that is to be done through the fisheries liaison plan. Is that correct? Um, which I think when reading that document, it talks around, um, the collation of the landings data will be on a monthly basis and reported back. It's a question around how frequently will that plan be, um, looked at because I think there's reference in it to the outline version that says it will periodically reviewed and updated throughout the life of the project.

01:09:23:21 - 01:09:34:24

So I'm just trying to get a handle on how often will that landings data be fed back to the industry, and how regular will it be, because it doesn't seem to be anything specific within the plan as it stands.

01:09:36:22 - 01:10:09:12

On behalf of the applicant? That is something that we can make explicit within the Outline fisheries liaison plan, if that's helpful. The intention is that monitoring information well, it's collated based on monthly data and looking at monthly fisheries activity. It would be reported on an annual basis. So it would provide that data that is collated on an annual level as well. And that would include landings, statistics, VMs, vessel monitoring system data and also AIS Automatic Identification System data.

01:10:11:00 - 01:10:41:27

Okay. Thank you. Yeah. As I say, I think I think the point was really we just want to ensure that there is that feedback loop in the system and it doesn't happen. You know, actually Post-construction, which is quite a few years down the line before the next update comes back. So it's just under some certainty that the frequency of the liaison plan, how often that's going to be. So there's information fed back. Um, so that I think answers my question with regard that obviously we haven't got any of the fisheries IPS here with the exception of the Isle of Man.

01:10:42:07 - 01:10:47:19

Um, so I will invite them if there was anything they wanted to add at this stage on this particular issue.

01:10:50:03 - 01:11:21:20

Yes. Richard Armitage, on behalf of the TSC. Um, yeah. I think you've covered all the items that we've raised. Um, one thing that I would say is yesterday mention was made of the Moz programme for standardising monitoring. Um, now, fisheries isn't included in that because it's just environmental, um, receptors. But I would point out that the other, um, Irish Sea wind farms round for all doing.

01:11:22:07 - 01:11:39:12

Yeah. Five years post-construction monitoring of fishing, uh, landing data and VMs I evms data. Um, so it would be useful to have not necessarily a complete standardisation, but something that's comparable across across projects in the area.

01:11:41:28 - 01:11:47:16

Okay. Thank you. I think the applicant alluded to that. Is that right? In terms of the response, you just clarified that for me?

01:11:47:18 - 01:12:21:03

Yes. Catherine Nolan, on behalf of the applicant, we did discuss that yesterday, the MMO standardization of monitoring program that's ongoing, but obviously the output of that isn't yet known. I think what we can take away is to ensure that the commitments I think we we said yesterday we would make the commitment to align with the output of that program depending on how those discussions went. And I think we can carry that over to the fisheries liaison coexistence plan, just to ensure it makes no sense for, um, monitoring to be standardized in some forms and not in others.

01:12:21:05 - 01:12:25:06

So I think we can just ensure that they are aligned across the suite of documents.

01:12:26:17 - 01:12:29:12

Okay. Thank you.

01:12:32:03 - 01:13:05:07

Okay. Um, I think you've probably answered most of my other questions I've have got. So. Really, the next issue I got under this item was to move to the representation that we've received from bodega marine limited, which you will note, we agreed to accept our discretion at deadline three. Um, and obviously bodega marine limited are here today. Um, bodega aren't on the IP, but we've accepted their submission to the examination. Um, and hopefully the applicant has a time to review and consider the content of their submission.

01:13:05:29 - 01:13:22:23

Um, we will, of course, expect a formal response to this at deadline. Next deadline. However, we wondered whether the applicant wants to perhaps say a few words at this stage, and in particular how you propose you might respond to the issues raised. So if I pass to the applicant first.

01:13:23:21 - 01:14:02:02

Yes. Catherine Nolan, on behalf of the applicant. Um, as you've noted, sir, we will be responding in more detail at deadline for, um, the applicant notes that the submission largely seems to replicate in many places verbatim submissions that were made to the other Irish Sea projects, and it does appear from the submission that BML Marine Limited does not currently hold any seabed licensing rights for the co-located aquaculture proposals that they have suggested, whether that be from the Crown Estate or from the MMO authorizing any licensable activities.

01:14:02:04 - 01:14:37:08

And there's no evidence in that submission that such licenses are forthcoming in a period that would overlap with the construction phase of the of the project. And the applicant would also note that the MMO has carried out exercises back in 2021 to identify strategic areas of sustainable aquaculture production in English waters, and it intends to make reference to that in the submissions will make it a deadline for and that was restricted to English territorial waters, so that ends at the 12 nautical mile boundary mark.

01:14:37:10 - 01:15:00:23

So there are no strategic areas identified beyond 12 nautical miles for aquaculture production. And just as a reminder, the entirety of this proposal is beyond the 12 nautical mile mark. And so the applicant's position is that there is some uncertainty as to whether there is policy support for aquaculture beyond 12 nautical miles. And indeed,

01:15:02:18 - 01:15:40:07

UN close is getting rave reviews this morning. But to draw on close again, and the applicant considers that there's some uncertainty as to whether and the Crown Estate even has leasing competences to to extend leases for aquaculture beyond 12 nautical miles under under enclose. And the applicant's position is that it has it has complied with the requirements under NPS in three specifically drawing Trying out paragraph 2.80.251, which is designed to draw out where um fisheries mitigation must be where reasonably possible.

01:15:40:22 - 01:16:12:27

And the applicant's position here would be, you know, there's a lack of definitive proposals within BML submission. So it's not reasonable, let alone possible to to mitigate for something that isn't defined where there are no defined proposals in certain areas. Um, and again, the policy framework for the Secretary of State's decision making in N3 is clear that it should be considered against recognised fishing activities. And so the applicant considers just at this stage that there is a lack of detail suggesting that there are recognised proposals here.

01:16:13:06 - 01:16:28:01

I mean, obviously as proposals develop, if they were to develop in future, the applicant would continue to, um, discuss. But at this stage there's just a lack of certainty around the proposals. That means it can't be taken account of.

01:16:29:20 - 01:16:51:03

Okay. Thank you. And actually, on that latter point, um, notwithstanding what you said about, um, strategic location of such, um, activity. Is there a place, therefore, for future activities should they arise, that would be addressed through the liaison plan, for example, in terms of would that be the mechanism by which that conversation would take place?

01:16:51:15 - 01:17:25:08

Catherine Nolan on behalf of the applicant? Yes. So the Fisheries Liaison Coexistence plan is designed to capture any fisheries activity within the site during construction. It is not prescriptive in terms of listing specific fishers because they are inherently they can be quite mobile. And so it's designed that the fisheries liaison officer will, as we get nearer to construction, will have an

understanding of who is operating in the site. They will need to evidence their operations, and then discussions on entering into coexistence agreements to regulate those activities will will commence.

01:17:25:10 - 01:17:42:06

So There is nothing to prevent but Oregon Marine Limited from being included within that fisheries liaison coexistence plan, provided that they are able to demonstrate at the time of construction that they have leasing rights to be within the site and to carry out their activities.

01:17:43:22 - 01:17:58:12

And just on that point, again, it's not just construction, it's for the lifetime of the development. Would the fisheries exist in plan exist for the lifetime of development? So it would also take into account any other activities that may or may not come on stream and in the life, if you like.

01:17:58:23 - 01:18:27:03

Kathryn Nolan, on behalf of the applicant. Yes, it does go on for the the operational period of the wind farm and the applicant's position as set out is that, um, the primary impacts to fishers are during construction. So it's not considered that there needs to be as much, um, in terms of compensation agreements or arrangements for mitigation during the operational phase. But yes, it is a document that exists for the lifetime of the operational development.

01:18:28:07 - 01:18:58:07

Okay. Thank you. That's understood. And as I say, I appreciate, um, that was a submission we accepted at discretion. So appreciate an opportunity to feedback. Um, we do obviously have Dugan here today. And so I will invite them in, um, if that's okay, to just make some comments. Um, what I would say, um, is obviously we we don't require any repeating of any submission that's been made. We have read that submission. Um, it's just whether or not there was anything particularly additional you want to add at this stage.

01:18:58:13 - 01:19:13:18

Um, mindful that we obviously need to give the applicant time to formally respond to that. So, um, with that in mind, um, is there anything that, uh, the dog and marine would like to add in addition to the submission that's been made at this stage? So, uh, Sir George.

01:19:14:11 - 01:19:18:29

Yes, please. Uh, one of the issues, the.

01:19:19:01 - 01:19:20:01

Key issue I want.

01:19:20:03 - 01:19:20:18

To try and.

01:19:20:20 - 01:19:22:06

Explain to the examination authority.

01:19:22:08 - 01:19:25:27

Is Authorities the effect of the Crown's leasing practices.

01:19:29:02 - 01:19:31:06

And this is an issue that's come out in the.

01:19:31:08 - 01:20:02:02

Moana examination is the current Crown leasing practices do not allow for one forms of activity other than wind energy, and two do not allow for alienation. So the issue is, is once the lease is granted, there's effectively a lockout of other activity for 60 years.

01:20:02:04 - 01:20:14:27

So notwithstanding what the fisheries liaison plan may or may not say, the reality is, is once the lease is granted, that huge amount of sea area is sterilised. Thank you.

01:20:16:14 - 01:20:47:28

Sorry. Thank you. Okay. As I say, I think we've picked up on that point and submissions you've made. Um, what I would say is obviously that we're looking at the DCO aspect, not the leases in and aspects of this project. Um, so there is a question around what our remit is insofar as, um, those issues. But I appreciate you coming today. And I say we have got your submission that's been accepted. Um, we will wait to see the applicant's formal response. And then in response to that, we will decide how we may need to proceed with it.

01:20:48:09 - 01:21:05:03

Um, I'm also mindful, going back to what Miss Nolan said is this is an issue that we are aware has been played out in other examinations, but obviously we need to look at it in this examination as well. Um, so I would appreciate if any submissions made are specific to the particular project that's in front of us as well.

01:21:06:16 - 01:21:07:20

Can I say one more thing?

01:21:08:20 - 01:21:09:08

Yes, certainly.

01:21:09:14 - 01:21:12:11

Thank you. So one of the other issues I.

01:21:12:13 - 01:21:12:28

Think.

01:21:13:00 - 01:21:13:15

Is a key one.

01:21:13:29 - 01:21:17:14

Which is a policy issue, which is the requirement in.

01:21:17:27 - 01:21:20:18

Paragraph 2510.

01:21:20:20 - 01:21:23:03

Subparagraph 251A National Policy Statement.

01:21:23:05 - 01:21:24:03

N three.

01:21:25:05 - 01:21:26:01

For the design.

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

Of mitigation.

01:21:26:28 - 01:21:27:17

To provide.

01:21:27:19 - 01:21:28:15

Enhancement.

01:21:30:14 - 01:21:35:00

And one of the issues that's come out in the Moana examination.

01:21:35:02 - 01:21:35:17

And.

01:21:35:19 - 01:21:36:05

The similar.

01:21:36:18 - 01:21:37:03

Issues.

01:21:37:05 - 01:21:42:17

Will apply here, is, is that the applicant has effectively accepted that its.

01:21:42:19 - 01:21:43:24

Mitigation proposals.

01:21:43:26 - 01:21:46:27

Do not provide enhancement.

01:21:48:27 - 01:21:55:07

And our view is that is the same here, that we cannot see that the mitigation.

01:21:56:08 - 01:21:56:26
Provided.

01:21:56:28 - 01:21:58:24
Provides the enhancement.

01:21:58:26 - 01:21:59:25
Required by.

01:21:59:29 - 01:22:00:18
Policy.

01:22:02:24 - 01:22:03:09
Which then.

01:22:03:11 - 01:22:03:26
Takes.

01:22:03:28 - 01:22:04:26
Us onto the issue as.

01:22:04:28 - 01:22:05:13
To.

01:22:05:15 - 01:22:06:17
Whether co-location.

01:22:06:19 - 01:22:08:09
Of aquaculture is reasonably.

01:22:08:11 - 01:22:22:14
Practicable. And we say it is, and we draw examples to what is happening in Europe, in Belgium, Netherlands, Denmark, in Germany and it's notable that the UK.

01:22:23:02 - 01:22:24:09
Offshore wind energy.

01:22:24:11 - 01:22:25:01
Industry.

01:22:25:09 - 01:22:25:24
Has.

01:22:25:26 - 01:22:32:21

Had only one instance of co-location, and that was temporary, and that was a.

01:22:32:27 - 01:22:35:03

Co-location experiment in the North Hoyle in.

01:22:35:05 - 01:22:35:27

The Irish Sea.

01:22:35:29 - 01:22:37:07

That was conducted by.

01:22:37:09 - 01:22:37:25

My partner.

01:22:37:27 - 01:22:39:07

Mr. James Wilson of Deep Dark.

01:22:39:09 - 01:22:40:02

Who can't be here.

01:22:40:04 - 01:22:40:19

Today.

01:22:41:10 - 01:22:42:21

And that experiment.

01:22:42:27 - 01:22:43:18

Was arranged.

01:22:43:20 - 01:22:45:19

In a way that avoided having to.

01:22:45:21 - 01:22:46:06

Deal.

01:22:46:08 - 01:22:49:06

With the Crown and leasing requirements.

01:22:50:28 - 01:22:51:14

So the.

01:22:51:16 - 01:22:52:01

Issue.

01:22:52:03 - 01:22:52:27

That that I'm putting.

01:22:52:29 - 01:22:54:02

In the examination authorities.

01:22:54:04 - 01:23:02:24

You have to deal with these leasing practices because these leasing practices are not consistent with national policy.

01:23:02:26 - 01:23:06:19

And section 143 of the Planning Act 2008.

01:23:06:21 - 01:23:15:26

Says that the Secretary of State cannot make or give a lawful consent if the policy has not been complied with and we think, as currently drawn at the moment, the lack of.

01:23:15:28 - 01:23:16:28

Enhancement, the lack of.

01:23:17:23 - 01:23:19:06

Uh, mitigation.

01:23:19:08 - 01:23:19:23

And.

01:23:19:25 - 01:23:22:18

The lockout of aquaculture is not.

01:23:22:20 - 01:23:23:05

Consistent.

01:23:23:07 - 01:23:23:22

With policy.

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

Thank you.

01:23:25:08 - 01:23:43:23

Okay. Thank you. As I say, I think we've picked up on that in your in your submission. I think in terms of where we proceed, I think we'll wait to see the formal response from the applicant. Um, a deadline for and as I say, we'll need to consider that. Um, and obviously we will decide how we proceed thereafter.

01:23:44:12 - 01:23:51:27

Um, so, um, would you mind if I added to Sir George's comments? Um, sorry to interrupt you.

01:23:51:29 - 01:23:59:04

If it's addition to what's already in the submission, then certainly if it's a repeat of what's in submission, then in the interest of time, I'd rather move on.

01:23:59:24 - 01:24:30:29

Um, it's an interpretation of what's already been said. If I may, um, in the national policy statements, um, there are many words that relate to Maximizing co-location. Creating opportunities. Collaborating to do so. Greater experience of co-location and in terms of mitigation which obviously we're not existing so it can't be mitigated. There is an enhancement.

01:24:31:02 - 01:25:08:18

So if you look at that in the round, there is an expectation, I think, in the NPS to look beyond what is existing and right now. Um, the discussions are about existing fisheries and not about, um, what might happen for the future. And we have made in our submission, as you know, a number of comments in section six about the benefits of food security, particular protein production, and in the future, um, mussel creation and other aquaculture is likely to be necessary.

01:25:09:00 - 01:25:40:26

Now, Um, that goes in line with other farming practices going on. But if if, as the judge says, the lockout process and really there is nothing in the UK so far that, um, even encouraged, uh, aquaculture to come forward, um, then you're actually enforcing this now, we got into the three Irish Sea, um, applications a little bit late because we weren't aware of them.

01:25:40:28 - 01:26:15:24

So we we've made two submissions to Moana, which is now closed, and we've made, um, one and we'll make subsequent ones to sorry to Moana. Yes. And we make subsequent ones to Morgan. And we'll continue to add additional information on this one. So we have come a bit late, and we do very much appreciate the fact that we're allowed to speak today, even though we're not an IP. Um, but we would, we would like to, to sort of stress that the amount of area involved, especially in the Moana and the Morgan ones, is less than 1% of the area.

01:26:16:04 - 01:26:35:05

And in this case, it's just less than 3% of the area. All that is required and all that we've suggested in our submission in section eight is, um, three simple securing mechanisms. Now those security mechanisms involve.

01:26:35:20 - 01:27:03:09

Sorry, I think we've got that submission. So as I said, I don't want to go back through the argument today. I think we've got your submission. Um, I've read that and I've seen what you set out. Um, as I said, I think we need to wait to see the formal response from the applicant to that so we can properly consider it, and then we'll decide how to proceed thereafter. Um, before perhaps I'd like to move on, if that's the case. Um, before I do, is there anything final reply, really from the applicant before we move.

01:27:04:21 - 01:27:14:17

Kathryn Nolan, on behalf of the applicant. No. Um, nothing further to add. We are grateful for the comments that have been raised, um, into the examination and we will respond to them in full at deadline for.

01:27:16:26 - 01:27:22:24

Okay. Thank you. Um, check my list then. In terms of other issues.

01:27:24:15 - 01:27:28:25

Okay. I think I think if there's nothing else from anybody else, I think now's a good time to take a break.

01:27:29:02 - 01:28:02:02

Yes. Uh, it's now quite hot. 27. We'll adjourn now until, uh, 1145. Um, this is where we get very cheeky. There is tea and coffee, which is the applicant to provide for everybody. Um, that includes us, but we obviously can't interact with any of you when we're doing it. So we ask that we. If we were terribly rude, wicked leg it to the tea and coffee, get ourselves a tea and coffee and get out of the room. Please don't talk to us. Then we can get hot tea and coffee. We'll be back for quarter two, if that's all right with everybody. So the the hearing is adjourned until 1145.