



Planning Inspectorate  
Arolygiaeth Gynllunio

## Hearing Transcript

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

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### **MOWGA\_ISH3\_5 FEB\_PT3**

Created on: 2025-02-05 15:38:22

Project Length: 01:18:58

File Name: MOWGA\_ISH3\_5 FEB\_PT3

File Length: 01:18:58

#### **FULL TRANSCRIPT (with timecode)**

00:00:05:00 - 00:00:20:05

And good afternoon, everybody, and welcome back to this issue specific hearing on the offshore wind assets, uh, offshore wind assets, uh, generation assets in Cyprus. Um,

00:00:21:21 - 00:00:42:02

it's at 2:00. So can I just ask confirm with the case team and the the recording estate assets live stream. Excellent. Thank you. Um, so we will continue where we were, um, before lunch. So, uh, Mr. Willis. Thank you, Mr. Jackson. And welcome back, everybody. Um, okay.

00:00:42:04 - 00:01:13:03

Yeah. So, just before the break, uh, we were going to we're still looking at items relating to the, uh, access to platforms. Um, just before the break, I just want to go on to look in particular at the notional layouts that the applicant had submitted at deadline Three. I did get a request from spirit before the break, um, to, uh, respond and give some commentary with regard to the concerns that they've raised about unobstructed, unobstructed access to the platforms.

00:01:13:18 - 00:01:36:19

Um, happy to hear that. Um, I will just note, obviously, we have again seen some of that submission within your. I think it's appendix five of your response to the deadline to submission. So, um, I'd appreciate it if you can just briefly look at that and highlight any particular issues you want to raise at this stage. Um, noting, as I say that we have we have seen that submission. Thank you sir. James Gibson for Spirit energy.

00:01:36:28 - 00:02:11:12

Yeah, I think this is obviously a critical point from Spirit's perspective is these distances. Um, and making sure that obviously the examiner authority, but also the applicant just reflecting on their comments before the break that they understand how we have arrived at those distances. Um, and actually where there are still differences, Difference differences between the parties. Notably in the submissions from the applicant. That we've received and reflected on at deadline three. With that in mind, I would be really grateful if we could just pass to to Mr.

00:02:11:14 - 00:02:24:09

Blackstock for a minute just to understand what the differences are in those calculations, why there are still differences in opinion between Evotec and the applicant's aviation consultants. Mr. Blackstock.

00:02:24:19 - 00:03:04:22

Thank you, Nigel Blackstock, for spirit. Um, as you seen from the the submission, we've, uh, from our point of view. We've, uh, calculated the distances required based 100% on the aircraft performance graphs, which were submitted along with our our submission. Uh, at this stage. Uh, clearly, there is a quite a big difference between the distances that we've calculated and those that the applicant have calculated. However, we've not been able to do a full Comparison of those figures to date, because we haven't received any information from the applicant with regards to how they reach those figures.

00:03:05:12 - 00:03:20:01

They have broken it down into specific distances or certain sections. However, we have yet to be able to compare their calculations with our calculations as they have not submitted any information. Regards to that.

00:03:24:04 - 00:04:00:03

Thank you. The other point, of course, which is critical, is we keep saying three, three, seven, six. I am conscious that is a much bigger number than the applicant's 1.5. And we've talked about three as well. Obviously, in terms of the forthcoming AMC guidance and regulations in that regard, I think I'm conscious we haven't heard yet from Mr. Hrustic, who is very familiar with the operational arrangements at the Morecambe Hub and well placed to explain why that 376 is a is an operational necessity for for spirit.

00:04:00:16 - 00:04:47:04

The statistic then is from spirit energy. So throughout the process, what we've seen is that the applicant never considered the impact on losing the IMC operations and night operations by dropping all the IMC operations. We as an operator will not be able to meet the requirements under our safety case for access to the installation in all environmental conditions. In addition to that, as the weather is constantly changing offshore, we may be in a position that the aircraft will be able to deploy a team offshore in visual conditions, but at the same time will not be able to either to pick them up when the instrument conditions will apply, or when the aircraft will land and will be stuck offshore as well.

00:04:47:11 - 00:05:25:10

Together with the pilots. And that could be a matter of days, not just one overnight. As we see in the environmental conditions in this study. See also. As we touch base the three nautical miles and potentially upcoming new CMC and guidance materials for operations in close proximity of the wind farms and losing the ability of night operation. The three miles distance was a distance which aviation operators came up with on request from sea and Spirits Operator, and have already adopted those numbers in their ops manuals.

00:05:25:21 - 00:05:48:03

So our operation aviation operator, already operating to a three nautical miles ruling that there won't be any night operations or IMC operations below those distances, and also adding to the effect of those two, we will lead into safety implications, which already been previously discussed by Mr. Hepburn.

00:05:51:21 - 00:06:08:08

I'm mindful. Your original question, sir, was on the the arc. And so if I, if I may, I'll very briefly pass back to Mr. Stitch on on that and then we'll obviously I'm conscious you've got the agenda and have some questions of your own. So we'll, we'll park that after this. Thank you.

00:06:09:17 - 00:06:36:21

From spirit. So in terms of the arc and unobstructed area space of around 180 degrees was the spirit provided. Response and deadline three, appendix five. It's worth noting that it can be classed as unobstructed, as when the aircraft will approach from unobstructed space and arc. It will have to take off into the wind farm, and subsequently arriving, will have to arrive from the wind farm where there is no space, then to take off into the arc.

00:06:39:03 - 00:07:06:28

So on that point, I think that was one of the points. Uh, I just wanted to clarify. So looking at the submission, I understand the point about the concern about takeoff south, particularly from the CPC complex, but in terms of unobstructed, unobstructed access from the north in terms of arrival. If you like landing on a platform, there's nothing currently that restricts access for landing to the north of the platform. Is it.

00:07:08:15 - 00:07:15:03

From spirit? So yes, at the moment there are no obstructions arriving from either north or south of CPC platform.

00:07:16:13 - 00:07:30:12

So, so am I right in thinking? The concern is principally about the takeoff aspects from the platform. If the wind's coming from the south and therefore the the restriction, if you like, by the presence of the wind farm to the south of the platform.

00:07:30:14 - 00:07:42:01

There are two more concerns. One is, uh, take off into the wind farm if we are having from north and the same time it's arriving from south, which we won't be able to do as we cannot overfly the wind farm.

00:07:46:13 - 00:07:49:04

Uh, Robin Hutchison for the applicant.

00:07:52:03 - 00:07:53:28

We've finished ours, and then we'll let you come back.

00:08:11:27 - 00:08:21:29

Sorry. I think, um, that's why I just wanted to clarify. Really? It's about that, that point. So, actually, Mr. Hutchison, if you want to come in, and I'm happy to if you want to respond to that point

00:08:23:15 - 00:08:36:09

about the access, really about South, I think there is clearly a difference between parties about, um, the unobstructed access. And it's the issue around the South. Um, did you have any comments on that at this stage?

00:08:59:00 - 00:09:15:00

Robin Acheson for the applicant. We're just going to bring up if it's okay. Um, 0322032, which I think will help us respond to this question. Um.

00:09:20:27 - 00:09:22:12

Okay.

00:09:30:24 - 00:09:33:04

Uh, PDF, page three of seven.

00:09:53:19 - 00:10:09:03

Thank you. Um, Mark Pryor for, uh, the applicant. This is our rep 2032. And this shows the one mile IMC buffer around the wind farm. Or it will. When it comes.

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We've lost it.

00:10:10:03 - 00:10:12:08

Yes. Um, once it's back.

00:10:18:06 - 00:10:49:02

And, uh. And basically, this makes a similar point. And in fact, in our rep, uh, we point out that, um, 76.7% of the, um, take offs could not occur in IMC. Now, if we could stroll down or scroll down to, uh, figure 2.2, which is on page five of seven. This shows the wind direction. The the top.

00:10:49:28 - 00:11:17:00

Um, drawing here shows the wind direction. Um, IMC by day. And the bottom one shows IMC by night when the air the port is open. This shows the prevailing wind in IMC is from the southwest. So this is why we propose the, um, mitigation to extend the takeoff arc around to 2 to 0.

00:11:18:19 - 00:11:32:22

And I don't know if you want to discuss, sir, if, um, you want me to cover the increased access that that will give. I don't, uh, want to repeat my rep.

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No, I think we understood the addition of the corridor.

00:11:36:09 - 00:12:13:15

Yes, but but this explains the, uh, and background to to it? Yes. Um, with the wind farm in place. The access to the south zone approach from the north towards the south IMC will be blocked, but the amount of time that that occurs is very, very small. The key point is, most of the time the IMC wind is from the south west. And as we've said, the approach direction from the north east is not obstructed.

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So this gives back a lot of the IMC approach that would be lost.

00:12:24:09 - 00:12:30:05

Thank you. And to be clear that's IMC as you say is the instrument. Yes. Yeah. Okay.

00:12:32:15 - 00:12:43:22

And Robyn Hutchison for the the applicant, if I may just set this in context and perhaps respond to just one other point that was, that was raised by by Mr. Rich.

00:12:45:09 - 00:13:15:24

Should we put this in context? Why? Why it matters. So we covered earlier. We're clear that spirits are making an absolute demand on a 3.76 nautical mile buffer. And the implications of that are that the wind farm project is unviable. It eats up the majority of the site. There is no wind farm project. With that level of buffer, coexistence would have failed. The national policy targets of coexistence would have failed.

00:13:16:25 - 00:13:23:18

The premise that IMC access is required at all times. We disagree with and in fact,

00:13:25:11 - 00:14:15:00

Mr. Rich himself, I think, made the point that they're already operating in the variability of the North Sea King of Irish Sea conditions, so that there's variability already that everybody is operating around. Um. The critical point is that with this additional IMC variability, and we're not disputing that that would be a consequence of our project. There is a disagreement on the extent of that IMC variability and the extent to which the corridor mitigation is, um, how much of the IMC that restores that there is that, that, that debate? Um, but that is to an extent noise, because the critical point is that, um, the two projects can remain and coexist safely.

00:14:15:18 - 00:14:46:12

And the, the, the points made on safety, you know, they're important. We've listened and they're emotive points I understand that and the, the, the, um, read strongly in a written submission, but in our submission, they don't stand up to scrutiny by professional safety consultants like, like DMV. And it's interesting that, um, Mr. Hepburn, in his three points earlier, didn't mention the safety case and non-compliance with the safety case itself.

00:14:47:02 - 00:15:17:16

So, um, uh, um, our own team didn't respond on that point, but it's been raised post-lunch. But bye bye, Mr. Ostrich. So I do think it's a really important point for just you to hear from Mr. Golden about the safety case, because that's the fourth bit of we've heard on the first three aspects of safety. We've heard on risk, we have heard on maintenance, we have heard on, um, evacuation. But safety case was not raised previously. It's now been raised. So I think that completes the picture. If Mr.

00:15:17:18 - 00:15:22:04

Gill could, um, just respond on the safety case point.

00:15:24:16 - 00:16:04:27

Alex Gild for the applicant. First, let me make it clear what the safety case is about. The safety case is about making the case for safety to protect people. It is not about asset protection, nor is it anything else? So I'd like to split this firstly about the normally unattended installations, and then at CPC one which is permanently staffed in the case of the normally unattended installations, if there is nobody on board, then no risk exists to personnel, no matter what is going on in that installation, and therefore the operator is not operating outside the safety case because there is no risk to personnel.

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Now, if the personnel on the installation, what the best practice is, is to get a weather forecast a couple of days ahead. They are very accurate nowadays. And what you would do is you would not send personnel to the installation in a day when there was a reasonable prospect that you could not pick them back up. So it is a key point that IMC,

00:16:30:05 - 00:17:06:01

the up of the spirit, have mentioned that they cannot meet the obligations of the safety case if they can get access under IMC. In the case of normally unattended installation, it's simply not the case. Just don't visit it when it's IMC go in better weather. But it comes back to what I said in my submission this morning. It is a minor operational nuisance. Now in the case of CPC one, CPC one is permanently staffed and if it has been operated in accordance with its safety case, then have a minimum number of personnel and board that can maintain safe operations.

00:17:06:21 - 00:17:38:25

Those personnel will be able to carry out whatever operations are required and whatever immediate preventative and breakdown maintenance is required to keep that installation safe. Again, it is not dependent on weather conditions at all because there should always be sufficient personnel on board. It might again create a minor operational nuisance, but it might even be needed to shut down to get specialist vendors out when the weather improved. But they certainly would not be operating outside of their safety case.

00:17:43:07 - 00:18:03:14

Robin Hutchison for the applicant. We're going to say thank you for the opportunity to respond to those original points and appreciate that we have collectively, I think, gone off agenda a little bit and that this wasn't everything we wanted to cover, but I hope that was that was helpful and appreciate. We now want to move on to discussing the layout and perhaps bringing up the figure we had this morning.

00:18:04:07 - 00:18:32:06

Yeah. And if I may, as I say, I appreciate the discussions will continue and clearly our differences between the parties. So again, I'm hopeful that conversation has taken place over lunch and will continue. Um, as you say, the interest, I get the points that have been made and, um, we'll obviously need to consider those and we'll wait for the responses. Uh, in terms of follow up to this hearing, but in the interest of time as I can, I can perhaps move on to the point about the the notional layout. out. So.

00:18:32:08 - 00:18:48:16

Excuse me sir. I do apologise. And James Gibson for. But I'm just conscious that there's been some very significant points made there by the applicant's representative on safety matters from DMV, and Mr. Hepburn would welcome the opportunity to respond to those if there is an opportunity this afternoon.

00:18:50:20 - 00:19:01:28

Yeah. I don't want to be back and forth all afternoon. Um, if it would be very quick and then I will invite final reply to anything, but then I suggest we move on. So.

00:19:03:07 - 00:19:03:25

Uh.

00:19:04:06 - 00:19:05:25

Peter Hepburn for Spirit energy.

00:19:06:00 - 00:19:08:27

I'm sorry, I can't quite pick up on the mic, I think.

00:19:11:08 - 00:19:44:04

Peter Hepburn, Peter Hepburn for Spirit Energy. I just to come back to the comments that have been made and particularly around safety case, I do take the point that the safety case is about the protection of personnel. That protection of personnel is not just about when the individuals are on board the installation. The safety case has a duty for us to maintain the installation in the right way. If we cannot get there to maintain it, then we still have to send people there. The installation may not be in a safe place for them. So it is not quite as black and white as a cross from that point of view.

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The safety case is wide, encompassing regulations, and that's just a one cherry pick out of it basically from there.

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Thank you. I'm conscious you do want to move on. And I will respond in writing on these points obviously in full at deadline for thank you.

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Yeah. As I say please do. And as I say, you know, I'm mindful that there are detailed issues. So, you know, people will need to discuss that and say, if we can get those submissions in, we can reconsider those. Um.

00:20:14:04 - 00:20:14:26

I'm sorry. Sorry.

00:20:15:18 - 00:20:17:06

I'm sorry. I thought you were going to come back.

00:20:17:16 - 00:20:18:08



Rate of reply.

00:20:20:27 - 00:20:53:22

Always guilt for the applicant. Except that there's occasions when an on an end UI would work. Will be required to be done to make sure that it that the men's in a safe and efficient state. However, as I said earlier, the first thing is get a weather forecast if there's work to be done. Go earlier. The second point, I think is a really important one. These installations are designed to shut down safely in the event of an upset or other problem. So there should be no need to visit a normally unattended installation to make it safe.

00:20:53:25 - 00:20:55:23

It should shut down automatically.

00:20:58:00 - 00:20:59:06

Thank you. Thank you.

00:21:00:27 - 00:21:31:02

Okay, so moving on then. Um, so as I say, I wanted to look specifically at the notional layers that were submitted at deadline three. Uh, as I say, you know, notwithstanding, there are clearly differences between spirit and the applicant regarding the size of buffer zone distances, which we've just discussed. Um, in order to maintain access. Um, as we alluded to, um, we've mentioned in passing, um, obviously this plan on screen is what was submitted by the applicant.

00:21:31:11 - 00:21:54:09

Um, and it shows the buffer zone distances both around the platforms and the additional aviation corridor, which was added, I think, at deadline two. Um, again, I appreciate that their spirits position is that they're not content that addresses their concerns at this time. Um, notwithstanding that, um, one second. Sorry.

00:21:56:24 - 00:22:27:15

What I wanted to just look at in particular, um, again, looking at the the plans that have been presented, these notional layouts. And as I say, I will caveat it. I appreciate these are not fixed. And so they are, um, only indicative at this stage. I just wanted to look at, um, the area in particular to the south of the CPC complex, which is the platform to the north of the picture. Um, we noticed that, uh, there appears to be an unconstrained area which is not contained.

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Not identified contain any turbine generators. And crudely put, that's the blue bit to the north of turbine generator 26.

00:22:37:16 - 00:23:07:27

And if you can highlight that on screen, perhaps just for anybody looking on, um, just a query of seeking the applicant's views really, given the concerns that have been raised. And so I appreciate there's differences about distances. Um, we wonder whether the applicant has given any consideration to the possibility of extending the currently defined constrained area to indicate and include that blue

area, given that it has not been identified at this stage. Uh, the purpose for that being that it potentially would extend the, uh, the unconstrained area.

00:23:14:26 - 00:23:18:10

Sorry, I'm just seeking instructions from my engineer behind me.

00:23:31:00 - 00:23:57:22

Okay. Um, Robert Robin Hutchison for the applicant. Um, uh, having consulted with our with our engineer. Um, so as it was made clear with this layout, it this is a non optimized layout. It's a representative layout on which to base a worst case assessment. Um, and our view is that an optimized layout within this site is likely to utilize that area for a turbine.

00:24:00:16 - 00:24:25:25

Okay. So the two and as I say, I take it they're indicative at this stage, but the two scenarios that are presented to demonstrate that you could accommodate both options, design options within the scheme, both of those that are presented at the moment don't currently identify those areas, but you'll affect, you know, reading between lines is to reserve that position rather than to include it as a potential, um, additional, uh, constrained space. Is that fair to say?

00:24:27:00 - 00:24:28:12

Yeah. That's correct. Yes.

00:24:41:27 - 00:25:05:22

I will invite spirit, I know without going back over the point on that. Um, is there anything you want to add in regard to, to that particular point about whether the, um, whether if that area was not identified, it would, uh, alleviate to some degree issues and concerns that you've raised, particularly about takeoff into the south, into the site.

00:25:07:13 - 00:25:24:14

Um, then, yes, from Spirit Energy. So the area of concern there is still lying within 3.76 miles and three miles in respect as well. So hence why it will not deliver. Any issues we will encounter with takeoff?

00:25:24:24 - 00:25:31:21

Okay, I say, I think we get that point about the distance. So it was just a question around that particular okay, move on.

00:25:32:02 - 00:25:35:06

And we will take it away and we will respond to that later.

00:25:38:21 - 00:26:15:01

Robin Hutchison for the applicant, if I may. Um, we have heard from spirit that the intention to respond to deadline for which is which is obviously, you know, important and welcome. Um, what we heard from various of the other stakeholders affected over the course of the day, because it's obviously all other users in the area, is a commitment to to meet with the applicant in the interim and actually

discuss some of these issues. Um, and, um, I may have missed it, but I've not heard any suggestion that that would that would take place.

00:26:15:03 - 00:26:29:12

And certainly from the applicant's perspective, we remain really happy to just sit down and actually discuss some of these issues. I think that would be super helpful for all involved. I might be missing it, but it feels like that would be a helpful thing to to commit to today.

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I would be happy to commit to that.

00:26:35:01 - 00:26:47:20

Hey, James Gibson from Spirit Energy. Yes, sir. I should say that we are intending to have a discussion next week between the applicant's legal team and Spirit's legal team on protective provisions.

00:26:47:27 - 00:26:59:24

I think it needs to go beyond that. I think you need the technical, technical experts on both sides to get together, to sort this out, to get a cooperation, because otherwise you could be leading to wasted expense, which would be unnecessary.

00:27:10:07 - 00:27:32:09

James Gibson for Spirit energy. That's fully understood, sir. There was a meeting held a technical meeting held on the 31st of October on technical matters rather than between lawyers. If you like to try and unlock some of these these issues, I understand some further analysis was anticipated from the applicant.

00:27:34:02 - 00:27:43:03

In any case, yes, we agree to the principle of further discussions. There is obviously the vehicle for that will be protected provisions, but we understand that obviously technically.

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The vehicle protected provisions are a solution provision, not the discussions that result in in that you need to get together and you need to have those discussions in a technical level and to allow you to those technical people to tell the lawyers how to draft it, not the other way round.

00:28:02:09 - 00:28:15:18

James Gibson for a bit of energy. Yes, that's understood sir. Um, I think the there has been a necessity to understand impact, to inform mitigation, which has been what has been happening thus far, obviously, but we fully understand the point.

00:28:16:00 - 00:28:21:22

I think it would also be useful to show, to demonstrate their cooperation, if many of those meetings could be provided at deadline for.

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Okay.

00:28:28:21 - 00:28:31:06

Thank you. Mark will mark this as an action from this meeting.

00:28:34:17 - 00:29:05:15

Okay. Thank you. Um, moving on then. Really, uh, I'd like to move on to the next sub point. I did say there was three points under this particular sub topic. I'd like to touch on. And that relates now moving to the early radar early warning system. Um, now the applicant updated the appendix 17.1 of the year at deadline three, which was Rep 3034. In response to concerns that spirit had raised regarding the impacts on the radar early warning system.

00:29:06:05 - 00:29:32:26

Um, the update does include additional modeling results to demonstrate the impact on shadowing and more detail, and to assess the detection and tracking performance of the radar system. Um. To start off with, I really wanted to just again, um, mindful that that came in at deadline three. Uh, just a, uh, any response from initial thoughts, from spirit with regard to the update to that report and findings and whether they're now satisfied with the assessment? Mr. Gibson.

00:29:34:01 - 00:30:01:05

James Gibson for Spirit Energy. Um, I do not wish to be unhelpful, but as we mentioned this morning, I think we do need to respond in writing on on that point at deadline for what I would say is we are talking about an early warning system here. This is this is the fire alarm, if you like, that goes off when there's a fire in the house. It does not put out the flames. So yes, we need to take it into account and we obviously will do that in responding, writing at the next deadline.

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Okay.

00:30:07:21 - 00:30:11:29

The applicant, did you want to add anything or there's nothing particularly to respond to. But do you want to add anything?

00:30:12:14 - 00:30:24:20

I mean, we have the author of the report here. The conclusions are, you know, very clear that no mitigation is required. He's available for questions, if you have any, to the the author. But, you know, we will not seek to repeat what it says. It's clear.

00:30:24:25 - 00:31:00:09

Okay. No, I don't have any specific questions to say at this time. It was more to seek a view on the update. Really, between your submission and potential. What what the response would be. Again, I think we just we advocate you know, you continue that again shopping list of things to have a conversation around. And if we can move those things forward we appreciate that. Um I won't press the point on that one then. So the next, the next item really, um, was about the future carbon capture proposals. Uh, and the minimum net zero project. Um, so again, so spirit of developing plans for the future carbon storage proposals.

00:31:00:21 - 00:31:33:02

Um, however, they've got some concerns that some of the details about the infrastructure is required to support that future proposal. Um, we'll need to take into account the location of each of those projects. And again, we've seen from responses at deadline three that spirit obviously have a license for preliminary works. Um, and we heard yesterday from the applicant that whilst they accept there's a need to share the proposals and coexist, that given this stage of that proposal, it's not reached an EIA scoping stage at this stage.

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There's limited information about the scheme to to to look at how the two schemes operate. So really what we were looking for is just, uh, confirmation again, that dialogue is taking place, that people are sharing plans, uh, you know, even albeit at a high level at this stage to ensure that wherever possible, each possible scheme can be taking each of those proposals into account. Now, we know, obviously, in terms of the existing infrastructure, protective provisions and constrained areas have been identified.

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But on what I'm looking at is also that sharing of information about prospective future works. Um, so again, really what I'm after at this stage is just a view of an update on those discussions are taking place. I'm going to probably suggest they're not given the responses we've heard, but if they haven't, can they do? Um, but I will invite. Um, first off, is that conversation taking place?

00:32:34:24 - 00:32:48:19

James Gibson for Spirit Energy. Um, to my left is Ryan Maher, who's a senior legal counsel at Spirit Energy and who has some involvement in the Morecambe Net Zero project and is best placed to assist you with answering that question. Thank you.

00:32:49:18 - 00:33:16:14

Yeah. So I think at the last deadline, we obviously put quite a bit of detail in insofar as it's possible, because I appreciate the stage of of both projects. I think, you know, the last reach out to the applicant was that once they've had an opportunity to digest that content, we will absolutely meet them and discuss. We understand that the CMOs of the two will need a need a technical session. So insofar as that is concerned. Yes, we're absolutely keen to coexist and see how we can we can get a path forward on that.

00:33:18:24 - 00:33:39:25

And I think from if I'm correct, the the applicant, I think in your response at deadline three was expecting some protective provisions and a discussion been taking place around us. Agreement aside agreement at deadline for I think you said you were looking to submit. Is that still on track or is that the point? We've got this conversation still to have.

00:33:41:12 - 00:34:12:04

Robin Hutchison for the applicant. Um, I mean, we're absolutely willing to coexist on this. And, you know, we've had sort of various lengthy submissions explaining the various pressures on on that, um, that project. And, um, I think, you know, largely it looks as insofar as we understand them that we will

be able to accommodate them, or certainly we will try. The key point is that we need to see protective provisions because it's difficult to get from.

00:34:12:15 - 00:34:44:13

You know, several pages of of detailed discussion to some actual drafting and, you know, areas on a plan as to what's actually required. And obviously, the commitment was made at issue specific hearing, one that would have protected provisions covering that. We have not seen them yet. And we've tried in the interim as best we can to update the protective provisions. But we really need to hear from spirit on that revised draft. And then as soon as we see it and we can, we can meet. I mean, if the preference is to meet before that, we are very willing to discuss any aspect of this.

00:34:44:15 - 00:35:01:20

It feels to me resolvable in almost all points. Um, I think we have one particular concern about our a plugged. Well, I do not know whether you want us to unpack that now, or whether you would prefer we chat about that offline.

00:35:02:01 - 00:35:07:27

And just chat. That was one of the was that one of the former exploratory wells in particular that have been highlighted in the response.

00:35:08:06 - 00:35:45:12

I think it's one of the other legacy wells to the South, I presume, is what you're discussing. We actually do not have an MMS representative here based on the agenda. So, you know, we can we can respond at high level on items. But I think where there is definitely alignment here is that we see that a technical discussion is required, together with the protective provision discussion and where they're capable of resolution by protective provisions. We are absolutely prepared to have that conversation. Just appreciate we had to work with our teams to get that information out at deadline free. Our teams have been working hard to try and establish the task, probably earlier than would ordinarily be required, given where we're at with the project.

00:35:45:14 - 00:35:47:23

So let's take that offline if that's okay.

00:35:48:06 - 00:36:09:05

Yeah. Well, you know, we do appreciate it. It's at an early stage, which is you know, we haven't seen any scoping report yet, which would have allowed us to try and make some judgments. So we do need to just hear from you and perhaps what you're looking for. But certainly the points on survey access, for example. I think we can we can accommodate and so. Did the panel want to hear about that.

00:36:09:22 - 00:36:26:19

No, no I think it sounds like the discussion needs to take place. Um, I think again we're at labor in the point. You know, my concern is that conversations were promised in October. We're now in February. You know, we need to start moving. So I just want to make sure that that's taking place. Really?

00:36:31:11 - 00:36:49:12

Sorry. Just so just just so I'm clear, then, um, in your response to deadline three, you was expecting or envisaged some initial protective provisions and aside agreement to be discussion with the view submitting the deadline for that's not likely or is likely depending on how things go.

00:36:49:14 - 00:37:22:09

Well, Robin, actually for the applicant, we were hoping to have them before Christmas, to be honest with you, so that we would be able to submit them at deadline 2 or 3. Um, we've obviously still not got anything, although, um, I know that, you know, Eversheds are now formally instructed. So solicitors are instructed. And I would look to Mr. Gibson for an update on when we can expect to receive those. Um, but you know, I do appreciate that they've made a, you know, probably a clearer commitment now to deliver those and you know, that they are instructed. So I would really ask Mr. Gibson to let us know when we can look forward to receiving them.

00:37:25:11 - 00:38:14:08

James Gibson for Spirit Energy. Um, yes. Um, as I said, there is a meeting next week, obviously, to discuss protective provisions. We absolutely do intend to to move on to discussion in terms of protective provisions. You'll see, sir, from our written submissions, that a lot of work has gone in from from the spirit team, I think as is, you know, well represented team here today demonstrates that they are fully engaged in the examination process and very keen to understand fully what the impact is on what is a large number of assets in the Irish Sea within close proximity to this proposed development, both in terms of operational and maintenance impacts with their current operations, as well as obviously looking ahead in terms of decommissioning and the future safeguarding of Morecambe net zero.

00:38:14:10 - 00:38:49:16

So that does take time. It has taken time and we are grateful for the undertaking for costs from the applicant's lawyers, which was received on the 20th of January, and that will facilitate further discussions in the weeks ahead. In terms of where we get to by deadline for and if there is a good discussion next week, which I am very hopeful there will be, then there is definitely scope for narrowing the areas of disagreement. It is worth tempering that by saying, obviously, with respect to that aviation buffer, we do not need to have really sophisticated drafting around that.

00:38:49:21 - 00:39:26:05

The issue is fundamentally the number. Um, so going to Mr. Hutchinson's comments on that this morning around protective provisions. And I think actually reflecting on the comments that you have made this afternoon. There is a limitation to what we can do at the moment in terms of protective provisions, specifically on aviation. Given our position on that 3.76 nautical mile that said marine buffers, yes, there is some scope for for agreement there. Good progress has been made and we take your points in terms of progressing the Morecambe net zero and safeguarding protections as well.

00:39:27:04 - 00:39:51:05

Okay. Thank you. I'll just say I think I think we're just obviously mindful that I say deadline four is looming. We've only got two deadlines thereafter, which in reality deadline five really because the deadline six is the final. Um, so yeah, really keen to get clarity. You know, where there's hard lines, there's hard lines where there's negotiation or potential. Then let's let's see that moving and hopefully get some clarity on it.

00:39:51:16 - 00:40:27:09

And just I would say hopefully this is helpful that on even on the aviation buffer we are not convinced that that it is necessarily about the number. We think that once the two technical teams get together, there might be scope to explore, you know, more creative ways. Obviously, the the corridor mitigation was sort of unilaterally developed. And that is not just about the number. That was something with an aim to try to sort of tailor the solution to the impact. So it could be not just about the number as soon as that technical meeting takes place, and perhaps with commercial people as well, not just the lawyers.

00:40:27:11 - 00:40:40:00

As Mr. Gibson says, there is a limit to how much we can actually achieve. Once that meeting takes place or that discussion starts, then that's where creative solutions and the pragmatism called for by the MPs can start to start to be realised. Okay.

00:40:41:00 - 00:41:12:13

That's noted as I say. I think we'll move on. Um, I'd say there's clearly discussions to continue. So we'll take those offline and, and hope to see some, some responses in the next deadline going forward. Um, that really concludes all I got on this particular subtopic. Um, so I propose to move on now in relation to the next topic under this agenda item, which relates to the potential weight loss effects and offshore wind farms, including decommissioning dates. Um, there might be a change of seats.

00:41:12:15 - 00:41:14:20

It looks. So I'll just pause a moment before we move on.

00:41:38:01 - 00:42:15:23

Okay. So, um, again, so the next item really under this agenda was, as I say, potential weight loss effects. Um, now we're aware this is an issue that's not exclusive to the exam, this examination. It's something that's been discussed at hearings relating to the other offshore wind farm projects recently, in particular those relating to Mona and Morgan. Um. However, as I think I've said before, we are obviously mindful that this is a separate examination to those. It's important, therefore, that we, um, ensure the issues specific to this proposal are considered rather than the rely or refer to any discussions that have taken place elsewhere.

00:42:16:18 - 00:42:48:10

Now, the issue around lake effects is something we touched upon briefly at the issue specific hearing one. And we've also received detailed submissions from both the applicant and the Orsted IPPs at deadline one and two, as well as responses to our first written questions at deadline three. I'd like to thank both parties for those submissions made to date, and actually, having read those submissions, I think it's pretty clear as to where each party's view and position are on a number of issues. Um, they're obviously well exercised and well rehearsed. We've seen those elsewhere.

00:42:49:03 - 00:43:22:07

Um, so really, um, In terms of having read those positions. In essence, as we understand it, the applicant's position is that they do not consider the offshore wind farms to be close for the purposes of paragraph 281973. That as a consequence, no weight loss assessment is required or necessary, and that



the assessments in the environmental statement are robust and appropriate mitigation has been identified. The Orsted IPPs position is the opposite of that.

00:43:22:28 - 00:43:48:11

In respect of, they do consider the offshore wind farms to be close. They do therefore consider the. Yes should have considered the impacts in order to comply with the NPS, and also that the environmental effects of any loss of renewable generation experienced by those projects is taken into account. Before I move on, I just want to be clear that that's a fair summation of each party's position. If I can start with the applicant.

00:43:50:11 - 00:44:21:14

Robin Hutchison, from the applicant, Mhm. That is a fair summary. But there's I could add a little color to two points. So the point about the adequacy of the ES was covered yesterday. And the applicant was requested to provide an updated greenhouse gas assessment which takes into account weight loss which we've committed to do. And we're going to base this. And I'm conscious that the IPS representative wasn't here yesterday. So I'm sort of spelling this out for for.

00:44:22:09 - 00:44:24:15

You pre-empting what I was going to come to, but that's fine.

00:44:24:17 - 00:44:57:18

Well anyways, so we will update the greenhouse gas emissions chapter that will take account or net off the weight loss impacts against the benefits of the project. We're going to base that on the Orsted IPS own figures and assessment because um, our an expert from K2 says we could spend a lot of time analyzing this. We wouldn't have the technical detail of our wind farm or the Orsted IPPs wind farms, so it wouldn't take us that much further forward. And the impact, in our view, is within the margins of error.

00:44:57:20 - 00:45:37:06

So when you see it, we believe it will not affect any of the conclusions. So we are accepting that that element of the ES will be clarified, albeit the conclusions will remain the same. Um, just in terms of our submission, there's there's sort of two more points that follow on from that summary. Point one is, um, and I'll, um, perhaps ask Mr. Thompson to speak to it if you'd like to hear. But point one is that in terms of what you do about this, so there is a weight loss assessment that identifies what it identifies in terms of, of weight loss.

00:45:37:21 - 00:46:14:24

Um, what does the panel what does anyone do with this piece of information. Um, in terms of sort of physical mitigation? Um, our position is and this is K2's position is that practically there is none. There is nothing that can practically be done. And the only more condition on wait talks about mitigation. We're unclear what that would be short of moving the site and there isn't any mitigation. So that leaves you with what's left. And the altered IP's position in writing is that any remaining adverse effects should be appropriately compensated.

00:46:16:11 - 00:47:03:19

Our position, the applicant's position, is that the NPS don't require and do not expressly provide for compensation. They talk about minimizing effects, reducing effects, and ensuring that the overall viability is not affected. But there's been no submission that, you know, these assets that are near the end of their intended life could retrospectively no longer be viable. Um, and there's no requirement in the NPS or suggestion that compensation is appropriate for that, that residual effect. So our position is that just there isn't a policy drive or policy requirement to take that step of, of sort of requiring each new windfarm developer indemnify everybody else in the area for sort of theoretical weight loss effects that could be shown in a report.

00:47:05:05 - 00:47:24:23

Okay. Thank you. You've touched on a few things, so I'll probably need to skim over some of my notes here for questions. But, um, I will invite Mister Ennis in. Um, just in terms of again, just a quick summary or a view on my summary, if you like, of your position, your IPS position as it stands.

00:47:25:18 - 00:47:58:20

Yes. Come on in. Yes. On behalf of the IPS. Um, yeah. It's a fair summary of the the general position, but there are, um, elements which I've wished to, to respond to in relation to the applicant submission. The first is that if the YSS is seeking to reevaluate the greenhouse gas emissions. Then it should demonstrate a number of different scenarios that arise in respect of the potential outcomes. And it's a matter which you have already on the agenda.

00:47:59:08 - 00:48:33:26

But what the Orsted IPPs have put in is the earliest expected decommissioning dates for the respective developments. These dates are highly conservative and do not include lifetime extensions. Any decision regarding a lifetime extension will be made closer to the time based on a number of factors. However, experience dates suggests a high potential for lifetime extension, and this has been increased in light of recent indications by the government for support for lifetime extension.

00:48:33:29 - 00:48:44:18

So the first point is that if one was doing a greenhouse gas emissions, they're effectively. For example, um, if we were to take Barrow.

00:48:46:28 - 00:48:55:25

A conservative greenhouse gas emission in the first instance. May well take into account the potential for a further ten year life extension.

00:48:58:27 - 00:49:16:03

Yeah, I mean, you slightly jumped ahead in terms of I have gotten questions around decommissioning, um, a little bit later on. But, um, given you've raised it now, I might just ask the question now with regard to that issue. Um.

00:49:18:06 - 00:49:49:09

So, yeah, as I understand it. So at deadline three, we receive submissions relating to the issues about decommissioning. And there's obviously there's disagreement between both parties around, um, the particular decommissioning date. And as you say, it might have implications about how the assessment plays out, if you like, in terms of the impact. Um, one of the things I just wanted to clarify,

really, the Orsted IP's position is that there's no time limit on the consents that exist that require those offshore wind farms to cease operating and decommissioning.

00:49:49:23 - 00:50:20:10

And you've provided evidence in respect of a letter from the Department for business, Energy and Industry. Um, however, it does appear from the response we received from the MMO at deadline three that there are obviously marine licenses in place, which are time limited. Um, one of these appears to cover what's described as the array operation and maintenance, which I think ceases in 2026. And the other covers works for the Export cable repair and remediation, which expires in 2030.

00:50:21:11 - 00:50:21:26

Um.

00:50:29:00 - 00:51:08:19

And it appears that new licences will be required if activities are therefore required to continue beyond those dates, even whether or not there's a requirement to extend any life on the concern. So my question really to. To you on that particular point was actually irrespective of whether there is a time limit or not on the consent or the marine licence, is there not also issues with regard to operational design life of the turbines, which may or may not limit the life of those projects? And the reason I say that is we've heard in particularly in respect of this project, that the foundations have a design life of 35 years.

00:51:09:15 - 00:51:32:11

And so even if the the consents or licences allow replacement of component parts, there's an expectation there would be a requirement to upgrade elements of the structure, which in and of itself therefore sets a life, if you like, on the project. So irrespective of those time limits. My question is, um, how does it take into account operational design life of those projects?

00:51:33:10 - 00:52:14:00

Um, calling some of the Orsted IPPs. Um, my understanding is that these matters would all be evaluated at the time when, um, a life extension was considered. And certainly I haven't got the detail with me today, but I'll come back at the next deadline on those on that specific issue. But my understanding of the marine licence is that exist. They relate to the maintenance, not the operation. And that's the, the, the purpose of them, as opposed to being permitted because these schemes were actually, um, consented and brought into existence in advance of the uh marine licensing regime being in place.

00:52:15:20 - 00:52:48:06

And I think that I know at that point, I think I think in terms of the licence, obviously they are time limited. So I think what we're interested in is to what extent, um, you've engaged, for example, with the MMO about the potential for new licence, and in the absence of that, any evidence that can be put before us that confirms that such licences would be forthcoming. In effect, how confident can we be that the offshore winds would be able to continue to operate? Because in the absence of anything at the moment, we do have time limited licences.

00:52:48:08 - 00:52:58:15

And I guess my issue is that if those licences expire, you could end up in a situation where you've got a facility that is unable to be maintained.

00:53:00:25 - 00:53:35:00

Um, comments about the applicant. Uh, that would be the case, but that would not occur in practice. I can assure you that the issue is that this examination, these applications come, um, well, in advance of the timescale when we'd actually be doing the detail of the lifetime extensions. But it is very important to understand that those critical decisions, uh, relating to lifetime extensions are going to be made at about the time when this project comes into play, and therefore it will be a relevant consideration.

00:53:35:02 - 00:54:19:03

And what we have said and they also have been very clear about it, is that it is the cumulative effect of the Irish Sea developments that if they proceed, that the scale of impact identified in the wake of assessment would be material in the decision making in relation to the life extension. And the one of the important parts of this is that these are decisions that will be made, um, shortly after the predicted construction of these proposals, and therefore will be highly relevant to consider in terms of the overall evaluation of the the life extension.

00:54:19:09 - 00:55:00:15

So there is a very real prospect that these collective applications will be live and real at a critical time when these decisions have to be made and where effectively the impact Act from these schemes will potentially impact on co-existence. And I think that's a really important premise and a really important part of why these wak effects are important in this context, because we're at the time scale and in the lifetime where these projects could be materially impacted and it could hamper the subsequent life extension process.

00:55:00:22 - 00:55:40:19

And that's really how we've set this out. And the way in which Orsted have put those words are very clear, and they've thought very carefully about them, about the scale of of being material to that decision making. And that means there is the potential for future viability issues arising from the collective impacts of these respective schemes and in respect of this particular proposal. Clearly, there are certain schemes that are more impacted by this proposal than others, but where there are impacts, they are of a scale that are potentially material, you know, one point, nearly 1.4% in respect of Barrow.

00:55:40:21 - 00:56:16:06

Those are important. And when added to the other impacts, uh, exceeding um, uh, 3%, uh, these are important and uh, material as also I say. So in terms of, of looking at that, this issue, yes, there's the question of whether we I mean, I'll come back on the technical side, but the fundamental issue is could this potentially impact on the life extension of these existing assets. And I do think that's the the bigger and more important question that arises in relation to this weight loss.

00:56:16:19 - 00:56:46:14

And yes, we'll come back on the details of the various licences, but I'm keen to stress that it's that and the importance of that particular aspect is that if I start having to do the carbon calculations, that one

scenario is That? Yes. Um, some of the schemes may no longer be viable, uh, such that, uh, they do not continue generating for a period of time. So it's not just the marginal loss of yield, which is potentially the downside.

00:56:48:04 - 00:57:20:28

It may be the complete loss of operation of, uh, schemes over a period of time. And as I said, that's the inherent risk, uh, that if, uh, the life extension is no longer, uh, potentially viable and that is partially caused by this application, the weight effects, that is an impact on future viability. But it's also in terms of considering the carbon emissions, uh, critical in that balance. And I, I do have to say come back to, um, where we are.

00:57:21:00 - 00:57:54:17

I mean, these projects are the early, uh, offshore projects and the earliest of rounds, um, they are coming towards. And as you see, the dates that we're talking about here are 25 years of operation. But what we do see from both the Crown Estate and the current UK government is a very keen view to see these existing assets continue, because that inherently is highly sustainable, because the carbon emissions associated with many of the the establishment, etc.

00:57:54:19 - 00:58:10:28

are sunk and the more that we can work these assets, the more we can work the the carbon savings. So they're very keen to see how this can happen. And the UK government and the Clean Energy Action Plan has been forthright in saying that it's trying to remove.

00:58:11:00 - 00:58:22:08

Mr. Ennis, your staff, that you're heading off the points. We've been trying to ask a question for quite some time. We've given you considerable slack. Can I ask that in the future? Your your responses are short and to the point. Thank you.

00:58:22:27 - 00:58:59:29

Yeah. Thank you. As I said, I mean, I think, you know, I don't want to get in a point point because we've as I said at the outset, we've actually had benefited from quite detailed submissions to date. So I think we understand the position. There is a couple of things actually you mentioned, which were on my list to raise, and I will and obviously I will come back to the applicant at the moment to respond to a couple of those points. But the issue around, um, the material effect, I just just wanted to touch on, on that really, um, a couple of questions really regard the wake assessment and say, I fully appreciate there may be difference of opinion about, um, how it's been derived.

00:59:00:24 - 00:59:32:02

Um, but looking at that particular wake impact assessment, uh, we acknowledge that there's certain aspects of the development which are yet to be, um, confirmed, which obviously then affects the results. And in terms of the assessment that's been undertaken, it looks at two different scenarios. Uh, this is the wake loss assessment that's been undertaken on behalf of the RFPs. It looks at two different scenarios using two different turbine models, recognizing that there's some uncertainty.

00:59:32:17 - 01:00:08:11

And as you've alluded to. Um, therefore, uh, looks at the potential impacts of variables of the weight loss effects. Now looking at the Morecambe Alone project, those impacts have been estimated between 0.32 and 1.37. And for uh, the cumulative impacts are total 1.64 and 5.3, I think is the figures that, uh, have been cited in that report. And the assessment effectively concludes that the weight loss effects as modelled could also be likely to be reduced if they were using larger turbines.

01:00:09:19 - 01:00:53:13

My question really, to to yourself, Mr. Innis, was, we note within the applicant's environmental statement that they've obviously got to design scenarios that have been identified. Um, one which we've talked about, which is 30, 30 larger turbines with a rotor diameter of 280m. And 35 smaller ones with a diameter of 260m. And as I say, whilst I appreciate the amount, not be necessarily agreement by both parties about the assessment per se, I do note that the rotor size of the smaller turbines that were used by the applicant in their assessment are actually larger than the smaller turbines that we use are modeled in your weight loss assessment.

01:00:54:02 - 01:01:20:10

So given that the weight loss assessment concludes that the effects of waste weight loss as identified and modeled would be lower for larger turbines, at least in theory, at least in theory. Does it not suggest that if the applicant was to, in small install their smaller turbines, that the effects would actually be lower than that that's been modeled in your report, and arguably lower still if the larger turbines were to be installed.

01:01:22:19 - 01:01:58:26

On behalf of the Orsted IPPs. What the applicant has done is obviously they're very clear. They want to keep maximum flexibility. They set out a parameter. But um, uh, wood said were asked to do was a realistic scenarios of um, of testing, uh, within, uh, knowledge of turbines that were likely to come forward. Um, the, the weight loss. So effectively what they've done is taken the parameters and said, um, we've got a fairly good indication of what's coming forward and assessed that realistic turbine.

01:01:59:08 - 01:02:30:22

And that's effectively what they have done. And that was the choice of the two turbines. They've, um, sought to second guess effectively what technology is coming forward are likely to be available within the time frame of this, uh, this consent, um, and all things being equal, um, it is likely that an applicant will seek to deploy turbines that are likely to come forward, um, within the consent scale and at the scale, at a scale that is tied to the timing. And that's essentially what we've done.

01:02:30:24 - 01:03:11:27

So we've done the the smaller turbine, which is likely to become available within the earlier time range of the delivery of this, um, application. Uh, the larger turbine is one which is further off into the distance. But if for whatever reason, uh, the, uh, the project were delayed, then that that turbine may well be available within that time frame. And obviously those are the, the parameters effectively it was suggested. So what it was trying to do is take a realistic estimate, um, and effectively produce um layouts, which were um, clearly we're not the best party to do the applicant's layout.

01:03:11:29 - 01:03:42:26

That's absolutely clear. And we've said that throughout all the examinations that we've appeared at, but we've done not a layout which seeks to to create the highest impact. It's just a layout which is, um, in terms of the the application site reasonable, not packing them towards effectively, uh, our site to maximize impacts or anything like that, but trying to take a reasonably balanced view about, uh, those, those layouts and that, that came to the fore and the, the Morgan, uh, application where they said we'd use the wrong boundary and there had been a boundary.

01:03:42:28 - 01:04:11:06

But even though there was a boundary change, in fact, the layout that as we moved the boundary, the effects got slightly worse. And I think it demonstrates the effects that we would have used reasonable assumptions when coming to this and have not tried to skew the results one way or the other. The the intent was to try to come to a balanced view as to the likely effects and the scale of them utilizing the most likely turbines that are likely to come available. And that's the reason why there's a difference. Okay.

01:04:12:03 - 01:04:46:24

Okay. So as I say, I think, you know, I recognize that. And there is some differences in terms of, um, precise details. Again, I'll come back to the applicant the moment, I just just want to move on to the next question and I'll give you the right to come back thereafter. Um, and again, it just picks up on this point that you said about material impact. Um, and again, looking at the weight loss assessment and the percentages of reductions that's been identified. Really what I'm looking for, review from yourself, Mr. Ennis, is whether, in your opinion, the percentage reductions identified do constitute a significant effect in the IA terms.

01:04:47:13 - 01:05:12:09

You've talked about a material effect, but I'm interested to know whether your view is it's a significant effect in EIA terms and if that is your position, how you've come to that conclusion. So I'm particularly interested in is there any, for example, recognized guidance, advice or thresholds that might exist that you can point us to would help us to be used to help, um, objectively identify and define what constitutes a significant effect.

01:05:13:08 - 01:05:45:28

Uh, the Orcid, IPS, uh, the position that we've presented in relation to the impact on sea users is not based on an EIA approach, but effects on another Sea user. Um, that um, there are consequences for the IA for carbon. But that's not the approach that we've adopted in relation to, um, that, um, the language used for other sea users in the NPS is not phrased in a manner which is entirely EIA based.

01:05:46:09 - 01:06:18:19

Uh, matters such as viability or future viability is not an EIA type term. Uh, and effectively, um, we view that as the, the, the impact on the user. Um, and the that really derives from the nature of the operations. So in essence, um, you know, you're not going to find a percentage impact, um, that is material for all businesses. Uh, um, it's very specific to the, the nature and extent of the type of operation that we're dealing with.

01:06:19:04 - 01:06:50:19

And that is and effectively, in terms of this type of operation, there's absolutely nothing that an existing, um, offshore wind farm can do when it's impacted in this way. It can't change its operation. It can't really fundamentally respond to it. There's nothing it can really do. Um, apart from except that its energy yield will be, uh, lowered. Um, and there may be other effects which are quantified but stated about weak effects potentially, uh, impacting upon um, uh, maintenance liabilities, etc.,

01:06:50:21 - 01:07:17:20

but they are not capable of being quantified. But in terms of the actual quantifiable effects, uh, they are on energy yield. Uh, and that's effectively, uh, the, the income side, primarily the income side of the project. So there isn't an EIA test or a threshold. Uh, what we're saying is that when we reach, uh, this loss of, of income, uh, um, and looking at life extension, that it's sufficient to be material.

01:07:18:24 - 01:07:38:09

Okay. Thank you. I will come to the applicant now. There's obviously been a number of points of apologies for we were rattled on through there, but is there anything you want to respond in particular? I do appreciate what you said at the beginning. We we've had noted the issue about greenhouse gas. So we'll come on to that. But in response to any of the specific points, is there anything you wanted to raise at this time?

01:07:40:09 - 01:07:52:21

Robin Hutchison for the applicant. Um, quite a lot of rich content there. Um, I'll do my best to pick out just a couple of points. Um, the,

01:07:54:12 - 01:08:28:13

um, the the discussion on the parameters of the work assessment, and I think the point was made is that the WTI assessment used reasonable parameters. Um, I think the applicant's point is that that's probably right. Um, that that the awake assessment. You know, it's such a long distance. It's such a, um, difficult thing to do that the assessment isn't sensitive enough to the different types of, you know, turbines and layouts and sizes.

01:08:29:01 - 01:09:00:04

Um, and that point is underpinning our submission that it means that it's not mitigated by other than by getting rid of the site or moving it somewhere else. Our point that the only mitigation or the, you know, the only logical conclusion of all this is, is compensation payable or not. The Orsted IPPs have written in their submissions that it is. Our position is that the MPs don't go that far. Um, the MPs is absolutely talking about viability.

01:09:00:13 - 01:09:21:26

Um, you know, I completely agree with Mr. Dennis's identification of that. Um, our submission is that it's manifestly obvious Face that a scheme which is already nearing the end of its operational life has made its contribution. Its viability has been proven and it

01:09:23:14 - 01:10:06:15

has already achieved its purpose. Um, in terms of the extension of life. We wouldn't see. We would see that as a next phase. Other consents are required. And actually the MMO have answered the question on the need for additional licences. It's an exec. Rep. 306. You've got it. 110. So listen,



licenses are required. So our submission is that we did the right thing or did it the only sensible thing, or the only realistically possible thing, which was to look at the EA's in the public domain and base the period of operation on what was available in the public domain.

01:10:07:06 - 01:10:07:21

And

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should The panel wished to get into questions of what is or isn't viable. You know there would need to be a lot more information. These schemes were subject to, as Mr. Innes explained, their early schemes. They were subject to Renewables Obligation certificates, which will have now run their course and expired rather than contracts for difference. So, you know, the price control mechanism which supported them will have expired. So clearly that has got an important contribution to future to decisions in the future.

01:10:42:06 - 01:10:54:19

But really this feels like a UK government issue. You know I think Mr. and Mrs. submissions were straying into points that need to be put to the UK government. And that's what this feels like. It doesn't feel like a project issue that can be resolved on a project by project basis.

01:10:55:24 - 01:11:37:08

Okay. So in terms of next steps, um, we then touched upon it yesterday and you started with the point that you are going to look to update. I think there's a climate change chapter on the GHG Commission assessment. And I think, again, just to be clear, that will be based upon the information that's been presented on the figures that presumably came through the Orsted Iprs response to deadline three. I think it was in one of the questions. Um, obviously, in addition to that, um, I'm expecting both parties have read each other's submissions at deadline three, and we'll be replying to those where necessary as well.

01:11:37:10 - 01:12:10:27

So, um, as I say, I know there's a discussion to continue, but I think that's all I wanted to check in terms of next steps. So there is, um, an acceptance or an agreement from the applicant who will undertake, without prejudice, an update to the GHG assessment that factors that in and then looks at the specifics of the particular project. Um, and that is in addition to the other things that we picked up yesterday as well, isn't it? Yeah. Okay. Um, I don't propose really to continue to go through that debate, as I say.

01:12:11:01 - 01:12:46:24

I think where we are in terms of the examination and mindful that these issues have been discussed elsewhere. I think we've got a lot of information that's already been presented to us. So, um, we've got that in front of us, and we would encourage, again, submissions to be made on any of those points in response, both through what's been made today, but also in response to, um, any party submission deadline. Three. And we don't get those at deadline for um, so unless anybody has anything in particular they wish to raise, it's not been raised.

01:12:46:26 - 01:12:59:22

And I will open it to Mr. Anderson primarily, um, dealing with focus on potential lake effects. Mr. Anderson, in the first instance. And I'll come back to the applicant if there's anything else we want to add before we move on.

01:13:00:24 - 01:13:31:10

Yeah. Um, comments on behalf of the IPS. I'm happy to leave there. I think we've ventilated some issues that you want further information on. Um, we may well come back on the applicant's greenhouse gas, um, assessment with, um, some added scenarios if we, we feel that's appropriate. Um, um, but I think as far as ventilating issues and perfectly comfortable, um, uh, that we have done so and that we certainly understand where you want further information, we'll provide that. Thank you.

01:13:31:29 - 01:13:34:17

Okay. Thank you. Applicant. Anything to add?

01:13:35:08 - 01:13:55:26

Um, no. I mean, I think there will remain a point of disagreement. We'll try and keep our submissions further submissions on this short. Funnel it to the the specific issues. And I think ultimately there will be a, you know, a decision for the panel, the secretary of state, because I'm not sure that we will we're in a position where we're going to be able to bridge the gap here.

01:13:56:14 - 01:14:20:01

Okay. That's understood. Okay. So with that in mind, I think that pretty much closes, um, the issue under item six. Uh, so we move on really to item seven, which is other matters and action points. Um, so again, I think, uh, we have been keeping a list. I don't think there's that many.

01:14:20:16 - 01:14:32:11

No, we've we've got three. I think, um, we can obviously get people to confirm that their understanding. The first was relating back to, uh, navigation routes and whether.

01:14:34:25 - 01:14:45:18

Whether that journeys to and from the Isle of Man represented international navigation or what? Um, the applicant was going to give us a view at deadline for,

01:14:47:05 - 01:15:35:27

uh, we had a discussion over, uh, taking forward the discussions between the applicant and Spirit Energy in relation to, uh, the constrained areas in relation and flight access and things like that, providing not only hopefully to move matters forward, but notes of the meetings that have taken place to show that what efforts have been made in that regard. And then finally, a note from the Orsted IPPs in relation to the, uh, design light, the residual design life of the various, uh, wind farms in, uh, the northern part of this part of the Irish Sea.

01:15:36:23 - 01:16:02:27

Um, given the discussions that we've had, the information we've provided by our applicants in relation to the 35 year foundation lifespan, um, and what would putting putting licensing to one side, uh, what would be needed? Uh, the, the engineered engineering lifespan of the wind turbines. I think those are the three. Uh, um, And does. Are there any?

01:16:06:02 - 01:16:27:18

Catherine Nolan, on behalf of the applicant, I think we had one more, which was from the fisheries session this morning, um, which was updates to the IPM, P and the LCP to align. And then there's also that point on the statement of common grounds, I think generally, um, the statement of common ground with the NFO, although that was kind of already sort of timetabled, but just for your records that that'll be coming as well.

01:16:27:20 - 01:16:40:25

Yeah. I think what we've obviously expecting is submissions that deadline for anyway. So we're looking at more specific. But yeah, actually the point on the IPM, p and um liaison plan is noted.

01:16:42:12 - 01:16:46:04

Okay. In which case has anybody else anything else they wish to raise?

01:16:46:21 - 01:17:02:00

Yes, sirs. Uh, from Blackpool, your point of view, there was one more, uh, action that's in respect of the cumulative VHF assessment. Uh, and we would appreciate if the applicant could engage and they have already with us, but that could be put down an action to report back. It would be appreciated.

01:17:05:18 - 01:17:17:24

Came with an assessment and rates to VHF. Uh, in um as uh in relation to Blackpool Airport. We'll get the right sort the wording out sometime

01:17:19:18 - 01:17:25:09

as we go and we'll get that. You're you're right for deadline for for that. That's the main thing was the next thing was the timetable.

01:17:28:16 - 01:18:00:12

Okay. Anything else? In which case can I thank everybody for your participation today? Um, it does mean we don't need tomorrow afternoon. Well, we hope we don't need tomorrow afternoon. We might need tomorrow afternoon, but that would be an extension for the morning, if that makes sense. Uh, to continue that. So you are at least on that sense. We have avoided that issue. I'm going to come back tomorrow afternoon to continue this one. Um, we obviously, as I said, we have another hearing tomorrow morning. focus on the draft development consent order.

01:18:00:27 - 01:18:32:12

That hearing starts at ten, with the arrangements conference starting at 930. Um, hopefully the morning will do us, but we will see how we go. If we have to go into the afternoon, so be it. Um, it just leaves me to close this hearing. Um, it's now, uh, 1518. Can I thank everybody for your participation and cooperation through the whole of today? Um, we may see some of you again tomorrow. We may not. We may be having another round of hearings, um, towards the end or the beginning of April.

01:18:32:14 - 01:18:53:11

But given. Given where the week it is. Um, we'll make a decision on that at some point in the next, in the next couple of weeks. But, um, and whether it's, whether it happens, uh, in physically in this room or whether it happens virtually again or something will depend on the topic areas we needed to have discussions about. But anyway, thank you very much. This hearing is now closed and we'll look forward to seeing some of you tomorrow.

01:18:54:01 - 01:18:54:15

Thank you.