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00:00:07:02 - 00:00:37:05

Back to issue specific hearing three for the Morgan Offshore Wind Farm. We're about to discuss the content of version F07 of the applicant's draft development consent order. These are reps 5017, which is the clean version, and rep 5018, which is the tracked version. And this is a final oral review of the draft development consent order as it sits in front of us.

00:00:38:06 - 00:01:08:21

I'd like to take this opportunity to reassure parties that the SEC has yet to reach a conclusion on what its recommendation will be to the Secretary of State, but we do have to put forward a recommended version of the draft development consent order with our final report. And I think it's important at this juncture to state that everything that's been said about the draft development consent order in the entire examination. In writing or orally and everything stated today or at deadline six is absolutely without prejudice.

00:01:09:06 - 00:01:39:14

So if an entity is in principal position, is that the order ought not to be made, or that certain conditions ought not to be included or should be included? It's important to note it's entirely safe for that entity to make final suggestions to the xay around current drafting without conceding any in-principle position. So I just hope that this is clear. So I'd like to invite the applicant just to briefly run through the changes that were made to the draft development consent order at deadline five.

00:01:39:16 - 00:01:46:02

Before I go on to some questions for the applicant. So, Mr. Munro, it's over to your team, please.

00:01:46:28 - 00:02:23:01

Yeah. Patrick Munro for the applicant. Um, I'll just go through any key updates. There was quite a number of sort of consequential cross-referencing and a few definition updates that are not proposing to touch on. Um, but the key updates that were made at deadline five was the inclusion of further aviation requirements, as we discussed earlier today. Requirements 5 to 9 securing mitigation for

aviation interests. Um, and as was discussed earlier, there will be some further updates to those anticipate for deadline six if following further discussions with those stakeholders.

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The second update I just wanted to mention briefly was the UX clearance provisions within the marine licence. There has been an amendment to the draft Marine licence to secure the only low order unexploded ordnance clearance is permitted through the marine licences. That is now set out in paragraph two F in each marine licence, which specifies what activities are authorised. Um, and that's been amended. And then there's been a number of consequential amendments throughout to where UX is referenced and including the conditions specific to UXO to reference lower order clearance only with the exclusion of higher order.

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And third point to mention was the timing for submissions of plans, and it was already discussed briefly earlier that third, the marine licence conditions. The applicants amended the time and control, and when plans are approval documents would be submitted to the MMO for approval, and that's been amended from 4 to 6 months throughout. Addressing a point that was raised by both the MMO and Natural England,

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then the final point that I thought worth mentioning is as a more substantive update was in relation to construction monitoring at condition 28 two in each marine licence, and an additional provision has been added to the construction monitoring requirements. Following some discussions with the MMO, and previously the applicant had only um secured that they would monitor the first four piles that were installed, and the new MSC provides that. There'll also be monitoring of the first two piles, where the hammer energy is anticipated to exceed 3000 kilojoules.

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It's just an additional layer of monitoring during the construction period and then subsequent reporting to the to the MMO on that. Um, if there's any other changes, um, that you want me to explain. Very happy to do that now. But those are the, the more substantive ones.

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Yeah. Thanks, Mr. Monroe. There will be other things I want to discuss. Um, and it would be helpful if we could have, um, rep 5018 on the screen. Um, specifically then going to the DML condition 22. So this is to do with unexploded ordnance clearance

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in schedules three and four.

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Condition 22 is about the underwater sound management strategy. We're able to have that displayed that we have a list. It's easier if we have a display. It's just when I'm talking to it. Um, you'll be able to see the words that I'm referring to.

00:05:10:27 - 00:05:12:07

Perfect. 22.

00:05:16:03 - 00:05:40:09

Yeah. That's it. So within condition 22. Um, on the very first line, 22 one, it says no piling activities and then all detonation of unexploded ordnance. And those are the words which have been, um, lined through can take place until. So on, so on and so on. Um,

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now I'm just wondering why the reference to unexploded ordnance has come out of condition 22. To now appreciate how order clearance has come out, but low order clearance remains. Um,

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and it doesn't seem there's any other trigger for low order clearance. Um, for an underwater sound management strategy to be submitted. Um, because certainly it's not picked up in condition 23.

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So I'm just wondering why the the reference to ordnance clearance has come out of condition 22. It seems we've got a bit of a void going on here. And what I would also note is that hasn't been the case in the Moana final DCO. And that's also had high order clearance come out of its order. Um, but condition 22 or their equivalent of doesn't remove the reference to unexploded ordnance for the submission of an underwater sound management strategy.

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If the applicant. Um, the reason it's been deleted is that there's no need for the underwater sound management strategy for lower order clearances. It is not a high noise activity that would require the mitigation measures to be in place. And this is not a point that the MMO has, or the more in agreement with that, an updated version of the condition.

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Okay, so then on that basis, I just want to just bring your attention to paragraph 1.5.3.3 of the Outline Underwater Sound Management strategy, which is Rec 5026 tracked, which I appreciate is not on our screens, but that states that for us so clearance, a more detailed assessment of mitigation will be undertaken post consent as further information becomes available and will be reflected in the final underwater sound management strategy. But what you're now telling me is that's not the case because it's low water clearance and therefore underwater sound management strategy doesn't come into play.

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It's his legacy.

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I don't know if the applicant. So the changes to the underwater sound management strategy. The intention was to minimize any updates to that. And it could serve, for example, as a control document in any future marine license application in the unlikely event that high order was needed, higher order clearance of UX was needed. And so those those changes have not been reflected. However, it may assist in clarity, will review the text and decide whether to update the deadline to make it as clear as possible for this application, but it does not apply to the low order UXO clearance activities.

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Okay, that yeah, that would be appreciated. Um, I think I might issue an action for the MMO to also contemplate whether removing those terms from condition 22. The. The referral to unexploded ordnance for the Underwater Sound Management Strategy is correct. I'd like their position on it. And as I said, I just looked back at the final order for Moana. Um, and that same change hasn't been made in their equivalent condition. So, um, I'm just trying to look for a little bit of consistency.

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Anyway, moving on. Um, if we could then come down on the order we've got on the screen to condition 23.

00:09:22:04 - 00:09:55:03

Um, condition 23 one and 23 two. What I'm specifically interested in. So condition 20 31A and condition 20 31B requires that before low order clearance can take place, certain pieces of information must be provided to the MMO for approval, including a method statement, a plan showing the area in which the clearance is proposed, a programme of works, end exclusion zones and a marine mammal mitigation protocol. However, condition 23 two.

00:09:55:22 - 00:10:28:21

Give me one. I turn the page on my hard copy. Um. Requires the method statement in the Marine Mammal Mitigation Protocol to be submitted to the MMO for approval at least six months prior to the date on which it is intended for the low order unexploded clearance activities to begin, unless otherwise agreed. But there's no timeframe for the submission of the rest of the information mentioned in condition 20 31A, which is namely a plan showing the area in which the clearance is proposed in a programme of works.

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I can um yes that all. So the way that the condition is structured is that there's subparagraph one and then subparagraph A is the requirement for the method statement, then items a Roman numeral one. The Roman numeral four. Underneath that are components of the method statement. And then it goes on to be which is the Marine Mammal Mitigation Protocol. So there's only two documents to be submitted the method statement with its various components and the triple MP.

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And so that's why those are the two documents referred to in item two.

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So so let me just take my time over this. So part two says the method statement excluding the information required under sub paragraphs one A2 and one A3. So I just wonder why you'd submit a method statement.

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But you wouldn't submit under one A2 a plan showing where the clearance activities were proposed to take place. Um, or a program of works because they're specifically excluded from 23 two.

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Looking out there, it seems logical that they should be submitted at the same time. I'd like to take a way just to check if there is a reason that that was excluded in the first instance. There will be some notes when this was drafted, but that was a number of months ago now, so I'll have to refresh my memory on that.

00:11:59:09 - 00:12:34:08

Yeah, okay. I would just say that again, having looked at the the final draft for Moana, that that exclusion doesn't occur in their equivalent condition. Um, so it doesn't say submit a method statement, but don't submit these two parts of it. You don't need to. So I think that condition needs picking up and we'll issue an action, um, about that because I think that's probably not correct that drafting. Um, now, now I just want to go on and look at consistency of phrasing in the DCO.

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Now raise this briefly at issue specific hearing, one which seems a long time ago now, but I think it's relevant to raise again. Now the words take place are used in DML conditions 22 one and 23 one, and the word begin is used in DML condition 23 two.

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Um.

00:13:01:26 - 00:13:22:11

Now the ex just wonders if the word commence should be employed in those instances instead of begin or take place, particularly in condition 22 one, because it relates to piling, which is referred to in that condition. It's a licensed activity referenced in the definition of the term commence.

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So all I'm asking the applicant to do here is to take this away for consideration and responded. D6 I'm just looking for you to review the whole DCO for consistency on the on the terms commence, take place and begin because there's certainly no definition of take place and begin. But there is a definition of commence.

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So no action for you here to come back to me verbally, but it's something I think needs to be looked at.

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Yes, absolutely. We can review that for deadline six.

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Fabulous.

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Okay, so now I'm on to some matters which were raised by the MMO in their rep 5-056A submission now in rep 5056A specifically paragraphs 4.5.1 and 4.5.2. The MMO requested changes to D marine licences part one in brackets, two in brackets H and condition 18 in brackets five and this was to

include details of inert material disposal Site, and I'm certain the applicants pick this up from the Moz reps and will include the reference to the disposal site in D6.

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But I just want to issue an action today just to make sure that doesn't get missed.

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Patrick, the applicant yes, that's been discussed with the MMO and we can confirm that it will be included at deadline six.

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Excellent. So secondly, in relation to the MMO rep 5056A um, I would ideally be looking for an update on revisions to condition 18, subpart one in the DML. And it relates to chemicals. Um, now in the MMO rep 5056A, it's page 24. Now the MMO has suggested a revised condition 18 subpart one, but as noted, the applicant does not accept the suggested wording which they've put forward.

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And I'm just asking for why the applicant, Um isn't in agreement on whether this can be resolved before the close of the examination.

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I know for the applicant, the applicant has had a meeting with the MMO on this and explained the concerns that it has, which is broadly that there was a there's a chemical condition that has been included in a number of offshore wind farms that refers to a specific list of chemicals, um, contained in, in guidance or um, I believe, within a treaty, whereas what the MMO have updated it to state is all chemicals and substances. Um, which the concern that the applicant had is that it's very broad.

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And when we discussed it with the MMO, I think they appreciate that they don't want to approve every single chemical that is going to be used in the construction of the wind farm. So they did take a point away from that discussion to come back with any updated chemical wording that they have, um, that they might propose to, to the applicant before the close of the examination, which, if received, the applicant will absolutely consider for deadline six. But as things stand, we've not received any updated wording and continued to believe that the wording as proposed by the MMO requiring all chemicals to be approved, is just too broad to accept.

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It does not seem necessary for the purposes of the development, particularly when there is a consistent approach that has been adopted in other marine licenses, and so it is likely that this point will remain outstanding subject to any further engagement with the MMO on it.

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So in the event that you don't receive something before deadline six from the MMO on this, you're content just to proceed with the drafting of eight condition 18 as it currently stands. Is that correct?

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A pattern of thought? Yes that's correct.

00:17:19:05 - 00:17:19:21

Okay.

00:17:24:08 - 00:17:57:01

Now my third point in relation to the MMOs deadline five submissions in rep 505 6 a.m. relates to comments they made about the Marine Noise Registry on page 41 of their rep. Now it states condition 24 includes a previous standard condition. However, due to updates to the Marine Noise Registry system and reporting it requests, a revised condition is included in the MLRS for piling and any UXO detonations, including low order.

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This is more an action for the MMO as opposed to the applicant, because what I noted from their draft condition, it mentions UXO detonation and condition 24, subpart one. So let me just read out what the suggested revision is. 24 sub bracket one. In the event that driven or part driven pile foundations and detonation of unexploded ordnance are proposed to be used as part of the foundation installation, the Undertaker must provide the following information to the Marine Noise Registry and they go on to provide some sub points, but in those sub points they don't reference, um, unexploded ordnance clearance at all.

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So it just seems to me their draft either draft condition is incomplete or there's no reason for them to reference unexploded ordnance. Um, in the part one of their draft condition. So I don't know if the applicants had any conversations with the MMO about this condition. 24 but if not, I will issue an action for the MMO to to to revisit this before deadline six.

00:19:09:07 - 00:19:21:26

Action rule for the applicant. Um, the applicant does have a meeting with the Moz team, um, including those that discuss the marine licence aspects on Monday. Um, and it's a point that we'll raise with them on Monday and see if we can reach an agreed position.

00:19:22:06 - 00:19:43:01

Okay. I think I'll issue an action anyway for them to look at that condition. because it would be helpful to the examining authority if we could, um, just have some clarity from them. But yes, please, if you could discuss this because it just seems the condition as they've suggested, it just doesn't do what they think it probably should be doing.

00:19:45:09 - 00:20:19:19

Now I move. Want to move on now to two outstanding key concerns which both relate to the MMO. Um, these are the transfer of benefit and force majeure. I just want to know what progress has been made on article seven, the transfer of benefit with the MMO. Um, now we know that this debate is playing out on multiple examinations with the MMO and various applicants, but I just wonder if there's been any further discussion or if that's a discussion you're about to have.

00:20:20:19 - 00:20:25:12

Um, next week. So, Mr. Munro, if you could fill me in. That would be helpful.

00:20:26:05 - 00:20:57:06

Yes, Patrick. If the applicant and the applicant and the MMO have agreed to disagree effectively on the transfer benefit point. It's one that's played out on multiple examinations in the past, with the Secretary of State agreeing with undertakers and developer's position, and has previously rejected that of the MMO that's been put forward. And I'm very aware that it's a live point of determination in the the Grampian Development consent order, for example, it's not just this examination. The applicant isn't going to update the drafting on this.

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It will be a matter that they'll, um they'll submit or the applicant will submit that the examining authority can recommend, um, that this article is included within the DCO if it's made coming on to force majeure. The.

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Before you proceed, Mr. Munroe, I do have something else I wanted to add about transfer of benefit. Um,

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now I appreciate where the current positions are. I just want to understand and again, this is more probably for the MMO, whether article seven could include some additional words that might

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assuage the MMO in some way. So it would be helpful if you could have the DCO back on the screen just so that we can just look at the relevant part.

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So if we can just get that article up in 5-018.

00:22:07:23 - 00:22:09:09

Take my glasses off to see.

00:22:13:04 - 00:22:20:10

No it's the transfer of benefits. So it will be article seven. Um, at the front end. And.

00:22:37:23 - 00:22:41:09

You can't see it here. So if we look at.

00:22:44:19 - 00:22:45:28

Nope, we're still not there.

00:22:56:16 - 00:22:58:21

There we are. Benefit of order. Marvelous.

00:23:00:29 - 00:23:04:12

So if we can come down to seven. Subpart nine.

00:23:07:15 - 00:23:42:12

Yeah. Since there are a notice required under paragraph eight, must state. I just wonder if in part A two it says subject to paragraph nine, I'm not even certain. Subject to paragraph nine needs to be there. I think they're just superfluous words. Given that we're in paragraph nine. Um, it says the date on which the transfer will take effect. Now, I wonder if after the word effect in brackets, we could include the words which must be at least 28 days after the date on which the notice is given.

00:23:43:24 - 00:24:09:29

And the only reason I'm suggesting that, um, is it's just a notice period for the MMO that the transfer is to take place. Now, I don't know if the applicant may have a position on that. Um, but it's something I will put to the MMO, as in as an action for them to respond to whether that, um, could improve that article in the event it remains in the final DCO.

00:24:12:08 - 00:24:41:14

Pattern of the applicant. Um, I don't have any comment on the specifics of that. No know, other than just to know that the most concern, I think, is a more fundamental one with the concept of the marine licence being transferred through the DCO provisions. Um, I know that they haven't proposed any alternative drafting to date on that basis that they think it should be removed entirely. Um, certainly. Again, we'll it's a point we'll flag to them on Monday that there is an action expected on it.

00:24:42:05 - 00:25:07:28

Yeah. Thank you. Like I said, I don't think it will assuage them because I do appreciate they would like article seven not not to be within the DCO, but um, if just a notice period would give something back, um, if it were to remain, it's just something which I'd like for their position on. So you can come on now, Mr. Monroe, on to force majeure. I may have some questions, um, depending on what your update is.

00:25:09:10 - 00:25:43:06

Yes. Patrick Monroe for the applicant. The the applicant included this provision within the marine licenses. It's one that has been included quite consistently across. Offshore wind farms. And it imposes an obligation on the undertaker to give certain notices to the MMO if it is necessary to make a deposit outside of the order limits because of safety to human life, or if the vessel is threatened. Now, the applicant doesn't have a strong position on this remaining in um.

00:25:43:26 - 00:26:16:28

Its in the memos submissions. The applicant thinks that this is a reasonable provision to continue to include within the marine licence, but if the examining authority is minded to remove it, the applicant doesn't have any or recommend to Secretary of State that it be removed, then the applicant is has no concerns about that removal. Um, it's the applicant has included it for a consistency of approach, and it does do something slightly different from the statutory provisions that they may have referred to in the Marine and Coastal Access Act, which provide a defense to criminal liability.

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Um, whereas this is a specific requirement to actually notify the MMO post that activity taking place.

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Now you are right. It has appeared in other echoes. Um, I certainly saw it in Sheringham and Dudgeon and in Norfolk. Boreas. What I noted in the Norfolk Boreas order. It did, however, have a sub part two, which was the unauthorised deposits must be removed at the expense of the undertaker unless written approval was obtained from the MMO. Um, I just wonder why that second part doesn't exist in your draft version. Um, and it's something I'll be asking the MMO whether if this condition were to remain, whether that second part should be added.

00:27:10:18 - 00:27:13:00

I just wonder what your feelings are about that?

00:27:15:00 - 00:27:44:21

I don't know if they can. I'd have to double check the provisions of the Marine and Coastal Access Act, and what the statutory obligations are in the instance that a deposit is made, whether that is already replicated under legislation and which is why that limb was removed in this instance. But certainly the point we'll consider for deadlines six again and and may include but I think the most point seems to be that they, they don't want the, the condition in there at all. Yeah. And and like I said the applicant is neutral on that.

00:27:45:09 - 00:27:45:26

Okay.

00:27:47:29 - 00:28:23:06

So that brings me to the end of the really outstanding key concerns, shy of just saying the seasonal piling restrictions condition obviously is something which is an ongoing discussion. Um, and we did cover that under the ecology part of the agenda, so I won't revisit that. But obviously that does remain one of the outstanding matters Toes, which can affect the DCO drafting. Um, so just, you know, we'll welcome updates on that at deadline six. So is there anything else under agenda item eight a mr.

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Monroe that you want to cover.

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For the applicant. And no, nothing further.

00:28:30:05 - 00:28:35:02

Thank you. Okay. Um, is there any other IP that wants to

00:28:36:26 - 00:28:42:26

talk about updates to the DCO before I move on to the next item?

00:28:46:01 - 00:28:50:06

I don't know, I've got a hand raised. Is it Mr. Troller for BAE systems?

00:28:51:23 - 00:29:02:23

It is. Yes. Graham 3104 BA systems. Um, just point on the restructuring of the requirements that will relate to.

00:29:04:26 - 00:29:24:19

Um, uh, radar and Er services generally. Um, I think given that we're still waiting for several reports from that that, um, relate to both the aerodrome and water now drain. Um.

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We feel that it's a strong pace to have the requirements worded so that in effect, there's sort of Grampian style of conditions that require the mitigation to be agreed before construction commences. So that that that's BA's position on that. And something will be discussing further with the applicant.

00:29:55:24 - 00:30:00:16

Have you put forward suggested drafting to that effect? Mr.. Trella to the applicant?

00:30:01:21 - 00:30:11:29

We have, yes, it's appended to our response to the written questions, um, which we issued on I think it was the.

00:30:12:24 - 00:30:14:06

Is this the deadline five.

00:30:14:13 - 00:30:29:23

It was deadline five. So it was issued on the 16th of January. Okay. So two two appendices to to our written answers to those questions. Um, set out alternative wording for for the requirements.

00:30:32:24 - 00:30:53:05

Mr. Monroe, can I come to you about that? Um, I don't think we really covered that under the aviation item on the agenda. Now, obviously we will be receiving a submission at deadline six, but as we're in the room, um, can the applicant give some feedback on thoughts about that revised drafting?

00:30:55:29 - 00:31:24:22

I don't know if the applicant, um, yes. That including that as a, as a cramping condition in the way suggested is the point. I don't have instructions on today. The latest round of drafting came through yesterday and is with my client. I do acknowledge that several of the other requirements are drafted on that basis, that no part of the wind turbine generator can be erected, excluding foundations. So it is a point of consistency that will be looked at across the requirements.

00:31:26:10 - 00:31:38:15

Okay, presumably that's an ongoing discussion with Mr. Troller and his clients and yourselves. So hopefully bottomed out before close of exam.

00:31:39:15 - 00:32:14:08

Action with the applicant. That that aspect certainly will be and there'll be discussion around the requirements as a whole. If there are any points of difference at deadline six, I don't expect them to be

extensive and we would include include as part of our final submissions at deadline. Six while the applicant's preferred drafting should be accepted where there is any point of disagreement and why, we think it does a sufficient job of securing the mitigation. But like I said, the updated draft was received yesterday will get a further version back to be or confirm agreement as soon as we possibly can, and that that is out for instruction just now.

00:32:14:14 - 00:32:23:24

Okay. Thank you very much. Mr. Mueller, is there anything you wanted to add before I move on to the next item? It seems that there are discussions happening around that.

00:32:25:10 - 00:32:30:29

Graham Island for Bay systems. Not at this point. Now, I think there will be ongoing discussions.

00:32:31:08 - 00:32:52:06

Okay. Thank you very much. Okay. So on to agenda item eight B. This is very brief. I don't have any questions other than just to ask for the applicant to explain if there are any additional certified documents to schedule five of the draft DCO, um, and any updated versions of the environmental statement that may be submitted to deadline six.

00:32:54:21 - 00:33:24:11

Action for the applicant. I think it was referred to earlier on that there'll be some application documents, um, relate to the environmental statement are being updated to the Marine Mammals chapter, for instance, so there will be at least minor amendments to schedule five around document numbering at the very least. Um, but there's no there's no further, um, substantive documents that have been added into the DCO that need to be added or that will be added into the DCO at deadline six and need to be added to that schedule.

00:33:25:05 - 00:33:25:23

Okay.

00:33:26:16 - 00:33:46:21

Thank you. So on to the final matter. Um, which is ASC, and it says the ex will ask for a summary of any further updates expected to be made in the final D6 version, but I think you covered that right at the outset of of the DCO part of the agenda. So, but wanting to give you a final comments, Mr. Munro, before we close out item eight.

00:33:47:28 - 00:34:02:13

Action for the applicant. Um, nothing further substantive that we've not already discussed. Um, there's been a number of typographical and cross-referencing errors that have been noticed since deadline five. That will be corrected. but no significant updates expected.

00:34:02:22 - 00:34:12:01

Okay. Thank you. Well, I'll draw item eight, which is the draft of consent order to close, and I'll now hand over to Mr. Bradley. He's going to go through the remainder of agenda items nine and ten. Thank you.

00:34:15:06 - 00:34:30:03

Thank you. Item nine statements of common ground. Would the applicant please confirm progress on any associates that have not already been discussed earlier? Uh, for example, Historic England.

00:34:32:04 - 00:34:55:07

If the applicant. The only one that I had on my list that we've not already discussed was Historic England. And, um, the applicant believes it's now an agreed position with Historic England. It's been sent to them to be signed. It's not been returned yet, but there is a meeting arranged between the parties before deadline six. Um, so if it's not returned by email, it's anticipated to be closed out of that meeting.

00:34:57:03 - 00:35:14:07

Good. Thank you. Uh, so is it right if we try to cast a mind back to the discussions earlier on today? Um, are there any sausages which you consider may not be finalised by d6?

00:35:20:06 - 00:35:43:21

I don't know if the applicant. They still have common ground or state IPS may not be one that's, um, submitted in a statement of common ground form. I think, um, as the examining authority noted earlier on, the positions of the parties are pretty clear. It may not be of any benefit for that to be repeated through a statement of common ground. So there may not be a version submitted at deadline six.

00:35:48:27 - 00:35:49:19

Thank you.

00:35:52:00 - 00:35:59:19

Unless my colleagues have any further questions on sausages, we'll move on to agenda item ten. Any other matters?

00:36:03:01 - 00:36:33:05

So just for the benefit of the recording, as Mrs. Hunt explained in the introduction to the hearing, uh, the Dorgan Marine Limited have asked to speak at this hearing. Uh, although we refer to them from now on as BML, if we may, uh, although BML doesn't have the status of an interested party, uh, being a late entrant to this examination, the Xa has exercised its discretion to include them in this hearing.

00:36:34:09 - 00:37:07:19

We've read in detail BML submission made at deadline five. To help us make a recommendation to the Secretary of State. It will be helpful to the examination to get a few points of clarification. Technically, um re-emphasized that the examination is primarily a written process. Therefore, there's no need for a summary or a repetition of D5 submissions. Um, and then we'll give the opportunity to the applicant and any other IPPs to briefly respond.

00:37:09:19 - 00:37:30:18

So two BML um, firstly, could we please have on screen the illustration from Repp 5093 section seven, which shows a schematic entitled Multi-Use Agriculture and Wind Production. Thank you.

00:37:32:09 - 00:37:47:20

Um BML uh, for clarification, is it correct to understand that this schematic indicates an array block of approximately 50 hectares set within a wind turbine array?

00:37:51:06 - 00:37:51:21

Ah.

00:37:52:00 - 00:38:23:12

Good afternoon. Can I introduce myself? I'm George, Sir George Merrick from the BML. Um, and the short answer is that this is not intended to be to scale. It is just a schematic, an illustration. And it was produced by MI's partner, the leading offshore mussel fisherman, Mr. James Wilson, who sadly can't be with us today. But any questions can be, uh, passed on to Mr.

00:38:23:14 - 00:38:24:22

Wilson for his comment.

00:38:28:09 - 00:38:38:23

Thank you. And, uh, I'd anticipated the the question of its, its provenance. Was it produced specifically for reference to the Morgan proposed development?

00:38:40:07 - 00:38:44:05

Uh, Sir George Merrick for the organ marine BML uh, no, sir.

00:38:45:12 - 00:39:04:27

Okay. And, uh, the schematic here of this rectangular square array of suspended ropes on boid lines is comprised of multiple sub blocks. Is that a correct understanding?

00:39:07:11 - 00:39:23:21

Uh, so my understanding. So there's a number of different lines that operate in parallel. But I think rather than I'd rather put that question to Mr. Wilson, sir. And um, who is the leading expert in this field?

00:39:24:09 - 00:39:27:16

Okay. Thank you. Uh, the image can come off screen now.

00:39:32:05 - 00:39:35:16

Thank you. Um, so, Sir George, um, the

00:39:37:03 - 00:39:53:23

the essay notes that the applicant has made the case in this application for the proposed turbine spacing of 1400 meters on the basis of enabling existing fishing activities to return to the whole array area and not just to the SMS.

00:39:55:14 - 00:40:02:21

So has BML considered whether you're suggested cities uh,

00:40:04:11 - 00:40:08:23

could co-exist with mobile fishing activity, mobile gear, fishing activity?

00:40:10:03 - 00:40:51:04

Uh, thank you sir sir George Merrick for BML. The short point is that, uh, offshore aquaculture and mobile fishing are not consistent users. However, our point is, is that this is a large area and we would be proposing to occupy only a small part of the development area, a modest part which will allow our space for other users to continue. I think Mr. Wilson and I would be better for him to comment directly, but Mr. Wilson has told me he is doubtful as to whether mobile fishermen will really fish within these turbine areas because of the liability issues, but that may be better addressed by him.

00:40:52:24 - 00:41:06:16

Thank you. Another question you could perhaps take away, uh, if necessary, is, um, how would long term access to, uh, cabling between turbines be, uh, assured?

00:41:08:15 - 00:41:28:27

Uh, I will put that to Mr. Wilson, but as he's explained it to me, we would be looking to to place an aquaculture, uh, arrangement in, in some way where it would not interfere with any of, with any of the access requirements or infrastructure of the operator. And and he believed that to be possible. But I can get him to confirm that in writing.

00:41:30:00 - 00:41:37:29

Thank you. And, um, how would the arrays of muscle ropes be marked for safe navigation?

00:41:40:03 - 00:42:02:24

Uh, I believe that was, uh, dressed in our representation. And, uh. Uh. I could find the relevant part. But again, if I could put that question to Mr. Wilson, who would answer it more comprehensively than I can, but I think he has, um, I think there are norms and standards that are well established that he's proposing to use.

00:42:06:15 - 00:42:10:08

And, uh, the last question I have is

00:42:12:00 - 00:42:23:24

how would emergency response navigation, in particular marine navigation rather than helicopter navigation, obviously be assured within the, uh, arrays?

00:42:26:24 - 00:42:29:19

Uh, I'd like to put that one directly to Mr. Wilson, sir.

00:42:30:04 - 00:42:30:19

Okay.

00:42:32:06 - 00:42:41:14

So would any IPS like to comment at this point? Um, I've got to hand up from Mr. Hashimi, I think. Is that right?

00:42:46:01 - 00:42:46:27

Mr. Hashimi?

00:42:48:09 - 00:43:28:16

Uh, yes. Uh, for him. Hashimi from S.F.. Actually, my hand was the legacy from the previous one. This, uh, statement of common ground. But I see the, uh, this proposal for, uh, muscles in the, uh, within the windfarm. So my point for is to, uh, statement of common ground was we are working, uh, working with an applicant to finalize the, uh, statement of common ground, but there are some discrepancies and, uh, lack of agreement in terms of some key points, including, uh, scallop mitigation zones.

00:43:28:24 - 00:43:43:14

But in terms of this, uh, this presentation, uh, well, uh, overall fishing industry, uh, will have difficulties, uh, fishing close to any, uh.

00:43:45:23 - 00:44:05:24

Margin forms. Uh, I don't have that much details of the presentation that has been presented, but, uh, I assume some kind of snagging issues if fishing vessel gets close to the, uh, proposed, uh, uh, structures. So. Thanks.

00:44:06:08 - 00:44:09:00

Thank you, Mr. Henry. Um.

00:44:11:03 - 00:44:30:07

Sir. George, um, has any environmental assessment work been done on, uh, in either relation to this? Um, Morgan proposed development, um, location, uh, of the potential impact of mussel farming, for example, on the benthic habitat.

00:44:31:03 - 00:44:46:14

Uh, Sir George Merrick, BMO Dorgan. Uh, the short answer is no. Uh, however, uh, the Dorgan and Mr. Wilson are carrying out environmental impact assessment activities in other parts of the ocean and the Irish Sea.

00:44:47:26 - 00:45:00:27

Thank you. So over to the applicant. Would you like to respond at this point or, um, merely to submit a written response at deadline six.

00:45:02:17 - 00:45:32:26

Thank you sir. Liz Dunn, on behalf of the applicant, um, I think you've raised some very pertinent questions, um, in respect of this, uh, of this submission. I won't call it a proposal, uh, in respect of this submission. And we will be making, um, detailed, uh, submissions in response to it. Um, I think there are there are a few key points. Um, so you may be aware that this has also been raised in respect of the Moana Offshore wind project and indeed the more common project.

00:45:34:05 - 00:46:05:05

Um, the submissions made by Dorgan in respect of, um, somehow Morgan having sort of having supposed to have guessed that this was something that they would consider and look at separately is just, um, uh, difficult to believe given that these representations were only made at deadline five. How on earth a project could be considered to try and accommodate something which it had no knowledge of? Um, uh, is is clearly not possible.

00:46:05:18 - 00:46:37:17

Um, it's also been very clear from the responses to your questions that this isn't a detailed proposal. It hasn't considered the particular conditions around the Morgan area, the interaction with existing fishery, uh, and all those other matters, um, seabed conditions, etc., etc.. Um, I think there are some key points around the requests that have been made. Um, regarding Morgan, and we will put these, um, in writing at the same points we've made in respect of the Moana proposal.

00:46:38:03 - 00:47:12:23

Um, bodega marine seems to be suggesting that Morgan can grant them some rights within their agreement for lease area. That simply isn't the case. We do not have the ability to sublet any part of. We're not even at lease yet. We're in agreement for lease stage. Um, we don't have the ability to, uh, sublet. And we certainly don't have the ability to amend the lease that has been proposed by the Crown Estate. Uh, those documents are confidential, and we're not able to share them. But we have asked the Crown Estate to submit a statement confirming that for deadline six.

00:47:12:27 - 00:47:49:08

And we're hoping that will be provided. Um. Uh, yes, we'll respond to all the other points in detail, but it's very clear that this, uh, suggestion, uh, has not, uh, has not been developed to any stage of proposal where the Morgan Project can even properly consider it in the context of all the other assessments considerations, constraints that have been brought forward. So we'll be responding in detail to the representation that deadline six. But our submission sir is that it it it it doesn't need to be and shouldn't be considered further in this examination.

00:47:51:06 - 00:48:14:26

Thank you, Mr. Dunn. Um, just, uh, one point of clarification, uh, which speaks to one of the asks from the Dorgan and that is, um, it's done. Does the outline FLC as drafted exclude potential future coexistence of aquaculture?

00:48:23:12 - 00:48:58:22

At least done on behalf of the applicant? Um, it doesn't exclude it. No, it doesn't make provision for it at this stage because as, um, as we've Indicated that this has only just been brought to our attention, and as we've said, it isn't yet a detailed proposal or even is there any evidence that it would succeed in this area? Um, if the applicant, um, has made very clear on the Moana project that it's willing to continue to talk to marine at an appropriate time, but that time is not now.

00:49:01:24 - 00:49:06:27

Thank you. Uh, we have. Hands up. Did I see a hand up for Mr. Kelly?

00:49:10:06 - 00:49:11:10

No. You did.

00:49:11:20 - 00:49:12:05

Uh.

00:49:12:18 - 00:49:13:06

Mr. Kelly.

00:49:13:08 - 00:49:30:03

This may be unfair for me, but from a personal point of view, I was serving as master of the CTV vessel within the wind farm installation. I see the latest proposal as a major danger to safe and effective navigation of a high speed craft within the field.

00:49:33:19 - 00:49:39:04

Especially in foggy conditions where there's any rumble where you couldn't see the floats.

00:49:40:21 - 00:49:47:26

Thank you. Um, thank you very much. I see a hand up from Mr. Stratford.

00:49:49:19 - 00:49:50:04

Yes, sir.

00:49:50:06 - 00:49:51:24

Thank you. Thank you very much.

00:49:52:14 - 00:49:52:29

Uh, I won't.

00:49:53:01 - 00:50:23:20

Take very long. I'd just like to make, um, four quick points. Um, bearing in mind that you don't want to hear repeats of what we've already said. Um, for quick points and building, funnily enough, on Mr. Kelly's earlier point about fishing being squeezed out. Um, with all the offshore wind farms, um, certainly the exclusive, um, lease from Crown Estate would exclude any future activities such as aquaculture for a period of at least 60 years.

00:50:24:14 - 00:51:12:14

Um, and his point about food production, um, being an important priority over or as well as energy production is worth your consideration. Second point, um, is a policy point, which I know is your remit anyway. But um, and we, we will make, uh, subsequent submissions at D6. Um, but throughout um N1 and N3 of the NPS, the words maximise and create opportunities, all relating to co-location and coexistence, engaging with stakeholders, collaborating detailed consultations, achieve greater co-location and that mitigation should enhance all of that.

00:51:13:02 - 00:51:41:29

Doesn't seem to have been done concentrating quite rightly, of course, on current fishing activities, with the future pretty much being excluded. Um, and it seems to us, um, that this is worthy of further consideration, not just with Morgan, but also with Mona and Morgan. And we're making similar representations on each one of them. Thank you very much, sir.

00:51:42:18 - 00:51:45:07

Thank you. And Sir George Merrick.

00:51:47:14 - 00:52:14:15

Thank you, sir. Sir George Merrick, the BML. I'm just responding to your point, sir, about the fisheries plan allowing for co-location within the 60 year term of the lease of this wind farm. That may well be the case on paper, sir, but the point that we are making is that the Crown's leasing practices and this has been confirmed by Miss Dan, are create an effectively a lockout.

00:52:16:08 - 00:52:52:09

Uh, because once the lease is granted, there's no provision for subletting confirmed by Miss Dunn and no allowance for alternative forms of user. Also confirmed by Miss Dunn. So effectively, once this DCO is granted and the lease is granted, you have a 60 year sterilization. And that is our problem is huge. Areas of C are being granted by the Crown on a Norman scale, and they will relate to lockout. And it's, I think, constructive that we've had decades of policy documents calling for co-location and coexistence.

00:52:52:13 - 00:53:09:09

And yet in the UK, unlike European countries, there's been not a single instance of co-located agriculture other than Mr. Wilson's experiment with the North Pole wind farm back in 2010, which was arranged in such a way as to avoid the need for a Crown consent.

00:53:09:19 - 00:53:40:27

Sir George, thank you. Um, at that point, I think your representation is clear that that certainly, um, loud and clear in your written submission at D5. What I would ask is that, um, you would, uh, minimize additional, uh, evidence at D6 because that is so very close to the end of this examination that it's, um, starting to, uh, threaten the opportunity for fair response from the applicant.

00:53:41:07 - 00:54:03:27

Um, the applicants got every opportunity to respond to what you said today. In anything that's been additional to your deadline. Five submission. Um, and, uh, we will take all of these matters into, uh, full consideration, um, at the end of the examination. Thank you. Um,

00:54:05:18 - 00:54:29:29

before closing. Agenda item ten. Are there any other matters that anyone wishes to raise after what they've heard today? Is there anything that we've missed? Um. And I would just like to call on the TSC in particular. Is there anything further that, um, Mr. Armitage that, uh, the TSC would like to put into this hearing?

00:54:31:01 - 00:54:56:17

Um, there's nothing specific that we would like to add. Um, possibly a point of clarification on earlier that the Austin morning application we understand definitely is now going ahead on 12th of March. Um, and I know there was examiners questions regarding that with regards to whether that would be decided before Secretary of State. But those are our written comments.

00:54:58:12 - 00:54:59:03

Thank you.

00:54:59:07 - 00:55:04:19

Thank you very much. Um, hand up from the applicant.

00:55:07:17 - 00:55:47:23

Yeah. Patrick, for the applicant, it's just a very small point relating to Natural England's submission and the risk and issues log, um, that they intend to submit a deadline. Six. There's a point of Natural England's internal procedure where they've said there are aspects of the risk and issues that can be addressed through minor updates to the physical processes and benthic environmental statement chapters, but they cannot update their risk and issues. Log for deadline six unless those documents are already in the examination, so the applicant is likely to submit those and requests that they accept as an additional submission in advance of deadline six to allow Natural England's final position to reflect what has been agreed with them in meetings.

00:55:48:04 - 00:56:07:12

I appreciate that that is a matter that the examining authority will have to decide when the additional submission is made, which is why I want you to give notice now. But they're not significant updates that will change the position. Otherwise they would be submitted at deadline six anyway, so the applicant would just bring it to the attention now so that that point can hopefully be closed out by deadline. Six.

00:56:08:17 - 00:56:12:29

Thank you. That's very good. The ESA agrees to that proposal. Thank you.

00:56:14:17 - 00:56:21:26

Um, good. I think that is now an opportunity to pass to Mrs. Hunt. To conclude the hearing.

00:56:24:22 - 00:56:57:00

Thank you. We've made a number of action points, which we expect. The parties have also been making a note of. We won't run through them before we close. There will be published on the project web page as soon as possible after this hearing. And the deadline for all the action points is deadline six, which is Thursday the 27th of February. And just to remind all parties that we are at the tail end of this examination, every effort should be made to cooperate and submit information as requested at this deadline.

00:56:57:26 - 00:57:24:22

And as mentioned earlier, deadline seven on Monday, the 10th of March is only for receipt of further information requested by us under rule 17 of the Infrastructure Planning Examination Procedure

Rules. It's not to be used by the applicant and interested parties or any other persons as a As a final deadline for submission of any information unless it's been requested by the examination authority.

00:57:27:02 - 00:57:31:14

Otherwise, it would be prejudicial to to to us and to other parties.

00:57:33:19 - 00:57:48:25

There is a list of information that we require at deadline six, which is in set out in the published rule eight letter, which is PDF 002. I won't go through that. Um, there are a number of other documents

00:57:50:14 - 00:57:52:01

which have been mentioned

00:57:53:16 - 00:58:18:19

in submissions or today, um, which which will be in the action points. But there's also I've got on my list an updated version of the project description chapter with an update to table 3.7. And that's further to the applicant's response to first written question. DCO Point 19. So it's just a reminder on that.

00:58:20:04 - 00:58:37:08

Um, also the errata sheets. Um, where that was in response to our first written question, Gen 1.1. And just, just to just a reminder that they should be appended to the documents where there are less than ten errors.

00:58:38:27 - 00:58:47:15

We expect an updated cumulative effects screening matrix as per the applicant's response to the first written question. See 1.1.

00:58:53:15 - 00:58:55:18

I think that's everything. Is there anything else?

00:58:57:06 - 00:58:57:21

Nope.

00:58:59:15 - 00:59:37:05

Okay. On behalf of my fellow panel members, Mrs. Laver and Mr. Bradley, like to thank you all for contributing both in person and online to this examination, and your input and responses have been very useful. I'd like to extend our thanks to Simon Ray wood, the case manager and the wider Planning Inspectorate team, and to the audiovisual staff who ensure that we publish, record and broadcast without issue the information disseminated during this examination. A digital digital recording of today's proceedings will be made available as soon as possible on the project page, as will a list of the action points.

00:59:38:20 - 00:59:50:26

The time is now 439, and this has been the final issue of specific hearing in the examination of the Morgan Offshore Wind Project generation assets. This hearing is now closed. Thank you.

00:59:54:12 - 00:59:55:12

Thank you, Madam Chair.