PINS Reference: EN010027

Walney Extension Offshore Wind Farm

DRAFT Statement of Common Ground

Between:

1. DONG Energy Walney Extension (UK) Limited

2. Isle of Man Government

In relation to the proposed Walney Extension Offshore Wind Farm

Walney Extension Offshore Wind Farm

Statement of Common Ground – 14 March 2014

DONG Energy Walney Extension (UK) Ltd.

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Revision history

Version	Date	Author	History
1	21/11/13	Hugh Yendole, DONG Energy	First draft for discussion with IOM Government
2	12/01/14	Hugh Yendole, DONG Energy	Second draft issued to the IOM Government
3	13/04/14	Paul Clarkson	Edit received from IOM Airport
4	14/04/14	Hywel Roberts	Additional aviation detail added
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Final	14-03-14	Hugh Yendole, DONG Energy	Signed by all parties for submission to the Examining Authority for the Deadline no. IVa of 14-03-14

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On behalf of	Isle of Man Government
Date	14th March 2014

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Position	Project Manager
On behalf of	DONG Energy Walney Extension (UK) Limited
Date	

1 Introduction

1.1 This Statement of Common Ground (SoCG) has been prepared in respect of the application for a development consent order (DCO) for the Walney Extension Offshore Wind Farm, submitted to the Planning Inspectorate (PINS) by DONG Energy Walney Extension (UK) Limited (the Applicant) on 28 June 2013 under the Planning Act 2008 (the Application).

1.2 This SoCG, between the Isle of Man Government (IOMG) and the Applicant, has been produced to identify areas of agreement, and where there remain topics or specific issues of disagreement between the parties. SoCGs are an established means in the planning process of allowing all parties to focus on specific issues that need to be addressed during examination and are envisaged by Rule 8(e) of the Infrastructure Planning (Examination Procedure) Rules 2010. Additionally, the SoCGs may be requested by PINS as a means of informing their examination of a DCO application.

2 Structure

2.1 The structure of this SoCG is based upon the topics raised within PINS Rule 8 letter dated 20th November and the information contained within the relevant representation made by IOMG in response to the publication of the Application. The structure of this SoCG is as follows:

- Introduction
- Structure
- The Development
- Response to Examining Authority's Rule 8 Questions
- Application elements under remit of IOMG
- Consultation
- Topic specific matters agreed, not agreed and actions to resolve in relation to impacts on Isle of Man interests
- Glossary

2.2 Unless otherwise stated, the points set out in this SoCG are agreed between the parties to it. Points that are not agreed are clearly stated and will be the subject of on-going discussion wherever possible to resolve, or refine, the extent of disagreement between the parties.

2.1 For clarity, there is no disagreement between the Applicant and IOMG with regard to the following topics and accordingly these are not covered further in this SoCG:

- The policy context relating to the Project outlined in Chapter 2 of the Environmental Statement accompanying the Application (ES)
- The ES methodology outlined in Chapter 3 of the ES

- The description and process of site selection and consideration of alternatives set out in Chapter 5 of the ES and Chapter 3 of the Planning Statement.

- Issues relating to the potential impact of the Project on onshore receptors within the United Kingdom detailed in Chapters 22 to 29 of the ES.

- Ecological topics other than those related to potential impacts on basking shark and herring spawning detailed in Chapter 11 (Fish Ecology), Manx Shearwater detailed in Chapter 13 (Offshore Ornithology) and designated sites detailed in Chapter 15 (Nature Conservation) of the ES.

- Potential impacts on the physical environment detailed in Chapters 7 and 8 of the Environmental Statement.

- Potential impacts of the Project in respect of Commercial Fisheries (Chapter 17 of the ES) , Marine Archaeology (Chapter 18 of the ES) and Marine Infrastructure (Chapter 21 of the ES).

3 The Development

3.1 The Application relates to the construction and operation of an offshore wind farm (The Project) located in the Irish Sea approximately 19 km west-south-west of the Isle of Walney in Cumbria, 26 km southwest of the Millom coast in Cumbria, 35 km northwest of the Fleetwood and Blackpool coast, and 31 km southeast of the Isle of Man. The proposed Project covers an area of 149 km² and will connect, via underground cables, to a new onshore substation, which will be built by the Applicant close to the existing Heysham 400 kV substation.

3.2 The proposed DCO will, amongst other things, authorise:

3.2.1 offshore: wind turbines and foundations (up to 207 wind turbines with a maximum tip height of 222m to provide an installed capacity of up to 750MW); up to three offshore substations and foundations; undersea cables between the wind turbines and offshore substations; up to five buried offshore undersea export cable systems to transmit electricity from the offshore substations to the shore;

3.2.2 onshore: a landfall site at Middleton Sands near Heysham, with onshore transition joint bays to connect the offshore and onshore cable systems; up to five onshore underground export cable systems with jointing bays to transmit electricity to a new onshore substation, close to the existing Heysham 400 kV substation, to connect the offshore wind farm to the National Grid;

3.2.3 the permanent and/or temporary compulsory acquisition of land and/or rights for the Project; overriding of easements and other rights over or affecting land for the Project; the application and/or disapplication of legislation relevant to the Project including inter alia legislation relating to compulsory purchase; and

3.2.4 such ancillary, incidental and consequential provisions, permits or consents as are necessary and/or convenient.

3.3 The Project is described in detail in Chapter 4 of the Environmental Statement (ES) which accompanies the application for development consent

3.4 The exact size, layout and methodology for delivery of the proposed wind farm is yet to be determined and the Applicant needs to retain some flexibility to take into account technological advancements, infrastructure availability and costs up to the time of construction. For this reason, the proposal is described in the form of a design envelope, which states the maximum adverse case scenario within which the project would be built. This is an established principle, also known as the 'Rochdale envelope' which is commonly used for proposals of this type, where there is a rapid development of the technology, changing market conditions and a long lead- time to construction.

3.5 The Application was submitted to PINS on 28 June 2013 and accepted for examination on 22 July 2013 under PINS reference EN010027. Notice of the Application was publicised between 1 August and 20 September 2013.

4 Response to Examining Authority's Rule 8 Questions

4.1 The following questions included in the Examining Authority's written questions issued on 20th November 2013 are dealt with in this SOCG.

Q11.B.2	Concerns have been identified about the impact of the proposed Walney extension on shipping routes, particularly ferries, including an alleged loss of flexibility to divert in response to adverse weather or other potential difficulties. The applicant's analysis (ES chapter 16 and appendices) suggests that the main impact on shipping routes will arise from the approved West of Duddon Sands Wind Farm (WoDS) and that the marginal impact of the Walney extension will be "minimal" as ferry traffic will be displaced to the south and west of the WoDS windfarm. Assuming for the purpose of this question that there is no development in the NEPDA do you agree with this analysis by the applicant? If not can you please set out why the analysis in the ES on this issue is inadequate or flawed.	Addressed in section 7.
Q11.B.8	Your relevant representation identified safety concerns relating to interference with navigation systems. This has been assessed by the applicant in the ES. Could you please clarify whether you are noting this as an issue that has been assessed and agree with the assessment? If not, please clarify the nature of your concerns with the applicant's assessment and set out your understanding of the nature and scale of the safety concerns relating to navigation systems.	Addressed in section 7.

5 Application elements under remit of the Isle of Man Government

5.1 The Isle of Man Government is the government of the Isle of Man, a self-governing British Crown Dependency. The Government consists of 9 departments which report directly to the Council of Ministers, the principle executive body of the Crown Dependency.

5.2 Three departments which make up the Marine Spatial Planning Group of the Isle of Man Government have been involved with consultation on the Application; the Department of Infrastructure, the Department of Economic Development and the Department of Environment, Food and Agriculture.

5.3 The Isle of Man is not a European Economic Area (EEA) State and therefore is not a trans-boundary consultee under Regulation 24 of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2009 (as amended).

6 Consultation

6.1 The consultation carried out by the Applicant, and the way in which it has informed the Project proposals, is set out in full in the Consultation Report (Document 5.0) submitted with the Application. This pre-application consultation has included IOMG.

6.2 This consultation has included providing IOMG with documentation for review and comment throughout the pre-application process, for example through provision of technical reports and draft ES chapters.

6.3 Consultation with IOMG continues in order to discuss and resolve outstanding issues and develop resolutions to those items listed in this SoCG. A preliminary meeting to discuss the likely response of the IoMG was held on 10/4/13 in anticipation of a requirement for a SoCG. Further meetings are being scheduled to continue this interaction with the goal of concluding the SoCG before 12/12/13.

6.4 Direct consultation has been undertaken to date with the state-owned Isle of Man Airport (IOMA) as set out below:

The Applicant engaged with the IoMA on the Project during the pre-application process, through non-statutory engagement and statutory consultation carried out pursuant to Section 42 of the Planning Act 2008. The consultation undertaken by the Applicant during the pre-application process is detailed in the Consultation Report which accompanies the DCO Application and demonstrates how the Applicant has complied with its duties under Sections 42, 47, 48 and 49 of the 2008 Planning Act.

Consultation activities with aviation interests are summarised in Section 20.3 of the ES. Table 20.2 of the ES summarises the issues which have been highlighted by IoMA and other aviation stakeholders, and indicates either how these issues have been addressed, or how the Applicant has had regard to them.

The first contact from IoMA regarding the Project came in the form of a letter from IoMA, dated 22/11/2012. The letter from IoMA was a response to the Project's Preliminary Environmental Information (PEI), which stated the following:

"This extension is not under any ATS route so the area itself has minimal impact, but the cumulative effect of wind farms in the Irish Sea needs to be considered, especially as both the radar and radar displays do already occasionally drop full sectors of returns in severe clutter conditions"

Further to the above PEI response, the Applicant sought to address the cumulative effect of wind farms in the Irish Sea within the draft ES. On 09/01/2013 IoMA were offered the opportunity to review and comment on the draft ES (note – the draft ES had been drafted with a view to addressing the above PEI response from IoMA). IoMA did not respond. As such, the impact assessment and cumulative impact assessment relating to IoMA remained essentially unchanged between the issue of the draft Walney Extension ES, and the issue of the final Walney Extension ES in June 2013. Given the fact that (a) the IoMA's response to the PEI confirmed that the Project is not under any ATS route, and so therefore presents a minimal impact, and that (b) the IoMA did not respond to either the draft ES, or the ES itself, the Applicant took the decision not to follow-up with additional requests for consultation meetings or telecons.

On 19 September 2013, the Applicant received a Section 56 Relevant Representation from the Isle of Man Government's, Department of Infrastructure, via the Planning Inspectorate. The text from that Relevant Representation that relates to aviation is copied below:

"The Isle of Man is supportive of the generation of renewable energy. There are a number of cumulative impacts from this development which we ask to be taken into consideration. There must be measures put into place by DONG Energy which take into account the need to protect economic growth, transport networks, and the natural environment of the Isle of Man. The Isle of Man is an offshore island that ultimately depends upon its transport linkages. This development would have impacts which clearly need to be addressed [including] *impacts of the turbines on aircraft radar on aircraft safety and movements".*

The above Relevant Representation prompted the Applicant to schedule a telecon with IoMA on 07/10/13, at which the IoMA raised Air Traffic Control (ATC) related concerns. During the telecon, the Applicant put forward its position that, unless contrary evidence could be provided, the Applicant would maintain that, as stated in the ES, the stand-alone effect of the Project on the IoMA ATC Primary Surveillance Radar (PSR) would not be considered to be significant.

In order to better understand the IoMA's concerns, the Applicant, and its contracted aviation consultants, arranged to visit the IoMA for a meeting on 24/10/13, at which the IoMA further detailed their ATC-related concerns, including a tour of the ATC radar display screens. In emails dated 01/11/13, and 08/11/13, the Applicant reiterated that, in its opinion, the impact of the Project on the IoMA PSR does not warrant the implementation of a technical mitigation solution, such as a new gap-infill type radar. In an email sent to the Applicant on 07/11/13 the IoMA's position was revised to:

"…we do see the Walney Extension as a serious issue"

The Applicant sought an initial view from the CAA regarding the difference of opinion and, having done so, encouraged IoMA to do likewise. In an email dated 08/11/13, and during a follow-on telecon on 14/11/2013, the Applicant questioned whether the IoMA were maintaining an expectation that a technical mitigation solution, based on a new gap-infill type radar, might be required. IoMA confirmed during the telecon that this was one of a number of potentially viable solutions that might be warranted in lieu of the potential impact on the IoMA's PSR. The Applicant suggested that, in terms of aviation, this area of disagreement would form the basis of this SoCG (see Section 8). It was agreed that it's in the interest of all parties to present as much information as possible within the SoCG, and that doing so would allow both parties to work together constructively to develop informed positions that would then not need to be revised at potentially short notice during the PINS Examination process.

During a telecom held on 06/01/2014 between IoMA, the Applicant, and the Applicant's contracted aviation consultants, the Applicant provided the IoMA with details of the Transponder Mandatory Zone (TMZ) mitigation solution that's been confirmed by the MoD and BAE Systems as the preferred mitigation solution for Warton Aerodrome. The IoMA confirmed that the implementation of the proposed TMZ should mitigate the IoMA's PSR-based ATC concerns but may not address issues with the new MLAT modes surveillance system (see 8.3).

6.5 The Isle of Man has been regularly consulted on shipping and navigation issues and is considered a key maritime stakeholder.

6.6 The Isle of Man Government was invited to attend the Navigational Working Groups (NWGs) held by the Project to inform, and invite feedback upon, the Project.

6.7 The NWG comprised a wide number of navigational stakeholders, including the Applicant, regulators, commercial operators and ports) met four times: on the 25 May 2011; the 7 December 2011 (HazID Workshop); 29 March 2012; and 5 December 2012.

6.8 The Isle of Man Government attended one NWG – the final workshop held on 5 December 2012.

6.9 The table below briefly highlights the NWG details:

NWG	***Date***	***Location***	***Topics***
1	25 May 2011	Morecambe	-Project update -DCO process -NRA methodology
2	7 December 2011	Lancaster	-NRA Baseline data review -HazID workshop
3	29 March 2012	Lancaster	-NRA Update
4	5 December 2012	Liverpool	-Simulation presentation -NRA update

6.10 The Isle of Man Government was consulted in relation to the Preliminary Environmental Information (PEI) issued by the Applicant on 3 September 2012 and provided its response in a letter on 15th October 2012.

6.11 Another meeting was held with representatives of the Isle of Man Government on 15 January 2013 where shipping and navigation issues were discussed

6.12 On 6 March 2013 the Isle of Man Government provided a response to the draft ES chapters, where shipping and navigation concerns were raised

6.13 A further meeting with the Isle of Man Government was held on 10 April 2013 when shipping and navigation issues were discussed

6.14 The Project responded to concerns raised in the Isle of Man Government's ES response in a letter on 5 August 2013.

7 Impacts on shipping

Ref	Issue	Comments of IOMG	Comments of Applicant	Status
7.1	Cumulative impacts on shipping routes	Issues over impacts on lifeline shipping routes to and from the Isle of Man constitute one of our main concerns regarding this proposed development. There are major concerns over safety and the economic implications regarding the cumulative effects if a second development should go ahead as part of the Celtic Array proposals. **<u>Additional comments as per 11th December 2013</u>** If the Celtic Array development is approved the cumulative impact will reduce sea room available on this long established route to the Isle of Man, depriving Masters of optional weather routing in a sea area known for its harsh climate. The potential gap between Walney Extension and Celtic Array North East Potential Development Area (NE PDA) will restrict future traffic into a bottle neck scenario where a number of navigational issues may arise (radar	The Applicant has given adequate consideration to the potential cumulative impacts of the Project and other developments on shipping and navigation activities and operations. The Applicant cannot accept that there would be an impact on the ability of IoMSPC ferries to undertake bad weather routing as a result of the Project. The Applicant does not accept that service cancellations, reputational and revenue losses and economic disruption to the Isle of Man economy and its population as a result of impacts upon bad weather routing will occur as a result of the Project. It is concluded in the NRA that the proposed minimum 'gap' between the Project and the Celtic Array NE PDA is sufficient for the volume and composition of traffic that will be transiting the area. Furthermore, the Applicant is of the opinion that the Project does not contribute to other shipping related	Not Agreed

Ref	Issue	Comments of IOMG	Comments of Applicant	Status
		interference, safe distance from other vessels, ability to divert in an emergency and possible mishaps). The applicants have not recognised the economic significance of the Douglas to Heysham ferry route. Response 14th January 2014 The applicant ES (Chapter 16/Shipping &Navigation) state that AIS tracks has confirmed that weather routing take place for the IOM/UK routes (section 16.5), it further confirms that bad weather routing tend to re-route south through the NE PDA. This fact as well as the finding of the second Simulator exercise (19th Feb 2013) result confirm the accumulative impact concerns expressed by the IOMG. We understand that the scenarios used on the second simulator exercise mentioned where actually constructed by experienced Masters who have served on these routes for many years and where their local knowledge is more substantial than some of the data collected over a short period. The gap is not sufficient, and we ask that Dong should consider all facts (traffic, radar impact in relation to the size of the proposed turbines, weather, ability to divert to accommodate any	cumulative issues associated with the Celtic Array and particularly the NE PDA. The Applicant is confident the Walney Extension would not present any increased risk to safe navigation in the Irish Sea. The Applicant understands the significance of the Douglas to Heysham 'lifeline' ferry service but is confident the Project would not impact upon this service and subsequently there would be no associated negative socioeconomic impact.	

Ref	Issue	Comments of IOMG	Comments of Applicant	Status
		urgent eventualities and safe distance between vessels).		
7.2	Safety and navigation systems	Safety of shipping and navigation systems is a key concern of the Isle of Man Government. Wind turbines can interfere with Marine Radars and can cause impact on the detection and tracking ability of other vessels in the vicinity, particularly in bad weather. The Maritime Coastguard Agency recommends that mariners are not to pass at a distance of less than 2 miles from such structures and clearly marked limits of travel (Marine Guidance Notice 372). This can reduce the risk of impact of the turbines on marine radars and potential consequence of maritime casualty. **<u>Additional comments as per 11th December 2013</u>** The potential gap between Walney Extension and NE PDA will restrict future traffic into a bottle neck scenario where a number of navigational issues may arise (radar interference, safe distance from other vessels, ability to divert in an emergency and possible mishaps).	The Applicant has undertaken a full and extensive NRA, the methodology of which was shaped and agreed by attendees at the NWG, including the IoMSPC and the Maritime and Coastguard Agency (MCA). The Applicant is confident that it has undertaken adequate cumulative assessments which exceed the minimum expectations and requirements for such a Project, based on concerns raised by IoMSPC and other Isle of Man stakeholders. This includes holding two rounds of simulator workshops at FNC in September 2012 and February 2013, the results of which are available in Annex B.8.F NRA – Corridor Assessment. The Project is confident the 4.3 NM gap between the Project and the Celtic Array NE PDA is sufficient for navigation without an impact upon navigational safety. With regard to bad weather routing, although the Applicant understands the concerns with cumulative effects of various offshore wind farm developments in the Irish Sea, the Applicant does not	Not Agreed

Ref	Issue	Comments of IOMG	Comments of Applicant	Status
			accept that there would be an impact on the ability of IoMSPC ferries to undertake bad weather routeing as a result of the Project. In most cases, the ferry moves south and west, away from the Project, in adverse weather. The Applicant does not accept that service cancellations, reputational and revenue losses and economic disruption to the Isle of Man economy and its population as a result of impacts upon bad weather routing, will occur as a result of the Project.	
7.3	Management of construction activities	During construction there will an increase in shipping movements due to the construction process and we would ask that the Isle of Man is kept informed of progress and that activities are managed to reduce impacts to the Isle of Man shipping movements	This has been noted and the Project will have its own Marine Co-ordinator to ensure marine activities related to the Project are fully managed in order to ensure impacts on existing baseline shipping and maritime activities are negligible.	Agreed
7.4	Walney Extension in Isolation	Walney Extension in isolation will have minor impacts on current Manx shipping routes (including bad weather routes)	The Project accepts this view.	Agreed
7.5	Potential economic effects	The cumulative impacts of both developments (Walney extension and Celtic Array) will have a high impact on the economy of the Isle of Man.	The Applicant understands these concerns and appreciates the reliance of the Isle of Man economy on the need for the regular	Not Agreed

Ref	Issue	Comments of IOMG	Comments of Applicant	Status
		If both developments are to go ahead, alterations in shipping routes will be necessary for safe navigation (especially in bad weather) which in turn can be expected to lead to more cancellations and delays due to an increase in distance which will have to be covered to accommodate safety concerns. Economic implications to the Isle of Man will be detrimental if the proposed development and the Celtic Array should go ahead. These impacts can also have a secondary impact upon the activity of the islands logistics industry, businesses, traders and commercial organisations on the Isle of Man due to the reduced travel as consequence of the cumulative impact of one or more developments. Extended journey times and distances may in some circumstances mean that it is not possible to viably operate the regular two sailings each way per day on the Douglas to Heysham and Douglas to Liverpool/Birkenhead routes using the existing vessels. **<u>Additional comments as per 11th December 2013</u>** The Isle of Man Douglas to Heysham route is an island lifeline and is served by a vessel purpose	and reliable provision of shipping operations. However, based on the results of the EIA the Applicant is confident that there will be no significant impact on shipping operations to and from the Isle of Man as a result of the Project and that there will therefore be no negative socioeconomic impact on the Isle of Man as a result of it.	

Ref	Issue	Comments of IOMG	Comments of Applicant	Status
		built for the service and to comply with IOMSPC service obligations with the Isle of Man Government. The cumulative impact will negatively impact on the Isle of Man population and businesses and compromise those service obligations with the Isle of Man Government.		

8.Impacts on aviation

Ref	Issue	Comments of IOMG	Comments of Applicant	Status
8.1	Potential impacts on the IoMA PSR	For the reasons stated in the response to the Examining Authority's written Rule 8 Questions (dated 16/12/2013 and 20/11/2013 respectively), the IoMA maintains that the EIA conclusion that the impact of the Project on the IoMA's PSR results in a 'slight adverse effect' is open to challenge. IOMA maintains the view that, in the event that the applicant is unsuccessful in gaining a TMZ then the overall effect on the IOMA's PSR-based ATC operation will remain significant.	For the reasons stated in the Applicant's response to the IoM Government's response to the Examining Authority's Rule 8 Question 11.B.8 (see pages 73 - 80 of the Applicants' Deadline II submission), and in the Applicant's response to Q11.A.9 to Q11.A.14 of the ExA's second set of written questions (see pages 45 - 54 of the Applicant's Deadline IV submission) the Applicant maintains that the conclusions of the EIA remain valid. In addition, the Applicant considers it unlikely that the negligible magnitude of the Project's stand-alone impact on the	It is not agreed that the potential effect of the Project on the IOMA's PSR-based ATC operations will be significant. However, it is agreed that, given that the Applicant is implementing a TMZ mitigation solution for Warton Aerodrome, (as referenced in Section 8.2 of this SoCG), this area of disagreement is expected to be of limited significance. Notwithstanding the above, it is agreed that, PINS should make a decision as to whether, or not, a 'fall-back' DCO requirement (relating to the

Ref	Issue	Comments of IOMG	Comments of Applicant	Status
			IoMA PSR (that results in a slight adverse, or not significant, effect) will have a material bearing on whether, or not, a potential cumulative effect, caused by the impact of the NE PDA in combination with the Project, is, or is not, considered to be significant.	implementation of a mitigation solution at the IoMA in the event that a TMZ is not approved by the CAA) is appropriate. See the EIA Assessment Matrix presented as Appendix 1 of this SoCG for further definition regarding the specific areas of disagreement.
8.2	Transponder Mandatory Zone (TMZ) mitigation solution for Warton Aerodrome	During a telecom held on 06/01/2014 with the Applicant and the Applicant's contracted aviation consultants, the Applicant provided details of the Transponder Mandatory Zone (TMZ) mitigation solution that's been confirmed by the MoD and BAE-Systems as the preferred mitigation solution for Warton Aerodrome. Whilst being their (Warton) preferred mitigation solution there has been no discussion with IOMA of any alternative solution (applicable to the IOMA) if the application for a TMZ is not approved. It is confirmed that the implementation of the proposed TMZ mitigation solution could help to mitigate the IoMA's PSR ATC concerns but may not address issues with the MLAT mode S surveillance system (see 8.3). The actual dimensions and specific location of	A TMZ mitigation solution is being implemented in order to mitigate the impact of the Project on Warton Aerodrome's ATC operations. The Applicant has been confirmed to the CAA as the Airspace Change sponsor, with the project management of the Airspace Change Process (ACP) being led by the applicant's contracted aviation consultant on behalf of the Applicant and Warton Aerodrome. CAP 725 details a 7-Stage approach to the ACP comprising: 1. Framework Briefing, 2. Proposal Development, 3. Preparing for Consultation, 4. Consultation and Formal Proposal Submission, 5. Regulatory Decision, 6. Implementation, and 7. Operational Review. The Applicant's	It is agreed that the implementation of a TMZ around the Project (implemented by the Applicant in lieu of the impact of the Project on Warton Aerodrome) could help to resolve concerns held by the IoMA relating to the IoMA's PSR-based ATC operations (note – the Applicant does not acknowledge a significant effect in relation to these concerns). See the EIA Assessment Matrix presented as Appendix 1 of this SoCG for further definition regarding the specific areas of disagreement.

Ref	Issue	Comments of IOMG	Comments of Applicant	Status
		the TMZ, choice of controlling authority, hours of operation of the TMZ and operating procedures between controlling authority and other adjacent ATCUs will all have a bearing on the degree of mitigation.	contracted aviation consultant will lead the above process, however, it is expected that some input will be required from the IoMA.	
8.3	Potential impact on the IoMA's multilateration (MLAT) Mode S secondary surveillance radar (SSR) system resulting in a significant impact on the IoMA's intention to provide an air traffic service (ATS) within the vicinity of the Project.	The IoMA has concerns relating to the effect of the Project on the IoMA's MLAT system. The Selex MLAT system is currently in the process of being commissioned and the IoMA has raised initial concerns over the potential effect of existing and planned wind turbines in the Irish Sea on this system. The IoMA maintains the view that, anomalous behaviour (in the form of multiple returns received by the MLAT system), observed during flight trials conducted as part of the ongoing commissioning of the MLAT system, might be attributable to an as yet unspecified factor although it is difficult to identify factors, other than wind farm interference caused by the existing operational wind farms located within Morecambe Bay, that may have a bearing on this. Based on this uncertainty, IoMA cannot rule out the possibility that the potential exists for the Project to cause an impact on the IoMA's MLAT system, and that this impact may, in turn, result in a significant effect in terms of	Concerns regarding the IoMA's proposed (but yet to be approved) MLAT system were first raised by the IoMA in December 2013. That said, apart from one or two brief verbal indications relating to flight trial observations, the IoMA has not, to date, presented the Applicant with written evidence detailing these concerns. Given that concerns relating to the IoMA's proposed MLAT system were not raised by the IoMA, during either the Pre-Application or the Pre-Examination phases, an EIA of this potential impact is not presented within the ES. The Applicant acknowledges the possibility that further investigation may potentially confirm a link between system returns generated by the existing Morecambe Bay wind farms, and the anomalous behaviour observed during the IoMA's MLAT flight trials. Furthermore, the Applicant acknowledges that the	It is agreed that the IoMA's currently operational SSR is not impacted in any way as a result of any currently operational onshore, or offshore, wind farms. While it is recognised that the IoMA is aiming to achieve CAA Safety Case sign-off on their proposed MLAT system in the coming months, it is agreed that the IoMA's existing SSR would not be impacted in any way by the Project if both were to be operational at the same time. However it should be noted that the current SSR in service is not Mode S compliant and the licence to operate will be withdrawn and that the IoMA intends to remove this from service once the MLAT system is operational. It is agreed that potential effects on the IoMA's proposed MLAT system, that may in the future be linked to wind farms, will be spatially limited to

Ref	Issue	Comments of IOMG	Comments of Applicant	Status
		the IoMA's overall ATS provision. The applicant comments that IOMA is not obliged to provide an MLAT or PSR based service within the vicinity of the project. IOMA comments in other sections of this document state that it is up to the pilot who he requests a service from and it is incumbent on IOMA ATC to provide the best level of service it can to those pilots. Quite often, especially during weekends and Bank Holidays, IOMA ATC is the only unit able to provide surveillance services to aircraft transiting through the Irish Sea area. We are also obliged to consider the cumulative effect of development within the NEPDA. With reference to the specific comment of the applicant regarding the UK Integrated Aeronautical Information Package (UK IAIP), IOMA would question the statement regarding provision of a service in which it is not obliged to do so. UK CAA publication CAP 774, Appendix B, specifically refers to service provision on Advisory Routes. This states that a Deconfliction Service should be provided wherever possible without having to ascertain the pilot's request. Operational procedures between IOMA ATC and Prestwick Centre dictate that, for aircraft inbound on advisory	potential cannot be ruled out for the same, or a similar, effect to be linked to the Project. However, it is understood that any effect on the IoMA's proposed MLAT system will be spatially limited to within the immediate vicinity of any given wind farm, i.e. it is understood that any anomalous effects, that may potentially be associated with either existing and/or proposed Morecambe Bay wind farms, will not extend to within the IoMA's Controlled Airspace (CAS), or to within the IoMA's CAA Airport Consultation Zone. For the same reasons that apply to the potential effect of the Project on the IoMA's primary surveillance radar (PSR) (see Paragraph 20.9.3.22 of the ES, Section 8.1 of this SoCG, the Applicant's response to the IoM Government's response to the Examining Authority's Rule 8 Questions as presented in the Applicants' Deadline II submission, and the Applicant's response to the ExA's second set of written questions as presented in the Applicant's Deadline IV submission)), the Applicant is of the opinion that any effects on the IoMA's proposed MLAT system, that may in the	within the immediate vicinity of those wind farms. As such, it is agreed that any potential effects associated with the Project, or other Morecambe Bay wind farms, will not extend to within the IoMA's CAS, or to within the IoMA's CAA Airport Consultation Zone, however at the request of a pilot, IOM ATC may wish to provide Air Traffic Services Outside Controlled Airspace (ATSOCAS) and therefore IoMA does not agree that the effects will not impact on this type of service. It is agreed that the Applicant and the IoMA are continuing to work together in a spirit of cooperation and coexistence with a view to better understanding the IoMA's proposed MLAT system. Furthermore, it is recognised as possible that further relatively straightforward and/or low-cost grooming of the IoMA's proposed MLAT system may resolve observed effects. However, it is agreed that material progress in this regard may not be achievable within the timeframe of the Project's

Ref	Issue	Comments of IOMG	Comments of Applicant	Status
		route W2D, transfer of communications occurs West of reporting point 'MORBY' and transfer of control (the point at which IOM ATC become responsible for the flight) occurs 10 nautical miles before reporting point 'VANIN'. (This transfer of control point equates to position N530 57.062', W0030 45.491'). There is clearly therefore a requirement for IOM ATC to provide a service in this area. Regarding the applicant's comments in the 'Status' section of this topic, while it is accepted that the potential effects do not extend inside IOM controlled airspace, the potential effects would, if manifested, significantly affect the level of services provided to aircraft joining IOM controlled airspace from outside, including those scheduled services which operate outside controlled airspace and those aircraft who may, for reasons of weather avoidance, have to leave controlled airspace. Taking the cumulative effects of the NEPDA into account, some sections of the planned areas do sit within controlled airspace. As such, unless it can be proven otherwise within the timeframe of the Examination, the IoMA maintains that an associated DCO requirement should be established.	future potentially be linked to the Project, will be not be significant in terms of the IoMA's intention to provide a voluntary ATS within the vicinity of the Project. An effect of 'slight' adverse significance (which is not significant in EIA terms) is based on the sensitivity of the receptor being classed as 'high', and the magnitude of impact being deemed to be 'negligible' (the criteria used to define sensitivity and magnitude are provided in Tables 20.7 and 20.8 of the ES respectively, see Appendix 1 of this SoCG). The Applicant can see little, if any, value in considering the potential for the Project to present anomalous returns to the IoMA's proposed MLAT system in isolation. Instead, this assessment relates to the IoMA's stated intention to use its proposed MLAT system to provide a voluntary ATS within the vicinity of the Project, and/or any potential erosion of safety relating to voluntary ATS provision (Deconfliction Service or Traffic Service) within the type of airspace surrounding the Project. The latter being the measures that require consideration in order to achieve a meaningful assessment in this	Examination-phase. Within this context, it is not agreed that a DCO requirement relating to a potential impact caused by the Project on the IoMA's proposed MLAT system, that then leads to a significant impact on the IoMA's voluntary intention to provide an ATS within the vicinity of the Project, is appropriate. As such, it is agreed that PINS should adjudicate in this regard. See the EIA Assessment Matrix presented as Appendix 1 of this SoCG for further definition regarding the specific areas of disagreement.

Ref	Issue	Comments of IOMG	Comments of Applicant	Status
			regard. The Applicant is of the opinion that a DCO requirement as proposed by the IoMA in this SoCG, relating to an as yet unspecified potential impact of the Project on the IoMA's proposed MLAT system, that then leads to a significant impact on the IoMA's intention to provide a voluntary MLAT-based ATS within the vicinity of the Project, is not appropriate for the reasons outlined in the paragraphs below. Access to airspace surrounding the Project area is not dependent on the provision of an ATS, i.e. the IoMA is not obliged to provide an MLAT or PSR-based ATS within the vicinity of the Project, nor is a pilot in command mandated to take a radar service (Deconfliction Service or Traffic Service) from the IoMA. Furthermore, any perceived impacts upon the IoMA's MLAT system will have no bearing on whether, or not, the IoMA choose to provide a voluntary Procedural Service or Basic Service (which does not rely on MLAT data), should they so wish. With reference to the UK Integrated Aeronautical Information Package (IAIP), the Applicant	

Ref	Issue	Comments of IOMG	Comments of Applicant	Status
			would question why the IoMA has concerns relating to the development of a wind farm within airspace in which it is not obliged to provide a radar-based ATS, either PSR or SSR/MLAT. It is understood that the working range of the IoMA's proposed MLAT system extends across to the UK mainland. As such, the Applicant is of the opinion that any perceived impacts upon the IoMA's proposed MLAT system (that might potentially be linked to the Project) would, in principle, be no different to the impacts caused by the five existing Morecambe Bay wind farms (four operational, and one under-construction), each of which is located either adjacent to, or within the vicinity of, the Project. Given that the consenting, construction and operation of these five offshore wind farms pre-date the currently ongoing commissioning of the IoMA's proposed MLAT system, the operators' of these wind farms will not be obliged to consider potential impacts upon the IoMA's proposed MLAT system. The IoMA is currently in the process of commissioning its proposed MLAT system in full	

Ref	Issue	Comments of IOMG	Comments of Applicant	Status
			knowledge of the existing and future environment within which it will operate. This environment includes operational, under-construction, and proposed offshore wind farms. As such, it will be for the IoMA to decide whether it wishes to, and/or has the capability to, provide a voluntary MLAT-based ATS in the vicinity of Morecambe Bay wind farms. Furthermore, if the IoMA wishes to provide a voluntary MLAT-based ATS in the vicinity of the existing Morecambe Bay wind farms, and they deem the effects of the existing wind farms on their proposed MLAT system to be significant (note - the Applicant does not), the IoMA will have more than two years (between the final commissioning of the proposed MLAT system and the operation of the Project) within which to develop a means of either mitigating, or accommodating, the perceived effects of the existing Morecambe Bay wind farms. Although the Project extends to the west of the existing Morecambe Bay wind farms, and is therefore closer to the IoMA's CAS, the development of the Project will not significantly increase the potential cumulative impact upon the IoMA's MLAT	

Ref	Issue	Comments of IOMG	Comments of Applicant	Status
			system. In a spirit of coexistence, and with a view to better understanding the IoMA's proposed MLAT system, the Applicant has agreed to work with Selex (the manufacturer of the MLAT system), in order to investigate potential anomalies that may be associated with wind farms. However, it is of note that, the potential MLAT anomalies have only recently been observed and, therefore, at the time of writing, because the cause is unknown, mitigation cannot be developed. In light of this uncertainty, any restriction on the Project (such as a DCO requirement relating to the IoMA's perceived concerns) could potentially prevent the Project from successfully obtaining financial approval and therefore delay or prevent construction of the Project. Material progress, in terms of the IoMA's perceived concerns, may not occur within the timeframe of the Project's PINS Examination-phase, however, such progress should not be considered as a measure necessary to mitigate the Project and so should not restrict the Project in	

Ref	Issue	Comments of IOMG	Comments of Applicant	Status
			any way. The following text is copied from CAP 764 "CAA Policy and Guidelines on Wind Turbines': "*the CAA advises that 24 km (approx 13 NM) should be used as the trigger point for further discussions with the appropriate service provider who can make a more detailed, accurate assessment of the likely effect on their SSR. The majority of effects are likely to be within 10 km but, because the possibility exists for effects out to 24 km, the greater distance should be utilized for consultation.*" The Project is located over 46 km from the IoMA. The CAA encourages Air Navigation Service Providers (ANSP's) to clearly define the extent of airspace within which they wish to provide an ATS, and to provide a clear justification for doing so. The Applicant recommends that both the IoMA, and the ExA, solicit an opinion from the CAA regarding this matter. The applicant confirms that it understands that IAIP advice to pilots operating in the Project area is to contact Warton for an ATS, when open, and is seeking	

Ref	Issue	Comments of IOMG	Comments of Applicant	Status
			agreement on this point with IOMA.	

9. Impacts on protected species and habitats

Ref	Issue	Comments of IOMG	Comments of Applicant	Status
9.1	Basking Shark	Basking sharks are an internationally important species, protected in Isle of Man as elsewhere. Little is known about their winter distributions when they are not seen on the surface. New distribution records continue to be collected, through an on-going satellite tagging programme, to help understand the risk of disturbance or displacement by wind turbines. This is co-ordinated by the Manx Basking shark watch project of Manx Wildlife Trust, to which DONG Energy are contributing, and we recommend that regular contact with this group should be maintained.	Basking sharks are noted in Chapter 11 of the ES: Fish and Shellfish Resource, which includes information on their possible presence in the region and nature conservation importance and information including research and data from the Manx Marine Environmental Assessment and Manx Basking Shark Watch Public Sightings Scheme.. Basking sharks, along with other elasmobranch species that may be present in the vicinity of the AfL site, have wide distribution ranges. It is recognised that the majority of sightings of basking sharks in the region are recorded to the west coast of the Isle of Man (refer to section 11.9.2.82). A range of impacts predicted to arise from	Agreed

Ref	Issue	Comments of IOMG	Comments of Applicant	Status
			construction and operation of the project are assessed within this chapter with relation to their potential effects on basking sharks and other elasmobranch species. This principally includes assessments of the impact of increased underwater noise during construction and EMF from cables during operation. Taking into account the magnitude of these two impacts predicted to arise from the project, along with the sensitivity of basking shark to these impacts and potential for interaction, the assessment concludes that there will be a slight (adverse) impact on elasmobranchs, which is not significant in EIA terms. The Applicant intends to maintain contact with the Manx Wildlife Trust.	
9.2	Herring Spawning	The information provided below is to inform future discussions. Further to the response indicated in the earlier SOCG DEFA have taken expert advice on this topic which suggests that the proposed spatial/temporal restriction (15th September to 31st October (inclusive)) is likely to be insufficient to ensure a reasonable level of protection for herring spawning activity.	As outlined in the Applicant's response the IoM Government's similar comment on the draft ES chapters, the herring spawning sensitivity periods were taken directly from the fisheries sensitivity maps prepared by Coull et al. (1998) and Ellis et al. (2010; 2012). These are standard reference works used for all UK fish species. Additionally, as outlined in Annex	Not Agreed. The Applicant and IoM Government are discussing the matter with the aim of reaching agreement on this issue.

Ref	Issue	Comments of IOMG	Comments of Applicant	Status
		<u>Additional comments as per 11th December 2013</u> While the **<u>peak</u>** spawning is broadly late September to late October, there is potentially significant natural variability in this. Surveys in recent years by AFBI have indicated that spawning activity may begin as early as the first week of September and continue into the first week of November. Even this period may be extended in some years. Late September to late October should be taken as a minimum, not absolute period. The Isle of Man fisheries legislation itself offers a no-fishing protection of spawning herring between 21 September to 15th November (Sea-Fisheries (Technical Measures) Bye-laws 2000, Part III), **which is aimed at the reproductive activity of mature fish**, and has no intent for protection of eggs or larvae, which arguably should be the case in relation to wider ranging impacts, which may be applicable to wind farm construction processes: e.g. noise, sediment plumes etc The proposed period does not necessarily take account of pre-spawning aggregations **prior** to spawning, which may be disrupted by noise-generating activity. This potential threat has	B5.E to the ES (Irish Sea Herring Review), data and information to inform the ES has from a number of other sources including ICES and the Agri-Food and Biosciences Institute (NINEL larval herring survey). The Applicant agrees that bulk of the peak spawning period is between late September and late October. This is reflected by the proposed no piling period (15 September to 31 October) to mitigate impacts on spawning herring, for an area to be agreed with the Marine Management Organisation (MMO) prior to construction. This is outlined in Chapter 11 of the ES (Section 11.9.2.104) and secured in the DCO in the Deemed Marine Licence (DML) under section 65 of the Marine and Coastal Access Act 2009 (MCAA 2009) (refer to Schedule 9, section 8). This approach has been agreed with the MMO who are responsible for monitoring, compliance and enforcement of DML conditions (refer to 7.34 in the SoCG between the MMO and Applicant) The mitigation committed to by the Applicant is intended to avert a potentially significant adverse effect on herring	

Ref	Issue	Comments of IOMG	Comments of Applicant	Status
		been identified in other similar developments (supporting reference available). We believe that no-activity periods have been applied to other offshore wind developments facing similar herring issues, and which might usefully include buffer periods of several weeks, before and after peak spawning times, to allow for variability in specific timing. There are few, if any, other commercial/ecologically important fish spawning areas in this region. It is therefore particularly important that this significant herring ground and its associated reproduction is protected as well as possible. Specific data on the short, medium and long-term effects of offshore wind development on such fish-spawning activities may as yet be unavailable, but given the importance of this species, for multiple reasons, we suggest that the precautionary principle should apply. DEFA (Isle of Man Government) therefore request further consideration of this matter, and strongly endorse the proposal for further discussions with the developer, and that the developer make more specific enquiries with appropriate experts	spawning by reducing the magnitude of underwater noise and therefore reducing the overall behavioural effect on spawning adult fish. As stated in the ES (Chapter 11, Section 11.9.2.104), the intention is to reduce the significance of the effect; the Applicant recognises that spawning may continue into winter but larval surveys have consistently shown that 70-90% of herring in the area spawn within a 2-4 week window in the autumn period (Annex B.5.E, paragraph 12). It is this peak spawning period which the mitigation seeks to address in order by implementing a restriction on piling from 15 September to 31 October. The Applicant does not agree that it is necessary to extend the period of no piling to cover the whole potential spawning period. Increasing the piling restriction, given that two piling restrictions are currently in place (15 February to 31 March and 15 September to 31 October) would significantly impair the commercial viability of the Project by decreasing the time available for construction. The Applicant also directs the IoM to a second piling restriction that has been	

Ref	Issue	Comments of IOMG	Comments of Applicant	Status
			committed to in order to mitigate impacts on spawning cod, a further species of commercial and ecological importance. This is outlined in Chapter 11 (Section 11.9.2.104): piling will be avoided between 15 February and 31 March to mitigate impacts on spawning cod. The Applicant has assessed impacts on eggs and larvae in Chapter 11 of the ES: •Noise: it is recognised that eggs and larvae may be more sensitive given their limited mobility and capacity to avoid areas where highest noise levels may be reached. Noise modelling undertaken for the project illustrates that the range to which lethal effect and physical injury may occur in fish during piling is relatively localised (refer to Table 11.18). Paragraphs 11.9.2.47 outline potential noise impacts on eggs and larvae, concluding that, given the limited spatial extent of the area where lethal effects associated with construction noise may occur, and given the sensitivity of eggs and larvae (taking into account limited mobility) and distribution of spawning grounds the effect is not considered	

Ref	Issue	Comments of IOMG	Comments of Applicant	Status
			significant in EIA terms. •Sediment plumes: it is outlined in Chapter 11 of the ES that such effects (arising from construction) are short-term, localised and non-continuous (refer to Chapter 11, paragraphs 11.9.2.4-11.9.28) and therefore no significant adverse effects are predicted on eggs and larvae in the vicinity of the Project (paragraphs 11.9.2.10-11.9.2.18).	
9.3	Manx Shearwater	The Isle of Man party wrote the following comment, 'The Calf of Man was once a breeding stronghold of the Manx Shearwater and one of our conservation objectives is to create conditions allowing a substantial increase in breeding numbers, towards which a rodent eradication programme has just been completed. Whilst numbers have recently been estimated at approximately 300 breeding pairs this is the closest colony to the proposed development and has the potential to hold a large population of birds if suitable foraging areas and fish are available. We are aware of their large foraging ranges but wish to put on record our interest in ensuring that the cumulative effects of offshore wind turbine developments do not restrict the achievement	The Applicant has made an assessment of potential collision and displacement risks to Manx shearwater at the Project site and this is documented in the Environmental Statement and Habitats Regulations Assessment Report submitted with the Application. The Applicant is in the process of updating this assessment to identify the impact, from the Project alone and in-combination with other wind farm projects, on the breeding colonies within foraging range of the Project site, including the Calf of Man colony which the Applicant acknowledges is the closest colony to the Project site. The Applicant is confident that this will demonstrate no significant effect from the Project on the	Agreed. The IoM Government is that the issues relating to collision and avoidance by Manx shearwaters has been assessed and agree that any effect on the Calf colony is not likely to be significant. Monitoring clarification has been accepted. The IOM Government is also liaising with the MMO regarding the availability and use of scientific data.

Ref	Issue	Comments of IOMG	Comments of Applicant	Status
		of this objective. It will be most important that monitoring takes place to determine what effects such developments actually have in order to evaluate future proposals on the basis of better scientific data and the results and data should be open to academic scrutiny. **<u>Additional comments as per 11th December 2013</u>** The process of updating the assessment to identify the impact of the Walney extension alone and also in combination with other wind farm projects in the Irish Sea is continuing and we reserve further comment until we have read the report, which is expected imminently. An 'Ornithological Monitoring Programme' is identified within the Environmental Statement, which states that this is provided for in the marine licence. It is further stated that a plan for pre- and post-construction monitoring of birds will be developed 'once the project design has been finalised'. We expect to be consulted on the extent of monitoring and therefore request clarification of where in the process such a discussion will take place. We understand that the scientific data relating to this proposed development will be made	Calf of Man colony. The Applicant will be providing a clarification note on this issue and is awaiting the Isle of Man Government response and associated position. An ornithological monitoring programme will be developed, as committed to within the ES and draft DCO (revised draft as submitted by the applicant at deadline IIIa). Within the draft DCO in the deemed Marine Licence (DML) (schedule 9, item 12.2(c) for pre-construction monitoring and item 14.1 (b) for post construction monitoring) it is outlined that the monitoring will include ornithological monitoring specifically to test predictions in the environmental statement concerning potential displacement effects on Manx Shearwater. The applicant does not expect to start developing an ornnithological monitoring programme until after consent has been granted for the project. The MMO are responsible for monitoring, compliance and enforcement of DML conditions and as outlined in the DML conditions. The approach to ornithological monitoring will be agreed	

Ref	Issue	Comments of IOMG	Comments of Applicant	Status
		available to independent researchers and seek a statement on this matter.	with the MMO who will consult with other bodies such as Natural England and the Isle of Man Government as appropriate. A variety of data and information supporting the analysis presented in the ES and associated reports is included with the ES technical appendices as submitted by the Applicant and available on the project website. All data relating to monitoring will be supplied to the MMO as part of the monitoring, as it is the required approach for UK offshore windfarm developments.	

Ref	Issue	Comments of IOMG	Comments of Applicant	Status
9.4	Designated sites	While Ramsey Marine Nature Reserve on the north east coast of the Isle of Man is now included in the ES it is important to use up to date maps of all marine habitat and fisheries management areas eg Carrick Bay, and queenie conservation zones.	Sites of conservation importance in the region surrounding the AfL and export cable route are outlined in the ES, as finalised in June 2013, in Chapter 15: Sites Designated for Nature Conservation. This includes sites on the IoM (eg Ramsey MNR), including those advised to the Applicant in the IoM Government's review of the draft ES in summer 2013.	Agreed

8 Glossary

2008 Act	The Planning Act 2008
ACP	Airspace Change Process
ATC	Air Traffic Control
ATS	Air traffic service
ATSOCAS	Air Traffic Services Outside Controlled Airspace
CAS	Controlled Airspace
DCO	Development Consent Order
EIA	Environmental Impact Assessment
ES	Environmental Statement
ExA	Examining Authority
IOMA	Isle of Man Airport
IOMG	Isle of Man Government
MCA	Maritime and Coastguard Agency
MLAT	Multilateration
NE PDA	North East Potential Development Area
NWGs	Navigational Working Groups
PEI	Preliminary Environmental Information
PSR	Primary surveillance radar
SOCG	Statement of Common Ground
SSR	Secondary surveillance radar
TMZ	Transponder Mandatory Zone
IAIP	Integrated Aeronautical Information Package

Appendix 1 - EIA Assessment Matrix for Isle of Man Airport radar provision

Type of radar service	Party	Warton open / closed?	'Magnitude of Impact' of the Project, and 'Significance of Effect' of the Project[1]		
			Party's position with no TMZ (in the event that the proposed TMZ is nor approved by the CAA)	Party's position with TMZ in operation during Warton's opening hours only[2]	Party's position with Warton operating TMZ during Warton's opening hours, and IoMA assuming control of TMZ[3] outside of Warton's opening hours[4]
Provision of ATS using: • existing, or new, PSR; & • existing rotating SSR	Applicant	Open	Impact = Negligible[5] Effect = Slight adverse ('Not significant')	Impact = No Change[6] Effect = Neutral ('Not significant')	Impact = No Change[6] Effect = Neutral ('Not significant')
		Closed	Impact = Negligible[7] Effect = Slight adverse ('Not significant')	Impact = Negligible[7] Effect = Slight adverse ('Not significant')	Impact = No Change[7] Effect = Neutral ('Not significant')
	IoMA	Open	Impact = TBC Effect = TBC	Impact = TBC Effect = TBC	Impact = TBC Effect = TBC
		Closed	Impact = TBC Effect = TBC	Impact = TBC Effect = TBC	Impact = TBC Effect = TBC
Provision of ATS using: • existing or new PSR; & • new MLAT SSR[8]	Applicant	Open	Impact = Negligible[5] Effect = Slight adverse ('Not significant')	Impact = No change[6] Effect = Neutral ('Not significant')	Impact = No change[6] Effect = Neutral ('Not significant')
		Closed	Impact = Negligible[7] Effect = Slight adverse ('Not significant')	Impact = Negligible[7] Effect = Slight adverse ('Not significant')	Impact = Negligible[7 and 9] Effect = Slight adverse ('Not significant')
	IoMA	Open	Impact = TBC Effect = TBC	Impact = TBC Effect = TBC	Impact = TBC Effect = TBC
		Closed	Impact = TBC Effect = TBC	Impact = TBC Effect = TBC	Impact = TBC Effect = TBC

Note (1) it is agreed that the operation of the IoMA's existing rotating SSR will not be in any way impacted by the Project.
Note (2) the receptor is considered to be air traffic services, and/or air traffic.
Note (3) the sensitivity of the receptor is considered to be High[10].
Note (4) IoMA will populate the above table in due course.

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[1] In terms of communicating the Applicant's and the IoMA's respective positions to the ExA, it is understood that, if an effect is 'Not significant' then an associated DCO condition is not required, while if an effect is 'Significant', then a DCO condition required.
[2] Warton opening hours 07:30 - 19:00 Local, Mon - Thu (Fri 07:30 - 17:00).
[3] On account of the fact that the Applicant does not acknowledge a significant magnitude of impact, it will be for the IoMA to demonstrate through evidence any requirement to assume control of the TMZ outside of Warton's opening hours (using (a) the IoMA's existing rotating SSR which is not affected by the Project, or (b) by optimising their MLAT, or otherwise removing any anomalous effects on the MLAT that are proven to be attributable to the Project) as part of the Airspace Change Process (ACP) that's being implemented by the Applicant in order to mitigate the potentially significant impact of the Project on Warton. The IoMA will be one of the key stakeholders within the ACP and the Airspace Change Proposal will be submitted to the CAA for review and approval. Note - the Applicant remains agnostic as to whether the IoMA should, or shouldn't, assume control of the TMZ outside of Warton's opening hours, however, the Applicant does not deem it to be in any way necessary.
[4] IoMA radar hours 06:00 - 20:45 Local, Mon - Sat (Sun 06:45 - 20:45).
[5] Applicant's comment: during Warton's opening hours, a Lower Airspace Radar Service (LARS), and the Warton Advisory Radio Area (WARA), are required to support the type of complex flying that Warton-based traffic is required to undertake. Warton will be operating with an in-fill radar that will be able to provide a clutter-free Deconfliction and/or Traffic ATS within the vicinity of the Project. In this scenario, and as per the UK IAIP, Warton will be best placed to provide a Deconfliction and/or Traffic ATS, and there is no mandate, or requirement, for the IoMA to seek to offer the same service within the vicinity of Project. If requested to provide a Deconfliction and/or Traffic ATS, within the vicinity of the Project during Warton's opening hours, the IoMA is under no mandate, or requirement, to accept. Note - the magnitude of impact is based on the IoMA not offering a Traffic and/or Deconfliction ATS within the vicinity of the Project.
[6] Applicant's comment: as per the UK IAIP, when open, Warton will be best placed to provide an ATS to traffic wanting to use the airspace within the vicinity of Warton, including the Project area.
[7] Applicant's comment: there is no mandate, or requirement, for the IoMA to seek to offer a Deconfliction or Traffic ATS within the Class G airspace above the Project. If requested to do so when Warton is shut, there is no mandate, or requirement, for the IoMA to accept. The 'Negligible' impact is based on (a) the Applicant's expectation that any pilots currently over-flying the Project airspace will not reroute in any way as a result of the IoMA not offering a Deconfliction/Traffic ATS within the vicinity of the Project, (b) any future growth in flights would not be dependent on the IoMA's Deconfliction/Traffic ATS within the vicinity of the Project (or lack of it), (c) the period of time during which the IoMA might be prevented from offering to provide a Deconfliction and/or Traffic Service to an aircraft transiting the Project area would typically be a maximum of five minutes depending on the direction of travel (d) the fact that, if it wishes to do so, the IoMA will be able to continue to provide three non-radar based ATS's (namely a Basic Service, a Procedural Service and a Flight Information Service), and (e) pilots operating in Class G airspace will do so perfectly safely by following the Air Navigation Order and the Regulations (ANO CAP CAA Publication 393) and the UK IAIP CAP 32. Note - the magnitude of impact is based on the IoMA not offering two non-obligatory radar-based ATS's (namely, a Traffic Service and a Deconfliction Service) within the vicinity of the Project. Not offering these two ATS's will have a Negligible magnitude of impact on the overall safety of the airspace above the Project in relation to the adequate provision outlined in (d) and (e).
[8] Assuming (a) the MLAT system receives CAA approval, (b) the anomalous radar returns cannot be readily removed by optimisation (radar grooming), and (c) future anomalous radar returns are reasonably likely to be attributable to the Project (it is not yet definitive that the anomalous MLAT returns are caused by OWF's).
[9] This scenario is effectively n/a because IoMA would not be able to assume control of a TMZ w/o a fully functional SSR.
[10] The Applicant considers that a conservative EIA approach has been adopted by categorising the sensitivity of the receptor as High, rather than Medium, i.e. as 'nationally significant', rather than 'regionally significant' (see Table 20.7 from the ES copied below for full definitions).

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Table 20.8: Magnitude of environmental impacts

Magnitude of impact	Description	Criteria used in this chapter
Major	Loss of resource and/or quality and integrity of resource; severe damage to key characteristics, features or elements	Significant compromise to receptors ability to continue effective operations
Moderate	Loss of resource, but not adversely affecting integrity of resource; partial loss of/damage to key characteristics, features or elements	Some restriction on receptors ability to continue effective operations
Minor	Some measureable change in attributes, quality or vulnerability, minor loss or, or alteration to, one (maybe more) key characteristics, features or elements	Minor restriction on receptors ability to continue or effective operations
Negligible	Very minor loss or detrimental alteration to one or more characteristics, features or elements	Very minor restriction on receptors ability to continue effective operations
No change	No loss or alteration or characteristics, features or elements; no observable impact in either direction	No impact on this receptor

Table 20.7: Environmental value (Sensitivity)

Value (Sensitivity)	DMRB description	Criteria used in this chapter
Very High	Very high importance and rarity, international scale and very limited potential for substitution	Internationally significant infrastructure or operation, with very limited potential for substitution
High	High importance and rarity, national scale and limited potential for substitution	Nationally significant infrastructure or operation, with limited potential for substitution
Medium	High or medium importance and rarity, regional scale, limited potential for substitution	Regionally significant infrastructure or operation, with medium potential for substitution
Low (or lower)	Low or medium importance and rarity, local scale	Locally significant infrastructure or operation, with high potential for substitution
Negligible	Very low importance and rarity, local scale	Minimally significant infrastructure or operation, with very high potential for substitution

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Table 33: Assessment matrix

	Magnitude of Impact					
		No change	Negligible	Minor	Moderate	Major
Environmental Sensitivity	Very high	Neutral	Slight	Moderate or large	Large or Very Large	Very Large
	High	Neutral	Slight	Slight or Moderate	Moderate or large	Large or Very Large
	Medium	Neutral	Neutral or Slight	Slight	Moderate	Moderate or large
	Low	Neutral	Neutral or Slight	Neutral or Slight	Slight	Slight or Moderate
	Negligible	Neutral	Neutral	Neutral or Slight	Neutral or Slight	Slight