

<u>Meeting Title:</u>	EOWDC Scientific Panel Set Up
<u>Date/Time/Venue:</u>	Tuesday 9 th July 2013 13:00 – 16:00 Marine Scotland, Marine Laboratory, Aberdeen, Room C203
<u>Attendees:</u>	Jim McKie (<i>Marine Scotland Licensing Operations Team</i>) Adrian Tait (<i>Marine Scotland Licensing Operations Team</i>) Andrew Sutherland (<i>Marine Scotland Licensing Operations Team</i>) Ian Davies (<i>Marine Scotland Science</i>) Mark Christie (<i>Marine Scotland Planning & Policy</i>) Karen Hall (<i>Joint Nature Conservation Committee</i>) Erica Knott (<i>Scottish Natural Heritage</i>) via V/C Helen Jameson (<i>Vattenfall /Aberdeen Offshore Wind Farm Limited</i>) Edwina Sleightholme (<i>Vattenfall /Aberdeen Offshore Wind Farm Limited</i>) via T/C

Key Points

- Ensure scientific panel set up within timescale but ensure that we properly considered all the relevant factors
- The panel must be fit for purpose with clear structure, governance and objectives underpinned by the application and consent/licence documentation
- Membership, terms of reference, funding, functions of the panel are to be agreed by the Minister before the 26th September deadline
- The Scottish Government chaired the Robin Rigg Monitoring Group (RRMG), as per the consent condition
- This is not the case with the scientific panel.
- The draft R & D document indicates that any chair should be from an independent party, this is supported by Vattenfall. EK proposed that the Chair be from academia or a public service member and ID noted that the Strangford Lough group had an independent Chair

- A decision on the final membership of the panel could precede any decision on the Chair; a core group could be identified and therefore that would be basis of the submission to the Minister. The core group could then elect the Chair or an “Interim” Chair could be appointed

Title Of The Panel

- There was a general agreement to largely mirror the wording of the consent condition which referred to a Scientific Panel
- EK raised the possibility of including ‘monitoring’ within the title – “EOWDC Scientific Monitoring Panel”. Another possibility included “EOWDC Scientific Research and Monitoring Panel” (Editorial – LOT prefers the latter.. ***ACTION -NAME OF PANEL TO BE CONFIRMED***

Panel Remit and Outputs

- Overall intention would be to keep the remit of the Panel broad and allow it to make decisions on allocation of research efforts/funds etc. as well as contributing to Steering EOWDC monitoring work.
- There is a grant available for research / monitoring however it is a finite amount which needs to be apportioned appropriately avoiding bias towards any specific area of interest .
- It should be made clear that the Panel and its outputs will be guided by consent condition 15 and the R&D proposal document. It is not expected that the Panel will be able to answer all the existing industry questions (and cannot possibly hope to do so), rather it would be seen as a starting point on which further funded research could be based and possibly provide, although not a direct requirement, a prototype for other ‘Panels’ required for future projects e.g. Round 3/STW sites.
- There should be a focus on what research and / or monitoring is most urgently needed rather than pursuing personal interests. Consent condition 15 goes some way to outline the topic areas and the R&D document provides further guidance.
- With reference to Condition 15 f) – agreement of a Marine Mammal Protection Plan (MMPP)– this plan, as requested by consultees, stands out as more of a ‘compliance’ aspect. The distinction and overlaps between compliance, monitoring and research need to be managed carefully.
- In order to qualify for the EU European Energy Programme for Recovery funds, the emphasis must be on the ‘over and above the norm’ aspects rather than standard mitigation. These aspects will progress pretty much in tandem in terms of timescale and deliverables so input into, for example, the Panel’s involvement in the MMPP can in reality only be advisory e.g. in terms of best practice recommendations for mitigation etc, as the MMPP will need to be finalised in advance of construction.

Chairmanship

- AOWFL confirmed that they do not intend to chair the Panel and that this is stated in the addendum. The preferred option is for an independent party to chair the group.
- Again, preference from all in attendance cited a Chair from Academia or from a public service background.
- The draft Terms of Reference suggested Scottish Renewables might chair, however, EK stated that this may not be regarded as wholly independent or neutral and supported a call for an academic or public service chair.
- Public service background would be advantageous as they wouldn't then potentially be directly involved in research. Might also be advantageous in terms of approach to chairing sessions.
- Suggestions for the chair included and to be pursued by LOT and the licensee:
 - Prof Paul Thompson (University of Aberdeen)
 - Dr David Lusseau (University of Aberdeen)
 - Ben Wilson (SAMS)
 - Colin Galbraith (**Organisation unknown – please advise**)
 - Bill Ritchie (**Aberdeen University - Retired**)
 - Russel Griggs: MS have previous experience and note that he is a an experienced Chairperson. Potentially good as an Interim Chair during establishment phase to keep things tight before handing over to academic lead to take business forward during the output phase
 - Ian Bryden: University of Edinburgh (Professor in Engineering/Renewables, soon to be head of research for UHI)
 - Stuart Gibb: ERI Thurso

ACTION - A DECISION ON THE CHAIR IS OUTSTANDING

Membership

- The “core group” of organisations who would be invited to participate on the Scientific Panel would include:
 - Aberdeen Offshore Wind Farm Limited
 - Marine Scotland Science
 - Scottish Natural Heritage
 - Joint Nature Conservation Committee
 - Scottish Environmental Protection Agency
- To discharge the condition, the core membership needs to be defined and agreement reached by the end of July 2013. Once established, members can decide what other parties should be included, possibly on a temporary basis depending on their area of expertise and activities at that point in time.

- Different levels of membership was raised as a possibility – core member, correspondence member (kept up to date on activities and outputs but don't attend meetings), temporary adviser or guest member etc. This should be decided when the Panel is formed.
- It is important to define the purpose of the “high level Panel meetings” i.e. this may not be the forum for detailed discussion on research programmes – this could be the function of Working Groups (to be agreed by the Panel) based on areas of research e.g. Ornithology, Marine Mammals, Fish, Noise. Some individuals could be involved in more than one group
- The core membership could represent the ‘nucleus’ of members for any future scientific panel for STW/R3 projects
- It was agreed that the panel should consider inviting Statutory Consultees under respective legislation (the Marine (Scotland) Act 2010 and the Electricity Act 1989 / Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2000 (as amended)):
 - Maritime Coastguard Agency
 - Northern Lighthouse Board
 - Aberdeen City Council
 - Aberdeenshire Council
- It was noted that navigational stakeholders may not wish to participate however they may wish to be kept informed of any developments.
- Consultees who have expressed an interest in the Panel would also be invited. These included:
 - Royal Society for the Protection of Birds
 - Whale and Dolphin Conservation
 - Association of Salmon Fishery Boards
- Further to the organisations above, the following groups / individuals were identified as possible members:
 - SMRU
 - An underwater noise expert, such as Professor Victor Humphrey, University of Southampton or Stephen Robinson of NPL
 - MS (e.g. LOT and or Planning and Policy)
 - SAMS (Ben Wilson)
 - University of Aberdeen (David Lusseau)
 - Requirement to consider further ornithology representation
- The wider membership is likely to be fairly dynamic over time but it is important that the core members remain involved throughout the life of the panel.

- There must be a mechanism for dealing with ‘non-delivery’ of outputs from any research programme. If a research proposal is brought forward and timelines/reporting dates agreed, delivery needs to be monitored by the Panel and any relevant action taken to ensure it remains on track. This may need to be agreed by Scottish Ministers.
- The Panel reporting mechanism should be explicit regarding what is intended from its outputs.
- ID queried whether membership of the panel would exclude a group or an individual from undertaking work in relation to the project. JM felt that if this approach was adopted then there would not be enough organisations available to provide “cover”. It was anticipated that membership of the Panel would not preclude a person or individual from undertaking work relating to the project.

Terms of Reference

- It was agreed that HJ&ES to work on expanding the draft ToR document provided prior to the meeting.
- The document should remain brief at this stage but include key terminology as well as the frequency of meetings for the Panel (suggested minimum of twice of year).
- The Panel would report to Scottish Ministers through MS-LOT.

Funding

- KH queried the funding source / mechanisms for the project with respect to research and / or monitoring
- HJ explained that AOWFL have been provided with a €40 million grant from EU under European Energy Programme for Recovery for the EOWDC. Over €1.5 million allocated to environmental research and monitoring which will be match funded by AOWFL to give a budget of over €3 million.
- It is hoped that would be opportunities to win further external funding in the future in order to expand/extend research areas and involve other organisations/institutions in EOWDC based research

First Meeting Of The Panel& Condition Discharge

- First meeting of Panel members does not necessarily need to take place pre-26th September (not stated in the Condition) but it would be useful to have planned to meet as a minimum.
- Clarity is required for discharging condition 15 on the S36 consent – will it be when all members are agreed? Do any official documents require agreement and signing by Panel members?
- MS-LOT will invite members in discussion with the appointed Chair, to be part of the core Panel rather than AOWFL

- Some grey areas were identified namely the definitions of 'Research', 'Monitoring' and 'Compliance', although there will be inevitable overlaps, for example, the results of monitoring may feed into a research programme and research will feed into the MMPP.
- Other useful info shared at the meeting included a Lessons Learned meeting relating to Robin Rigg (27th August) and a MMO workshop on 18th July detailing views of post consent monitoring and condition discharge (Organised by Michael Coyle and Adam Cook). Vatenfall may attend this for information.

Actions

- **AOWFL** – work on ToR and return to AS (31st July for distribution to other attendees (and those who could not make the meeting)
- **ALL**– on completion of the above, comments must be returned within 5 working days
- **MS-LOT** – Invite agreed core members
- **JM (MS LOT)**– Approach potential interim chair candidates
- **ALL** - Get preliminary date in diary for early September – provide available dates please

AOB

- Question on legal challenge and risk to those getting involved in this Panel
- Acknowledged that there is a risk but most of the parties to be involved in this have requested to be involved and therefore are expected to be aware of other issues surrounding the project. Proposed that this point is made clear to them from an early stage so they are made aware before the process gets under way.