



SHEPHERD+ WEDDERBURN

WRITTEN REPRESENTATION ON BEHALF OF

(1) BARROW OFFSHORE WIND LIMITED (REF: 20049974) (2) BURBO EXTENSION LTD (REF: 20049975) (3) WALNEY EXTENSION LIMITED (REF: 20049977) (4) MORECAMBE WIND LIMITED (REF: 20049973) (5) WALNEY (UK) OFFSHORE WINDFARMS LIMITED (REF: 20049978) (6) ØRSTED BURBO (UK) LIMITED (REF: 20049976) (THE "ØRSTED IPs")

IN CONNECTION WITH THE Application by Morecambe Offshore Windfarm Limited for an Order Granting Development Consent for the Morecambe Offshore Windfarm Generation Assets

## Introduction

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- 1.1 This written representation is provided in accordance with Deadline 1 of the examination timetable for the application by Morecambe Offshore Windfarm Limited (the “**Applicant**”) for an Order under the Planning Act 2008 (the “**Act**”) granting Development Consent for the Morecambe Offshore Windfarm Generation Assets (the “**Project**”).
- 1.2 We represent six owners of operational offshore windfarms in the East Irish Sea (as set out relevant representations RR-008, RR-014, RR-056, RR-088, RR-089, RR-093), who we refer to together as the “**Ørsted IPs**” for the purposes of this written representation.
- 1.3 The Ørsted IPs have been engaged in a consultation process with the Applicant in respect of the potential impacts of the Project on the Ørsted IPs’ developments. The Ørsted IPs filed relevant representations in respect of the Project and were represented at Issue Specific Hearing 1 (“**ISH1**”) on 24 October.
- 1.4 As outlined in the relevant representations and at ISH1, the Ørsted IPs do not oppose the Project in principle. However, they have concerns regarding the interactions between the Project and their developments which are yet to be resolved. Primarily, the Ørsted IPs’ concerns relate to the effects of the Project on wake loss, ecology, shipping and navigation, and radar, which are addressed in turn below.

## 2. Energy Yield/wake loss

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- 2.1 Alongside this written representation, the Ørsted IPs have submitted (in accordance with action point 8 of the action points arising out of ISH1 [EV3-009]):
  - 2.1.1 a suite of academic research and articles outlining the potential for material wake loss at separation distances of greater than 30km, and an accompanying memorandum; and
  - 2.1.2 a separate document outlining the Ørsted IPs’ argument that a wake loss assessment is required.
- 2.2 The Ørsted IPs do not seek to repeat the arguments set out in those documents. However, in summary, the Ørsted IPs consider the National Policy Statement EN-3 (“**NPS-EN3**”) requires that an assessment of the wake loss impacts of the Project on the Ørsted IPs is undertaken, as it is “close” to Ørsted IPs developments (as required by paragraph 2.8.197). In the absence of such an assessment, there is an important informational gap which would prevent the Secretary of State from making its decision in accordance with key requirements of the NPS-EN3.
- 2.3 The Ørsted IPs consider wake loss is also relevant to the Applicant’s Environmental Impact Assessment in respect of climate change, as its assessment of the net emissions reductions resulting from the Project should take into account the loss of renewable energy generation from the Ørsted IPs’ developments.
- 2.4 The academic research the Ørsted IPs have provided in response to action point 8 demonstrates that material wake effects can occur at large distances (far beyond the 7.5km separation distance relied on by the Applicant). Additionally, preliminary modelling commissioned by the Ørsted IPs indicates a material impact at their developments (between 0.3% at the least impacted development and up to 1.4% AEP at the most impacted development from the Project alone and between 1.7%-5.3% cumulatively with the Morgan and Mona developments).

## 3. Environmental assessment

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- 3.1 Given the increasingly complex nature of the existing and proposed development environment in the East Irish Sea, the Ørsted IPs have an interest in ensuring the EIA for the Project accurately assesses the potential environmental effects of the Project and identifies appropriate mitigation.
- 3.2 The Ørsted IPs have identified some informational gaps and other discrepancies in the Applicant’s environmental assessment and are therefore concerned the Applicant’s approach to this exercise has not been sufficiently robust. Importantly, one of the Ørsted IPs developments – Barrow Offshore Windfarm, has been removed from the ornithology cumulative effects assessment, on the grounds that it is “approaching end of life”. It appears the Applicant has wrongly assumed the end life for this development is 2028, which is not accurate. Barrow

Offshore Wind Limited (“**Barrow**”) is not aware of any requirement for additional consents or licences to continue operating this development beyond 2028. Therefore, this development should form part of the cumulative effects assessment.

- 3.3 The Ørsted IPs note that, following consultation, the Applicant has provided a without prejudice derogation case in respect of lesser black-backed gull in respect of the Morecambe Bay and Duddon Estuary SPA and the Ribble and Alt Estuaries SPA and Ramsar sites. However, proposed compensatory measures are not confirmed and details of these measures are not yet secured, therefore they cannot be confident whether any measures will be appropriate.
- 3.4 Additionally, it is not clear whether agreement has been reached with the SNCBs regarding potential adverse effect on integrity of the Liverpool Bay SPA, and therefore whether a without prejudice derogation case should be provided for that site. The Ørsted IPs consider that should disagreement remain such a case should be provided by the Applicant, so that the parties can develop a proper understanding of the potential compensatory measures.
- 3.5 Finally, the Environmental Statement does not include an evaluation of the effects of stratification. This is not consistent with the approach taken in relation to the Morgan and Mona proposed offshore windfarms. Given the proximity of the Project to riverine systems as well as thermal stratified water and their associated hydrodynamic influences on the marine environment, the absence of such analysis potentially undermines a proper understanding of the Project’s effects.

#### **4. Shipping and Navigation**

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- 4.1 Two of the Ørsted IPs, Barrow and Morecambe Wind Limited (“**MWL**”), are concerned regarding the Project’s potential impacts on their developments in terms of shipping and navigation, given the level of proposed development in the East Irish Sea which gives rise to a complex cumulative impact scenario.
- 4.2 The Project’s Navigational Risk Assessment (“**NRA**”) highlights the potential for main vessel routes in the area to be deviated creating a potential increase in vessel numbers in the vicinity of Barrow’s and MWL’s developments. However, it is unclear if this change creates increases to risk levels for their developments. In particular, Barrow and MWL are concerned regarding the increased allision risk and seek confirmation that any increased allision risk to their assets is within acceptable (not significant) parameters. Further engagement and information is therefore required from the Applicant to understand the effects of the Project on Barrow and MWL’s developments. Confirmation of proposed ports is also required in order to understand changes in risk levels associated with Project vessels and how this will be managed.
- 4.3 It is anticipated that some level of coordination will be required between developers and other sea users in the area which Barrow and MWL must be involved with. Barrow and MWL seek a formal commitment from the Applicant in respect of this, including to involvement in the development in post-consent plans, including the Vessel Traffic Management Plan (referred to by the Applicant in its responses to Barrow and MWL’s relevant representations [PD1-011]) in relation to routes in proximity to their developments. Barrow and MWL consider it would be appropriate to be specified as consultees on these documents in the relevant deemed marine licence condition.

#### **5. Radar**

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- 5.1 As recorded in their respective relevant representations, Burbo Extension Limited (“**BEL**”) and Walney Extension Limited (“**WEL**”) are implementing appropriate mitigation in relation to potential impacts on the Warton Airfield Primary Surveillance Radar, and are concerned that the Project has the potential to adversely affect or increase the cost of this mitigation. It is noted that the Ministry of Defence (“**MoD**”) has objected to the Project on the grounds of unacceptable impacts on the radar system at BAE Warton (RR-021).
- 5.2 BEL and WEL require adequate assurances that the Project will not impact on the effectiveness or cost of their radar solution.

**Schedule 1 – table showing which points are relevant to each Ørsted IP**

<b>Section of written representation</b>	<b>Ørsted IP</b>
Section 2 – Energy yield/wake loss	All of the Ørsted IPs
Section 3 – Environmental assessment	All of the Ørsted IPs
Section 4 – Shipping and navigation	Barrow Offshore Wind Limited and Morecambe Wind Limited
Section 5 – Radar	Burbo Extension Limited and Walney Extension Limited