Partners in UK offshore wind

MORGAN OFFSHORE WIND PROJECT: GENERATION ASSETS

Scoping opinion

Planning Inspectorate Reference Number: EN010136
Document Number: MRCNS-J3303-RPS-10060
Document Reference: F3.3.3
APFP Regulations: 5(2)(a)
April 2024
F01

Image of an offshore wind farm

www.morganandmona.com/morgan

Document status

Version	Purpose of document	Authored by	Reviewed by	Approved by	Review date
F01	Application	Copy of Planning Inspectorate Scoping Opinion	Morgan Offshore Wind Ltd.	Morgan Offshore Wind Ltd.	April 2024

Prepared by:

RPS

Prepared for:

Morgan Offshore Wind Ltd.

The Planning Inspectorate
Yr Arolygiaeth Gynllunio

SCOPING OPINION:

Proposed Morgan Offshore Wind Project

Case Reference: EN010136

Adopted by the Planning Inspectorate (on behalf of the Secretary of State) pursuant to Regulation 10 of The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017

22 July 2022

TABLE OF CONTENTS

1. INTRODUCTION

1.0.1 On 14 June 2022, the Planning Inspectorate (the Inspectorate) received an application for a Scoping Opinion from Morgan Offshore Wind Limited (the Applicant) under Regulation 10 of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (the EIA Regulations) for the proposed Morgan Offshore Wind Farm (the Proposed Development). The Applicant notified the Secretary of State (SoS) under Regulation 8(1)(b) of those regulations that they propose to provide an Environmental Statement (ES) in respect of the Proposed Development and by virtue of Regulation 6(2)(a), the Proposed Development is 'EIA development'.

1.0.2 The Applicant provided the necessary information to inform a request under EIA Regulation 10(3) in the form of a Scoping Report, available from:

http://infrastructure.planninginspectorate.gov.uk/document/EN010136-000039

1.0.3 This document is the Scoping Opinion (the Opinion) adopted by the Inspectorate on behalf of the SoS. This Opinion is made on the basis of the information provided in the Scoping Report, reflecting the Proposed Development as currently described by the Applicant. This Opinion should be read in conjunction with the Applicant's Scoping Report.

1.0.4 The Inspectorate has set out in the following sections of this Opinion where it has / has not agreed to scope out certain aspects / matters on the basis of the information provided as part of the Scoping Report. The Inspectorate is content that the receipt of this Scoping Opinion should not prevent the Applicant from subsequently agreeing with the relevant consultation bodies to scope such aspects / matters out of the ES, where further evidence has been provided to justify this approach. However, in order to demonstrate that the aspects / matters have been appropriately addressed, the ES should explain the reasoning for scoping them out and justify the approach taken.

1.0.5 Before adopting this Opinion, the Inspectorate has consulted the 'consultation bodies' listed in Appendix 1 in accordance with EIA Regulation 10(6). A list of those consultation bodies who replied within the statutory timeframe (along with copies of their comments) is provided in Appendix 2. These comments have been taken into account in the preparation of this Opinion.

1.0.6 The Inspectorate has published a series of advice notes on the National Infrastructure Planning website, including Advice Note 7: *Environmental Impact Assessment: Preliminary Environmental Information, Screening and Scoping* (AN7). AN7 and its annexes provide guidance on EIA processes during the pre-application stages and advice to support applicants in the preparation of their ES.

1.0.7 Applicants should have particular regard to the standing advice in AN7, alongside other advice notes on the Planning Act 2008 (PA2008) process, available from:

https://infrastructure.planninginspectorate.gov.uk/legislation-and-advice/advice-notes/

1.0.8 This Opinion should not be construed as implying that the Inspectorate agrees with the information or comments provided by the Applicant in their request for an opinion from the Inspectorate. In particular, comments from the Inspectorate in this Opinion are without prejudice to any later decisions taken (e.g. on formal submission of the application) that any development identified by the Applicant is necessarily to be treated as part of a Nationally Significant Infrastructure Project (NSIP) or Associated Development or development that does not require development consent.

2. OVERARCHING COMMENTS

2.1 Description of the Proposed Development

(Scoping Report Part 1, Sections 1 and 3; Part 2 Section 2.)

ID	Ref	Description	Inspectorate's comments
2.1.1	General, Table 3.1, Paragraph 4.4.6.1	Description of parameters – use of Lowest Astronomical Tide (LAT)	While the conversion information in Table 3.1 is noted and would be a helpful inclusion in the ES, a number of the environmental aspect assessments rely on the use of standards or thresholds expressed in Mean High Water Springs (MHWS) or in some cases Average Mean Sea Level (AMSL) with limited explanation of how this relates to the Maximum Design Scenario (MDS) parameters expressed in LAT. The ES should ensure that the MDS is easily relatable to any standards or thresholds applied in the relevant aspect assessments e.g. related to minimum air draught height or theoretical limit of radar visibility threshold.
2.1.2	Section 3.1 Paragraph 3.4.1.2	Project Design Envelope (PDE) approach and flexibility	The Scoping Report refers here to 'realistic worst case' scenarios and parameters. It is not clear if these equate to the MDS for any given parameter. The terminology used in the ES should be consistent. It is understood from the Scoping Report that the worst-case assessment will identify the MDS for any given parameter depending on the environmental matter being considered. It is understood that the PDE will capture all MDS options. The Inspectorate advises that flexibility in design should only be sought where absolutely necessary, in the interests of a proportionate ES based on the most realistic and refined PDE possible. The ES should assess the worst case that could potentially be built out in accordance with the Authorised Development of the Development Consent Order (DCO) being applied for.

ID	Ref	Description	Inspectorate's comments
2.1.3	Paragraph 3.4.2.3	Project description - indicative layout	The Scoping Report explains the intention to present an indicative wind turbine generator (WTG) layout in the Preliminary Environmental Information Report (PEIR) and ES to inform the assessment with the final layout to be confirmed at the final design stage post-application. The indicative location of offshore platforms is not mentioned. It is not clear how the indicative design or confirmed final design will be captured within the draft DCO. The ES should explain this, in particular setting out any implications for the environmental assessments of commitments or refinements made post-application.
2.1.4	Section 3.4.3	Description of foundations and support structures	It would be helpful if the ES could present a summary table of all the foundation types under consideration, to enable understanding of the PDE.
2.1.5	Section 3.4.4	Seabed preparation	The ES should provide further detail on the proposed seabed preparation activities, and identify the worse-case scenario assessed in relation to seabed disturbance. The need for dredging, quantities of material and likely disposal location should be identified and likely significant effects assessed in the ES. The Inspectorate understands that the requirements for Unexploded Ordnance (UXO) clearance are not known at this stage and that a dedicated UXO survey will be conducted prior to construction. The ES must explain the informed assumptions applied to establish the worst-case scenario assessed.
2.1.6	Paragraph 3.4.3.6	Drilling arisings disposal site.	The ES should identify the likely site for disposal of drilling arisings and include an assessment of effects from these activities.
2.1.7	Section 3.6	Operation and maintenance	The ES should provide a full description of the nature of the operation and maintenance activities, including type, frequency, and potential

ID	Ref	Description	Inspectorate's comments
			for overlapping activities with those associated with existing and planned wind farms in the area, or set out the assumptions made where exact information is not known.
2.1.8	n/a	Project description	The Scoping Report does not describe any additional equipment often associated with offshore wind farms, such as meteorological masts and buoys. The Applicant should ensure the ES fully describes the Proposed Development and the assessed PDE encompasses all elements.
2.1.9	Tables 3.3 to 3.7 Paragraph 3.4.5.3	Scour protection	The foundation type design envelope tables in the Scoping Report give a maximum footprint for foundations excluding scour protection. Paragraph 3.4.5.3 explains that the amount and type of scour protection needed may vary with foundation type. The ES should confirm the amount of scour protection required for each foundation type under consideration, what the maximum seabed footprints would be, and the timeframes for installation to ensure the worst-case scenario is assessed.
2.1.10	Tables 3.9 and 3.10	Cable protection	Tables 3.9 and 3.10 indicate the potential protection methods to be employed for the inter-array and interconnector cables should they be required. The ES should explain why target burial depths may not be achievable. It should detail the cable protection measures to be employed including the assumed maximum volume of material required and how this has been quantified.
2.1.11	Paragraph 3.5.1.1 and 3.6.1.1	Construction port facility and Operations and Maintenance (O&M) base	The Applicant should make effort to identify the location of the port and O&M base in the ES, where possible, and assess any likely significant effects associated with port use. If locations cannot be confirmed, the ES should explain the assumptions and worst-case scenario which have informed the assessment.

2.2 EIA Methodology and Scope of Assessment

(Scoping Report Part 1 Section 4)

ID	Ref	Description	Inspectorate's comments
2.2.1	Section 4.4.3	Evidence based approach	The Inspectorate acknowledges that data and knowledge regarding the baseline environment exists from surveys, assessments and post-construction modelling for other proposed and existing offshore wind projects. The Inspectorate understands the benefits of utilising this information to supplement site specific survey data but advises that suitable care should be taken to ensure that the information in the ES remains representative and fit for purpose. This should include taking into account the impact of more recent developments that have occurred subsequent to when the data was collected. Similarly, where data from other wind farms is used to support the assessment, the ES should confirm that these are truly comparable for example in terms of the size of the foundations/turbines. The Applicant should make effort to agree the suitability of information used for the assessments in the ES with relevant consultation bodies.
2.2.2	Paragraph 4.5.1.1	Reversibility of impact	The ES should define what a 'reasonable timescale' or 'short time period' would be within which recovery could occur for an impact to be reversible/not permanent.
2.2.3	Paragraph 3.6.1.3 and Section 4.8	Cumulative effects	In light of the number of ongoing developments within the vicinity of the Proposed Development application site, the ES should clearly state which developments will be assumed to be part of the baseline and those which are to be considered as other development for the purposes of the cumulative effects assessment.

ID	Ref	Description	Inspectorate's comments
			It is noted from the Scoping Report that the proposed onshore operations and maintenance base will be progressed under a separate consent application (it is not stated as intended to be part of the transmission assets application). The ES should take this into account in the cumulative effects assessment. Respondents to the Scoping Report have identified proposed developments or provided advice on the types of projects, plans, or activities that should be included (see Appendix 2 of this Opinion); these should be taken into account in the cumulative effects assessment. The Applicant should seek to agree the scope of the projects assessed with these consultation bodies.
2.2.4	n/a	Mitigation	A number of mitigation plans have been referred to in aspect chapters. Where plans are relied upon to avoid or reduce significant environmental effects, outline or in-principle plans should be submitted as part of the DCO application.
2.2.5	Table 4.17	Accidental pollution during all phases of the development	The risk of pollution is proposed to be managed through the implementation of measures set out in post-consent plans including an Environmental Management Plan and a MPCP. The Scoping Report also states that the likelihood of an accidental pollution event occurring is also anticipated to be low. The Inspectorate agrees that such efforts are capable of mitigation through management practices and is content to scope this matter out. The ES should provide details of the proposed measures to be included in the Environmental Management Plan and MPCP, and explain how these measures will be secured.
2.2.6	n/a	Confidential Annexes	Public bodies have a responsibility to avoid releasing environmental information that could bring about harm to sensitive or vulnerable features. Specific survey and assessment data relating to the presence and locations of features that could be subject to

ID	Ref	Description	Inspectorate's comments
			disturbance, damage, persecution, or commercial exploitation resulting from publication of the information, should be provided in the ES as a separate confidential annex. All other assessment information should be included in an ES chapter with a placeholder explaining that a confidential annex has been submitted to the Inspectorate and may be made available subject to request.

3. ENVIRONMENTAL ASPECT COMMENTS

3.1 Physical processes

(Scoping Report Part 2 Section 3.1)

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
3.1.1	Table 3.4	Changes to bathymetry due to depressions left by jack-up vessels	Based on the evidence from Barrow Offshore wind farm (2008) that jack-up vessel depressions are shown to infill 12 months after construction, the Inspectorate agrees that any bathymetric changes would be temporary and unlikely to cause significant effects and can be scoped out of assessment. However, no justification is provided to scope out impacts from jack-up vessel spud-cans and footprints on the sedimentary regime. There is also no evidence that additional scour from depressions would not give rise to significant effects. The Inspectorate therefore does not agree this matter can be scoped out. See ID 3.1.2 below regarding secondary scour.
3.1.2	Table 3.4 and section 3.4.5	Scour of seabed sediments during the operation and maintenance phase.	Although scour protection is proposed, potential for secondary scour around this protection remains; the Inspectorate considers this should be scoped into the assessment. Whilst scour protection is described in section 3.4.5, the timeframes for installation are unknown. The ES should provide timeframes for scour protection installation and either, provide assurances that the timeframes for installing scour protection would be sufficient to ensure there would be no likely significant effect.

ID	Ref	Description	Inspectorate's comments
3.1.3	Paragraph 3.4.4.1	Seabed levelling	Scoping Report paragraph 3.4.4.1 states that seabed levelling may be required but this is not mentioned in the physical processes chapter. The ES should assess any likely significant secondary effects that this may have on changes to the current/flow regime, wave regime and sediment transport regime and any morphological changes. Impacts from dredging and disposal of material should also be assessed, where significant effects are likely to occur. Any disposal method should be described and should include the estimated volume of material to be disposed of.

3.2 Underwater noise

(Scoping Report Part 2 Section 3.2)

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
3.2.1	Table 3.6 and Table 3.7	Effects of the particle motion element of underwater noise on: ▪ marine mammals during all phases ▪ fish and shellfish receptors during operation	The Scoping Report states that there is insufficient evidence that particle motion has any effect on marine mammals. The assessment of particle motion on fish and shellfish is restricted to construction and decommissioning, but the reasoning for this is unclear - noting that Table 3.6 of the Scoping Report states that the underwater noise impact of very large turbines during operation is not well understood. In the absence of information such as evidence demonstrating clear agreement with relevant consultation bodies, the Inspectorate is not in a position to agree to scope these matters out from the assessment. Accordingly, the ES should include an assessment of these matters, or the information referred to demonstrating agreement with the relevant consultation bodies and the absence of a likely significant effect.

ID	Ref	Description	Inspectorate's comments
3.2.2	Section 5.1 and Table 5.2	Inter relationships with commercial fisheries	Section 3.2 of the Scoping Report (Underwater noise) states that the underwater noise study would support the Commercial Fisheries ES chapter. However, Section 5.1 of the Scoping Report (Commercial fisheries) does not identify underwater noise as a potential impact. The influence of noise impacts on commercial fisheries (i.e. as a result of impacts to targeted species) should be clearly explained and assessed within the ES.

ID	Ref	Description	Inspectorate's comments
3.2.3	Table 3.6	Effects of underwater noise on marine life due to jacket or monopile cutting and removal	Table 3.6 of the Scoping Report proposes to assess the effects of underwater noise on marine life due to jacket or monopile cutting and removal during decommissioning. However, the Scoping Report does not specifically identify this potential impact within the Fish and shellfish ecology, Marine mammals or Offshore ornithology sections. The outcomes of this assessment should be presented within the relevant ES chapters.
3.2.4	Section 3.2.7	Potential for injury and behavioural disturbance	The ES should describe the Permanent Threshold Shift (PTS), Temporary Threshold Shift (TTS) and disturbance ranges used for all species assessed, as well as the potential for the disturbance impact footprints to overlap with the boundary of offshore designated sites.
3.2.5	Section 3.2.7	Noise propagation modelling	Paragraph 3.2.7.4 of the Scoping Report explains that noise propagation modelling would be undertaken for piling during construction. Paragraph 3.2.1.2 identifies other underwater noise sources during construction (e.g. the use of barges and vessels) but it is unclear whether modelling would be undertaken for these. Reference is made to undertaking noise propagation modelling for operation/maintenance and decommissioning (paragraph 3.2.7.4), but it is not stated which specific noise source/s this would relate to. The ES should clearly identify all sources of underwater noise and vibration, for all phases of the Proposed Development, and assess the impacts from these activities where significant effects are likely to occur. The ES should set out the methodology and assumptions for all modelling undertaken.
3.2.6	Paragraph 3.2.7.4	Concurrent piling	The Scoping Report explains that piles may be being installed at two locations at the same time. The ES should demonstrate that the worst-case scenario accounts for concurrent piling activities that are located as far apart from each other as would be possible in the

ID	Ref	Description	Inspectorate's comments
			design envelope, and thus result in the greatest potential extent of noise impacts.
3.2.7	Table 3.8	Average fish swim speeds	The Marine Management Organisation (MMO) and Natural England (NE) both provide advice on fleeing fish swim speed in their consultation responses (please see annex 2 of this Scoping Opinion). The ES should base modelling on a stationary rather than a fleeing receptor for fish unless otherwise agreed with the relevant consultation bodies.

3.3 Benthic, subtidal and intertidal ecology

(Scoping Report Part 2 Section 4.1)

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
3.3.1	Table 4.6	Impacts from Electromagnetic Fields (EMF) on benthic invertebrates	The Inspectorate does not agree that impacts of EMF on benthic species can be scoped out, as insufficient evidence has been provided at this time to support this approach. The Scoping Report identified in Table 3.9 a target burial depth of 1m with a minimum of 0.5m and where burial is not possible, protection in the form of concrete mattresses or rock berms afford similar protection to burying cables 1-2m deep. Scoping Report Table 4.66 states that there is limited evidence of the electro sensitivity of benthic organisms. The ES should assess effects on sensitive benthic ecology receptors from EMF, where significant effects are likely to occur. The Applicant should make effort to agree the approach to the assessment with relevant consultation bodies including the Joint Nature Conservation Committee (JNCC) and/or NE.
3.3.2	Table 4.6	Accidental pollution during all phases of the development	The Scoping Report proposes to scope out accidental pollution resulting from construction, operation and decommissioning of the Proposed Development. The Inspectorate agrees that such effects are capable of mitigation through standard management practices and can be scoped out of the assessment. The ES should provide details of the proposed mitigation measures to be included in the Environmental Management Plan and its constituent Marine Pollution Contingency Plan (MPCP). The ES should also explain how such measures will be secured.

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
3.3.3	Table 4.6	Impacts from sediment-bound contaminants	Impacts from contaminant release are proposed to be scoped out on the basis that historical sampling demonstrates baseline levels of contamination are low and based on the projected results of site-specific surveys and consultation with statutory nature conservation bodies (SNCB)s. Since the site-surveys and consultation have not yet been undertaken, the Inspectorate does not have enough evidence to support scoping out this matter. The ES should include an assessment of the effects on benthic ecology from the release of sediment-bound contaminants, where likely significant effects could occur.
3.3.4	Table 4.5	Increased risk of introduction and spread of invasive non-native species (INNS) during operation	The Inspectorate considers there is the potential risk of INNS introduction and spread during the operational phase as a result of vessels used for maintenance activities. The ES should include an assessment of the increased risk of introduction and spread of INNS during operation on benthic ecology receptors, where likely significant effects could occur.
3.3.5	Table 4.5	Colonisation of hard structures during construction and decommissioning	The Inspectorate considers that colonisation of hard structures may occur during construction as construction is anticipated to last four years. Colonisation will also be impacted during decommissioning due to removal of these structures therefore, the Inspectorate does not agree to scope this matter out. The ES should assess impacts of colonisation of hard structures during construction and decommissioning where significant effects are likely to occur.
3.3.6	Table 4.5	Changes in physical processes during construction and decommissioning	The Inspectorate considers that during construction, there will be activities with potential to cause changes in physical processes e.g. laying cable protection and piling. As construction is anticipated to

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
			last four years, during this time, changes in physical processes may occur. Therefore, the Inspectorate does not agree to scope this matter out. The ES should assess impacts to physical processes during construction and decommissioning where significant effects are likely to occur.
3.3.7	Table 4.5	Long term habitat loss during decommissioning	Considering the nature of the Proposed Development and provided that temporary habitat loss will be assessed in relation to decommissioning, the Inspectorate is content to scope this matter out.

ID	Ref	Description	Inspectorate's comments
3.3.8	Paragraph 4.5.1.1 and Table 4.5	Duration of impacts	Scoping Report paragraph 4.5.1.1 states that a temporary impact is one where natural recovery is possible over a short time period but this is not quantified either generally or in relation to the intertidal and benthic ecology. The ES should establish what impacts are temporary, medium and long term in relation to the receptor being impacted where it has influence on the assessment of significance.
3.3.9	Table 4.4	Impacts on wider benthic assemblage	Scoping Report Table 4.4 identifies protected habitats that occur within the study area however, habitats that are not protected are not considered. The ES should assess impacts on the wider benthic assemblage where significant effects are likely to occur.
3.3.10	n/a	Temperature changes from cables	Temperature changes from the presence and operation of cables has not been discussed in the Scoping Report and it is unclear as to whether this would have an impact on benthic communities. The ES should determine if there would be any temperature changes as a

ID	Ref	Description	Inspectorate's comments
			result of cable presence and assess any impacts on benthic communities where they are likely to occur.

3.4 Fish and shellfish ecology

(Scoping Report Part 2 Section 4.2)

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
3.4.1	Table 4.12	Accidental pollution during all phases of the development	The Scoping Report proposes to scope out accidental pollution resulting from all phases of the Proposed Development. The Inspectorate agrees that such effects are capable of mitigation through standard management practices and can be scoped out of the assessment. The ES should provide details of the proposed mitigation measures to be included in the Environmental Management Plan and its constituent MPCP. The ES should also explain how such measures will be secured.
3.4.2	Table 4.12	Underwater turbine noise during operation	This is scoped out on the basis that the impact of operational noise from turbines on marine species is generally small with behavioural responses occurring within meters of the turbines; this information is based on studies conducted in 2011 and 2014. Considering the age of the studies and the increase in size and capacity of wind turbines since 2014, the potential gaps in the baseline data due to a lack of fish/shellfish specific surveys being undertaken (see box 3.4.5 below) and the crossover of multiple nurseries and spawning grounds the Inspectorate is not content to scope this matter out. The ES should quantify the extent of impact both alone and cumulatively with other developments on marine receptors and assess significant effects where they are likely to occur.
3.4.3	Table 4.12	Underwater vessel noise during operation	Impacts to fish and shellfish from underwater vessel noise during operation is scoped out on the basis that noise generation is likely to be low and effects would only occur if fish are within close proximity

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
			to the vessels. The Scoping Report has not provided any evidence to support this assertion. Provided the ES demonstrates the number of vessels during operation, and reasoning as to why significant effects on fish and shellfish are unlikely (both alone and cumulatively with other development), the Inspectorate is content to scope this matter out.
3.4.4	Table 4.12	Impacts from sediment-bound contaminants	Impacts from contaminant release are proposed to be scoped out on the basis that baseline levels are low and based on the projected results of site-specific surveys and consultation with SNCBs. Since the surveys and consultation have not yet been undertaken, the Inspectorate does not have enough evidence to support scoping out this matter. The ES should include an assessment of significant effects where they are likely to occur.
3.4.5	Table 4.12	Impacts from EMF during construction and decommissioning from subsea cabling	Since the Proposed Development will not be operational during construction and decommissioning, there is no source of EMF, therefore, the Inspectorate is content to scope this matter out during construction and decommissioning.

ID	Ref	Description	Inspectorate's comments
3.4.6	Paragraph 4.2.4 and Table 4.7	Baseline surveys	Baseline surveys proposed are not specific to fish and shellfish species and utilise surveys characterising baselines for the benthic and marine mammals chapters to establish the baseline for fish and shellfish based on incidental observations of species and particle size analysis to inform habitat suitability for sandeels and herring. No further surveys are proposed to characterise the baseline.

ID	Ref	Description	Inspectorate's comments
			The baseline is supported by a desk-based analysis of multiple records set out in Scoping Report Table 4.7 and any records are assumed to occur in the Morgan study area for generation assets. However, considering the age of previous surveys within the area and that the proposed surveys are not specific to fish and shellfish, there is a risk that the baseline may not be robust. This also does not take into account the effectiveness of the surveys (for example, trawl surveys are not designed to capture shellfish) or the behaviour of species (for example, herring are also known to change specific locations of spawning each year and do not necessarily return to the same spot). Effort should be made to agree the approach to baseline characterisation with the relevant consultation bodies and the approach should be sufficiently justified in the ES.
3.4.7	Paragraph 4.2.6	Mitigation measures	Mitigation measures adopted as part of the project specify that soft-start piling and ramp-up measures will be implemented during construction. The Applicant should consider controlling the timing of activities during construction and operation to avoid key and sensitive periods to species, for example fish spawning and migration periods. The ES should also specify any restrictions on where 'noisy' measures may overlap eg piling and potential UXO detonation and describe any additional mitigation to be implemented e.g. twin walled piles or bubble curtains. The ES should describe the proposed mitigation measures and signpost where they are secured in the application based on a worst-case scenario of noise impact, and this should include any overlapping sources of noise e.g. multiple piles and UXO detonation. Effort should be made to agree the approach with the relevant consultation bodies.

ID	Ref	Description	Inspectorate's comments
3.4.8	n/a	Direct damage	The Scoping Report does not consider the potential for direct damage to species. Whilst the Inspectorate acknowledges that fish are generally a mobile receptor, some species have a close affiliation with the seabed (i.e. sand eel and herring) and may be reliant on specific habitat for part of their life stages. In addition, sedentary shellfish species have limited ability to move in order to avoid danger. The Inspectorate considers that direct damage and disturbance to mobile demersal and pelagic fish and shellfish species should be scoped into the assessment for all phases of the development. Accordingly, the ES should include an assessment of these matters or evidence demonstrating agreement with the relevant consultation bodies that significant effects are not likely to occur.
3.4.9	n/a	Fish feeding grounds and overwintering areas for crustaceans.	The Scoping Report does not address potential impacts on fish feeding grounds or over-wintering areas for crustaceans. The ES should assess these impacts where significant effects are likely to occur.
3.4.10	n/a	Vessel collision with basking shark	The ES should assess the potential for vessel collision on basking shark and any significant effects that are likely to occur.

3.5 Marine mammals

(Scoping Report Part 2 Section 4.3)

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
3.5.1	Table 4.16	To be scoped out from operation and decommissioning: Injury and disturbance from underwater noise generated from piling and UXO detonation Disturbance from pre-construction surveys	The Inspectorate acknowledges that these activities will only be taking place during pre-construction/construction and agrees no assessment is required in relation to operation and decommissioning.
3.5.2	Table 4.17	Accidental pollution during all phases of the development	The risk of pollution is proposed to be managed through the implementation of measures set out in post-consent. With reference to point 2.2.5 in Table 2.2 above, the Inspectorate agrees to scope this matter out in relation to marine mammals.
3.5.3	Table 4.17	Impacts from EMF during operation	Current evidence from 2018 is referenced, suggesting that the only marine mammal to show any response to EMF is the Guiana dolphin (*Sotalia guianesi*) which have not been reported in the scoping area and on this basis, impacts from EMF are scoped out. The Inspectorate is content to scope this matter out on this basis.
3.5.4	Table 4.17	Increased suspended sediment concentration (SSC) and deposition during all phases	The Scoping Report states that marine mammals are known to forage in tidal areas where water conditions are turbid and visibility conditions are poor and there is large natural SSC variability within the study area. It further notes that sediments are expected to rapidly dissipate over one tidal excursion. The Inspectorate agrees that these impacts are unlikely to result in significant effects to

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
			marine mammal foraging and therefore this matter can be scoped out.
3.5.5	Table 4.17	Disturbance from turbine noise during operation	The Scoping Report cites a number of studies that have demonstrated that operational wind farm noise has negligible effects on marine mammals who are not displaced by the noise and that the spatial extent of such impacts is low. The Inspectorate does not agree to scope out impacts from turbine noise during operation as these studies were undertaken in 2011 and 2014 and considering that the size and capacity of wind turbines has increased since this time, this analysis may not be relevant now. The ES should quantify the extent of impact both alone and cumulatively with other developments on marine receptors and assess significant effects where they are likely to occur.
3.5.6	Para 4.3.4.46 to 4.3.4.51	Harbour Seal	The Inspectorate does not agree to scope out impacts to Harbour Seals. Based on the literature review and recent surveys low numbers of Harbour Seals are located within the generation asset area that may be impacted. The Applicant should agree the scope of a assessment for this species with the Expert Working Group (EWG).
3.5.7	Para 4.3.4.15 to 4.3.4.17	White Beaked Dolphin	The Scoping Report states that white beaked dolphin is only an occasional visitor to the Irish Sea and that none were identified in the digital aerial surveys. The Inspectorate considers that a high-level qualitative assessment should be presented within the ES, the scope of which should be agreed with the EWG.

ID	Ref	Description	Inspectorate's comments
3.5.8	Paragraph 4.3.4.1	Unidentified species and degree of error	A number of unidentified species of marine mammals were recorded during site-specific surveys however, the assumptions and limitations of this are not explained in the Scoping Report. The ES should describe the assumptions and limitations of the methodology and how these influence the assessment of significant effects.
3.5.9	Paragraph 4.3.6.1	Mitigation measures for UXO clearance	Whilst the Scoping Report identifies mitigation for piling in the form of a Marine Mammal Mitigation Protocol, no measures are proposed to mitigate impacts from UXO clearance. The ES should identify and secure appropriate mitigation measures to reduce/avoid impacts from UXO clearance on marine mammals. Effort should be made to agree appropriate mitigation with the relevant consultation bodies.
3.5.10	Paragraph 4.3.2.3	Marine Mammal Management Units to inform a regional study area	The regional study area for marine mammals is proposed to be the extent of the Irish Sea. The Inspectorate considers that the relevant Management Unit for each marine mammal receptor identified is the appropriate scale for consideration of the regional impacts for marine mammals. See also advice from NE (Appendix 2).
3.5.11	Paragraph 4.3.3.3	Site-specific surveys	The Scoping Report explains that aerial digital marine mammal surveys collected 30% of the sea surface and 12% analysed. The ES should explain the rationale behind the 12% value and demonstrate that the survey coverage is appropriate to provide adequate baseline characterisation. The ES should include reference to any agreements reached through the EWG, including relevant consultation bodies such as Natural Resources Wales (NRW) and NE.
3.5.12	Section 4.3.5 and Table 4.16	Potential impacts to marine mammals	The ES should assess impacts to marine mammal feeding areas, birthing areas/haul out sites, nursery grounds, barrier effects, and

ID	Ref	Description	Inspectorate's comments
			known migration or commuting routes (e.g. white-beaked dolphin and harbour seal) where significant effects are likely to occur.
3.5.13	Paragraph 4.4.6.1 and 4.3.6.1	Mitigation - Vessel Management Plan (VMP)	Scoping Report Paragraph 4.4.6.1 states that a VMP will include measures to minimise disturbance to rafting seabirds. This should also incorporate measures to avoid disturbance and/or collision to marine mammals where appropriate.
3.5.14	Paragraph 4.3.8 and Table 4.16	Cumulative effects	The Scoping Report proposes to assess cumulative noise impacts but does not propose to assess other impacts scoped into the assessment in Table 4.16 cumulatively e.g. injury and disturbance from collision with vessels and pre-construction surveys or effects on changes in prey availability; this approach is not justified. The ES should assess cumulative impacts on marine mammals where significant effects are likely to occur.
3.5.15	n/a	Geophysical surveys cumulative noise	Geophysical surveys are a source of underwater noise and should be assessed in the ES where significant effects are likely to occur, both alone and cumulatively with other noise sources.

3.6 Offshore ornithology

(Scoping Report Part 2 Section 4.4)

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
3.6.1	Table 4.19	Indirect impacts from operational underwater noise	The Scoping Report relies upon the reasoning that operational noise is not anticipated to affect prey species and therefore indirect effects on ornithology can be ruled out. Given the uncertainties around the robustness of this reasoning (see Table 3.4 above) the Inspectorate is not content to scope this matter out until matters in relation to impacts on fish and shellfish are addressed. The ES should utilise the outcomes of the fish and shellfish assessment, and provide an assessment of potential impacts on ornithology where significant effects could occur.
3.6.2	Table 4.19	Collision risk from presence of wind turbines during construction and decommissioning	The Inspectorate acknowledges that this potential impact is associated with the presence of operational wind turbines, and agrees to scope this matter out of the construction and decommissioning phases.
3.6.3	Table 4.19	Barrier effects from presence of wind turbines during construction and decommissioning	The Inspectorate acknowledges that this potential impact is associated with the presence of operational wind turbines, and agrees to scope this matter out of the construction and decommissioning phases.
3.6.4	Table 4.20	Direct disturbance/displacement from underwater noise (operation and decommissioning)	The Inspectorate concurs with the view that operational turbine noise is unlikely to result in disturbance/displacement, and that displacement is to be accounted for in the above-water assessment. The Inspectorate agrees that disturbance and displacement from underwater noise from the operation of turbines can be scoped out. However, the Inspectorate notes that assessment of noise from

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
			vessel traffic and other operational activities is proposed to be scoped in and the Inspectorate agrees with this approach. The Inspectorate acknowledges that no piling is proposed for decommissioning, however, potential effects from underwater noise associated with cutting and removal of foundations, towers, platforms and turbines may occur. In the absence of sufficient justification with regards to the sources and levels of underwater noise from decommissioning activities, the Inspectorate advises the ES should include an assessment of this matter where significant effects are likely to occur.
3.6.5	Table 4.20	Accidental pollution (all project phases)	The risk of pollution is proposed to be managed through the implementation of measures set out in post-consent plans including an Environmental Management Plan and a MPCP. With reference to point 2.2.5 in Table 2.2 above, the Inspectorate agrees that this matter can be scoped out for offshore ornithology.

ID	Ref	Description	Inspectorate's comments
3.6.6	Paragraph 4.4.3.6	Modelling of site-specific survey data	It is noted that the approach to obtaining density and spatial abundance estimates will be discussed within the Evidence Plan process. The Inspectorate advises that given the fundamental importance of this discussion to the outcomes of the EIA process, the Applicant should seek to agree the modelling parameters used and the methodology applied with the relevant consultees, giving careful consideration to the sharing of information through the Evidence Plan process.
3.6.7	Table 4.19	Barrier effects -offshore platforms	The Scoping Report identifies potential barrier effects from the presence of wind turbines, however consideration should be given in

ID	Ref	Description	Inspectorate's comments
			the ES to the collective impact of the turbines and the proposed offshore platforms in this regard, in particular with respect to the number and location of the platforms in proximity to the turbine array.
3.6.8	Paragraph 4.4.6.1	Vessel Management Plan Environmental Management Plan Marine Pollution Contingency Plan	The Scoping Report does not provide any detail on the specific measures to be included within these plans, noting they may evolve as the EIA progresses. Where these measures are being relied upon for the assessments in the ES they must be set out in the ES in detail, including how they are to be secured e.g. by DCO requirement.
3.6.9	Paragraph 4.4.7.5	Breeding and non-breeding, and migratory seasons	The Inspectorate advises that the breeding, non-breeding, and migratory seasons (where applicable) are defined for each relevant bird species assessed. Effort should be made to agree the definitions of each season with the relevant consultees including where the use of seasonal peaks is part of the modelling methodology.

3.7 Commercial fisheries

(Scoping Report Part 2 Section 5.1)

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
3.7.1	Table 5.2	Loss or damage to fishing gear due to snagging during the construction and decommissioning phase	Table 5.2 sets out justification for scoping in this matter for the operational phase, once inter-array and interconnector cables are in place. Justification for not assessing this risk during construction/decommissioning is not provided directly, however, it is noted that the implementation of safely zones during construction and major periods of maintenance is proposed (Section 5.2.6). Provided the ES sets out the reasoning for excluding this matter from the construction and decommissioning phase the Inspectorate agrees that a detailed assessment is not required.
3.7.2	Table 5.2 Table 5.3	Increased steaming distances during the operation and maintenance phase.	On the basis that once operational, fishing vessels will be able to transit through the wind farm array area with limited change to existing steaming distances, the Inspectorate agrees that significant effects are unlikely and that this matter can be scoped out of the ES subject to the continued consultation noted in the Scoping Report.

ID	Ref	Description	Inspectorate's comments
3.7.3	Section 5.1.6	Mitigation measures – cable positioning and protection	The Scoping Report states that where cable burial to sufficient depth to avoid interaction with fishing gear is not possible cable protection will be employed, which will be designed to enable trawling to continue over it. The ES must clearly describe the mitigation measures to be employed, with care taken to ensure consistency with cable protection matters considered for other environmental aspects, as necessary.

ID	Ref	Description	Inspectorate's comments
3.7.4	n/a	Increased risk of introduction and spread of INNS	The ES should assess the potential for the introduction of hard substrate and vessel movements to facilitate the spread of INNS and the potential for impacts on commercial fisheries, where significant effects are likely to occur.

3.8 Shipping and navigation

(Scoping Report Part 2 Section 5.2)

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
3.8.1	Table 5.7	Reduction of under keel clearance during construction and decommissioning	The potential for significant effects will relate to the amount of cable protection and phasing and locations of works. Justification for not assessing this risk during construction/decommissioning is not provided, however, it is noted that the implementation of safely zones during construction and major periods of maintenance is proposed (Section 5.2.6). Provided the ES sets out the reasoning for excluding this matter from the construction and decommissioning phase the Inspectorate agrees that a detailed assessment is not required.
3.8.2	Table 5.7	Interference with marine navigation, communications and position fixing equipment during construction and operation	The Scoping Report does not discuss how the Proposed Development would interact with marine navigation and communication and positioning fixing equipment. Furthermore, it does not justify why interference will not take place during construction and decommissioning. The Inspectorate therefore is not content to scope this matter out at this stage. The ES should evidence discussion and agreement with relevant consultation bodies to justify why significant effects are unlikely.

ID	Ref	Description	Inspectorate's comments
3.8.3	Paragraph 5.2.2.2	Study Area	A study area of 10 nautical miles (nm) has been proposed for the shipping and navigation assessment. The ES should explain the rationale behind the choice of study area and, where possible, the approach should be agreed with the relevant consultation bodies.

ID	Ref	Description	Inspectorate's comments
3.8.4	Section 5.2.4	Future baseline	The ES should identify a future baseline for vessel movements and explain how this has been established, taking into account the existing sea users and the proposed projects in the vicinity.
3.8.5	Paragraph 5.2.7.10	Assessment methodology	The Scoping Report proposes to determine significance as either broadly acceptable, tolerable, or unacceptable. The ES should clearly set out how the risk assessment approach leads to an assessment of significance of effect consistent / compatible with the terminology used in the ES, for which the intended approach is set out in Part 1, Section 4.5.4 of the Scoping Report.

3.9 Marine archaeology

(Scoping Report Part 1 Section 5.3)

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
3.9.1	Table 5.8	Alteration of sediment transport regimes – construction and decommissioning.	This matter is scoped into the Physical Processes aspect chapter (Table 3.3) but is proposed to be scoped out in relation to marine archaeology. In the absence of a specific justification in relation to impacts on marine archaeology, the Inspectorate does not agree that this matter should be scoped out. The ES should assess any impacts on marine archaeological assets, where significant effects are likely to occur.

ID	Ref	Description	Inspectorate's comments
3.9.2	Para 5.3.2.1 and 3.1.2.1	Study area	Some of the potential impacts to be assessed result from changes to marine physical processes. The study area to be used for the marine archaeological assessment is different to that proposed for the assessment of physical processes. The ES should provide a justification for the reduced extent of the study area used in the marine archaeological assessment, in light of the potential for impacts from physical processes over a wider geographic extent.
3.9.3	Paragraph 5.3.3.1	Desk top data	Given that the archaeological study area extends into the Isle of Man marine planning area, the Applicant is advised to include any relevant Isle of Man marine historic environment records within its data sources.
3.9.4	Table 5.3.6	Measures adopted	The Scoping Report list various "measures adopted as part of the project", which include development of and adherence to a Written Scheme of Investigation and provision of a project-specific Protocol

ID	Ref	Description	Inspectorate's comments
			for Archaeological Discoveries. The ES should distinguish between methods for assessing the effects of the Proposed Development and the proposed mitigation options that are informed by the assessment. The Applicant should make effort to agree necessary mitigation measures with relevant consultation bodies.
3.9.5	Paragraph 5.3.7.1	Guidance	The ES should consider the following updated guidance: • The Crown Estate (2021*) Archaeological Written Schemes of Investigation for Offshore Wind Farm Projects;* • Gribble J. and Leather S. (2011) *Guidance for Offshore Geotechnical Investigations and Historic Environment Analysis: guidance for the renewable energy sector*. Published by the former COWRIE Group; and • Historic England (2021) Historic Environment Advice Note 15 Commercial Renewable Energy Development and the Historic Environment https://historicengland.org.uk/images/books/publications/commercial-renewable-energy-development-historic/environment-advice-note-15/

3.10 Other sea users

(Scoping Report Part 2 Section 5.4)

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
3.10.1	Table 5.10	Interference with the performance of Radar Early Warning Systems (REWS) during construction and decommissioning	The Inspectorate accepts that interference with REWS is likely to be limited to the operational phase. However, the Applicant should ensure that consultation with relevant operators addresses potential effects from turbines in the final phases of construction or the testing phase prior to operation. The ES should assess any potential effects where they could occur and identify the need for mitigation or control measures.
3.10.2	Table 5.10	Interference with offshore microwave fixed communication links during construction and decommissioning	The Inspectorate accepts that interference with offshore microwave fixed communication links between offshore oil and gas platforms is likely to be limited to the operational phase. However, the Applicant should ensure consultation with relevant operators addresses potential effects from turbines prior to full operation as above, and if any effects are identified these should be assessed in the ES.
3.10.3	Table 5..11	Increased suspended sediment affecting recreational diving	Given the information in the Scoping Report demonstrating the absence of recreational diving sites within the study area, the Inspectorate agrees that no impact pathway exists. The Inspectorate agrees to scope this matter out of the ES, subject to the study area remaining robust as the EIA is refined.
3.10.4	Table 5.11	Increased suspended sediment affecting aggregate extraction	Given the information in the Scoping Report demonstrating the absence of aggregate extraction areas within the study area, the

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
3.10.5	Table 5.11	Alterations to sediment transport pathways affecting aggregate extraction	Inspectorate agrees that no impact pathway exists. The Inspectorate agrees to scope these matters out of the ES, subject to any changes to aggregate extraction areas that may occur as the EIA is refined.
3.10.6	Paragraph 5.4.11.1 Annex A	Transboundary effects	The Inspectorate notes the information provided and agrees that significant Transboundary effects to other sea users in the context of this aspect chapter are unlikely and can be scoped out of the ES.

ID	Ref	Description	Inspectorate's comments
3.10.7	Paragraph 54.2.3	Study area justifications	The Scoping Report provides limited information supporting the use of the 1km buffer as a study area in relation to the users identified. The ES should explain how the study area has been determined, identifying where industry guidance, professional judgement, or consultation has informed the study area selected.
3.10.8	Paragraph 5.4.5.11 Figure 5.18	Baseline data sources and limitations	It is understood that not all vessels are equipped with Automatic Identification System (AIS), and that the data will be informed by surveys and consultation carried out to inform the Navigation Risk Assessment (NRA). The ES should clearly explain what data the assessment has relied upon. It is not clear from Figure 5.18 if the pale blue colour shown indicates an absence of data or that no Royal Yachting Association (RYA) activity has been recorded. The ES should clearly identify any limitations in the data and the implications for the assessment of likely significant effects.

3.11 Seascape, landscape and visual resources

(Scoping Report Part 2 Section 6.1)

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
3.11.1	Table 6.3	Impacts from all project phases on seascape and landscape character and visual resources beyond the study area	The Inspectorate acknowledges the intention to establish a Zone of Theoretical Visibility (ZTV) to underpin the assessment, and provided that the ZTV is robust agrees that no significant effects are likely to occur beyond it. The ES should demonstrate how the ZTV has been established, including the outcomes of consultation. The Applicant should seek to agree the extent of the ZTV with relevant consultation bodies.
3.11.2	Table 6.3	The impact of operation and maintenance of the inter-array and interconnector cables on seascape and landscape character and visual resources	Given that these assets will be submerged and decommissioning is anticipated to leave cabling equipment in situ, the Inspectorate considers that significant effects are unlikely and these matters can be scoped out of the ES. Consequently, the contribution of the Proposed Development in this regard to cumulative effects is agreed to be unlikely to be significant and the Inspectorate agrees it can be scoped out of the ES.
3.11.3	Table 6.3	The impact of decommissioning of the inter-array and interconnector cables on seascape and landscape character and visual resources	
3.11.4	Paragraph 6.1.8.6	Cumulative effects from inter-array and interconnector cables (operation and decommissioning)	
3.11.5	Paragraph 6.1.10.1 Annex A	Transboundary effects	The Inspectorate notes the information provided and agrees that significant onshore Transboundary effects to are unlikely and can be scoped out of the ES.

3.12 Socio-economics and community

(Scoping Report Part 2 Section 6.2)

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
3.12.1	Table 6.7	Tourism and community effects within the National Impact Area (NIA)	The Inspectorate understands the approach described in the Scoping Report to assess impacts to tourism and community receptors on the Local Impact Area (LIA) scale rather than a national spatial scale. The Inspectorate agrees that the Proposed Development is unlikely to result in significant effects on tourism and community at a national level, and that this matter can be scoped out.
3.12.2	Paragraph 6.2.10.1 Annex A	Transboundary effects	The Inspectorate notes the information provided and agrees that significant onshore Transboundary effects to are unlikely and can be scoped out of the ES.

ID	Ref	Description	Inspectorate's comments
3.12.3	Paragraphs 6.2.2.4 to 6.2.2.6	Basis of Tourism and Recreation impact assessment	The ES should explain why the use of the ZTV identified within the seascape, landscape, and visual effects assessment to identify tourism and recreation receptors is appropriate for the types of impact and resulting effect to be considered in this chapter.
3.12.4	Para 6.2.2.7, 6.2.2.12 and Table 6.4	Identification of Local Impact Areas (tourism, recreation, community effects)	The Scoping Report explains that LIA centres will be based around likely port hub locations and the LIA then drawn from local authority areas predominantly within 60min drive of these centres in order to capture effective travel to work areas. The ES should explain the basis for this assumption, providing the full reasoning behind the identification of the LIAs.

ID	Ref	Description	Inspectorate's comments
3.12.5	Para 6.2.2.8 and 6.2.2.9	Identification of likely port locations	Identification of likely port hub locations is identified as the basis of the assessment. It is understood from the Scoping Report that these locations will not be confirmed prior to completion of the EIA. However, the ES should define them as far as possible, identify where uncertainty remains and assess the worst-case scenario, where possible.
3.12.6	Paragraph 6.2.2.11	Identification of National Impact Area (employment and economic effects)	The use of the larger spatial scale of NIA for employment and economy receptors is not explained in any detail in the Scoping Report. The ES should define the NIA and set out the reasoning behind its definition, including where professional judgement has been applied.
3.12.7	Paragraph 6.2.3.2	Baseline data	It is understood from the Scoping Report that as well as the desk-based sources listed, information from the marine vessel surveys will also be used in the assessment. The Inspectorate advises that the desk-study information is supplemented and ground-truthed as necessary with specific survey information, the specifics of which should be discussed with the relevant consultation bodies.
3.12.8	Paragraph 6.2.4.5	Designated sites	The potential impacts of the generation assets on visitor numbers to designated sites may be relevant to other matters assessed in the ES including the assessment of inter-project effects, and the Inspectorate advises that appropriate cross-reference is made to ensure consistency in the information presented.

3.13 Aviation and radar

(Scoping Report Part 2 Section 6.3)

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
3.13.1	Table 6.10	Construction and decommissioning inference with within-range Primary Surveillance Radars (PSRs)	The Inspectorate accepts that interference with PSRs from the presence of wind turbines will relate primarily to the operational phase. However, the Applicant should ensure that consultation with relevant operators addresses potential effects from the presence of turbine towers and WTGs in the final phases of construction or testing phase prior to operation. The ES should assess any potential effects where they could occur and identify the need for mitigation or control measures.
3.13.2	Table 6.11 Section 6.3.8	Potential disruption to Helicopter Main Routes (HMRs) due to presence of wind turbines	Based on the information in the Scoping Report on the location of these routes some distance outside of the scoping boundary the Inspectorate agrees that significant effects from the Proposed Development alone are unlikely.
3.13.3	Table 6.11	Increased helicopter traffic effects on available airspace	The Inspectorate notes the summary information about the airspace availability and location within predominantly Class G (uncontrolled) airspace. The Inspectorate agrees that significant effects are unlikely and this matter can be scoped out.
3.13.4	Table 6.11	Disruption to meteorological radar	The Inspectorate notes the distance of the Proposed Development from the nearest system beyond the safeguarding and consultation requirements, and agrees that significant effects are unlikely and that this matter can be scoped out of the ES.

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
3.13.5	Table 6.11	Impacts to Secondary Surveillance Radar (SSR) systems	The Scoping Report states there are no SSR systems within 10km of the Proposed Development. The Inspectorate considers that, in accordance with Civil Aviation Authority (CAA) Guidance: CAA Policy and Guidelines on Wind Turbines, potential interference to SSR systems is unlikely to be significant and therefore agrees that this matter can be scoped out.
3.13.6	Paragraph 6.3.10.1and Annex A	Transboundary effects	The Inspectorate notes the information provided and agrees that significant onshore Transboundary effects to aviation and radar are unlikely and can be scoped out of the ES.

ID	Ref	Description	Inspectorate's comments
3.13.7	Section 6.3.2	Study area	The Scoping Report states that the study area has been defined to include the aviation radar systems that could detect maximum wind turbine blade tip height, and 'other relevant aviation receptors'. The relevant receptors should be explained in the ES fully, with reasoning provided as to how each type of receptor has informed the study area applied.
3.13.8	Figure 6.2	Airspace above the Morgan Potential Array Area.	The different classes of air space are not easily discernible in Part 2, Figure 6.2. The ES should include clear figures delineating airspace classes.
3.13.9	Paragraph 6.3.3.1	Theoretical line of sight radar modelling	The theoretical line of sight radar modelling should be explained in the ES alongside demonstration of how the modelling has been verified and informed by consultation with stakeholders.

ID	Ref	Description	Inspectorate's comments
3.13.10	Section 6.3.4, Table 6.10	Within range PSRs and military ATC radar	Not all of the PSRs and military radar named in Section 6.3.4 are listed as potentially affected in Table 6.10 and it is not clear why. The ES must clearly explain which receptors have been assessed and provide adequate justification and reasoning for the decisions made.
3.13.11	Paragraph 6.3.4.6	Decommissioning plans for Millom West, North Morecambe, and South Morecambe DP4 platforms	The ES should consider cumulative effects of any decommissioning works should these conceptually, physically, or temporally overlap with the Proposed Development, or provide reasoning for the exclusion of cumulative effects.
3.13.12	Section 6.3.6	Mitigation measures	The mitigation and control measures should also take into consideration the presence of turbine towers and WTGs at the end of construction and during the testing phase, prior to the commencement of full operation.

3.14 Climate change

(Scoping Report Part 2 Section 6.4)

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
3.14.1	Table 6.14	Vulnerability of the Proposed Development to Climate Change (all project phases)	The Scoping Report states that the Proposed Development is proposed to incorporate engineering safety headroom into design for resilience, and evidence drawn from the Met Office (2018) states that peak wind speeds and wave heights are not likely to be increased by climate change during the Proposed Development's lifetime. Climate projections have been updated since 2018 and the Environment Agency have more up to date modelled projections that have not been considered in the Scoping Report. These indicate an increase in both wave height and wind speed. The ES should assess the vulnerability of the Proposed Development to climate change using the most up to date allowances and make effort to agree the approach with the Environment Agency. The ES should also describe and assess the adaptive capacity that has been incorporated into the design of the Proposed Development.
3.14.2	Table 6.14	Inter-related effects of climate change	The Scoping Report explains that inter-related effects will be assessed within each relevant aspect Chapter, assessing how climate change may affect the future baseline scenario. The Inspectorate is content with this approach. The ES should cross-reference other relevant Chapters where this is assessed in for clarity.

ID	Ref	Description	Inspectorate's comments
3.14.3	Paragraph 6.4.8	Cumulative impacts	As the Proposed Development would rely on the construction of transmission assets to become fully operational and functional, the

ID	Ref	Description	Inspectorate's comments
			Inspectorate would expect the assessment of cumulative effects of GHG emissions and vulnerability of the Proposed Development to climate change to incorporate an assessment of the transmission assets.

3.15 Noise and vibration

(Scoping Report Part 2 Section 6.5)

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
3.15.1	Table 6.15 and Table 6.16	Operational noise and vibration	Given the distance from onshore human receptors and the characterisation of the noise and vibration emissions anticipated from the operational generation assets as negligible, the Inspectorate agrees that significant effects are unlikely and that this matter can be scoped out of the ES.
3.15.2	Paragraph 6.5.10.1 and Annex A	Transboundary impacts	The Inspectorate notes the information provided and agrees that significant onshore Transboundary effects from noise and vibration are unlikely and can be scoped out of the ES.

ID	Ref	Description	Inspectorate's comments
3.15.3	Section 6.5.5	Potential project impacts	This section of the Scoping Report states that a range of potential impacts have been identified for construction, operation and decommissioning of the Proposed Development. However, the only specific activity referred to is piling during construction. The ES should capture all potential sources of noise and vibration considered within the assessment of significant effects. It is also noted that this chapter does not provide a detailed characterisation of operational noise impacts. The ES should provide this information, e.g. in an overarching section from which relevant assessments could draw from as appropriate.

ID	Ref	Description	Inspectorate's comments
3.15.4	Section 6.5.8	Cumulative effects	The Inspectorate considers that while the contribution of operational effects to cumulative effects is not likely to be significant, the Scoping Report does not explicitly propose to scope them out of the cumulative assessment. The ES should set out the activities included within the cumulative assessment or excluded, providing clear reasoning for the decisions made.

3.16 Other environmental topics

(Scoping Report Part 2 Section 7)

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
3.16.1	Section 7.2.1	Human Health-standalone chapter	The Applicant proposes to scope out a standalone aspect chapter on Human health on the basis that potential impacts on human health will be assessed within other aspect chapters of the ES and an overall conclusion of the significance of effects on human health will be included within a technical appendix. The Inspectorate is content that Human health does not need to be considered as a standalone aspect chapter. The Scoping Report states that potential impacts on health arising from the generation assets would be considered in the following ES topics: • physical processes; • commercial fisheries; • shipping and navigation; • socio-economics and community; and • other sea users. However, these Chapters do not reference human health and there is no explanation of how human health will be assessed in these Chapters. The ES should set out what impacts on human health are assessed and effort should be made to agree the approach with the relevant consultees.
3.16.2	Section 7.2.2	Waste – Construction (standalone chapter)	The Applicant proposes to submit a Waste Management Plan as a technical appendix to the ES which contractors would be required to follow. It would also identify the likely waste arisings from

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
			construction and set out appropriate measures for managing the waste in accordance with the waste hierarchy principle. The Inspectorate agrees that based on the nature of the Proposed Development significant effects from the disposal and recovery of waste during construction are unlikely to occur and that a standalone aspect chapter on waste can be scoped out.
3.16.3	Section 7.2.2	Waste - Operation	Operational waste is proposed to be scoped out on the basis that it would be segregated and recycled (where possible) and disposed of in accordance with relevant regulator procedures. These will be set out in an Operational Management Plan. The Inspectorate agrees that this matter can be scoped out.
3.16.4	Section 7.3.1	Local Planning Policy	The Applicant proposes to scope out a standalone Local Planning Policy chapter on the basis that a description of the consenting process will be outlined in the introductory chapters and that relevant legislation and planning policy context will be outlined within each of the aspect chapters. A Planning Statement will also be provided. The Inspectorate is content with this approach.
3.16.5	Section 7.3.2	Daylight, Sunlight and Microclimate	These matters are scoped out on the basis that the location of the Proposed Development is offshore and unlikely to cause daylight and sunlight significant effects. The nature of the Proposed Development would not lead to microclimates. Having considered the nature and location of the Proposed Development the Inspectorate is content to scope this matter out.
3.16.6	Section 7.3.4	Heat and Radiation	The generation assets are unlikely to generate significant levels of heat and/or radiation. The Inspectorate has considered the nature of the Proposed Development and agrees with this and is content to scope this matter out.

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
3.16.7	Section 7.4.2	Other Residues and Emissions – dust, pollutants, light, noise and vibration	These aspects are proposed to be assessed in other relevant chapters and therefore are not proposed to be assessed in standalone chapters. They will be assessed in: • Physical processes; • Benthic subtidal and intertidal ecology; • Fish and shellfish; • Marine mammals; • Offshore ornithology; • Underwater noise; and • Seascape, landscape and visual resources. It is noted that currently, the Scoping Report does not report on all of these impacts within the referenced aspect chapters, for example, lighting is not addressed in the offshore ornithology or other biological assessment chapters and the lighting proposed is not described in the front end of the Scoping Report. Provided other residues and emissions are referenced within the relevant Chapters listed above and cross-references are made where appropriate, the Inspectorate is content with this approach.
3.16.8	Section 7.4.3	Material Assets	These aspects are proposed to be assessed in other relevant chapters and therefore are not proposed to be assessed in standalone chapters. They will be assessed in: • Marine archaeology; • Commercial fisheries; • Shipping and navigation;

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
			• Other sea users; • Socio-economics and community; and • Aviation and radar. Provided material assets are referenced within the relevant Chapters listed above and cross-references are made where appropriate, the Inspectorate is content with this approach.
3.16.9	Section 7.4.4	Major Accidents and Disasters	These aspects are proposed to be assessed in other relevant chapters and therefore are not proposed to be assessed in standalone chapters. The Scoping Report states that design measures taken to avoid major accidents and disasters will be described within the Project Description chapter of the ES. The following is proposed to be assessed in these chapters of the ES: • Benthic subtidal and intertidal ecology, fish and shellfish, marine mammals - accidental pollution; and It is noted that accidental pollution is actually proposed to be scoped out of the chapters mentioned above. The ES should address the risk of major accidents and disasters due to accidental pollution, although the Inspectorate agrees that a standalone chapter is not required. • Shipping and navigation – vessel to vessel collision, vessel allision, vessel anchor and gear snagging, reduction of under keel clearance, reduction of emergency response capability and reduced access for search and rescue responders, creation of physical obstacles to aircraft operations. Provided major accidents and disasters are referenced within the relevant Chapters listed above and cross-references are made where appropriate, the Inspectorate is content with this approach.

APPENDIX 1: CONSULTATION BODIES FORMALLY CONSULTED

TABLE A1: PRESCRIBED CONSULTATION BODIES[1]

SCHEDULE 1 DESCRIPTION	ORGANISATION
The Health and Safety Executive	Health and Safety Executive
Natural England	Natural England
The relevant fire and rescue authority	Lancashire Fire and Rescue Authority
The relevant police and crime commissioner	Lancashire Police and Crime Commissioner
The Joint Nature Conservation Committee	Joint Nature Conservation Committee
The Maritime and Coastguard Agency	Maritime & Coastguard Agency
The Maritime and Coastguard Agency - Regional Office	The Maritime and Coastguard Agency - Liverpool Marine Office
The Marine Management Organisation	Marine Management Organisation (MMO)
Trinity House	Trinity House
United Kingdom Health Security Agency, an executive agency of the Department of Health and Social Care	United Kingdom Health Security Agency
The Crown Estate Commissioners	The Crown Estate
The Secretary of State for Defence	Ministry of Defence

[1] Schedule 1 of The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (the 'APFP Regulations')

TABLE A2: RELEVANT STATUTORY UNDERTAKERS[2]

STATUTORY UNDERTAKER	ORGANISATION
The relevant public gas transporter	Cadent Gas Limited
	Last Mile Gas Ltd
	Energy Assets Pipelines Limited
	ES Pipelines Ltd
	ESP Networks Ltd
	ESP Pipelines Ltd
	ESP Connections Ltd
	Fulcrum Pipelines Limited
	Harlaxton Gas Networks Limited
	GTC Pipelines Limited
	Independent Pipelines Limited
	Quadrant Pipelines Limited
	Indigo Pipelines Limited
	Leep Gas Networks Limited
	Murphy Gas Networks limited
	Squire Energy Limited
	National Grid Gas Plc
	Scotland Gas Networks Plc
The relevant electricity distributor with CPO Powers	Eclipse Power Network Limited
	Energy Assets Networks Limited
	ESP Electricity Limited
	Forbury Assets Limited

[2] 'Statutory Undertaker' is defined in the APFP Regulations as having the same meaning as in Section 127 of the Planning Act 2008 (PA2008)

STATUTORY UNDERTAKER	ORGANISATION
	Fulcrum Electricity Assets Limited
	Harlaxton Energy Networks Limited
	Independent Power Networks Limited
	The Electricity Network Company Limited
	Indigo Power Limited
	Last Mile Electricity Ltd
	Leep Electricity Networks Limited
	Murphy Power Distribution Limited
	UK Power Distribution Limited
	Utility Assets Limited
	Vattenfall Networks Limited
The relevant Electricity Transmitters With CPO Powers	National Grid Electricity Transmission Plc
	National Grid Electricity System Operator Limited

TABLE A3: NON-PRESCRIBED CONSULTATION BODIES

ORGANISATION
Isle of Man Government
North West Ambulance Service NHS Trust
Royal National Lifeboat Institution
Historic England
Cumbria County Council
Barrow-in-Furness Borough Council
Copeland Borough council

APPENDIX 2: RESPONDENTS TO CONSULTATION AND COPIES OF REPLIES

CONSULTATION BODIES WHO REPLIED BY THE STATUTORY DEADLINE:
Health and Safety Executive
Historic England
Joint Nature Conservation Committee
Maritime & Coastguard Agency
Marine Management Organisation (MMO)
Ministry of Defence
National Grid Electricity Transmission Plc
Natural England
Trinity House
United Kingdom Health Security Agency
Vattenfall Networks Limited

Health and Safety Executive

Chemicals, Explosives and Microbiological Hazards Division – Unit 4

NSIP Consultations
Land Use Planning Team
Building 1.2,
Redgrave Court,
Bootle L20 7HS

NSIP.applications@hse.gov.uk

http://www.hse.gov.uk/

Date: 7 July 2022

For the attention of: **Joseph Briody**
The Planning Inspectorate
Temple Quay House
Temple Quay
Bristol
BS1 6PN

References: CM9 Ref: 4.2.1.6986.
NSIP Ref: 010136

Dear

PROPOSED MORGAN OFSHORE WINDFARM
INFRASTRUCTURE PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT) REGULATIONS 2017 (as amended) REGULATIONS 10 and 11

Thank you for your letter of **(date)** regarding the information to be provided in an environmental statement relating to the above project. HSE does not comment on EIA Scoping Reports but the following information is likely to be useful to the applicant.

HSE's Land Use Planning Advice

Will the proposed development fall within any of HSE's consultation distances?

The proposed development does not appear to have an onshore component, consequently none of the proposed development falls within HSE public safety zones associated with Major Hazard Installation(s) and/or Major Accident Hazard Pipeline(s).

Explosives sites

As there are no licenced explosive sites HSE Explosives Inspectorate have no comment to make.

Electrical safety

No comment from a planning perspective

At this time, please send any further communication on this project directly to the HSE's designated e-mail account for NSIP applications at [redacted] We are currently unable to accept hard copies, as our offices have limited access.

Yours faithfully,

[redacted]

pp MR ALLAN BENSON
CEMHD4 NSIP Consultation Team

Historic England

Gail Boyle
Senior EIA Advisor
The Planning Inspectorate
Temple Quay House
2 The Square
Bristol, BS1 6PN

Your Ref: EN010136-000034

8th July 2022

Dear Ms Boyle,

Morgan Offshore Wind Project Environmental Impact Assessment Scoping Report

Thank you for your email and letter, dated 16th June 2022 requesting our comments on the following document, as referenced:

> *Morgan Offshore Wind Project Environmental Impact Assessment Scoping Report* (Dated June 2022), prepared by RPS Group Plc for Energie Baden-Württemberg AG (EnBW) and bp.

In summary, we concur with the conclusions of the above referenced Scoping Report that marine archaeology and seascape, as relevant to defined aspects of construction, operation and maintenance and decommissioning phases of this proposed development, will be scoped into the EIA exercise for this proposed development.

The role of Historic England

As you may be aware, Historic England is the Government's advisor on all aspects of the historic environment in England. Historic England's general powers under section 33 of the National Heritage Act 1983 were extended (via the National Heritage Act 2002) to modify our functions to include securing the preservation of monuments in, on, or under the seabed within the seaward limits of the UK Territorial Sea adjacent to England. We also provide our advice in recognition of the English marine plan areas (inshore and offshore), as defined by the Marine and Coastal Access Act 2009 and the objectives and policies of published Marine Plans.

We understand that Energie Baden-Württemberg AG (EnBW) and 'bp' are jointly developing the Morgan Offshore Wind Project through their project company Morgan Offshore Wind Limited and that the Mona Potential Array Area (MPAA) could be located in the eastern Irish Sea, 22.3km from the Isle of Man and 36.3km from the northwest coast of England.

The information regarding an output from the Holistic Network Design Review (HNDR) was helpful in that the Morgan Offshore Wind Project will share a grid connection location at Penwortham (Lancashire) with the proposed Morecambe Offshore Windfarm. However, we are aware that this Scoping Report is focused on generation assets and that the Morgan and Morecambe projects will each separately prepare Scoping Reports in accordance with The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017.

EIA Scoping Report Part 1: Introduction

We appreciate that this EIA Scoping Report will address the following components of the proposed Morgan Offshore Wind Project generation assets comprising:

- wind turbine generators;
- foundations and support structures (e.g. monopile, pin-piled jacket and suction bucket jacket);
- scour and cable protection;
- inter-array cables;
- interconnector cables; and
- offshore substation platforms

We concur with the inclusion of marine archaeology within Table 1.2 (Topics within the EIA Scoping Report) and we noted the statement made in paragraph 3.2.1.6 regarding the completion of a geophysical survey across the Morgan Array Scoping Boundary and that site-specific geophysical data will be presented in the Preliminary Environmental Information Report (PEIR). Paragraph 3.3.1.1 confirms the intention that a Project Design Envelope (PDE) (i.e. the Rochdale Envelope approach) will be applied which we appreciate affords the Applicant flexibility in project design options, including foundations and wind turbine generator type in any eventual DCO application made to the Planning Inspectorate. Furthermore, that the PDE assessment process should ensure that maximum design parameters will be assessed in the production of the Environmental Statement (ES) in reference to the Table 3.2, such as highest point of the structure, which could be 320m above Mean Sea Level.

Section 3.4.4 (Seabed preparation) describes how seabed levelling, removal of surface and subsurface debris e.g. boulders, fishing gear or "lost anchors", such that removal of identified debris below the seabed surface could require excavation. It is therefore an important that we highlight the role of an accredited, professional and experienced archaeological consultant in assessing the risk that archaeological materials might be encountered and that such material is not treated as (contemporary) debris. Section 3.5 (Construction), paragraph 3.5.1.2 highlights activities inclusive of pre-construction site investigation surveys and seabed preparation activities. Both of which need to be informed by archaeological advice to ensure equal consideration of embedded and adaptive mitigation strategies.

We also noted the attention given in Section 5.3 to the Evidence plan process and in paragraph 5.3.1.4 the establishment of Expert Working Groups (EWG) is explained. However, it appears a historic environment EWG is not highlighted in this paragraph. While we appreciate the attention given to formalising engagement with Statutory Nature Conservation Bodies during pre-application, we consider it relevant that acknowledgement should be given to how the Evidence Plan Process and the establishment of other sectoral EWGs, such as for the historic environment, as occurs offshore, should also be acknowledged.

EIA Scoping Report Part 2: Generation assets

Chapter 5 (Offshore human environment), Section 5.3 Marine archaeology

We noted the statement made in paragraph 5.3.3.5 regarding "site-specific surveys" conducted in 2021 comprising:

- Multibeam Echo Sounder (MBES);
- Side Scan Sonar (SSS);
- Sub-bottom Profiler (SBP);
- multichannel 2D Ultra-high Resolution Seismic (UHRS); and
- magnetometer survey.

We therefore concur that those survey data generated should be reviewed by an experienced archaeological consultant with the analysis reported to the ETG during pre-application consultation and included within any PEIR and ES produced. Detailed, technical reporting should be provided through accompanying appendices.

In Section 5.3.4 (Baseline environment), paragraph 5.3.4.4 makes the important acknowledgement that the absence of "archaeological survey" should not be interpreted as implying absence of submerged prehistoric environment potential. In the paragraphs under "Maritime archaeological potential", it is our advice that in consideration of the risk of encountering presently unknown cultural heritage (prehistoric environmental evidence or historic vessels and aircraft), that measures and procedures are established at an early stage of project planning. The benefit of adopting this approach is to ensure capacity is built in to inform design, so as to best deliver UK policy objectives for the protection of underwater cultural heritage.

Regarding the statement made in paragraph 5.3.4.12, it is important to factor-in seabed sedimentary conditions whereby wrecked vessels of considerable antiquity may have become buried and therefore the state of preservation could be very high. Furthermore, such heritage assets may be very difficult to identify with geophysical survey data which was gathered to generally characterise the area within which the development may occur. The risk that an anomaly with minimal 'signature' may represent buried archaeological material of considerable importance should always be factored in, such as alluded to in paragraph 5.3.4.17. The comment is also made that the Key in Figure 5.15 should have included location references to the five known maritime wreck sites mentioned in Paragraph 5.3.4.11.

We concur with the statement made in paragraph 5.3.5.2 regarding the impacts which have not been scoped out of the assessment of marine archaeology, as summarise for all project phases (construction, operation and decommissioning) in Table 5.8. The

matters set out in Section 5.3.6 (measures adopted as part of the project) are noted and represent important matters to be addressed in support of preparation of a PEIR and ES. For example:

- the identification of Archaeological Exclusion Zones and agreement of measures to deliver in-situ protection through all phases of the intended project;
- the preparation of an outline marine archaeological Written Scheme of Investigation (including geoarchaeological advice to inform the specification and analysis of pre-construction geophysical and geotechnical surveys) as part of any DCO application;
- a protocol system for reporting archaeological discoveries; and
- ensuring archaeological advice is used in the planning, delivery and analysis of geophysical and geotechnical survey data as may occur pre-construction should consent be obtained.

Regarding the guidance referred to in paragraph 5.3.7.1. we offer the following updates:

- *Archaeological Written Schemes of Investigation for Offshore Wind Farm Projects*, as published by The Crown Estate in July 2021 (which now replaces the version published in 2010);
- Gribble J. and Leather S. (2011) *Guidance for Offshore Geotechnical Investigations and Historic Environment Analysis*: guidance for the renewable energy sector. Published by the former COWRIE Group; and
- Historic Environment Advice Note 15 Commercial Renewable Energy Development and the Historic Environment (2021). Published by Historic England: https://historicengland.org.uk/images-books/publications/commercial-renewable-energy-development-historic-environment-advice-note-15/

The attention given in Sections 5.3.8 (potential cumulative effects) and 5.3.9 (potential inter-related effects) is important and we will consider such matters further as they are addressed through PEIR and in any ES submitted with a Development Consent Order (DCO) application.

We appreciate that the generation assets development is planned for the English marine planning area (as illustrated by Figure 5.14) and that the "archaeological study area" extends slightly into the Isle of Man marine planning area. We therefore encourage the Application to contact the national curator for the historic environment in the Isle of Man to obtain advice, as necessary, to support preparation of a PEIR and any eventual ES prepared in support of a DCO application.

Chapter 6 (Offshore and onshore combined topics), Section 6.1 Seascape, landscape and visual resources

In Table 6.1 reference is made to internationally and nationally designated landscapes, including publicly accessible Registered Parks and Gardens (RPaGs) and World Heritage Sites, as exist within the English coastal zone (described in paragraph 6.1.4.3). Regarding the summary provided in Table 6.2 we note the attention given to the possible impact of the generation assets on seascape and landscape character to be scoped into project phases: construction; operations and maintenance; and decommissioning. In reference to Section 6.1.7 (Proposed assessment methodology),

it is our advice that the assessment considers possible impact to the significance of heritage assets in reference to setting and we therefore provide the following reference:

- Historic England (2017) *The Setting of Heritage Assets*. Historic Environment Good Practice Advice in Planning Note 3 (Second Edition): https://historicengland.org.uk/images-books/publications/gpa3-setting-of-heritage-assets/

Consideration of the historic environment should also be factored into the approach to identifying potential cumulative effects (Section 6.1.8) and in Section 6.1.9 (Potential Inter-related effects) reference is made to consideration within the relevant topic chapters of the ES "For example: Historic environment". We therefore require clarification if this will be a chapter included within the PEIR and ES prepared for "Generation assets". We also noted that the EIA Scoping Report did not specifically include consideration of Historic Seascape Character and the methodological approach produced by Historic England as a means to support the UK's implementation of Council of Europe European Landscape Convention 2000 (https://www.coe.int/en/web/landscape), we therefore provide the following links for further information:

- https://historicengland.org.uk/research/methods/characterisation/historic-seascapes/; and
- https://archaeologydataservice.ac.uk/archives/view/hscirish_eh_2011/

Chapter 8 (Generation assets summary)

We concur with the summary as set out in Table 8.1, regarding the potential impacts that are proposed to be scoped into (i.e. considered further) or scoped out of (not considered further) the EIA exercise as relevant to marine archaeology and seascape for the proposed Morgan Offshore Wind Project generation assets project.

Regarding the questions set out in paragraph 8.5.1.1, we offer the following responses:

- *"Are there any additional baseline data sources available that could be used to inform the EIA?"*
  The proposed location of the Morgan Offshore Wind Farm (Generation assets) project occurs within the North West Offshore Marine Plan area and therefore a key source of information will be records as held by the UK Hydrographic Office, as referenced in Section 5.3 (marine archaeology). However, these records will require corroboration with commissioned geophysical survey investigations to support the production of the PEIR and ES. We therefore appreciate the statement made in paragraph 5.3.3.5 that these data will be assessed by a marine archaeology specialist contractor.

- *"Does the reader agree that the proposed study areas are appropriate for each of the EIA topics?"*
  We offer comment (as above) only in reference to the historic environment as might exist within the proposed project area and archaeological study area.

- *"Have all potential impacts resulting from the Morgan Offshore Wind Project generation assets been identified for each of the EIA topics within this EIA Scoping Report?"*
  We offer comment (as above) only in reference to the historic environment as might exist within the proposed project area. It is an important factor that given the possibility that presently unknown elements of the historic environment might be encountered, that consideration of "potential impact" will require this project to adopt an adaptive approach to inform design and delivery of the intended infrastructure.

- *"Does the reader agree with the impacts to be scoped in, and out, of the assessment?"*
  We are prepared to accept the explanation provided about the impacts to be scoped in and out of the EIA exercise to be conducted.

- *"For those impacts scoped in, does the reader agree that the methods described are sufficient to inform a robust impact assessment?"*
  Broadly, the methods set out should be sufficient to generally characterise the area within which this development is proposed. A crucial contributing factor to the EIA exercise will be optimising corroboration between desk-based sources of information (published and 'grey literature') and bespoke survey campaigns (geophysical and geotechnical) with analysis conducted by an accredited, professional and experienced archaeological contractor/consultant. However, it is apparent that the methodological approach to complete Historic Seascape Characterisation, as relevant to the infrastructure design options for this proposed project, will require attention in production of a PEIR and therefore should be subject to discussion in the historic environment EWG.

- *"Are there any specific developments or infrastructure schemes which should be taken into account when considering potential cumulative effects?"*
  We offer that consideration of all other Irish Sea marine renewable energy generation infrastructure should be included along with the legacy associated with the Irish Sea hydrocarbon extraction industry.

Yours sincerely,

[redacted]

Dr Christopher Pater
Head of Marine Planning

From:	Jon Connon
To:	Morgan Offshore Wind Project
Subject:	RE: EN010136 - Morgan Offshore Wind Farm - EIA Scoping Notification and Consultation
Date:	16 June 2022 16:03:24
Attachments:	image015.png image016.png

Dear Sir/Madam

Thank you for consulting JNCC regarding the application for the Morgan Offshore Wind Farm - EIA Scoping consultation, which we received on 16/06/2022.
Natural England is now authorized to exercise the JNCC's functions as a statutory consultee in respect of certain applications for offshore and offshore waters (0-200nm) adjacent to England. Therefore as the Morgan Offshore Wind Farm is wholly within English waters Natural England/ should provide a full response. As such JNCC have not reviewed this application and will not be providing further comment.

Please contact me with any questions regarding the above comments

Kind regards,

Jon Connon
Offshore Industries Advice Officer
Marine Management Team
JNCC, Inverdee House, Baxter Street, Aberdeen, AB11 9QA
[redacted]

jncc.gov.uk

JNCC have been monitoring the outbreak of COVID-19 closely and developed a response plan. As a result, the vast majority of our staff are working from home and adhering to the government's advice on social distancing and travel restrictions. Whilst we are taking these actions we are available for business as usual. We will respond to enquiries as promptly as possible. However, there may be some delays due to the current constraints and we ask for your understanding and patience.

From: Morgan Offshore Wind Project
<MorganOffshoreWindProject@planninginspectorate.gov.uk>
Sent: 16 June 2022 14:10
Subject: EN010136 - Morgan Offshore Wind Farm - EIA Scoping Notification and Consultation

Dear Sir / Madam

Please see attached correspondence on the proposed Morgan Offshore Wind Farm.

Please note the deadline for consultation responses is **14 July 2022** and is a statutory requirement that cannot be extended.

Kind regards,
Joseph Briody

The Planning Inspectorate

Joseph Briody | Associate EIA Advisor
The Planning Inspectorate
T [redacted]

Ensuring fairness, openness and impartiality across all our services

---

JNCC's response to the COVID-19 outbreak is focussed on protecting our people and partners to minimise the potential for the virus to spread. All staff are working from home and we are adhering to the Government's advice on social distancing and travel restrictions. We are also working with partners to ensure that the projects we support are

compliant with the latest Government guidance, including the introduction of restrictions on fieldwork. (See https://jncc.gov.uk/our-work/surveillance-schemes/) Our staff continue to be available for business as usual and will respond to enquiries as promptly as possible, but there may be delays. We ask for your understanding and patience at this time.

For information on how we handle personal data please see our Privacy Notice at https://jncc.gov.uk/privacy

JNCC Support Co. registered in England and Wales, Company No. 05380206. Registered Office: Monkstone House, City Road, Peterborough, Cambridgeshire PE1 1JY.
https://jncc.gov.uk/

Nick Salter
Maritime and Coastguard Agency
UK Technical Services – Navigation
105 Commercial Road
Southampton
SO15 1EG
www.gov.uk/mca

Your ref: EN010136-000034

01 July 2022

Gail Boyle
The Planning Inspectorate
Environmental Services
Central Operations
Temple Quay House
2 The Square
Bristol, BS1 6PN
By email to: morganoffshorewindproject@planninginspectorate.gov.uk

Dear Ms Boyle

Application by Morgan Offshore Wind Limited for an Order granting Development Consent for the Morgan Offshore Wind Project (the Proposed Development)

Scoping Report Consultation

Thank you for your letter dated 16 June 2022 requesting comments on the scoping report provided by Morgan Offshore Wind Limited. The MCA welcomes the opportunity to provide comments under the above Environmental Impact Assessment Regulations, and we would comment as follows:

The Environmental Impact Report should supply detail on the possible impact on navigational issues for both commercial and recreational craft, specifically:

- Collision Risk
- Navigational Safety
- Visual intrusion and noise
- Risk Management and Emergency response
- Marking and lighting of site and information to mariners
- Effect on small craft navigational and communication equipment
- The risk to drifting recreational craft in adverse weather or tidal conditions
- The likely squeeze of small craft into the routes of larger commercial vessels.

The development area carries a significant amount of traffic with a number of important commercial shipping routes to/from UK ports and the Irish Sea, particularly lifeline ferries between UK, Isle of Man and Ireland. Attention needs to be paid to routing, particularly in heavy weather routeing so that vessels can continue to make safe passage without large-scale deviations. The likely cumulative and in combination effects on shipping routes should be considered which will be an important issue to assess for this project. It should consider the proximity to other windfarm developments, other infrastructure, and the impact on safe navigable sea room.

It is noted that a Navigational Risk Assessment will be submitted in accordance with MGN 654. This should be accompanied by a detailed MGN 654 Checklist which can be found at:
https://www.gov.uk/guidance/offshore-renewable-energy-installations-impact-on-shipping

We note that a vessel traffic survey will be undertaken to the standard of MGN 654. We also note the winter vessel traffic survey was carried out during November and December 2021 and the second survey is planned for summer 2022. The surveys will consist of a minimum of 28 days of seasonal data (two x 14-day surveys) collected from a vessel-based survey using AIS, radar and visual observations to capture all vessels navigating in the study area. It is also noted that the traffic survey data will be benchmarked against AIS data from 2019. We understand the applicant has actively engaged with the stakeholders and ferry operators through the on-going sessions of Maritime Navigation Engagement Forum (MNEF) to understand the concerns and queries raised by them. We would expect the details of these consultations to be included within the NRA.

The proximity to other offshore windfarms will need to be fully considered, with an appropriate assessment of the distances between OREI boundaries and shipping routes as per MGN 654. The cumulative impacts of other windfarms in close proximity, in particular the proposed Morecambe and Mona offshore wind farms, will change routing. Attention must be paid for ensuring the established shipping routes in the Irish sea, particularly ferry routes, can continue safely without unacceptable deviations.

The turbine layout design will require MCA approval prior to construction to minimise the risks to surface vessels, including rescue boats, and Search and Rescue aircraft operating within the site. Any additional navigation safety and/or Search and Rescue requirements, as per MGN 654 Annex 5, will be agreed at the approval stage.

Attention should be paid to cabling routes and where appropriate burial depth for which a Burial Protection Index study should be completed and subject to the traffic volumes, an anchor penetration study may be necessary. If cable protection measures are required e.g. rock bags or concrete mattresses, the MCA would be willing to accept a 5% reduction in surrounding depths referenced to Chart Datum. This will be particularly relevant where depths are decreasing towards shore and potential impacts on navigable water increase, such as at the HDD location.

Particular consideration will need to be given to the implications of the site size and location on SAR resources and Emergency Response Co-operation Plans (ERCoP). The report must recognise the level of radar surveillance, AIS and shore-based VHF radio coverage and give due consideration for appropriate mitigation such as radar, AIS receivers and in-field, Marine Band VHF radio communications aerial(s) (VHF voice with Digital Selective Calling (DSC)) that can cover the entire wind farm sites and their surrounding areas. A SAR checklist will also need to be completed in consultation with MCA, as per MGN 654 Annex 5 SAR requirements.

MGN 654 Annex 4 requires that hydrographic surveys should fulfil the requirements of the International Hydrographic Organisation (IHO) Order 1a standard, with the final data supplied as a digital full density data set, and survey report to the MCA Hydrography Manager. Failure to report the survey or conduct it to Order 1a might invalidate the Navigational Risk Assessment if it was deemed not fit for purpose.

On the understanding that the Shipping and Navigation aspects are undertaken in accordance with MGN 654 and its annexes, along with a completed MGN checklist, MCA is likely to be content with the approach.

Yours sincerely,

Nick Salter
Offshore Renewables Lead
UK Technical Services - Navigation

Marine Management Organisation

Marine Licensing
Lancaster House
Hampshire Court
Newcastle upon Tyne
NE4 7YH

[redacted]
www.gov.uk/mmo

Morgan Offshore Wind Farm Case Team
Planning Inspectorate
MorganOffshoreWindProject@planninginspectorate.gov.uk
(Email only)

MMO Reference: DCO/2022/00003

14 July 2022

Dear Ms/Mrs Boyle,

Formal scoping request under the Infrastructure Planning (Environmental Impact Assessment) Regulations 2009 for the proposed Morgan Offshore Wind Farm Project by Morgan Offshore Wind Limited.

Thank you for your scoping opinion request of 16 June 2022 and for providing the Marine Management Organisation (MMO) with the opportunity to comment on the Morgan Offshore Wind Farm Environmental Impact Assessment (EIA) scoping request.

The MMO's role in Nationally Significant Infrastructure Projects

The MMO was established by the Marine and Coastal Access Act 2009 (the "2009 Act") to contribute to sustainable development in the marine area and to promote clean, healthy, safe, productive and biologically diverse oceans and seas. The responsibilities of the MMO include the licensing of construction works, deposits and removals in English inshore and offshore waters and for Welsh and Northern Ireland offshore waters by way of a marine licence[1]. Inshore waters include any area which is submerged at mean high water spring ("MHWS") tide. They also include the waters of every estuary, river or channel where the tide flows at MHWS tide. Waters in areas which are closed permanently or intermittently by a lock or other artificial means against the regular action of the tide are included, where seawater flows into or out from the area. In the case of Nationally Significant Infrastructure Projects ("NSIPs"), the 2008 Act enables Development Consent Order's ("DCO") for projects which affect the marine environment to include provisions which deem marine licences[2].

As a prescribed consultee under the 2008 Act, the MMO advises developers during preapplication on those aspects of a project that may have an impact on the marine area or those who use it. In addition to considering the impacts of any construction, deposit or removal within the marine area, this also includes assessing any risks to human health, other legitimate uses of the sea and any potential impacts on the marine environment from terrestrial works. Where a marine licence is deemed within a DCO, the MMO is the delivery body responsible for post-consent monitoring, variation, enforcement and revocation of provisions relating to the marine environment. As such, the MMO has a keen interest in ensuring that provisions drafted in a deemed marine licence ("dML") enable the MMO to fulfil these obligations. Further information on licensable activities can be found on the MMO's website[3]. Further information on the interaction between the Planning Inspectorate and the MMO can be found in our joint advice note[4].

[1] Under Part 4 of the 2009 Act
[2] Section 149A of the 2008 Act
[3] https://www.gov.uk/planning-development/marine-licences
[4] http://infrastructure.planningportal.gov.uk/wp-content/uploads/2013/04/Advice-note-11-v2.pdf

Please find attached the scoping opinion of the MMO. In providing these comments, the MMO has sought the views of our technical advisors at the Centre for Environment, Fisheries and Aquaculture Science (Cefas) and the MMO Coastal Office - South Eastern Area.

The MMO reserves the right to make further comments on the project throughout the preapplication process and may modify its present advice or opinion in view of any additional information that may come to our attention. This representation is also submitted without prejudice to any decision the MMO may make on any associated application for consent, permission, approval or any other type of authorisation submitted to the MMO either for the works in the marine area or for any other authorisation relevant to the proposed development.

If you require any further information, please do not hesitate to contact me using the details provided below.

Yours Sincerely

[redacted]

Deborah Nickless
Marine Licensing Case Officer

[redacted]

Scoping Opinion

Marine Works (Environmental Impact Assessment) Regulations 2007 (as amended) ("the Regulations")

Title: Morgan Offshore Wind Farm

Applicant: Morgan Offshore Wind Farm Limited

MMO Reference: DCO/2022/00003

Contents

1. Proposal

Thank you for your letter dated 16 June 2022 consulting the Marine Management Organisation (MMO) on the EIA Scoping report submitted by Morgan Offshore Wind Limited in respect to an application for development consent under the Planning Act 2008 (the "2008 Act") to Morgan Offshore Wind Farm.

1.1 Project Background

1.1.1 In February 2021, Energie Baden-Württemberg AG (EnBW) and bp Alternative Energy Investments Limited were selected by The Crown Estate (TCE) as Preferred Bidder for two 60-year leases in Offshore Wind Leasing Round 4. The projects to be developed in the two Preferred Bidding Areas, located in the east Irish Sea, have been named as the Morgan Offshore Wind Project and the Mona Offshore Wind Project. In accordance with the Round 4 bid, the proposed capacity of each project is 1.5GW. Separate consent applications will be submitted by Morgan Offshore Wind Limited and Mona Offshore Wind Limited (the 'Applicants') for each project, each supported by a separate Environmental Impact Assessment (EIA) Scoping Report and Environmental Statement (ES). The EIA Scoping Report for the Mona Offshore Wind Project was submitted to The Planning Inspectorate and Natural Resources Wales in May 2022. This EIA Scoping Opinion has been prepared for the Morgan Offshore Wind Project.

1.1.2 As the Morgan Offshore Wind Project is an offshore generating station with a capacity of greater than 100MW located in English waters, it is a Nationally Significant Infrastructure Project (NSIP)1, requiring a Development Consent Order (DCO) under the Planning Act 2008. The application for development consent for the Morgan Offshore Wind Project generation assets will cover all offshore aspects of the Morgan Offshore Wind Project generation assets included within the Morgan Array Scoping Boundary.

1.1.3 The Morgan Array Scoping Boundary (i.e. the area within which the offshore wind turbines will be located) is 322.2km2 in area and is located 22.3km (12nm) from the Isle of Man and 36.2km (19.6nm) from the northwest coast of England (when measured from Mean High Water Springs (MHWS)). The Morgan Array Scoping Boundary is located wholly within English offshore waters (beyond 12nm from the English coast).

1.1.4 It is currently proposed that the Project will share a grid connection location at Penwortham in Lancashire with the Round 4 Morecambe Offshore Windfarm (also located in the east Irish Sea). Although the projects are being developed by separate companies, which means it is not feasible for all aspects of both projects to be consented under a single application, the Applicant intends to deliver a coordinated grid connection with the Morecambe Offshore Windfarm, including the sharing of offshore and onshore export cable corridors and grid connection location at Penwortham. For this reason, the EIA Scoping Report being reviewed under this consultation is for the Project's generation assets only. An application to consent the construction, operation and maintenance and decommissioning of the transmission assets required to enable the export of electricity from both the Morgan Offshore Wind Project and the Morecambe Offshore Windfarm to the National Grid entry point at Penwortham will be submitted separately.

1.1.5 In accordance with the Round 4 bid, the proposed capacity of the Morgan Offshore Wind Project is 1.5GW. The Morgan Offshore Wind Project generation assets will

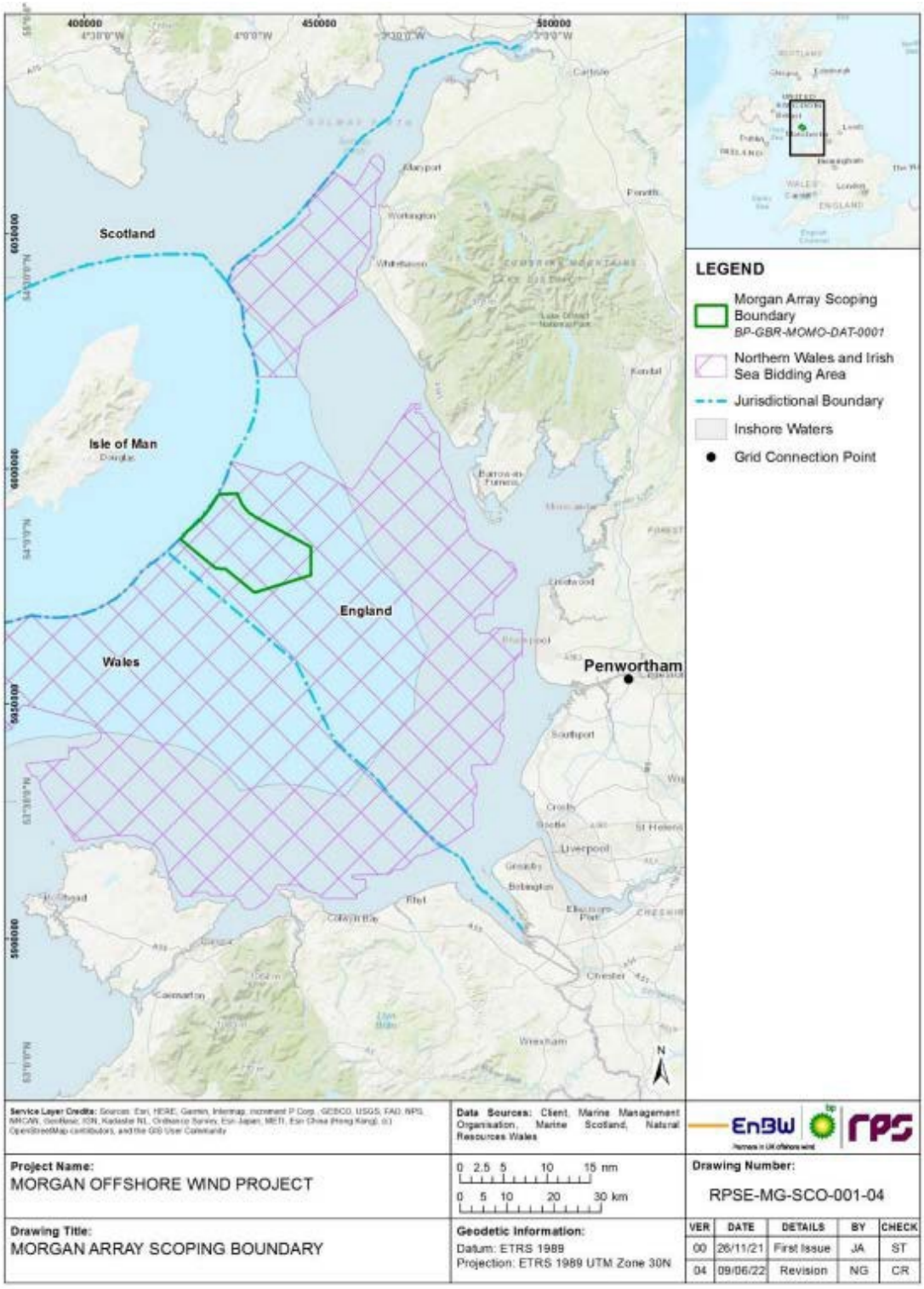
include all associated offshore infrastructure (including up to 107 offshore wind turbines). Key components of the Morgan Offshore Wind Project generation assets include:

- offshore wind turbines (maximum of 107, fixed to the seabed)
- foundations and support structures
- scour and cable protection
- inter-array cables
- interconnector cables
- offshore substation platforms (up to 4).

2. Location

The Morgan Offshore Windfarm is located between 22.3km from the Isle of Man coastline and 36.2km from the northwest coast of England, the Scoping area is displayed in Figure 1 below.

Figure 1: The Morgan Array Scoping Boundary.



3. Scoping Opinion

Pursuant of regulations 10 and 11 of the Planning Act 2008 (as amended) and The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017(the EIA Regulations), Morgan Offshore Wind Farm Limited have requested a Scoping Opinion from the MMO.

In so doing a Scoping Report entitled 'Morgan Offshore Wind Project – Environmental Impact Assessment Scoping Report' has been submitted to the MMO for review.

The MMO agrees with the topics outlined in the Scoping Report and in addition, we outline that the following aspects be considered further during the EIA and must be included in any resulting Environmental Statement (ES).

3.1 General Comments

3.1.1 The scoping report is a well written and comprehensive document which includes the relevant impacts to the benthic assemblages within the scoping area (generation assets).

3.2 Marine Planning

3.2.1 Paragraph 2.1.3.13 references that the North West Marine Plan Area will be taken into consideration while preparing the EIA and ES. The MMO requires that for the final ES a table is produced to highlight all policies within these plans and whether these have been screened in or out, including justification. The MMO welcomes any further discussions with Morgan Offshore Wind Farm Limited in relation to this.

3.3 Nature Conservation

3.3.1 The MMO defers to Natural England as the Statutory Nature Conservation Body (SNCB) on the suitability of the scope of the assessment with regards to MPAs.

3.4 Benthic Ecology

3.4.1 The MMO is content that the approach provided by the applicant is sufficient to fully identify and assess potential impacts. The approach includes an assessment of the current information available and a commitment to undertake site specific surveys to collect relevant information on the benthic environment within the scoping area (sampled in 2021) and zone of influence (due to be sampled in 2022).

3.4.2 The impacts considered within the document appear appropriate and include those relevant to benthic ecology (e.g., increased suspended sediment; habitat loss / disturbance; introduction of non-native species; colonisation of hard structures; electromagnetic fields; alteration of physical processes).

3.4.3 The applicant's decision to scope out the impacts of electromagnetic fields (EMF) on the benthic assemblage is based on the attenuation of field strength with distance from the cable (CSA, 2019). The MMO recommend that additional literature is referenced to provide evidence of the impact of EMF on the benthic assemblage (e.g., Bochert & Zettler, 2006; Gill and Barlett, 2010; Gibb et al. 2014; Scott at al., 2019; Stöber & Thomsen, 2021) and that EMF is considered and discussed further in the EIA so that any scoping decision is evidenced with the latest available literature.

3.4.4 The MMO is content that general mitigation measures such as those included within the project design (e.g., modifications to location or design) are in line with those of other OWF developments.

3.4.5 Specific mitigation, and monitoring, measures will be considered within the relevant sections of the Environmental Statement which will be available for review in due course and will be developed in consultation with “statutory consultees throughout the EIA process”.

3.4.6 The MMO considers there is an adequate description of the potential cumulative and interrelated impacts and effects on the physical and biological environment. Section 4.8 - Cumulative effects assessment (CEA) of the scoping report includes the steps taken within the CEA. In summary, the level of detail available (data confidence) is considered in combination with the potential occurrence of overlap (physical, temporal, or conceptual).

3.4.7 The scoping report includes a table (see Figure 2 in the appendix below) summarising benthic species and habitats considered alongside the relevant legislation guiding their protection. This includes “Subtidal sands and gravels” as a relevant protected habitat within the area in addition to various reef (rocky; cobble; *Modiolus*; *Sabellaria spinulosa*) communities and sea pen and burrowing megafauna communities.

3.4.8 The MMO recommends that impacts on the wider benthic assemblage within the Morgan OWF are also considered, particularly when it comes to developing the monitoring plan for the site so that the impact of the Morgan OWF on the benthic assemblage within the scoping area and zone of influence can be suitably evidenced.

3.4.9 For any future additional mitigation, the MMO highlights that infrastructure should be positioned to avoid impacts on any features of conservation importance identified during baseline or pre-construction surveys.

3.4.10 The MMO recommend additional literature is included to further evidence the impacts of EMF on the benthic assemblage within the scoping area.

3.5 Coastal Processes

3.5.1 The MMO is content that all coastal process impacts have been scoped in as pathways to other impacts (e.g. benthic habitats).

3.5.2 Table 3.3 appears to capture all the potentially significant impacts. These include the impacts to the: wave regime, suspended sediment concentration, tidal regime, and sediment transport.

3.5.3 The scoping report (paragraphs 5.2.8 to 5.2.16) lists coastal process impacts as:

- changes to suspended sediment concentrations and sediment deposition;
- changes to coastal geomorphology;
- changes to waves and hydrodynamics;
- changes to sediment transport and morphology; and
- scour around marine structures.

3.5.4 The report clearly details a logical plan to assessing the impact of the project on the physical environment in section 3.

3.5.5 The MMO considers the applicant has addressed potential cumulative and interrelated impacts and effects on the physical environment adequately using standard approaches.

3.6 Fish Ecology and Fisheries

3.6.1 The MMO considers that the potential impacts and effects on fisheries and fish ecology that are likely to arise as a result of the construction, operation, maintenance and decommissioning of the Project have been appropriately scoped in for the EIA.

3.6.2 The MMO considers the approach to characterising the environment for fisheries and fish ecology for the generation assets uses appropriate literature and data sources to inform the assessment. The spawning and nursery grounds of fishes have been identified for the east Irish sea region, as have the relevant migratory fishes and species of ecological and/or conservation importance. The MMO does have some concerns regarding the proposed approaches for determining herring spawning habitat (point 3.6.4) and sandeel habitat suitability (point 3.6.5), and the proposed approach to underwater noise modelling (points 3.6.6 – 3.6.7) on which the MMO have commented on below.

3.6.3 The potential impacts arising from the construction, operation and maintenance, and decommissioning phases of the projects have also been appropriately identified. The MMO is content that the following impacts of can be scoped out of further assessment at EIA stage:

- Accidental pollution during construction, operation and maintenance and decommissioning phases.
- Underwater noise from wind turbine operation during operation and maintenance phase.
- Underwater noise from vessels during all phases.
- Impacts from the release of sediment-bound contaminants.

3.6.4 The MMO considers the proposed approach to determining the location/s of herring spawning habitat is to follow the method described by Boyle and New (2018), which uses herring larval survey data to determine areas where active spawning is taking place. Whilst the MMO agree that larval data present the most up to date information and provide the greatest confidence for determining areas where active spawning is taking place, it is unclear from reviewing the scoping report how the Applicant intends to make use of the particle size analysis (PSA) data for the purpose of determining herring spawning habitat suitability, this is of relevance because historic herring spawning grounds can be recolonised over time (Corten, 1999) and although herring will return to a broad area to spawn annually, the exact locations change year on year. I recommend that the Applicant also reviews and adapts their herring spawning habitat suitability assessment using the method described by MarineSpace (2013a) which uses a suite of data to determine habitat suitability including PSA data, British Geological Survey (BGS) data, Regional Seabed Monitoring Plan (RSMP) data, herring larval survey data, as well as fishing fleet data and scientific publications, and then assigns a score to the heat map outputs based on confidence of the data.

3.6.5 Similarly, the approach to assessing sandeel habitat suitability has not been described with the scoping report, or how the PSA data collected will be interpreted to determine sandeel habitat suitability. The MMO recommends the Applicant reviews and adapts their sandeel habitat suitability assessment using the method described by MarineSpace (2013b) which also uses data layers assigned with scores to produce a heat map based on the confidence of data.

3.6.6 Regarding the approach to assessing the impacts of underwater noise and vibration on fisheries and fish ecology, the MMO notes that the Applicant will refer to Popper et al. (2014) for guidelines on hearing thresholds based on the various hearing capabilities of fish. The MMO support this approach. However, the MMO does have major concerns regarding the proposed use of a generic swim speed for fish of 0.5m/s, as stated in Table 3.8, for the purpose of underwater noise modelling. The MMO do not support the use of a fleeing animal model for fish the reasons outlined below:

I. Fish will respond to loud noise and vibration, through observed reactions including; schooling more closely; moving to the bottom of the water column; swimming away, and; burying in substrate (Popper et al. 2014). However, this is not the same as fleeing, which would require a fish to flee directly away from the source over the distance shown in the modelling. We are not aware of scientific or empirical evidence to support the assumption that fish will flee in this manner.

II. The assumption that a fish will flee from the source of noise is overly simplistic as it overlooks factors such as fish size and mobility, biological drivers, and philopatric behaviour which may cause an animal to remain/return to the area of impact. This is of particular relevance to herring, as they are benthic spawners which spawn in a specific location due to its substrate composition.

III. Eggs and larvae have little to no mobility, which makes them vulnerable to barotrauma and developmental effects. Accordingly, they should also be assessed and modelled as a stationary receptor, as per the Popper et al. (2014) guidelines.

3.6.7 The MMO therefore recommend that all underwater modelling is based on a stationary rather than a fleeing receptor for fish as the MMO is not aware of any supporting peer-reviewed literature for fleeing in fish.

3.6.8 For the purpose of modelling behavioural responses in herring at their spawning ground, the MMO recommend the inclusion of a 135dB threshold based on startle responses observed in sprat by Hawkins et al. (2014). Sprat is considered a suitable proxy species for herring for the purpose of modelling likely behavioural responses in gravid herring at the spawning ground. It would be useful if the 135dB noise contour was presented in mapped form (i.e., as an additional contour to the 186dB, 203dB and 207dB, as per Popper et al., 2014).

3.6.9 The MMO agrees with the best-practice measures that have been outlined in Section 4.2.6.1 of the scoping report for fisheries and fish ecology, all of which are appropriate. The requirement for further mitigation or monitoring will be determined on the outcome of the EIA process, which I agree is appropriate.

3.6.10 The general approach to assessing potential cumulative and inter-related impacts has been described in Part 1, Section 4 of the scoping report, and seems appropriate. Specific impacts relating to cumulative and inter-related impacts to fisheries and fish ecology have not been identified at this stage as these will depend on a number of

factors such as the identification of overlapping project boundaries, the temporal and spatial extent of an impact, and the magnitude and significance of an impact, all of which will be determined as part of the EIA process.

3.6.11 Potential transboundary impacts to fisheries and fish ecology during the construction, operation decommissioning phases have been described in Annex A of the scoping report. The transboundary impacts to be scoped into the EIA process include underwater noise, loss of fish habitat, disturbance to habitat due to increased sediment concentrations (SSCs) and associated sediment deposition. The MMO agrees that these impacts are appropriate, and that suitable consideration has been given regarding the scale of study area.

3.7 Shellfish

3.7.1 The MMO considers the scope of the approach is sufficient to fully identify and assess the potential impacts. The MMO agree that scoping for the 'worst-case scenario' will allow modifications to the project that will have a lesser impact.

3.7.2 The MMO considers the Applicant has identified all potential impacts to shellfish caused from this project. The MMO has some concerns regarding the timeliness of some data sources and the interpretation of some data sources, this is discussed in 3.7.3 – 3.7.5 below.

3.7.3 The Applicant has identified a range of suitable data sources of various timescales. The MMO would expect to see data collected within the last 5 years as the primary data source used as this data will provide the most accurate view of current baseline conditions. This should be updated in the ES.

3.7.4 The MMO would expect to see MMO Landings Data for the relative ICES rectangles used to support survey data. Landings data will highlight species of commercial importance and general areas of high abundance. This should be provided in the ES.

3.7.5 The MMO notes trawl survey data has been used to highlight which shellfish species were present at site (paragraph 4.2.4.14 of the scoping report). The applicant has stated that Queen Scallops were the most numerous. While this maybe what the data shows at face value, this is not a scientifically robust interpretation of the data. Trawl fishing gear is not designed to capture shellfish species and therefore does not present an accurate representation of the quantities of shellfish present at a site. Information on shellfish caught using anything other than gear designed to catch the species (e.g., Nephrops otter trawl, Scallop dredger or Queenie dredger) should be used only for presents/absence data and not an assessment of abundance. This data should be modified for presentation in the ES to reflect the correct scientific interpretation. It is also considered good practice to caveat any data used that has been collected using non-shellfish specific fishing gears.

3.8 Marine Mammals

3.8.1 The MMO has not had the opportunity to consult with Underwater Noise Experts to consider impacts on marine mammals from underwater noise. The MMO will provide comments to the Applicant for their inclusion into the Preliminary Environmental Information Report.

3.8.2 The MMO defers to Natural England as the Statutory Nature Conservation Body (SNCB) in relation to all other potential impacts to marine mammals.

3.9 Underwater noise

3.9.1 The MMO has not had the opportunity to consult with Underwater Noise Experts regarding this Scoping Report. The MMO will provide comments to the Applicant for their inclusion into the Preliminary Environmental Information Report.

3.9.2 The MMO expect any underwater unexploded ordnance (UXO) surveys to be completed before a marine licence application for the UXO disposal campaign is submitted.

3.10 Seascape / Landscape

3.10.1 The MMO defers to Historic England, Natural England (as the SNCB) and relevant local planning authorities on the suitability of the scope of the assessment with regards to Seascape and Landscape.

3.11 Archaeology / Cultural Heritage

3.11.1 The MMO defers to Historic England on the suitability of the scope of the assessment with regards to Archaeology and Cultural Heritage impacts.

3.12 Navigation / Other Users of the Sea

3.12.1 The MMO defers to the Maritime Coastguard Agency (MCA) and Trinity House on the suitability of the scope of the assessment with regards to navigation of vessels.

3.13 Water Quality

3.13.1 The MMO defers to The Environment Agency on the suitability of the scope of the assessment with regards to water quality.

3.14 Dredging and Disposal

3.14.1 Morgan Offshore Windfarm Limited may need to potentially dredge and dispose of drill arising's from the preparation and installation of foundations or the clearance of sand waves under construction activities. This should be addressed explicitly in the final project design if this this activity is to be undertaken.

3.14.2 Seabed preparation, dredging and disposal of material arising from the installation of infrastructure are licensable activities and disposals are only permissible within designated disposal sites. Should on-site disposal be required, a new disposal site or the use of an existing disposal sites must be characterised. A sign-posted characterisation report or EIA report chapter should be including as a minimum:

- The need for the new disposal site;
- The dredged material characteristics;
- The disposal site characteristics;
- The assessment of potential effects; and
- The reasons for the site selection.

3.14.3 If dredge disposal is required, a disposal method should be provided including the estimated volume of material to be disposed of. This must be provided in order to make an assessment of the proposed activity and to allow the proposed volumes to be included on any Development Consent Order.

3.14.4 MMO can provide further comment on this issue once more detail on disposal activities is provided.

3.15 Population and Human Health

3.15.1 The MMO defers to the Local Authority and Public Health England on the suitability of the scope of the assessment with regards to population and human health impacts.

3.16 Cumulative Impacts & In-Combination Impacts

3.16.1 The MMO is content with the proposal for cumulative impacts and in-combination impacts.

4. Conclusion

The topics highlighted in this scoping opinion should be assessed during the EIA process and the outcome of these assessments should be documented in the EIA report in support of the deemed marine licence application and the planning application. This statement, however, should not necessarily be seen as a definitive list of all EIA (and HRA) requirements. Given the scale and program of these planned works, other work may prove necessary.

Yours Sincerely

[redacted]

Deborah Nickless
Marine Licensing Case Officer

[redacted]

5. References

Benthic Ecology

Bochert, R. & Zettler, M.L. (2004). Long-term exposure of several marine benthic animals to static magnetic fields. Bioelectromagnetics. (7):498-502.

CSA Ocean Sciences Inc. and Exponent (2019) Evaluation of Potential EMF Effects on Fish Species of Commercial or Recreational Fishing Importance in Southern New England. U.S. Dept. of the Interior, Bureau of Ocean Energy Management, Headquarters, Sterling, VA. OCS Study BOEM 2019-049. 59 pp.

Gibb, N., Tillin, H.M., Pearce, B. & Tyler-Walters, H., 2014. Assessing the sensitivity of Sabellaria spinulosa reef biotopes to pressures associated with marine activities. Joint Nature Conservation Committee, Peterborough, JNCC report No. 504, 67 pp

Gill, A.B. & Bartlett, M. (2010). Literature review on the potential effects of electromagnetic fields and subsea noise from marine renewable energy developments on Atlantic salmon, sea trout and European eel. Scottish Natural Heritage Commissioned Report No.401

Scott, K., Harsanyi, P., Easton, B. A., Piper, A. J., Rochas, C. M., & Lyndon, A. R. (2021). Exposure to electromagnetic fields (Emf) from submarine power cables can trigger strength-dependent behavioural and physiological responses in edible crab, cancer pagurus (l.). Journal of Marine Science and Engineering, 9(7), 776.

Stöber, U., & Thomsen, F. (2021). How could operational underwater sound from future offshore wind turbines impact marine life? The Journal of the Acoustical Society of America, 149(3), 1791-1795.

Fish Ecology

Boyle, G., New, P., 2018. ORJIP Impacts from Piling on Fish at Offshore Wind Sites: Collating Population Information, Gap Analysis and Appraisal of Mitigation Options. Final report – June 2018. The Carbon Trust. United Kingdom. 247 pp.

Corten, A. (1999). The reappearance of spawning Atlantic herring (Clupea harengus) on Aberdeen Bank (North Sea) in 1983 and its relationship to environmental conditions. Canadian Journal of Fisheries and Aquatic Sciences, 56: 2051–2061.

Gill, A.B. & Bartlett, M. (2010). Literature review on the potential effects of electromagnetic fields and subsea noise from marine renewable energy developments on Atlantic salmon, sea trout and European eel. Scottish Natural Heritage Commissioned Report No.401

Hawkins, A., Roberts, L and Cheesman, S. (2014). Responses of free-living coastal pelagic fish to impulsive sounds. Acoustical Society of America.pp. 3101-3116.

Hutchison, Z.L., Gill, A.B., Sigray, P., He, H. and King, J.W., 2020. Anthropogenic electromagnetic fields (EMF) influence the behaviour of bottom-dwelling marine species. Scientific Reports, 10(1), pp.1-15.

MarineSpace Ltd, ABPmer Ltd, ERM Ltd, Fugro EMU Ltd and Marine Ecological Surveys Ltd, (2013a). Environmental Effect Pathways between Marine Aggregate Application Areas and Atlantic Herring Potential Spawning Habitat: Regional Cumulative Impact Assessments. Version 1.0. A report for the British Marine Aggregates Producers Association.

MarineSpace Ltd, ABPmer Ltd, ERM Ltd, Fugro EMU Ltd and Marine Ecological Surveys Ltd, (2013b). Environmental Effect Pathways between Marine Aggregate Application Areas and Sandeel Habitat: Regional Cumulative Impact Assessments and Case Study Environmental Impact Assessments. A report for BMAPA.

Popper, A.N., Hawkins, A.D., Fay, R.R., Mann, D.A., Bartol, S., Carlson, T.J., Coombs, S., Ellison, W.T., Gentry, R.L., Halvorsen, M.B., Løkkeborg, S., Rogers, P.H., Southall, B., Zeddies, D.G. & Tavolga, W.N. (2014). Asa S3/Sc1.4 Tr-2014 Sound Exposure Guidelines for Fishes and Sea Turtles: A Technical Report Prepared by ANSI-Accredited Standards Committee S3/Sc1 a (Springerbriefs in Oceanography).

APPENDIX

Figure 2. Protected benthic species and habitats that potentially occur within the Morgan OWF scoping area and zone of influence (generation) referenced in paragraph 3.4.7

Table 4.4: Relevant protected benthic species and habitats which have the potential to occur within the Morgan benthic subtidal and intertidal ecology study area for the generation assets.

Benthic Species and habitats	Protection legislation
Rocky Reef	• Annex I of the Habitats Regulations
Cobble Reef	• Annex I of the Habitats Regulations
Sabellaria spinulosa reef	• Annex I of the Habitats Regulations • Habitat of principal importance in England under the Natural Environment and Rural Communities Act 2006 (NERC 2006 Act) • UK Biodiversity Action Plan (BAP) prioity habitat that continues to be regarded as conservation priorities in the subsequent UK Post-2010 Biodiversity Framework • Annex V of the OSPAR (Oslo-Paris) convention • MCZ Feature of Conservation Importance (FOCI)
Modiolus reef	• Annex I of the Habitats Regulations • Habitat of principal importance in England under the NERC Act 2006. • UK BAP priority habitat that continues to be regarded as conservation priorities in the subsequent UK Post-2010 Biodiversity Framework • Annex V of the OSPAR convention • MCZ Habitat FOCI
Sea pen and burrowing megafauna communities	• UK BAP prioity habitat that continues to be regarded as conservation priorities in the subsequent UK Post-2010 Biodiversity Framework • Annex V of the OSPAR convention • Habitat of principal importance in England under the NERC Act 2006. • MCZ Habitat FOCI
Subtidal sands and gravels	• Annex I of the Habitats Regulations • Habitat of principal importance in England under the NERC Act 2006. • UK BAP priority habitat that continues to be regarded as conservation priorities in the subsequent UK Post-2010 Biodiversity Framework • Annex V of the OSPAR convention • MCZ Habitat FOCI

From:	SM-MMO-SH - MFA Marine Consents (MMO)
To:	Morgan Offshore Wind Project
Subject:	RE: EN010136 - Morgan Offshore Wind Farm - EIA Scoping Notification and Consultation
Date:	20 June 2022 14:08:13
Attachments:	~WRD0000.jpg image003.png image004.png image005.png

---

Marine Licensing, Wildlife Licences and other permissions

Dear Sir/Madam,

Please be aware that any works within the Marine area require a licence from the Marine Management Organisation. It is down to the applicant themselves to take the necessary steps to ascertain whether their works will fall below the Mean High Water Springs mark.

Response to your consultation

The Marine Management Organisation (MMO) is a non-departmental public body responsible for the management of England's marine area on behalf of the UK government. The MMO's delivery functions are; marine planning, marine licensing, wildlife licensing and enforcement, marine protected area management, marine emergencies, fisheries management and issuing European grants.

Marine Licensing

Works activities taking place below the mean high water mark may require a marine licence in accordance with the Marine and Coastal Access Act (MCAA) 2009.

Such activities include the construction, alteration or improvement of any works, dredging, or a deposit or removal of a substance or object below the mean high water springs mark or in any tidal river to the extent of the tidal influence.

Applicants should be directed to the MMO's online portal to register for an application for marine licence

https://www.gov.uk/guidance/make-a-marine-licence-application

You can also apply to the MMO for consent under the Electricity Act 1989 (as amended) for offshore generating stations between 1 and 100 megawatts in English waters.

The MMO is also the authority responsible for processing and determining Harbour Orders in England, together with granting consent under various local Acts and orders regarding harbours.

A wildlife licence is also required for activities that that would affect a UK or European protected marine species.

The MMO is a signatory to the coastal concordat and operates in accordance with its principles. Should the activities subject to planning permission meet the above

criteria then the applicant should be directed to the follow pages: check if you need a marine licence and asked to quote the following information on any resultant marine licence application:

- local planning authority name,
- planning officer name and contact details,
- planning application reference.

Following submission of a marine licence application a case team will be in touch with the relevant planning officer to discuss next steps.

Environmental Impact Assessment

With respect to projects that require a marine licence the EIA Directive (codified in Directive 2011/92/EU) is transposed into UK law by the Marine Works (Environmental Impact Assessment) Regulations 2007 (the MWR), as amended. Before a marine licence can be granted for projects that require EIA, MMO must ensure that applications for a marine licence are compliant with the MWR.

In cases where a project requires both a marine licence and terrestrial planning permission, both the MWR and The Town and Country Planning (Environmental Impact Assessment) Regulations http://www.legislation.gov.uk/uksi/2017/571/contents/made may be applicable.

If this consultation request relates to a project capable of falling within either set of EIA regulations, then it is advised that the applicant submit a request directly to the MMO to ensure any requirements under the MWR are considered adequately at the following link

https://www.gov.uk/guidance/make-a-marine-licence-application

Marine Planning

Under the Marine and Coastal Access Act 2009 ch.4, 58, public authorities must make decisions in accordance with marine policy documents and if it takes a decision that is against these policies it must state its reasons. MMO as such are responsible for implementing the relevant Marine Plans for their area, through existing regulatory and decision-making processes.

Marine plans will inform and guide decision makers on development in marine and coastal areas. Proposals should conform with all relevant policies, taking account of economic, environmental and social considerations. Marine plans are a statutory consideration for public authorities with decision making functions.

At its landward extent, a marine plan will apply up to the mean high water springs mark, which includes the tidal extent of any rivers. As marine plan boundaries extend up to the level of the mean high water spring tides mark, there will be an overlap with terrestrial plans which generally extend to the mean low water springs mark.

A map showing how England's waters have been split into 6 marine plan areas is available on our website. For further information on how to apply the marine plans

please visit our Explore Marine Plans service.

Planning documents for areas with a coastal influence may wish to make reference to the MMO's licensing requirements and any relevant marine plans to ensure that necessary regulations are adhered to. All public authorities taking authorisation or enforcement decisions that affect or might affect the UK marine area must do so in accordance with the Marine and Coastal Access Act and the UK Marine Policy Statement unless relevant considerations indicate otherwise. Local authorities may also wish to refer to our online guidance and the Planning Advisory Service soundness self-assessment checklist. If you wish to contact your local marine planning officer you can find their details on our gov.uk page.

Minerals and waste plans and local aggregate assessments

If you are consulting on a mineral/waste plan or local aggregate assessment, the MMO recommend reference to marine aggregates is included and reference to be made to the documents below;

- The Marine Policy Statement (MPS), section 3.5 which highlights the importance of marine aggregates and its supply to England's (and the UK) construction industry.
- The National Planning Policy Framework (NPPF) which sets out policies for national (England) construction minerals supply.
- The Managed Aggregate Supply System (MASS) which includes specific references to the role of marine aggregates in the wider portfolio of supply.
- The National and regional guidelines for aggregates provision in England 2005-2020 predict likely aggregate demand over this period including marine supply.

The NPPF informed MASS guidance requires local mineral planning authorities to prepare Local Aggregate Assessments, these assessments have to consider the opportunities and constraints of all mineral supplies into their planning regions – including marine. This means that even land-locked counties, may have to consider the role that marine sourced supplies (delivered by rail or river) play – particularly where land based resources are becoming increasingly constrained.

If you require further guidance on the Marine Licencing process, please follow the link https://www.gov.uk/topic/planning-development/marine-licences

Regards
Andy

Andy Davis| Administration Officer Business Support Team | Her Majesty's Government – Marine Management Organisation Tel: [redacted] | Lancaster House, Hampshire Court, Newcastle Business Park, Newcastle upon Tyne, NE4 7YH [redacted]
During the current health emergency, the Marine Management Organisation is continuing to provide vital services and support to our customers and stakeholders.

We are in the main working remotely, in line with the latest advice from Government, and continue to be contactable by email, phone and on-line. Please keep in touch with us and let us know how we can help you
https://www.gov.uk/mmo
Our MMO Values: Together we are **Accountable, Innovative**, **Engaging** and **Inclusive**

From: Morgan Offshore Wind Project <MorganOffshoreWindProject@planninginspectorate.gov.uk>
Sent: 16 June 2022 14:10
Subject: EN010136 - Morgan Offshore Wind Farm - EIA Scoping Notification and Consultation

Dear Sir / Madam

Please see attached correspondence on the proposed Morgan Offshore Wind Farm.

Please note the deadline for consultation responses is **14 July 2022** and is a statutory requirement that cannot be extended.

Kind regards,
Joseph Briody

Joseph Briody | Associate EIA Advisor
The Planning Inspectorate
T [redacted]

Ensuring fairness, openness and impartiality across all our services

any attachments free from viruses. It accepts no liability for any loss or damage caused as a result of any virus being passed on. It is the responsibility of the recipient to perform all necessary checks.

The statements expressed in this e-mail are personal and do not necessarily reflect the opinions or policies of the Inspectorate.

DPC:76616c646f72

Defence Infrastructure Organisation

Teena Oulaghan
Safeguarding Manager
Ministry of Defence
Safeguarding Department
Kingston Road
Sutton Coldfield
West Midlands B75 7RL
United Kingdom

Telephone [MOD]: [redacted]

E-mail: [redacted]

Our Reference: DIO10055489

Your reference: EN010136-000034

The Planning Inspectorate
Temple Quay House
Temple Quay
BS1 6PN

14 July 2022

Dear Sir / Madam,

Planning Act 2008 (as amended) and The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (the EIA Regulations) – Regulations 10 and 11.

Application by Morgan Offshore Wind Limited (the Applicant) for an Order granting Development Consent for the Morgan Offshore Wind Farm (the Proposed Development).

Scoping consultation and notification of the Applicant's contact details and duty to make available information to the Applicant if requested.

Thank you for consulting the Ministry of Defence (MOD) on the above Scoping Opinion request in respect of the Morgan Offshore Wind development received by this office on 16 June 2022. I write to confirm the safeguarding position of the MOD on the information that should be provided in the Environmental Statement to support any application.

The applicant has prepared a scoping report. This recognises the principal defence issues that will be of relevance to the progression of the proposed development.

The use of airspace for defence purposes in the vicinity of the proposed development have been appropriately identified and considered. The Scoping Report considers some of the aviation and radar systems that may be affected by the proposed wind farm. The MOD is correctly identified as a relevant receptor in section 6.3 Aviation and Radar of the scoping report.

The report identifies that the turbines have the potential to affect and be detectable to, the Primary Surveillance Radars (PSR) at RAF Valley and BAE Warton. The impact on these radars will need to be taken into account in the progression of any application for this scheme. The MOD agrees with this. The impact on these radars will need to be mitigated and it will be for the applicant to provide appropriate technical mitigation(s).

Impact on military activity has not been recognised in the scoping report, with the offshore array being in proximity to Danger Area 406A, 406B and 406C (Eskmeals Test and Evaluation Range). Although the route is not yet finalized, it should be made clear that the development or any cable routes prepared do not overlap or cross through this Practice and Exercise Area.

The potential presence of unexploded ordnance (UXO) has been identified as a relevant consideration. The potential presence of UXO and disposal sites is also a relevant consideration to the installation of cables and other intrusive works that may be undertaken in the maritime environment.

Impact on military low flying has been scoped in and the applicant states in the Scoping Report that they are committed to lighting and charting the turbines. In the interests of air safety, the MOD would request that the development be fitted with MOD accredited aviation safety lighting in accordance with the Civil Aviation Authority, Air Navigation Order 2016.

It is appreciated that at this stage aspects of the onshore element of the proposed development have not yet been finalised. The MOD would request to be consulted to allow any impact on MOD assets to be assessed. MOD request that we are consulted when the cable route and onshore landfall location are finalised.

I trust this is clear however should you have any questions please do not hesitate to contact me.

Yours faithfully

[redacted]

Teena Oulaghan
Safeguarding Manager

National Grid House
Warwick Technology Park
Gallows Hill, Warwick
CV34 6DA

Complex Land Rights
Ellie Laycock
Development Liaison Officer
UK Land and Property
[redacted]

www.nationalgrid.com

SUBMITTED ELECTRONICALLY:
MorganOffshoreWindProject@planninginspectorate.gov.uk

11 July 2022

Dear Sir/Madam

APPLICATION BY MORGAN OFFSHORE WIND LIMITED (THE APPLICANT) FOR AN ORDER GRANTING DEVELOPMENT CONSENT FOR THE MORGAN OFFSHORE WIND FARM (THE PROPOSED DEVELOPMENT)

SCOPING CONSULATION REPONSE

I refer to your letter dated 16th June 2022 in relation to the above proposed application. This is a response on behalf of National Grid Electricity Transmission PLC (NGET). Having reviewed the scoping report, I would like to make the following comments regarding NGET infrastructure within or in close proximity to the current red line boundary.

NGET has no apparatus within or in close proximity to the proposed offshore site boundary but I am aware that there will be NGET apparatus affected by the onshore stage of the Morgan Offshore Wind Farm proposals.

I note that a separate application to consent the construction, operation and maintenance and decommissioning of the transmission assets required to enable the export of electricity is to follow. NGET will provide a response to that subsequent Scoping Consultation.

The information in this letter is provided not withstanding any discussions taking place in relation to connections with electricity customer services.

Yours faithfully

[redacted]

Ellie Laycock
Development Liaison Officer, Complex Land Rights

Date: 14 July 2022
Our ref: 21502/399160
Your ref: EN010136-000034

Gail Boyle
Environmental Services
Central Operations
Temple Quay House
2 The Square
Bristol
BS1 6PN

Customer Services
Hornbeam House
Crewe Business Park
Electra Way
Crewe
Cheshire
CW1 6GJ

T 0300 060 3900

BY EMAIL ONLY

Dear Ms Boyle,

Planning Act 2008 (as amended) and The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (the EIA Regulations) – Regulations 10 and 11

Application by Morgan Offshore Wind Limited (the Applicant) for an Order granting Development Consent for the Morgan Offshore Wind Farm (the Proposed Development)

Scoping consultation and notification of the Applicant's contact details and duty to make available information to the Applicant if requested

Thank you for your letter dated 16 June 2022 consulting Natural England on the Morgan Offshore Wind Farms Environmental Impact Assessment Scoping Report. The following constitutes Natural England's formal statutory response; however, this is without prejudice to any comments we may wish to make in light of further submissions or on the presentation of additional information.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

The advice contained within this letter is provided by Natural England, which is the statutory nature conservation body within English territorial waters (0-12 nautical miles). It should be noted that pursuant to an authorisation made on the 9th December 2013 by the JNCC under paragraph 17(c) of Schedule 4 to the Natural Environment and Rural Communities Act 2006, Natural England is authorised to exercise the JNCC's functions as a statutory consultee in respect of applications for offshore renewable energy installations in offshore waters (0-200 nm) adjacent to England. This application was included in that authorisation and therefore Natural England will be providing statutory advice in respect of that delegated authority.

Case law[1] and guidance[2] has stressed the need for a full set of environmental information to be available for consideration prior to a decision being taken on whether or not to grant planning permission. Annex A to this letter provides Natural England's advice on the scope of the Environmental Impact Assessment (EIA) for this development.

[1] Harrison, J in *R. v. Cornwall County Council ex parte Hardy* (2001)
[2] *Note on Environmental Impact Assessment Directive for Local Planning* Authorities Office of the Deputy Prime Minister (April 2004) available from http://webarchive.nationalarchives.gov.uk/+/http://www.communities.gov.uk/planningandbuilding/planning/sustainabilityenvironmental/environmentalimpactassessment/noteenvironmental/

Summary of Main Points

Approach to EIA scoping

Natural England notes that the project has adopted a similar approach to EIA scoping as other offshore windfarm (OWF) Nationally Significant Infrastructure Projects (NSIPs) by consulting on a large scoping boundary. The rationale for the inclusion of these large boundaries is due to substantial components of the projects remaining undetermined at the point of scoping, in particular regarding the location of the grid connection but also other aspects including incomplete data collection. Thereby, the EIA scoping reports are extremely high level, especially when compared non-OWF NSIPs.

This makes it difficult to provide targeted advice on the scope of the EIA at this stage, and given the EIA scoping opinion from PINS is binding as regards the scope of the Environmental Statement (ES), this risks creating difficulties with identifying and resolving consenting issues further down the line.

Additionally, we highlight that because we are unable to confirm with a high level of confidence that the data collection proposed is sufficient to inform the ES/areas of search, we are also unable to advise on the potential scale and level of risk this project may pose to nature conservation receptors. Without having this understanding it is unclear to Natural England how this project will now progress towards submission and ensure that there is sufficient time in the pre-application phase to identify and address all of the potential environmental concerns. There is a risk with premature EIA scoping that consenting issues are identified late in the day and are not resolved in advance through pre-application discussions or data collection, and that Examinations are then unable to resolve these issues. This runs counter to the increased emphasis on 'front-loading' issues in the NSIP process, and the ambition of the British Energy Security Strategy as regards speeding up the consenting process.

We note the Preliminary Environmental Information Report (PEIR) for the Morgan OWF project will only present data analysis of 12 months of the digital and aerial surveys for both birds and marine mammals, with the full 24 months being presented in the ES. Natural England highlight the risk that the additional data analysis could have potential to change the conclusions of the ES from those set out in the PEIR, which could cause potential delays to the project. More generally, Natural England advises that 24 months of survey effort is the minimum expected evidence standard for bird and marine mammal data.

Proposed separate DCO applications for generation and transmission assets

Whilst welcoming the proposed coordinated grid connection between Morgan and Morecambe OWF, this does raise some potential concerns regarding the consenting process. Natural England has encountered such issues previously during the separate examinations of the Triton Knoll generation and transmission assets and offers some initial advice on the matter based on these experiences. Please see the attached paper.

The advice within this letter is provided with respect to the generation assets scoping report provided, but we consider that the transmission assets are an integral part of the project and therefore the ES should, at the point of submission, be in a position to consider the project as a whole. Therefore the final ES, when considering the project as a whole, will include additional impacts and designated sites than those mentioned within the Morgan OWF Generation Assets Scoping Report.

Offshore Wind Marine Environmental Assessments: Best Practice Advice for Evidence and Data Standards

Natural England has been leading the 'Offshore Wind Marine Environmental Assessments: Best Practice Advice for Evidence and Data Standards' project, funded by Defra's Offshore Wind Enabling Actions Programme (OWEAP).

The project is providing up-front best practice advice on the way data and evidence is used to support offshore wind farm development and consenting in English waters, focussing on the key ecological receptors which pose a consenting risk for projects, namely seabirds, marine mammals, seafloor habitats and species and fish.

The project aims to facilitate the sustainable development of low impact offshore wind by increasing clarity for industry, regulators and other stakeholders over data and evidence requirements at each stage of offshore wind development, from pre-application through to post-consent.

The advice documents are currently stored on a SharePoint Online site, access to the SharePoint site needs to be requested from neoffshorewindstrategicsolutions@naturalengland.org.uk. Please allow up to three working days for requests to access the site to be granted. Natural England is currently reviewing ways of making the advice more accessible and open access.

The ES should be fully informed by the recommendations in the Best Practice Advice and we will increasingly be appraising ESs with respect to the extent to which the guidance has been followed.

Physical Processes

It is vital that the marine and coastal physical processes within, and in the vicinity of, the proposed development are well understood in order to provide robust estimates of the temporal and spatial scale of changes to hydrodynamic and sediment transport regimes and to the subtidal, intertidal and supratidal environments. This should describe both contemporary conditions as well as longer-term historical change.

We advise that secondary scour protection impacts on seabed habitats are scoped in until further detailed methods and impacts can be assessed and justification provided to scope out of the ES.

Little information is provided on seabed preparation activities (e.g. sandwave clearance, material disposal) and the impacts on sediment transport patterns and morphological change, due to the early stage of the project. Natural England reserve the right to make future detailed comments once further information is known, this could include scoping in of additional impacts.

Underwater noise

We recommend that underwater noise modelling of the operational wind farm noise is undertaken using the best available evidence and reasonable assumptions based on wind turbine generators that are of representative size for the Morgan OWF.

In regard to modelling fish for the purpose of exposure, we advise that all fish hearing groups (Group 1 to 4 fish) should be assessed as static receptors.

Benthic subtidal and intertidal ecology

We do not agree, at this stage, that sufficient evidence has been provided to scope out impacts to benthic invertebrates due to electromagnetic fields or the release of sediment-bound contaminants. In addition we are unclear whether impacts from temperature changes due to heating from cables on benthic communities has been considered and whether it is scoped into or out of the project assessment.

Marine Mammals

Marine Mammal Management Units should be used as the regional study area for the purposes of calculating the reference populations, the screening extent as regards Special Areas of Conservation, and for cumulative impacts spatial screening extent.

We have provided some additional evidence sources within our advice, and recommend that consideration of the use of these sources in establishing the baseline characterisation.

It is our opinion that harbour seals cannot yet be excluded from the high-level assessment until there is suitable evidence (i.e. from the results of the complete digital aerial survey campaign) for their exclusion.

We do not agree that impacts from operational turbines can be scoped out at this stage. The size of the wind turbines proposed for this project are significantly larger than those that were the subject of the various referenced studies. We advise that the underwater noise modelling includes an assessment of underwater noise emissions from operational wind turbines, using the best available

evidence and reasonable assumptions.

We advise that geophysical surveys should be included as a source of underwater noise in the cumulative impact assessment.

Offshore ornithology
Tracking studies should also be used where available to evidence connectivity, or lack thereof, they should also be used to aid screening where possible.

Natural England has provided some advice to the applicant directly in response to their Collision Risk Modelling (CRM) Technical Note (provided 24 June 2022), stating that within the upcoming Statutory Nature Conservation Bodies (SNCB) guidance there will be a clear recommendation to use the stochastic CRM (sCRM). As detailed in the CRM technical note, Natural England advise that CRM is not undertaken according to the existing guidance as this will in all likelihood be superseded at the point of submission .

The SNCB guidance note and supporting evidence are still being prepared and finalised, however Natural England have provided the applicant with avoidance rates and updated parameters to inform the approach to sCRM (provided 7 July 2022). Further discussions on the appropriate methodology including parameterisation of models can be discussed at the Offshore Ornithological Expert Working Group (EWG) through the Evidence Plan process.

Seascape, landscape and visual resources
We advise that a 60km buffer to assess seascape impacts is used due to the elevated viewpoints within the local area. This will enable any impacts to be fully assessed, although we acknowledge that the Morgan OWF may be visible but not dominant within the seascape.

We have provided guidance on EIA requirements and specific comments to sections of the Morgan Offshore Wind Farm Scoping Report in the following annexes of this letter:

Annex 1 Advice related to EIA Scoping Requirements
Annex 2 Introduction
Annex 3 Generation Assets

Further guidance is set out in Planning Practice Guidance on environmental assessment, natural environment and climate change.

In accordance with Section 4 of the Natural Environment and Rural Communities Act 2006, Natural England should be consulted again if the proposal is amended in any way which significantly affects its impact on the natural environment.

Please note that Natural England must be consulted on Environmental Statements.

Please send any new consultations or further information on this consultation to [redacted]

For clarification of any points in this letter, please do not hesitate to contact Natural England using the details provided below.

Yours sincerely
Aurélie Bohan-Rayson

Strategic Coastal Lead Adviser
Coast and Marine Team
Cheshire, Greater Manchester, Merseyside & Lancashire Area Team
[redacted]

Annex 1 Advice related to EIA Scoping Requirements

1. General Principles

Schedule 4 of the Town & Country Planning (Environmental Impact Assessment) Regulations 2017 / Infrastructure Planning (Environmental Impact Assessment) Regulations 2009 (Regulation 10) sets out the necessary information to assess impacts on the natural environment to be included in an ES, specifically:

- A description of the development – including physical characteristics and the full marine use requirements of the site during construction and operational phases;
- Expected residues and emissions (water, air and soil pollution, noise, vibration, light, heat, radiation, etc.) resulting from the operation of the proposed development;
- An assessment of alternatives and clear reasoning as to why the preferred option has been chosen;
- A description of the aspects of the environment likely to be significantly affected by the development, including, in particular, population, fauna, flora, soil, water, air, climatic factors, material assets, including the architectural and archaeological heritage, landscape/seascape and the interrelationship between the above factors;
- A description of the likely significant effects of the development on the environment – this should cover direct effects but also any indirect, secondary, cumulative, short, medium and long term, permanent and temporary, positive and negative effects. Effects should relate to the existence of the development, the use of natural resources and the emissions from pollutants. This should also include a description of the forecasting methods to predict the likely effects on the environment;
- A description of the measures envisaged to prevent, reduce and where possible offset any significant adverse effects on the environment;
- A non-technical summary of the information;
- An indication of any difficulties (technical deficiencies or lack of know-how) encountered by the applicant in compiling the required information.

1.2 Cumulative and in-combination effects

It will be important for any assessment to consider the potential cumulative effects of this proposal, including all supporting infrastructure, with other similar proposals and a thorough assessment of the 'in combination' effects of the proposed development with any existing developments and current applications. A full consideration of the implications of the whole scheme should be included in the ES. All supporting infrastructure and activities should be included within the assessment.

An impact assessment should identify, describe, and evaluate the effects that are likely to result from the project in combination with other projects and activities that are being, have been or will be carried out. The following types of projects should be included in such an assessment (subject to available information):

a. existing completed projects;
b. approved but uncompleted projects;
c. ongoing activities;
d. plans or projects for which an application has been made and which are under consideration by the consenting authorities; and
e. plans and projects which are reasonably foreseeable, i.e. projects for which an application has not yet been submitted, but which are likely to progress before completion of the development and for which sufficient information is available to assess the likelihood of cumulative and in-combination effects.

Natural England's advice on the scope and content of the ES is given in accordance with the National Infrastructure Planning Advice Notes:
https://infrastructure.planninginspectorate.gov.uk/legislation-and-advice/advice-notes/

1.3 Environmental data

Natural England is required to make available information it holds where requested to do so. National datasets held by Natural England are available at http://www.naturalengland.org.uk/publications/data/default.aspx.

Detailed information on the natural environment is available at www.magic.gov.uk.

Natural England's Site of Special Scientific Interest (SSSI) Impact Risk Zones are a GIS dataset which can be used to help identify the potential for the development to impact on a SSSI. The dataset and user guidance can be accessed from the Natural England Open Data Geoportal.

Natural England does not hold local information on local sites, local landscape character, priority habitats and species or protected species. Local environmental data should be obtained from the appropriate local bodies. This may include the local environmental records centre, the local wildlife trust, local geo-conservation group or other recording society.

2. Biodiversity and Geology

2.1 Ecological Aspects of an Environmental Statement

Natural England advises that the potential impact of the proposal upon features of nature conservation interest and opportunities for habitat creation/enhancement should be included within this assessment in accordance with appropriate guidance on such matters. Guidelines for Ecological Impact Assessment (EcIA) have been developed by the Chartered Institute of Ecology and Environmental Management (CIEEM) and are available on their website.

EcIA is the process of identifying, quantifying and evaluating the potential impacts of defined actions on ecosystems or their components. EcIA may be carried out as part of the EIA process or to support other forms of environmental assessment or appraisal.

The National Planning Policy Framework (NPPF) sets out guidance in paragraphs 174-175 and 179-182 on how to take account of biodiversity and geodiversity interests in planning decisions and the framework that the responsible authority should provide to assist developers. Further guidance is set out in Planning Practice Guidance on the natural environment.

2.2 Internationally Designated Sites

The ES should thoroughly assess the potential for the proposal to affect designated sites. Internationally designated sites (e.g. designated Special Areas of Conservation (SAC) and Special Protection Areas (SPA)) fall within the scope of the Conservation of Habitats and Species Regulations 2017 (as amended). In addition paragraph 181 of the National Planning Policy Framework requires that potential Special Protection Areas, possible Special Areas of Conservation, listed or proposed Ramsar sites, and any site identified as being necessary to compensate for adverse impacts on classified, potential or possible SPAs, SACs and Ramsar sites be treated in the same way as classified sites (NB. sites falling within the scope of regulation 8 of the Conservation of Habitats and Species Regulations 2017 are defined as 'habitats sites' in the NPPF).

The ES should include a full assessment of the direct and indirect effects of the development on the features of special interest within these sites, and should identify such mitigation measures as may be required in order to avoid, minimise or reduce any adverse significant effects.

Internationally designated site conservation objectives are available on our internet site http://publications.naturalengland.org.uk/category/6490068894089216.

2.3 Habitats Regulations Assessment

If the proposal outlined within the scoping document has the potential to significantly effect features of the internationally designated sites and the activity is not directly connected to the management of any designated site it should be assessed under Regulation 63 the Conservation of Species and Habitats Regulations (2017) (as amended) and Regulation 28 of the Conservation of Offshore Species and Habitats regulations (2017) (as amended). Should a Likely Significant Effect on an internationally designated site be identified or be uncertain, the competent authority for the licence/consent (the Marine Management Organisation / Government Department) should

undertake an Appropriate Assessment of the implications for the site in view of its conservation objectives, in addition to consideration of impacts through the EIA process. Noting recent case law (People Over Wind[3]) measures intended to avoid and/or reduce the likely harmful effects on an internationally designated sites cannot be taken into account when determining whether or not a plan or project is likely to have a significant effect on a site, therefore consideration is required at Appropriate Assessment. Natural England wishes to be consulted on the scope of the Habitats Regulations Assessment and the information that will be produced to support it and should be formally consulted on any Appropriate Assessment provided for the proposal (Regulation 63).

The consideration of Likely Significant Effects should include any functionally linked habitat outside the designated site. These areas may provide important habitat for mobile species populations that are qualifying features of the site, for example birds and bats. This can also include areas which have a critical function to a habitat feature within a designated site, for example by being linked hydrologically or geomorphologically. Further guidance is set out in Planning Practice Guidance on appropriate assessment here: https://www.gov.uk/guidance/appropriate-assessment.

Further information on the special interest features, their conservation objectives, and any relevant conservation advice packages for designated sites is available on our website https://designatedsites.naturalengland.org.uk/; and the Joint Nature Conservation Committee (JNCC) website About Marine Protected Areas | JNCC - Adviser to Government on Nature Conservation.

Natural England notes that the Crown Estate's plan level Habitat Regulations Assessment (HRA) is yet to conclude. This advice is therefore given on a without prejudice basis pending the outcome of this assessment.

2.4 Nationally Designated Sites

Sites of Special Scientific Interest - The Generation assets of the Project do not fall within or adjacent to any Sites of Special Scientific Interest (SSSI).

Marine Conservation Zones - Marine Conservation Zones (MCZ) are areas that protect a range of nationally important, rare or threatened habitats and species. You can see where MCZs are located and their special interest features on www.magic.gov.uk. Factsheets that establish the purpose of designation and conservation objectives for each of the MCZ's are available at https://www.gov.uk/government/collections/marine-conservation-zone-designations-in-england.

The ES should include a full assessment of the direct and indirect effects of the development on the site and identify appropriate mitigation measures to avoid, minimise or reduce any adverse significant effects.

The ES should consider including information on the impacts of this development on MCZ interest features, to inform the assessment of impacts on habitats and species of principle importance for this location. Further information on MCZs is available via the following link: http://publications.naturalengland.org.uk/category/1723382.

Further information on the special interest features, the conservation objectives, and relevant conservation advice packages for designated sites is available on our website https://designatedsites.naturalengland.org.uk/.

2.5 Protected Species - Species protected by the Wildlife and Countryside Act 1981 (as amended) and by the Conservation of Habitats and Species Regulations 2017 (as amended)

The ES should assess the impact of all phases of the proposal on protected species (including, for example, pinnipeds (seals), cetaceans (including dolphins, porpoises whales), fish (including seahorses, sharks and skates), marine turtles, birds, marine invertebrates, bats, etc.). Information on the relevant legislation protecting these species can be reviewed on the following link https://www.gov.uk/government/publications/protected-marine-species. Natural England does not hold comprehensive information regarding the locations of species protected by law, but advises on

[3] People Over Wind and Sweetman vs Coillte Teoranta (ref: C 323/17).

the procedures and legislation relevant to such species. Records of protected species should be sought from appropriate local biological record centres, nature conservation organisations, NBN Atlas, groups and individuals; and consideration should be given to the wider context of the site, for example in terms of habitat linkages and protected species populations in the wider area, to assist in the impact assessment.

The conservation of species protected by law is explained in Part IV and Annex A of Government Circular 06/2005 *Biodiversity and Geological Conservation: Statutory Obligations and their Impact within the Planning System*. The area likely to be affected by the proposal should be thoroughly surveyed by competent ecologists at appropriate times of year for relevant species and the survey results, impact assessments and appropriate accompanying mitigation strategies included as part of the ES.

In order to provide this information there may be a requirement for a survey at a particular time of year. Surveys should always be carried out in optimal survey time periods and to current guidance by suitably qualified and where necessary, licensed, consultants.

2.6 Habitats and Species of Principal Importance

The ES should thoroughly assess the impact of the proposals on habitats and/or species listed as 'Habitats and Species of Principal Importance' within the England Biodiversity List, published under the requirements of S41 of the Natural Environment and Rural Communities (NERC) Act 2006. Section 40 of the NERC Act 2006 places a general duty on all public authorities, including local planning authorities, to conserve and enhance biodiversity. Further information on this duty is available here https://www.gov.uk/guidance/biodiversity-duty-public-authority-duty-to-have-regard-to-conserving-biodiversity.

Government Circular 06/2005 states that Biodiversity Action Plan (BAP) species and habitats, 'are capable of being a material consideration…in the making of planning decisions'. Natural England therefore advises that survey, impact assessment and mitigation proposals for Habitats and Species of Principal Importance should be included in the ES. Consideration should also be given to those species and habitats included in the relevant Local BAP.

2.7 Contacts for Local Records

Natural England does not hold local information on local sites, local landscape character and local or national biodiversity priority habitats and species. We recommend that you seek further information from the appropriate bodies (which may include the local records centre, the local wildlife trust, local geoconservation group or other recording society and a local landscape characterisation document).

3. Designated Landscapes and Landscape/Seascape Character

3.1 Landscape/Seascape and visual impacts

Natural England would wish to see details of local landscape character areas mapped at a scale appropriate to the development site as well as any relevant management plans or strategies pertaining to the area. The EIA should include assessments of visual effects on the surrounding area, landscape and seascape together with any physical effects of the development, such as changes in topography.

The EIA should include a full assessment of the potential impacts of the development on local landscape character using landscape/seascape assessment methodologies. We encourage the use of Landscape and Seascape Character Assessment (LCA/SCA), based on the good practice guidelines produced jointly by the Landscape Institute and Institute of Environmental Assessment in 2013. LCA/SCA provides a sound basis for guiding, informing and understanding the ability of any location to accommodate change and to make positive proposals for conserving, enhancing or regenerating character, as detailed proposals are developed.

Natural England supports the publication *Guidelines for Landscape and Visual Impact Assessment*, produced by the Landscape Institute and the Institute of Environmental Assessment and Management in 2013 (3rd edition). The methodology set out is almost universally used for landscape and visual impact assessment. For National Parks and Areas of Outstanding Natural Beauty (AONBs), we advise

that the assessment also includes effects on the 'special qualities' of the designated landscape, as set out in the statutory management plan for the area. These identify the particular landscape and related characteristics which underpin the natural beauty of the area and its designation status.

In order to foster high quality development that respects, maintains, or enhances, local landscape / seascape character and distinctiveness, Natural England encourages all new development to consider the character and distinctiveness of the area, with the siting and design of the proposed development reflecting local design characteristics and, wherever possible, using local materials. The EIA process should detail the measures to be taken to ensure the building design will be of a high standard, as well as detail of layout alternatives together with justification of the selected option in terms of landscape impact and benefit.

The assessment should also include the cumulative effect of the development with other relevant existing or proposed developments in the area. In this context Natural England advises that the cumulative impact assessment should include other proposals currently at Scoping stage. Due to the overlapping timescale of their progress through the planning system, cumulative impact of the proposed development with those proposals currently at Scoping stage would be likely to be a material consideration at the time of determination of the planning application.

The assessment should refer to the relevant National Character Areas which can be found on our website. Links for Landscape / Seascape Character Assessment at a local level are also available on the same page.
https://www.gov.uk/government/publications/seascape-assessments-for-north-east-north-west-south-east-south-west-marine-plan-areas-mmo1134

https://data.gov.uk/dataset/3fed3362-2279-4645-8aaf-c6b431c94485/mmo1037-marine-character-areas.

Where the development may have impact on St Bees Head Heritage Coast, Natural England advises that use national and local policies, together with local landscape expertise and information to determine the proposal. The policy and statutory framework to guide your decision and the role of local advice are explained below.

Your decision should be guided by paragraph 178 of the National Planning Policy Framework. It states:

178. Within areas defined as Heritage Coast (and that do not already fall within one of the designated areas mentioned in paragraph 176), planning policies and decisions should be consistent with the special character of the area and the importance of its conservation. Major development within a Heritage Coast is unlikely to be appropriate, unless it is compatible with its special character.

The NPPF continues to state in a footnote (footnote 60) that *"For the purposes of paragraph 176 and 177, whether a proposal is 'major development' is a matter for the decision maker, taking into account its nature, scale and setting, and whether it could have a significant adverse impact on the purposes for which the area has been designated or defined."*

Alongside national policy you should also apply landscape policies set out in your development plan, or appropriate saved policies.

Where available, a local Landscape Character Assessment can also be a helpful guide to the landscape's sensitivity to this type of development and its capacity to accommodate the proposed development.

4. Water Quality
Increases in suspended sediment concentrations (SSC) during construction and operation (e.g. future dredging works) have the potential to smother sensitive habitats. The ES should include information on the sediment quality and potential for any effects on water quality through suspension of

contaminated sediments. The EIA should also consider whether increased SSC resulting are likely to impact upon the interest features and supporting habitats of the designated sites.

The ES should consider whether there will be an increase in the pollution risk as a result of the construction or operation of the development.

5. Air Quality

Air quality in the UK has improved over recent decades but air pollution remains a significant issue; for example over 97% of sensitive habitat area in England is predicted to exceed the critical loads for ecosystem protection from atmospheric nitrogen deposition (England Biodiversity Strategy, Defra 2011). A priority action in the England Biodiversity Strategy is to reduce air pollution impacts on biodiversity. The planning system plays a key role in determining the location of developments which may give rise to pollution, either directly or from traffic generation, and hence planning decisions can have a significant impact on the quality of air, water and land. The assessment should take account of the risks of air pollution and how these can be managed or reduced. Further information on air pollution impacts and the sensitivity of different habitats/designated sites can be found on the Air Pollution Information System (www.apis.ac.uk). Further information on air pollution modelling and assessment can be found on the Environment Agency website.

6. Climate Change Adaptation

The England Biodiversity Strategy published by Defra establishes principles for the consideration of biodiversity and the effects of climate change. The ES should reflect these principles and identify how the development's effects on the natural environment will be influenced by climate change, and how ecological networks will be maintained. The NPPF requires that the planning system should contribute to the enhancement of the natural environment 'by establishing coherent ecological networks that are more resilient to current and future pressures' (NPPF Para 174), which should be demonstrated through the ES.

Further information is available from the Committee on Climate Change's (CCC) Independent Assessment of UK Climate Risk, the National Adaptation Programme (NAP), the Climate Change Impacts Report Cards (biodiversity, infrastructure, water etc.) and the UKCP18 climate projections.

Annex 2 Introduction

Section	Paragraph/Table	Comment	Recommendations
General		National Policy Statement (NPS)	The ES will need to take account of anything in the revised NPS. We advise that early consideration should be given to policies in draft NPS updates out to consultation in case these are adopted.
General		Plan level HRA	The Morgan OWF project should have regard to the outcome of the plan level HRA.
General		EIA guidance	Natural England would expect the guidance provided in Annex A to be taken into account.
General		Strategic Environmental Assessment (SEA)	We note that there is a new offshore energy SEA, the consultation period for which closed in May 2022. The OESEA may have useful information that should be taken into account by the Morgan OWF project.
1.1	1.1.1.1	It would be helpful for the ES to provide a map showing the location of the Morgan OWF project relative to the Mona OWF project and Morecambe OWF project. This map should also show the other operational, under construction, consented and submitted OWFs in the vicinity of Morgan OWF.	Include in the ES.
3.7.1	3.7.1.2	Natural England has recently produced advice[4] on scour and cable protection, we advise that solutions that result in no, or minimal environmental impact to the seabed should be considered. This could therefore be considered to remain in situ at the end of the project lifetime on the basis that this results in the most cost effective and sustainable approach.	Review and consider for scour and cable protection measures.
4.5.3	4.5.3	Identification of receptors and the sensitivity of receptors to impact scale definitions should be discussed and agreed as part of the Evidence Plan process with the relevant EWG.	These definitions should be set out within the ES.
4.5.4	Table 4.1	A matrix for assessment of significance is provided as an example, demonstrating how the sensitivity of receptor against magnitude of impact can determine the significance	Discuss and agree with the relevant EWGs and definitions should be provided in the ES.

[4] Scour and Protection Decommissioning Study Natural England Commissioned Report NECR403 March 2022

		of effect. As with above comments, sensitivity of receptor, magnitude of impact and the matrix of significance of effect should be discussed and agreed through the Evidence Planning process.	
4.5.4	4.5.4.3	We understand that at the current stage this is a high level definition, however, all definitions will require refining.	Discussion and agreement should be sought through the Evidence Plan process with the relevant EWG.
4.6.2	4.6.2.2	Ideally, most potential impacts could be avoided, or effects reduced at the design stage of the project, through early consideration of ecological constraints, which along with consideration of other environmental features would be used to refine scheme layout, siting and design. Further impacts could also be avoided through siting of infrastructure at the construction stage.	We advise that the ES demonstrates that the mitigation hierarchy has been followed wherever appropriate.
4.6.2	4.6.2.3	We welcome commitment to explore opportunities to develop enhancement measures and to create beneficial effects.	
4.7.2	4.7.2.2	Consideration of climate change impacts over the operational period of Morgan OWF should be considered. These impacts will become important if they cause an alteration in the baseline conditions and become detectable above natural inter-annual variations.	To note.

Annex 3 Generation assets

3.1 Physical processes

Section	Paragraph/Table	Comment	Recommendations
3.1.3	3.1.3.1	We advise that there may be additional data available from; Channel Coast Observatory, North West and North Wales Shoreline Management Plan, and Environment Agency LiDAR data.	Review and include in ES.
3.1.4	3.1.4.4	It would be beneficial to have mapped display of the deployed metocean buoys, including both site-specific deployment as well as historic data from Ormonde OWF and the proposed Round 3 Irish Sea OWF Development Zone.	Include in ES.
3.1.4	3.1.4.9	The evidence presented set out variation in the tidal currents across the study area, further evidence on the tidal currents and current directions, for both flood and ebb currents would be beneficial. It would be beneficial to have a mapped display of this information. This would support a clear baseline of the hydrodynamics within the study area.	Include in ES.
3.1.4	3.1.4.14	We seek clarity on the presence of any sand wave features within the area. In understanding any potential impacts it would be beneficial to have a clear understanding of sand wave height, wave lengths and migratory rates.	Clarify post-scoping.
3.1.5	Table 3.3	Little information is provided on seabed preparation activities, due to the early stage of the project. Natural England reserve the right to make future detailed comments once further information is known, this could include scoping in of additional impacts.	To note. Further discussion would be welcomed through the Evidence Plan process via the EWG.
3.1.5	Table 3.4	While we do not anticipate significant impacts resulting from the scour protection measures (as these will be subject to engineering design to ensure suitable for this project), it is our view that it is too early to scope out secondary scour protection impacts on the seabed at this stage.	We advise that this is scoped in until further detailed methods and impacts can be assessed and justification provided to scope out of the ES.
3.1.7	3.1.7.2	If a modelling approach is to be adopted, early engagement with the SNCBs is recommended.	We advise that the model is discussed and agreed through the Evidence Plan process via the EWG.

3.1.8	3.1.8.1	Consideration of the Mersey Tidal Power Project in the cumulative effects assessment is advised. Currently this project is only at early concept planning stage.	To note.

3.2 Underwater noise

Section	Paragraph/Table	Comment	Recommendations
3.2.4	3.2.4.2	We advise that underwater noise modelling is undertaken for wind turbine generators that are of representative size for the Morgan OWF. Part of this modelling should include information on the distance over which noise levels are increased, and could affect marine mammals. The data presented on Ormonde OWF is not sufficiently representative of Morgan OWF to remove the need for project-specific modelling.	Undertake project-specific underwater noise modelling of the operational wind farm noise. Seek out data on underwater noise from operational windfarms with wind turbine generators of a more comparable size to those proposed for Morgan and assess this as part of the underwater noise modelling approach.
3.2.7	Table 3.8	Natural England are in broad agreement with the swim speeds proposed to be used for the marine mammal receptors.	To note.
3.2.7	Table 3.8	However, we disagree with the swim speeds being proposed for fish species. We advise that all fish hearing groups (Group 1 to 4 fish) should be assessed as static receptors for the purpose of exposure modelling.	Model fish as static receptors for the purpose of exposure modelling. Note that Cefas are the technical specialists on underwater noise impacts to fish therefore we defer to comments they have made on the subject.

4.1 Benthic subtidal and intertidal ecology

Section	Paragraph/Table	Comment	Recommendations
4.1.1	4.1.1.1	In conjunction with the information to be gathered on the proposed offshore array through survey work, the ES should include details on the following technical aspects relating to the construction and operation of the Morgan OWF: • Footprint of area affected by inter-array electrical cables; • Footprint of area affected by inter-array cable protection; • Estimation of electromagnetic fields (EMF) potentially arising from cables both at exterior of cables and at surface of seabed above buried cables; • Footprint of area affected by installation of Wind Turbine Generator foundations;	To be further considered and set out in the ES.

		• Footprint of area affected by installation vessels; • Duration and rate of cable-laying; • Number and types of vessels to be used in cable-laying operations; • Routes of vessels for cable works.	
4.1.3	4.1.3.2-4.1.3.3	We seek clarification regarding whether replicant samples were taken or if they were all single samples.	Include clarification in the ES.
4.1.3	Figure 4.2	We seek clarification regarding whether the samples were Drop Down Video (DDV) only, and if that was because the grab samples failed at those stations.	Include clarification in the ES.
4.1.4	4.1.4.30	No information is provided regarding how is it proposed to mitigate the impacts to species and habitats of conservation importance within study areas but outside of designated sites.	Mitigation for non-designated but important conservation assets should be further considered and set out in the ES.
4.1.5	Table 4.5	As mentioned in our comments earlier under Physical Processes 3.1.5 Table 3.3, it is unclear what seabed preparation activities will be undertaken, if dredging activities are undertaken there may be additional impacts to benthic ecology that will need to be considered. Natural England reserve the right to make future detailed comments once further information is known, this could include scoping in of additional impacts.	To note. Further discussion would be welcomed through the Evidence Plan process via the EWG.
4.1.5	Table 4.5	Little information is provided on how impacts from increased Suspended Sediment Concentration (SSC) and associated deposition during decommissioning is to be assessed.	To be further considered and set out in the ES.
4.1.5	Table 4.5	We note that the report states 'permanent habitat loss may occur under any infrastructure that is not decommissioned'; however it does not go on to fully justify that all infrastructure will be removed in decommissioning phase as this level of detail is currently unknown. In the absence of this, we would consider there could be permeant habitat loss from Morgan OWF.	To be further considered and set out in the ES.
4.1.5	Table 4.5	Further consideration of how the removal of foundations and potential loss of species/ habitats will need to be assessed in order to determine the significance of effect.	To be further considered and set out in the ES, if applicable or within the decommissioning project.
4.1.5	Table 4.6	We do not agree that impacts to benthic invertebrates due to EMF should be scoped out at this stage. We note this issue is covered in a draft revised energy NPS that was consulted on in late 2021.	Consider inclusion in ES.
4.1.5	Table 4.6	We do not agree that benthic ecology impacts from the release	Consider inclusion in ES.

		of sediment-bound contaminants should be scoped out at this stage. Further detail will need to be provided to demonstrate the local contaminant levels. We would defer to Cefas for more detailed advice regarding this matter.	
4.1.5		Temperature changes due to heating from cables has not been discussed, however it is not clear whether this is scoped in or out.	To be further considered and set out in the ES if required.
4.1.5		It is not clear in the benthic section how any changes to hydrodynamics and impacts of these on benthic habitats will be assessed e.g. changes in water flow, wave and tide climate.	To be further considered and set out in the ES.
4.1.7	4.1.7.3	It is unclear from the scoping report how the broad habitats will be assessed. We advise that the method of classification is clearly set out (e.g. EUNIS/JNCC habitat code)?	To be specified in the ES.

4.2 Fish and shellfish ecology

Natural England have provided comment below but note that Cefas are the technical specialists and we therefore will defer to their advice on this topic.

Section	Paragraph/Table	Comment	Recommendations
4.2.5	Table 4.11	As stated above in our comments under 3.2 Underwater noise, we disagree with the swim speeds being proposed for fish species. We advise that all fish hearing groups (Group 1 to 4 fish) should be assessed as static receptors for the purpose of exposure modelling.	Model fish as static receptors for the purpose of exposure modelling. Note that Cefas are the technical specialists on underwater noise impacts to fish therefore we defer to comments they have made on the subject.
4.2.5	Table 4.12	Wind turbine size and generation has progressed since the date of the evidence provided to scope out 'Underwater noise from wind turbine operation during operation and maintenance phase'. We advise that further consideration and justification is required.	Discussion and agreement should be sought through the Evidence Plan process with the relevant Expert Working Groups (EWG).

4.3 Marine mammals

Section	Paragraph/Table	Comment	Recommendations
4.3.2	4.3.2.3	We advise that the data derived from the site-specific aerial surveys is considered alongside existing data for the area when selecting the best/most precautionary estimate of marine mammal density to use for the quantitative assessment.	To note.
4.3.2	4.3.2.3	We advise that the regional study area for each marine mammal receptor should be based on the relevant Management Unit (MU) for that receptor, insofar as the study area or MUs should be used to determine the appropriate reference population, Special Areas of Conservation (SACs) that should be screened in for consideration, and the spatial extent for screening projects into the Cumulative Impact Assessment (CIA).	Use the MUs as the regional study area for the purposes of calculating the reference populations, SAC spatial screening extent, and cumulative impacts spatial screening extent.
4.3.3	Table 4.13	The following data sources should also be considered for inclusion: • Data from the digital aerial surveys undertaken for more recent OWFs in the area e.g. Awel y Mor, including other Round 4 projects if available (Mona OWF; Morecambe OWF) • Seal count data from the Hilbre Island Observatory; • Waggitt et al. (2020)[5]. We understand that an updated version of the Atlas of the Marine Mammals of Wales is due to be published soon, similarly information from the latest Offshore Energy Strategic Environmental Assessment (OESEA) should also be included if available.	Consider utilising the additional sources in the baseline characterisation.
4.3.4	4.3.4.1	We note that a number of individuals could not be identified to species level. We welcome clarification on how these observations are going to be included in the assessment to ensure that species' density estimates are not underestimated.	To note.
4.3.4	4.3.4.37	The Applicant should clarify which MUs for seals are to be included in the reference population.	Clarify post-scoping and be clear in the ES which MUs have been used.

[5] Waggitt, J.J., Evans, P.G., Andrade, J., Banks, A.N., Boisseau, O., Bolton, M., Bradbury, G., Brereton, T., Camphuysen, C.J., Durinck, J. and Felce, T., 2020. Distribution maps of cetacean and seabird populations in the North-East Atlantic. Journal of Applied Ecology, 57(2), pp.253-269.

4.3.4	4.3.4.40	Carter *et al.* (2020)[6] should also be used as a source of telemetry data for seals, which can inform the movements and origins of seals in the study area.	Use Carter *et al.* (2020) telemetry data.
4.3.4	4.3.4.51	We note that no harbour seals have been recorded during the initial survey between April and September 2021. Due to the incompleteness of the dataset (only a quarter of the planned two-year survey) we do not agree that the receptor should be scoped out at this stage. Once the full digital aerial survey results have been analysed, it may be appropriate to undertake a high-level assessment should the species continue to be recorded in no/very low numbers.	Consider inclusion of harbour seals at the ES stage for a high-level assessment (subject to results of complete digital aerial survey campaign).
4.3.4	4.3.4.52	As per our previous comment, we advise that the specific marine mammal MUs are the appropriate spatial extent to undertake an initial screening of designated sites.	Use the specific marine mammal MUs as the initial screening extent for SACs.
4.3.4	Table 4.15	There are errors in this table such as referring to species as habitats.	Ensure table is correct if used in the ES.
4.3.5	Table 4.16	We advise that the Applicant include Temporary Threshold Shift (TTS) in their ES assessment. Specifically, they should model TTS impact ranges from piling and other noise sources, and number of animals within those impact ranges. However, we do not expect an assessment of the significance of TTS due to the paucity in understanding of the biological significance of TTS.	Model TTS distances and number of animals within the impact range.
4.3.4	Table 4.16	When assessing disturbance from underwater noise, we advise that the applicant consider the potential for any barrier effects to occur. The potential for a barrier effect to arise can be informed through a qualitative assessment of movements through the site between key areas, for example telemetry tracks of seals.	Consider inclusion of barrier effects when assessing disturbance of underwater noise.
4.3.5	Table 4.16	Could the Applicant please clarify whether they intend to apply for Unexploded Ordnance (UXO) clearance under a separate Marine Licence or include the activity in the Development Consent Order (DCO)? We advise that the former is more flexible when knowledge of UXOs that require clearance is limited, as is often the case at ES submission stage. If UXO	Clarify position on UXO clearance.

[6] Carter, M.I., Boehme, L., Duck, C.D., Grecian, J., Hastie, G.D., McConnell, B.J., Miller, D.L., Morris, C., Moss, S., Thompson, D. and Thompson, P., 2020. Habitat-based predictions of at-sea distribution for grey and harbour seals in the British Isles. Sea Mammal Research Unit, University of St Andrews, Report to BEIS, OESEA-16-76/OESEA-17-78.

		clearance is being undertaken under a separate Marine Licence, we would not expect a full assessment of impact significance in this ES due to lack of knowledge of number, location, size and method of UXO clearance.	
4.3.5	Table 4.16	The Applicant lists that disturbance will be assessed for vessel use and non-piling noise. We advise that the results of the comparative underwater noise modelling should also be used to inform the risk of injury (even if it is considered unlikely).	To note.
4.3.5	Table 4.16	Disturbance to marine mammals from pre-construction surveys has been included. Whilst we are supportive of this, any meaningful assessment will require information on the number, location, duration, and equipment on such surveys. Mitigation for these surveys will also need to be considered.	To note.
4.3.5	Table 4.17	We do not agree that impacts from operational turbines can be scoped out at this stage. The size of the wind turbines proposed for this project are significantly larger than those that were the subject of the various referenced studies. We advise that the underwater noise modelling includes an assessment of underwater noise emissions from operational wind turbines, using the best available evidence and reasonable assumptions.	Scope in the impact pathway from operational wind turbine noise
4.3.6	4.3.6.1	The applicant is proposing to develop a Marine Mammal Mitigation Protocol (MMMP) for piling but there is no mention of mitigation measures for UXO clearance, which we understand is being assessed in the ES. Intended mitigation measures for UXO clearance should be referenced in the assessment, for example following the JNCC (2010)[7] guidance on the use of explosives, and the recent position statement on the use of low order clearance methods[8].	Consider appropriate suite of mitigation methods for UXO clearance.
4.3.6	4.3.6.1	We would also expect that a vessel management plan would be included that would outline measures to reduce the risk of collision with marine mammals.	Reference the vessel management plan and any measures therein to reduce collision risk with marine mammals.
4.3.7	4.3.7.4	We are unfamiliar with the use of Important Ecological Features (IEFs) in a marine mammal assessment.	We advise that this approach using IEFs are agreed through the Evidence Plan Process via the EWG.

[7] JNCC guidelines for minimising the risk of injury to marine mammals from using explosives. August 2010
[8] Policy paper Marine environment: unexploded ordnance clearance joint interim position statement. Updated 13 January 2022

4.3.8	4.3.8.1	Geophysical surveys should also be included as a source of underwater noise in the CIA.	Include geophysical surveys in CIA, where information is available.
4.3.8	4.3.8.2	Although underwater noise is a key cumulative effect, the applicant has not detailed whether any other impact pathways will be considered in the CIA. The applicant should provide a list of pathways that are being screened in or out of the CIA, with rationale to support screening out pathways.	Outline all pathways that are being scoped in or out of the CIA, with appropriate supporting evidence. This can be done at the PEIR stage.
4.3.8	4.3.8.4	As per our previous comment, the appropriate initial spatial screening extent for projects and plans in the CIA is the marine mammal MUs. Also in relation to Section 4.3.10, the MUs should also be used to screen in transboundary sites.	Use the MUs to screen projects and plans in the CIA.

4.4 Offshore ornithology

Section	Paragraph/Table	Comment	Recommendations
4.4.2	4.4.2.3	The joint SNCB interim displacement advice note and it's annex: Interim advice on the treatment of displacement for red-throated diver are now published. See here: Joint SNCB Interim Displacement Advice Note | JNCC Resource Hub	Update text and reference.
4.4.2	4.4.2.4	Tracking studies should also be used where available to evidence connectivity, or lack thereof.	Review and consider all relevant tracking studies.
4.4.3	4.4.3.3	Please justify the selection of transect lines spaced at 2km on a NW-SE axis, i.e., what gradients were these anticipated to intersect? Has the selection of 12% of the sea surface area been justified, or is it simply following precedents from other projects? Although analysis of 12% of the sea surface is thought likely to be sufficient, best practice would dictate conducting a power analysis to determine the level and distribution of survey coverage to analyse.	Review Offshore Wind Marine Environmental Assessments: Best Practice Advice for Evidence and Data Standards, which is available on request. Please find further details for access on gov.uk[9].
4.4.3	4.4.3.6	If a modelling approach is to be adopted (e.g. MRSea), early engagement with the SNCBs is recommended.	We advise that before running the model that the parameters are discussed and agreed through the Evidence Plan process via the EWG.

[9] Natural England (2022). Offshore wind – best practice advice to facilitate sustainable development. Naturalengland.blog.gov.uk

4.4.4	4.4.4.11	Specific tracking studies should also be used to aid screening where possible.	Review and consider all relevant tracking studies.
4.4.7	4.4.7.3	Although Natural England questions the utility of flight height data derived by the 'size-based' and similar methods, if this data has been produced, we would welcome its inclusion for comparison with the generic flight height distributions (Johnston *et al.*, 2014[10]), noting that we would not expect it to be used in Collision Risk Modelling (CRM).	Confirmation on if information on flight height has been processed.
4.4.7	4.4.7.7	As noted, the SNCB guidance on CRM is currently being updated. This will include updated parameters for use in both the deterministic and stochastic models, noting that technical issues relating to the latter have now been resolved. Further, a revised approach that accounts for macro-avoidance behaviour of gannet by reducing the densities for that species to be considered in CRM is likely to be recommended.	Natural England has provided some advice to the applicant directly in response to their CRM Technical Note (provided 24 June 2022), stating that within the upcoming Statutory Nature Conservation Bodies (SNCB) guidance there will be a clear recommendation to use the stochastic CRM (sCRM). As detailed in the CRM technical note, Natural England advise that CRM is not undertaken according to the existing guidance as this will in all likelihood be superseded at the point of submission . The SNCB guidance note and supporting evidence are still being prepared and finalised, however Natural England have provided the applicant with avoidance rates and updated parameters to inform the approach to sCRM (provided 7 July 2022). Further discussions on the appropriate methodology including parameterisation of models can be discussed at the Offshore Ornithological Expert Working Group (EWG) through the Evidence Plan process.

6.1 Seascape, landscape and visual resources

[10] Johnston, A., Cook, A.S.C.P., Wright, L.J., Humphreys, E.M. and Burton, N.H.K. (2014). Modelling flight heights of marine birds to more accurately assess collision risk with offshore wind turbines. Journal of Applied Ecology, 51(1), pp.31–41. doi:10.1111/1365-2664.12191.

Section	Paragraph/Table	Comment	Recommendations
6.1.2	6.1.2.2	Where applicable, once the location of the generation assets has been determined, Natural England should also be consulted to determine representative viewpoints.	To note.
6.1.2	6.1.2.3	We advise that a 60km buffer is used to assess seascape impacts , based on the proposed wind turbine height for the Morgan OWF and the elevated viewpoints onshore.	We advise that this is discussed and agreed through the Evidence Plan Process with the relevant EWG.

Natural England initial draft advice in relation to taking into account all aspects of offshore windfarm projects which may be subject to determination across multiple separate NSIPs with different owners for the array ('generation assets'), cable ('transmission assets') or other offshore windfarm NSIP where there are joint/shared infrastructure which may have cumulative impacts to nature conservation features.

Natural England welcomes the potential progression of an 'coordinated' approach to grid connection. In reducing the number of cables required for energy transmission, we recognise the potential for significantly reducing the area of impact created from multiple projects, thereby increasing options available to the projects to avoid, reduce and mitigate impacts to designated site features and the wider marine environment.

However, Natural England notes the potential consenting challenges this new approach is likely to have for offshore windfarms where there is likely to be separate NSIP applicants for the generations assets (offshore windfarm arrays), but also for the transmission asset. Should there be a requirement to sell the cable linking the array to the transmission asset to an Offshore Transmission Owner (OFTO) post-construction, this could present additional complexities. We observe such a scenario could potentially result in up to three Development Consent Orders (DCOs) and five deemed Marine licences being intrinsically linked.

Therefore, we advise that prompt consideration is required by the relevant parties to consider how the National Grid 'Coordinated Approach' can be implemented and robustly consented to ensure that OWF projects impacts can be considered and consented holistically (rather than 'salami sliced'), the risk of stranded assets can be avoided, and that offshore windfarm energy can be delivered in a timely manner.

Drawing from our experiences of the consenting process for both the Triton Knoll offshore windfarm 'array' NSIP and the Triton Knoll Electrical System NSIP, we provide the following advice on a without prejudice basis. This is with a view to identifying and helping to address the challenges that may be faced by offshore windfarm projects where i) multiple NSIPs are required but timeframes are unlikely to align, ii) the merits of the applications are unlikely to be considered by the same examining authority and iii) there are subsequent implications for DCO requirement and marine licence discharge.

Consideration of indirect, secondary and cumulative impacts

Natural England advises that in order for any one of the examining authorities to assess the direct, indirect, secondary and cumulative impacts from multiple NSIPs there will need to be sufficient information submitted on the indirect, secondary and cumulative impacts of the grid connection works. We draw your attention to paragraph 4.9.3 of the overarching National Policy Statement for Energy EN-1 ("EN-1") which provides that Applicants:

> *"must ensure they provide sufficient information to comply with the EIA Directive including the indirect, secondary and cumulative effects, which will encompass information on grid connections. The IPC must be satisfied that there are no obvious reasons why the necessary approvals for the other element are likely to be refused."*

Natural England accepts that EN-1 provides for a scenario where the grid connection and offshore array consents do not come forward in the same consenting process – that is clear from para. 4.9.1. However, it is Natural England's case that EN-1 envisages a situation where the Applicant has a detailed grid connection scheme worked up, but for administrative or other reasons does not join the two consents and progress them through the same process, but instead brings them forward via separate consenting processes.

However, unless the transmission assets consent is progressed in advance of the generation assets, it is anticipated in such cases that the Applicant will have a fully worked up scheme for the grid connection works, with complete assessments of its individual impacts and those cumulative impacts with the offshore array/s. Natural England draws support for this reading of EN-1 from the fact that para. 4.9.1 states that:

> *"it may be the case that the applicant has not received or accepted a formal offer of a grid connection from the relevant network operator at the time of the application, although it is likely to have applied for one and discussed it with them."* (emphasis added).

Nevertheless it remains unclear to Natural England how this would work in practice when the generation asset applicant is not the same as the transmission asset applicant. There is a risk that due to timeframes the coordinated approach may well result in a detailed offshore array scheme, but may not have detailed proposals relating to the transmission assets. This would not comply with EN-1.

Natural England advises that it cannot be reasonably contended that a cumulative assessment does not need to be carried out of a project that is not only intrinsically linked to the proposed development but is necessarily required to come forward for the proposed development to have any meaningful existence, resulting in a stranded asset - be that the generation asset or the transmission asset. This aligns with para. 4.9.3. of EN-1.

Consenting of associated NSIPs

In relation to the second requirement in para. 4.9.3 of EN-1 (where it must be satisfied that there are no obvious reasons why the necessary approvals for the other elements are likely to be refused), we highlight is that it is difficult for stakeholders such asNatural England to advise the ExA whether there were, or were not, any obvious reasons why the necessary approvals would be likely to be refused. This was certainly our experience at Triton Knoll OWF.

For Triton Knoll OWF, Natural England also advised that a condition was required that prevented the offshore works associated with the generation asset commencing until the necessary grid connection consents had been obtained. Such an approach could ensure that any significant indirect, secondary, and cumulative impacts that were identified during the consideration of the grid connections works effectively prevent the authorised development coming forward, as they would result in the necessary grid connection consents being refused.

Natural England considers that without such a condition being included in the relevant DCOs, it is very difficult to see how decision-makers could robustly consent the generation asset applications. This is because the ExA/decision-maker wouldn't have before it sufficient information on the indirect, secondary and cumulative effects of the proposed development with the grid connection works which the ExA is required to have under the EIA Regulations and EN-1. In addition, without the suggested condition, we are concerned it would theoretically allow the offshore works to be built without any means of connecting them to the grid.

Natural England highlights the risk that such a situation may pose to the ExA/decision-maker, as the rationality of the decision could be questioned were it to allow the Applicant to construct an offshore array that had no meaningful existence

because it could not be connected to the national grid. The proposed condition for Triton Knoll therefore ensured that such a perverse situation could not result.

From:	Stephen Vanstone
To:	Morgan Offshore Wind Project
Subject:	RE: EN010136 - Morgan Offshore Wind Farm - EIA Scoping Notification and Consultation
Date:	13 July 2022 13:44:54
Attachments:	image004.png image005.png

Good afternoon,

With reference to the above consultation, I can advise that Trinity House would expect the following to form part of the Environmental Statement:

Navigation Risk Assessment

- Comprehensive vessel traffic analysis in accordance with MGN 654.
- The possible cumulative and in-combination effects on shipping routes and patterns should be adequately assessed, with particular regard to both existing and planned developments.

Risk Mitigation Measures

- We consider that this development will need to be marked with marine aids to navigation by the developer/operator in accordance with the general principles outlined in IALA (International Association of Marine Aids to Navigation and Lighthouse Authorities) Guideline G1162 - The Marking of Offshore Man-Made Structures as a risk mitigation measure. In addition to the marking of the structures themselves, it should be borne in mind that additional aids to navigation such as buoys may be necessary to mitigate the risk posed to the mariner, particularly during the construction phase. All marine navigational marking, which will be required to be provided and thereafter maintained by the developer, will need to be addressed and agreed with Trinity House. This will include the necessity for the aids to navigation to meet the internationally recognised standards of availability and the reporting thereof.
- Assessment of impact on existing aids to navigation.

A decommissioning plan, which includes a scenario where on decommissioning and on completion of removal operations an obstruction is left on site (attributable to the wind farm) which is considered to be a danger to navigation and which it has not proved possible to remove, should be considered. Such an obstruction may require to be marked until such time as it is either removed or no longer considered a danger to navigation, the continuing cost of which would need to be met by the developer/operator.

The possible requirement for navigational marking of the export cables and the vessels laying them. If it is necessary for the cables to be protected by rock armour, concrete mattresses or similar protection which lies clear of the surrounding seabed, the impact on navigation and the requirement for appropriate risk mitigation measures needs to be assessed.

Kind regards,

Stephen Vanstone
Navigation Services Officer | Navigation Directorate | Trinity House
[redacted]
TRINITY HOUSE

From: Morgan Offshore Wind Project <MorganOffshoreWindProject@planninginspectorate.gov.uk>
Sent: 16 June 2022 14:14
To: Navigation [redacted]
Cc: Thomas Arculus [redacted]
Subject: EN010136 - Morgan Offshore Wind Farm - EIA Scoping Notification and Consultation

Dear Sir / Madam

Please see attached correspondence on the proposed Morgan Offshore Wind Farm.

Please note the deadline for consultation responses is **14 July 2022** and is a statutory requirement that cannot be extended.

Kind regards,
Joseph Briody

The Planning Inspectorate

Joseph Briody | Associate EIA Advisor
The Planning Inspectorate
T [redacted]

Ensuring fairness, openness and impartiality across all our services

UK Health Security Agency

Environmental Hazards and Emergencies Department
Seaton House, City Link
London Road
Nottingham, NG2 4LA

[redacted]
www.gov.uk/ukhsa

Your Ref: EN010129
Our Ref: CIRIS 58497

Ms Gail Boyle
Senior EIA Advisor
Environmental Services Central Operations
Temple Quay House
2 The Square
Bristol, BS1 6PN

14th July 2022

Dear Ms Boyle

Nationally Significant Infrastructure Project
Morgan Offshore Wind Project. PINS Reference: EN010136-000034
Scoping Consultation Stage

Thank you for consulting the UK Health Security Agency (UKHSA) regarding this proposed development. We are pleased to be able to feed into the project and associated Environmental Impact Assessment (EIA) at this early stage. ***Please note that we request views from the Office for Health Improvement and Disparities (OHID), and the response provided is sent on behalf of both UKHSA and OHID***

The health of an individual or a population is the result of a complex interaction of a wide range of different determinants of health, from an individual's genetic make-up to lifestyles and behaviours, and the communities, local economy, built and natural environments to global ecosystem trends. All developments will have some effect on the determinants of health, which in turn will influence the health and wellbeing of the general population, vulnerable groups and individual people. Although assessing impacts on health beyond direct effects from for example emissions to air or road traffic incidents is complex, there is a need to ensure a proportionate assessment focused on an application's significant effects.

Having considered the consultation documents, we wish to make the following specific comments:

Environmental Public Health
We understand that the promoter will wish to avoid unnecessary duplication and that many issues including air quality, emissions to water, waste, contaminated land etc. will be

covered elsewhere in the Environmental Statement. We believe the summation of relevant issues into a specific section of the report provides a focus which ensures that public health is given adequate consideration. The section should summarise key information, risk assessments, proposed mitigation measures, conclusions and residual impacts, relating to human health. Compliance with the requirements of National Policy Statements and relevant guidance and standards should also be highlighted.

In terms of the level of detail to be included in an ES, we recognise that the differing nature of projects is such that their impacts will vary. UKHSA and OHID's predecessor organisation Public Health England produced an advice document *Advice on the content of Environmental Statements accompanying an application under the NSIP Regime*', setting out aspects to be addressed within the Environmental Statement[1]. This advice document and its recommendations are still valid and should be considered when preparing an ES. Please note that where impacts relating to health and/or further assessments are scoped out, promoters should fully explain and justify this within the submitted documentation.

Health Improvement and Disparities (OHID)

Human Health and Wellbeing

This section of OHIDs response, identifies the wider determinants of health and wellbeing we expect the Environmental Statement (ES) to address, to demonstrate whether they are likely to give rise to significant effects. OHID has focused its approach on scoping determinants of health and wellbeing under four themes, which have been derived from an analysis of the wider determinants of health mentioned in the National Policy Statements. The four themes are:

- Access
- Traffic and Transport
- Socioeconomic
- Land Use

Having considered the submitted scoping report OHID wish to make the following specific comments and recommendations:

Population and Human health assessment

It is noted that population and human health will be considered using existing chapters to generate a technical annex and not form a separate chapter within the ES. Given the current knowledge of the scheme and potential impacts this appears to be a proportionate approach. This should be kept under review as more information becomes available and a separate population and human health chapter may be justified as the assessments develop.

---

1 https://khub.net/documents/135939561/390856715/Advice+on+the+content+of+environmental+statements+accompanying+an+application+under+the+Nationally+Significant+Infrastructure+Planning+Regime.pdf/a86b5521-46cc-98e4-4cad-f81a6c58f2e2?t=1615998516658

Should no separate health chapter be produced the socio-economics chapter should include the identification of vulnerable populations. The impacts on health and wellbeing and health inequalities of the scheme may have particular effect on vulnerable or disadvantaged populations, including those that fall within the list of protected characteristics. The identification of vulnerable populations and sensitive populations should be considered.

Recommendation

Baseline health data should be provided, which is adequate to identify any local sensitivity or specific vulnerable populations. The identification of vulnerable populations should be based on the list provided by the Welsh Health Impact Assessment Support Unit[2] and the International Association of Impact Assessment (IAIA)[3]

We hope the information provided is useful and would welcome discussions to clarify any specific concerns or enquiries you may have.

Yours sincerely

On behalf of UK Health Security Agency

[redacted]

Please mark any correspondence for the attention of National Infrastructure Planning Administration.

[2] WHIASU (2020). Health Impact Assessment – A Practical Guide

[3] Cave, B., Claßen, T., Fischer-Bonde, B., Humboldt-Dachroeden, S., Martín-Olmedo, P., Mekel, O., Pyper, R., Silva, F., Viliani, F., Xiao, Y. 2020. Human health: Ensuring a high level of protection. A reference paper on addressing Human Health in Environmental Impact Assessment. As per EU Directive 2011/92/EU amended by 2014/52/EU. International Association for Impact Assessment and European Public Health Association.

From: [redacted]
To: Morgan Offshore Wind Project
Subject: RE: EN010136 - Morgan Offshore Wind Farm - EIA Scoping Notification and Consultation
Date: 20 June 2022 17:27:43
Attachments: image001.png
image003.png

Hello,

Thank you for your email.

We don't have any assets or interests in this area at the moment.

Kind regards,

Monica Mocanu
Project Coordinator

[redacted]

[redacted]
5th Floor, 70 St Mary Axe, London, EC3A 8BE, United Kingdom

From: Morgan Offshore Wind Project <MorganOffshoreWindProject@planninginspectorate.gov.uk>
Sent: 16 June 2022 14:10
Subject: EN010136 - Morgan Offshore Wind Farm - EIA Scoping Notification and Consultation

Dear Sir / Madam

Please see attached correspondence on the proposed Morgan Offshore Wind Farm.

Please note the deadline for consultation responses is **14 July 2022** and is a statutory requirement that cannot be extended.

Kind regards,
Joseph Briody

The Planning Inspectorate

Joseph Briody | Associate EIA Advisor
The Planning Inspectorate

T [redacted]

Ensuring fairness, openness and impartiality across all our services

This communication does not constitute legal advice.
Please view our Information Charter before sending information to the Planning Inspectorate. Our Customer Privacy Notice sets out how we handle personal data in accordance with the law.

Please take a moment to review the **Planning Inspectorate's Privacy Notice** which can be accessed by clicking this link.

Please note that the contents of this email and any attachments are privileged and/or confidential and intended solely for the use of the intended recipient. If you are not the intended recipient of this email and its attachments, you must take no action based upon them, nor must you copy or show them to anyone. Please contact the sender if you believe you have received this email in error and then delete this email from your system.

Recipients should note that e-mail traffic on Planning Inspectorate systems is subject to monitoring, recording and auditing to secure the effective operation of the system and for other lawful purposes. The Planning Inspectorate has taken steps to keep this e-mail and any attachments free from viruses. It accepts no liability for any loss or damage caused as a result of any virus being passed on. It is the responsibility of the recipient to perform all necessary checks.

The statements expressed in this e-mail are personal and do not necessarily reflect the opinions or policies of the Inspectorate.

DPC:76616c646f72

Please consider the environment before printing this e-mail

03292728, Nant Y Moch Wind Farm Limited 03494533 and Swinford Wind Farm Limited 06941519 are registered in England and Wales with registered office at Abbey Warehouse, Abbey Slip, Penzance, Cornwall, TR18 4AR, UK. Llanerfyl Access Road Consortium Limited 06118626 is registered in England and Wales with registered office at Beaufort Court Egg Farm Lane, Off Station Road, Kings Langley Hertfordshire, United Kingdom, WD4 8LR East Anglia Offshore Wind Limited 06990367, is registered in England and Wales with registered office at Third Floor, 1 Tudor Street, London EC4Y 0AH Ourack Wind Farm LLP SO305106, Aberdeen Offshore Wind Farm Limited SC278869, Aberdeen Wind Deployment Centre Limited SC380657 are registered in Scotland with registered office at Third Floor, The Tun Building, 4 Jackson's Entry, Holyrood Road, Edinburgh, EH8 8PT