

Date: 23 August 2024
Our ref: 485511
Your ref: EN010136 Morgan Generation Assets Offshore Wind Farm



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VIA WEBSITE ONLY

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Dear Susan Hunt,

Application by Morgan Offshore Windfarm Ltd for an Order Granting Development Consent for the Morgan Generation Offshore Wind Farm Project – Rule 6 Letter

Thank you for your consultation dated 05 August 2024. The following constitutes Natural England's formal statutory response to the Rule 6 Letter. Natural England is an Interested Party (IP) within the examination of the Morgan Generation Offshore Wind Farm Project.

Please accept this letter as Natural England's comments in relation to the contents of the Rule 6 letter and an overview of how Natural England proposes to provide our statutory advice to the Examining Authority (ExA) during the examination phase of the project.

1. Overview of Natural England's engagement with the Examination

Natural England recognises the significant contribution offshore wind Nationally Significant Infrastructure Projects (NSIPs) make to delivering the Government's green energy ambitions and net zero target, and the importance of our advice in securing positive environmental outcomes. Over the next 12 – 18 months, Natural England will be engaging with nine offshore wind NSIPs that have the potential to result in overlapping examinations and/or pre-determination consultations. This is likely to place significant pressure on our resources and our ability to engage with the complex demands of these projects, particularly during examinations.

Whilst Natural England remains committed to engaging in offshore wind NSIP examinations and meeting our statutory obligations, we need to address the workload pressures presented by these overlapping projects. By undertaking a review of previous contributions to offshore wind NSIP examinations, we have identified how we can best focus our advice to ensure we are able to engage efficiently and effectively and have the greatest likelihood of achieving issue resolution. The approach we will be taking, which we have discussed with the Planning Inspectorate, will involve:

- Only attending Issue Specific Hearings by exception and focusing our engagement where there is the greatest prospect of significant environmental risks being resolved.
- Having a narrower focus on our engagement in the Statement of Common Ground (SoCG) process, with a focus primarily on Principal Areas of Disagreement Summary Statements (PADSS) and our Risk & Issues Log.

In addition, we are also concerned that if there is submission of substantial new evidence, particularly if occurring late in the Examination process, this will put further pressure on Natural England's staff. Whilst

we seek to meet Examination timeframes wherever possible, our concern is that our ability to do this will be affected if significant additional information is submitted. In these circumstances, Natural England will use its best endeavours, but we will provide advice to the Examining Authority on what we consider is achievable in the circumstances.

2. Attendance of the Preliminary Meeting

Thank you for your invitation to the Preliminary Meeting on Tuesday 10 September 2024. Natural England can confirm we will not be attending, we hope this letter will suffice in providing our input into this meeting.

3. Accompanied Site Inspections (ASI)

Natural England does not plan to attend any site inspections, as we are not permitted to provide advice during these visits.

4. Compulsory Acquisition Hearings (CAH)

Natural England does not plan to attend any Compulsory Acquisition Hearings, as these fall outside of our remit.

5. Open Floor Hearings (OFH) Issue Specific Hearings (ISH)

Natural England will only attend hearings by exception, targeting those ISH that have the greatest likelihood of resolving significant environmental risks. In such instances our attendance will be virtual. We highlight that where Natural England does not attend hearings, this should not be construed as a lack of concern on outstanding issues, as opposed to the likelihood of these being resolved.

Natural England would be pleased to respond to any questions from the ExA that arise from the hearings at a subsequent deadline.

As regards the first set of hearings, to date we are not aware of any significant progression of key issues since the submission of our combined Relevant Representations and Written Representations, and we are not aware of any new information from the Applicant that is proposed to be discussed in the initial hearings. Therefore, we will not be attending OFH 1 or ISH 1.

6. Engagement with the Applicant

During the Examination Natural England will, where possible, engage with the Applicant to ensure issues are progressed. Due to the resource implications of multiple OWF examinations, Natural England will focus our engagement on key issues where new or updated assessments present an opportunity for issue resolution.

7. Statements of Common Ground (SoCG), Principal Areas of Disagreement Summary Statements (PADSS) and other progress tracking documents

Natural England will submit our own Risk and Issues log at Deadline 1, and updates to the log will be provided at all subsequent Deadlines. This will include any relevant points regarding ongoing engagement with the Applicant. We hope this will be of assistance to the ExA in understanding Natural England's current outstanding issues and on demonstrating progress on issue resolution. We also hope that the log and the PADSS included in our Relevant Representations will assist the Applicant in drafting or updating their Statement of Commonality at the relevant stages.

Natural England observe that the ExA intends to request initial SoCGs at Deadline 1 and a final SoCG required to be submitted at Deadline 6. Natural England support the approach of not requesting an updated SoCG at each deadline in-between, as this will allow us to focus our resource on the most pertinent technical aspects. We also welcome the opportunity to submit a PADSS in place of a SoCG

as outlined in Appendix G of the letter. We will do so at Deadline 1 and unless the ExA advise otherwise, we will also submit an updated final PADSS at Deadline 6 rather than input to an Applicant-led final SoCG.

We note that the ExA have requested an Examination Progress Tracker from the Applicant to prevent the continued submission of draft documents and updates throughout the Examination. Whilst we support the ExA's desire to streamline the Examination process, for issue resolution to be effective 'on the ground', Natural England advises that it will still be necessary for the Applicant to reflect any additional commitments in updated Named Plans, Technical Notes, DCO/dML conditions etc., and where appropriate Environmental Statement (ES) chapters. These documents will be the focus of our review and written submissions at each Deadline, and they provide a clear audit trail of commitments through the Examination that is readily available in the post consent phase. Should these documents not be updated, Natural England has concerns that any responses and commitments made by the Applicant are unlikely to be translated effectively into the post consent phases.

8. Response to Deadlines

Throughout the examination it is anticipated that many documents will be submitted and published on the PINS website. Natural England will screen all documents; however, we will only conduct detailed review and provide feedback on documents deemed relevant to our statutory function and the issues we have raised. We will advise the ExA in writing at each Deadline of which documents we have reviewed. If there is a document Natural England has not reviewed that the ExA wishes to have our advice on, then please inform us as soon as possible and we will endeavour to review ahead of the next Deadline or advise which Deadline comments can be expected. Any documents not listed within our Deadline responses should be assumed to have not undergone detailed review by Natural England.

9. Submission of Additional Information

Provision of large amounts of new or updated information during the Examination presents major challenges for consultees, particularly when engaged with multiple overlapping cases. Whilst Natural England will always make best endeavours to respond to submissions in a timely fashion, it cannot be guaranteed that all documents submitted will be reviewed by the following Deadline. Regularly updated information from the Applicant regarding the predicted submissions and arrival times can help manage this to some extent and we encourage the ExA to seek this.

Furthermore, Natural England will not provide a response to documents allowed to be submitted into Examination 'between' Deadlines. Should there be documents submitted between Deadlines, we suggest these are issued at the next appropriate Deadline, and we will respond at the following Deadline, or if time does not allow the subsequent Deadline.

10. Submissions of other parties

We highlight that Natural England does not intend to comment on any direct responses by the Applicant or other IPs on our representations unless new technical information is included.

More generally, Natural England will not respond on the submissions of other parties unless we become aware of a fundamental point of clarity which is required. Our focus will be on providing advice under our remit on nature conservation concerns, rather than advising on the merits of the submissions of others.

11. Report on the Implications for European Sites (RIES)

Natural England notes that only submissions up to Deadline 5 on 9 January 2025 will be considered in the RIES. As a result the RIES will not take account of updated advice on various Habitats Regulations Assessments (HRA) aspects beyond that point. Natural England recommends that the RIES is updated before it is included alongside the ExA report to the Secretary of State (SoS), so that a full account of the Examination's consideration of HRA matters is presented in one place.

Nevertheless, as previously advised to PINS and BEIS, Natural England does not consider consultation on the RIES adequately discharges the statutory requirement to consult Natural England on Appropriate Assessments.

12. Draft Examination Timetable

Natural England note that the publication of written questions (ExQ2) has been scheduled for the 19 December 2024. This is immediately followed by the Christmas Holidays. We advise that this is likely to present a resourcing challenge for those consulted to provide responses to these questions by Deadline 5 on 9 January 2025. We therefore request that Deadline 5 is extended to **23 January 2025**. This amendment would allow all parties to provide sufficiently considered responses, which will aid in ensuring information is provided as early on in the examination process as possible. Hopefully this would not impede the overall programme.

13. Close of Examination

The gap between the final Deadline 6 and the close of the Examination is around two weeks, which is rather longer than usual. We highlight the risk that the closing date might be viewed as a *de facto* final Deadline by participants. Therefore, we would welcome clarification on whether there is a particular rationale for the gap, including whether there are any post-Deadline 6 expectations of the Applicant or IPs.

Yours sincerely,

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