

Application by Morgan Offshore Wind Limited for an Order Granting Development Consent for the Morgan Offshore Wind Project: Generation Assets

Issue Specific Hearing 1

Date: 10 September 2024

Venue: Aintree Racecourse, Aintree, Liverpool and MS Teams

ACTION POINTS

Where possible, each party is invited to combine their action point responses with written notes of their oral submissions to the hearing. Examination Library references and paragraph or page number references for any material already within the examination should be cited in all submissions.

No	Party	Action	Deadline (D)
1	Applicant	Work Numbers Justify why draft Development Consent Order (DCO) Schedule 1, Part 1 Work Numbers 2 and 3 are separate rather than combined.	D1
2	Applicant	Design Parameters Amend the Design Parameters in Table 1 of draft DCO Schedule 2 (2), and in Tables 2 and 3 of Condition 10 in Schedules 3 and 4 to confirm minimum dimensions between structures to be 1400m from the centre of wind turbine structures. Those amended tables must also include a new maximum rotor swept area parameter.	D1
3	Applicant	Explanatory Memorandum Provide further justification for each individual provision with the draft DCO and draft Deemed Marine Licences (DML) within an updated Explanatory Memorandum, noting that precedent is not sufficient explanation for why certain provisions/wording within those provisions are necessary for the Morgan Offshore Wind Project: Generation Assets.	D1
4	Applicant	7-Year Commencement Expiry Date 1 Within an updated Explanatory Memorandum the Applicant must provide application-specific justification for the 7-year commencement period backstop [in draft DCO Schedule 2, Requirement 1], explaining how this aligns with the National Policy position that offshore wind is critical national priority infrastructure, and how it aligns with the timeframes	D1

No	Party	Action	Deadline (D)
		cited within the Environmental Statement for commencement of construction (2026) and operation (2030).	
5	Any IP	7-Year Commencement Expiry Date 2 Provide comments on the appropriateness of a 7-year commencement period in draft DCO Schedule 2, Requirement 1.	D1
6	Applicant	Definition of Maintain Provide justification for the second part of the definition of “maintain” within the draft DCO/draft DMLs, which states “ <i>provided that such works do not give rise to any <u>materially new</u> or <u>materially different</u> environmental effects to those identified in the environmental statement</i> ”. Explain why the definition does not simply list the type of operations that would constitute maintenance and follow that with a simpler phrase, such as “to the extent assessed in the environmental statement”? (Underlining is ExA’s emphasis)	D1
7	Applicant	Underwater Sound Management Strategy Clarify how the Underwater Sound Management Strategy (UWSMS) in draft DCO Schedules 3 & 4, Condition 22 applies to fish and shellfish as well as marine mammal ecology.	D1
8	Applicant	Commence or Take Place Review and clarify why Conditions 22 and 23 of the draft DMLs use different terminology to trigger the submission of certain documents to the Marine Management Organisation (MMO) for approval. Specifically condition 22(1) says “ <i>No piling activities.... ‘<u>must commence</u>’ until...</i> ”, while condition 23(1) says “ <i>No removal... ‘<u>can take place</u>’ until...</i> ”. (Underlining is ExA’s emphasis)	D1
9	Applicant	Draft DCO Article 7(4) Consider and respond on the desirability of a tailpiece to Article 7(4) that requires the Secretary of State to have regard to the advice of the MMO, rather than just the requirement to consult the MMO.	D1
10	Applicant	Transboundary Matters 1 Provide a response to the Meath County Council submissions dated 10 September 2024, made in response to the second transboundary screening dated 3 July 2024.	D1
11	Applicant	Triton Knoll 1 Submit a copy of the full decision letter for the Triton Knoll Offshore Wind Farm Order 2013 and the Examining Authority’s recommendation report, with reference to the relevant sections which relate to the	D1

No	Party	Action	Deadline (D)
		matter of stranded assets as raised in Natural England's Relevant Representation [RR-026].	
12	Applicant	Triton Knoll 2 Provide a summary of the relevance of Triton Knoll Offshore Wind Farm Order 2013 and the separate grid connection at the Triton Knoll Electrical System Order 2016. This should explain how the projects differ from the Proposed Development, including in terms of timescales involved and the policy at that time.	D1
13	Applicant	Cumulative Effects Assessment Submit Morecambe Offshore Wind Farm Generation Assets cumulative effects sensitivity assessment.	D2
14	Applicant	Seasonal Piling Restrictions Provide clarification on the impact that a seasonal piling restriction (to protect herring and cod spawning) would have on the construction timeframe of the array.	D1
15	Applicant	Ornithology Provide the ornithology clarification notes and technical note referred to in Procedural Deadline response to Relevant Representations [PD1-017], and provide a response as to why such additional information is not to form an update to the Environmental Statement (ES).	D1
16	Applicant	Errata Sheet Provide a written justification for the submission of an Errata Sheet [PD1-003] as opposed to tracked changed updates to the ES or other submitted documents. Explain how any further errata or updates will be submitted during the Examination.	D1
17	Applicant	Marine Navigation Engagement Forum Consider and submit a briefing note on how long in the post-consent and post-construction period the Marine Navigation Engagement Forum is to be sustained and how that should be secured.	D1
18	Applicant	Corrections 1 Correct Heysham to Douglas Steam Packet ferry crossing time in ES Chapter 7 [APP-025 paragraph 7.9.4.23] (currently stated as two hour 45 minutes).	D1
19	Applicant	Corrections 2 Review the wording of paragraph 1.4.1.2 of the Outline Vessel Traffic Management Plan (VTMP), which currently reads " <i>There is no formal guidance on the development and content that should be included within a VTMP. In the absence of formal guidance, this plan is based which provides ...</i> " [APP-071].	D1
20	Applicant	Carbon Emissions (Commercial Vessels)	D1

No	Party	Action	Deadline (D)
		Provide a response to whether an additional assessment needs to be made of increased carbon emissions from vessels consequent on making longer sea passages to deviate around the Proposed Development alone and cumulatively with other projects. Also comment on whether there is any legal precedent that might suggest a vulnerability to legal challenge on this matter.	
21	Applicant	Transboundary Matters 2 Provide a briefing note on the equivalent to the Maritime and Coastguard Agency and United Kingdom Chamber of Shipping with responsibility in the Republic of Ireland Exclusive Economic Zone. Clarify if and how they have been engaged to date in relation to any transboundary concerns regarding shipping and navigation.	D1
22	Applicant	International Council for the Exploration of the Sea (ICES) guidance 1 Respond to the Scottish Fishermen's Federation questions at the hearing relating to the ICES guidance for fisheries survey and with regard to herring spawning and nursery grounds.	D1
23	Scottish Fishermen's Federation	ICES guidance 2 Review the recording of the hearing for the Applicant's oral submission about the environmental impact assessments relating to Fisheries (ES Chapter 6, APP-024) and Fish & Shellfish Ecology [ES Chapter 3, APP-021], particularly in relation to application of ICES guidance. Provide a written response with comments (this can be combined with your Written Representations at D1).	D1
24	Applicant	Corrections 3 Add missing data sources to figures in ES Annex 6.1 [APP-059].	D1
25	Applicant	Wake Effects 1 Respond to the Orsted IP's comments at the hearing in relation to wake effects, the policy support for undertaking a wake effects assessment, and the availability of the data to feed into such an assessment.	D1
26	Orsted IPs	Wake Effects 2 Explain the suggested content of/approach to/scope of a potential Wake Loss Assessment.	D1
27	Applicant	Transmission Assets Provide estimated timing for Morgan & Morecambe Offshore Wind Farms Transmission Assets DCO application submission.	D1