

# MORGAN OFFSHORE WIND PROJECT: GENERATION ASSETS

## Annex 4.9 to Response to Hearing Action Point HAP\_ISH1\_22: Applicants response to ICES guidance and SFF

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Image of an offshore wind farm

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## MORGAN OFFSHORE WIND PROJECT: GENERATION ASSETS

### Glossary

Term	Meaning
Applicant	Morgan Offshore Wind Limited.
Development Consent Order (DCO)	An order made under the Planning Act 2008 granting development consent for a Nationally Significant Infrastructure Project (NSIP).
Morgan Array Area	The area within which the wind turbines, foundations, inter-array cables, interconnector cables, scour protection, cable protection and offshore substation platforms (OSPs) forming part of the Morgan Offshore Wind Project: Generation Assets will be located.
Morgan Offshore Wind Project: Generation Assets	This is the name given to the Morgan Generation Assets project as a whole (includes all infrastructure and activities associated with the project construction, operations and maintenance, and decommissioning).
The Planning Inspectorate	The agency responsible for operating the planning process for applications for development consent under the Planning Act 2008.

### Acronyms

Acronym	Description
CFLO	Company Fisheries Liaison Officer
D1	Deadline 1
EIA	Environmental Impact Assessment
ES	Environmental Statement
FIR	Fisheries industry Representative
ICES	International Council for the Exploration of the Sea
ISH	Issue Specific Hearing
MCA	Maritime and Coastguard Agency
OFLO	Offshore Fisheries Liaison Officer
RYA	Royal Yachting Association
SFF	Scottish Fishermen's Federation
VTYs	Vessel Traffic Surveys

# 1 Annex to Response to Hearing Action Point: HAP\_ISH1\_22 ICES guidance and SFF

## 1.1 Introduction

1.1.1.1 This document has been prepared in response to Action Point 22 arising from the Issue Specific Hearing (ISH)<sup>1</sup> which was held on 10 September 2024 in respect of the Morgan Offshore Wind Project: Generation Assets (hereafter Morgan Generation Assets).

1.1.1.2 Morgan Offshore Wind Ltd. ('the Applicant') has reviewed Action Point 22, which is set out in the Preliminary Meeting Note (document reference EV1- 005) and includes:

- **International Council for the Exploration of the Sea (ICES) guidance 1:** Respond to the Scottish Fishermen's Federation (SFF) questions at the hearing relating to the ICES guidance for fisheries survey and with regard to herring spawning and nursery grounds.

## 1.2 Response

1.2.1.1 Following a review of the transcript and recordings of the points raised by the SFF during ISH1, the following key stakeholder concerns have been identified and addressed in relation to Action Point 22 and additional comments raised by SFF at the Hearing:

- Section 1.2.2 – Concerns about the accuracy of commercial fisheries baseline data and Vessel Traffic Surveys (VTSs) undertaken to inform the Morgan Generation Assets did not identify key grounds and high periods of activity for scallop or herring
- Section 1.2.3 – Evidence for commercial fisheries operating within offshore wind farm array areas
- Section 1.2.4 – The Morgan Array Area holds critical commercial value for queen scallop fishermen, with the development posing risks to their livelihoods
- Section 1.2.5 – Claims that no meaningful actions have been taken to address these concerns.

1.2.1.2 In each section of this document, the Applicant draws upon evidence within numerous existing studies and papers. It is important to clarify that the information presented in the following sections is sourced directly from existing Morgan Generation Assets Environmental Statement chapters. The Applicant is not introducing any new evidence or data into the Examination.

### 1.2.2 Accuracy of the baseline and VTSs

1.2.2.1 The Applicant acknowledges the concern raised by the SFF regarding the commercial fisheries baseline data, including timing and outputs of the VTSs conducted to inform the Morgan Generation Assets. However, the Applicant considers that the work undertaken was robust, aligns with regulatory guidance and the outputs are representative of baseline conditions.

1.2.2.2 The VTSs were conducted in accordance with the Maritime and Coastguard Agency's (MCA) Marine Guidance Note 654, which requires two seasonally representative 14-day surveys. To enhance accuracy, the Applicant exceeded this requirement by

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conducting four 14-day surveys, thus providing double the data recommended in the guidance. The VTS timings were carefully considered following consultation with relevant stakeholders, such as the MCA and Royal Yachting Association (RYA). Specifically, the summer survey was designed to capture recreational vessel movements, reflecting the engagement with these authorities, as outlined in Table 7.4 of Volume 2, Chapter 7: Shipping and Navigation (APP-025). Based on advice from the Company Fisheries Liaison Officer (CFLO), a targeted survey focusing on scallop fishing activity was conducted in May 2023 to align with an important period for this fishery.

- 1.2.2.3 To further supplement the VTS data, the Applicant also provided a summary of the fishing vessels observed by the Offshore Fisheries Liaison Officer (OFLO) during offshore geophysical, environmental, and geotechnical surveys in 2021 and 2022. As presented in Figure 1.66 of Volume 4, Annex 6.1: Commercial fisheries technical report (APP-059), OFLO observations were recorded during the periods from 30 June to 18 September 2021 and from 01 April to 10 July 2022. Furthermore, the CFLO continued remote fisheries monitoring and made observations of fishing activity until 30 November 2022.
- 1.2.2.4 With regard to the wider commercial fisheries baseline characterisation, the Applicant fully recognises the importance of queen scallop landings to the SFF and has engaged with the company since 2021 to establish the special extent of nomadic fleet. Spatial distribution of fishing activity using VMS data (2009 to 2020), supported by feedback from project-specific consultation and Marine Management Organisation (MMO) landings data (2012 to 2022), highlighted that the western part of the Morgan Array Area is an important queen scallop fishing ground for vessels utilising dredges (as presented in section 1.4.8.5 of Volume 6, Annex 6.1: Commercial fisheries technical report (APP-059)). It is evident through analysis that dredge activity and intensity varies by year, which also corroborates with information from fisheries stakeholders, which suggest that the fishery is cyclical over seven-to-eight-year periods.
- 1.2.2.5 The Applicant emphasises that the baseline data collated and the VTSs undertaken are robust, align with regulatory guidance and are representative of baseline conditions.
- 1.2.2.6 With regard to the baseline characterisation for herring within the Irish Sea, the sensitivities of herring to offshore development are fully considered within Volume 4, Annex 3.1: Fish and shellfish ecology technical report (APP-051). This includes their substrate-specificity when spawning and their sensitivity to underwater sound. This is carried through into the assessment (presented in Volume 2, Chapter 3: Fish and shellfish ecology; APP-021) which predicted potential moderate adverse effects to herring spawning at the Douglas Bank spawning ground during the reported spawning period of late September for three to four weeks (Dickey-Collas et al., 2001). This effect is due to the potential impacts from underwater sound generated by pile driving at the Morgan Generation Assets alone, and cumulatively with other projects and plans. The assessment is based upon a highly precautionary behavioural impact sound level (135 dB re 1 $\mu$ Pa<sup>2</sup>s single strike sound exposure level; Hawkins and Popper, 2014) and considers the spatial restrictions associated with highly discrete spawning grounds.
- 1.2.2.7 The predicted moderate adverse effects to spawning herring due to underwater sound generated during piling (which is significant in EIA terms) has resulted in specific consideration of the management of underwater sound effects to this species within the Underwater Sound Management Strategy (outline provided in APP-068). The Applicant has committed to managing the effects of underwater sound generated by piling on herring to non-significant levels. Whilst the ICES 2024 guidance regarding

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herring is not explicitly referenced within the baseline characterisation (APP-051) and technical assessment (APP-021) for fish and shellfish ecology, the precautionary approach to assessment and proposed mitigation through the application of the Outline Underwater Sound Management Strategy (APP-068) is considered to sufficiently address and manage the concern that “Activities that have a negative impact on the spawning habitat of herring are considered a source of risk for the species” (ICES, 2024a; 2024b).

### 1.2.3 Evidence for commercial fisheries operating within offshore wind farm array areas

1.2.3.1 Existing UK legislation does not prohibit commercial fishing within operational offshore wind farms and for some sites that have fixed foundation options (e.g. jackets – three legged, jackets – four-legged, suction bucket three-legged jacket and suction bucket four-legged jacket and monopiles), commercial fishing has continued during the following phases:

- Towed demersal fishing has occurred within the Walney Extension Wind Farm since it has been operational, which could be partly attributed to layout of the wind turbines which facilitates vessels to safely fish within the boundary of the wind farm (Dunkley and Solandt, 2022).
- Post construction fish surveys undertaken on the Barrow Offshore Wind Farm demonstrated that it is feasible to tow beam trawl gear between the wind turbines of the wind farm (Gray et al., 2016).
- Remote monitoring of fishing activity has confirmed that scallop dredge vessels fish within operational wind farms in the North Sea, including Beatrice.

1.2.3.2 The Applicant engaged with fishing stakeholders, including the SFF, in Autumn 2022, post-scoping, on requirements to allow access to and continued fishing within Morgan Array Area. As set out under section 6.3 in Volume 2, Chapter 6: Commercial fisheries (APP-024), this engagement highlighted a preference for avoidance of infrastructure over queen scallop grounds, sufficient spacing between infrastructure to allow continued access and fishing, orientation of wind turbines against dominant towing directions, burying of cables and minimising the use of cable protection. In Winter 2022, further engagement was undertaken specifically with scallop fishing stakeholders on the potential development of a Scallop Mitigation Zone (SMZ) (see Section 1.2.5).

1.2.3.3 The Applicant met with commercial fisheries stakeholders in September 2023 to provide more specific details on the mitigation measures that would allow access to and continued fishing within Morgan Array Area, which were well received (see Appendix G.19 of the Technical Engagement Plan Appendices - Part 5 (Appendix E to L) (APP-093)).

### 1.2.4 The Morgan Array Area holds critical commercial value for queen scallop fishermen

1.2.4.1 Volume 2, Chapter 6: Commercial fisheries (APP-024) and Volume 6, Annex 6.1: Commercial Fisheries Technical Report (APP-059) have acknowledged the significant importance of the Morgan Array Area not only to commercial fishing vessels but also associated onshore processing activities.

1.2.4.2 Paragraph 6.8.1.60 of Volume 2, Chapter 6: Commercial fisheries (APP-024) specifically references the reliance of the ‘Scottish west coast scallop’ receptor group

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upon grounds within the Morgan Array Area, stating that this may account for approximately 40% of their total annual value of landings of queen scallop within the Morgan Array Area alone.

- 1.2.4.3 This importance of queen scallop landings to the SFF and other Scottish scallopers, who form the ‘Scottish west coast scallop vessel’ receptor group, was established through analysis of the latest publicly available Vessel Monitoring System (VMS) data and via extensive engagement that has been conducted since 2021, where the Applicant sought to establish the spatial distribution of the nomadic fleet.
- 1.2.4.4 Spatial distribution of fishing activity using VMS data (2009 to 2020), supported by feedback from project-specific consultation and Marine Management Organisation (MMO) landings data (2012 to 2022), highlighted that the west part of the Morgan Array Area is an important queen scallop fishing ground for vessels utilising dredges (as presented in section 1.4.8.5 of Volume 6, Annex 6.1: Commercial fisheries technical report (APP-059)).

### 1.2.5 Claims that no meaningful actions have been taken to address these concerns

- 1.2.5.1 The Applicant strongly disagrees with the statement that “*no meaningful actions have been taken to address concerns*”. The Applicant has made significant commitments to facilitate co-existence with existing commercial fishing activity and minimise disruption as far as possible, and will continue to constructively engage with the fishing community to ensure concerns are addressed as far as reasonably practicable. Early engagement was established with fisheries stakeholders in June 2021 to understand stakeholder requirements for co-existence as summarised in Table 6.5 of Volume 2, Chapter 6: Commercial fisheries (APP-024) and detailed in Appendix G.19 of the Technical Engagement Plan Appendices - Part 5 (Appendix E to L) (APP-093). Engagement will continue throughout the lifetime of the project. A Fisheries Liaison and Co-existence Plan (FLCP) will be developed by the Applicant through ongoing consultation with fisheries stakeholders, which will be based on the Outline FLCP (APP-065) submitted as part of the Application.
- 1.2.5.2 Commitments are set out within Volume 2, Chapter 6: Commercial fisheries (APP-024) and the J6 Mitigation and monitoring schedule (APP-076). The commitments are designed to enable co-existence as far as possible during all project phases. They include commitments to not close the entire development area during the construction phase, the establishment of a SMZ, which will be free of wind turbines and offshore substation platforms (a commitment which is a ‘first’ for offshore wind in the United Kingdom as far as the Applicant is aware) and the orientation and spacing of infrastructure such that fishing can continue within the Morgan Array Area. These design commitments are also supported by the commitment to undertake monitoring of VMS data and landings data from the study area annually for the first five years of the operations and maintenance phase.
- 1.2.5.3 As a result of these measures, commercial fishing receptor groups will be able to continue fishing within parts of the Morgan Array Area during construction. During the operations and maintenance phase, the measures will provide the space for continued fishing within the Morgan Array Area and allow fishing vessels to transit through the area.
- 1.2.5.4 The Applicant undertook recent engagement with commercial fisheries stakeholders on the commitments set out within the Outline FLCP (APP-065) in July and September 2024. Based on the feedback from these meetings, the Applicant will update wording to applicable commitments in the Outline FLCP, in parallel with progressing



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Statements of Common Ground with the fisheries stakeholders that also covers the commitments for coexistence and ongoing liaison.

1.2.5.5 Following these consultation meetings, the Applicant has agreed to refine the wording of two primary measures and added a new primary measure, and five tertiary measures within an updated version of the Outline FLCP. Incorporating these updates will be undertaken and submitted at Deadline 2.

1.2.5.6 These refinements specifically include:

- Use of gear penetration and snagging risks as factors to determine target burial depth – incorporated into Primary Measure 1
- Concerns over the impact of cable protection on fishing activity and the amount of cable protection that can be used. The Applicant has set out limits on cable protection, as assessed Volume 2, Chapter 6: Commercial fisheries (APP-024), as a new Primary Measure
- Infrastructure spacing will be a minimum of 1,400 m and also aligned with the layout principles, including for micrositing – incorporated in Primary Measure 4
- Feedback highlighted the importance of using a Fishing Industry Representative (FIR) identified by the local fishing industry. The Applicant has amended the justification for Tertiary Measure 3 to note that a suitable candidate for the FIR will be identified to the Company Fisheries Liaison Officer (CFLO) by fisheries stakeholders.
- Feedback highlighted the importance of using a local Offshore Fisheries Liaison Officers (OFLOs) where possible. Tertiary Measure 4 has been updated by the Applicant to reflect the use of Local OFLOs where possible.
- To reduce the potential for cable exposure, Tertiary Measure 10 has been updated to include consideration of likely seabed level change where possible establishing target cable burial depth.
- The commitment in Tertiary measure 11 to undertake annual reviews for the first five years of the operations and maintenance phase to review Vessel Monitoring System (VMS) data and landings data, will also be updated to include I-VMS when available.

1.2.5.7 The Applicant considers that the design commitments and measures set out in the Outline FLCP demonstrate that, not only has there been meaningful pre-application engagement, but that consultation has been highly productive. The Applicant considers that the engagement undertaken and subsequent commitments to facilitate co-existence with commercial fishing activity goes above and beyond that of any other offshore wind farm in the UK.

## 2 REFERENCES

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