

MORGAN OFFSHORE WIND PROJECT: GENERATION ASSETS

Written Summaries - Preliminary Meeting and Issue Specific Hearing 1

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Image of an offshore wind farm

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1 WRITTEN SUMMARY PRELIMINARY MEETING

1.1 PRELIMINARY MEETING: TUESDAY 10 SEPTEMBER

- 1.1.1.1 This document presents a written summary of Morgan Offshore Wind Limited's (the Applicant) oral case at the Preliminary Meeting on the Examination Process, Initial Assessment of Principal Issues, Procedural Decisions and draft Examination timetable (Table 1.1).
- 1.1.1.2 Preliminary Meeting on the Morgan Offshore Wind Project: Generation Assets (hereafter referred to as the 'Morgan Generation Assets') Development Consent Order (DCO) application took place on 10 September 2024 starting at 14:00 at Aintree Racecourse, Ormskirk Rd, Aintree, Liverpool.

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Table 1.1: Written summary of the Applicant’s oral submission at the Preliminary Meeting.

ID	Agenda Item	Notes
1	The Examining Authority’s remarks about the Examination process	(1) The Applicant confirmed that it would identify a venue for the second set of hearings scheduled for the week commencing 25 November 2024.
2	Initial Assessment of Principal Issues	(2) The Applicant confirmed that it did not have any specific comments on the initial assessment of principal issues set out in Annex C of the Rule 6 Letter [PD-001] The Applicant confirmed that it has based its progress tracker [PD1-004] on the initial assessment of principal issues, but that this document is a framework which will become more detailed as the examination progresses.
3	Procedural Decisions taken by the Examining Authority	<p>(3) The Applicant confirmed that it would consider the Scottish Fisherman’s Federation as included within the list of parties which the ExA directed the Applicant should agree Statements of Common Ground in Appendix G of the Rule 6 Letter (PD-001). The Applicant noted that it has written to the fisheries stakeholders to suggest a joint Statement of Common Ground where there are interests in common, which will be explored with the stakeholders. The Applicant also confirmed that it was exploring the possibility of the ‘other offshore wind developers’ having a joint Statement of Common Ground where there are interests in common.</p> <p>(4) The Applicant confirmed it would update the ExA at Deadline 1 with the approach agreed with the stakeholders. The Applicant noted that this may mean that Statements of Common Ground with these stakeholders are not agreed in time to submit for Deadline 1 as envisaged by the timetable in Appendix E of the Rule 6 Letter.</p> <p>(5) The Applicant confirmed that the production of a Principal Areas of Disagreement and Principal Issues Log was agreed with Natural England at a meeting on 27 August 2024. The Applicant confirmed Natural England would be the only body with whom this approach would be taken.</p> <p>(6) The Applicant noted that several parties have confirmed they do not wish to agree a Statement of Common Ground with the Applicant. The Joint Nature Conservation Committee have confirmed that it will defer to Natural England in this application and so would not progress a separate Statement of Common Ground. The Wildlife Trust have confirmed that, due to resourcing issues, they do not progress a Statement of Common Ground. Finally, the Applicant advised that it has not yet received confirmation from NatureScot that it will progress a Statement of Common Ground. Therefore, a Statement of Common Ground with NatureScot may not be ready to submit at Deadline 1, but the Applicant will submit one at a later deadline, subject to engagement from NatureScot.</p>

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4	Draft Examination Timetable, including dates and locations of hearings and Accompanied Site Inspections	<p>(7) The Applicant confirmed that it would submit a report on the interrelationship with other infrastructure projects at Deadline 1.</p> <p>(8) The Applicant made reference to the various procedural requests that it had set out in the Applicant's response to the Examining Authority's Rule 4, 6, 9 and 13 letter [PD1-005]. The Applicant acknowledged a comment from the Examining Authority that it would not be possible to move Deadline 1, as requested by the Applicant, whilst still meeting the requirements of notification for submissions from interested parties in accordance with the relevant regulations. The Applicant confirmed that it was therefore no longer requesting to move Deadlines 1, 2 and the date for Publication by the ExA of its Written Questions.</p> <p>(9) The Applicant submitted that it would be useful for a minor adjustment to be made at Deadline 4 of the timetable to include an explicit item for parties to submit any comments on responses to the Examining Authority's first written questions.</p> <p>(10) The Applicant requested that Deadline 5 be fixed for a week later, on Thursday the 16th of January. The Applicant's explained its concern was that deadline five shortly being shortly after the holiday period might place some constraint on resources of both the applicant and interested parties in responding to written questions. The Applicant submitted that the timetable had a short gap following that that could facilitate an extra week to allow responses to those written questions.</p>

2 WRITTEN SUMMARY ISSUE SPECIFIC HEARING 1

2.1 ISSUE SPECIFIC HEARING 1: TUESDAY 10 SEPTEMBER

2.1.1.1 This document presents a written summary of Morgan Offshore Wind Limited's (the Applicant) oral case at Issue Specific Hearing 1 (ISH 1) on the Scope and Description of Project Development, Transboundary Matters, Interrelationships with other projects and Procedural Deadline Submissions (Table 2.1).

2.1.1.2 ISH 1 on the Morgan Offshore Wind Project: Generation Assets (hereafter referred to as the 'Morgan Generation Assets') Development Consent Order (DCO) application took place on 10 September 2024 starting at 14:00 at Aintree Racecourse, Ormskirk Rd, Aintree, Liverpool.

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Table 2.1: Written summary of the Applicant’s oral submission at ISH1.

ID	Agenda Item	Notes
3. Scope and description of the Proposed Development		
a)	<ul style="list-style-type: none"> • Clarification of the Works as described in Schedule 1 of the draft Development Consent Order (DCO) • Design parameters as defined in Requirement 2 of the draft DCO and Condition 10 of the draft Deemed Marine Licences • Array layout principles including spacing and micro-siting • The Land Plan and status of Crown Land. 	<ol style="list-style-type: none"> (1) The Applicant explained that the Application seeks consent for the Morgan Offshore Wind Farm Generation Assets. The Applicant confirmed that the transmission infrastructure forming part of the wider Morgan Offshore Windfarm Project is being developed in collaboration with another developer, Morecambe Offshore Wind Farm Limited. A separate application for development consent will be made for the transmission assets in due course and examined separately. (2) The Applicant summarised the contents of each part of the draft Development Consent Order as follows: (3) Part 2 sets out principal powers sought by the Applicant. (4) Article 3 seeks development consent for the works which have been applied for. (5) Article 4 seeks authorisation for the operation of the generating station. (6) Article 5 gives effect to Schedules 3 and 4, which include the marine licenses necessary to construct and operate the development. (7) Article 6 sets out power to maintain project through its authorised lifespan of 35 years (8) Article 7 sets out benefit of the order and circumstances in which the benefit could be transferred to a third party. (9) Part 3 includes miscellaneous and general articles. (10) Article 8 gives power to the Secretary of State in event works are abandoned to require the removal of the apparatus. (11) Article 9 contains model provisions for harbours and the protection of Trinity House. (12) Article 10 sets out provisions for the protection of the Crown and Crown rights. (13) Article 11 sets out the documents and plans which are to be certified as part of the Order.

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		<p>(14) Article 12 sets out provisions in relation to notices made under the Order.</p> <p>(15) Article 13 on contains provisions on the discharge of requirements and appeals to the Secretary of State in cases where the application for the discharge of requirements is refused. The Applicant confirmed that this Article would be removed at the next Deadline. This amendment will be in response to a representation from the Marine Management Organisation querying whether this is needed for a purely offshore development, where all applications either be directly to the Secretary of State or the Marine Management Organisation.</p> <p>(16) Schedule 1 sets out provisions of the development consent order that would be authorised by the Order. The Applicant explained that the Works to be authorised were split into 3 parts. Works number 1 constitutes the wind turbine generators and the inter-array cables, and authorises up to 96 wind turbine generators to be constructed. Work number 2 relates to offshore substation platforms and would authorise up to four to be constructed. Work number 3 relates to the sub-sea interconnector cables between the offshore substation platforms.</p> <p>(17) The Applicant explained that the Works areas fully overlap spatially on the Works Plan [APP-082]. This is to provide the Applicant with necessary flexibility because at this stage the detailed design has not been undertaken and the exact location of the apparatus has not been determined. There is considerable precedent for this approach in other offshore wind farm development consent orders, such as the Hornsea Four Offshore Wind Farm Order 2023.</p> <p>(18) The Applicant explained that the Work numbers are split up to facilitate the transfer of work number 2 and/or 3 which are within the deemed marine licences to an Offshore Transmission Operator (OFTO) if this is required. The Applicant explained that a decision has not been taken on whether the infrastructure included in Works Nos. 2 and 3 would be transferred to an OFTO. The Applicant explained that the marine licence in Schedule 3 has been drafted such that it authorises all of the activities to be built, and the deemed marine licence in Schedule 4 relates only to the offshore substation platforms and the interconnector cables. This would facilitate a full transfer of the marine license in Schedule 4 to an OFTO in the future, rather than having to split up a single marine licence in the future, which is something the Marine Management Organisation has been clear in the past it does not support.</p> <p>(19) The Applicant confirmed that there are provisions in Schedule 3 and Schedule 4 which restrict the power to build the offshore substation platforms and the interconnector</p>

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		<p>cables, such that this apparatus can only be built under one marine licence and not both. Consequently, the marine licences do not permit this apparatus to be built twice.</p> <p>(20) The Applicant confirmed that Part 1 also permits associated development provided it is within the scope of what has been assessed in the Environmental Statement. In paragraph 2 of Schedule 1 there are grid co-ordinates within which the development would be constructed. In Part 2 of Schedule 1 there is a list of ancillary works which the Applicant is authorised to undertake which do not constitute development.</p> <p>(21) The Applicant explained that Schedule 2 of the Development Consent Order sets out various requirements that apply to the authorised development and are the equivalent of planning conditions for the planning permission.</p> <p>(22) Requirement 1 sets out the authorised development must commence within 7 years beginning on the date when the order comes into force and subparagraph (2) provides for an extension of one year in the event that there was a legal challenge to the Order.</p> <p>(23) Requirement 2 sets out the design parameters and includes a table of key parameters from the environmental assessment that ensures that the development is built within the scope of what has been assessed in the environmental statement. The Applicant confirmed that a number of parameters are to be added to this table at Deadline 1. Firstly, a total swept rotor area for the wind turbine generators is to be added, which would effectively ensure that the Applicant could not construct the maximum number of the largest turbines included in the Environmental Statement maximum design scenario, as this would exceed what had been assessed. Secondly a parameter setting the maximum volume of scour protection will be added as requested by Natural England. In response to another comment from Natural England, the Applicant confirmed that following further studies the volume of sand wave clearance will be reduced from a width of 104m to 80m, and the volumes will be updated in the deemed Marine Licences to reflect that.</p> <p>(24) The Applicant confirmed that it would update the parameter table in Requirement 2 to clarify that the spacing of 1,400m is between the centres of the wind turbine generators.</p> <p>(25) The Applicant explained that Requirement 3 sets out provisions in relation to aviation safety.</p> <p>(26) The Applicant explained that Requirement 4 contains requirements in relation to mitigation for radar operated by NATS.</p>

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		<p>(27) The Applicant explained that Requirement 5 is for the submission of a decommissioning plan in accordance with the requirements of the Energy Act 2004.</p> <p>(28) The Applicant explained that Requirements 6 and 7 set out some provisions for the submission of written approvals and for the amendment of any details that are to be approved under the requirements.</p> <p>(29) The Applicant explained that Schedule 3 of the Development Consent Order contains deemed marine license 1, which permits works number 1, 2 and 3. The Applicant explained that the controlling parameters within Schedule 3 mirror those in Schedule 1.</p> <p>(30) The Applicant explained that the conditions included in the deemed Marine Licences are generally standard for a development of this type. The Applicant considered that there were only a couple of conditions worth highlighting.</p> <p>(31) Condition 22 is for the provision of an Underwater Sound Management Strategy which is a form of mitigation developed to manage underwater sound, taking account of other development activities in Irish Sea. The Applicant explained final details of the mitigation contained within the strategy will be based on detailed design and the programmes of the other developers. The plan will ensure that no piling can take place until the MMO is satisfied that potentially significant underwater sound effects are mitigated such that they are not significant.</p> <p>(32) The Applicant confirmed, in response to a question from the ExA, that it would clarify how the Outline Underwater Sound Management Strategy accounts for underwater sound impacts on fish and shellfish ecology. [Post hearing note: The Applicant has provided a response on this point within its response to the Hearing Action Points, under Action 7].</p> <p>(33) The Applicant explained that Condition 23 would control when unexploded ordnance (UXO) clearance could take place. Condition 23 requires a method statement to be submitted and a marine mammal mitigation protocol specific to UXO clearance to be prepared before UXO clearance can take place.</p> <p>(34) The Applicant explained that Schedule 4 contains the second deemed Marine Licence authorising the construction of the offshore substations and interconnector cables. As previously explained, the marine licences are structured in this way to enable a potential transfer of the licence to an OFTO (if required).</p>

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		<p>(35) The Applicant explained that Schedule 5 lists the documents and plans to be certified under Article 11, including outline plans and the Environmental Statement.</p> <p>(36) The Applicant took an action to consider whether works numbers 2 and 3 could or should be combined. [Post hearing note: The Applicant has provided a response on this point within its response to the Hearing Action Points, under Action 2].</p> <p>(37) The Applicant took an action to consider and confirm in writing whether any other parameters, such as the maximum number of pin piles or the maximum area of cable protection, should be added to the parameters Table 1 in Schedule 2.</p> <p>(38) The Applicant explained that it intends to commence construction as soon as possible, but that the 7-year time limit for commencing construction contained in Requirement 1 of Schedule 2 is necessary to provide the Applicant with flexibility and to account for changing market conditions. Projects of this scale are complex, and construction is reliant on a number of factors that are not completely within its control, for example the supply chain and securing necessary finance through the Contract for Difference auction. This project has the added complexity of coordinating construction with the transmission assets, which are being consented separately. The 7 year time limit has been included in a number of other offshore wind development consent orders including Hornsea 3, Hornsea 4, Sheringham and Dudgeon Extension Projects, and Triton Knoll. The Applicant's position is that this 7 year period is justified. The Applicant did not consider there to be any conflict between his period and the needs case that has been put forward and the ambition to have the project operational by 2030. That very much remains the Applicant's target, but the 7 year period reflects the factors outwith its control.</p> <p>(39) The Applicant confirmed that it has responded [PD1-017] to the Marine Management Organisations comments on the inclusion of the term 'materially' in the definition of 'maintain' within Article 2 of Part 1 of the DCO (reference for response RR-020.17). The Applicant explained that its position is that the inclusion of the word 'materially' is appropriate to give the Applicant a limited degree of flexibility in relation to maintenance activities but would not authorise any activities which would give rise to new or different effects than had been assessed with the Environmental Statement.</p> <p>(40) The Applicant took an action to make a written submission on whether Article 7 should include an express requirement for the Secretary of State to take into consideration the views of the Marine Management Organisation on whether a proposed transfer of the benefit of the order should take place. [Post hearing note: The Applicant has provided</p>

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		<p>a response on this point within its response to the Hearing Action Points, under Action 9 (document reference S_D1_3.9)].</p> <p>(41) The Applicant was asked why some management plans had been submitted in outline and some had not. The Applicant explained that it had submitted outline management plans where it was considered the detail included in those plans was likely to be considered through the examination or where interested parties may wish to comment. Management plans which secure industry standard measures, such as an Offshore Environmental Management Plan, are very formulaic in their nature with standard inclusions, but at this stage without final design information would form little more than a contents page of standard headings. Such routine plans would be submitted to the MMO for approval at the appropriate time post-consent, but are not considered necessary to submit in outline as doing so adds no real value for any party. The Applicant noted that a schedule of mitigation had been submitted with the application, and outline plans would contain minimal useful additional information. The Applicant will explore with stakeholders, in particular Natural England and the Marine Management Organisation, what further information it may be useful for the Applicant to submit to the Examination.</p> <p>(42) The Applicant was asked to clarify where the Marine Mammal Mitigation Protocol was secured in the deemed Marine Licence. The Applicant confirmed that Condition 20(1)(h) provides that in the event that driven or part driven pile foundations are proposed to be used, or in the event that unexploded ordnance clearance is required, a Marine Mammal Mitigation Protocol shall be submitted for approval that is in accordance with the Outline Marine Mammal Mitigation Protocol. The Applicant explained that there could be a situation where Condition 23, which is specific to unexploded ordnance clearance was discharged with a Marine Mammal Mitigation Protocol focused on unexploded ordnance clearance activities, with Condition 20(1)(h) discharged separately in relation to a different activity, such as piling. This is entirely standard industry practice given the UXO work is often undertaken well in advance of final design relating to piling activity.</p> <p>(43) The Applicant confirmed that only non-intrusive preconstruction surveys would be authorised by the deemed marine licences contained in Schedules 3 and 4. Any intrusive preconstruction surveys, such as geotechnical surveys, would be carried out under a separate marine licence. The Applicant explained for context that it is currently carrying out surveys under a separate marine licence.</p> <p>(44) In response to a question from the Scottish Fisherman's Federation, the Applicant confirmed that impacts on Fish and Shellfish Ecology had been assessed within the</p>

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		Environmental Statement Chapter 3 Fish and Shellfish Ecology [APP-021] . The Applicant also confirmed that the separating out of the Works into 3 work numbers would not change the time needed to construct the works.
4. The Isle of Man and Transboundary matters		
a)	<ul style="list-style-type: none"> Status of the Isle of Man Government in the Examination Transboundary matters including the Republic of Ireland Other Persons status. 	<p>(45) The Applicant confirmed in response to a question from the ExA that it is aware of the second transboundary screening response of 3 July 2024.</p> <p>(46) The Applicant confirmed in response to a question from the ExA that it would consider the submission made by Meath County Council in the Republic of Ireland and submit any comments or responses to the ExA at Deadline 1. [Post hearing note: The Applicant has provided a response on this point within ‘Annex 4.1 to Response to Hearing Action Point 10_ Applicants response to the Meath County Council’ (document reference S_D1_4.1)].</p> <p>(47) The Applicant confirmed that it was engaging with commercial ferry operators, including Stena Line, in relation to crossings to the Republic of Ireland. The Applicant confirmed in response to a question from the ExA that the Irish Chamber of Shipping and the Port of Dublin were invited to join the Marine Navigation Engagement Forum (MNEF).</p> <p>(48) The Applicant confirmed in response to a question from the ExA that it did not have any suggestions as to further organisations who should be including in the Examination as ‘Other Persons’.</p>
5. Interrelationship with other projects		
a)	<ul style="list-style-type: none"> Interrelationship Report with other Infrastructure Projects – content and the Applicant’s progress on the Report Forthcoming examination of the Morecambe Offshore Windfarm: Generation Assets project and alignment of data Expected timescales for submission of the Morgan and Morecambe Offshore Wind Farms: Transmission Assets project and implications for the commencement period proposed in Requirement 1 of the draft DCO 	<p>(49) The Applicant confirmed in response to a question from the ExA that it understands what is required of the Interrelationship Report with other Infrastructure Projects. The Applicant expects to set out the information requested in tables and that the Report will be based on information available in the public domain. The Applicant confirmed that it would submit the report at Deadline 1, and then submit updated versions at Deadline 4 and Deadline 6. [Post hearing note: The Interrelationship Report has now been submitted has now been submitted with document reference S_D1_5].</p> <p>(50) The Applicant confirmed in response to a question from the ExA that other proposed offshore wind projects within the Irish Sea are being considered under the Offshore</p>

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	<ul style="list-style-type: none"> Updates to the Cumulative Effects Assessment and In-Combination assessment. 	<p>Transmission Network Review and Holistic Network Design Review, but currently no decision has been taken in relation to these.</p> <p>(51) The Applicant took an action to submit the Secretary of State's Decision Letter and Examining Authority's Recommendation Report from the Triton Knoll Offshore Wind Farm Order 2013 to the Examination. [Post hearing note: The Decision Letter (S_D1_4.2) and Recommendation Report (S_D1_4.3) are annexed to the main document 'Response to hearing action points' (S_D_4)].</p> <p>(52) The Applicant advised that it did not intend to continuously update the cumulative effects assessment (CEA) in the environmental statement through the Examination, unless that was considered necessary due to new information becoming available that would change the conclusions of the Environmental Statement. The Applicant advised that it would conduct a 'sensitivity analysis' of new information in relation to proposed projects already considered within the CEA as further details become available, to determine whether that information had any potential to change the conclusions of the Environmental Impact Assessment or Habitats Regulations Assessment. The Applicant explained that it had completed that analysis for the Morecambe Generation Assets (for which the PEIR information was used for the Morgan application CEA) and that it did not change the conclusions of the Environmental Statement. That sensitivity analysis will be written up and that will be submitted to the ExA as soon as possible. [Post hearing note: For the avoidance of doubt the Applicant confirms that any new projects not previously considered would be considered for inclusion in the CEA in accordance with the ES methodology and if any changes to previously assessed projects required an update to the CEA this would be provided].</p> <p>(53) The Applicant confirmed that if the proposed Moir Vannin Offshore Wind Farm submitted its application for consent during the examination of the Morgan Generation Assets, then the Applicant would review the CEA in relation to that project. [Post hearing note: The Applicant notes that the only information that is in the public domain for this project is a Scoping Report and limited other consultation materials. Whilst this has been taken into account in the Applicant's cumulative / in-combination assessment, this is considered insufficient information on which to base a meaningful cumulative assessment with a high degree of certainty].</p> <p>(54) In response to a question from the ExA, the Applicant confirmed that it would be monitoring the progress of the Morecambe Offshore Wind Farm Generation Assets examination and any written representations submitted during that examination. The Applicant noted that the Morecambe Offshore Wind Farm Generation Assets project is</p>

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		<p>a Tier 1 project for the purpose of the cumulative assessment, but this does not change the conclusion of the cumulative effects assessment in the Environmental Statement.</p> <p>(55) The Applicant confirmed that the target date for the submission of the Morgan and Morecambe Offshore Wind Farms Transmission Assets DCO application was Q3 2024. The Applicant took an action to submit a timeline of the expected Morgan and Morecambe Offshore Wind Farms Transmission Assets examination dates with a comment on any implications for the Morgan Offshore Wind Farm Generation Assets examination. [Post hearing note: the Applicant has included this within the Report on Interrelationships submitted at Deadline 1].</p>

6. Review of Relevant Representations and Procedural Deadline submissions

<p>a)</p> <ul style="list-style-type: none"> Ecology and Ornithology: The principal issues raised by the Statutory Nature Conservation Bodies in relation to the methodology in the ES and Habitats Regulations Assessment, including timescales for additional information to be submitted. 	<p>(56) In response to a question from the ExA the Applicant confirmed its position that post construction monitoring of benthic ecological, ornithological and fish receptors is unnecessary. The Applicant considers that the environmental impact assessment was undertaken on a precautionary basis and it has confidence in its conclusion that there will be no residual significant effects on these receptors post construction. The Applicant only considers monitoring post-construction would be necessary if it had identified the potential for residual significant effects. The Applicant confirmed that it would continue to engage with the stakeholders who had raised concerns with this approach throughout the examination and consider any specific monitoring proposals put forward. [Post hearing note: The Applicant wishes to clarify that it considers that requests for monitoring by statutory consultees or Interested Parties should be supported with a clear justification and targeted on specific receptors with clear linkages to their assessment concerns. The assessments undertaken are precautionary, evidence based and concluded no residual significant effects or adverse effects in terms of Habitats Regulations Assessment and therefore do not see the monitoring requests as appropriate for the Morgan Generation Assets. The Applicant is concerned that generic broadscale monitoring commitments will provide limited value in terms of improving specific knowledge gaps or validating any particular concerns with specific conclusions in the Environmental Statement. The Applicant will continue to constructively engage with relevant Interested Parties on this matter].</p> <p>(57) The Applicant noted the specific proposal for adaptive management and post construction monitoring put forward by the Marine Management Organisation, which the Applicant has responded to within [PD1-017] (see ref. RR-020.31). The Applicant noted its understanding that the requirements suggested by the Marine Management Organisation were included in the Sheringham and Dudgeon Extension Projects Development Consent Order 2024 based on the specific aspects of that project and a</p>
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		<p>recommendation from the ExA that due to the potential impact of that project on sensitive habitats and species, such post construction monitoring was appropriate. The Applicant is not aware of such requirements being included in other Offshore Wind development consent orders and maintains that it does not consider the requirement necessary in this case given the lack of habitats or species of importance being recorded within the Morgan Array Area and lack of there being any potential for significant effects occurring on benthic features. The Applicant confirmed it would continue to engage with the Marine Management Organisation in relation to any further proposals it makes.</p> <p>(58) The Applicant was asked what the implications would be for the construction programme if seasonal piling restrictions were required and confirmed it would respond in writing. [Post hearing note: The Applicants response to seasonal piling restrictions are outlined in detailed in S_D1_4.4: Annex 4.4 to Response to Hearing Action Point 14_ Applicant's response to seasonal piling restrictions submitted at Deadline 1].</p> <p>(59) In response to a question from the ExA, the Applicant summarised the status of the main issues raised by the statutory nature conservation bodies and what progress had been made to address them as follows:</p> <p>(60) In relation to Natural England's request that a quantitative cumulative effects analysis of historic offshore wind projects be undertaken, the Applicant confirmed that it met with Natural England as part of the Expert Working Group on 29 August 2024 and that the methodology for that assessment was now broadly agreed. The Applicant confirmed it expects to submit a note with the results of this assessment at Deadline 1. Based on the work already undertaken the Applicant confirmed that this note will not change any of the conclusions reached in the Environmental Statement cumulative effects assessment. [Post hearing note: The results of the Applicant's quantitative cumulative effects analysis are outlined in the document Annex 4.5 to Response to Hearing Action Point 15: Offshore Ornithology CEA and In-combination Gap-filling of Historical Projects Note (reference S_D1_4.5) submitted at Deadline 1].</p> <p>(61) The Applicant confirmed that it intends to submit a number of additional documents to the examination to address comments raised by Natural England in its relevant representation. Firstly, a note in relation to displacement rates will be submitted at Deadline 1. Second, a note on regional populations which was submitted at the procedural deadline [PD1-016]. A note on apportioning will be submitted at Deadline 1. [Post hearing note: The Applicant's note on displacement rates has been submitted at Deadline 1 with the reference number S_D1_4.6. The Applicant's note on apportioning has been submitted at Deadline 1 with the reference number S_D1_4.7].</p> <p>(62) The Applicant confirmed that a note on data abundance will be submitted at Deadline 1. [Post hearing note: The abundance data note is being finalised and will now be submitted at Deadline 2]. A further note in relation to the Great Orme to clarify a point raised by Natural Resources Wales will also be submitted at deadline 1. [Post hearing</p>

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		<p>note: The Applicant's note on Great Orme has been submitted at Deadline 1 with the reference number S_D1_4.8].</p> <p>(63) The Applicant confirmed that these notes will be clarificatory and not additional assessment information, so the Environmental Statement chapters themselves will not be updated to account for them.</p> <p>(64) The Applicant confirmed in response to a question from the ExA that the 'gap filing exercise' technical note was to provide the quantitative assessment of historic offshore wind farms requested by Natural England in relation to cumulative effects on ornithological receptors. However, the Applicant reiterated that it considers that the methodology that it has applied for the cumulative effects assessments and the in-combination assessments to look at historic projects on a qualitative basis is an entirely appropriate way to reach robust conclusions in the EIA and in the HRA.</p> <p>(65) The Applicant confirmed in relation to errata for the Environmental Statement, that the errata sheet [PD1-003] addresses predominantly minor errors and would not change the conclusions reached in relation to ornithology in the environmental impact assessment or habitats regulation assessment. The Applicant confirmed the errata sheet [PD1-003] would be certified as forming part of the environmental statement, in accordance with Schedule 5 of the development consent order. The Applicant did not intend to produce updated versions of Environmental Statement chapters with these errors corrected, which would produce considerably more documentation into the Examination. The Applicant had sought to undertake a proportionate approach.</p>
b)	<ul style="list-style-type: none"> Shipping and Navigation 	<p>(66) In response to a question from the ExA the Applicant confirmed that the Statements of Common Ground being progressed with the shipping and navigation stakeholders would include consideration of whether the Navigational Risk Assessment (NRA) and Cumulative Regional NRA (CRNRA) is acceptable.</p> <p>(67) The Applicant confirmed that it has not been determined whether the Marine Navigational Engagement Forum (MNEF) would continue post construction, but it would continue post-consent. [Post hearing note: The Applicant has provided a detailed response on this point along with a position on the need to update the CRNRA within its response to the Hearing Action Points, under Action 17].</p> <p>(68) In response to a comment from the ExA, the Applicant confirmed that paragraphs 7.9.3.23 and 7.9.4.23 of the Shipping and Navigation Chapter (APP-025) contains a typographic error on the time stated for the crossing between Heysham and Douglas which would be updated within the Errata document submitted at Deadline 1.</p>

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		<p>(69) In response to a submission from the Scottish Fisherman’s Federation, the Applicant explained that the Applicant conducted shipping and navigation surveys which were seasonally representative as required by the Maritime and Coastguard Agency’s Marine Guidance Note 654 to inform the NRA. The Applicant explained that four sets of 14 day surveys were undertaken, two in summer and two in winter. This is double the number advised in MGN 654. In consultation with the Company Fisheries Liaison Officer (CFLO), a dedicated fishing survey was specifically undertaken in May 2023 in the Morgan Array Area (plus 10nm) in order to survey scallop fishing activity. The Company Fisheries Liaison Officer (CFLO) confirmed that the surveys captured a representatively busy scallop fishing period, with up to a dozen boats fishing at any given time. The Applicant confirmed that it would respond to the representations made by the Scottish Fisherman’s Federation in writing at Deadline 1. These surveys also informed the navigational simulations, which helped to address some concerns raised by the ferry operating companies about the representativeness of the fishing data. [Post hearing note: The Applicant has provided a detailed response on this point within its response to the Hearing Action Points, under Action 22 (document reference S_D1_4.9). Further the applicant provided an additional annex with regard to SFFs oral representation at ISH1 (S_D1_4.10)].</p> <p>(70) In response to a question from the ExA, the Applicant explained that The Maritime and Coastguard Agency (MCA) is the navigation authority for UK, Northern Ireland and the Isle of Man, and within other jurisdictions they have their own equivalents, such as the Marine Safety Officer of the Republic of Ireland. Internationally, there are various international conventions led by the International Maritime Organisation, which do provide some guidance for navigation safety.</p> <p>(71) The Applicant took an action to make a clarifying edit to the Outline Vessel Traffic Management Plan where some text in paragraph 1.4.1.2 appears to be missing in relation to what the plan is based on in the absence of formal guidance. [Post hearing note: The Applicant has provided a response on this point within its response to the Hearing Action Points, under Action 19].</p> <p>(72) The Applicant took an action in response to a question from the ExA to consider whether additional assessment should be made of increased carbon emissions as a result of route deviations made by ships as a result of the development, and whether this assessment should be undertaken on a cumulative basis including other Irish Sea developments. The Applicant took an action to include in submissions on this point any relevant legal precedent which may suggest a vulnerability to legal challenge if the assessment of cumulative environment impact is not considered from the deviation of</p>

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		<p>ships as a result of the proposed development. [Post hearing note: The Applicant has provided a response on this point within its response to the Hearing Action Points, under Action 20].</p>
c)	<ul style="list-style-type: none"> Commercial Fishing 	<p>(73) The Applicant explained in response to a question from the Examining Authority that the Scallop Mitigation Zone (SMZ) is indicative only. The Applicant confirmed it is in discussion with fisheries stakeholders in relation to the area, and the intention is to secure the area in the final Fisheries Liaison and Coexistence Plan informed by those discussions rather than include the SMZ on the works plans. The Applicant confirmed at this stage it is not able to commit to a specific area for the SMZ. [Post Hearing Note: The Applicant confirms that the ‘final’ SMZ will remain over the area of core scallop grounds within the Morgan Array Area and there is no intention for a substantive change to this area].</p> <p>(74) The Applicant confirmed in response to a submission from the Scottish Fisherman’s Federation that the intention is not to exclude fishing vessels from the array area during construction, the proposal is rather to have rolling safety zones of 500m around ongoing construction works. In respect of operation and maintenance phase, the Applicant confirmed that it has had positive preapplication engagement with fisheries stakeholders which have resulted in the increase of the spacing between wind turbine generators. The Applicant confirmed it will continue to engage with fisheries stakeholders in relation to the Outline Fisheries Liaison and Coexistence Plan. The Applicant confirmed that it would provide a fuller response to the submission from the Scottish Fisherman’s Federation in writing. [Post hearing note: The Applicant has responded to the Scottish Fishermen’s Federation questions in Annex 4.9 (Reference S_D1_4.9) and Annex 4.10 (Reference S_D1_4.10) attached to the main document ‘Response to Hearing Action Points’ (Reference S_D1_4)].</p> <p>(75) In response to a question from the ExA the Applicant explained that it wrote to fisheries stakeholders to suggest there may be benefit to having a joint Statement of Common Ground agreed with the Applicant. The Applicant will agree individual statements of common ground with fisheries stakeholders if a joint statement is not considered useful. [Post hearing note: the latest position is presented within The Applicant’s updated examination Progress Tracker (document reference S_D1_6)].</p> <p>(76) The Applicant confirmed that the assessment for fish and shellfish ecology presented in Volume 2, Chapter 3 (APP-021) is highly precautionary. Whilst the assessment does</p>

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		<p>not directly reference the latest International Council for Exploration of the Sea (ICES) advice regarding herring stocks, the precautionary nature of the assessment of herring means that the Applicant does not foresee any changes required in the way the assessment has been undertaken with regards to herring spawning and nursery sensitivities. [Post hearing note: The Applicant has included more detail within S_D1_4.9_Morgan Gen_HAP_ISH1_22_ICES guidance and SFF response].</p> <p>(77) The fish and shellfish ecology assessment presented in Volume 2, Chapter 3 (APP-021) predicted a moderate adverse effect to spawning herring as a result of piling during the herring spawning season; based on this the Applicant has explicitly incorporated herring (and also cod) into the Underwater Sound Management Strategy (UWSMS; outline provided in APP-068), committing to managing those effects of underwater sound from piling to herring (and cod) to non-significant levels. [Post hearing note: The Applicant has included more detail in its response to the Hearing Action Points, under Action 7].</p> <p>(78) The Applicant will liaise with relevant stakeholders to further develop the UWSMS post-consent to ensure that the measures put forward are appropriate and proportionate to the risk once the final design parameters and construction schedule are known.</p> <p>(79) The UWSMS will encompass consideration of a wide variety of measures, including seasonal planning.</p> <p>(80) The Applicant confirmed confidence in the assessment undertaken (Volume, 2, Chapter 3: Fish and shellfish ecology of the Environmental Statement (APP-021), and that it is sufficiently precautionary to not require any further updates based upon the latest advice from ICES regarding the stock.</p>
7. Any Other Matters		
a)	<ul style="list-style-type: none"> Any Other Matters 	<p>(81) The Applicant took an action to respond to the submissions made on behalf of the Orsted interested parties in writing at Deadline 1 in relation to wake loss. [Post hearing note: The Applicant's response is set out within Annex 4.11 to Response to Hearing Action Point 25_ Applicants response to wake loss (document reference S_D1_4.11)].</p> <p>(82) The Applicant confirmed that it is in discussion with BAE systems in relation to the cost of mitigation of Radar impacts in relation to Walney Aerodrome and it will keep the ExA updated.</p>