



SCOPING OPINION
for the
MOOIR VANNIN
OFFSHORE WIND FARM



Isle of Man
Government

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Contents

Executive Summary	4
1. Introduction	7
Project Background	7
The Scoping Process	8
Legislative Context.....	9
Environmental Impact Assessment Process and Requirements	12
The Habitats Directive and the Birds Directive	13
International Conventions	13
2. Project Proposal.....	14
Developer’s Information	14
Background.....	14
The Project.....	14
The Project site and surrounding baseline environment	19
Isle of Man Government’s Comment.....	23
Isle of Man development context:.....	23
Project Description and Design Envelope	24
3. EIA Approach and Topic Areas	26
EIA Methodology	26
Current Consultation	26
Assessment of Alternatives	27
Designated Sites	27
Consultation	28
Marine Geology, Oceanography and Physical Processes	28
Marine Water and Sediment Quality.....	28
Offshore Ornithology	29
Benthic Subtidal and Intertidal Ecology	29
Marine Mammals	30
Fish and Shellfish	30

Commercial Fisheries	31
Shipping and navigation	32
Seascape, Landscape & Visual Impact Assessment	32
Offshore Archaeology and Cultural Heritage	34
Civil Aviation and Military Activities	34
Other Marine Users and Activities	36
Manx Utilities:	37
Climate Change	37
Major Accidents and Disasters	38
Human Health and Wellbeing	39
Minerals and Waste	39
Transboundary Consultation.....	40
4. Other Information.....	40
Mitigation.....	40
Integrated Approach to Assessment.....	41
Project Objectives.....	41
Lifecycle Approach.....	41
Information Presentation	41
Next Steps in the Scoping and Development Process.....	42
Further Consultation and Evidence Plans	42
5. Marine Infrastructure Consent: Pre-Application Consultation Guidance	43
6. Questions to Consultees.....	46
7. Glossary of Terms	85
8. Appendix 1: Responses to Scoping Consultation and Copies of Replies.....	91
9. Appendix 2: External Responses to Scoping Consultation and Copies of Replies.....	183

Executive Summary

This is the Scoping Opinion (“Opinion”) issued by the Department of Infrastructure (DoI) for and on behalf of itself, the Department of Food, Environment and Agriculture (DEFA), the Department for Enterprise (DfE), having consulted with the Cabinet Office, Manx National Heritage (MNH), and Manx Utilities (MU) which for the purposes of the Opinion are referred to as IOMG.

On 18th October 2023, the DoI received a scoping report (the “Scoping Report”) from Ørsted (the “Developer” or “Applicant”) as part of a request for a scoping opinion relating to the proposed Mooir Vannin Offshore Wind Farm (the “Project” or “Proposed Development”) specifically the onshore and offshore elements of the Project located within the Isle of Man jurisdiction. IOMG considered the content of the Scoping Report as comprehensive and sufficient to enable a scoping opinion to be provided, it is however noted that there are a number of areas that require further engagement with relevant Departments. This Opinion should be read in conjunction with the Scoping Report.

The matters contained in the Scoping Report have been carefully considered by IOMG and use has been made of professional judgment, based on expert advice from stakeholders. The Scoping Opinion identifies the scope and level of detail of information to be provided in the Environmental Statement (“ES”) which is prepared to document the environmental impact assessment (“EIA”) for the Proposed Development.

An EIA is needed to support an application for consent to build and operate the Project, and the purpose of this Opinion is to assist the Developer to undertake an appropriately informed EIA as will be required in order to apply for Marine Infrastructure Consent (“MIC”) to build and operate the Project. It should be noted that the Marine Infrastructure Management Act 2016 (“the Act”) received Royal Assent on the 17th May 2016; however, it should also be noted that not all of the provisions of the Act have been enacted, and as such, it is not yet fully operational. The Department continues to progress with the preparation of the necessary secondary legislation which sits under the Act. The aspiration is that the Regulations will be prepared and submitted for approval at the July 2024 sitting of Tynwald, after which time the Act and Regulations are fully enacted.

Therefore, taking the above into account, this Opinion does not currently constitute a scoping opinion issued under section 15 of the Act. It does, however, provide an opinion under the provisions of the Infrastructure Planning (Environmental Impact Assessment) Regulation 2017 (of Parliament) as applied to the Island by the Climate Change (Infrastructure Planning) (Environmental Impact Assessment) (Application) Order 2024. The duration of this opinion will be taken to be two years from the date of

formal notification from the DoI.

The Project has a proposed capacity of up to 1400 MW, involving the deployment of up to 100 wind turbines and associated infrastructure. Acknowledging that the final generation capacity and number of structures has yet to be finalised, the Project is anticipated to be a large-scale offshore wind farm both in the context of Isle of Man infrastructure development and relative to other offshore wind farm projects, such as those in the UK or beyond. It is the only renewable energy development currently proposed for Isle of Man waters. The Developer has expressed an interest in providing 80-100 MW of power directly to the Island, with the remainder to be exported to neighbouring markets, the options for which are still being explored. It is understood that additional applications for consent will be required for different components of the Project beyond the limits of the Isle of Man's territorial waters.

To the extent that the Project includes works beyond Manx territorial waters, it is expected that the Project's EIA will assess the impacts of those works, in addition to those elements of the Project proposed in the Isle of Man. Separate consent applications will be needed for the works required in different jurisdictions and, possibly, also for the different marine and land components within the Isle of Man. The Department continues discussions with their external advisors on the extent of MIMA and once the Department's position in respect of this has been confirmed, it will be communicated to Ørsted and reflected in the appropriate legislation as submitted into the Tynwald procedure. This Opinion sets out the IOMG's views on the scope of the EIA as it relates to the elements of the marine infrastructure activities and components of the Project proposed for Isle of Man waters only.

The IOMG draws attention to the following potential issues associated with the Proposed Development as issues of high importance:

- seascape, landscape and visual impacts;
- socio-economic impacts, particularly including commercial fisheries;
- impact on navigation of vessels through and adjacent to Isle of Man waters;
- impact on the safe operation of the Isle of Man airport;
- sediment impacts – including changes to the sediment regime and resultant impacts on ecology and fish;
- ecological impacts – including disturbance, displacement and collision risk for birdlife; disturbance and displacement of marine mammals; effects of electro-magnetic fields on sensitive fish and loss or change to seabed habitats; and,
- construction noise impacts - leading to disturbance to fish and marine mammals.

IOMG also notes that the generation of net economic benefit was a key factor in the decision to initiate

the offshore wind programme. The EIA process must enable impacts to be accurately assessed in order that the wider assessment of net benefit can be undertaken. It is understood that the Applicant has proposed to use an Evidence Plan Process whereby it will ensure continued engagement with relevant stakeholders to consider the potential impact of the Proposed Development and assess against the relevant and applicable assessment mechanisms. It is understood that as part of this process, the Applicant intends to ensure that only the receptors that have any likely significant effects will be included within the final Environmental Statement to accompany any future application. It is expected that where the Applicant has been able to demonstrate to the satisfaction of the relevant stakeholders that there are no likely significant effects on their respective receptors, this documentation will be available should it be required as part of the Examination process.

It should be noted that this Opinion is provided on the basis of information provided by the Developer and is only as accurate as that information. The IOMG accepts no responsibility for the ongoing accuracy of information or data cited by the Developer. Rather, the Opinion is provided in good faith in an attempt to assist the Developer.

It should also be noted that the provision of this Opinion should in no way be construed as IOMG approval of the indicative programme dates that the Developer has provided in its Report. Rather, IOMG retains the discretion to review this Opinion and require further work to be carried out and/or updates provided in the interim period between the issue of this Opinion, the commencement of the EIA and the determination of any MIC application, should new information come to light. For the avoidance of doubt, should the nature of the Proposed Development materially change, IOMG may determine that a new Opinion is required.

The provision of this Opinion and specific comments, as well the future provision of any further or updated comments, information or data is entirely without prejudice to the need for IOMG to ensure that all material considerations (including any not identified in this Opinion) are taken into account at the time any application for consent falls to be determined by the relevant decision maker. The ultimate responsibility for ensuring that all material matters are suitably and accurately evidenced within the consenting process is that of the Developer.

1. Introduction

Project Background

- 1.1. An Agreement for Lease (AfL) for the Project was awarded to the Developer by the Isle of Man Department of Infrastructure (DoI) following a competitive evaluation process. The purpose behind the site award process was to initiate the development of one or more offshore wind farms designed to export renewable energy to the UK and to generate net economic benefit for the Isle of Man.
- 1.2. This process involved developers submitting proposals for potentially suitable sites for development. It was decided that a coastal 'buffer zone' should be imposed, limiting site selection options to the area between 6nm and the territorial water boundary (12nm). This reflected concerns about potential impacts on human and environmental receptors that may be associated with a close-to-shore project - although no inference should be made that projects in areas outside this zone would automatically be associated with reduced or minimised level of impact.
- 1.3. The AfL between the Developer and the DoI was signed in November 2015. This AfL enables the Developer to carry out investigations, such as survey activities, to identify the layout and size of a potential wind farm ahead of making a consent application and applying for a full lease for the lifetime of the wind farm.
- 1.4. The Developer has previously advised that the AfL area was selected as a potentially suitable site for offshore wind farm development due to the relatively shallow water depths, the availability of a good wind resource and suitable ground conditions to support turbine foundations. This site selection process also reflected analysis of publicly available data and GIS modelling to consider potential key constraints such as:
 - 1.4.1. **Human environment:** including the presence of key shipping and navigation routes, commercial fisheries, aviation, existing cables and pipelines, oil and gas assets, aggregate dredging, unexploded ordnance, and military practice and exercise areas;
 - 1.4.2. **Landscape and seascape visual:** consistent with Isle of Man Government requirements, a distance of 6nm from the coastline was kept to mitigate visual impact;

- 1.4.3. **Natural environment:** including presence and distribution of seabirds, marine mammals and benthic species and / or the presence of protected sites or features;
- 1.5. The AfL site covers approximately 250km². The developable area of the site is yet to be determined, and it is acknowledged that the Developer will use the 'Maximum Design Scenario' or 'Rochdale Envelope' as a mechanism to assess the potential impact of the Project on a number of receptors. It is understood that the final layout and Project design will follow an award of Marine Infrastructure Consent as there are factors which sit outside the consenting process that need to be taken into account before this can be finalised. The Developer will undertake appropriate geophysical and geotechnical survey work, further wind data measurement, layout modelling and environmental assessment to confirm the exact area.
- 1.6. An indicative programme for delivery has been proposed by the Developer in the Report at Figure 6.2. At the time of issue of this Opinion the programme dates are understood by the DoI and other responsible Departments. However, this Opinion makes no further comment in relation to the programme beyond requiring that the Developer engages in further discussion with DoI regarding requirements to update provisions in this document in order that the EIA makes use of best available, up to date information should a delay to AfL dates be agreed. The Developer will continue to engage with the DoI in respect of the commercial negotiations associated with the AfL.

The Scoping Process

- 1.7. The scoping process is undertaken early on in a project's development. It considers those components of the human, biological and physical environment that are relevant to the proposed project given its location, nature and scale and aims to identify those that have the potential to be significantly impacted. Through the process, a developer takes stock of existing baseline information and data and identifies where further data collection and assessment may be needed. In the case of offshore wind projects, the additional survey requirements are usually substantial.
- 1.8. A developer prepares a Scoping Report which identifies those issues which it considers may need further consideration in the EIA and also may 'scope out' impacts which are not considered to need further assessment. The Scoping Report is not intended to include details of the potential significance of impacts, rather it sets out the proposed approach to the assessment of impacts and any specific survey requirements. The resulting Scoping Opinion (this document) sets the guidelines for the content and direction of the EIA, including topics scoped in or out for assessment, drawing together

advice from statutory bodies who are likely to be most involved in the consenting process or who have relevant professional judgment, expertise or experience in respect of potential impacts from a proposed development.

- 1.9. The next step in the process is to carry out a detailed consultation exercise with stakeholders across the technical disciplines to discuss survey requirements, assessment methodologies and to review data sources to ensure the best available information is used during the EIA process. It is acknowledged that the Developer proposed to undertake this by way of an Evidence Plan Process. Much work has been undertaken to correctly identify the relevant stakeholders for this application, and it is noted that all of these groups have already been engaged. It is further noted and understood that all of these relevant groups and stakeholders have indicated a willingness to engage with the Developer as part of the Evidence Plan Process in order to understand the potential significant effects of the proposed development and the consideration of this evidence will continue until the point of submission of the application if required. As part of this consultation exercise or the Evidence Plan Process, the Developer may also choose to provide preliminary environmental information if it considers this would be helpful. This detail will be provided in the forthcoming Marine Infrastructure Management Act 2016 Regulations.
- 1.10. A good scoping process will enable the EIA process to identify and measure the anticipated effects and to consider appropriate mitigation measures to reduce or avoid those effects. The ES is then the document that summarises the findings from the EIA process and will accompany any future application for the Project.

Legislative Context

- 1.11. The Isle of Man's Marine Infrastructure Management Act 2016 (the "Act") introduces a new consenting process for certain activities in the territorial seas. The Act received Royal Assent on the 17th May 2016; however, the Act is not yet fully operational. The DoI continues to progress with the preparation of the required secondary legislation to support the Act, and has carried out a limited consultation exercise on the principles to be contained within the secondary legislation. The DoI will continue to finalise its position in respect of certain specific policy positions, as well as practical steps for preparing, submitting and determining an application, and incorporate these into the accompanying regulations. It is intended that the DoI will submit the regulations at the July 2024 sitting of Tynwald, after which stage, and subject to Tynwald approving the legislation (as required), the regulations and the remaining parts of the Act will be

enacted. The DoI however cannot pre-empt the will of Tynwald.

- 1.12. The purpose of the Act is to provide a streamlined decision-making process for consenting specific development proposals and activities within the territorial seas. The Act will help to ensure a sustainable approach to marine development, providing a clearly defined consenting process that can adapt to advances in marine industries and technologies.
- 1.13. The new legislation imposes a requirement that a Marine Infrastructure Consent (“MIC”) will be required for a range of ‘controlled marine activities’ which includes offshore renewable energy generation. This MIC will also cover any ‘associated marine activities’ – namely those activities that are required in connection with a controlled marine activity.
- 1.14. The Developer will be required to submit an application for a MIC that will include all infrastructure required within the final Lease Site and any cable corridors to contain the power cable routes that are within the boundary of the territorial sea both for export as well as for any cable routes that are being proposed for being landed to bring the power onto the Island. As noted above, the final extent of the Act is still under consideration. This question formed one of the recent consultation questions, and the Department continues to consider these responses alongside the advice from its external legal advisors before confirming its position. Once this position has been finalised, and included within the draft legislation, the Department will inform Ørsted. However, as noted above, whilst the Department can propose the legislation to Tynwald, it is ultimately outwith the Department’s control and cannot influence any proposed amendments as part of the Tynwald process.
- 1.15. A MIC under the Act will remove the requirement to obtain consents or approvals for any controlled or associated marine activities located seaward of the Mean High Water Mark (“MHW”) that may have been otherwise required under the Town and Country Planning Act 1999, the Harbours Act 2010, the Water Pollution Act 1993, the Submarine Cables Act 2003, the Mineral Act 1986, the Petroleum Act 1986, the Wildlife Act 1990, the Fisheries Act 2012, the Electricity Act 1996, the Petroleum Act 1998 (an act of Parliament) (as applied by the Petroleum Act 1998 (Application) Order 2000) and the Ramsey Bay (Marine Nature Reserve (No. 2) Byelaws 2011, or legislation as subsequently notified.
- 1.16. Following the introduction of the Act, it is now necessary for IOMG to introduce the required secondary legislation. It is acknowledged that in advance of the full legislation

becoming operational, both the Developer and IOMG are proceeding in accordance with the proposed provisions of the Act, whilst also paying regard to the extant legislation and guidance that has been produced by IOMG for developers. It would not be the intention of IOMG that the Developer should have to ‘redo’ any part of the scoping or EIA process once the legislation is in place in order to comply with the new legislation (although this does not preclude the need for additional scoping or EIA work should the Proposed Development materially change). It is as a result of this position that the DoI has worked to prepare the Climate Change (Infrastructure Planning) (Environmental Impact Assessment) (Application) Order 2024 which aims to apply the relevant parts of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (of Parliament) to the Island. It is understood that this is the mechanism by which this Opinion can be issued to ensure that, when an application is submitted under the Act, it will be able to be transitioned in as having been undertaken under the provisions of a consenting regime as identified within the Act. The DoI is proceeding cautiously having regard to what will be required by a future applicant once an application is submitted under the provisions of the Act, and ensuring that what is undertaken prior to both the full enactment of the legislation and submission of a future application will be legally acceptable under the provisions of the Act and the corresponding secondary legislation that sits underneath it. The DoI continues to work on the required and relevant transitional arrangements which will be provided in order to enable this to happen.

- 1.17. The Act stipulates a requirement to carry out an EIA before making an application for an MIC. This is set out in section 13(1) of the Act (section 13(2)) which will require the DoI to make regulations about the process, form and content of an EIA, with the aim of ensuring that *“an EIA is prepared in accordance with a process that is rigorous and authoritative, and appropriate and proportionate having regard to the nature and scale of the controlled marine activities (and any associated marine activities) proposed to be carried out”* (Clause 13(4)). Clause 14 of the Act also provides for the DoI to give guidance about pre-application consultation, publication and EIA, to which the applicant must have regard. It is understood that this will be contained within the required MIMA secondary regulations which the DoI continues to progress and expects to submit into the Tynwald process ahead of their consideration at the July 2024 sitting.
- 1.18. Scoping is to be a mandatory part of the EIA process pursuant to the section 15 of the Act, with the resulting Scoping Opinion becoming part of the material to be taken into account as part of a developer’s application for consent.
- 1.19. Many components of the Project’s infrastructure will be outside of Isle of Man waters,

including most of the offshore export power cables to the UK, the onshore export cables once landed in the UK, and any subsequent onshore substation in the UK. These elements will be the subject of separate consent application(s) under the relevant United Kingdom legislative and consenting regime and will be the subject of their own Scoping Report to be submitted to UK authorities. For the avoidance of doubt, this Scoping Opinion does not include any elements of the Project which sit outside of the Isle of Man's jurisdiction. It is further noted that there is likely to be a requirement for consideration of some onshore elements associated with this Project, whether it is as part of an overall Marine Infrastructure Consent (if it is determined that the Act can consent activities outwith the controlled marine area) or if it is required that a separate application must be submitted for consideration under the provisions of the Town and Country Planning Act 1999.

- 1.20. Furthermore, for the avoidance of doubt, it should be noted that this Scoping Opinion does not constitute a scoping opinion under section 15 of the Act, as the Act is not yet operational. It will, however, form a scoping opinion under the provisions of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (of Parliament) applied to the Island by the Climate Change (Infrastructure Planning) (Environmental Impact Assessment) (Application) Order 2024 (as approved by Tynwald in April 2024) which is proposed to be identified as a recognised consenting regime for the provisions of MIMA. However, there are a number of preconditions that must be satisfied.

Environmental Impact Assessment Process and Requirements

- 1.21. In advance of regulations and guidance under the Act being in place, it is understood that the Developer plans to progress the EIA in line with the requirements of the European Union EIA Directive 2014/52/EU (the "EIA Directive"). An overriding principle of the EIA Directive is to ensure that projects likely to have significant effects on the environment are made subject to an environmental assessment before they can be authorised. Consultation with the public is a key feature of environmental assessment procedures. IOMG concurs with the overall approach to EIA that is set out in the Report and will expect the Developer to continue to have ongoing regard to all relevant international legislation and relevant international obligations to which the Island is a signatory, bearing in mind the United Kingdom's responsibility for the Island's external relations and the proximity of the development to EU member states. Ongoing communication between the Developer and IOMG is expected as the domestic secondary legislation is developed and implemented.

- 1.22. The Developer also intends to have regard to relevant United Kingdom EIA regulations including the Infrastructure Planning (Environmental Impact Assessment) Regulations 2009 (as amended) and The Marine Works (Environmental Impact Assessment) Regulations 2007 (as amended).

The Habitats Directive and the Birds Directive

- 1.23. The Habitats and Birds Directives are not applicable in the Isle of Man. There has not been any work undertaken yet to review whether elements of them may be useful to add in to the Manx legislation. Noting, however, that the Habitats and Birds Directives have transboundary obligations, and that the Project may include elements of infrastructure located in the UK jurisdiction, IOMG would recommend that the Developer consider whether assessments pursuant to the Habitats and Birds Directives (or implementing UK legislation) should be undertaken on a voluntary basis.

International Conventions

- 1.24. It is also noted that the Isle of Man is signatory to several international conservation and shipping conventions via the UK Government. The provisions of the following are applicable to the development process for this Project:
- The United Nations Convention on the Law of the Sea (UNCLOS)
 - The Convention for the Protection of the Marine Environment of the North East Atlantic ('OSPAR' Convention)
 - The Convention on Wetlands ('Ramsar' Convention)
 - The Convention on Biological Diversity (CBD)
 - The Convention on the Conservation of Migratory Species of Wild Animals ('Bonn' Convention)
 - The Convention on the Conservation of European Wildlife and Natural Habitats ('Bern' Convention)
 - Convention on Environmental Impact Assessment in a Transboundary Context (Espoo Convention)
 - The International Convention for the Prevention of Pollution from Ships (MARPOL)
 - The International Convention for the Safety of Life at Sea (SOLAS)
 - Convention on the International Regulations for Preventing Collisions at Sea, 1972 (COLREGs)

2. Project Proposal

Developer's Information

- 2.1. The following is a summary of the information about the Project and the surrounding area as provided by the Developer in the Scoping Report.

Background

- 2.2. The Scoping Report provides an outline description of the offshore wind farm layout and components, construction activity, and operation and maintenance activity. These are outline descriptions only because the Project is at a very early stage. It is expected that a full description of the Project (including its construction, operation and maintenance proposals) will be provided in the ES that will accompany any future application for the Project.

The Project

- 2.3. The AfL area for proposed Project lies six nautical miles (nm) off the east coast of the Isle of Man and fully within the 12nm limit of the Island's territorial sea. The site covers approximately 250km². It is expected that the Project will generate up to 1400MW of renewable energy.
- 2.4. Components of the Project are likely to include wind turbines, offshore substation(s), foundations for both of the above, scour protection, inter-array electricity cables linking the individual wind turbines to an offshore substation and offshore export power cable(s) to the boundary of IoM territorial waters. If power is to be landed in the Isle of Man, it is anticipated that further power cables and Supervisory Control and Data Acquisition (SCADA) cables will also be landed on the Island, whilst onshore infrastructure including an onshore substation and connection point would also be required. The precise number, location, capacity and dimensions of individual wind turbines and other structures has yet to be confirmed. Indeed, it is unlikely that this information will be finalised at the point of consent application, examination or even determination. As such the Developer's Scoping Report considers a project "design envelope" that includes the parameters considered to be the "worst case" from the perspective of impact assessment. Where flexibility in the design envelope is required, this must be defined within the ES and the reasons for requiring such flexibility clearly stated. At the time of application, the parameters of the Project should not be so wide-

ranging as to represent effectively different projects. The ES will contain more detail on these options but they can be summarised as follows:

2.4.1. **Wind Turbines:** The Developer is currently proposing a design envelope of a project which will seek to generate approximately 1400MW using offshore wind turbines, which is double that proposed in the original Scoping Report of 2016. It is acknowledged that there have been significant technological advances since the previous 2016 Scoping Opinion was prepared resulting in more efficient turbines with an ability for greater outputs. For this reason, the proposed maximum number of turbines to be developed has decreased from 114 to 100, whilst the anticipated output has risen from around 800MW to a maximum of around 1400MW. The Maximum Design scenarios will be considered and included as part of the Project's Environmental Impact Assessment.

2.4.2. The choice of wind turbine capacity has implications for project design. For example:

- **Number of structures installed:** The base case 1400MW wind turbine scenario would involve deploying up to 100 individual structures, although this remains subject to change and will be dependent both on the technology available at the time of commissioning as well as being subject to later financial decisions by the Developer.
- **Blade dimensions:** Longer turbine blades are able to capture more wind energy. The 1400MW base case is assumed to use 160m length turbine blades, meaning the turbine diameter is 320m.
- **Air gap:** Offshore wind turbines feature an "air gap" between the lowest blade tip and the sea surface. In UK waters the minimum air gap required by regulation for vessel safety reasons is 22m above Mean High Water Springs (MHWS) sea level which corresponds to c. 30m above Lowest Astronomical Tide (LAT). As part of this Maximum Design Envelope, the Developer has proposed a minimum air gap of 30m above LAT.
- **Blade tip height:** the blade dimensions and the air gap provide the mechanism for calculating the 'tip' height – namely the highest point above LAT reached by the tip of the turbine blade. The Developer will assume a maximum tip height equivalent to 389m above LAT.
- **Wind turbine placement and spacing:** The process to consider location and spacing between turbines will also be affected by the turbine technology that is chosen and acquired for the Project. The process will balance component costs, wind harvesting and electrical transmission efficiencies with safety and

environmental constraints.

- 2.4.3. **Offshore Substations:** A maximum of five offshore electrical substations (one of which may be used as an Operations & Maintenance Base) will be required to collect the electricity generated by the operational wind turbines. The voltage will be stepped up by a minimum of two transformers per substation before transmission along export power cable(s) to the onshore substations. The substation unit(s) will be mounted on a jacket foundation. Substation location(s) will be determined during the wind farm design process and details about substation design parameters will be included in the ES.
- 2.4.4. **Foundations for Wind Turbines and Offshore Substations:** There are a number of different foundation types that may be used to fix the turbines and substation(s) to the seabed. The EIA will consider a range of different options: steel monopiles, mono suction buckets, jacket foundations with suction buckets, jacket foundations with pin piles, and gravity base structures. These options are introduced in the Scoping Report alongside an overview of the seabed preparation and fabrication principles and the installation process for each foundation type.
- 2.4.5. **Scour Protection for Foundations:** Scour protection measures may be needed to mitigate scour around foundations. The amount of protection required will vary according to the foundation type and there are different methods available. These issues are introduced in the Scoping Report and it is noted that the final choice will be made after detailed foundation design.
- 2.4.6. **Inter-array Electricity cables:** Cables carrying the electrical current will link the wind turbines to an offshore substation. The High Voltage Alternating Current (HVAC) cables will be buried up to 3m below the seabed. It may be necessary to cover sections of the cable(s) with a hard protective layer such as rock or concrete mattresses to ensure that they remain secure.
- 2.4.7. **Offshore Export Power Cables:** The Scoping Report notes, for the export power cable from the array, that a number of different options are being considered as part of the Route to Market options being explored. There are two main options:
- a radial connection with either HVAC/ High Voltage Direct Current (HVDC) transmission system from the Proposed Development to an onshore substation (OnSS) in either Penwortham (England) or Frodsham (England) with a National Grid connection and a Power-to-X (P2X) facility that is either connected via Private Wire or via the National Grid. The offshore transmission system will comprise up to five export cables in the event of HVAC and will travel via an offshore booster station or up to four export cables (in two

circuits) in the event of HVDC. For the HVAC Private Wire connection to P2X option, the offshore cables will split prior to or at landfall, with some travelling directly to the P2X facility and the others to the OnSS in North West England or Wales which then connect to a National Grid substation. For the National Grid connection to P2X option, the offshore export cables will all travel directly to the OnSS in England which then connect to a National Grid substation, from which power will supply the P2X facility; or,

- A Multi-Purpose Interconnector (MPI) with a HVDC transmission system with export cables connecting the Proposed Development to both an Onshore Converter Station in Eire (currently investigating potential grid connection locations on the east coast and export cables to an OnSS in the North West of England or in Wales), which could connect to a P2X facility via private wire before the National Grid substation. A total of three converter stations would be required to convert the voltage firstly from HVAC within Isle of Man Territorial Seas (using one of the five proposed Offshore Substations in the Offshore Array), then back to HVAC once onshore in Eire and in the UK (using the aforementioned OnSSs).

2.4.8. Export power cable(s) will carry electricity from the offshore substation(s) to onshore substation which will connect to the National Grid. The electricity transmission will be high voltage alternating current (HVAC) and the cable will be buried below the seabed through to landfall. 3 export cables, one for each circuit, will run to landfall. Typically, the environmental assessment will consider an export cable corridor, potentially several kilometres wide, to allow the final cable route to be micro sited.

2.4.9. **The Offshore Electrical Connection Cable** consists of the Electrical Cable(s) connecting the Offshore Array to landfall in the Isle of Man, including the SCADA cables from the turbines, to be located within the Offshore Electrical Connection Search Area.

Scoping Opinion for the Proposed Moir Vannin Offshore Wind Farm Project

Realistic 'Worst Case' Indicative Design Envelope Summary:

Parameter	Design envelope
<i>WIND TURBINES</i>	
Maximum expected generation capacity (wind farm) (MW)	1400
Maximum no. of turbines	100
Minimum height of lowest blade tip above MHWS (m)	22
Maximum blade tip height above LAT (m)	389
Maximum rotor blade diameter (m)	320
<i>OFFSHORE SUBSTATIONS</i>	
Number of Offshore Substations	5 (potential for one to be used as an Operational & Maintenance Base)
Length of Topside	180m
Width of Topside	90m
Height (LAT) (including auxiliary structures, such as helipad, crane, and lightning protection however excluding antennae and masts)	100m

	Wind Turbine Generator	Offshore Sub Station
<u>Steel Monopiles:</u>		
Maximum diameter at surface (m)	12	12
Maximum diameter at seabed (m)	18	18
Maximum no. of monopiles	100	100
Maximum hammer energy (Kj)	5000	5000
<u>Jacket Structure with Pin Piles</u>		
Maximum number of legs	4	8
Maximum leg diameter (m)	6.6	4.6
Maximum pin pile diameter (m)	6	3.5
Maximum hammer energy (kJ)	3000	3000
Maximum number of piles	4	16
Seabed footprint (m ²)	113	154
<u>Gravity Base</u>		
Diameter at surface (m)	12	170 x 170m
Diameter at seabed (m)	60	170 x 170m
Seabed footprint (m ²)	2,827	28900
<u>Jacket Structure Secured with Suction Buckets:</u>		
Bucket diameter (m)	20	30
Number of legs	4	8
Seabed footprint (m ²)	1,257	5,655
<u>Mono suction bucket</u>		
Diameter of column (m)	12	12
Diameter at seabed (m)	40	40
Seabed footprint (m ²)	1,257	1,257

The Project site and surrounding baseline environment

- 2.5. **Marine Physical Environment:** The Developer states that the water depth in the AfL area is calculated to range between 10 and 37m. In the far north-east corner of the site, the Ramsey Bay Marine Nature Reserve has deeper water of up to 40m in depth. Modelled mean spring and neap tidal ranges across the array area are 6.0 and 3.2m, respectively.
- 2.6. Mean annual significant wave heights within the Offshore Array are approximately 1.2m, reaching up to 1.5 m in the winter months and tending to increase towards the south-west, closer to the centre of the Irish Sea. The Developer deployed a wave buoy within the site to obtain more metocean data in September 2023, with data collection due to last for 12 months.
- 2.7. The seabed sediments over the site are generally coarse comprising sands and gravels, with a higher fraction of finer sediments in the north, grading to coarser sediments to the south. Boulders are found in limited deposits across the site. No rock outcrop was recorded. The most noticeable feature of the seabed is the prevalence and distribution of gravel ribbons exposed by high current velocities flowing in a south-west to north-easterly direction.
- 2.8. The geology beneath the seabed in the Irish Sea area largely consists of glacial and post-glacial sediments, which are generally less than 50m thick.
- 2.9. **Designated Sites:** Specific areas of the island's land and sea have been designated for conservation purposes with associated legislation and/or special management measures, including Areas of Special Protection (ASP), Marine Nature Reserves (MNR), National Nature Reserves (NNR), Areas of Special Scientific Interest (ASSI), Ramsar Sites, Manx Wildlife Trust Reserves and Manx National Trust Land. Government-designated sites are typically statutory, with the majority under the Wildlife Act 1990. Non-Government Organisation designations are not necessarily statutory, and details should be obtained from the administering organisation directly.
- 2.10. Although the AfL site does not directly overlap with any designated sites, the Project could indirectly affect a range of designated nature conservation areas via far-field impacts such as changes to hydrodynamic conditions, noise or other pollutants, or via impacts on mobile species such as seabirds or marine mammals.
- 2.11. The closest designated sites for marine interests are Maughold Cliffs & Broughs ASSI and Ramsey Bay MNR (also an internationally-recognised marine protected area by OSPAR and other nature conservation bodies), but seabirds may visit the AfL from other Manx sites, such as Manx shearwaters from the Calf of Man, and there may be

transboundary effects relating to species, such as gannets, from sites such as the Scare Rocks Site of Special Scientific Interest (SSSI) and Ailsa Craig Special Protected Area (SPA) (both Scotland, UK), and Manx shearwaters from a number of designated sites in surrounding jurisdictions. Marine Nature Reserves cover approximately 11% of Manx waters. Marine protection measures in Manx waters may also include fisheries management or conservation areas, for example East Douglas-Experimental Research Area (EDG-ERA)¹.

- 2.12. The network of MPAs in Isle of Man territorial waters forms part of a wider European network, designated under Manx legislation, to fulfil the Island's commitments under various multi-lateral agreements to protect the coastal and marine environment (e.g. the Convention on Biological Diversity, Bern, Bonn and OSPAR conventions) and meet its own domestic policies and interests.
- 2.13. In addition to designations under Manx legislation, other transboundary designations in the vicinity of the AfL include international sites (e.g. Ramsar sites), European and UK designations (e.g. Special Protection Areas (SPA) [and Special Areas of Conservation (SACs)]) and Sites of Special Scientific Interest (SSSI).
- 2.14. **Marine and Coastal Ornithology:** It is expected that seabirds in the AfL area will be broadly typical of those seen in the North-East Atlantic and offshore Irish Sea environment. The Isle of Man is of high importance for seabirds with species found all around the Manx coast, both in summer and outside of the breeding period. Manx seabird breeding populations for species including cormorant (*Phalacrocorax carbo*), shag (*Phalacrocorax aristotelis*), herring gull (*Larus argentatus*), great black-backed gull (*Larus marinus*), little tern (*Sternula albifrons*) and black guillemot (*Cephus grylle*) are at levels exceeding 1% of the UK and Isle of Man populations. The Manx shearwater is a UK, IoM and Channel Islands amber-listed species and is of particular conservation concern on the Isle of Man, where a recovery project is underway on the Calf of Man.
- 2.15. **Benthic Ecology:** Manx waters contain a rich and diverse benthic ecology environment, featuring a number of nationally and internationally important species, including *Arctica islandica*, and habitats, including maerl beds, eelgrass meadows and horse mussel reefs. Ongoing surveys suggest the AfL area is likely to feature sand and gravel substrates dominated by species including brittle star *Ophiura albida*, polychaete tubes, queen and king scallops, hydroids and hermit crabs. The Isle of Man Government notes that horse mussels (*Modiolus modiolus*) have been recorded during benthic

¹ http://sustainable-fisheries-iom.bangor.ac.uk/documents/government-reports/closed-areas/2022/EDGERAREport_20172021_Final.pdf

surveys in the AfL area and it is possible that horse mussel reef features are present in the AfL area.

- 2.16. **Fish and Shellfish:** A variety of fish and shellfish species are found in Isle of Man territorial waters, with several using the area for spawning and/or nursery grounds. Of particular importance is the herring spawning ground which partially overlaps with the AfL area and is thought to be the most important herring spawning area in the Irish Sea. Other fish and shellfish are thought to use the area for spawning, e.g. plaice. A number of commercially important fisheries species are present in the AfL area including whelk, queen scallop and king scallop.
- 2.17. **Marine Mammals & Megafauna:** The five most common species of cetacean in Isle of Man territorial waters are harbour porpoise, (*Phocoena phocoena*), bottlenose dolphin (*Tursiops truncatus*), minke whale (*Balaenoptera acutorostrata*), Risso's dolphin (*Grampus griseus*) and common dolphin (*Delphinus delphis*). The Isle of Man Government notes the importance of waters to the east of the Island for these species, in particular the minke whale which seasonally feeds on herring. Basking sharks are also commonly observed in Isle of Man territorial waters during the summer months. Grey seal are the most commonly-sighted seal species in Manx waters with the Island being an important haul out, resting and pupping site.
- 2.18. **Commercial Fisheries:** The fishing industry is an important aspect of the Isle of Man economy. There is an active fishing fleet within Isle of Man territorial waters mainly focusing on molluscs and crustaceans. These include the king and queen scallops (*Pecten maximus* and *Aequipecten opercularis* respectively), whelk (*Buccinum undatum*), brown crab (*Cancer pagurus*), lobster (*Homarus gammarus*) and langoustine (*Nephrops norvegicus*). Other species fished include fin fish and squid. In recent years, the amount of herring landed in the Isle of Man has also been increasing.
- 2.19. **Shipping and Navigation:** IOMG notes that Isle of Man territorial waters are important for marine traffic. Commercial shipping provides essential lifeline links for the transport of food, fuel, raw materials and consumer goods required by businesses and communities on the Isle of Man as well as important passenger services to and from the UK and Ireland. Additionally, many vessels (including passenger transport and commercial shipping vessels) pass through Manx waters as they travel between the UK and Ireland. The Isle of Man's position in the Irish Sea also provides a location for recreational and commercial boats to take shelter from adverse weather and sea conditions.
- 2.20. **Civil Aviation:** IOMG notes that the Isle of Man Airport at Ronaldsway is the main

(civilian) airport on the Isle of Man. The Airport is owned and operated by the DoI. Along with the Isle of Man Sea Terminal, it is one of the two main gateways to the Island providing vital commercial services. These include the key routes to London and the South East and patient transfer to the North West of England. The Airport has scheduled services to the United Kingdom and Ireland on which there is a high level of dependence. The airport also provides a range of Air Traffic Control (ATC) Services and uses a combined display of Primary and Secondary Surveillance Radar to provide surveillance services both within and outside IOM Controlled Airspace (CAS). This is an important safety service with a wide public benefit that extends beyond IOM territorial borders.

- 2.21. **Marine Archaeology:** The Isle of Man has a rich maritime heritage, reflected in the historic and archaeological record. Within and around the AfL area there is a range of maritime (including seafaring) remains, features associated with coastal settlement, and the remains of former terrestrial landscapes and their inhabitants. This geological, archaeological, cultural and social heritage interplays between the Island, its coastal landscape and territorial sea.
- 2.22. **Seascape, landscape and visual character:** Douglas and Ramsey are coastal settlements in proximity to the AfL area and have a strong visual relationship with the sea. The national coastal path extends along the eastern coast and affords views of the seascape that includes the whole AfL area. IOMG also notes that coastal land in several areas (Maughold Brooghs, Dhoon and Laxey Head) is held in national trust and public amenity, and extensive areas of publicly accessible upland, which are open to ramblage, command views of the AfL area.

Isle of Man Government's Comment

Isle of Man development context:

- 2.23. The potential scale of the Project is significant both relative to other offshore wind projects in neighbouring jurisdictions' waters and in the context of other Isle of Man developments. Additionally, it is the first large-scale offshore infrastructure project for the Island. The importance of this context must be acknowledged and remain at the heart of development and consultation activities. For example:
- 2.23.1. There will be local sources of information and knowledge that could be extremely relevant to the development of the Project that may not be immediately obvious or available. Considerable care needs to be given to the wider consultation process and it is acknowledged that the Developer is seeking to engage with each of the statutory consultees involved in this Scoping process to identify further contacts and sources of information. It is further acknowledged that the Developer has actively sought to engage with as many external stakeholders as possible to ensure that throughout their Evidence Plan process, the interests of as many relevant sectors are suitably represented for consideration of each of the receptors. The DoI is happy to assist the Developer in identifying and accessing any of this information if and when it can.
- 2.23.2. It cannot be assumed that statutory and non-statutory consultees have technical or specialist knowledge or practical experience with offshore wind farm development, construction and operation. This should be considered in the way in which consultation is approached, and information is documented and shared. It is acknowledged that the Developer has to date undertaken some early consultation exercises, and plans are in place for further pre-application consultation.
- 2.23.3. There will not be the same depth or breadth of Isle of Man-specific/Isle of Man generated advice and guidance available to the Developer in relation to the development process as may exist in other jurisdictions. As highlighted in the Report, it will be necessary to consider the application of good practice and guidance that is accepted in other regions – for example in relation to assessing impacts or to considering potential mitigation options, project design principles or construction/operation procedures as well as the cumulative effects assessment. This will also ensure that the Developer is taking account of emerging best practice and science in preparing its application. Isle of Man statutory consultees may not be aware of the relevant guidance or its key provisions. As acknowledged previously, the next stage of the scoping process involves discussion with

stakeholders across the technical disciplines in relation to survey requirements, assessment methodologies and data sources. This forms part of the Evidence Plan Process that the Developer is intending to pursue as part of the Environmental Impact Assessment process. These discussions should include the application of such advice and agree on guidance that can be used with consideration given as to how and why the provisions are appropriate in the Isle of Man context.

Project Description and Design Envelope

- 2.24. The Developer should ensure that the Project description is as accurate and refined as possible. It will need to be defined in sufficient detail in the ES such that a robust and realistic worst case design envelope is provided in order that a full assessment of the adverse and positive impacts can be undertaken. It should also provide a clear division of the project in terms of both the land and marine elements for the Isle of Man as well as the parts of the Project which leave Manx waters. At this stage, it is anticipated that the Territorial Sea Committee comprising the respective Departments of the Isle of Man Government will become a consultee for those applications that are in other jurisdictions.
- 2.25. It is expected that the ES will include a clear description of all aspects of the proposed Project at the construction, operation and maintenance, and decommissioning stages. The EIA process should be integrated to cover all proposed works and/or infrastructure, in all relevant jurisdictions. It is further anticipated that, should a separate application be required for any land elements of the Project, that any impacts associated with these works will also be considered in the appropriate manner to satisfy the relevant legislative requirements.
- 2.26. It is acknowledged that it is not possible to finalise Project design until a much later stage in development, and that it is accepted practice for the scope of an offshore wind project's EIA process to reflect all of the potential effects that might occur depending on the choice of final design. It is further acknowledged that this is achieved by assessing the maximum parameters for key metrics and infrastructure components – the so-called “Design Envelope”. The importance of retaining this flexibility is recognised and supported by IOMG. However, for clarification, once an application for an MIC is submitted under the Act, the application cannot be changed in any substantive manner apart from non-material changes that may be accepted by an Examiner or Panel of Examiners. Under the terms of the new legislation, it will not be possible to incorporate consideration of material changes. In order that flexibility is achieved without compromising the assessment or decision-making process, the IOMG

requires that:

- 2.26.1. A clear project description and rationale for the design envelope is provided. Elements of the Project that have yet to be finalised should be clearly identified and reasons provided as to why that is the case. Where design elements have not been finalised, realistic parameter ranges or options should be included wherever possible from which the final design will be selected.
- 2.26.2. The definition of what is considered the robust and realistic worst-case for each receptor should be carefully considered and appropriately justified so that the potential significant effects of the development are adequately captured and the EIA process can be robust. This should be detailed within each technical chapter of the ES, as it is recognised that what constitutes the worst-case may differ for different receptors or impacts.
- 2.26.3. Careful consideration should be given as to the necessary degree of flexibility so that variations in the final Project design are not seen to be so great that they effectively constitute a material departure from the design assessed in the EIA or result in a different assessment outcome. Further discussion between the Developer and IOMG is recommended on this topic.
- 2.26.4. It is expected that the Project design envelope needs to incorporate all temporary and permanent development associated with the Project within the AfL area as well as any offshore export cable corridor and any cable links to the Island requirements within Isle of Man territorial waters.
- 2.26.5. The final footprint of the wind farm should be kept as small as possible. Without wishing to compromise either the commercial or safe construction or operation of the Project, the IOMG does not want to unduly sterilise areas of the seabed. The Developer is aware that it is largely a shared site and that there is an active Seaward Production Innovate Licence in place between the DoI and Crogga Limited. The DoI expects the Developer to continue to engage with Crogga Limited at all stages throughout the preparation of the application. The final Project boundaries must be entirely within the AfL area.
- 2.26.6. The IOMG notes that the process of EIA is iterative and therefore the proposals may change and evolve. It is acknowledged that this will likely form part of the Evidence Plan Process whereby the Developer will continue to engage with relevant stakeholders as part of the consideration of any likely significant effects associated with the proposed development. There may be changes to the Project design in response to this ongoing consultation and engagement with stakeholders. Such potential changes should be addressed in the ES submitted in support of a future

application. However, for the reasons outlined above, if the proposed Project changes substantially during the EIA process, prior to application submission it may be necessary to request a new Scoping Opinion.

3. EIA Approach and Topic Areas

- 3.1. In general, the Scoping Report covers the major topic areas IOMG would expect to see in the EIA. The points below highlight individual gaps, concerns and suggestions. Copies of the full responses provided by IOMG bodies are provided in Appendix 1. The Developer should refer to each response for additional detail and requirements as the following is intended as a summary only. Responses to the chapter specific questions have been compiled and are included within Section 6 of this report. IOMG would suggest continued engagement with all stakeholders to understand the responses. The Developer should address responses as part of the Evidence Plan Process if and where possible to do so.

EIA Methodology

- 3.2. Ahead of the development of Isle of Man secondary legislation associated with the Act, IOMG endorse the approach being taken by the Developer with the preparation of the EIA in line with the requirements of the EU EIA Directive.

Current Consultation

- 3.3. Discussions between the Developer and government consultees have informed the Report. It is noted that there has been significant ongoing engagement with both the Department of Infrastructure and the Department of Environment, Food and Agriculture as well as engagement with other Departments as and when appropriate. The consultation responses highlight where feedback from those that have been consulted has been incorporated.
- 3.4. Section 1.9 notes that the next stage of the process is to continue discussions with stakeholders in relation to the detail of EIA survey and assessment methodologies. Particular areas for focus are highlighted in the individual responses and will include:
- 3.4.1. Survey and Assessment methodologies, data sources and study areas: as highlighted in relation to specific topic areas, further discussion is needed with respect to methodologies and data sources, the application and acceptance of best practice guidance, as well as the identification and justification of study areas. IOMG notes that certain topic areas within the Report detail surveys in a more general manner (particularly (i) fish and shellfish, (ii) commercial fisheries, (iii) marine

mammals and megafauna and (iv) visual impact). Further discussion and agreement is needed on appropriate survey and methodology areas to inform the data sources and study areas used for the EIA process.

Assessment of Alternatives

- 3.5. In accordance with EIA best practice, the resultant ES must contain and set out an outline of any alternative sites studied by the Developer. It should indicate the reason(s) for the Developer's preferred choice(s) and the comparative environmental effects of any alternatives. DEFA's response highlights some areas of concern with regard to this process. It is noted and acknowledged that the AfL originally set a limit to a broader consideration of alternative sites for the overall Project when it was awarded, however, a reasoning of the preferred sites for the routing and the landing of the cable will be expected as part of the ES. In addition, it is expected that a justification for the proposed sub-stations and any other associated infrastructure will also be included in the ES.

Designated Sites

- 3.6. It is important that Designated Sites are identified according to a specified risk or link, rather than relying on proximity to the AfL area. Further and careful consideration needs to be given to the process of linkages, taking account of data availability and survey periods within the available timescale.
- 3.7. It is noted that there is recognition that there are a number of protected and designated sites in the Island's territorial sea. There is potential for the Project to have an impact on the special interest of designated sites in each of the jurisdictions surrounding the Isle of Man, particularly with respect to seabirds, bearing in mind the long distances that some seabirds travel. Interest from a number of neighbouring jurisdictions' governments in the results of this assessment is therefore expected. The Scoping Report sets out that, whilst the Habitats and Birds Directives have not been enacted on the Isle of Man, IOMG is still responsible for ensuring protection of its own protected sites, international sites (Ramsar sites) and species within its Territorial Seas and cross-boundary considerations. As such, the consent application will, therefore, need to have due consideration of likely impacts on Isle of Man protected nature conservation sites, Ramsar sites and other transboundary protected sites.
- 3.8. DEFA's full response highlights key issues and provides further details in relation to Designated Sites, and specifically about the ongoing Manx designation process, particular areas and species of relevance and the assessment implications.

Consultation

- 3.9. The Scoping Report in Chapter 6 sets out the clear indications of Orsted in respect of how it will undertake relevant consultation and engagement with identified, relevant stakeholders. This is acknowledged and understood. There will be legislative requirements that will stem from MIMA 2016 once it is fully enacted, however, in advance of that, what is proposed, and who is currently being identified appears satisfactory. The Developer should take a precautionary approach in identifying additional consultees and may wish to carry out 'non-statutory' consultation in addition to any measures stemming from MIMA.

Marine Geology, Oceanography and Physical Processes

- 3.10. The Report covers the main marine physical processes such as bathymetry, seabed structure, water masses, tidal regimes, wind, waves and sediment transport. The assessment focuses on the potential changes in hydrodynamic and sedimentary processes in relation to the proposed Project.
- 3.11. It is acknowledged that such processes may manifest as impacts on receptors covered in other chapters, such as benthic and fish ecology. The recognition of the importance of such inter-relationships is welcomed.
- 3.12. In their full response DEFA advise that appropriate consideration of Douglas Bay Marine Nature Reserve should be made, with a view to its treatment as a receptor. This should also be considered as part of the Protected Sites Assessment process.
- 3.13. It is also suggested that the proposed approach should allow for a robust assessment, the Evidence Plans will help determine the rational between no LSE and LSE and the Technical Advisory Groups will allow for beneficial discussions on the execution of the EIA.

Marine Water and Sediment Quality

- 3.14. IOMG considers that this part of the Report is reasonably comprehensive and considers the potential impacts linked to re-suspension of solids and associated contaminants during construction, operation and decommissioning and in the consideration of accidental spillages of materials during different phases of development.
- 3.15. The full DEFA response provides specific suggestions but otherwise acknowledges that there were no material areas of concern identified with this chapter of the Report. It is

suggested that all practically-available data should be used to inform this process, across all chapters/receptors using the various engagement and consultation processes outlined in the Scoping Report. It is in the interest of both the regulator and applicant that the EIA process is as well-informed and thorough as possible.

- 3.16. DEFA, in its response, notes that the potential impacts to plankton community structure and distribution have not been addressed. Alterations of oceanographic process, sediment/nutrient suspension, water column mixing, introduction of opportunistic species, and changes in water turbulence can have a multitude of impacts on plankton regimes. IOMG considers that this should, therefore, be assessed as part of any application.

Offshore Ornithology

- 3.17. While the Report covers the key ornithological issues expected, DEFA has requested in its response that additional species are added to the Impacts Register for consideration.
- 3.18. Particular issues highlighted in the DEFA response include collision risk for Manx Shearwaters as well as migrant collision risk specifically for migrant raptors, such as hen harrier and short-eared owl.
- 3.19. DEFA provides detailed comments with respect to assessment methodology which should be actioned as part of any application. It is also noted that the Developer is considering an approach where Evidence Plans may be used to agree what information is required to be submitted for review. This is to be discussed further with both DEFA and DoI.
- 3.20. DEFA provides additional information in relation to inter-relationships, data collision risk/barriers to movement and advises specifically that the Isle of Man Seabird Census 2017-18 was undertaken as part of the wider Seabirds Count project of the Seabird Monitoring Programme (SMP). The latter has now been published (November 2023), covering Britain and Ireland, as the latest 15-yearly census. DEFA also provides comments on the evidence it requests to be used as part of the Evidence Plan Process.

Benthic Subtidal and Intertidal Ecology

- 3.21. DEFA has identified a number of areas it wishes to be further explored through the Evidence Plan Process including the extension of the study area for subtidal benthic ecology to cover the whole of the Ramsey Bay Marine Nature Reserve. DEFA is primarily concerned about the consideration of its statutorily designated sites and, as such it is

considered that they warrant specific assessment, rather than being included as part of the transboundary process.

- 3.22. The full DEFA response provides further clarification and expansion on the above points. IOMG expects the assessment which will accompany any application to have incorporated the points raised in the full DEFA response.

Marine Mammals

- 3.23. DEFA suggests that this chapter heading be amended to accurately reflect the contents of the chapter, specifically to include Megafauna. Manx waters are recognised as internationally important for basking sharks and may be used for breeding so the continued assessment of potential impacts on this species is welcomed. The full DEFA response provides further clarification and expansion on some of the references provided.
- 3.24. References to scientific literature and relevant offshore wind farm development experiences are welcomed. The applicant is expected to reference updated literature, including any emerging best practice or precedents, when it carries out any assessments.
- 3.25. DEFA seek clarification as to the site-specific study area for marine mammals, which is noted in the Report as not also including the Offshore Electrical Connection Search Area + 4km buffer. The reasoning for this request is based on the fact that many of the marine mammal impacts may be relevant for this phase of the development (i.e. the offshore electrical connection) and this wider study area appears to have been used for other topics (i.e. fish and shellfish, Chapter 12).
- 3.26. In addition, and as noted previously for other receptors, given the inclusion of a statutorily-protected Marine Nature Reserve within the Offshore Electrical Connection Search Area, which includes two cetacean species as designation features, the Impacts Register should specifically include the temporary and long-term or permanent damage or loss of seabed habitat or species (including marine mammals) within protected sites.
- 3.27. DEFA's response also provides guidance about species of particular importance and indicates that further discussion with the Developer would be welcomed with regards to plans for monitoring before, during and after construction.

Fish and Shellfish

- 3.28. DEFA has stated in its response that this chapter has a number of minor and larger

errors and omissions. It does not seem to have been done to the same standard or clarity as other chapters. As such it appears to require significant review and revision.

- 3.29. With regards the receptor species list, DEFA advises that this needs to be appropriately inclusive, reflecting both biodiversity and commercial interests in the study area. DEFA further notes the omission, in respect of the Fisheries Act 2012 that it also establishes the legal protection of Marine Nature Reserves, and as previously acknowledged in equivalent sections, DEFA requests this is included within any future work in respect of the Fish and Shellfish Evidence Plan Process, and subsequent ES in support of an application.
- 3.30. DEFA's full response provides additional advice and highlights that some additional aspects remain to be considered. DEFA also provides further clarification in respect of the baseline data and the response provides detailed information about prospective sources of information and identifies key stakeholders.
- 3.31. As noted previously for other receptors; given the inclusion of a statutorily-protected
- 3.32. Marine Nature Reserve within the Offshore Electrical Connection Search Area, which includes fish/mollusc species as designation features, the Impacts Register should specifically include the temporary and long-term or permanent damage or loss of seabed habitat or species (fish and shellfish) within protected sites.
- 3.33. DEFA highlights that the process by which receptor species for this Chapter have been determined is unclear, and may therefore be limiting in scope. As such, the process (as part of the overall EIA process) is not sufficiently set out. Further consideration of the DEFA response is required in respect of this Chapter. IOMG expects the assessment which will accompany an application to have considered and incorporated the points raised in the DEFA response.

Commercial Fisheries

- 3.34. DEFA requests that there is a strengthening of the relationship between Chapters 12 and 13 to ensure that sufficient consideration is given to all receptor species.
- 3.35. DEFA also provides clarification in respect of the baseline data and the response provides detailed information about prospective sources of information and identifies key stakeholders.
- 3.36. As noted previously for other receptors, given the inclusion of a statutorily-protected
- 3.37. Marine Nature Reserve within the Offshore Electrical Connection Search Area, which

includes fish/mollusc species as designation features, the Impacts Register should specifically include the temporary and long-term or permanent damage or loss of seabed habitat or species (fish and shellfish) within protected sites.

Shipping and navigation

- 3.38. DoI is satisfied that the most significant potential impacts have been identified as part of this Chapter, however, attention is drawn to the consideration of cumulative impacts, particularly with regards the navigational gap between the Project and the proposed Morgan Offshore Windfarm. The DoI requests that there is continued engagement between these parties and shipping providers as the project progresses.
- 3.39. Any increased potential for collision and/or allision during both construction and operational phases needs to be carefully assessed particularly with regards the gap at the southern end of the site which borders the proposed Morgan Offshore Windfarm, and the final location and design of the turbine layout within the site should reflect a robust assessment of commercial and safety issues. It is expected that the Navigational Risk Assessment will be made in the context of the extensive offshore wind developments in the wider Irish Sea region with the final design taking into account factors such as commercial and recreational vessel routes, radar interference and the creation of 'blind corners' for vessel traffic.
- 3.40. The Department for Enterprise and the Isle of Man Ship Registry have also supplied comments in respect of the compliance with a range of International Conventions and how any requirements as part of these Conventions will be fully met by the Developer. Both the response from DoI Harbours and Ship Registry should be considered and acknowledged in the final ES submitted in support of a future application.
- 3.41. DoI Harbours, in its response clarifies that work continues on the consideration of the creation of safety zones and advises that this will be finalised as part of the required legislation. The Developer should continue to engage with DoI in respect of this.

Seascape, Landscape & Visual Impact Assessment

- 3.42. The Seascape, Landscape and Visual Impact Assessment (SLVIA) character is highlighted as an important potential issue, and a robust assessment will be needed that reflects the Project's scale, proximity to shore and the duration of the impacts.
- 3.43. Manx National Heritage (MNH) notes the reference to the Isle of Man Landscape Character Assessment at the outset of this chapter, together with the Isle of Man Strategic Plan (2016) and acknowledgement of the status of the Island's National Glens.

There are however substantial landholdings (under the care of the Manx Museum and National Trust due to their cultural and natural heritage value) and even more extensive lands which are areas of public ramblage (held by DEFA) from which the public will gain views of the proposed scheme, thus forming a substantial and extensive visual receptor. This type of landholding might usefully be listed within Table 15.1 and acknowledged under the key receptors listed in Section 15.4.3.4

- 3.44. MNH provides additional sites that might benefit from inclusion within the SLVIA. Additionally, an additional source of information has been suggested. A review of the response from Manx National Heritage will provide this detail. IOMG expects the assessment which will accompany an application to have incorporated these additional receptors and data sources.
- 3.45. Effects on recreational activities and enjoyment of the coast for both visitors and Island residents is of concern. The assessment of seascape, landscape and visual character is therefore necessarily linked to the wider socioeconomic assessment and particularly to considerations relating to tourism and recreation/amenity.
- 3.46. Similarly, the assessment must also tie into the consideration of cultural heritage: archaeological and historical sites in coastal areas, ranging from ancient monuments to lighthouses, historical ports and harbours often have close connections with the marine seascape, to the extent that they are deliberately located to have views across the sea to adjacent landmasses.
- 3.47. The Planning and Building Control Directorate (PBCD) within the Department of Environment, Food and Agriculture (DEFA) is responsible for determinations under the Town and Country Planning Act (1999) (TCPA), which applies to development in, on, over or under land. As such, the role of terrestrial planning would be limited to on-shore elements.
- 3.48. The PBCD does not typically offer specialist advice on technical matters associated with consenting regimes under other legislation (for example, seascape, landscape or visual impact). However, as broad comments, the following should be noted.
- 3.48.1. Seascape, Landscape and Visual Impact Assessment (SLIVA)* is an accepted industry guidance in relation to such matters. Whilst there are some points of detail that may merit further scrutiny/debate, which is often the case when judgement is involved, generally it is accepted that such assessments should be based on worst case scenarios.

3.48.2. While the vires for such advice generally falls outside of terrestrial planning, from a common sense perspective it would be recommended that the same visual receptors for proposed Morgan/Mona/Morecombe wind farms/extensions should be utilised to give an all round view (particularly cumulatively should they all occur, and also within the presence of existing operational offshore windfarms) to establish effects on seascape, landscape or visual receptors.

3.49. The SLVIA should be undertaken based on the guidance on landscape and visual impact assessment set out within the Landscape Institute and Institute of Environmental Management and Assessment (IEMA) publication: Guidelines for Landscape and Visual Impact Assessment: Third edition (GLVIA3) (Landscape Institute and IEMA, 2013).

Offshore Archaeology and Cultural Heritage

3.50. The response from MNH highlights sources of data to be considered in the assessment, specifically in respect of shipwreck data. Their response sets out that, for the avoidance of doubt, MNH would like to clarify that an earlier source of shipwreck data is now wholly incorporated within the Isle of Man Historic Environment Record, and the latter database should be regarded as the ‘source of truth’ for all wreck data both within the offshore development site and the proposed landfall site – whether Douglas or Groudle – and that there are considerably more wreck sites in the vicinity of the landfall sites than currently indicated on Figure 16.1.

3.51. Furthermore, MNH notes that the research covering this particular subject is ongoing and that therefore the outcomes and assessment of impact is necessarily provisional: overall, however, MNH is confident that the approach is well-established and has confidence that the issues raised under Section 16.8 will be properly addressed.

Civil Aviation and Military Activities

3.52. The importance of the Airport has been noted in the Report. The response provided from the Isle of Man Civil Aviation Administration acknowledges that the correct stakeholders have been identified and advises the future applicant considers “Policy and Guidance for the developers and operators of renewable energy installations in the Isle of Man and its territorial airspace”.

3.53. The response provided by the DoI Airport notes that the IOMA Secondary Surveillance Radar (SSR) uses a Wide Area Multilateration (WAM) system for secondary surveillance data. Whilst CAP764 states that impacts on SSR are typically only seen when turbines

are located in close proximity (i.e. within 10km), the Scoping Report incorrectly states at para 17.7.2.4 that the nearest SSR to the offshore array is over 80km away inferring that the IOMA's WAM has not been considered. Whilst most of the WAM sensors would still be outside of the 10km, MLAT systems can suffer from multipath interference from windfarm developments and we therefore request that the IOMA's WAM is scoped in.

- 3.54. In addition, and with regards to the IOMA Instrument Flight Procedures (IFPs), the Scoping Report does specifically include IOMA IFPs in the report at paras 17.4.2.7 as well as in the summary of key receptors at para 17.4.4.4. However, neither the Impacts Register nor the Commitments Register include them. IOMA would therefore request that the IFPs are included within the Impacts Register designated as a Likely Significant Effect (LSE).
- 3.55. The Isle of Man is a self-governing Crown dependency. It should be noted that foreign relations and defence are the responsibility of the UK Government. Therefore, as part of the Transboundary Consultation, the Department of Infrastructure has consulted the UK's Ministry of Defence (MoD) in relation to military activities, alongside the Isle of Man Civil Aviation Administration. The Developer should refer to these full responses for further details, and it is advised that MoD are involved as part of the wider aviation and defence aspects of the EIA process.

The response from the MoD notes that the use of airspace for defence purposes in the vicinity of the proposed development have been appropriately identified and considered. The MoD accepts the conclusions that the turbines have the potential to affect and be detectable to the Primary Surveillance Radars and that the nearest military Primary Surveillance Radars have been correctly identified within the Scoping Report.

In addition, the MoD notes that the Eskmeals Danger Area has been correctly identified and noted that the development of an offshore wind array within any danger area would be incompatible with the firing activities undertaken within them. The MoD responds to the Questions to Consultees and advises that they will engage with the applicant and the Isle of Man Government separately to discuss this matter.

In concluding their response, the MoD advises that there is the potential for Unexploded Ordnance within the development area and as such, the MoD Safeguarding wishes to be consulted and notified about the progression of this proposal and any subsequent application(s) that may be submitted to verify that it will

not adversely affect defence interests. The full response is included within Appendix 2.

Other Marine Users and Activities

- 3.56. It is noted that cumulative effects on other marine users and activities will be thoroughly investigated. However, of particular importance and concern would be the habitats and species found within Isle of Man waters, particularly those protected under Manx law² or identified as threatened or declining by the OSPAR Convention, and which may be affected by the proposed developments. Any marine developments within or adjacent to the Isle of Man territorial waters could potentially impact commercial fisheries in Manx waters so it is requested that the relevant fishing organisations on the Island be included as consultees via the appointed Fisheries Liaison Officer.
- 3.57. The Project also has the possibility for potential transboundary impacts on neighbouring jurisdictions and the IOMG would particularly like to ensure that impacts on wildlife/habitat conservation and fisheries in Manx waters are fully considered within the scope of this transboundary assessment. It is acknowledged that as part of this submission, Orsted has included their Transboundary Screening and consideration of undertaking Transboundary consultation. To support this, the Department has also extended its consultation to a number of key transboundary stakeholders and their responses have been taken into consideration and form part of the attached Scoping Opinion.
- 3.58. **Oil and Gas Industry:** The AfL area overlaps oil and gas licence area Block 112/25 and Discovery Well No. 112/25a-1. The potential impact on this site should be fully addressed. The Developer is advised to continue engagement with Crogga Limited, with whom the DoI has a Seaward Production Innovate Licence with regarding co-location in the area. Furthermore, para 18.4.1.4 should also have included reference to the Crogga Hydrocarbon site under the heading oil and gas, noting that it is included in Table 18.1 and in para 18.4.2. It is acknowledged that there is currently no hydrocarbon infrastructure within that area, however, there is a Seaward Production Innovate Licence in operation which provides the rights to Crogga to undertake extraction in line with the provisions of the licence. Whilst it is not clear exactly which works will be undertaken by Crogga or the timescales for these works, the Department would continue to encourage Orsted to engage with Crogga on a regular basis to ensure they are both fully aware of their respective plans and intentions with regards the co-

² Wildlife Act 1990 (http://www.legislation.gov.im/cms/images/LEGISLATION/PRINCIPAL/1990/1990-0002/WildlifeAct1990_2.pdf)

existence on the parts of the site which are shared between both parties.

- 3.59. **Marine Aggregates Industry:** The EIA should identify any impact on the future ability to extract aggregates but it is noted that there is no current interest to be considered.
- 3.60. **Adjacent offshore windfarm developments:** It is acknowledged that whilst Chapter 18 of the Scoping Report outlines the main projects and components that will be considered as part of the Cumulative Effects Assessment, a fourth project, the Morgan and Morecambe Transmissions Assets (comprising the cables for the Round 4 Morgan and Morecambe projects), has been identified. This should be included on Figure 18.2 as it creates another constraint in close proximity to Mooir Vannin.

Manx Utilities:

- 3.61. A response from Manx Utilities provides further information and clarification as to their requirements from an operational and generational perspective. This response should be reviewed by the Developer; however, it is noted that some comments contained within the response extend beyond the scope of the survey area. If the cable route for the project is passing across the Isle of Man, then consideration for Manx Utilities' services (e.g. electricity, water, sewerage, gas and telecoms) will need to be given. In addition, the potential impact to wider utilities may be greater and more resource may be required from Manx Utilities to facilitate the connection.
- 3.62. Manx Utilities in its response has advised that there does not currently appear to be sufficient information available for Manx Utilities to fully consider the impact on all of its infrastructure, particularly with regards to any planned onshore infrastructure. There is a request that this is included and all potential cross-Island routes are included as part of the preparation of the Environmental Statement, as and if appropriate.

Climate Change

- 3.63. The Climate Change Act 2021 creates a legal framework for action in the Isle of Man. Part of this framework are the climate change duties for public bodies which are designated to have a 'common goal' approach across the public sector in relation to climate change.
- 3.64. In its response to the Report's questions, DEFA confirms overall acceptance of the consideration in respect of climate change. Specifically, DEFA advises that it is satisfied that from a greenhouse gas emissions perspective the Scoping Report covers the essential information to be contained within the EIA to enable an assessment of the development from both a local and global perspective of emissions impacts.

- 3.65. **Socioeconomics, Tourism and Recreation** IOMG notes the Applicant has defined the impacts in Chapter 28 to be largely limited to the various population impacts of workers constructing the development, tourism impacts from changes in the seascape, and economic effects from construction and operation. Impacts on commercial fisheries and sea services are dealt with in Chapters 13 and 14 respectively and will be responded to separately. In wider economic terms, these impacts are potentially greater than the economic impacts on tourism and the limited construction activities set out in the socioeconomics section.
- 3.66. The economic impacts will be set within the context of Isle of Man initiatives, policies and strategies such as the Isle of Man Economic Strategy, the Isle of Man Energy Strategy, and annual iterations of the Island Plan. The proposed EIA approach seems sufficient; however, the approach will require suitable assessment criteria for economic aspects (such as what level of job / GVA impact would warrant classification as 'significant'). It should be noted that in this regard the Isle of Man context would differ from UK methodologies and therefore a bespoke approach that takes into account this context will be required. For example, the following are factors that may be relevant to consider; trade boundaries, existence/importance of lifeline services, economic sector makeup and business sizes (e.g. generally higher prevalence of smaller businesses vs UK).
- 3.67. The response from Treasury notes specific comments in respect of the immediate impacts identified by the applicant as including Migrant Workers, tourism impacts and the economy / GDP impacts. The Developer should refer to this response for further clarification. Overall, the proposed scoping seems reasonable subject to further detail being required on the scoping of service impacts (see response to Q 28.4). It should be noted that potentially major socioeconomic impacts could be generated should there be a failure to properly mitigate risks in other areas such as commercial shipping and navigation or aviation, and these areas will be of interest from an economic perspective going forward.
- 3.68. Accurate and up-to date evidence is essential to the assessment, and Treasury advises that some of the data sources are due to be updated shortly. Attention is drawn to these resources.

Major Accidents and Disasters

- 3.69. Department of Infrastructure (DoI), through the Harbours Division assumes responsibility for the Coastal State obligations, including responsibility for Search &

Rescue, Pollution, Salvage, and Safe Navigation in Manx Territorial Water. Harbours Division expects all relevant International Obligations to which the Island is a signatory via the UK Government and which are applicable to Manx territorial waters to be acknowledged and considered as part of the EIA.

- 3.70. In its response, Harbours Division of DoI advises that there is a Memorandum of Understanding (MOU) between the DoI, DfE, the Maritime and Coastguard Agency (MCA) and the UK Government in respect of The Conduct of SAR, Marine Pollution and Salvage Incidents and the Exchange of Maritime Safety Information & Meteorological Information in Manx Territorial Sea and Airspace. This was signed in 2023 and forms part of the Island's response to the discharge of a number of International Obligations. The MOU sets out areas of understanding regarding certain operational aspects relating to SAR, marine pollution and salvage incidents to the seaward limits of its territorial sea. This also includes Maritime accident and disaster response. This MOU can be made available if required to facilitate the EIA.

Human Health and Wellbeing

- 3.71. In its response, Public Health advise that it is recognised that there are clear links between energy consumption and wellbeing that improve with the reliability of energy supply. Given the requirements of the Climate Change Act 2021, and the high levels of greenhouse gas emissions as a consequence of current energy generation on the Island, substantial changes to the Island's energy supply are required. The development of energy generation from offshore wind has been recognised as making an important contribution to the Island's future energy generation mix, and on this basis this project has the potential to provide significant benefits to the Island (e.g. reductions in air pollution).
- 3.72. With respect to the possible health benefits that this project could bring to the Island, Public Health are presently undertaking a Joint Strategic Needs Assessment of the Island's health and wellbeing. Public Health would be happy to discuss with Orsted how this work may inform the scoping report and the subsequent preparation of the Environmental Impact Assessment.
- 3.73. The full response sets out a number of observations and suggested actions for each of those. The Developer should refer to this full response, noting that the response is also relevant to other elements of the Project not included in this Opinion (i.e. onshore infrastructure).

- 3.74. The DoI is content that the proposed baseline and assessment methodology are valid and will offer a robust assessment of waste within the EIA.
- 3.75. It is advised that Section 31.2.3 will need to be updated to include reference to the Waste Strategy (Core Strategy) published in July 2018. For information, a new Waste Strategy is currently being prepared and is due to be published in 2025. It is likely the EIA will need to consider this document rather than the 2012-22 strategy.
- 3.76. It is noted that at this stage there is little definition of what the likely waste streams will be; however, the Island has routes for most waste forms. The Developer should continue to engage with the DoI in respect of this.

Transboundary Consultation

- 3.77. As part of the consideration of the Scoping Report, the DoI sought the opinions of a number of transboundary consultees. The consultees identified represent a number of statutory bodies in neighbouring jurisdictions in respect of the relevant receptors of this Project. The DoI advised all of them that a request for Scoping Opinion had been received, shared the Scoping Report and provides their responses in Appendix 2 of this Scoping Opinion.
- 3.78. The DoI requires the Developer to consider these responses and to liaise directly with these respondents for further information or clarification should that be required. The comments provided should be considered as part of the Developer's Evidence Plan Process in preparing their ES for submission in support of their application.
- 3.79. Whilst not all identified transboundary consultees returned a response, the DoI advises that the Developer should engage with any other consultees it feels necessary to assist the preparation of its ES.

4. Other Information

Mitigation

- 4.1. Mitigation measures will be required for likely significant effects and impacts that may arise as a result of the proposed development. Measures are required to be discussed in detail with relevant consultees during the EIA process and in accordance with the consultation process. Any proposed mitigation measures will be included within the final ES which will be submitted in support of a future application. As part of this, the Developer is expected to confirm how any proposed mitigation measures will be secured and, where required, monitored and managed adaptively.

Integrated Approach to Assessment

- 4.2. The connection of the Project into the IoM (if applicable) and onward into UK or Irish electricity networks is an important consideration in the whole Project design and impact assessment process. Despite the need for separate consent applications, the Developer intends that the general manner in which the assessments and consultation are undertaken will be as closely aligned as possible. The IOMG welcomes this approach, as it is important that any environmental impact of the Project as a whole is clearly understood and reported. The IOMG will continue to engage in this process for the parts of the Project proposed outside Manx territorial sea and will undertake its role as a consultee for those applications.

Project Objectives

- 4.3. Section 1.3.4 of the Scoping Report highlights the Developer's objectives for the Project. It should be noted that the IOMG's objective in awarding the project was to generate net economic benefit. To the extent the EIA process is able to objectively assess and quantify residual positive and negative impacts associated with the Project (in particular insofar as it includes appropriate mitigation measures) this will support the examination process and also inform any further government assessment. The response submitted by the Treasury should be considered and read as part of the Socioeconomic assessment.

Lifecycle Approach

- 4.4. A life cycle approach needs to be taken to assessment and therefore any impacts of both the Operations and Maintenance (O&M) and decommissioning phases need to be considered. The decommissioning of the works needs to be taken into account in the design and use of materials such that structures can be taken down with the minimum of disruption. The process and methods of decommissioning should be considered and options presented in the ES, recognising that decommissioning is likely to be the subject of a separate consent application (with a separate EIA, if required) nearer the time of decommissioning.

Information Presentation

- 4.5. The ES should include a plan(s) showing the location of the proposed development which should include: the wind farm array, including where possible, the likely number and location of turbines; the position of inter-array cables and off-shore sub-stations; the site of landfall; the route of underground cabling and the location of on-shore substation(s).

Next Steps in the Scoping and Development Process

- 4.6. The IOMG has provided this Opinion to the Developer in good faith to assist the development process. However, the Developer will be responsible for satisfying itself as to the appropriateness and adequacy of the EIA that it will be required to provide as part of the consenting process, including engagement with stakeholders and interest groups as may be required to ensure the Developer's EIA is fit for purpose.
- 4.7. Whilst IOMG accepts no responsibility for the ongoing accuracy of information or data referred to in this Opinion, advice will be given to the Developer where possible regarding any updated and/or further information and data that may come into its possession (subject to likewise accepting no responsibility for the accuracy of information or data so supplied).

Further Consultation and Evidence Plans

- 4.8. The Scoping Report identifies the relevant environmental survey work and studies that are anticipated to be needed to inform the EIA. It is indicated that plans for these will be developed in further detail as the EIA is progressed. IOMG understands the Evidence Plan Process the Developer is proposing for use as part of this Project, and notes that all relevant stakeholders and Departments of the IOMG have been adequately identified and agreed to participation in it. As highlighted in section 1.9, IOMG considers that further consultation with relevant stakeholders is required to finalise the scope of assessment and the appropriate methodologies for some of the receptors.
- 4.9. It is recommended that the Scoping discussion with key statutory consultees is documented. IOMG considers that there is value in ensuring there is agreement between the Developer and key stakeholders on the scope and methodology of the required assessment(s), on the application of best practice or other guidance, and around potential areas of subjectivity in the assessment (e.g. relating to areas where there may be subjectivity or disagreement as to the potential significance of an impact). Further discussion with IOMG is welcomed on this approach.
- 4.10. The IOMG will assist the Developer in identifying additional particular consultees if required but, as previously, notes that it is the Developer's responsibility to ensure its own process is as robust and as inclusive as is appropriate.
- 4.11. Further information about Evidence Plans and pre-application consultation is provided in {section 5} of this Opinion.

5. Marine Infrastructure Consent: Pre-Application Consultation Guidance

- 5.1. The following guidance is intended to provide some assistance in respect of the pre-application consultation; however, it should be noted that this guidance does not constitute guidance or advice from the DOI under sections 14 and 16 of the Act, respectively.
- 5.2. It is expected that the Developer will submit an application for a MIC under the Act and therefore will be required to meet the Act's requirements with regard to pre-application consultation, as required by section 11 of the Act. It is a requirement of section 19(3) of the Act that a MIC application must be accompanied by
- (a) a statement summarising the pre-application action taken in compliance with the preceding provisions of the Act, and showing to the DOI's satisfaction that those provisions have been complied with;
 - (b) the consultation report prepared by the applicant; and
 - (c) a statement of how the applicant has taken into account consultation responses (including, in particular, any modifications of the proposed controlled activities and of any proposed associated marine activities).
- 5.3. As the Developer is aware, the DoI has been progressing the preparation of the necessary secondary legislation under the Act. The DoI is aiming that this legislation will be presented as part of the July 2024 sitting of Tynwald, after which time, both the remaining parts of MIMA as well as the secondary legislation will be fully enacted.
- 5.4. The purpose of this section of the Opinion is to introduce the expected key requirements and principles for pre-application consultation, highlighting specific areas where guidance and/or legislative requirements will be introduced. It will be for the Developer to ultimately ensure that their pre-application consultation fully accords with the requirements of the Act and the subsequent secondary legislation and advice/guidance if applicable.
- 5.5. Chapter 6 of the Developer's Scoping Report is welcomed as demonstrating the importance the Developer places on consultation. Although the actual process will necessarily need to follow the specific requirements contained in the new legislation and associated guidance, the effort to set out a coherent process and to highlight key potential consultees in the Report is noted. Specific suggestions/approaches are highlighted below:
- 5.5.1. **Key requirements:** Before submitting an application for a MIC, a developer will be

required to carry out extensive consultation on their proposals. The Act requires that this consultation must begin after issue of a Scoping Opinion and at least 40 working days must be allowed for responses (see row 4 of the Table in section 10 of the Act). This can take the form of consultation on a preliminary environmental statement (following the PEIR approach used under the Planning Act 2008 in England and Wales) if the Developer considers this to be a helpful approach, although this is not mandatory. The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (of Parliament) as applied to the Island by the Climate Change (Infrastructure Planning) (Environmental Impact Assessment) (Application) Order 2024, as approved in April 2024 by Tynwald also sets out pre-application requirements which will then also transition in the Act as part of the Transitional Provisions regulations.

- 5.5.2. **Key principles for pre-application consultation:** The pre-application consultation process will involve informing a range of statutory and non-statutory bodies about the proposals. It is recognised that the pre-application period is the best time to influence a project's design and/or its wider development – including how potential impacts may be mitigated. This is important because the ability to influence a proposal may be limited once an application has been accepted. Whilst the Developer will not be required to accept or agree with every comment or suggestion, proper consideration must be given and this must be demonstrated and ultimately documented as part of the consultation report and the section 19(d) statement submitted alongside the application. It should be noted that the participation of a consultee at this pre-application stage will not prejudice their ability to object later on.
- 5.6. It is acknowledged that the Developer has to date undertaken pre-application consultation by way of both informing and promoting its project, but also engagement with relevant stakeholders to inform the Scoping Report. It is hoped that this active engagement will continue throughout this Project.
- 5.7. The regulations will identify organisations and persons who must be consulted. These will be those who are likely to be affected by or who may have an interest in a proposed controlled marine activity and any associated marine activities (i.e. by a development covered by the Act for which a MIC is required). The identification of an initial list of consultees in the Report is a welcome complement to this process.
- 5.8. An important principle will be that the length of time taken to prepare and consult on a MIC project proposal will depend upon its scale and complexity. The legislation will

be aimed at ensuring the process is both robust and proportionate.

- 5.9. The DoI will set out expectations with regard to public notices that will need to be issued and any statements that the Developer should prepare in relation to the planned pre-application consultation process within the Regulations.
- 5.10. Once a project proposal is submitted, the Act sets out a clear, time-limited process of examination. The Act requires that public consultation on the application opens as soon as reasonably practicable after an application has been accepted for examination. This consultation period will be open for a minimum of 6 weeks. The secondary legislation or guidance will also provide information about this consultation process.

6. Questions to Consultees

Question 1.1: Is it clear which infrastructure and associated activities a Scoping Opinion is being sought for?

DEFA

Whilst the Scoping request sets out a number of matters in detail, the lack of information of where these are to be located means that it is not clear what is being proposed.

DOI

The Department considers that whilst there is a substantial amount of information contained within the Scoping Report, further work is required in respect of separating out the two elements of the project, split by marine and land. The Department had expected that there would have been a scoping request submitted for each of these areas. As such, by having all information for the entire project within this scoping report, it has made it somewhat more difficult to fully understand all components of the project. Most importantly, whilst composing this overall response, it has been difficult to ensure that both the marine and land elements have been satisfactorily considered and a response provided to each.

As you are aware, there is significant work underway to progress with the preparation of the required legislation to support the offshore elements of this scheme, and therefore without the certainty of what that legislation will ultimately look like, it is difficult to provide all assurances at this stage.

Question 2.1: Are you satisfied that all relevant overarching legislation, policy and guidance has been identified within this Chapter (noting that topic specific legislation, policy and guidance are noted within those topic chapters)?

DEFA

Whilst the Scoping request sets out a number of matters in detail, the lack of information of where these are to be located means that it is not clear what is being proposed.

Depending on the definition of 'consenting regime' there may be additional consent requirements under other legislation in order to achieve the proposed scope of consenting the project, particularly in relation to infrastructure routing and EIA. These include:

Legislation	Purpose	Notes
(Primary and		

Secondary)		
Wildlife Act 2009 (various provisions)	May be relevant in relation to onshore activities if the land is designated as an ASSI , or other protected site.	https://www.legislation.gov.im/cms/images/LEGISLATION/PRINCIPAL/1990/1990-0002/WildlifeAct1990_3.pdf https://www.gov.im/about-the-government/departments/environment-food-and-agriculture/environment-directorate/ecosystem-policy-team/wildlife-biodiversity-and-protected-sites/protected-sites/
Wildlife Act 2009 Marine Nature Reserves Byelaws 2018	Likely relevant if infrastructure is to pass through a designated marine nature reserve, e.g. Douglas Bay MNR	https://www.legislation.gov.im/cms/images/LEGISLATION/PRINCIPAL/1990/1990-0002/WildlifeAct1990_3.pdf https://www.gov.im/media/1362727/manx-marine-nature-reserves-byelaws-2018-sd-2018-0186-300920.pdf
Fisheries Act 2012	May be relevant if fishing/survey activities were required in relation to establishing environmental baselines for fisheries-related receptors; in specific areas or seasonally, depending on current restrictions.	https://legislation.gov.im/cms/images/LEGISLATION/PRINCIPAL/2012/2012-0005/FisheriesAct2012_4.pdf

Noting also that the Wildlife Act 2009 is the primary legislation with respect to the species and habitat protection obligations associated with the multilateral treaties outlined in **Section 2.4**. Whether this involves a consent requirement would depend on specific circumstances, but its relevance should be noted.

DEFA provides comments in respect of specific paragraphs as follows:

2.2.2.1 Current Consenting Regime

We note also that the Wildlife Act may become relevant to consents for any works within a Marine Nature Reserve or Area of Special Scientific Interest.

2.4.4.1 CBD

Biodiversity Action Plans (BAPS) are being written and a number of them have now been published online (gov.im, though it is proposed to move them to a new page on the Biosphere IoM website). Further BAPs will be published when they are agreed. New ones are being added regularly.

2.4.5.1 Bonn Convention

Basking shark is on Appendices I and II. Note also that there are a number of international agreements made under this Convention, which also cover the IoM.

2.5.1.3

Manx Marine Environmental Assessment Report (Isle of Man Government, 2014b); Reference should be 2018, not 2014.

DOI

Further to the above, and as you are aware, the Department of Infrastructure continues to progress with the preparation of the required secondary legislation under the Marine Infrastructure Management Act 2016. The Department has undertaken public consultation on the principles to be contained within these Regulations with an aspiration that the finalised Regulations will be submitted for inclusion at the July 2024 sitting of Tynwald.

With regards Guidance, it is noted in Chapter 2 at section 2.5 that whilst there may be areas where the Isle of Man is lacking in guidance in respect of specific topics, the applicant will have regard to guidance, and that regard will be given where appropriate to advice published in the UK and the EU, subject to consultation with and the agreement of the DoI. This is accepted and the various Departments will welcome future consultations and discussions on what they will require as the project progresses. It should be further clarified that agreement to use advice and guidance from neighbouring jurisdictions will not always lie with the DOI; whilst the DOI can suggest what is used in respect of its statutory responsibilities and duties, in respect of receptors for which it is not responsible, that confirmation and acceptance of guidance and advice will lie with the relevant Departments of the Isle of Man Government.

It is useful to reiterate the comments provided by the IOM Ship Registry in respect of the International Obligations and Conventions which are applicable to the Isle of Man, particularly in respect of the flag, port and coastal State.

Comments have also been received from Cabinet Office and suggestion “at section 2.4.1.1 we would suggest that as the Isle of Man is not a signatory in its own right to the international agreements referenced, that it

might better say that we are a signatory "via the UK Government" as it does elsewhere in the report". It was further suggested that the "Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter (1972) and the 1996 Protocol to that Convention might be relevant".

Question 2.2: Can DoI and DEFA confirm the EIA process to be followed for the TCPA and whether a Planning Policy Statement in relation to EIAs is likely to be passed during the pre-application phase (Application in Q1 2025)?

DEFA

The Town and Country Planning Act (TCPA) itself makes no provisions for EIA regulations nor does it specify any processes.

The Town and Country Planning Act (1999) ("TCPA") applies outside as far as the low water mark.

It defines development at S.6(1) as, "the carrying out of building, engineering, mining or other operations in, on, over or under land, or the making of any material change in the use of any buildings or other land" (land is itself defined under S.45 as, "...includes land covered by water").

S.7 sets out that Planning Approval is required to carry out development,

S.8 gives the Cabinet Office powers to grant planning approval by way of a Development Order and DEFA powers to produce Orders setting out how planning applications are to be dealt with (the current one being the 2019 Development Procedure Order "DPO").

S.9 and S.10 give more detail on the determination of applications.

The TCPA makes only one reference to EIA at S.45A(1)(c) in relation to the general referral process. The DPO makes only one reference to EIA and that is in relation to timescales. As such there is no specific provision for the submission of EIA, nor the requesting of screening or scoping opinions.

Notwithstanding this, Section 5(6) empowers DEFA to require additional information to allow the determination of an application.

The Strategic Plan (2016) sets out details of when an EIA is required (see 7.18 and Appendix 5). 7.18.3 states, "A Planning Policy Statement will be issued specifying the manner in which the Department intends to deal with applications which should be subject to EIA. Pending the adoption of the proposed Planning Policy Statement the Department will adopt current practice on EIA's from England and Wales set out in the publication "Environmental Impact Assessment: A Guide to Procedures"".

Planning Policy Statements (PPS) are a Cabinet Office (CABO) function and an EIA PPS has not been adopted (or consulted on) at the time of writing, and CABO would need to confirm future plans in this area (noting their current commitments).

It is also noted that 1.6.1 of the Strategic Plan advises that UK/EU legal judgements or advice may be used where there are not local examples. In light of this, applicants for planning approval are advised to look to the most version of the UK EIA Regs, “Town and Country Planning (Environmental Impact Assessment) Regulations 2017” as amended - <https://www.legislation.gov.uk/uksi/2017/571/contents> Schedule 4 of which sets out the information for inclusion in Environmental Statements, noting paragraph 4 is a list of topics.

Noting the above approach, applicants may seek advice on the requirement for EIA or the content to be included within an EIA (in particular whether applicants would propose to scope out any topics – with their reason for doing so, or where topics are scoped in the proposed methodology to be followed).

Whilst the Department cannot make formal screening/scoping opinions, it does offer a non-statutory/discretionary pre-application service (subject to availability/resources), details of which are here <https://www.gov.im/categories/planning-and-building-control/information-for-applicants/pre-application-advice/>.

In relation to the question at 1.5.2.6, “On that basis, should the Regulations to support MIMA contain a requirement for the preparation and submission of a Scoping Report, the Applicant expects that this Scoping Report can be relied upon to discharge that obligation, and that there would be no need to re-scope. The Applicant would welcome confirmation of that proposed approach, to ensure no unnecessary delay to the project”. DEFA is unable to comment on this element.

It is noted that para 1.5.3.6 states, “The Applicant requests that the DoI sets out in writing its opinion as to the scope and level of detail of information to be provided in the ES and application documents to be provided as part of the MIMA application and the application for planning permission under the TCPA”. It is noted that the DOI has a role as a consultee (for Highways, Flooding and Affordable Housing) in the planning process, but the overall determination of planning applications (including any directions for additional information) sits with DEFA.

It is noted that in a number of places the Report makes reference to English and Welsh Policy Statements and PINS Advice notes (for example 2.3.12, 2.5.1.3 and 5.8.1.5). It is not clear why each one of these is considered to be applicable to the Isle of Man or how they will be used within a Manx context. For example 5.8.1.5 notes the PINS advice on cumulative impacts and proposes to use submission of a Scoping Report as one of the

triggers for include a development to assess cumulatively. Noting there are no formal scoping reports, only pre-application advice (which is not published) it is not clear how the applicant would propose this be used. It is suggested that the applicant produces a list of all of the UK planning/EIA policy/guidance they propose to use which summarises for each why it is relevant and how it will be used, so that this can form the basis of further discussions. Specifically in terms of cumulative impacts, a bespoke list (rather than methodology) will need to be agreed, noting the ongoing work as part of the Built Environment Reform Programme to facilitate the redevelopment of Lower Douglas.

DOI

As noted above, DEFA is the Department responsible for the implementation of the Town and Country Planning Act 1999 and as such, it is for them to advise, as they have done above, how an application will be considered if there are land elements. However, it should be noted that the decision as to the full extent of the MIMA 2016 has not yet been confirmed and the Department continues to work alongside its external advisors to finalise its position.

The Department of Infrastructure encourages Orsted to continue discussions with the relevant Divisions of DEFA to understand any planning requirements, including, if required, discussions with Planning Policy in Cabinet Office.

Question 3.1: Is the definition of the Proposed Development and how it forms part of the Moir Vannin Offshore Wind Farm (the 'Whole project') clear?

DEFA

It is noted that that an overall approach for EIA methodology is proposed, and it is not clear who is being asked to comment on this or on what basis – is this for DOI or DEFA (and which sections)?

It is understood that the Planning & Building Control Directorate are not being invited to review or comment on the offshore chapters, and that these will be assessed by the relevant specialist teams within DEFA. In terms of landscape/seascape/visual impact the Directorate would advise that DEFA or DOI employ suitably qualified technical specialists to review these elements of the scoping report (and any final submissions).

In terms of the onshore chapters, the figure on Page 4.5 sets out two very large areas which are much larger than would normally be used for pre-application advice and as such it is not possible to give detailed comments.

It is recommended that the applicants review the Strategic Plan, Area Plan for the East, Planning Policy Statement 1, Biodiversity, Economic and Infrastructure Strategies and Climate Change Action Plan. The relevant specialists will need to comment on this (including but not limited to Manx National Heritage).

DOI

The Scoping Report is clear in its description in respect of the different components of the project. Clarity will however be sought at the time of application as to which parts specifically relate to the marine environment and which are required on land as these might have implications for the various consenting regimes for these elements. The Department continues to work to finalise the extent of MIMA and this will be communicated to the Developer prior to the submission of their application to ensure that the relevant components of the project are submitted and considered under the relevant legislative framework. If a decision is taken that the Project must be consented under different regimes (i.e. MIMA for offshore elements and TCPA for onshore elements), separate EIAs for the different Project elements will be required.

Question 4.1: Is the process by which the Proposed Development’s design has been, and will be, refined via the RPSS process clear?

DEFA

Consideration of Alternatives

While it’s technically accurate, perhaps it needs to say ‘Site Identification Process’, since there was no selection or consideration of alternatives. Perhaps it’s a standard heading for a scoping report, but in this case the AFL and route landfall have essentially been provided – so neither part is practically true.

It may be instructive to indicate how the AFL was selected, and how MU selected the landfall sites. Otherwise it’s not a very informative section at all.

Table 4.1: RPSS Commitments

ID	Measure Proposed	Rationale
Co 12	Designated heritage assets will be avoided by the careful routing of the onshore infrastructure around sensitive locations.	To avoid impacts to heritage assets of high significance.

Table 4.1 indicates a commitment to avoid heritage assets, by careful routing to avoid impacts. **Why is a similar commitment not made in relation to environmental or ecological assets of high significance?**

Similarly, at 4.2.2.5 *'The coastline in Douglas and at Groudle Beach has therefore been sub-divided into zones based upon geographical areas.'* Why has it not been considered/zoned in relation to ecological significance or sensitivity?

Specifically, the proposed cable routing is currently indicated as either Douglas Bay or Groudle Beach/Glen. However, **Douglas Bay is a statutorily designated Marine Nature Reserve under the Wildlife Act 1990** (as noted at Section 9.2.2 Legislation). Given the criteria for such designations outlined in the Act, the MNR must reasonably be considered to be an environmental/ecological asset of high significance, as affirmed by Tynwald in 2018³.

There is no mention of its protected status in *Section 4 Site Selection & Consideration of Alternatives*, which seems unusual, since such a designation might reasonably initiate consideration of alternatives.

Indicatively, the Isle of Man Government's Strategic Plan 2016⁴ states;

Environment Policy 4: Development will not be permitted which would adversely affect: (a) species and habitats of international importance: (i) protected species of international importance or their habitats; or (ii) proposed or designated Ramsar and Emerald Sites or other internationally important sites. (b) species and habitats of national importance: (i) protected species of national importance or their habitats; (1) Wildlife Sites are defined in Appendix 1 41 (ii) proposed or designated National Nature Reserves, or Areas of Special Scientific Interest; or (iii) Marine Nature Reserves;

The principles applied on land should also reasonably be assumed to be applied in the marine environment.

Various policies of the Strategic Plan 2016, including Environment Policy 4, are included in the Scoping Report at, for example, Sections 7.2.3., 9.2.3, 11.2.3, 20.2.3, 23.2.3.1, and others, so the document is already acknowledged and in use within the Scoping Report.

The Applicant should also clarify the following, apparent contradiction;

At 4.1.2.5 *'.....Potential grid connection options at Lord Street or Middle River Substations in Douglas and **a proposed potential landfall location at either Douglas or Groudle are part of the Proposed Development and have been suggested as potential options by MU.***

Whereas at 4.2.2.4. *'.....Potential grid connection options at Lord Street and/or Middle River **and a proposed potential landfall location at Groudle Beach have been suggested by MU. In addition to these, landfall in***

³ <https://www.gov.im/media/1362728/mnr-designation-order-2018.pdf>

⁴ https://www.gov.im/media/1350906/the-isle-of-man-strategic-plan-2016-approved-plan-15_03_16.pdf

Douglas to facilitate electrical cable transmission to Lord Street or Middle River is being explored by the Applicant.

The former gives the impression that MU has suggested both routes, whereas the latter seems to indicate that the Applicant is proposing the Douglas landfall.

This is important in the context of route selection, statutorily protected sites and corporate responsibility, as noted above.

It may be prudent for the Applicant to undertake its own route selection and assessment rather than relying on an external agency, which may only take into account practical considerations, rather than environmental and reputational.

As such, and noting 4.2.4.6 *‘Work on the route planning of the Terrestrial Electrical Connection Cable is subject to the outcome of discussions with MU on the OnSS and Landfall location.’* and 6.4.2.4 (Statutory stakeholders) *‘Section 11 of MIMA (2016) requires that, before making an application, the applicant must consult;... The Department of Environment, Food and Agriculture’*

It is therefore indicated that **route planning and finalisation** should also **fundamentally involve DEFA**, which has responsibility for marine conservation, fisheries and statutorily-designated conservation sites, such as Marine Nature Reserves, and can advise in relation to finding alternative, and potentially less damaging and controversial routes.

DOI

In respect of para 4.1.3.5, further clarification and confirmation is required. This should acknowledge that the future applicant for the land elements of the project in respect of the cable connections is to be confirmed, and provide the mechanism by which this will be achieved. However, noting that “Should the decision be taken that the Applicant will lead on the consenting, construction, and operation of the Offshore and Terrestrial Electrical Connection Cables, then the Applicant will review the landfall and RPSS process to ensure that the final design for the Electrical Connection Cables balances the environmental, technical and commercial constraints and that the process is aligned with the Applicant’s internal Cable Capacity Process (CCP). The outcome of this process could result in landfall and cable route refinement, alteration or fundamental reconsideration of alternatives options”. Would it not be in the best interests of the Project that this is undertaken anyway as it would further support the chosen locations at the point of Examination regardless of who is making the land cable application?

Given the comments provided by DEFA, the DOI would suggest that as part of the final ES to support an

application, the issue of Alternative Sites and the site selection is further explored and clarified. It is noted and acknowledged that the AfL originally set a limit to a broader consideration of alternative sites for the overall project when it was awarded, however, a reasoning of the preferred sites for the routing and the landing of the cable will be expected as part of the ES. In addition, it is expected that a justification for the sub-stations and any other associated infrastructure will also be included in the ES.

Question 6.1: Do you agree with the Applicant's approach to consultation?

DEFA also including Question 6.2: Are there any other stakeholder groups you wish the Applicant to engage with beyond those set out in this Chapter?

Table 6.1 non-Statutory Stakeholders

It is not certain that Manx Basking Shark Watch continues as an organisation. Most of its activities were transferred to Manx Whale & Dolphin Watch, but it's possible that the staff of 'MBSW' would still be able to contribute to the EIA process, it's whether or not that's in a private capacity, or if the organisation is still a registered entity.

In this section it may be worth clarifying the role of the Marine Conservation Society, which is a UK-based organisation. It is presumed its inclusion is in relation to Seasearch IoM, which is under the umbrella of MCS? This should be clarified.

Similarly, under 'Fisheries', for the Community Inshore Fisheries Alliance and RIFG, it may be worth identifying them as UK-based organisations, for clarity, as they don't exist on the Isle of Man and may be unfamiliar to local stakeholders.

And, for consideration, why these two UK organisations but not, for example, the two Northern Ireland Fish Producers Organisations, NIFPO and ANIFPO, which both have active members in Manx waters?

The IoM Scallop Management Board should be added to the list of non-stat consultees, as it represents all Manx seafishing licence holders for mobile gear, including UK fishers, whereas MFPO only includes Manx-registered/based licence holders. Contact details are available from DEFA Fisheries. <https://www.gov.im/about-the-government/departments/environment-food-and-agriculture/environment-directorate/fisheries/sea-fisheries/co-management/>

Under 'Fisheries/Ecology', also consider Bangor University (as Scientific Advisors to DEFA) and probably AFBI (Northern Ireland) which undertakes a lot of fisheries surveys in Manx waters, including off the east coast.

DOI

The Department continues to progress with the preparation of the required legislation under the Marine Infrastructure Management Act 2016, and consultation requirements forms part of that. Until such times as those Regulations have been approved by Tynwald, the Department is unable to confirm the final details in respect of consultation requirements. As such, the earlier list provided to the Developer has been amended in light of reconsideration and discussions with legal advisors (specifically related to para 6.4.2.5). The DOI determined it was not appropriate to include lease holders, the TSC and the IOMSPC as part of the prescribed consultees as they do not undertake a statutory role in this process with regards to the scoping opinion.

The DOI welcomes the proposed consultation activities by the Developer and acknowledges that there are several opportunities for people to be engaged throughout the process with regards to the offshore elements of the project.

In terms of the engagement of stakeholders, the Department is satisfied that through the wide range of public consultation activities planned as well as the engagement of stakeholders as part of the Evidence Plan Process, the relevant stakeholders will have an opportunity to be involved as this project progresses.

Question 6.2: Are there any other stakeholder groups you wish the Applicant to engage with beyond those set out in this Chapter?

DOI

In terms of the engagement of stakeholders, the Department is satisfied that through the wide range of public consultation activities planned as well as the engagement of stakeholders as part of the Evidence Plan Process, the relevant stakeholders will have an opportunity to be involved as this project progresses.

Question 7.1: Do you agree with the Study Area that has been identified for marine processes?

DEFA

The study area provides an adequate buffer zone and agree that the scope of the study area may need to be altered during the EIA process based on tidal excursions and sediment plume pathways.

Question 7.2: Do you agree that the baseline data sources identified are sufficient to adequately characterise the baseline?;

DEFA

Agree that the baseline data sources identified are sufficient, with the inclusion of project-specific sampling,

surveying, and modelling. An additional dataset that may be of use is the data collected by Bangor University for their review of Seabed habitats around the Isle of Man, the report can be found [here](#).

Question 7.3: Do you agree that all impacts/ pathways/ effects that could arise from all stages of the Proposed Development have been identified within the Impacts Register (Annex 5.B)?

DEFA

Agree with the impacts and effects outlined in the impacts register, however, there are questions regarding the predetermination of 'no likely significant effect'; however it is acknowledged that in many instances this cannot be determined until there are outputs from the hydrodynamic modelling. This can be discussed in greater detail in the technical advisory groups.

Question 7.4: Do you agree on the suitability of the proposed commitments to reduce or eliminate LSE relevant to marine processes?

DEFA

Co2 and Co3 mention minimising seabed disturbance, how will this be done?

This can be discussed in greater detail in the technical advisory groups.

Question 7.5: Do you agree that the proposed approach to EIA is sufficiently set out to enable a robust assessment allowing likely significance to be ascertained?

DEFA

The proposed approach should allow for a robust assessment, the Evidence Plans will help determine the rational between no LSE and LSE and the Technical Advisory Groups will allow for beneficial discussions on the execution of the EIA.

Question 7.6: Given the data listed in Table 7.1, as well as the evidence base from other offshore energy projects in the region, do you believe that the use of numerical modelling is necessary for the assessment?

DEFA

Numerical modelling is necessary for this assessment, however, it needs to be used in addition to observational studies in order to validate the models. Both site specific surveying and modelling are necessary to gain a greater understanding of the marine processes in the scoping area and to address possible changes that may occur.

Question 8.1: Do you agree with the Study Area that has been identified for marine water and sediment

quality?

DEFA

Yes. Agree with the use of the same study area as described in Chapter 7 and that the study area may be modified as a result of modelling and surveying outputs.

Question 8.2: Do you agree that the baseline data sources identified are sufficient to adequately characterise the baseline?

DEFA

No, see comments above and;

An additional data source could be the river water quality data (IOM) which can be found [here](#). Additionally, the data provided from the Environment Agency water quality archive won't include IOM data, but may be applicable to the scope area outside of Isle of Man territorial waters.

A significant missing link within this scoping report is that there is no emphasis on potential impacts on plankton abundance and distribution, more detail will be provided in question 8.3, however, additional data sources for plankton monitoring would be the Island's historical phytoplankton data (1995) and current Cypris phytoplankton and zooplankton data.

The Environmental Protection Unit has access to the historic data sets and current data is uploaded to our Marine Monitoring webpage located [here](#). Additionally, all historic data has been uploaded to the Plankton Lifeform Extraction Tool ([PLET](#)). The PLET is a centralised database for all plankton monitoring programs in the UK and allows for open access to comparable plankton data. In addition to Isle of Man data, data from the Continuous Plankton Recorder (CPR) Surveys may be of use.

Question 8.3: Do you agree that all impacts/effects that could arise from all stages of the Proposed Development have been identified within the Impacts Register (Annex 5.B);

DEFA

No. Douglas Bay MNR, as a statutorily-designated marine protected site should be included as a receptor, and;

Potential impacts to plankton community structure and distribution have not been addressed. Alterations of oceanographic process, sediment/nutrient suspension, water column mixing, introduction of opportunistic species, and changes in water turbulence can have a multitude of impacts on plankton regimes.

Impacts of suspended sediment, upwelling and downwelling patterns affect nutrient and chemical cycles, particularly when the water column is stratified. Sediment resuspension can release nutrients that can result in abnormal phytoplankton growth or blooms. Harmful algal bloom events are becoming more prominent in our changing climate and an increase in nutrient loads could lead to a bloom of phytoplankton species that have the potential to release toxins. These toxins can bio-accumulate in shellfish, resulting in various forms of shellfish poisoning. Monitoring phytoplankton populations could indicate if there is a need for further shellfish monitoring, as harmful algal blooms could have a negative impact on the fishing industry.

Impacts to plankton regimes can result from both the construction and operation process of offshore wind farm development. Certain species of phytoplankton are less resilient and therefore, even small anthropogenic changes in ambient conditions can result in significant impacts. Several in-situ and simulated case studies have shown that the development and operation of offshore wind farms have resulted in changes to plankton biomass, production and consumption.

A brief summary of potential impacts are the resuspension of sediment leading to an increase in phytoplankton production and biomass. Hydrodynamic changes, increased turbidity, and vertical mixing of the water column all have significant impacts on plankton communities. Additionally, dissolved oxygen (DO) in seawater is an essential limiting factor for phytoplankton growth, which can be affected by offshore wind farm operations. The artificial structures provide opportunistic species with a habitat to proliferate. The metabolic activities of these species, including respiration, excretion and digestion, consume oxygen resources and could lead to a drop in DO in surrounding areas. The sustainable growth of marine phytoplankton requires a DO level of 6 mg/l or above, and therefore a decrease in DO could lead to a decrease in phytoplankton biomass and a reduction in primary productivity.

Additional resources:

Clark, S., Schroeder, F., & Baschek, B. (2014). *The Influence of Large Offshore Wind Farms on the North Sea and Baltic Sea: A Comprehensive Literature Review*. Geesthacht, Germany: Helmholtz-Zentrum Geesthacht, Zentrum für Material-und Küstenforschung.

van Berkel, J., Burchard, H., Christensen, A., Mortensen, L. O., Petersen, O. S., & Thomsen, F. (2020). The effects of offshore wind farms on hydrodynamics and implications for fishes. *Oceanography*, 33(4), 108-117.

Wang, L., Wang, B., Cen, W., Xu, R., Huang, Y., Zhang, X., ... & Zhang, Y. (2023). Ecological impacts of the expansion of offshore wind farms on trophic level species of marine food chain. *Journal of Environmental Sciences*.

Question 8.4: Do you agree on the suitability of the proposed commitments to reduce or eliminate LSE

relevant to marine water and sediment quality?

DEFA

No, see comments above, especially in relation to spatial and temporal effects, and;

A commitment needs to be made for plankton monitoring and assessing potential impacts to plankton species and the cascading effects changes in primary production could have. This could form an aspect of Co7.

Additionally, the key receptors for this section need to be re-evaluated. Designated and non-designated beaches are listed as key receptors. When monitoring bathing waters only temperature, Escherichia coli and Intestinal Enterococci are monitored. Are spikes in E.coli or Enterococci expected? If additional monitoring was conducted using a sonde with sensors for temperature, salinity, turbidity, dissolved oxygen, chlorophyll, and pH, this would better assess water quality and would be a better receptor to identify changes. If increased bacterial load is unlikely to be an impact of the windfarm development and operation, then using current bathing water monitoring as a receptor would not be appropriate.

Question 8.5: Do you agree that the proposed approach to EIA is sufficiently set out to enable a robust assessment allowing likely significance to be ascertained?

DEFA

In order for the proposed approach to the EIA to enable a robust assessment, impacts to plankton regimes needs to be assessed and monitored. Additionally, the Department believes using bathing water monitoring as a key receptor may not be applicable and other receptors for water and sediment quality should be investigated.

DEFA Additional comments:

In section 8.4.1.11 the applicant is correct in mentioning that the Water Framework Directive has not been enacted on the Island, however we have the Water Pollution (standards and objective) Scheme 2020 for inland and coastal waters, which could be applicable. Additionally, in this section, discharge from Groudle river into the sea is mentioned; River Douglas, Port Jack Glen and Summerhill Glen discharge into Douglas Bay and could be added to this section. Additionally, there are various other river discharges within the study area if they would like to be included in the scope we can provide a list.

In section 8.4.3, the following non designated bathing waters are within the study area on the map; Port Soderick, Port Grenaugh and Derbyhaven.

In section 8.5.2 for Co7 - Who would be monitoring or regulating any off shore oil pollution or chemical spills

from the development? Would we need to rely on the UK?

Question 9.1: Do you agree with the Study Area that has been identified for offshore ornithology?

DEFA

Yes.

Question 9.2: Do you agree that the baseline data sources identified are sufficient to adequately characterise the baseline?

DEFA

Note, since the original IoM Bird Atlas was published, a second full breeding bird survey of the Island has been undertaken. This has enabled the publishing of IoM bird statuses in the *IoM Birds of Conservation Concern*, available from the Manx BirdLife website.

The Isle of Man Seabird Census 2017-18 was undertaken as part of the wider Seabirds Count project of the Seabird Monitoring Programme (SMP). The latter has now been published (November 2023), covering Britain and Ireland, as the latest 15-yearly census, bringing together the survey work of the various regions. The Seabirds Count data (available from the SMP website – referenced in the scoping document as BTO 2023 - and summarised in the book just published) therefore provides the most up to date data on British and Irish populations.

See also note re. 9.7.3.1.5 – we recommend that the best, up to date available evidence be utilised for comparison populations.

Question 9.3: Do you agree that all impacts/ effects that could arise from all stages of the Proposed Development have been identified within the Impacts Register (Annex 5.B)?

DEFA

Collision risk – we recommend adding Manx shearwater (see below).

Displacement – we recommend adding the following species, which may show some vulnerability: Manx shearwater (perhaps more likely than collision, vulnerability low but high uncertainty). Gannet (vulnerable), kittiwake, fulmar (vulnerability low but high uncertainty).

Barrier effects have been included, and the Ørsted scoping consideration suggests no LSE. We will be interested to see the evidence to be brought forward at a later date to justify this position, but we are content to work on this basis at the present.

Migrant collision risk has been omitted and therefore no migrant collision risk assessment has been proposed. This is a standard consideration in offshore wind farm EIA. We recognise, however, that this may well be unlikely to result in showing a significant effect for most species, and we note that no LSE has arisen for any migrant scenario in those assessments that we have reviewed for developments within the Irish Sea, though noting that many assumptions have to be made in such models, but we remain concerned that there are some specific species that could warrant such an assessment, specifically the migrant raptors, such as hen harrier and short-eared owl, which we think may be particularly vulnerable and which move between the IoM and British mainland. We therefore request this addition to the list of potential impacts and the consideration of a proportionate approach.

Note, 'Offshore wind developments - collision and displacement in petrels and shearwaters: literature review 2022' includes mitigation options for lighting. See Scottish Government (2022) : <https://www.gov.scot/publications/review-inform-assessment-risk-collision-displacement-petrels-shearwaters-offshore-wind-developments-scotland/pages/7/>. Flashing white light has been recommended to protect migrant birds in the US.

Question 9.4: Do you agree on the suitability of the proposed commitments to reduce or eliminate LSE relevant to offshore ornithology?

DEFA

Consideration can also be given to turbine colour design (see references as follows) and lighting (see reference above). Achromatic wind turbines reduce bird strike risk, as more visible.

<https://www.euronews.com/green/2023/03/01/stripy-wind-turbines-could-reduce-seabird-fatalities-say-avian-vision-experts>

<https://www.sciencedirect.com/science/article/pii/S2351989423000215>

Rotor base height could also receive further consideration (see comments on Manx shearwaters)

Question 9.5: Do you agree that the proposed approach to EIA is sufficiently set out to enable a robust assessment allowing likely significance to be ascertained?

DEFA

Standard approaches have been set out, but under the proportionate approach some matters are set aside for future consideration. We agree that there is appropriate information at this stage, subject to consideration of matters raised in this consultation, and noting that many matters will be raised for consideration by the technical advisory groups before a final detailed procedure can be ascertained and agreed between the interested parties.

Question 9.6: Do you agree with the proposed methodology for the CRM?

DEFA

Yes, with the exception of comments made above, in which we have raised a risk with regard to some migratory species that have not been included in the scope, but that we feel might be at risk, and recommended adding Manx shearwater, and subject to comments on the comparison data to be used.

Question 9.7: Do you agree that Manx shearwater are not sensitive to either collision or displacement impacts?

DEFA

Though we accept that Manx shearwater is at a relatively low vulnerability in comparison with some notably affected species, there remains great uncertainty about the effects of offshore wind farms on this species and therefore it would be wise to include it in the assessment of these two potential impacts. We also ask whether further research followed the Walney extension discussions, to elucidate the movements of shearwaters in the Irish Sea.

We note that with a large range and some large colonies, the likelihood of a 1% impact on regional population may be very low, but in apportioning the likely effects on colonies it should be noted that the nearest colonies are not large, and the closest one, on the Calf of Man, is in recovery and is of significant conservation interest, with a rat eradication project in its late stages. It is therefore the potential effects on specific colonies that is likely to be of most concern to us, rather than the wider population impact. This becomes of greater concern if there are aggregations within the study area, drawing foraging birds to specific areas or features (potentially affecting site design).

We note that their flight height, though generally relatively low (flight heights mostly up to 20m above sea level in calm conditions) can rise in shearing in high wind conditions, but the data used for assessments has been gained in relatively calm conditions, therefore some new data may be necessary to extend our knowledge and model it realistically. There should therefore be a discussion of what will genuinely be useful in moving forward on this.

See Scottish Government (2022) : <https://www.gov.scot/publications/review-inform-assessment-risk-collision-displacement-petrels-shearwaters-offshore-wind-developments-scotland/pages/7/>

'current flight height data for this species is based on aerial or vessel-based at-sea surveys, which can only take place during daylight and in relatively calm weather and may not be representative of the behaviour of Manx Shearwaters under all conditions'.

The data may therefore bias models towards lower risk, but better data would be necessary to verify realistic risk. We therefore consider it prudent and precautionary to include them in the assessment. Of course, if the minimum rotor level were raised, any risk would be further reduced for low-flying birds, a matter for commitment consideration.

They are also liable to disorientation from lighting, which could massively increase strike risk due to circling (an issue separate from that assessed under the Band model), but we note that this has been scoped in on the Impacts Register.

Question 10.1: Do you agree with the Study Area that has been identified for benthic subtidal and intertidal ecology?

DEFA

NO. Due to proximity, sensitivity and importance the study area should include the entire Ramsey Bay Marine Nature Reserve. The MNR was established as a zoned and ecologically interconnected area, and the current Study Area includes only a portion, which appears arbitrary.

Question 10.2: Do you agree that the baseline data sources identified are sufficient to adequately characterise the baseline?

DEFA

No. See comments above.

Question 10.3: Do you agree that all impacts/ effects that could arise from all stages of the Proposed Development have been identified within the Impacts Register (Annex 5.B)?

DEFA

No. See comments above.

Question 10.4: Do you agree on the suitability of the proposed commitments to reduce or eliminate LSE relevant to benthic subtidal and intertidal ecology?

DEFA

No. See comments above.

Question 10.5: Do you agree that the proposed approach to EIA is sufficiently set out to enable a robust assessment allowing likely significance to be ascertained?

DEFA

No. See comments above.

Question 11.1: Do you agree with the Study Area that has been identified for marine mammals?

DEFA

No. See comments above in relation to Offshore Electrical Connection Search Area and ZoI for underwater noise. This issue is better presented in the Fish and Shellfish Ecology chapter Section 12.3 (Study Area).

Question 11.2: Do you agree that the baseline data sources identified are sufficient to adequately characterise the baseline?

DEFA

See comments above

Question 11.3: Do you agree that all impacts/ effects that could arise from all stages of the Proposed Development have been identified within the Impacts Register (Annex 5.B)?

DEFA

No. see comments above in relation to statutorily-designated protected sites.

Question 11.4: Do you agree on the suitability of the proposed commitments to reduce or eliminate LSE relevant to marine mammals?

DEFA

No. See comments on the inclusion of statutorily-designated sites in the commitments register, or the avoidance of them for routing and infrastructure.

Question 11.5: Do you agree that the proposed approach to EIA is sufficiently set out to enable a robust assessment allowing likely significance to be ascertained?

DEFA

Don't know.

Question 11.6: Do you agree that all key marine mammal + megafauna species to be scoped into the assessment have been identified?

DEFA

Yes

Questions 11.7: Do you agree with the approach of defining two types of Study Areas (i.e. Marine Mammal Study Area, and the species-specific Regional Study Areas), as a more comprehensive way to characterise the baseline condition and assess potential impacts of activities associated with the Proposed Development? If the answer is no, please provide alternative way(s) for better definition of Study Area(s)

DEFA

Yes, once the two areas have been appropriately defined. As yet they are not.

Question 11.8: When are the Biodiversity Action Plans (BAPs) due to be published for harbour and grey seal?

DEFA

Seal BAPS are near finalised and will be published online shortly.

All published BAPs are available here: <https://www.gov.im/about-the-government/departments/environment-food-and-agriculture/environment-directorate/ecosystem-policy-team/wildlife-biodiversity-and-protected-sites/biodiversity-strategy-and-delivery-plan/>

Question 12.1: Do you agree with the Study Area that has been identified for fish and shellfish ecology?

DEFA

No. see comments above.

Question 12.2: Do you agree that the baseline data sources identified are sufficient to adequately characterise the baseline?

DEFA

No. see comments above.

Question 12.3: Do you agree that all impacts/ effects that could arise from all stages of the Proposed Development have been identified within the Impacts Register (Annex 5.B)?

DEFA

No. see comments above. And particularly not, given the limited number of receptor species included.

Question 12.4: Do you agree on the suitability of the proposed commitments to reduce or eliminate LSE relevant to fish and shellfish ecology?

DEFA

Not yet.

Question 12.5: Do you agree that the proposed approach to EIA is sufficiently set out to enable a robust assessment allowing likely significance to be ascertained?

DEFA

No. The process by which receptor species for this Chapter have been determined is unclear, and may therefore be limiting in scope. As such, the process (as part of the overall EIA process) is not sufficiently set out.

Question 13.1: Do you agree with the Study Areas that has been identified for commercial fisheries?

DEFA

Possibly not for the local study area. Suggest consideration (with consultation) regarding inclusion of 36E5 to reduce the possibility of artificial splitting of Manx fisheries circumstances.

The Regional Study Area appears appropriate.

Question 13.2: Do you agree that the baseline data sources identified are sufficient to adequately characterise the baseline?

DEFA

Not yet. See Comments

Question 13.3: Do you agree that all impacts/ effects that could arise from all stages of the Proposed Development have been identified within the Impacts Register (Annex 5.B)?

DEFA

Not yet. See Comments

Question 13.4: Do you agree on the suitability of the proposed commitments to reduce or eliminate LSE relevant to commercial fisheries?

DEFA

Not yet. See Comments

Question 13.5: Do you agree that the proposed approach to EIA is sufficiently set out to enable a robust assessment allowing likely significance to be ascertained?

DEFA

Not yet. See Comments, especially in relation to the linkage with Chapter 12 (and receptor species), and the lack of wider context for the proposal to route cables through a statutorily-protected Marina Nature Reserve, which has fundamental commercial fisheries benefit purposes.

Question 13.6: Do you agree that all receptors related to commercial fisheries have been identified?

DEFA

Not yet. See Comments

Question 14.1: Do you agree with the Study Area that has been identified for shipping and navigation?

DOI Harbours

Yes, Harbours Division of the DOI is content with the area proposed for shipping and navigation.

Question 14.2: Do you agree that the baseline data sources identified are sufficient to adequately characterise the baseline?

DOI Harbours

14.4.1.7 – Noting that Mezeron’s daily transit between Ramsey and Glasson Dock bisects the proposed array as identified within the Study Area for shipping and navigation, this could be seen as having the potential to significantly impact their operations leading to time delays and increased costs on shipping of materials carried by their vessel. It is suggested that Orsted engage throughout this process with Mezeron, and all shipping providers to understand if and how the proposed offshore wind farm could impact on their operations. Any impact to the Island’s lifeline services must be thoroughly considered and understood as part

of this assessment.

14.4.1.8 – Lifeline Services Technical Advisory Group (TAG). In light of the comment above, Harbours Division would expect that Mezeron and all other shipping providers are part of this ongoing engagement as a key risk. Any impact to the Island’s lifeline services must be thoroughly considered and understood as part of this assessment.

It will also be necessary to understand how the project will fit with the other proposed offshore windfarms in close proximity to the Island and how the safe passage of all marine vessels will be considered as part of this assessment.

Question 14.3: Do you agree that all impacts/ effects that could arise from all stages of the Proposed Development have been identified within the Impacts Register (Annex 5.B)?

DOI Harbours

At this stage, and noting that it is based on the current proposal, Harbours is satisfied that from a shipping and Navigation perspective, all impacts or effects from the proposed development have been adequately identified in the Impacts Register. Can Orsted however clarify how any additional impacts or effects that might arise throughout the Evidence Plan Process will be considered and included within the Impacts Register?

Comments from IOM Ship Registry should also be noted here in respect of the compliance with a range of International Conventions and how any requirements as part of these Conventions will be fully met by the Developer.

Question 14.4: Do you agree on the suitability of the proposed commitments to reduce or eliminate LSE relevant to shipping and navigation?

DOI harbours

At this stage, Harbours Division is content with the proposed commitments however, it should be noted - The cumulative impact - The gap at the Southern end of the array to the Northern section of the Morgan array. 14.7.2.1.4 states 1.4Nm. Measurement from Gig 14.3 is 3.6Nm while 2.5Nm is referenced in Morgan’s Nav Haz workshop. Clarification is required as to the confirmed width of the gap. Harbours Division will also want assurances that Orsted is working to engage with all shipping companies and neighbouring offshore wind farm projects to fully understand the implications the cumulative impact could have on shipping and navigation.

Question 14.5: Do you agree that the proposed approach to assessment is sufficiently set out to enable a robust assessment allowing likely significance to be ascertained?

DOI Harbours

At this stage, Harbours Division is content with what is currently proposed, noting that much of this will be carried out via the Navigational Risk Assessment forming part of the EIA accompanying any future application, all of which will be subject to Examination.

Question 14.6: Do you agree that the application can be assessed with the submission of an NRA in line with MGN 654?

DOI Harbours

Yes on the basis that the Isle of Man does not have an equivalent publication, Harbours Division would support this as best practice should be followed. However, the DOI's overall position in respect of using UK guidance will be confirmed and the DOI requests continued engagement from the Developer when they plan to use Guidance produced for other jurisdictions as part of this assessment so an opinion to that Guidance can be sought and confirmed.

Question 14.7: Do you agree with the further data collection outlined in section 14.7 for informing the NRA?

DOI harbours

Harbours is in agreement with this.

Question 14.8: Do you agree that all receptors (users) related to shipping and navigation have been identified?

DOI harbours

At this stage, Harbours Division is satisfied that all receptors have been identified, but reassurances are sought as to how any future receptors or users who become identified as the process progresses will be engaged at the appropriate stages.

Question 14.9: Does the Isle of Man have a mechanism for the establishment of offshore safety zones?

DOI harbours

Harbours Division understands that there are wider legislative requirements in respect of safety zones etc and the Department of Infrastructure is currently pursuing external assistance in order to understand what they are and how we consider and address.

The key component of this assessment process will be the Navigational Risk Assessment (NRA). Further discussions are required in respect of the NRA process as defined in the Maritime and Coastguard Agencies MGN654, Safety or Navigation – Offshore Renewable Energy Installations (OREIs) – Guidance on UK Navigational Practice, Safety and Emergency Response. Harbours Division wish to have further discussion with the Developer about the best practice guidance they intend to use. It should be noted that the Developer must not presume that UK Guidance material naturally applies within the IOM and request that our officers are consulted in the first place.

With regard to particular areas of concern, Harbour Division notes that there are number of proposed projects which will be seeking development consents for offshore wind farms in close proximity to Manx waters, such as, Morecambe, Mona and especially Morgan as the NW section of this proposed windfarm would border Manx Territorial directly below Mooir Vannin Array. These projects if constructed, may lead to cumulative or in-combination effects, i.e. the creation of 'blind corners, for vessel traffic, radar interference and narrow navigable routes between the IOM and the UK and or in the wider Irish Sea Region. Some or all of which could increase risk to navigation safety and commercial operators costs and schedule delays both to other Irish Sea shipping operators and to the Island's lifeline services. Harbours Division highlight in particular the relatively small distance between this proposal, the tip of the Walney Extension offshore wind farm and the proposed Morgan site, which would create a challenging route to safe navigate. Harbours Division is also concerned that the potential bottleneck at the northwest tip of the proposed project near to the Bahama Bank South Cardinal buoy could be problematic. It is vital that the assessment is scoped to allow these issues to be adequately assessed and particular emphasis is given to the importance of the cumulative and in-combination impact assessment.

The various operators who regularly transit the area around the AfL site are all mentioned in the Scoping Report however no consideration seems to have been given to the sizeable vessels whom, during certain adverse weather conditions, utilise the area off the Island's eastern coast (within the proposed Offshore Electrical Connection Search Area) for shelter or whilst awaiting to board or disembark pilots from Liverpool Pilotage Services Ltd. (Sometimes between 25 – 30 vessels over the winter months). Harbour Division consider that this should be one of the potential impacts considered in the EIA, both during construction and the operation of the project. Harbours Division would also suggest consideration is given to include Liverpool Pilotage Services Ltd to be added onto the stakeholders for shipping and navigation (14.4.4.9).

Linked to this, the port of Workington is still a significant hub for Cumbria's economy and the potential for expansion and the need for vessels to shelter off the IOM waiting for pilots is a valid consideration. Indeed, Harbours Division feel that “transboundary” navigational, safety and other shipping considerations associated with ports in other jurisdictions generally need to be an important feature of this assessment. It is considered that the Automatic Identification System (AIS) Data suggested is too limited a period of time to give a balanced picture of the traffic in the area. A month in the summer and a month in the winter may track the scheduled regular vessels but may miss the sheltering vessels and those simply awaiting orders. Many of these simply 'drift' or slow steam up and down the coast. We would therefore welcome consideration being given to the inclusion of this additional data as part of the EIA and Evidence Plan Process. Harbours Division has access to this data which can be made available as part of the NRA review.

Question 18.1: Do you agree with the Study Areas that have been identified for other marine users and activities;?

A number of responses have been received for this question. Please see below where it points the Developer to consider those responses in full.

See Manx Utilities response. It might also be appropriate to consider the provisions of the Electricity Act 1996 as part of the preparation of this project.

See IOM Ship Registry response although this would be captured as part of specific consultation with the Department for Economic Development. It would be useful to consider the additional International Conventions which apply within the Isle of Man.

DOI

The DOI is generally satisfied with the Study Area in respect of other marine users although acknowledging this could potentially change should additional other marine users be identified as the project progresses. The DOI would expect that any additional marine users identified would be engaged as part of the project.

In addition, whilst Chapter 18 outlines the main projects and components that will be considered as part of the Cumulative Effects Assessment, it should be noted that as part of the Round 4 projects, Morgan and Morecambe have identified their search area for their cable, forming the fourth project, Morgan and Morecambe Transmissions Assets. It would be helpful if that could be included on Figure 18.2 as it creates another constraint in close proximity to Mooir Vannin.

Furthermore, para 18.4.1.4 should also have included reference to the Crogga Hydrocarbon site under the heading oil and gas, noting that it is included in Table 18.1 and in para 18.4.2. It is acknowledged that there

is currently no hydrocarbon infrastructure within that area, however, there is a Seaward Production Innovate Licence in operation between the Department and Crogga which provides the rights to Crogga to undertake extraction in line with the provisions of the licence. Whilst it is not clear exactly which works will take place when by Crogga, the Department would continue to encourage Orsted to engage with Crogga on a regular basis to ensure they are both fully aware of each others' plans and intentions with regards the co-existence on the parts of the site which are shared between both parties.

Question 18.2: Do you agree that the baseline data sources identified are sufficient to adequately characterise the baseline;?

DOI

At this time, the DOI is satisfied with the baseline data sources however, it accepts that other sources could also add value to the project, so would request that the Developer is accepting of additional sources if and when they could be identified throughout this process.

Question 18.3: Do you agree that all impacts/effects that could arise from all stages of the Proposed Development have been identified within the Impacts Register (Annex 5.B);?

DOI

At this time, the DOI is satisfied with the impacts / effects that have been currently captured as part of the Impacts Register. However, as the project progresses, the DOI requests that should any additional impacts or effects as a result of the project be identified, that they are included within the Impacts Register and consideration given to them as part of the Evidence Plan Process.

Question 18.4: Do you agree on the suitability of the proposed commitments to reduce or eliminate LSE relevant to other marine users and activities;?

DOI

The DOI acknowledges the proposed commitments as part of the Commitments Register. As per previous comments, should any further requirements or commitments arise as part of this project, the DOI will want that reflected in the Commitments Register if and when appropriate to do it. The DOI agrees that most of these will be demonstrated and implemented through any conditions associated with any Marine Infrastructure Consent.

In addition, it should be noted that in respect of Co9, the DOI is currently considering the requirements in

respect of the offshore safety zones around the infrastructure both during the construction and the operation and maintenance phases of the project. Further details and clarification on this is expected to be finalised through the forthcoming legislation which is subject to the Tynwald process for its enactment.

Question 18.5: Do you agree that the proposed approach to EIA is sufficiently set out to enable a robust assessment allowing likely significance to be?

DOI

The proposed approach to the EIA appears to be sufficient and clearly sets out for all participants to understand how any identified impact or effect could be considered as part of the project. The DOI notes that the Impacts Register will be updated as the project continues. It is further noted that as part of the Evidence Plan Process, the Developer has set out that it intends to supply sufficient evidence should it be determined that there are no Likely Significant Effects in order to support that stance. The DOI wishes to continue its involvement as part of this process for the elements of the project that sit as part of its statutory responsibilities. For impacts which will be taken forward as part of the final EIA and subsequently submitted for Examination, the DOI will undertake a review of those impacts at that time, limited to those falling under its statutory responsibilities.

Question 19.1: Do you agree with the Study Area that has been identified for onshore ecology?

DEFA

Yes (*with caveat*): the extent of the Study Area seems reasonable as a starting point for compiling information on habitats and species. The Department presume the OnSS will be sited within this area and the cable will come ashore in this area. I'm presuming that there is no intention for the cable to come ashore via the tall cliffs forming part of Marine Drive ASSI.

Caveat: though this depends on the location of the required onshore facilities and it being within the study area.

Question 19.2: Do you agree that the baseline data sources identified are sufficient to adequately characterize the baseline?

DEFA

No. DEFA Fisheries Division should be consulted in respect of freshwater and diadromous fishes.

Question 19.3: Do you agree that all impacts/ effects that could arise from all stages of the Proposed Development have been identified within the Impacts Register (Annex 5.B)

DEFA

No, as there is no mention of ASSIs in the table, is this because the route options are avoiding going through an ASSI and will instead come through the MNR?

Also no mention of the various Wildlife Sites within the study areas. No mention of invasive non-native species, or freshwater fish, lizards, frogs etc. It also mentions species disturbance but not the killing of species or damage to their places of shelter or protection, or destruction of nests.

Question 19.4: Do you agree on the suitability of the proposed commitments to reduce or eliminate LSE relevant to onshore ecology?

DEFA

Yes. Provided that detailed habitat and species surveys are conducted at the most appropriate time of year to obtain up to date information.

Question 19.5: Do you agree that the proposed approach to EIA is sufficiently set out to enable a robust assessment allowing likely significance to be ascertained?

DEFA

Yes. It would appear so, provided the IEEM guidance is followed, as stated.

Question 19.6: Is there additional ecological data that any consultee would be willing to share with the project?

DEFA

Oak/Hazel Woodland Report 2011 can be provided by DEFA or MWT. This is useful for information about Groudle Glen.

Question 20.1: Do you agree with the Study Area that has been identified for land use and ground conditions?

DEFA

Yes, though this depends on the location of the required onshore facilities

Question 20.2: Do you agree that the baseline data sources identified are sufficient to adequately characterise the baseline?

DEFA

No, has missed out ASSIs, public glen and rivers.

Question 20.3: Do you agree that all impacts/effects that could arise from all stages of the Proposed Development have been identified within the Impacts Register (Annex 5.B)?

DEFA

No, temporary or permanent loss of ASSI land, Groudle Glen and watercourses are not included.

Question 20.4: Do you agree on the suitability of the proposed commitments to reduce or eliminate LSE relevant to land use and ground conditions?

DEFA

Yes, though section 20.6 should be updated to reference impacts in relation to ASSIs, watercourses and Groudle Glen.

Question 20.5: Do you agree that the proposed approach to EIA is sufficiently set out to enable a robust assessment allowing likely significance to be ascertained?

DEFA

Yes, but impact register needs updating so that the EIA takes account of additional constraints.

Question 20.6: Do you agree that all relevant legislation, policy and guidance has been identified for the land use and ground conditions assessment, or are there any additional documents that should be considered?

DEFA

The Wildlife Act 1990 is relevant and should be included.

Question 20.7: Can the consultees advise on any specific sources of contamination of concern to them within the Study Area?

DEFA

Consult with DEFA EPU on this issue.

Question 21.1: Do you agree with the Study Area that has been identified for traffic and transport?

DOI Highways

No. The study area should cover both Douglas and Onchan for the proposed Douglas connection as would more robust. Especially as there is no information on cable routing through Douglas. Is it wholly within the highway or will the proposed route traverse 3rd party land?

Also the study area of the Groudle Glen needs to encompass the A2, A11, A2/A11 junction and A2/Avondale/Royal Ave Junction. DOI Highways is happy to provide further information and clarification as well as any data it can.

Question 21.2: Do you agree that the baseline data sources identified are sufficient to adequately characterise the baseline?

DOI Highways

The Transport Assessment must use the Department's micro simulation model (Paramics Discovery) for Douglas and Onchan. The Department can also provide additional historic ATC data.

Question 21.3: Do you agree that all impacts/effects that could arise from all stages of the Proposed Development have been identified within the Impacts Register (Annex 5.B)?

DOI Highways

No. Impact on concurrent planned commercial development in Douglas, particularly in Lower Douglas. Parade St, Lord St, Middlemarch and Villiers sites. DOI Highways is happy to provide further information and clarification as well as any data it can.

Question 21.4: Do you agree on the suitability of the proposed commitments to reduce or eliminate LSE relevant to traffic and transport?

DOI Highways

Partially. Does not include reference to onshore cable route on highway infrastructure. Also commitments will need reviewing once final location of onshore infrastructure is provided.

Question 21.5: Do you agree that the proposed approach to EIA is sufficiently set out to enable a robust assessment allowing likely significance to be ascertained?

DOI Highways

Yes.

Question 21.6: Are features such as designated cycle ways available as GIS files to be mapped?

DOI Highways

Yes. Adopted highways, public rights of way etc. But also pedestrian routes. DOI Highways is happy to provide further information and clarification as well as any data it can.

Question 27.1: Do you agree with the Study Area that has been identified for climate change?

DEFA

Yes, we are happy with the two study areas defined in the scoping report

Question 27.2: Do you agree that the baseline data sources identified are sufficient to adequately characterise the baseline?

DEFA

Yes, these are sufficient data sources

Question 27.3: Do you agree that all impacts/effects that could arise from all stages of the Proposed Development have been identified within the Impacts Register (Annex 5.B)?

DEFA

Yes we are satisfied with the impacts listed

Question 27.4: Do you agree on the suitability of the proposed commitments to reduce or eliminate LSE relevant to climate change?

DEFA

Yes

Question 27.5: Do you agree that the proposed approach to EIA is sufficiently set out to enable a robust assessment allowing likely significance to be ascertained?

DEFA

Yes

Question 27.6: Is there any other legislation, policy, or guidance that should be considered?

DEFA

No

Question 27.7: Do you agree with the climate change projections used (IPCC, 2023)?

DEFA

No

Question 28.1: Do you agree with the Study Areas that has been identified for socioeconomics, tourism and recreation?

Treasury

The study areas identified appear to be appropriate for capturing the relevant impacts. We anticipate that the 'Wider Study Area' referred to in 28.3.4 will be particularly relevant for capturing the general impacts on the Island.

Question 28.2: Do you agree that the baseline data sources identified are sufficient to adequately characterise the baseline?

Treasury

Some of the Baseline data sources are due to be updated soon, or will be updated by the time the assessment takes place. Of particular relevance are:

- National Income accounts: 2021/22 data should be available imminently
- Quarterly Statistical Report: now available up to Q3, but Q4 may be available at time of assessment
- Isle of Man Economic Dashboard: is updated regularly. For information on source data or other questions please contact economicadvisory@gov.im. In addition to the potential for updated data sources as per the above, the following may be of use:
 - Visit Isle of Man passenger survey 2023, interim results may be available on request and full results will be available in 2024
 - CACI socio-demographic report, available on request from Business Isle of Man.

We note the reference to Gross Value Added (GVA) in the Applicant's Scoping Report. GVA is not currently produced officially for the Isle of Man (please see National Income Report). While we do not object to the Applicant using methodologies around GVA, the Applicant will need to create this in a suitable manner. Otherwise it may be more appropriate to use a different measure such as GDP, GNP, GNI, etc.

Question 28.3: Do you agree that all impacts/ effects that could arise from all stages of the Proposed Development have been identified within the Impacts Register (Annex 5.B)?

Treasury

The impacts / effects identified in Annex 5.B appear to be appropriate. We note that impacts to shipping (including economic lifeline services) and commercial fisheries are covered elsewhere and these may have major impacts on socio-economics.

Question 28.4: Do you agree on the suitability of the proposed commitments to reduce or eliminate LSE relevant to socioeconomics, tourism and recreation?

Treasury

While the Commitments (Co18, 32, 23) listed against socioeconomic factors are positive steps, we do not agree that they will eliminate or substantially mitigate LSE.

For example, there does not appear to be mitigation around a potential large influx of migrant workers (either regarding local services or impact on tourism capacity). It is noted that the Scoping Report lists impacts relating to migrant workers as “No LSE” however we cannot assess whether this is appropriate without greater understanding of the numbers/phasing. Theoretically, a large number of migrant workers could take up a significant proportion of the Island’s hotel stock, which could have knock-on impacts on inbound tourism. We therefore do not believe that this can be listed as “No LSE”.

Related to the above, we similarly do not believe that IDs SE-03, SE-08, SE-09, SE-16 can be considered “No LSE” in the absence of further evaluation.

Question 28.5: Do you agree that the proposed approach to EIA is sufficiently set out to enable a robust assessment allowing likely significance to be ascertained?

Treasury

The proposed EIA approach seems sufficient, however will require suitable assessment criteria for economic aspects (such as what level of job / GVA impact would warrant classification as ‘significant’). It should be noted that in this regard the Isle of Man context would differ from UK methodologies and therefore a bespoke approach that takes into account this context will be required. For example, the following are factors that may be relevant to consider:

- Trade boundaries
- Existence/importance of lifeline services

- Economic sector makeup
- Business sizes (e.g. generally higher prevalence of smaller businesses vs UK)

Question 28.6: Do you have any specific requirements for the economic modelling methodology?

Treasury

We would request that economic modelling adheres to current UK best practice (such as that approved for use in UK planning applications / business cases) but otherwise have no specific requirements. Please note that Isle of Man context will need to be accounted for as per Q28.5.

Question 28.7: Are local economic multipliers available at the level of the Isle of Man?

Treasury

While some local multipliers have been publicised in the Isle of Man, these are not based on robust methodologies or are out of date, and we would therefore not recommend their use in this context. We would not object to the Applicant producing their own multipliers provided the methodology is sufficiently robust.

Question 28.8: Are there examples of measures adopted for similar developments in the Isle of Man which have sought to enhance economic benefits? If so, could you provide details?

Treasury

We are not aware of relevant examples.

Question 28.9: Given the uncertainty around the level of local sourcing within the Isle of Man, would you agree that the economic benefits (jobs and GVA) should be represented as a range, but with the lowest likely scenario representing a “worst case” assessment of benefits?

Treasury

We agree that providing a range of impacts would be appropriate in this context. Please note previous comments around calculation of GVA.

Question 28.10: Do you agree that decommissioning is an activity too distant in the future to conduct a meaningful assessment of socio-economic impacts, especially in regarding to economic modelling of jobs and GVA?

Treasury

We agree that decommissioning is too distant to conduct a meaningful assessment.

Question 29.1: Do you agree with the Study Area that has been identified for MA&D?

DOI Harbours

Harbours is satisfied with the proposed Study Area for the project.

Question 29.2: Do you agree that the baseline data sources identified are sufficient to adequately characterise the baseline?

DOI Harbours

Harbours is satisfied that the correct baseline data sources have been sufficiently identified. However, should any further data be required, Harbours is happy to share if the information is available.

Question 29.3: Do you agree that all impacts/effects that could arise from all stages of the Proposed Development have been identified within the Impacts Register (Annex 5.B)?

DOI Harbours

Harbours agree - Although ground collapse is covered in MA&D – 04, reference cannot be seen regarding collapse of any offshore turbine or substation(s), during construction, operation (either through mechanical failure or impact) or decommissioning. This should be included in the Impacts Register unless it covered in other chapters.

Question 29.4: Do you agree on the suitability of the proposed commitments to reduce or eliminate LSE relevant to MA&D?

DOI Harbours

Harbours is satisfied that the proposed commitments that have currently been proposed are suitable. Harbours would seek assurances that should any additional commitments be required, there will be engagement to confirm. It might also be useful to engage with the IOM Ship Registry for future commitments if it impacts on any of its responsibilities under the International Conventions.

Question 29.5: Do you agree that the proposed approach to EIA is sufficiently set out to enable a robust assessment allowing likely significance to be ascertained?

DOI Harbours

Harbours agree - noting that much of this will be carried out through the Key Receptors Chapters Risk Assessment which will form part of the EIA which will accompany the future application, all of which will be subject to Examination.

Question 29.6: Do you agree with the proposed approach to this Chapter that all potential impacts and receptors are covered elsewhere in the other referenced chapters and therefore no further assessment methodology is included within this Chapter?

DOI Harbours

At this time, Harbours is satisfied that all potential impacts and receptors have been sufficiently included in other chapters of the Scoping Report, and as such, there is no further requirement for the assessment methodology to be set out in this Chapter.

Question 29.7: Do you agree that the proposed approach to EIA is sufficiently set out to enable you to conclude a position of no LSE before the submission of the application?

DOI Harbours

Harbours is in agreement with the proposed approach to EIA at this time.

Question 29.8: Do you agree that all relevant legislation, policy and guidance has been considered?

DOI Harbours

Harbours is in agreement however, there is a request that MARPOL and SOLAS should be included and identified as relevant IMO obligations to which the Isle of Man has responsibilities under. In addition, Harbours has requested that consideration should also be given to applicable and relevant Isle of Man legislation relating to Major Accidents and Disasters including:

- Harbours Act 2010;
- Wreck and Salvage (Ships & Aircraft) Act 1979;
- Oil Pollution Act 1986;
- Water Pollution Act 1993; and,
- Emergency Powers Act 1936.

Question 29.9: Are there any receptors that the Applicant has not yet identified that you feel should be considered?

DOI Harbours

At this time, Harbours is in agreement but reassurances are sought as to how any future receptors or users who become identified or have pertinent information, such as OREEF can be included as a receptor or can feedback any information should this be required as the process progresses.

Question 30.1: Do you agree with the Study Area that has been identified for human health and wellbeing?

Public Health

The Study Area defined appears to encompass the areas of proposed landing sites. One of the proposed human health and wellbeing impacts is that of air quality, specifically, dust particles and exhaust emissions. The Study Area for Chapter 24, Air Quality, is the entirety of the Isle of Man's land surface area. It is difficult to understand why these two study areas, as one example, differ so largely, when the impacts assessed in Chapter 24 are in conjunction with Chapter 30. Clarification as to the rationale behind the Study Area of Chapter 30 would be needed to ascertain suitability of the Study Area identified.

Question 30.2: Do you agree that the baseline data sources identified are sufficient to adequately characterise the baseline?

Public Health

Whilst the data sources identified are, in themselves, robust and representative of the Island's population, it is difficult to determine whether or not these are adequate without further clarification as to the rationale behind the described baseline data in Chapter 30. It is unclear as to the purpose of the baseline data given in Chapter 30, when read in conjunction with the impacts signposted to, within Chapter 30. For example, as Chapter 24, Air Quality, has been identified as containing impacts related to human health and wellbeing, it would be expected that baseline data would include specific reference to cardiovascular and respiratory outcomes, either in the identified Study Area, or Isle of Man in its entirety, as has been causally linked within contemporaneous scientific literature. Specific effects from both noise pollution, and electromagnetic fields should also be assessed from both acute, and chronic exposure, due to the effects of these on human health.

Question 30.3: Do you agree that all impacts/effects that could arise from all stages of the Proposed Development have been identified within the Impacts Register (Annex 5.B)?

Public Health

No; it would be reasonable to expect a Health Impact Assessment (HIA) to have been scoped and/or completed at this stage to determine specific Human health and wellbeing impacts/effects to measure, and monitor. Paragraph 30.2.4.2 references Health Impact Assessment in spatial planning as one of a number of guidance documents used, although it is unclear as to how this has informed the impacts/effects, and subsequently, the baseline data within Chapter 30.

Question 30.4: Do you agree on the suitability of the proposed commitments to reduce or eliminate LSE relevant to human health and wellbeing?

Public Health

As described above, more clarification as to the suitability of the impacts determined is needed before determining described commitments to reducing, or eliminating, LSE's relevant to Human health and wellbeing.

Question 30.5: Do you agree that the proposed approach to EIA is sufficiently set out to enable a robust assessment allowing likely significance to be ascertained?

Public Health

As above, with specific regard to Human health and wellbeing, a HIA would allow for comprehensive assessment of impacts to human health and wellbeing, and subsequent ascertainment of likely significance.

7. Glossary of Terms

AARA	Air to Air Refuelling Area
AEZ	Archaeological exclusion zone
AfL	Agreement for Lease
AIS	Automatic Identification System
AL	Action Level
AMSL	Above mean sea level
AONB	Area of Outstanding Natural Beauty
ARA	Advisory Radio Area
ASP	Area of Special Protection
ASSI	Area of Special Scientific Interest
ASCOBANS	Agreement on the Conservation of Small Cetaceans in the Baltic, North East Atlantic, Irish and North Seas
ATC	Air Traffic Control
Bq	Becquerels
BGS	British Geological Survey
CAA	Civil Aviation Authority
CAS	Controlled Airspace
CCS	Carbon Capture and Storage
CO2	Carbon dioxide
CBD	Convention on Biological Diversity (or Rio Convention)
Cefas	Centre for Environment, Fisheries and Aquaculture Science
CITES	Control on International Trade in Endangered Species of Wild Fauna and Flora
CCW	Countryside Council for Wales
DBA	Desk based assessment
DCA	Director for Civil Aviation
DED	Department of Economic Development
DEFA	Department of Environment, Food and Agriculture
DoI	Department of Infrastructure
EDG-ERA	East Douglas-Experimental Research Area
EIA	Environmental Impact Assessment
ER	Environmental Report

ES	Environmental Statement
EMF	Electromagnetic field
EMP	Environmental Management Plan
FL	Flight Level
FLP	Fisheries Liaison Plan
GDP	Gross Domestic Product
GLVIA3	Guidelines for Landscape and Visual Impact Assessment: Third edition
HAT	Highest Astronomical Tide
HRA	Habitat Regulations Assessment
HS	Significant wave height
HVAC	High voltage alternating current
HVDC	High voltage direct current
IALA	International Association of Marine Aids to Navigation and Lighthouse Authorities
ICES	International Council for the Exploration of the Sea
ICRP	International Commission on Radiological Protection
IEMA	Institute of Environmental Management and Assessment
IFP	Instrument Flight Procedures
ILS	Instrument Landing System
IMO	International Maritime Organisation
IOMA	Isle of Man Airport
IOMG	Isle of Man Government
IOMSPC	Isle of Man Steam Packet Company
IROPI	Imperative reasons of overriding public interest
ITT	Invitation to Tender
LAT	Lowest Astronomical Tide
LARS	Lower Airspace Radar Service
LCT	Landscape Character type
LSE	Likely significant effect
MAA	Military Aviation Authority
MARPOL	International Convention for the Prevention of Pollution from Ships (1973)
MBRP	Manx Biological Recording Partnership
MCS	Marine Conservation Society

MEA	Multinational Environmental Agreement
MFPO	Manx Fish Producers Organisation

MIC	Marine Infrastructure Consent
MNR	Marine Nature Reserve
MNH	Manx National Heritage
MPI	Multi-Purpose Interconnector
MOU	Memo of Understanding
MoD	Ministry of Defence
mODN	ODN Ordnance Datum Newlyn
MPA	Marine Protected Area
MSC	Marine Stewardship Council
MLWS	Mean Low Water Springs sea level
MHWS	Mean High Water Springs sea level
MLAT	Multilateration
MU	Manx Utilities
MW	Megawatt
MWDW	Manx Whale and Dolphin Watch
NATS	National Air Traffic Services
NBN	National Biodiversity Network
NERL	NATS En-Route {PLC
nm	Nautical mile
NRA	Navigational Risk Assessment
NNR	National Nature Reserves
O&M	Operations and Maintenance
OnSS	Onshore Substation
OREI	Offshore Renewable Energy Installations
OSPAR	Oslo-Paris Convention 1972
OWF	Offshore wind farm
P2X	Power-to-X
PBCD	Planning and Building Control Directorate
PEXA	Practice and Exercise Area
PSR	Primary Surveillance Radar
PVA	Population Viability Analysis
RCS	Radar Cross Section
RSU	Regional Seascape Units
RORO	Roll-on, Roll-off
RYA	Royal Yachting Association+
SLVIA	Seascape, Landscape and Visual Impact Assessment

SAC	Special Area of Conservation
SAR	Search and Rescue
SCADA	Supervisory Control and Data Acquisition
SMAC	Surveillance Minimum Altitude Chart
SMP	Seabird Monitoring Programme
SMP2	North West England and North Wales Shoreline Management Plan

SoCC	Statement of Community Consultation
SPA	Special Protection Area
SSR	Secondary Surveillance Radar
SSSI	Site of Special Scientific Interest
StEP	Stakeholder Engagement Plan
TCPA	Town and Country Planning Act
TP	Transition piece
TRA	Temporary Reserved Area
UAS	Unmanned Aerial Systems
UK	United Kingdom
UXO	Unexploded ordnance
WAM	Wide Area Multilateration
WTG	Wind turbine generator
ZTV	Zone of Theoretical Visibility

8. Appendix 1: Responses to Scoping Consultation and Copies of Replies DEPARTMENT OF ENVIRONMENT, FOOD AND AGRICULTURE:

DEFA Response to Ørsted Moir Vannin Scoping Report

Introduction

DEFA notes the uncertainties outlined in Section 1.3.1.2, and the issues associated with providing scoping report comments under two different consenting regimes;

- Marine Infrastructure Consent (MIC) under the Marine Infrastructure Management Act 2016 (MIMA), for all parts of the Proposed Development seaward of Mean High Water (MHW) and
- planning permission under the Town and Country Planning Act 1999 (TCPA), for all parts of the Proposed Development landward of Mean Low Water (MLW)

DEFA acknowledges comments made at Section 1.5.2;

- 1.5.2.5 *Whilst the Regulations to support MIMA - are not yet published, it is expected that these will contain transitional provisions, as envisaged by section 61 (transitional provisions) of MIMA. The intention of section 61 is clear, and it is open to the Department of Infrastructure (DoI) to apply preparatory actions already carried out (such as preparation of this Scoping Report) to have effect as if done under MIMA -.*
- 1.5.2.6 *On that basis, should the Regulations to support MIMA contain a requirement for the preparation and submission of a Scoping Report, the Applicant expects that this Scoping Report can be relied upon to discharge that obligation, and that there would be no need to re-scope. The Applicant would welcome confirmation of that proposed approach, to ensure no unnecessary delay to the project.*

; and will continue to work with all parties to resolve these matters as quickly as possible.

DEFA has provided specific comments on this Scoping Report for the following Chapters;

Chapter Number	Topic
1	Introduction
2	Legislation, Policy & Guidance
3	Project Description
4	Site Selection & Consideration of Alternatives
5	EIA Methodology
6	Consultation
7	Marine Geology, Oceanography & Physical Processes
8	Marine Water & Sediment Quality
9	Offshore Ornithology
10	Benthic Subtidal & Intertidal Ecology
11	Marine Mammals & Megafauna
12	Fish & Shellfish Ecology
13	Commercial Fisheries
19	Ecology
20	Land Use and Ground Conditions
27	Climate Change
32	Protected Sites Assessment Strategy

Specific DEFA Comments by Chapter and Section

Chapter 1 Introduction

Section 1.6 Table 1.1

Noting the topic and authorship of the different chapters, for example;

Topic	Author
Fish & Shellfish Ecology	GoBe Ltd
Commercial Fisheries	Poseidon Aquatic Resource Management Ltd
Offshore Ornithology	GoBe Ltd
Ecology	SLR Consulting Ltd

- Can the applicant confirm, and indicate in the text, that adequate cooperation is/will occur between different consultants where the topics are fundamentally linked, such as the examples above?
- And identify where those receptor linkages have been recognised already, and provisions made?

1.8 Questions to Consultees

Question 1.1: Is it clear which infrastructure and associated activities a Scoping Opinion is being sought for?

- Whilst the Scoping request sets out a number of matters in detail, the lack of information of where these are to be located means that it is not clear what is being proposed.

Chapter 2 Legislation, Policy and Guidance

Question 2.1: Are you satisfied that all relevant overarching legislation, policy and guidance has been identified within this Chapter (noting that topic specific legislation, policy and guidance are noted within those topic chapters)?

- Please see comments above.

2.2 Legislation (and linked through 2.3-2.4)

Depending on the definition of 'consenting regime' there may be additional consent requirements under other legislation in order to achieve the proposed scope of consenting the project, particularly in relation to infrastructure routing and EIA. These include;

Legislation (Primary and Secondary)	Purpose	Notes
Wildlife Act 2009 (various provisions)	May be relevant in relation to onshore activities if the land is designated as an ASSI, or other protected site.	https://www.legislation.gov.im/cms/images/LEGISLATION/PRINCIPAL/1990/1990-0002/WildlifeAct1990_3.pdf

		https://www.gov.im/about-the-government/departments/environment-food-and-agriculture/environment-directorate/ecosystem-policy-team/wildlife-biodiversity-and-protected-sites/protected-sites/
Wildlife Act 2009 Marine Nature Reserves Byelaws 2018	Likely relevant if infrastructure is to pass through a designated marine nature reserve, e.g. Douglas Bay MNR	https://www.legislation.gov.im/cms/images/LEGISLATION/PRINCIPAL/1990/1990-0002/WildlifeAct1990_3.pdf https://www.gov.im/media/1362727/manx-marine-nature-reserves-byelaws-2018-sd-2018-0186-300920.pdf
Fisheries Act 2012	May be relevant if fishing/survey activities were required in relation to establishing environmental baselines for fisheries-related receptors; in specific areas or seasonally, depending on current restrictions.	https://legislation.gov.im/cms/images/LEGISLATION/PRINCIPAL/2012/2012-0005/FisheriesAct2012_4.pdf

Noting also that the Wildlife Act 2009 is the primary legislation with respect to the species and habitat protection obligations associated with the multilateral treaties outlined in Section 2.4. Whether this involves a consent requirement would depend on specific circumstances, but its relevance should be noted.

2.2.2.1 Current Consenting Regime

- We note also that the Wildlife Act may become relevant to consents for any works within a Marine Nature Reserve or Area of Special Scientific Interest.

2.4.4.1 CBD

- Biodiversity Action Plans (BAPS) are being written and a number of them have now been published online (gov.im, though it is proposed to move them to a new page on the Biosphere IoM website). Further BAPS will be published when they are agreed. New ones are being added regularly.

2.4.5.1 Bonn Convention

- [basking shark](#) is on Appendices I and II. Note also that there are a number of international agreements made under this Convention, which also cover the IoM.

2.5.1.3

Manx Marine Environmental Assessment Report (Isle of Man Government, 2014b);

- Reference should be 2018, not 2014.

2.7 Questions to Consultees

Question 2.1: Are you satisfied that all relevant overarching legislation, policy and guidance has been identified within this Chapter (noting that topic specific legislation, policy and guidance are noted within those topic chapters)?

- See associated comments

Question 2.2: Can DoJ and DEFA confirm the EIA process to be followed for the TCPA and whether a Planning Policy Statement in relation to EIAs is likely to be passed during the pre-application phase (Application in Q1 2025)?

The Town and Country Planning Act (TCPA) itself makes no provisions for EIA regulations nor does it specify any processes.

The Town and Country Planning Act (1999) ("TCPA") applies outside the low water mark (check w/IB).

It defines development at 5.6(1) as, "the carrying out of building, engineering, mining or other operations in, on, over or under land, or the making of any material change in the use of any buildings or other land" (land is itself defined under 5.45 as, "...includes land covered by water").

5.7 sets out that Planning Approval is required to carry out development,

5.8 gives the Cabinet Office powers to grant planning approval by way of a Development Order and DEFA powers to produce Orders setting out how planning applications are to be dealt with (the current one being the 2019 Development Procedure Order "DPO").

5.9 and 5.10 give more detail on the determination of applications.

The TCPA makes only one reference to EIA at 5.45A(1)(c) in relation to the general referral process. The DPO makes only one reference to EIA and that is in relation to timescales. As such there is no specific provision for the submission of EIA, nor the requesting of screening or scoping opinions.

Notwithstanding this, Section 5(6) empowers DEFA to require additional information to allow the determination of an application.

The Strategic Plan (2016) sets out details of when an EIA is required (see 7.18 and Appendix 5).

7.18.3 states, "A Planning Policy Statement will be issued specifying the manner in which the Department intends to deal with applications which should be subject to EIA. Pending the adoption of the proposed Planning Policy Statement the Department will adopt current practice on EIA's from England and Wales set out in the publication "Environmental Impact Assessment: A Guide to Procedures".

Planning Policy Statements are a CABO function and an EIA PPS has not been adopted (or consulted on) at the time of writing, and CABO would need to confirm future plans in this area (noting their current commitments).

It is also noted that 1.6.1 of the Strategic Plan advises that UK/EU legal judgements or advice may be used where there are not local examples. In light of this applicants for planning approval are advised to look to the most version of the UK EIA Regs, "Town and Country Planning (Environmental Impact Assessment) Regulations 2017" as amended -

<https://www.legislation.gov.uk/uksi/2017/571/contents> Schedule 4 of which sets out the information for inclusion in Environmental Statements, noting paragraph 4 is a list of topics.

Noting the above approach, applicants may seek advice on the requirement for EIA or the content to be included within an EIA (in particular whether applicants would propose to scope out any topics – with their reason for doing so, or where topics are scoped in the proposed methodology to be followed).

Whilst the Department cannot make formal screening/scoping opinions, it does offer a non-statutory/discretionary pre-application service (subject to availability/resources), details of which are here <https://www.gov.im/categories/planning-and-building-control/information-for-applicants/pre-application-advice/>.

In relation to the question at 1.5.2.6, “On that basis, should the Regulations to support MIMA contain a requirement for the preparation and submission of a Scoping Report, the Applicant expects that this Scoping Report can be relied upon to discharge that obligation, and that there would be no need to re-scope. The Applicant would welcome confirmation of that proposed approach, to ensure no unnecessary delay to the project”. I would note that I am unable to comment on this element.

It is noted that para 1.5.3.6 states, “The Applicant requests that the DOI sets out in writing its opinion as to the scope and level of detail of information to be provided in the ES and application documents to be provided as part of the MIMA application and the application for planning permission under the TCPA”. It is noted that the DOI has a role as a consultee (for Highways, Flooding and Affordable Housing) in the planning process, but the overall determination of planning applications (including any directions for additional information) sits with DEFA.

It is noted that in a number of places the report makes reference to English and Welsh Policy Statements and PINS Advice notes (for example 2.3.12, 2.5.1.3 and 5.8.1.5). It is not clear why each one of these is considered to be applicable to the Isle of Man or how they will be used within a Manx context. For example 5.8.1.5 notes the PINS advice on cumulative impacts and proposes to use submission of a Scoping Report as one of the triggers for include a development to assess cumulatively. Noting there are no formal scoping reports, only pre-application advice (which is not published) it is not clear how the applicants would propose this be used. It is suggested that the applicant produces a list of all of the UK planning/EIA policy/guidance they propose to use which summarises for each why it is relevant and how it will be used, so that this can form the basis of further discussions. Specifically in terms of cumulative impacts, a bespoke list (rather than methodology) will need to be agreed, noting the going work as part of the Built Environment Reform Programme to facilitate the redevelopment of Lower Douglas.

Chapter 3 Project Description

3.11 Questions to Consultees

Question 3.1: Is the definition of the Proposed Development and how it forms part of the Moor Vannin Offshore Wind Farm (the ‘Whole project’) clear?

It is noted that that an overall approach for EIA methodology is proposed, and it is not clear who is being asked to comment on this or on what basis – is this for DOI or DEFA (and which sections)?

It is understood that the Planning & Building Control Directorate are not being invited to review or comment on the offshore chapters, and that these will be assessed by the relevant specialist teams within DEFA. In terms of landscape/seascape/visual impact the Directorate would advise that DEFA or DOI employ suitably qualified technical specialists to review these elements of the scoping report (and any final submissions).

In terms of the onshore chapters, the figure on Page 4.5 sets out a two very large areas which are much larger than would normally be used for pre-application advice and as such it is not possible to give detailed comments.

It is recommended that the applicants review the Strategic Plan, Area Plan for the East, Planning Policy Statement 1, Biodiversity, Economic and Infrastructure Strategies and Climate Change Action Plan. The relevant specialists will need to comment on this (including but not limited to Manx National Heritage).

Chapter 4 Site Selection & Consideration of Alternatives

- While it's technically accurate, perhaps it needs to say 'Site Identification Process', since there was no selection or consideration of alternatives. Perhaps it's a standard heading for a scoping report, but in this case the AFL and route landfall have essentially been provided – so neither part is practically true.
- It may be instructive to indicate how the AFL was selected, and how MU selected the landfall sites. Otherwise it's not a very informative section at all.

Table 4.1: RPSS Commitments

ID	Measure Proposed	Rationale
Co 12	Designated heritage assets will be avoided by the careful routing of the onshore infrastructure around sensitive locations.	To avoid impacts to heritage assets of high significance.

- Table 4.1 indicates a commitment to avoid heritage assets, by careful routing to avoid impacts. **Why is a similar commitment not made in relation to environmental or ecological assets of high significance?**
- Similarly, at 4.2.2.5 '*The coastline in Douglas and at Groudle Beach has therefore been subdivided into zones based upon geographical areas.*' **Why has it not been considered/zoned in relation to ecological significance or sensitivity?**
- Specifically, the proposed cable routing is currently indicated as either Douglas Bay or Groudle Beach/Glen. However, **Douglas Bay is a statutorily designated Marine Nature Reserve under the Wildlife Act 1990** (as noted at Section 9.2.2 Legislation). Given the criteria for such designations outlined in the Act, the MNR must reasonably be considered to be an environmental/ecological asset of high significance, as affirmed by Tynwald in 2018¹.
- There is no mention of its protected status in *Section 4 Site Selection & Consideration of Alternatives*, which seems unusual, since such a designation might reasonably initiate consideration of alternatives.
- Indicatively, the Isle of Man Government's Strategic Plan 2016² states;
 - ***Environment Policy 4: Development will not be permitted which would adversely affect: (a) species and habitats of international importance: (i) protected species of***

¹ <https://www.gov.im/media/1362728/mnr-designation-order-2018.pdf>

² https://www.gov.im/media/1350906/the-isle-of-man-strategic-plan-2016-approved-plan-15_03_16.pdf

international importance or their habitats; or (ii) proposed or designated Ramsar and Emerald Sites or other internationally important sites. (b) species and habitats of national importance: (i) protected species of national importance or their habitats; (1) Wildlife Sites are defined in Appendix 1 41 (ii) proposed or designated National Nature Reserves, or Areas of Special Scientific Interest; or (iii) Marine Nature Reserves;

- The principles applied on land should also reasonably be assumed to be applied in the marine environment.
- Various policies of the Strategic Plan 2016, including Environment Policy 4, are included in the Scoping Report at, for example, Sections 7.2.3., 9.2.3, 11.2.3, 20.2.3, 23.2.3.1, and others, so the document is already acknowledged and in use within the Scoping Report.
- The Applicant should also clarify the following, apparent contradiction;
 - At 4.1.2.5 '.....Potential grid connection options at Lord Street or Middle River Substations in Douglas and **a proposed potential landfall location at either Douglas or Groulle are part of the Proposed Development and have been suggested as potential options by MU.**
 - Whereas at 4.2.2.4. '.....Potential grid connection options at Lord Street and/or Middle River **and a proposed potential landfall location at Groulle Beach have been suggested by MU. In addition to these, landfall in Douglas to facilitate electrical cable transmission to Lord Street or Middle River is being explored by the Applicant.'**
- The former gives the impression that MU has suggested both routes, whereas the latter seems to indicate that the Applicant is proposing the Douglas landfall.
- This is important in the context of route selection, statutorily protected sites and corporate responsibility, as noted above.
- It may be prudent for the Applicant to undertake its own route selection and assessment rather than relying on an external agency, which may only take into account practical considerations, rather than environmental and reputational.
- As such, and noting
 - 4.2.4.6 'Work on the route planning of the Terrestrial Electrical Connection Cable is subject to the outcome of discussions with MU on the OnSS and Landfall location.' and
 - 6.4.2.4 (Statutory stakeholders) 'Section 11 of MIMA (2016) requires that, before making an application, the applicant must consult; the Department of Environment, Food and Agriculture'
- It is therefore indicated that **route planning and finalisation** should also **fundamentally involve DEFA**, which has responsibility for marine conservation, fisheries and statutorily-designated conservation sites, such as Marine Nature Reserves, and can advise in relation to finding alternative, and potentially less damaging and controversial routes.

Noting 5.4.3.8:

Proposed New Commitment

ID	Measure Proposed	Rationale
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Co XX	Designated protected sites will be avoided by the careful routing of the offshore and onshore infrastructure around sensitive locations.	To avoid impacts to environmental/ecological assets of high significance.
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Chapter 5 EIA Methodology

Noting Section 5.4.2 Route Planning and Site Selection (and also 5.4.3.6);

'5.4.2.4 RPSS is described fully in section 4.2 of Chapter 4, Site Selection & Consideration of Alternatives. The RPSS process aims to avoid or reduce environmental impacts by committing to avoid the most sensitive, important, or valuable features early in project design. To support the early phase RPSS work, key sensitive receptors have been identified and ranked using a BRAG system according to sensitivity. As the RPSS process continues, commitments may be made to support RPSS work and included in Annex 3.A, Commitments Register.'

- This process appears not to be operating as intended, since one of the options included in cable route planning is through Douglas Bay Marine Nature Reserve.
- There is no mention of this statutorily designated status in Section 4, nor an early phase identification as a 'sensitive, important or valuable feature'.
- Marine Nature Reserves are the highest level of designation for marine sites under the Wildlife Act 1990, and are specifically designated for 'conserving marine flora or fauna or geological or physiographical features of special interest in the area' (see Section 32 of the Act³)

Chapter 6 Consultation

Table 6.1 non-Statutory Stakeholders

- It's not certain that Manx Basking Shark Watch continues as an organisation. Most of its activities were transferred to Manx Whale & Dolphin Watch, but it's possible that the staff of 'MBSW' would still be able to contribute to the EIA process, it's whether or not that's in a private capacity, or if the organisation is still a registered entity.
- In this section it may be worth clarifying the role of the Marine Conservation Society, which is a UK-based organisation. It is presumed its inclusion is in relation to Seasearch IoM, which is under the umbrella of MCS? This should be clarified.
- Similarly, under 'Fisheries', for the Community Inshore Fisheries Alliance and RIFG, it may be worth identifying them as UK-based organisations, for clarity, as they don't exist on the Isle of Man and may be unfamiliar to local stakeholders.
- And, for consideration, why these two UK organisations but not, for example, the two Northern Ireland Fish Producers Organisations, NIFPO and ANIFPO, which both have active members in Manx waters?
- The IoM Scallop Management Board should be added to the list of non-stat consultees, as it represents all Manx ~~seafishing~~ licence holders for mobile gear, including UK fishers, whereas MFPO only includes Manx-registered/based licence holders. Contact details are available

³ https://www.legislation.gov.im/cms/images/LEGISLATION/PRINCIPAL/1990/1990-0002/WildlifeAct1990_3.pdf

from DEFA Fisheries. <https://www.gov.im/about-the-government/departments/environment-food-and-agriculture/environment-directorate/fisheries/sea-fisheries/co-management/>

- Under 'Fisheries/Ecology', also consider Bangor University (as Scientific Advisors to DEFA) and probably AFBI (Northern Ireland) which undertakes a lot of fisheries surveys in Manx waters, including off the east coast.

6.7 Questions to Consultees

Question 6.1: Do you agree with the Applicant's approach to consultation?

- See comments above

Question 6.2: Are there any other stakeholder groups you wish the Applicant to engage with beyond those set out in this Chapter?

- See comments above.

Chapter 7 Marine Geology, Oceanography & Physical Processes

Noting Section 7.7.3.17

'The marine processes features that are considered as marine processes receptors (rather than pathways) will be guided by tidal excursion, as to be further quantified using project-specific numerical modelling, and will include the following features:

- *The adjacent coastline;*
 - *Nearby offshore, designated, subtidal sandbanks and sandwave areas; and*
 - *Nationally or internationally designated sites with interest features below MHW (seabed/sedimentary/ geological interest features).'*
- As such, appropriate consideration of Douglas Bay Marine Nature Reserve should be made, with a view to treatment as a receptor.
 - This should be considered as part of the Protected Sites Assessment process.

Question 7.1: Do you agree with the Study Area that has been identified for marine processes?

- The study area provides an adequate buffer zone and agree that the scope of the study area may need to be altered during the EIA process based on tidal excursions and sediment plume pathways.

Question 7.2: Do you agree that the baseline data sources identified are sufficient to adequately characterise the baseline?

- Agree that the baseline data sources identified are sufficient, with the inclusion of project-specific sampling, surveying, and modelling. An additional dataset that may be of use is the data collected by Bangor University for their review of Seabed habitats around the Isle of Man, the report can be found [here](#).

Question 7.3: Do you agree that all impacts/ pathways/ effects that could arise from all stages of the Proposed Development have been identified within the Impacts Register (Annex 5.B)?

- Agree with the impacts and effects outlined in the impacts register, however, there are questions regarding the predetermination of 'no likely significant effect'; however it is acknowledged that in many instances this cannot be determined until there are outputs from the hydrodynamic modelling.
- This can be discussed in greater detail in the technical advisory groups.

Question 7.4: Do you agree on the suitability of the proposed commitments to reduce or eliminate LSE relevant to marine processes?

- Co2 and Co3 mention minimising seabed disturbance, how will this be done?
- This can be discussed in greater detail in the technical advisory groups.

Question 7.5: Do you agree that the proposed approach to EIA is sufficiently set out to enable a robust assessment allowing likely significance to be ascertained?

- The proposed approach should allow for a robust assessment, the Evidence Plans will help determine the rational between no LSE and LSE and the Technical Advisory Groups will allow for beneficial discussions on the execution of the EIA.

Question 7.6: Given the data listed in Table 7.1, as well as the evidence base from other offshore energy projects in the region, do you believe that the use of numerical modelling is necessary for the assessment?

- Numerical modelling is necessary for this assessment, however, it needs to be used in addition to observational studies in order to validate the models. Both site specific surveying and modelling are necessary to gain a greater understanding of the marine processes in the scoping area and to address possible changes that may occur.

Chapter 8 Marine Water and Sediment Quality

8.2.2 Legislation

Such as the following is applicable; **The Fisheries Act 2012** may also be considered and included:

5 Responsibility of Department for inland and sea fisheries

(1) Subject to the provisions of this Act, the Department shall be responsible for —

- (a) the supervision and protection of inland and sea fisheries, and
- (b) fostering the establishment and development of such fisheries.

(2) In the exercise of its functions under this Act, the Department shall have regard to the need —

- (a) to preserve natural beauty and amenity;
- (b) to conserve freshwater flora and fauna and the freshwater environment;
- (c) to conserve marine flora and fauna and the marine environment;
- (d) to conserve features of geological or geomorphological interest; and
- (e) to protect buildings and other objects of architectural or historic interest, so far as those matters are capable of being affected by that exercise.

8.2.3 Policy

- Although under revision, the 'Future Fisheries: A 5-year strategy for the sustainable development of the Isle of Man's sea fisheries and marine environment 2016-2021' remains operationally valid;
- <https://www.gov.im/about-the-government/departments/environment-food-and-agriculture/environment-directorate/fisheries/sea-fisheries/future-fisheries-strategy/>

Similarly, for contextual consideration may be;

- Long Term Management Plan for scallops: <https://www.gov.im/media/1376550/ltmp-10-260522.pdf>
- Management Plan For The 0-3 M Zone of The Manx Territorial Sea: <https://www.gov.im/media/1378919/gd-2019-0098-isle-of-man-0-3-m-management-plan.pdf>

Sediment Quality

8.4.1.12

- For reference and consideration please note the following reference that explored the levels of heavy metal contamination in coastal waters off Laxey (due to former mine workings), and also the link to scallop fisheries.
- And also a review of mine-related heavy metal contamination around the island.
- The potential for mobilisation of sediments and contaminants is noted within the scoping report.
 - B.D. Stewart *et al.*, (2021). Metal pollution as a potential threat to shell strength and survival in marine bivalves. *Science of the Total Environment* Volume 755, Part 1, 10. <https://www.sciencedirect.com/science/article/pii/S0048969720365499#:~:text=We%20established%20that%20increased%20levels,in%20king%20scallops%2C%20Pecten%20maximus.>
 - T. Southgate, D.J. Sjinn, J.F. Eastham (1983), Mine-derived metal pollution in the Isle of Man. *Marine Pollution Bulletin*, Volume 14, Issue 4, Pp. 137-140, ISSN 0025-326X, [https://doi.org/10.1016/0025-326X\(83\)90066-8](https://doi.org/10.1016/0025-326X(83)90066-8).
(<https://www.sciencedirect.com/science/article/pii/0025326X83900668>)

Table 8.1: Baseline Data Sources for marine water and sediment quality

- Noting reference to 'Isle of Man Government, Cypris Marine Monitoring Buoy (Isle of Man Government, 2023b)', this is obviously a very limited data set, and reference should be made to the extensive long-term monitoring data conducted by the Isle of Man Government, and available from the Isle of Man Government Laboratory (<https://www.gov.im/about-the-government/departments/environment-food-and-agriculture/regulation-directorate/government-laboratory/>) and summarised in the MMEA;

From MMEA Chapter 3.1 (2018)

'Site Locations Regular monitoring of a suite of variables is undertaken at six locations around the Isle of Man. The variables monitored at these stations include nutrients, salinity, temperature, chlorophyll, phytoplankton and dissolved oxygen.'

Table 1. Locations of offshore monitoring stations around the Isle of Man.

Station Name	Location	Latitude	Longitude
<u>Cypris</u>	Port Erin (<u>Bradda</u>)	54°05.50	04°50.00
Targets	<u>Jurby</u>	54°21.50	04°38.00
Ramsey	Ramsey	54°20.47	04°17.47
Laxey	Laxey	54°12.00	04°23.00
<u>Resa</u>	<u>Santon</u>	54°05.00	04°30.00

- Only Chapter 2 of the MMEA is referenced, additional relevant MMEA Chapters include;
 - 2.1 - <https://www.gov.im/media/1363392/ch-21-hydrology-climatology.pdf>
 - 2.4 - <https://www.gov.im/media/1363395/ch-2-4-marine-pollution.pdf>
 - 3.1 - https://www.gov.im/media/1363396/3-1-plankton-in-manx-waters_final-2nd-ed-2018v2.pdf

Table 8.1

- Not sure if a row is required for the river water quality data (IOM) which can be found [here](#).
- There is a row for Environment Agency water quality archive, but this won't include the IOM data.
- The WFD is mentioned which IoM hasn't enacted, however IoM does have the Water Pollution (Standards and Objectives) Scheme 2020 for inland and coastal waters.
- Report mentions the discharge of Groudle river into the sea; might want to add River Douglas, Port Jack Glen and Summerhill Glen as they discharge into Douglas Bay.
- There are more river discharges within the study area; not sure if they should be included? Consult DEFA EPU on this.

8.4.3

- What would the source of bacteria be that could impact on the listed bathing waters?
- The following non-designated bathing waters are within the study area on the map; Port Soderick, Port Grenagh and Derbyhaven.

8.4.3 Summary of key receptors

- Key receptors for marine water and sediment quality must include the statutorily-designated **Douglas Bay Marine Nature Reserve**, unless it is removed as a potential cable route.

Noting:

8.4.4 Further data collection to be undertaken

8.4.4.4 A thorough desk-based review of available information will be undertaken of relevant **publicly available data**.

- Given the close working relationship between the applicant and the Government and other stakeholders via the Technical Advisory Groups and other processes, it's not clear why only publicly-available data should be used to inform the EIA?
- It is suggested that **all practically-available data** should be used to inform this process, across all chapters/receptors using the various engagement and consultation processes outlined in the Scoping Report.
- It is in the interest of both regulator and applicant that this EIA process is conducted as well-informed and as thoroughly as possible.

Table 8.2: Relevant commitments to marine water and sediment quality.

Co1	<p>Development of, and adherence to, an Invasive Non-Native Species (INNS) Management Plan.</p> <ul style="list-style-type: none"> • Arguably it doesn't matter where this commitment is, so long as it's there, but this is perhaps an unexpected place to include INNS, as it is primarily a biological and ecological issue. While INNS may be included in other chapters (in which case specifically make this linkage to other chapters), its emphasis should probably be in the following Chapters; <ul style="list-style-type: none"> • Benthic Subtidal and intertidal ecology <p>and/or</p> <ul style="list-style-type: none"> • Fish and Shellfish Ecology • There are likely to be temporal and spatial considerations for marine water and sediment quality, especially closer inshore – whether in terms of increased likelihood of effect or impact. For example increased suspended sediment at particular times of year or location (e.g. herring spawning, bird feeding or resting at sea), increased likelihood of transport of contaminants due to seasonally prevailing wind, precipitation etc. • Consideration should therefore be given to a specific commitment, or inclusion in another commitment, to consider spatial and temporal water quality assessments. • It could be part of CO7, and informed by the TAG process.
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8.5.2

- Co7 - Who would be monitoring or regulating any off shore oil pollution or chemical spills from the development? Would we need to rely on the UK?

8.8 Questions to Consultees

Question 8.1: Do you agree with the Study Area that has been identified for marine water and sediment quality?

- Yes. Agree with the use of the same study area as described in Chapter 7 and that the study area may be modified as a result of modelling and surveying outputs.

Question 8.2: Do you agree that the baseline data sources identified are sufficient to adequately characterise the baseline?

- No, see comments above and;
- An additional data source could be the river water quality data (IOM) which can be found [here](#). Additionally, the data provided from the Environment Agency water quality archive won't include IOM data, but may be applicable to the scope area outside of Isle of Man territorial waters.
- A significant missing link within this scoping report is that there is no emphasis on potential impacts on plankton abundance and distribution, more detail will be provided in question 8.3, however, additional data sources for plankton monitoring would be the island's historical phytoplankton data (1995) and current ~~Cypris~~ phytoplankton and zooplankton data.
- The Environmental Protection Unit has access to the historic data sets and current data is uploaded to our Marine Monitoring webpage located [here](#). Additionally, all historic data has been uploaded to the Plankton Lifeform Extraction Tool ([PLET](#)). The PLET is a centralised database for all plankton monitoring programs in the UK and allows for open access to comparable plankton data. In addition to Isle of Man data, data from the Continuous Plankton Recorder (CPR) Surveys may be of use.

Question 8.3: Do you agree that all impacts/effects that could arise from all stages of the Proposed Development have been identified within the Impacts Register (Annex 5.B);

- No. Douglas Bay MNR, as a statutorily-designated marine protected site should be included as a receptor, and;
- Potential impacts to plankton community structure and distribution have not been addressed. Alterations of oceanographic process, sediment/nutrient suspension, water column mixing, introduction of opportunistic species, and changes in water turbulence can have a multitude of impacts on plankton regimes.

Impacts of suspended sediment, upwelling and ~~downwelling~~ patterns affect nutrient and chemical cycles, particularly when the water column is stratified. Sediment resuspension can release nutrients that can result in abnormal phytoplankton growth or blooms. Harmful algal bloom events are becoming more prominent in our changing climate and an increase in nutrient loads could lead to a bloom of phytoplankton species that have the potential to release toxins. These toxins can bio-accumulate in shellfish, resulting in various forms of shellfish poisoning. Monitoring phytoplankton populations could indicate if there is a need for further shellfish monitoring, as harmful algal blooms could have a negative impact on the fishing industry.

Impacts to plankton regimes can result from both the construction and operation process of offshore wind farm development. Certain species of phytoplankton are less resilient and therefore, even small anthropogenic changes in ambient conditions can result in significant impacts. Several in-situ and simulated case studies have shown that the development and operation of offshore wind farms have resulted in changes to plankton biomass, production and consumption.

A brief summary of potential impacts are the resuspension of sediment leading to an increase in phytoplankton production and biomass. Hydrodynamic changes, increased turbidity, and vertical mixing of the water column all have significant impacts on plankton communities. Additionally, dissolved oxygen (DO) in seawater is an essential limiting factor for phytoplankton growth, which can be affected by offshore wind farm operations. The artificial structures provide opportunistic species with a habitat to proliferate. The metabolic activities of these species, including respiration, excretion and digestion, consume oxygen resources and could lead to a drop in DO in surrounding areas. The sustainable growth of marine phytoplankton requires a DO level of 6 mg/l or above, and therefore a decrease in DO could lead to a decrease in phytoplankton biomass and a reduction in primary productivity.

Additional resources:

Clark, S., Schroeder, F., & Baschek, B. (2014). *The Influence of Large Offshore Wind Farms on the North Sea and Baltic Sea: A Comprehensive Literature Review*. Geesthacht, Germany: Helmholtz-Zentrum Geesthacht, Zentrum für Material-und Küstenforschung.

van Berkel, J., Burchard, H., Christensen, A., Mortensen, L. O., Petersen, O. S., & Thomsen, F. (2020). The effects of offshore wind farms on hydrodynamics and implications for fishes. *Oceanography*, 33(4), 108-117.

Wang, L., Wang, B., Cen, W., Xu, R., Huang, Y., Zhang, X., & Zhang, Y. (2023). Ecological impacts of the expansion of offshore wind farms on trophic level species of marine food chain. *Journal of Environmental Sciences*.

Question 8.4: Do you agree on the suitability of the proposed commitments to reduce or eliminate LSE relevant to marine water and sediment quality?

- No, see comments above, especially in relation to spatial and temporal effects, and;
- A commitment needs to be made for plankton monitoring and assessing potential impacts to plankton species and the cascading effects changes in primary production could have. This could form an aspect of Co7.
- Additionally, the key receptors for this section need to be re-evaluated. Designated and non-designated beaches are listed as key receptors. When monitoring bathing waters only temperature, Escherichia coli and Intestinal Enterococci are monitored. Are spikes in E.coli or Enterococci expected? If additional monitoring was conducted using a sonde with sensors for temperature, salinity, turbidity, dissolved oxygen, chlorophyll, and pH, this would better assess water quality and would be a better receptor to identify changes. If increased bacterial load is unlikely to be an impact of the windfarm development and operation, then using current bathing water monitoring as a receptor would not be appropriate.

Question 8.5: Do you agree that the proposed approach to EIA is sufficiently set out to enable a robust assessment allowing likely significance to be ascertained?

- In order for the proposed approach to the EIA to enable a robust assessment, impacts to plankton regimes needs to be assessed and monitored. Additionally, I believe using bathing water monitoring as a key receptor may not be applicable and other receptors for water and sediment quality should be investigated.

Additional comments:

- In section 8.4.1.11 the applicant is correct in mentioning that the Water Framework Directive has not been enacted on the Island, however we have the Water Pollution (standards and objective) Scheme 2020 for inland and coastal waters, which could be applicable. Additionally, in this section, discharge from Groudle river into the sea is mentioned; River Douglas, Port Jack Glen and Summerhill Glen discharge into Douglas Bay and could be added to this section. Additionally, there are various other river discharges within the study area if they would like to be included in the scope we can provide a list.
- In section 8.4.3, the following non designated bathing waters are within the study area on the map; Port Soderick, Port Grenaugh and Derbyhaven.
- In section 8.5.2 for Co7 - Who would be monitoring or regulating any off shore oil pollution or chemical spills from the development? Would we need to rely on the UK?

Chapter 9 Offshore Ornithology

9.2.2.4 International legislation and agreements

- Also include the Convention on Biological Diversity (CBD), from which has been developed the Manx Biodiversity Strategy, and which provides significant policy direction;
 - <https://www.gov.im/about-the-government/departments/environment-food-and-agriculture/environment-directorate/ecosystem-policy-team/wildlife-biodiversity-and-protected-sites/biodiversity-strategy-and-delivery-plan/#:~:text=Managing%20our%20Natural%20Wealth%2C%20The,loss%20of%20species%20and%20habitats>
- and which should therefore be included in section 9.2.3: Policy.

9.4.3.8 Designated sites

- It would be helpful to at least indicate the Manx designated sites that are to be considered in the process, rather than having to refer to another document. Please provide a tabular list in this section including the Manx sites and their relevant receptor species.
- It should also be noted that bird species are designation features for several designated sites; for example see; <https://www.gov.im/media/1378920/designation-of-marine-nature-reserves-guidance-note.pdf>
- In the Impacts register, why does the following not have a LSE or NLSE notation, but instead indicates 'Low'? This appears to be inconsistent.

MIC	O-07	Array	Operation	Attraction to lit structures by migrating birds.
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Low - impacts are expected to be minimal, with limited evidence on the impacts of artificial light on birds.

9.2.2 Wildlife Act

- the main difference between Schedule 1 birds and other birds is not related to marking but to the offence of disturbance at the nest or of dependent young.

9.2.2.4

- Bern Convention – note, outside of the EU, Bern-designated sites are Emerald Sites, rather than SPAs. Note also that on the IoM, a Bern assessment of sites has not yet been undertaken.
- The IoM is also included under the following Bonn Convention agreements relating to birds: Agreement on the Conservation of Albatrosses and Petrels (ACAP), MoU on the Conservation of Migratory Birds of Prey in Africa and Eurasia.

9.2.4.4 'Natural England phase I and III guidance documents (Natural England, 2021a; 2021b)'

- the references to these reports are missing, so it is not clear what these are.

9.4.4.9

- Figures should be reported on the numbers of identified and unidentified birds, to allow for discussion of any issues of analysis arising from this.

9.4.5.4

- We are not clear on the basis of, or methods relating to, creating a 'future baseline' and therefore request clarification of the use and method of development of such data.

9.7.3.1.5

- With regard to regional breeding populations, we note the standard references of Furness from 2015, but we point out that Seabirds Count provides more up to date data, from which breeding populations within mean maximum foraging range +1SD can be derived and adjusted for immature birds in the population (though we note that many immature gulls tend to stay close to the coastline). We therefore request discussion on the most up to date and appropriate data, to avoid the potential to overestimate regional populations and underestimate effects, taking the most precautionary approach to the assessment. This can help with species such as great black-backed gull, for which two bioregions meet in the Irish Sea and extend to northern Scotland and the Channel, creating a problem for the reasonable assessment of Irish Sea populations. A site-based foraging range approach resolves this.
- In the apportioning of sites we expect the use of all Isle of Man seabird colony data as a full ASSI assessment has not been completed and recognised key breeding sites have not been designated as ASSI/Ramsar/Emerald Sites at this stage, though major sites are protected as Manx National Heritage land and are covered by byelaws. We therefore expect that the impact assessed on seabird populations will be considered in relation to both designated key breeding sites and as yet undesignated key seabird breeding sites on the Isle of Man.

9.7.3.8

- We note the JNCC report on avoidance rates (Ozsanlav-Harris, L., Inger, R. & Sherley, B. 2023. Review of data used to calculate avoidance rates for collision risk modelling of seabirds. JNCC Report 732, JNCC, Peterborough, ISSN 0963-8091. the 'Review of data used to calculate avoidance rates for collision risk modelling of seabirds 2023' <https://hub.jncc.gov.uk/assets/de5903fe-81c5-4a37-a5bc-387cf704924d>). We will welcome a further consideration and a TAG group discussion of the most up to date and appropriate

rates to use, noting that consideration should be given to species-specific avoidance rates where there is good data to support it.

9.8 Scoping Document Questions

Question 9.1: Do you agree with the Study Area that has been identified for offshore ornithology?

- Yes.

Question 9.2: Do you agree that the baseline data sources identified are sufficient to adequately characterise the baseline?

- Note, since the original IoM Bird Atlas was published, a second full breeding bird survey of the island has been undertaken. This has enabled the publishing of IoM bird statuses in the *IoM Birds of Conservation Concern*, available from the Manx [BirdLife](#) website.
- The Isle of Man Seabird Census 2017-18 was undertaken as part of the wider Seabirds Count project of the Seabird Monitoring Programme (SMP). The latter has now been published (November 2023), covering Britain and Ireland, as the latest 15-yearly census, bringing together the survey work of the various regions. The Seabirds Count data (available from the SMP website – referenced in the scoping document as BTO 2023 - and summarised in the book just published) therefore provides the most up to date data on British and Irish populations.
- See also note re. 9.7.3.1.5 – we recommend that the best, up to date available evidence be utilised for comparison populations.

Question 9.3: Do you agree that all impacts/ effects that could arise from all stages of the Proposed Development have been identified within the Impacts Register (Annex 5.B)?

- Collision risk – we recommend adding Manx shearwater (see below).
- Displacement – we recommend adding the following species, which may show some vulnerability: Manx shearwater (perhaps more likely than collision, vulnerability low but high uncertainty). Gannet (vulnerable), kittiwake, fulmar (vulnerability low but high uncertainty).
- Barrier effects have been included, and the [Orsted](#) scoping consideration suggests no LSE. We will be interested to see the evidence to be brought forward at a later date to justify this position, but we are content to work on this basis at the present.
- Migrant collision risk has been omitted and therefore no migrant collision risk assessment has been proposed. This is a standard consideration in offshore wind farm EIA. We recognise, however, that this may well be unlikely to result in showing a significant effect for most species, and we note that no LSE has arisen for any migrant scenario in those assessments that we have reviewed for developments within the Irish Sea, though noting that many assumptions have to be made in such models, but we remain concerned that there are some specific species that could warrant such an assessment, specifically the migrant raptors, such as hen harrier and short-eared owl, which we think may be particularly vulnerable and which move between the IoM and British mainland. We therefore request this addition to the list of potential impacts and the consideration of a proportionate approach.
- Note, '[Offshore wind developments - collision and displacement in petrels and shearwaters: literature review 2022](#)' includes mitigation options for lighting. See Scottish Government (2022): <https://www.gov.scot/publications/review-inform-assessment-risk-collision-displacement-petrels-shearwaters-offshore-wind-developments-scotland/pages/7/>. Flashing white light has been recommended to protect migrant birds in the US.

Question 9.4: Do you agree on the suitability of the proposed commitments to reduce or eliminate LSE relevant to offshore ornithology?

- Consideration can also be given to turbine colour design (see references as follows) and lighting (see reference above). Achromatic wind turbines reduce bird strike risk, as more visible.
- <https://www.euronews.com/green/2023/03/01/stripy-wind-turbines-could-reduce-seabird-fatalities-say-avian-vision-experts>
- <https://www.sciencedirect.com/science/article/pii/S2351989423000215>
- Rotor base height could also receive further consideration (see comments on Manx shearwaters)

Question 9.5: Do you agree that the proposed approach to EIA is sufficiently set out to enable a robust assessment allowing likely significance to be ascertained?

- Standard approaches have been set out, but under the proportionate approach some matters are set aside for future consideration. We agree that there is appropriate information at this stage, subject to consideration of matters raised in this consultation, and noting that many matters will be raised for consideration by the technical advisory groups before a final detailed procedure can be ascertained and agreed between the interested parties.

Question 9.6: Do you agree with the proposed methodology for the CRM?

- Yes, with the exception of comments made above, in which we have raised a risk with regard to some migrants that have not been included in the scope, but that we feel might be at risk, and recommended adding Manx shearwater, and subject to comments on the comparison data to be used.

Question 9.7: Do you agree that Manx shearwater are not sensitive to either collision or displacement impacts?

- Though we accept that Manx shearwater is at a relatively low vulnerability in comparison with some notably affected species, there remains great uncertainty about the effects of offshore wind farms on this species and therefore it would be wise to include it in the assessment of these two potential impacts. We also ask whether further research followed the Walney extension discussions, to elucidate the movements of shearwaters in the Irish Sea.
- We note that with a large range and some large colonies, the likelihood of a 1% impact on regional population may be very low, but in apportioning the likely effects on colonies it should be noted that the nearest colonies are not large, and the closest one, on the Calf of Man, is in recovery and is of significant conservation interest, with a rat eradication project in its late stages. It is therefore the potential effects on specific colonies that is likely to be of most concern to us, rather than the wider population impact. This becomes of greater concern if there are aggregations within the study area, drawing foraging birds to specific areas or features (potentially affecting site design).
- We note that their flight height, though generally relatively low (flight heights mostly up to 20m above sea level in calm conditions) can rise in shearing in high wind conditions, but the data used for assessments has been gained in relatively calm conditions, therefore some new data may be necessary to extend our knowledge and model it realistically. There should therefore be a discussion of what will genuinely be useful in moving forward on this.

- See Scottish Government (2022) : <https://www.gov.scot/publications/review-inform-assessment-risk-collision-displacement-petrels-shearwaters-offshore-wind-developments-scotland/pages/7/>
- *'current flight height data for this species is based on aerial or vessel-based at-sea surveys, which can only take place during daylight and in relatively calm weather and may not be representative of the behaviour of Manx Shearwaters under all conditions'*.
- The data may therefore bias models towards lower risk, but better data would be necessary to verify realistic risk. We therefore consider it prudent and precautionary to include them in the assessment. Of course, if the minimum rotor level were raised, any risk would be further reduced for low-flying birds, a matter for commitment consideration.
- They are also liable to disorientation from lighting, which could massively increase strike risk due to circling (an issue separate from that assessed under the Band model), but we note that this has been scoped in on the Impacts Register.

Chapter 10 Benthic Subtidal and intertidal ecology

Noting that the basis for comments are informed by the following expected works;

'3.5.1.5 Prior to the installation of offshore infrastructure, seabed preparation may be required to level the seabed, remove obstacles, reinforce the ground, reduce scour or generally facilitate offshore installation. These activities will likely take place separately, such as boulder and debris clearance (including potential seabed excavation), pre-sweeping, Pre-Lay Grapple Run (PLGR) or Unexploded Ordnance (UXO) clearance. The scope for each will be defined following further site investigations of the site.'

10.2.2 Legislation

National Legislation

'Fisheries Act 2012 – this provides supervision and protection of inland and sea fisheries, and fosters the establishment and development of such fisheries.'

- It should be further noted that Section 5 (2) also includes the following;

'(2) In the exercise of its functions under this Act, the Department shall have regard to the need —

- (a) to preserve natural beauty and amenity;*
- (b) to conserve freshwater flora and fauna and the freshwater environment;*
- (c) to conserve marine flora and fauna and the marine environment;*
- (d) to conserve features of geological or geomorphological interest; and*
- (e) to protect buildings and other objects of architectural or historic interest, so far as those matters are capable of being affected by that exercise.'*

- As such, the remit and scope of the Act's consideration may extend to the environment that supports those fisheries.

'Water Pollution Act 1993 – this enshrines in law several international conventions that the Isle of Man is a signatory to: Oslo Paris Convention (OSPAR), London, Agreement on the Conservation of Small Cetaceans of the Baltic, North East Atlantic, Irish and North Seas (ASCOBANS) and CBD, all of which have priorities that aim to reduce marine pollution.'

- The inclusion of the OSPAR convention link to WPA 1993 is valid.

- While it is true that controlling marine pollution is **beneficial to the objectives of ASCOBANS and CBD**, WPA 1993 is **not specifically linked to those agreements**, at least to a much lesser extent and specificity than the Wildlife Act 1990 is, and which has not been specifically linked to those agreements in the text.
- Suggest clarification of the relative functions of each Act in respect of multilateral agreements, and **recommend removal of the specific link of ASCOBANS to the Water Pollution Act 1993**, see Schedule 3 of Water Pollution (Standards and Objectives) Scheme 2020: <https://www.gov.im/media/1374858/water-pollution-standards-and-objectives-scheme-2020.pdf>

10.2.3 Policy

National Policy

Isle of Man Strategic Plan 2016

- Noting that this document also contains a number of General and Environment Policies, in particular;
 - ***Environment Policy 4: Development will not be permitted which would adversely affect: (a) species and habitats of international importance: (i) protected species of international importance or their habitats; or (ii) proposed or designated Ramsar and Emerald Sites or other internationally important sites. (b) species and habitats of national importance: (i) protected species of national importance or their habitats; (1) Wildlife Sites are defined in Appendix 1 41 (ii) proposed or designated National Nature Reserves, or Areas of Special Scientific Interest; or (iii) Marine Nature Reserves;***
- See previous comments in relation to **Section 4: Site Selection & Consideration of Alternatives**, and the inclusion of Douglas Bay MNR as a potential cable route, but without reference to its designated status, or The Isle of Man Strategic plan policies.
- There appears to be a lack of connection or continuity in content and approach between these sections.

Managing our Natural Wealth – The Isle of Man Biodiversity Strategy 2015-2025

- It may be worth noting that this strategy is linked to the island's commitments under the Convention on Biological Diversity (CBD), and is the primary policy delivery document for this agreement (see comments on 10.2.2 above).

10.3.1.5 'The Study Area for benthic subtidal and intertidal ecology encompasses the area over which suspended sediment might disperse following disturbance as a result of activities associated with the Proposed Development'

- Suspended sediment dispersion does not seem like the most obvious criterion for defining the extent of benthic and subtidal ecology impacts? Should it not relate to the most widely dispersible potential output from the proposed development, or is this a standard industry method?
- Is it any suspended sediment, regardless of grain size?

Designated Sites

10.4.1.8 'Protected Sites Assessment (a strategy for which is presented within Transboundary Protected Sites Assessment Strategy and Screening (Annex 32.A))'

and;

10.4.1.10 'The MNRs will be assessed further as part of a Protected Sites Assessment (a strategy for which is presented within Transboundary Protected Sites Assessment Strategy and Screening (Annex 32.A))'

- The relevant designated sites appear to be accurately presented, but it seems odd to be considering the domestic protected sites within a transboundary assessment strategy.
- The priority for the Isle of Man Government in this process is the protection of its statutorily designated sites and, as such they warrant specific assessment, not part of the transboundary process.
- For example, UK waters windfarm EIA processes frequently include Manx MNRs in transboundary considerations, as appropriate; it therefore seems unusual and contradictory to find them being similarly included as transboundary for a Manx windfarm development under a Manx EIA process.
- Suggest reconsideration of this approach, and prioritisation/separation of Manx designated sites, which may also facilitate external consultation processes.

Table 10.1

- There is reference to National Biodiversity Network (NBN) biological records database in relation to ~~Seasearch~~, but no specific inclusion of it as a source. In addition, there is a Manx-specific version of NBN, which may provide more direct data: see [REDACTED]
- In relation to Marine Nature Reserves, other protected sites and benthic ecology there is further information available at;

MNR Designation features: <https://www.gov.im/media/1378920/designation-of-marine-nature-reserves-guidance-note.pdf>

Bangor University Reports:

[REDACTED]
See 2022: several Benthic Habitat reports for MNRs within the study area.

- Douglas Bay MNR: <http://sustainable-fisheries-iom.bangor.ac.uk/documents/government-reports/closed-areas/2022/FinalDouglasMNR.pdf>
- Laxey Bay MNR: <http://sustainable-fisheries-iom.bangor.ac.uk/documents/government-reports/closed-areas/2022/FinalLaxeyMNR.pdf>
- Ramsey Bay MNR: <http://sustainable-fisheries-iom.bangor.ac.uk/documents/government-reports/closed-areas/2022/FinalRamseyMNR.pdf>

In addition: the East Douglas Experimental Research Area which is within the Study Area

- Baseline: http://sustainable-fisheries-iom.bangor.ac.uk/documents/government-reports/closed-areas/2018/EDGERABaseline%20Report_Final.pdf
- 3 year report: http://sustainable-fisheries-iom.bangor.ac.uk/documents/government-reports/closed-areas/2020/EDGERAREport_Final.pdf

- o 5 year report: [REDACTED]

Isle of Man territorial sea benthic habitat survey:

- [REDACTED]

and for further analysis of these data:

- [REDACTED]

Point of Ayra horse mussel bed sonar survey: [REDACTED]

Various Bangor University theses related to benthic ecology: [REDACTED]

10.4.3 Summary of key receptors

10.4.3.4 'The key benthic subtidal and intertidal ecology receptors within the benthic subtidal and intertidal ecology Study Area are identified in Table 10.2 below.'

Table 10.2: Summary of Key Receptors.

- The biotope list is not comprehensive.
- The key receptors should include all of the habitat types (classified biotopes) and designation features for designated or protected sites identified in the various sources noted above, in particular;
- MNR Designation features: <https://www.gov.im/media/1378920/designation-of-marine-nature-reserves-guidance-note.pdf>
- Douglas Bay MNR: <http://sustainable-fisheries-iom.bangor.ac.uk/documents/government-reports/closed-areas/2022/FinalDouglasMNR.pdf>
- Laxey Bay MNR: <http://sustainable-fisheries-iom.bangor.ac.uk/documents/government-reports/closed-areas/2022/FinalLaxeyMNR.pdf>
- Ramsey Bay MNR: <http://sustainable-fisheries-iom.bangor.ac.uk/documents/government-reports/closed-areas/2022/FinalRamseyMNR.pdf>
- East Douglas ERA:
 - o Baseline: http://sustainable-fisheries-iom.bangor.ac.uk/documents/government-reports/closed-areas/2018/EDGERABaseline%20Report_Final.pdf
 - o 3 year report: http://sustainable-fisheries-iom.bangor.ac.uk/documents/government-reports/closed-areas/2020/EDGERARReport_Final.pdf
 - o 5 year report: http://sustainable-fisheries-iom.bangor.ac.uk/documents/government-reports/closed-areas/2022/EDGERARReport_20172021_Final.pdf

10.5 Identification of impacts and effects

Table 10.3: Relevant commitments to Subtidal and Intertidal Ecology

As also noted at Chapter 4: Site Selection & Consideration of Alternatives

Proposed New Commitment relevant to S&IE

ID	Measure Proposed	Rationale
Co XX	Designated protected sites will be avoided by the careful routing of the offshore and onshore infrastructure around sensitive locations.	To avoid impacts to environmental/ecological assets of high significance.

Annex 5B

Moor Vannin Impacts Register

Proposed New Impact:

- Given the inclusion of a statutorily-protected Marine Nature Reserve within the Offshore Electrical Connection Search Area the Impacts Register should specifically include the temporary/long-term or permanent damage or loss of seabed habitat or species within protected sites.
- This should be appropriately included within the Assessment Methodology/
- For example;

Consent	ID	Project Element	Original Project Phase	Project Activity and Impact
MIC	BE-XX	All offshore	Construction, Operation and <u>Decommissioning</u>	Temporary/long-term or permanent damage or loss of seabed habitat or species within protected sites

- **Noted:** *'Disturbance due to Electro-Magnetic Fields caused by subsea cables. No LSE (further evidence to be provided).'*

10.8 Questions to Consultees

Question 10.1: Do you agree with the Study Area that has been identified for benthic subtidal and intertidal ecology?

- NO. Due to proximity, sensitivity and importance the study area should include the entire Ramsey Bay Marine Nature Reserve. The MNR was established as a zoned and ecologically interconnected area, and the current Study Area includes only a portion, which appears arbitrary.

Question 10.2: Do you agree that the baseline data sources identified are sufficient to adequately characterise the baseline?

- No. See comments above.

Question 10.3: Do you agree that all impacts/ effects that could arise from all stages of the Proposed Development have been identified within the Impacts Register (Annex 5.B)?

- No. See comments above.

Question 20.1: Do you agree with the Study Area that has been identified for land use and ground conditions?;

It is unclear why there is a difference in the size of area indicated within the land use and study areas.

Question 20.2: Do you agree that the baseline data sources identified are sufficient to adequately characterise the baseline? •

From an agricultural land use perspective, broadly – good agricultural land, despite its classification is still highly productive land when managed under the correct conditions. Land classed as grade 1 or 2 is of more importance to the Island due to its low abundance. Grade 3 and grade 4 land is more commonly found, but under the correct conditions can be productive grassland. The loss or any potential impact on the ability of the land to be farmed correctly can be significant for the business which is reliant upon that parcel of land. The impact to land should not be dismissed as being unimportant merely based on its soil classification.

Question 20.3: Do you agree that all impacts/effects that could arise from all stages of the Proposed Development have been identified within the Impacts Register (Annex 5.B)?;

From a land use perspective, an Environmental Impact Assessment should identify any issues associated with works, where impacted land is not classified and falls within the "Urban" areas, it is recommended that any affected land is assessed for land use capability to ensure it is not a soil class 1 or 2. Couldn't find annex 5B!?

Question 20.4: Do you agree on the suitability of the proposed commitments to reduce or eliminate LSE relevant to land use and ground conditions?;

Any EIA should recognise all impacts associated with the land and not limited to the items identified on the impacts register. Any disturbance to agricultural land should be minimised and where possible restored back to its original condition. The restoration may need to be monitored over a number of years to ensure that the land does return back to its original condition. Drainage potential along with fertility and soil structure would be key here.

Question 20.5: Do you agree that the proposed approach to EIA is sufficiently set out to enable a robust assessment allowing likely significance to be ascertained?;

Question for Biodiversity team.

Question 20.6: Do you agree that all relevant legislation, policy and guidance has been identified for the land use and ground conditions assessment, or are there any additional documents that should be considered?; and

Impact of any agricultural schemes including the Agricultural Development Scheme and the Agri-Environment Scheme may need to be considered should there be an impact on agricultural land.

Question 20.7: Can the consultees advise on any specific sources of contamination of concern to them within the Study Area?

Question 10.4: Do you agree on the suitability of the proposed commitments to reduce or eliminate LSE relevant to benthic subtidal and intertidal ecology?

- No. See comments above.

Question 10.5: Do you agree that the proposed approach to EIA is sufficiently set out to enable a robust assessment allowing likely significance to be ascertained?

- No. See comments above.

Chapter 11 Marine Mammals and Megafauna

11 Marine Mammals

11.1 Introduction

11.1.1.1 *'This Chapter of the Scoping Report identifies the potential impacts of relevance to marine mammals and megafauna*

- If it includes megafauna why not include that in the Chapter title? There is no requirement to follow the standard windfarm chapter headings, and accuracy in the title would facilitate consultation and engagement from the appropriate stakeholders.
- A further example of inaccuracy and confusion arising occurs at 11.1.1.2 *'...Other megafauna considered include sea turtles, however for ease of reading, this Chapter refers to 'marine mammals' hereafter.'*
- Also, Table 1.1 (Chapter 1) lists the topic as 'Marine Mammals and Megafauna'.

11.2.2 Legislation

National legislation

- Noting that cetaceans and pinnipeds are also designation features of various MNR designations. See: <https://www.gov.im/media/1378920/designation-of-marine-nature-reserves-guidance-note.pdf>
- This has been acknowledged subsequently at 11.4.1.8, but should also be at this earlier section.

International legislation and agreements

- As understood, all multilateral agreements are extended to the Isle of Man via the UK, which is the party signatory.
- This is reflected in the Bern Convention and OSPAR entries, but not in the Bonn convention entry. For consistency please check and amend appropriately.
- It should be noted in this section, as it has been elsewhere in the report, that IoM is also signatory (via extension from the UK) to ASCOBANS (Agreement on the Conservation of Small Cetaceans of the Baltic, North East Atlantic, Irish and North Seas) under the auspices of the Bonn Convention (CMS). Its stated aims are to achieve favourable conservation status for small cetaceans (whales and dolphins) via habitat conservation and management, research and data collection. As such, inclusion is indicated here.
- Noting inclusion of the EU Directive 2008/56/EC – Marine Strategy Framework Directive. While relevant, especially for Transboundary considerations, it should be specifically acknowledged in this section that the Directive does not apply to the Isle of Man, nor has it ever. The Isle of Man is not, nor has been an EU Member state, and the Directive has not

been adopted by other means. As such, there is no directly supporting legislation for this directive.

- This also applies to other EU directives.

11.2.3 Policy

National policy

The Isle of Man's First Biodiversity Strategy 2015-2025

- As noted elsewhere, this strategy is linked to the island's commitments under the Convention on Biological Diversity, and is the primary policy delivery document for this agreement. As such is links with the previous International Agreements section.
- Noting reference to The Isle of Man Strategic Plan 2016, and specifically Environment Policy 4: '... sets out that development will not be permitted which would adversely affect species and habitats of local, national or international importance.'
- The Policy in full states;
 - **Environment Policy 4: Development will not be permitted which would adversely affect:** (a) species and habitats of international importance: (i) protected species of international importance or their habitats; or (ii) proposed or designated Ramsar and Emerald Sites or other internationally important sites. (b) species and habitats of national importance: (i) protected species of national importance or their habitats; (1) Wildlife Sites are defined in Appendix 1 41 (ii) proposed or designated National Nature Reserves, or Areas of Special Scientific Interest; or (iii) Marine Nature Reserves;
- As such, see also the previous comments in relation to **Section 4: Site Selection & Consideration of Alternatives**, and the inclusion of Douglas Bay MNR as a potential cable route.

11.2.4 Guidance

International guidance

- Noting 'Guidance on the Offence of Harassment at Seal Haul-out Sites (Marine Scotland, 2014) - Section 117 of Marine Scotland Act 2010 makes it an offence to intentionally harass seals at haul-out sites in Scotland.'
 - This is relevant, and specifically because the Wildlife Act 1990 Section 9: 4 and 4A, also make such actions an offence under Manx law, which may be worth including.

11.3 Study Area

11.3.1.4

- Why does the proposed site-specific study area not also include the Offshore Electrical Connection Search Area + 4km buffer? Many of the marine mammal impacts may be relevant for this phase of the development. It appears to have done so in Chapter 12.
- It may be useful to show an 'indicative ZoI' (based on experience), since the current SSSA shown in Figure 11.1 is clearly inadequate in consideration of underwater noise. As such, indication of a more realistic area, however provisional, might allay concerns. Again, it appears to have been done in Chapter 12.

11.4 Baseline

Cetaceans

11.4.1.5

- Is the Howe (2018a) reference correct for this section? It relates to Subtidal ecology.

- However, recommend reference to and confirmation with Manx Whale and Dolphin Watch in relation to baseline data for Manx waters, noting that the cetacean chapter of the MMEA was only a partial update in 2018, and therefore is more likely to be out of date.
 - Howe, V. L. (2018b), 'Marine Mammals-Cetaceans' In Tom Felce, Eleanor Stone, Laura Hanley, Fiona Gell Manx Marine Environmental Assessment (1.1 Edition - partial update). <https://www.gov.im/media/1363399/ch-34a-cetaceans.pdf> [Accessed: August 2023]

Seals

11.4.1.6

- The reference to seals shouldn't be Howe, V. L. (2018b) as this only relates to cetaceans. The MMEA seal chapter is different:
- Howe, V.L. 2018. Marine Mammals-Seals. In: Manx Marine Environmental Assessment (2nd Ed). Isle of Man Government. pp. 21. <https://www.gov.im/media/1363400/ch-34b-seals.pdf>

11.4.2 Data Sources

Table 11.1: Baseline data sources

- See comment above.
- Also it should be Howe2018b, not 2018a
- Cetaceans in Manx Waters in 2021 – Manx Whale and Dolphin Watch (should be Manley, 2021)
- Marine Mammals - Seals. In: Manx Marine Environmental Assessment (2nd edition) (Howe, 2018b) – should be a new reference = Howe 2018c, not 2018b.
- Noting: 'British & Irish Marine Turtle Strandings & Sightings Annual Report 2020 (Penrose and Westfield, 2023). There is a 2021 report available now. contact;
 - Rod Penrose,
British & Irish 'TURTLE' Database Manager.
Tel: [REDACTED]
International: +44 [REDACTED]
Email [REDACTED]
- Noting: 'Sea Turtles in Manx Waters. In: Manx Marine Environmental Assessment (2nd Ed) (Howe, 2018c)', doesn't appear in the reference list and the potential conflict with the MMEA Seals chapter noted above, which would be Howe 2018c (see point 4).

11.5.2 Commitments

Table 11.2: Relevant commitments to marine mammals.

- Noting acknowledgement of the role of MNRs in relation to marine mammal protection at sections 11.4.1.8 and 11.4.1.9, and the potential proposal to route the offshore cable through Douglas Bay MNR (see Section 4), the previously proposed New Commitment is also relevant to marine mammals.

Proposed New Commitment relevant to Marine Mammals

ID	Measure Proposed	Rationale
Co XX	Designated protected sites will be avoided by the careful routing of the offshore and onshore infrastructure around sensitive locations.	To avoid impacts to environmental/ecological assets of high significance.

Co16 Application for Protected Species Licences to be made to DEFA in respect of works affecting protected species under the Wildlife Act 1990.

- For clarity, perhaps refer to these as Wildlife Act licences, as there is no specific Protected Species Licence.

11.7 Post-scoping

11.7.1.4

Proposed New Impact:

- As noted previously for other receptors; given the inclusion of a statutorily-protected Marine Nature Reserve within the Offshore Electrical Connection Search Area, which includes two cetacean species as designation features, the Impacts Register should specifically include the temporary/long-term or permanent damage or loss of seabed habitat or species (including marine mammals) within protected sites.
- This should be appropriately included within the Assessment Methodology.
- For example;

Consent	ID	Project Element	Original Project Phase	Project Activity and Impact
MIC	MM-XX	All offshore	Construction, Operation and Decommissioning	Temporary/long-term or permanent damage or loss of seabed habitat or species within protected sites

- The following potential impacts are Noted

MIC	MM-05	All offshore	Operation	Disturbance due to operational WTG noise.		N/A as no LSE.	Tertiary Co7	No LSE	Further evidence to be provided via the Evidence Plan process.
				Disturbance due to Electro-Magnetic Fields generated by subsea cables.		N/A as no LSE.	Primary Co3	No LSE	Further evidence to be provided via the Evidence Plan process.

11.8 Questions to Consultees

Question 11.1: Do you agree with the Study Area that has been identified for marine mammals?

- No. See comments above in relation to Offshore Electrical Connection Search Area and ZoJ for underwater noise. This issue is better presented in the Fish and Shellfish Ecology chapter, Section 12.3 (Study Area).

Question 11.2: Do you agree that the baseline data sources identified are sufficient to adequately characterise the baseline?

- See comments above

Question 11.3: Do you agree that all impacts/ effects that could arise from all stages of the Proposed Development have been identified within the Impacts Register (Annex 5.B)?

- No. see comments above in relation to statutorily-designated protected sites.

Question 11.4: Do you agree on the suitability of the proposed commitments to reduce or eliminate LSE relevant to marine mammals?

- No. See comments on the inclusion of statutorily-designated sites in the commitments register, or the avoidance of them for routing and infrastructure.

Question 11.5: Do you agree that the proposed approach to EIA is sufficiently set out to enable a robust assessment allowing likely significance to be ascertained?

- Don't know.

Question 11.6: Do you agree that all key marine mammal + megafauna species to be scoped into the assessment have been identified?

- Yes

Questions 11.7: Do you agree with the approach of defining two types of Study Areas (i.e. Marine Mammal Study Area, and the species-specific Regional Study Areas), as a more comprehensive way to characterise the baseline condition and assess potential impacts of activities associated with the Proposed Development? If the answer is no, please provide alternative way(s) for better definition of Study Area(s)

- Yes, once the two areas have been appropriately defined. As yet they are not.

Question 11.8: When are the Biodiversity Action Plans (BAPs) due to be published for harbour and grey seal?

- Seal BAPS are near finalised and will be published online shortly.
- All published BAPs are available here: <https://www.gov.im/about-the-government/departments/environment-food-and-agriculture/environment-directorate/ecosystem-policy-team/wildlife-biodiversity-and-protected-sites/biodiversity-strategy-and-delivery-plan/>

Chapter 12 Fish and Shellfish Ecology

- **General:** this chapter has a number of minor and larger errors and omissions. It does not seem to have been done to the same standard or clarity as other chapters. As such it appears to require significant review and revision.
- Noting the various activities proposed for the development that have the potential to impact on fish and shellfish receptors, for example;

'3.5.1.5 Prior to the installation of offshore infrastructure, seabed preparation may be required to level the seabed, remove obstacles, reinforce the ground, reduce scour or generally facilitate offshore installation. These activities will likely take place separately, such as boulder and debris clearance (including potential seabed excavation), pre-sweeping, Pre-Lay Grapple Run (PLGR) or Unexploded Ordnance (UXO) clearance. The scope for each will be defined following further site investigations of the site.'

'3.5.2 Offshore Pre-Construction Activities

'3.5.2.4 Pre-construction activities include pre-construction surveys and seabed preparation activities that are required prior to installation of infrastructure, the scopes of which are outlined in Table 3.4 below.'

'Table 3.4: Maximum Design Scenario: Pre-Construction Activities'

- Then the receptor species list needs to be appropriately inclusive, reflecting both biodiversity and commercial interests in the study area. This is particularly relevant in the comments made for 12.4 Baseline below.

12.2.2 Legislation

National legislation

Wildlife Act 1990: ... *'It also establishes the legal protection of Areas of Special Scientific Interest (ASSI) and National Nature Reserves (NNR), as well as other site designations.'*

- It seems an obvious omission, given the nature of the development proposal, not to specifically include that the Act also establishes the legal protection of Marine Nature Reserves, and as previously acknowledged in equivalent sections, e.g. 11.2.2. Please amend accordingly for consistency and relevance.

'Fisheries Act 2012 – this provides supervision and protection of inland and sea fisheries, and fosters the establishment and development of such fisheries;'

- It should be further noted that Section 5 (2) also includes the following;

'(2) In the exercise of its functions under this Act, the Department shall have regard to the need —

- (a) to preserve natural beauty and amenity;*
- (b) to conserve freshwater flora and fauna and the freshwater environment;*
- (c) to conserve marine flora and fauna and the marine environment;*
- (d) to conserve features of geological or geomorphological interest; and*
- (e) to protect buildings and other objects of architectural or historic interest, so far as those matters are capable of being affected by that exercise.'*

- As such, the remit and scope of the Act's consideration may extend to the environment that supports those fisheries.
- As also noted similarly for Chapter 10 (Benthic and sub-tidal Ecology);

'Water Pollution Act 1993 – this enshrines in law several international conventions that the Isle of Man is a signatory to: Oslo Paris Convention (OSPAR), London, Agreement on the Conservation of Small Cetaceans of the Baltic, North East Atlantic, Irish and North Seas (ASCOBANS) and CBD, all of which have priorities that aim to reduce marine pollution.'

- The inclusion of the OSPAR convention link to WPA 1993 is valid.
- While it is true that controlling marine pollution is beneficial to the objectives of ASCOBANS and CBD, WPA 1993 is **not specifically linked to those agreements**, at least to a much lesser extent and specificity than the Wildlife Act 1990 is, and which has not been specifically linked to those agreements in the text.
- Suggest clarification of the relative functions of each Act in respect of multilateral agreements, and **recommend removal of the specific link of ASCOBANS to the Water Pollution Act 1993**, see Schedule 3 of Water Pollution (Standards and Objectives) Scheme 2020: <https://www.gov.im/media/1374858/water-pollution-standards-and-objectives-scheme-2020.pdf>

12.2.3 Policy

National Policy

As similarly noted for the equivalent section in 10.2.3 (Policy)

Isle of Man Strategic Plan 2016

- Noting that this document also contains a number of General and Environment Policies, in particular;
 - **Environment Policy 4: Development will not be permitted which would adversely affect:** (a) species and habitats of international importance: (i) protected species of international importance or their habitats; or (ii) proposed or designated ~~Ramsar~~ and Emerald Sites or other internationally important sites. (b) species and habitats of national importance: (i) protected species of national importance or their habitats; (1) Wildlife Sites are defined in Appendix 1 41 (ii) proposed or designated National Nature Reserves, or Areas of Special Scientific Interest; or (iii) Marine Nature Reserves;
- See previous comments in relation to **Section 4: Site Selection & Consideration of Alternatives**, and the inclusion of Douglas Bay MNR as a potential cable route, but without reference to its designated status, or The Isle of Man Strategic plan policies.
- There appears to be a lack of connection or continuity in content and approach between these sections.

Managing our Natural Wealth – The Isle of Man Biodiversity Strategy 2015-2025

- It may be worth noting that this strategy is linked to the island's commitments under the Convention on Biological Diversity, and is the primary policy delivery document for this agreement (see comments on 10.2.2 above).
- In addition, Isle of Man Fisheries policy may be relevant for this receptor:
- **General link to Fisheries Legislation and Policy**

<https://www.gov.im/about-the-government/departments/environment-food-and-agriculture/environment-directorate/fisheries/sea-fisheries/legislation-policy-guidance/#accordion>

Fisheries Policy

- Although under revision, the 'Future Fisheries: A 5-year strategy for the sustainable development of the Isle of Man's sea fisheries and marine environment 2016-2021' remains operationally valid;
<https://www.gov.im/about-the-government/departments/environment-food-and-agriculture/environment-directorate/fisheries/sea-fisheries/future-fisheries-strategy/>

Similarly, of relevance to this receptor may be;

- Long Term Management Plan for scallops: <https://www.gov.im/media/1376550/ltmp-10-260522.pdf>
- Management Plan For The 0-3 M Zone of The Manx Territorial Sea: <https://www.gov.im/media/1378919/gd-2019-0098-isle-of-man-0-3-m-management-plan.pdf>
- Crab and lobster: <https://www.gov.im/media/1373823/crab-and-lobster-latency-sf-02-2021.pdf>
- Whelk: <https://www.gov.im/media/1358246/whelk-policy-sf022017-v2-220618.pdf>

12.3 Study Area

- In general this section is better presented here than the equivalent in Chapter 11 Marine Mammals. Please note respective comments and consider as appropriate.
- 1.2.3.1.6: As noted in Chapter 10 (Benthic Subtidal and Intertidal Ecology) the secondary level impacts study area should include the whole of Ramsey Bay MNR, due to proximity, sensitivity and importance. The MRN was established as a zoned and ecologically interconnected area, and the current Study Area includes only a portion, which appears arbitrary.

12.4 Baseline

Fish and shellfish assemblages

- While usefully indicative, a notable absentee from the baseline data sources is *Pecten maximus* (great scallop). Subsequently noting inclusion at 12.4.3.4 in the key receptor species, it seems odd that there is no mention of it earlier, or in the baseline data sources.
- While its inclusion is warranted, due to its significant importance, it's not clear how the baseline data has been used to determine the receptor species.

12.4.1.6 - 8

- velvet crab (*Necora puber*) should be *Necora puber*
- Inconsistent mix of scientific names and common names.

12.4.1.10 - 12

- *Trisopterus luscus* is pouting, poor cod is *Trisopterus minutus*, Cod is *Gadus morhua*.
- Herring is *Clupea harengus*
- Haddock is *Melanogrammus aeglefinus*
- Recommend: B.J. Muus & P. Dahlstrom (1982). Collins Guide to the Sea Fishes of Britain and Northwestern Europe, for basic species information, including spelling.

12.4.1.12 Key spawning grounds

- Figures 12.2 and 12.3: Check with AFBI as to whether the Coull *et al.* 1998 is still the current understanding of herring spawning and nursery grounds.
- *Nephrops* spawning grounds are not accurate/undetermined. The habitat and spawning grounds are well established and relate to specific benthic substrates. ICES functional units FU 14 and 15 are relevant in this context – see also surveys by AFBI, Marine Institute etc.

12.4.1.14 :

- Iceland clam (*Arctica islandica*) – should be *Arctica*
- spiny scallop (*Chlamys hastata*) – not *hastata*, should be *Mimachlamys varia*

12.4.2 Data sources

Table 12.1

- Noting inclusion of : Northern Ireland Ground Fish Survey (NIGFS) (ICES, 2005-2018)
- Please contact AFBI directly and ensure that all relevant AFBI surveys are included in the baseline, for example, herring larval, acoustic, *Nephrops* etc.
- Also noting:

International herring larvae survey (IHLS)	Time-series trawl data on herring distribution used to characterise the	Broadscale coverage that includes the entire Study Area
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	herring populations throughout the North Sea and English Channel.	
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- If the survey covers populations in the North Sea and English Channel, then it doesn't include the entire study area (which is in the Irish Sea) – please clarify.
- There are notable omissions in data sources relevant to this chapter:
- Bangor University - numerous reports and data sources related to scallops, whelk, and other Manx commercial species;
 - [REDACTED]
 - Notably: [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
 - [Report of the Manx Society 2007/11](#) (see also [Manx Society 2007/11](#))
 - See also the following for further information and context;
 - [REDACTED]
 - [REDACTED]
- Suggest that the applicant contacts the Bangor University IoM fisheries group and discussed requirements and access to data sources.

12.4.3 Summary of key receptors

12.4.3.4

- This list requires significant reassessment and prioritisation.
- Noting the absence of several important commercial species know to occur in the area, but the inclusion of freshwater pearl mussels, for a marine offshore windfarm development?
- There's a strong expectation of linkage with the Commercial Fisheries chapter, but several species are notably absent from the FSE chapter, for example;
 - whelk, *Buccinum undatum*
 - brown crab, *Cancer pagurus*
 - lobster, *Homarus gammarus*
 - There are important plaice (*Pleuronectes platessa*) nursery areas on the shallow sandbanks to the east of the development site (AFL)
- The designation feature species for the noted Manx designated sites- surely all should be included as potential receptors?
- Specifically ALL of the receptor species for the UK SAC have been included, regardless of how tenuous the link with the development (e.g. 3 coastal/freshwater species in NW England); whereas the following designation feature species of the Manx MNRs are noted in the text but **only one** (Atlantic salmon) is included in the receptor species list;
 - Atlantic salmon (*Salmo salar*),
 - Iceland clam (*Arctica islandica*) (sic)
 - masked crab (*Corystes cassivelaunus*),
 - sea trout (*Salmo trutta trutta*),
 - European eel (*Anguilla anguilla*),
 - spiny scallop (*Chlamys hastata*) (sic)
 - basking shark (*Cetorhinus maximus*)
 - dog whelk (*Nucella lapillus*) and
 - blue mussel (*Mytilus edulis*).

- This development is in Manx waters not UK waters – how can it reasonably exclude Manx-relevant species?
- Where/what is the prioritisation/assessment process?
- The following sections are taken directly from the chapter, and acknowledge both presence and relative levels of importance for various species in the area. However, those species highlighted (**bold**) **are not subsequently included** as receptor species, and there is no assessment/ selection methodology presented to explain this.

*'Assemblages identified across the various OWF surveys were largely comparable, with assemblages largely consisting of plaice, dab, dragonet, whiting, grey gurnard (*Eutrigla gurnardus*), sprat, herring, tub gurnard (*Trigla lucerna*) and poor cod.'*

*'Of the shellfish identified during the existing OWF surveys, the surveys recorded compositions predominantly composed of Nephrops, queen scallop, common whelk (*Buccinum undatum*), edible crab (*Cancer pagurus*), velvet crab (*Necora puber*)(sic), brown shrimp (*Crangon crangon*), octopus (*Eledone cirrhosa*) and mussels (*Mytilus edulis*).'*

*'Northern Irish Groundfish Surveys (NIGFS) conducted in 2022, within the surrounding areas of the Isle of Man recorded over 50 fish and shellfish species, with the most abundant species being whiting, followed by herring, plaice, small spotted dogfish (*Scylliorhinus canicula*) and mackerel. Other frequently identified species included; sprat, poor cod (*Trisopterus minutus*), Nephrops, dab (*Limanda limanda*), dragonet (*Callionymus lyra*) and queen scallop (*Aequipecten opercularis*). Notable species recorded also included: broadnose skate (*Bathyraja brachyuraps*), rough skate (*Leucoraja naevus*), thornback ray (*Raja clavata*) and spotted ray.'*

'12.4.1.8 The 2020 and 2021 NIGFS both predominantly identified small spotted dogfish during the surveys. Similarly, during both years, species recorded were most consistently followed by; plaice, whiting, herring, thornback ray, sprat and queen scallop. These findings are comparable to the recordings from 2022.'

*'High intensity spawning grounds for plaice (*Pleuronectes platessa*), cod (*Trisopterus luscus*)(sic), sandeel (*Ammodytes marinus*) and sole (*Solea solea*) overlap with the Study Area. Low intensity spawning grounds for whiting (*Merlangius merlangus*), ling (*Molva molva*), hake (*Merluccius merluccius*), mackerel (*Scomber scombrus*) and horse mackerel (*Trachurus trachurus*) also overlap with the Study Area. A discrete, historic spawning ground for herring (*Herrangus herrangus*) is also located within the Study Area (Figure 12.2; with spawning occurring between August and September), as well as spawning grounds for sprat (*Sprattus sprattus*), nephrops (*Nephrops norvegicus*) and lemon sole (*Microsomus kitt*) (Çoull et al., 1998). With the exception of herring and lemon sole, the species with spawning grounds.'*

*'High intensity nursery grounds for spurdog (*Squalus acanthias*)(Note: which has recently opened up for limited commercial fishing again, including by Manx vessels), herring, whiting, cod and sole overlap with the Study Area (Figure 12.3).'*

*Topeshark (*Galeorhinus galeus*), spotted ray (*Raja montagui*), anglerfish (*Lophiiformes*) and sand eel all have low intensity nursery grounds that overlap with the Study Area (Ellis et al., 2010). Nursery grounds for haddock (*Merlanogrammus aeglefinus*), lemon sole and nephrops are also present within the Study Area (Çoull et al., 1998).'*

- So why are these not included as receptor species, or their exclusion explained/justified?
- This appears to be a significant limitation of this Chapter and requires review and revision.

12.5.2 Commitments

Table 12.2: Relevant commitments to Fish and Shellfish Ecology.

- Noting the role of MNRs in relation to fish and shellfish protection, and the potential proposal to route the offshore cable through Douglas Bay MNR (see Section 4), the previously proposed New Commitment is also relevant to Fish and Shellfish Ecology.

Proposed New Commitment relevant to Fish and Shellfish Ecology

ID	Measure Proposed	Rationale
Co XX	Designated protected sites will be avoided by the careful routing of the offshore and onshore infrastructure around sensitive locations.	To avoid impacts to environmental/ecological assets of high significance.

12.7 Post-scoping

12.7.1.4

Proposed New Impact:

- As noted previously for other receptors; given the inclusion of a statutorily-protected Marine Nature Reserve within the Offshore Electrical Connection Search Area, which includes fish/mollusc species as designation features, the Impacts Register should specifically include the temporary/long-term or permanent damage or loss of seabed habitat or species (fish and shellfish) within protected sites.
- This should be appropriately included within the Assessment Methodology.
- For example;

Consent	ID	Project Element	Original Project Phase	Project Activity and Impact
MIC	FS-XX	All offshore	Construction, Operation and Decommissioning	Temporary/long-term or permanent damage or loss of seabed habitat or species within protected sites

- Given the potentially significant limitations in the receptor species list for this chapter, and for example, the following;

'12.7.3.10 Species sensitivities will be derived based on the importance of the Study Area to specific periods of vulnerability within a species life history taking into account the following;

- o *Spawning grounds;*
- o *Nursery grounds;*
- o *Feeding grounds; and*
- o *Migration routes '*

- And the omitted species that would appear relevant, the Impact Register may be expected to change to reflect species additions.
- The following IMPACTS Register are noted as NLSE, pending further evidence and discussion.

MIC	FS-09	All offshore	Operation	Effects of underwater noise from operational WTGs.	No LSE	Further evidence to be provided via the Evidence Plan process.
MIC	FS-11	All offshore	Operation	Disturbance due to Electro-Magnetic Fields from subsea cables.	No LSE	Further evidence to be provided via the Evidence Plan process.

12.8 Questions to Consultees

Question 12.1: Do you agree with the Study Area that has been identified for fish and shellfish ecology?

- No. see comments above.

Question 12.2: Do you agree that the baseline data sources identified are sufficient to adequately characterise the baseline?

- No. see comments above.

• Question 12.3: Do you agree that all impacts/ effects that could arise from all stages of the Proposed Development have been identified within the Impacts Register (Annex 5.B)?

- No. see comments above. And particularly not, given the limited number of receptor species included.

Question 12.4: Do you agree on the suitability of the proposed commitments to reduce or eliminate LSE relevant to fish and shellfish ecology?

- Not yet.

Question 12.5: Do you agree that the proposed approach to EIA is sufficiently set out to enable a robust assessment allowing likely significance to be ascertained?

- No. The process by which receptor species for this Chapter have been determined is unclear, and may therefore be limiting in scope. As such, the process (as part of the overall EIA process) is not sufficiently set out.

Chapter 13 Commercial Fisheries

- Noting the various activities proposed for the development that have the potential to impact on Commercial Fisheries, for example;

'3.5.1.5 Prior to the installation of offshore infrastructure, seabed preparation may be required to level the seabed, remove obstacles, reinforce the ground, reduce scour or generally facilitate offshore installation. These activities will likely take place separately, such as boulder and debris clearance (including potential seabed excavation), pre-sweeping, Pre-Lay Grapple Run (PLGR) or Unexploded Ordnance (UXO) clearance. The scope for each will be defined following further site investigations of the site.'

3.5.2 Offshore Pre-Construction Activities

3.5.2.4 'Pre-construction activities include pre-construction surveys and seabed preparation activities that are required prior to installation of infrastructure, the scopes of which are outlined in Table 3.4 below.'

and

Table 3.4: Maximum Design Scenario: Pre-Construction Activities'

- The following comments are provided;

13.1.1.3

- As noted for Chapter 12, Fish and Shellfish Ecology, the linkages between Chapter 12 and 13 need to be strengthened and more explicit, to ensure/demonstrate that adequate consideration has been made.

13.2.2 Legislation

National legislation

- As noted elsewhere, the Fisheries Act 2012 Section 5 (2) also includes the following;

'(2) In the exercise of its functions under this Act, the Department shall have regard to the need —

- (a) to preserve natural beauty and amenity;*
- (b) to conserve freshwater flora and fauna and the freshwater environment;*
- (c) to conserve marine flora and fauna and the marine environment;*
- (d) to conserve features of geological or geomorphological interest; and*
- (e) to protect buildings and other objects of architectural or historic interest, so far as those matters are capable of being affected by that exercise.'*

- As such, the remit and scope of the Act's consideration may extend to the environment that supports those fisheries.

13.2.3 Policy

National policy

- All DEFA Fisheries Division policies can be found here: <https://www.gov.im/about-the-government/departments/environment-food-and-agriculture/environment-directorate/fisheries/sea-fisheries/legislation-policy-guidance/#accordion>

- Recognising that the Isle of Man Fisheries Statement (DEFA, 2023) represents the most current policy, it is not yet formally adopted. As such, it should also be read in conjunction with the 'Future Fisheries: A 5-year strategy for the sustainable development of the Isle of Man's sea fisheries and marine environment 2016-2021' which provides more detail and context for current policy, including the Fisheries Statement.
- <https://www.gov.im/about-the-government/departments/environment-food-and-agriculture/environment-directorate/fisheries/sea-fisheries/future-fisheries-strategy/>

Similarly, of relevance may be;

- Management Plan For The 0-3 M Zone of The Manx Territorial Sea:
<https://www.gov.im/media/1378919/gd-2019-0098-isle-of-man-0-3-m-management-plan.pdf>

13.3 Study Area

13.3.1.4

- Noting the underlying reasonableness of the proposed extent of the local study area, the potential for inclusion of 36E5 should be consulted upon with relevant stakeholders before finalisation, to ensure that local fishery areas/fleets are not artificially separated with respect to data or activity.
- For example, 13.4.1.5, indicates that '*Local Study Area had an annual average landings value of approximately £11.4 million across the years 2016 to 2021 (Marine Management Organisation (MMO), 2023a)*' – this may artificially split the value of grounds, sectors and even individual fishermen, thereby underestimating fisheries extent or nature for the Manx fleet. Given that this development is an Isle Man territorial sea project, it makes little sense to not include the entire local fishing industry in the local considerations.
 - The variability of fishery landings is acknowledged throughout this chapter, and this variability also extends between grounds from year to year within the Manx territorial sea. So exclusion of 36E5 could artificially bias individual year's data.
 - Pelagic herring fishing by UK-registered vessel data may also be artificially split by the exclusion of 36E5.
 - The Local study Area should reasonably attempt to capture as much of the territorial sea as possible.
- In the absence of definitive indications either way, it is suggested that 36E5 is included as a precautionary approach to better including the scope of Manx fisheries.

13.4.1.9... '*...annual Isle of Man Queenie Festival*'

- This festival hasn't actually run for several years, although it's acknowledged that the cultural significance point is valid.

13.4.1.10 '*..... English vessels make up the remainder of the landings, across a range of species including nephrops, lobster, brown crab and sole (Solea solea).*'

- Noting a point made for Chapter 12 (Fish and Shellfish Ecology) – only ¾ species listed here are considered as receptor species in that chapter, which suggest these two chapters are not appropriately linked.

13.4.1.11

- For clarity and consistency please note that queen scallop are predominantly net caught in Manx waters, rather than dredge. This is correctly indicated in 13.4.1.9.

13.4.1.13 '.....where king scallop are a relevant target species, analysis of landings across a seven to ten-year period is proposed to capture the cyclical nature of their productivity and associated fishery.'

- Would not dispute the cyclic nature of fisheries, including king scallop, but it's thought that its queen scallop that have the 7-10 cycle. The wording might imply it was king scallop. That's not to contest the overall point, which is valid, just perhaps the species emphasis/example – and that this approach should also be taken for queen scallops.

13.4.2 Data sources

Table 13.1: Baseline data sources

Noting both;

UK Vessel Monitoring System (VMS) data (MMO, 2020 (MMO, 2023b))
EU VMS data (ICES, 2016 to 2020 (ICES, 2022))

- Isle of Man Fisheries management requires use of VMS for all scallop fishing vessels, and since this is a Manx territorial sea development, this higher level of data should be applied.
- IoM DEFA Fisheries Division will be able to provide relevant data – perhaps that the reference in the table: 'Isle of Man fishing activity mapping'?
- Noting the reference to Bangor University reports, the following links are provided for completeness;
 - Bangor University - numerous reports and data sources related to scallops, whelk, and other Manx commercial species;
 - [REDACTED]
 - Notably; [REDACTED]
 - [REDACTED]
 - [REDACTED]
 - [REDACTED]
 - See also the following for further information and context;
 - [REDACTED]
 - [REDACTED]
 - Suggest that the applicant contacts the Bangor University IoM fisheries group (via the DEFA Fisheries Division) and discusses requirements and access to data sources.
- In addition, AFBI also undertake numerous annual surveys in Manx waters, including scallops, ground fish, herring larval and acoustic, Nephrops etc. Please contact AFBI directly and ensure that all relevant AFBI surveys are included in the baseline.

13.4.3 Summary of key receptors

Noting '13.4.3.4 Each identified fishing fleet that is active across the Local and/ or Regional Study Areas is defined as a separate receptor for the purpose of assessing potential impacts.'

- This provides further support for expanding the Local Study Area to include 36E5, so that a reasonable attempt it made to include the Manx fleet activity as a whole (ie, all of the east coast at least) rather than potentially being split north/south by excluding part of the Territorial Sea.

13.4.3.4

Noting: 'Isle of Man scallop dredgers targeting king scallop and queen scallop'...

- Isle of Man scallop dredgers only target king scallops (not queen scallops) in Manx waters - this may include in UK waters, so provide clarification.
- For completeness, it is possible for UK vessels to fish queen scallops in Manx waters via dredge under specific conditions, but this has not occurred for several years, although it remains a possibility.
- UK-registered vessels also target queen scallop with otter trawl in Manx waters.
- There are no Irish-registered vessels targeting scallops by dredge in Manx waters
- There are no Belgian – registered trawl vessels operating in Manx waters.
- Commercial exploitation of bass in Manx waters is prohibited – in relation to hand-lining by UK vessels.
- Also note that there is now a quota allocation for herring for Manx-registered vessels using pelagic trawls, which was exploited for the first time in 2023, and increasingly annually for three years (up to 400t).
- Also note that there is now a quota allocation for Nephrops for Manx-registered vessels using mobile and static gears to start in 2024, and increasing annually for three years. (up to 400t).
- There is also some finfish quota available to Manx vessels that is fished using static and mobile nets.
- Northern Ireland fish up to 4000t of herring in Manx waters, including the east coast which may not be apparent from log book data.

Figures 13.3 and 13.4

'13.4.1.11 Spatial activity mapping is available for the fisheries in the region and will be analysed as part of the commercial fisheries evidence base. Of particular note is the nationally important scallop dredge fishery targeting queen and king scallop, as shown in Figure 13.3 and Figure 13.4.'

- As noted, queen scallop are not targeted with dredge in Manx waters (with noted limited potential exception above),
- And both graphics relate to only king scallop, but not queen scallop - as indicated in the text.

13.4.4 Further data collection to be undertaken

- Suggest also Bangor University Fisheries and Conservation Group (Isle of Man team) as the fisheries science advisors to IoM Government.

13.5.2 Commitments

- Many of the now-Marine Nature Reserves were originally established as Fishery Closed or Protected areas to gain various benefits for commercial fishing, including Douglas Bay Fishery Closed Area:

<https://legislation.gov.im/cms/images/LEGISLATION/SUBORDINATE/2017/2017-0266/SeaFisheriesClosedAreasRegulations2017.pdf>)

- These areas maintained these functions, objectives and restrictions following designation as MNRs (see also Neill et al 2008 for scallop source/sinks:



- As such, and as noted elsewhere, the proposed commitment related to statutorily-designated area is also relevant to Commercial fisheries.

Proposed New Commitment relevant to Commercial Fisheries

ID	Measure Proposed	Rationale
Co XX	Designated protected sites will be avoided by the careful routing of the offshore and onshore infrastructure around sensitive locations.	To avoid impacts to environmental/ecological assets of high significance.

13.7 Post-scoping

Proposed New Impact:

- As noted previously for other receptors; given the inclusion of a statutorily-protected Marine Nature Reserve (protected sites) within the Offshore Electrical Connection Search Area, which includes commercial fisheries benefit objectives, the Impacts Register should specifically include the temporary/long-term or permanent damage or loss of seabed habitat or species (fish and shellfish) within protected sites.
- This should be appropriately included within the Assessment Methodology.
- For example;

Consent	ID	Project Element	Original Project Phase	Project Activity and Impact
MIC	CF-XX	All offshore	Construction, Operation and Decommissioning	Temporary/long-term or permanent damage or loss of seabed habitat or species within protected sites

See also CF-05 and additional consideration;

Consent	ID	Project Element	Original Project Phase	Project Activity and Impact
MIC	CF-05	All offshore	Construction, Operation and Decommissioning	Additional steaming to alternative fishing grounds due to presence of infrastructure + steaming back to landing port.

13.7.3.4 A range of studies are being undertaken across the Proposed Development which will inform commercial fisheries assessment, including:

- *Marine traffic survey (AIS... '

 - Please note that Manx-registered vessel appear not to use AIS as commonly as UK vessels. As such it should not be relied on to fully characterise the Manx fleet.*

13.7.3.5 *'Of paramount importance to the commercial fisheries assessment is the findings of the fish and shellfish ecology assessment (scoping information for which is provided in Chapter 12, Fish & Shellfish Ecology), which will identify and assess the impacts on the fish and shellfish resource. The*

fish and shellfish ecology assessment will specifically consider the resulting effects on commercially important species across a range of impacts, including noise, electro-magnetic fields, suspended sediment and habitat loss and creation'

- As such, please note comments made in relation to Chapter 12, and its apparently limited connectivity with Chapter 13.

13.8 Questions to Consultees

Question 13.1: Do you agree with the Study Areas that has been identified for commercial fisheries?

- Possibly not for the local study area. Suggest consideration (with consultation) regarding inclusion of 36E5 to reduce the possibility of artificial splitting of Manx fisheries circumstances.
- The Regional Study Area appears appropriate.

Question 13.2: Do you agree that the baseline data sources identified are sufficient to adequately characterise the baseline?

- Not yet. See Comments

Question 13.3: Do you agree that all impacts/ effects that could arise from all stages of the Proposed Development have been identified within the Impacts Register (Annex 5.B)?

- Not yet. See Comments

Question 13.4: Do you agree on the suitability of the proposed commitments to reduce or eliminate LSE relevant to commercial fisheries?

- Not yet. See Comments

Question 13.5: Do you agree that the proposed approach to EIA is sufficiently set out to enable a robust assessment allowing likely significance to be ascertained?

- Not yet. See Comments, especially in relation to the linkage with Chapter 12 (and receptor species), and the lack of wider context for the proposal to route cables through a statutorily-protected Marina Nature Reserve, which has fundamental commercial fisheries benefit purposes.

Question 13.6: Do you agree that all receptors related to commercial fisheries have been identified?

- Not yet. See Comments

19 Onshore Ecology

In Chapter 4: Site Selection and Consideration of Alternatives;

- Table 4.1 indicates a commitment to avoid heritage assets, by careful routing to avoid impacts. Why is a similar commitment not made in relation to environmental or ecological assets of high significance?
- This should extend to both offshore and onshore sites, including MNRs and ASSIs, and should be reflected in Table 19.2: 'Relevant Commitments to onshore ecology'.
- In general Chapter 19 seems to completely miss out on any scoping in relation to rivers, freshwater fish populations, invertebrates etc. There does not appear to any evidence of data relating to freshwater/diadromous fish populations and potential impacts. If the intention is to use river corridors, or works are to take place in close proximity then the Fisheries Act becomes relevant again and should be included in section 19.2.2 which lists the relevant legislation, and included as a key receptor in S19.4.3.
- Consultation will be required with the DEFA Inland Fisheries Team.

19.2 & 19.4:

- It has been correctly identified that the IoM is a UNESCO Biosphere (Biosphere Isle of Man). This means that sustainability is a very clear objective and the island is looking to be an exemplar in this area, as it moves forward, as well as providing opportunities to do things differently (if this improves the situation), and to showcase the results.

19.2.3

- There is no reference to specific policies in the Isle of Man Strategic Plan relating to the protection of designated sites, wildlife etc. Though other sections of the report (e.g. Chapter 20: Land-use) have specific policies referenced.

19.2.4.2 & 19.7.3.7

- Good to see use of the 'Guidelines for Ecological Impact Assessment in the UK and Ireland' Terrestrial, Freshwater, Coastal and Marine version 1.2 (CIEEM 2018).

19.3.1.1 'No cable connection from Groudle Bay to the potential grid connection locations at Douglas is considered as part of this scoping report'.

- Is it being considered separately? Groudle Glen has rare plant species, Invasive Non-Native Species (INNS) (knotweed definitely, but others possibly).

19.3.1.2 'Moving inland that habitat is more urban, predominantly roads/houses and commercial buildings'.

- This statement doesn't correctly reflect the habitats present within the Study Area which include the river corridor, Douglas Head ASSI, Marine Drive ASSI, The Nunnery Estate (registered tree area, Wildlife Site, Nature Recovery Network Wildlife Registration), as well as many other many other Registered Tree Areas and Wildlife Sites. The river corridor needs a mention too.

19.3.1.3

- Needs a mention of rare plants at Groudle Glen. The Oak/Hazel Woodlands of the IOM report 2011 highlights the interest at Groudle Glen. Invasive Non Native Species is an issue as knotweed is present at this site.

19.4.1.3

- As well as Douglas Head ASSI this section needs to mention Marine Drive ASSI. The boundary of both ASSIs are shown on Figure 19.2.

19.4.1.4

- It states that the Biodiversity Strategy contains Biodiversity Action Plans. It would be more appropriate to state that their creation is part of an action in the Strategy.
- *Action 10: Prioritise and improve biodiversity knowledge through research and survey, especially the status and abundance of key species and priority habitats (as part of development of Biodiversity Action Plans).*

19.4.1.6

- There is a significant omission in relation to non-statutory wildlife sites within the Douglas study area – Douglas Head and Marine Drive, The Nunnery and Lower Douglas River, Douglas River Confluence and Middle River Wildlife Sites, although they are shown on Figure 19.2. This should be addressed in the text.

19.4.1.7

- This section mentions the riparian habitat but doesn't adequately recognise that there are important habitats present at the Nunnery Estate (river and trees, wet meadow) – Douglas Head ASSI – fungi grassland; Marine Drive ASSI – coastal habitats and associated breeding birds.

19.4.1.10

- Why have only these bird species been picked out?
- There is no reference to Schedule 1 species, red-listed species, MNR designation feature species; i.e. cormorant and shag. The reasons for the designation of the wildlife sites is also very relevant and should be fully taken into account.

19.4.1.12

- This section mentions knotweed, but not the other species on section 14. Once desk study carried out they will be aware of knotweed at Groudle.

19.4.3.5

- Reference to badgers should be removed.
- There is no reference at all to protected common frog or freshwater fish species.

19.4.4

- There is no mention of bat surveys; but bats could be directly impacted by onshore elements such as removal of trees, vegetation or buildings to place cables, artificial lighting, loss of foraging habitat such as seaweed covered beaches etc.
- Same for lizards, as the Groudle study area contains southerly facing scrub habitat where we have definite lizard records, and common frog – both of which are protected species.

19.4.4.5

- Why just wintering and passage surveys in Douglas? Are birds in Groudle not relevant?

- Also why only wintering and passage, should breeding birds not be a consideration? There is lots of potential breeding habitat within the Groulle study area.

19.5.1.5 “The permanent construction corridor will be up to 45 m and the temporary construction corridor will be up to 60 m depending on the presence of constraints”

- That is a wide area and does not match what is indicated in Table 3.3 – Additionally the landfall site is even wider than this.

Table 3.3: RHM Options Maximum Design Scenario.

Component	Parameters	Option 1 Design Envelope	Option 2 Design Envelope
Offshore export cables	Total number	5 (in 3 circuits)	8 (in 4 circuits)
	Permanent offshore construction corridor width	1,200 m	1,100 m
	Temporary offshore construction corridor width	1,400 m	1,300 m
HVAC Offshore Booster Stations	Number	1	NA (HVDC)
Landfall	Permanent landfall construction corridor	100 m	200 m
	Temporary landfall construction corridor	200 m	200 m
Onshore export cables	Total number	15 (in 3 circuits)	8 (in 4 circuits)
	Permanent construction corridor	45 m	37 m
	Temporary construction corridor	60 m	37 m
Onshore / converter station	Temporary footprint	166,000 m ²	166,000 m ²
	Permanent footprint	63,000 m ²	63,000 m ²
Mast	Permanent footprint	63,000 m ²	63,000 m ²
	Height	30 m	30 m

- Following on from this in Chapter 3, Section 3.3.9;

‘3.3.9 Operation & Maintenance (O&M) Facilities 3.3.9.4 The O&M facilities used to support the Proposed Development will form part of the Moor Vannin Offshore Wind Farm (the ‘Whole Project’) and onshore facilities will be subject to a separate Isle of Man consent application. Whilst the physical O&M facilities are therefore not part of the Proposed Development or part of the infrastructure in which a Scoping Opinion is being sought, the activities associated with the operations, maintenance and decommissioning phase of the Proposed Development are and will therefore be assessed in the EIA. An overview of these activities is provided separately in section 3.8, to distinguish the infrastructure from the activities where a Scoping Opinion is being sought.

‘3.8.1.4 The Operations and Maintenance (O&M) phase will commence once the Proposed Development has completed construction and is fully commissioned. As previously stated, a Scoping Opinion is being sought for the activities associated with operations, maintenance and decommissioning, not for the physical facilities, which are subject to a separate Isle of Man consent under the relevant planning legislation and regulations (if an existing facility is not utilised).’

- This is not clear; how can you assess the operations, maintenance and decommissioning of physical O&M facilities, if you don’t know where they are going to be located. Since this is fundamental to the project surely it **should be scoped in**.
- What if the marine aspect is approved and then the O&M facilities are rejected through Planning, or something comes up during the consideration for the O&M facilities which means it has to be moved and then this impacts upon the cabling etc.?
- This should be scoped in, or at the very least the applicants should commit to a concurrent but separate EIA exercise.
- This will also impact on the requirements for survey as depending on where the intended facilities are; there may then be a requirement for bat surveys, fungi surveys, lizard surveys, none of which are currently listed in section 19.4.4, especially as the facilities are project to be large.

- In addition, all of the activities above LAT (lowest astronomical tide) will be subject to Planning legislation and therefore also will require Planning Consent. Would it not also make more sense to do separate EIAs for the onshore and offshore aspects, so that Planning only have to consider relevant aspects of the whole project?

Table 19.1 Baseline data sources. Include IOM Fungi Group? In relation to fungi rich grassland at Douglas Head and perhaps the Nunnery.

Table 19.2 Co15 should include *avoidance* as well as commitment, compensation and enhancement.

Table 19.2: Relevant Commitments to onshore ecology.

ID	Measure proposed	How this measure will be secured	Rationale
Co1	Development of, and adherence to, an INNS Management Plan.	Consent condition(s).	To limit the introduction and/or spread of INNS.
Co6	Development of a Decommissioning Programme.	Consent condition(s).	To set out the requirements and methods for decommissioning, prior to those activities taking place at the end of the operational life of the project.
Co15	Development of, and adherence to, a Landscape and Ecology Management Plan (LEMP).	Consent condition(s).	Sets out the key onshore landscape and ecology elements subject to commitment, compensation and enhancement.
Co16	Application for Protected Species Licences to be made to DEFA in respect of works affecting protected species under the Wildlife Act (1990).	HIC condition.	Actions which affect protected species must be licensed to comply with the relevant legislation.
Co17	Development and implementation of a Construction Environmental Management Plan (CEMP).	Consent condition(s).	Sets out onshore commitment measures during onshore construction, including details of the timings of onshore works.
Co45	Burial of onshore cattle joint trays, with the land above re-instated to former use, except in the instance of link box chambers where access will be required from ground level.	Consent condition(s).	To minimise land take while ensuring access at ground level can be maintained.

CO1 to limit the introduction or spread ???

- Should read: To **PREVENT** the introduction and/or spread.

CO16

- There is no system on the Isle of Man for Wildlife Act 1990 licencing in relation to developments. Technically any impacts resulting from a consented development would therefore fall under *'the incidental result of a lawful operation'*. However it is therefore expected that the issues, methodology, avoidance/mitigation measures would be fully considered with DEFA beforehand, and then included as conditions within the planning consent itself.

19.7.3.9 Impact magnitude should also be determined by whether an impact would affect a designated site, such as an ASSI, Registered Tree Area or Wildlife Site.

19.8 Questions to Consultees

Question 19.1: Do you agree with the Study Area that has been identified for onshore ecology?

- Yes (with caveat): the extent of the Study Area seems reasonable as a starting point for compiling information on habitats and species. I presume the OnSS will be sited within this area and the cable will come ashore in this area. I'm presuming that there is no intention for the cable to come ashore via the tall cliffs forming part of Marine Drive ASSI.

- *Caveat*: though this depends on the location of the required onshore facilities and it being within the study area.

Question 19.2: Do you agree that the baseline data sources identified are sufficient to adequately characterize the baseline?

- No. DEFA Fisheries Division should be consulted in respect of freshwater and diadromous fishes.

Question 19.3: Do you agree that all impacts/ effects that could arise from all stages of the Proposed Development have been identified within the Impacts Register (Annex 5.B)

- No, as there is no mention of ASSIs in the table, is this because the route options are avoiding going through an ASSI and will instead come through the MNR?
- Also no mention of the various Wildlife Sites within the study areas. No mention of invasive non-native species, or freshwater fish, lizards, frogs etc. It also mentions species disturbance but not the killing of species or damage to their places of shelter or protection, or destruction of nests.

Question 19.4: Do you agree on the suitability of the proposed commitments to reduce or eliminate LSE relevant to onshore ecology?

- Yes. Provided that detailed habitat and species surveys are conducted at the most appropriate time of year to obtain up to date information.

Question 19.5: Do you agree that the proposed approach to EIA is sufficiently set out to enable a robust assessment allowing likely significance to be ascertained?

- Yes. It would appear so, provided the IEEM guidance is followed, as stated.

Question 19.6: Is there additional ecological data that any consultee would be willing to share with the project?

- Oak/Hazel Woodland Report 2011 can be provided by DEFA or MWT. This is useful for information about ~~Groulle~~ Glen.

Chapter 20: Land Use and Ground Conditions

- Areas designated as ASSIs, or other protected status, within the study area are related to land use, and should be included.
- Designated sites are not mentioned anywhere in this section.
- Also, again there is no reference to rivers as a land use in this section.

20.2.2.5

- The Wildlife Act 1990 is relevant here, as legally-designated sites are a land-use.

20.2.3.4

- This section is quoting the policies in the Isle of Man Strategic Plan 2016 that are of relevance to land use and ground conditions. I suggest it should also include the following:

Environment

- Policy 4:** Development will not be permitted which would adversely affect:
- (a) species and habitats of international importance:
 - (i) protected species of international importance or their habitats; or
 - (ii) proposed or designated Ramsar and Emerald Sites or other internationally important sites.
 - (b) species and habitats of national importance:
 - (i) protected species of national importance or their habitats;

¹⁷⁷Wildlife Sites are defined in Appendix 1

40

- (ii) proposed or designated National Nature Reserves, or Areas of Special Scientific Interest; or
 - (iii) Marine Nature Reserves; or
 - (iv) National Trust Land.
- (c) species and habitats of local importance such as Wildlife Sites, local nature reserves, priority habitats or species identified in any Manx Biodiversity Action Plan which do not already benefit from statutory protection, Areas of Special Protection and Bird Sanctuaries and landscape features of importance to wild flora and fauna by reason of their continuous nature or function as a corridor between habitats.

Some areas to which this policy applies are identified as Areas of Ecological Importance or Interest on extant Local or Area Plans, but others, whose importance was not evident at the time of the adoption of the relevant Local or Area Plan, are not, particularly where that plan has been in place for many years. In these circumstances, the Department will seek site specific advice from the Department of Agriculture, Fisheries and Forestry if development proposals are brought forward.

Environment

- Policy 5:** In exceptional circumstances where development is allowed which could adversely affect a site recognised under Environmental Policy 4, conditions will be imposed and/or Planning Agreements sought to:
- (a) minimise disturbance;
 - (b) conserve and manage its ecological interest as far as possible; and
 - (c) where damage is unavoidable, provide new or replacement habitats so that the loss to the total ecological resource is mitigated.

- **Strategic Objective 3.3**
 - (b) To protect, maintain and enhance the built and rural environment (including biodiversity)
 - (i) To protect the countryside and coastal areas for their own sake.
- **Strategic Policy 4:**
Proposals for development must:
 - (b) protect or enhance the landscape quality and nature conservation value of urban as well as rural areas
- **General Policy 2:** Development which is in accordance with the land-use zoning and proposals in the appropriate Area Plan and with other policies of this Strategic Plan will normally be permitted, provided that the development:
 - (d) does not adversely affect the protected wildlife or locally important habitats on the site or adjacent land, including water courses;
- **Environment Policy 7:**
Development which would cause demonstrable harm to a watercourse, wetland, pond or dub, and which could not be overcome by mitigation measures will not be permitted. Where

development is proposed which would affect a watercourse, planning applications must comply with the following criteria:

(d) development will not normally be allowed within 8 metres of any watercourse in order to protect the aquatic and bankside habitats and species.

20.2.3.5 This section covers additional policy that is relevant to land use and ground conditions. I suggest it should also refer to:

- Biodiversity Strategy 2015-25. Many of the actions are relevant including:
Action 19: From 2016, when assessing developments on or adjacent to protected sites, there will be increased consideration of biodiversity and environmental sustainability.
- Climate Change Act
The Climate Change Act creates a legal framework for action in the Isle of Man. Part of the framework are the climate change duties for public bodies (of which Manx Utilities is a public body, and as possible applicant for the onshore work, they have a duty) which are designated to have a common goal approach across the public sector in relation to climate change. One of the four duties is protecting and enhancing biodiversity, ecosystems and ecosystem services. [REDACTED]

CLIMATE CHANGE ACT 2021

The Climate Change Act 2021 creates a legal framework for climate action in the Isle of Man. Part of that framework are the climate change duties for public bodies which are designed to provide a common goal and approach across the public sector in relation to climate change. The duties cover four main areas:

- (1) Contributing to national targets by reducing emissions and increasing sequestration
- (2) Supporting the just transition and climate justice principles
- (3) Supporting sustainable development and
- (4) Protecting and enhancing biodiversity, ecosystems and ecosystem services.

The Act requires that guidance be published to help public bodies understand and fulfil these duties, no later than 31 March 2022.

The 'Climate Change Duties - Guidance for Public Bodies' has been prepared following engagement with many public bodies and in line with internationally recognised best practice.

- Our Island Plan: Building a Secure, Vibrant and Sustainable Future
The Plan includes the action:
Environmental decisions are embedded across Government decisions and infrastructure supporting a natural and built environment which respects our rich culture, biodiversity and sense of place.

20.4.1.4, 20.4.1.5, 20.4.1.6 & 20.4.1.7

- Other tourism assets throughout the Study Area should be expanded from just 'such as museums or scenic views' to include the beach, the sunken gardens and the promenade walkway, the North Quay, Douglas Head, (the start of) Marine Drive, the Manx Electric Railway, Horse tramway, Villa Marina and Gaiety Theatre, Sea Terminal.

20.4.1.7

- There is no mention of Groudle Glen, a very popular walking area, as a community land use. The PRoW is mentioned but not the glen.

20.4.1.8 'South of Douglas Bay there are small areas of agricultural land within the Study Area, however, it is noted that aerial imagery shows that few of these are serving agricultural purposes (DEFA, 2023a)'

- There is a lot of land south of Douglas Bay in agricultural use, including land within Douglas Bay and Marine Drive ASSIs. It is not clear how the Applicant has concluded this from aerial photographs and I would suggest they use other data, such as from DEFA Agriculture Division to make this assessment.

20.4.1.8 re. Agricultural Land Holdings it states:

Agricultural Land Holdings

20.4.1.8 South of Douglas Bay there are small areas of agricultural land within the Study Area, however, it is noted that aerial imagery shows that few of these are serving agricultural purposes (DEFA, 2023a). The quality of this agricultural land ranges from Class 3 in the west to Class 3/4 in the east (Harris et al, 2001), which are not considered to be important and versatile agricultural land (Classes 1 and 2) as per Environment Policy 14 of the Isle of Man Strategic Plan (The Cabinet Office, 2016).

- There needs to be mention in this paragraph that part of the agricultural land within the Study Area is within the Douglas Head ASSI and is waxcap fungi-rich grassland and managed by grazing.
- Not an ecology comment but they have also missed out the Carnane telecoms area from their assessment.

20.4.1.9

- Re. Groudle agricultural land – the land to the north-west of the bay within the Study Area is agriculturally improved/arable. It may or may not be relevant to mention this, as up to date desk study/survey will be more relevant?

Table 20.1 Baseline data sources

- The report notes the use of Island Environment Viewer but has not stated that they have viewed the Phase 1 & 2 Habitat Surveys – perhaps accessing these is part of the next stage, along with biological record collection with emphasis on protected species and INNS?

20.4.3.4

- Suggested that tourism assets are receptors, in addition to what is listed which is:

20.4.3 Summary of key receptors

20.4.3.4 The following are considered to be the key land use and ground conditions receptors:

- Development land and businesses;
- Walkers, cyclists and Horse-Riders (WCH);
- Geology;
- Soils; and
- Contaminated land.

20.5.1.4 Part of it states:

- Onshore Substation (OnSS): housing the electrical infrastructure required for the Terrestrial Electrical Connection Cable to connect to the point of connection to the Manx grid. This will cause permanent habitat to be lost in the location that is decided. The OnSS will consist of one main building, with a max permanent and temporary area of 6,700 m². Max dimensions will be 45 m x 80 m with a max height of 25 m.
- It states that there will be 'permanent habitat lost in the location that is decided'.
- As such that requires acknowledgement that the site chosen for the OnSS will avoid, where logistically possible/feasible, sites with semi-natural habitat and any unavoidable loss of semi natural habitat will be compensated via the principles of Biodiversity Net Gain.

Table 20.2. Relevant commitments to land use and ground conditions

Co20 states:

ID	Measure proposed	How this measure will be secured	Rationale
Co20	Avoidance, where possible, of identified areas of contaminated land, sensitive areas, carbon-rich land and designated areas onshore.	Consent condition(s).	To minimise the impacts of the onshore infrastructure on areas sensitive to the hydrological environment.

- What is meant by 'sensitive areas' – this should be defined.
- It should also include 'avoidance, where possible of semi-natural habitat'; especially for the siting of the OnSS in particular, but also in the route selected for the cable to the OnSS.
- The rationale paragraph is a bit vague/doesn't make sense. It doesn't give all the reasons for avoidance of, for instance, designated areas.
- It is suggesting that they are doing the measure proposed in order to minimise the onshore infrastructure on areas sensitive to the movement, distribution and management of water. Perhaps it should say:
- 'To avoid where possible or minimise the adverse impacts of siting onshore infrastructure on land that is of high ecological value (semi-natural habitat, carbon-rich and/or subject to statutory designation (ASSI)).'
- To avoid disturbance to contaminated land as this may result in additional environmental risks and pose additional site preparation costs'

20.7.3.4

- This section needs to state that, as part of the desk-based study, biological records and habitat information will be obtained from the Manx Biological Recording Partnership?

20.8 Questions to Consultees

Question 20.1: Do you agree with the Study Area that has been identified for land use and ground conditions?

- Yes, though this depends on the location of the required onshore facilities

Question 20.2: Do you agree that the baseline data sources identified are sufficient to adequately characterise the baseline?

- No, has missed out ASSIs, public glen and rivers.

Question 20.3: Do you agree that all impacts/effects that could arise from all stages of the Proposed Development have been identified within the Impacts Register (Annex 5.B)?

- No, temporary or permanent loss of ASSI land, Groulle Glen and watercourses are not included.

Question 20.4: Do you agree on the suitability of the proposed commitments to reduce or eliminate LSE relevant to land use and ground conditions?

- Yes, though section 20.6 should be updated to reference impacts in relation to ASSIs, watercourses and Groulle Glen.

Question 20.5: Do you agree that the proposed approach to EIA is sufficiently set out to enable a robust assessment allowing likely significance to be ascertained?

- Yes, but impact register needs updating so that the EIA takes account of additional constraints.

Question 20.6: Do you agree that all relevant legislation, policy and guidance has been identified for the land use and ground conditions assessment, or are there any additional documents that should be considered?

- The Wildlife Act 1990 is relevant and should be included.

Question 20.7: Can the consultees advise on any specific sources of contamination of concern to them within the Study Area?

- Consult with DEFA EPU on this issue.

Chapter 27: Climate Change

- DEFA is satisfied that from a greenhouse gas emissions perspective the scoping report covers the essential information to be contained within the EIA to enable an assessment of the development from both a local and global perspective of emissions impacts.

Question 27.1: Do you agree with the Study Area that has been identified for climate change?

- **Yes, we are happy with the two study areas defined in the scoping report**

Question 27.2: Do you agree that the baseline data sources identified are sufficient to adequately characterise the baseline?

- **Yes, these are sufficient data sources**

Question 27.3: Do you agree that all impacts/effects that could arise from all stages of the Proposed Development have been identified within the Impacts Register (Annex 5.B)?

- **Yes we are satisfied with the impacts listed**

Question 27.4: Do you agree on the suitability of the proposed commitments to reduce or eliminate LSE relevant to climate change?

- **Yes**

Question 27.5: Do you agree that the proposed approach to EIA is sufficiently set out to enable a robust assessment allowing likely significance to be ascertained?

- **Yes**

Question 27.6: Is there any other legislation, policy, or guidance that should be considered?

- **No**

Question 27.7: Do you agree with the climate change projections used (IPCC, 2023)?

- **Yes**

Chapter 32: Protected Sites Assessment Strategy (PSA).

32.2 Isle of Man Protected Sites

32.2.1.4

'DEFA is responsible for ensuring the protection of important species and habitats, as designated through the Wildlife Act 1990. This Act provides for the protection of species and habitats including through the establishment of marine nature reserves to: etc.'

- For completeness and accuracy and, given the purpose included, the text should specify marine nature reserves, as the Wildlife Act 1990 also has provision for the designation of National Nature Reserves, which have similar objectives on land.
- However, it is worth noting that the Ayres National Nature Reserve (currently the only such designation) is actually a coastal site with significant interaction with the adjacent marine environment. As such, it may be useful to include this site in the assessment considerations.
- Noting that National Nature Reserves have been included in 32.2.1.5
- 32.2.1.5 – noting, while the text is not inaccurate, MNRs do extend to HAT, and so also cover the intertidal zone.
- 32.2.1.5 Note MNRs also cover intertidal areas and may cross over with ASSIs, which extend down to LAT.
- 32.2.1.6 Note a UKOTCF report has listed a number of further Ramsar sites which fit the criteria and will be considered in future, when resources allow. These include key seabird colonies.
- 32.2.1.10 appears not to have included the Convention on Biological Diversity (CBD), which is also extended to the Isle of Man.
- Under the Bonn Convention (CMS), the Isle of Man is also signed ASCOBANS (via extension from the UK) Agreement on the Conservation of Small Cetaceans of the Baltic, North East Atlantic, Irish and North Seas).
- Noting 32.4 (Isle of Man Consent Process) and 32.5 (Proposed Approach to Considering Impacts on Protected Wildlife Sites) and, as noted elsewhere in the Scoping report, the **Isle of Man Government's Strategic Plan 2016**⁴ should be included in Chapter 32 as there are several development policies with particular relevance to Protected Sites Assessment.

In particular;

- **Environment Policy 4: Development will not be permitted which would adversely affect: (a) species and habitats of international importance: (i) protected species of international importance or their habitats; or (ii) proposed or designated Ramsar and Emerald Sites or other internationally important sites. (b) species and habitats of national importance: (i) protected species of national importance or their habitats; (1) Wildlife Sites are defined in Appendix 1 41 (ii) proposed or designated National Nature Reserves, or Areas of Special Scientific Interest; or (iii) Marine Nature Reserves;**

32.4.1.5 'The consent application will, therefore, need to have due consideration of likely impacts on Isle of Man protected nature conservation sites, Ramsar sites and other transboundary protected sites.'

- **Due and equivalent consideration.** The objectives of the Manx protected sites are the same as those in the UK under the Habitats Directive applied to current and former EU member

⁴ https://www.gov.im/media/1350906/the-isle-of-man-strategic-plan-2016-approved-plan-15_03_16.pdf

states – i.e. meeting the conservation objectives of the jurisdiction and with regard to the applicable multilateral agreements.

- As such, and given that the project occurs entirely within Manx jurisdiction, there should be no lesser consideration given than would be the case in UK waters.

Protected Sites Assessment

'32.4.1.6 It is proposed that a PSA will accompany the supporting environmental information (SEI) in support of any consent or permit applications to Isle of Man Government/ DEFA. This is in line with DEFAs guidance to developers'

- Please note that the guide to developers is a ~~DoI~~ document, not DEFA.

'32.4.1.13 All protected sites will be 'scoped into' the PSA screening exercise unless there is a robust evidence-based case for excluding a site, and such a decision is supported by statutory consultees.

'32.4.1.14 ~~For~~ those sites screened in for PSA, assessment will follow a similar approach to the EIA regarding the steps to avoid unacceptable adverse impacts on protected sites. Accordingly, the Proposed Development will adopt an Avoid-Reduce-Mitigate approach to the iterative assessment process, whereby efforts are made from the outset to avoid any interactions with protected sites that could result in significant impacts.'

- Please note these statements with respect to the site/route selection process detailed in Chapter 4 Site Selection & Consideration of Alternatives, where there is no mention of Douglas Bay as a Marine Nature Reserve, and therefore falling under the PSA process.
- Clarification of this omission is requested.

32.4.1.19 The Isle of Man is a signatory to six wildlife and conservation related conventions (as listed in section 32.2).

- Probably 8.

CABINET OFFICE – PLANNING POLICY:

Cabinet Office (Planning Policy) response to the scoping Report on Moir Vannin Offshore Wind Farm

The following response reflects the views of the Cabinet Office (Planning Policy) regarding the information contained within the submitted Scoping Report (Orsted) dated October 2023.

It is noted that Cabinet Office is listed as a 'priority consultee' on page 106.

The primary legislation relevant to the planning functions of both DEFA and Cabinet Office is the Town and Country Planning Act 1999.

The Act extends to the whole of the Island¹, which means in this context Mean Low Water (MLW). When the Marine Infrastructure Management Act is brought into operation the extent of the Act will 'step back' to Mean High Water (MHW), except in the case of designated Harbour Areas, where there will be no change.

The Scoping Report at para 1.5.2.1 shows an understanding of the extent of the Act but does not appear to recognise the impact of the Harbour Areas on the extent of the Act. It would be helpful to clarify the impact or otherwise of the Harbour Areas on the extent of each Act so there is a clear understanding for all stakeholders.

Para 1.5.2.6 refers to 'transitional provisions' until MIMA Regulations are in force, and refers to the powers of DOI under section 61. The applicant seeks assurance that the Scoping Report can be relied upon for the whole project (including onshore) but some clarity on this point is needed. DEFA has the power under the TCPA to seek additional information as required so the role of DOI on this particular aspect should be further explored.

Para 3.3.9.4 it states:

"Onshore facilities will be subject to a separate Isle of Man consent application." By 'consent' does this mean via a planning application? If so, can this be set out in clear terms? It is apparent that uncertainties abound in respect of both the landfall of cables and the substation location. This does present challenges in honing a response from a planning perspective. What is clear is that the onshore elements are inextricably linked with the offshore elements and so the challenges and requirements of an onshore planning application should not be underestimated.

The timeline at page 30 omits a clear reference to a planning application stage but the report recognises that a decision on the 'consenting process' for the onshore infrastructure remains outstanding. This presents difficulties when drafting comments from a planning policy perspective. It is critical that the consenting process – and what this will entail in respect of a planning application – is clarified at an early stage.

¹ S.47, Town and Country Planning Act 1999

It is stated that 'refinement of the final design will be undertaken based on consultation with stakeholders and further data collection'. Planning policy is keen to support this refinement process alongside DEFA colleagues who would be responsible for determining any future application. It should be noted that Cabinet Office would be likely to respond to the planning application once submitted and advertised and it is a key consultee on larger, more complex applications.

Development Plan

The Island Development Plan is made up of a strategic plan, a number of area plans and a series of local plans:

- The Isle of Man Strategic Plan 2016,
- The Area Plan for the East (2020),
- The Area Plan for the South (2012),
- A series of Local Plans in the north and west;
- The 1982 Development Plan for all those remaining areas not covered within a local plan boundary. The 1982 Plan has the effect of an area plan.

There are no references in the Strategic Plan or the Area Plan for the East about the landing of cables or erection of substations and other infrastructure associated with an offshore wind development.

However, supporting policy text at para 12.1.5 states "There is growing interest in using naturally sustainable resources, and in particular wind. The development of such resources is likely to have local environmental effects. Accordingly, the Department will need to balance the positive aspects of using renewable energy resources against the impacts on the local environment."

At 12.2.9 of the Strategic Plan states "The Department remains of the view that the environmental impact of any proposals for alternative or renewable energy sources must be given similar scrutiny to other development proposals and not a lower test on the grounds that they are more environmentally friendly in energy terms."

Planning Policy's understanding of the onshore elements of the proposed scheme

It is understood that cabling will come onshore (location currently uncertain but possibly Groudle - para 4.1.2.5) and there will be an onshore substation in Douglas; possibly Lord Street or Middle River. It will be DEFA's responsibility to determine the environmental information and other evidence required but Planning Policy would expect to see detailed evaluation and impact assessment of:

- The scale of the onshore infrastructure including any construction corridors (route, width, impact on other uses etc.)
- The location where cables are to come ashore and development extent
- The location of the substation and development extent
- All matters of design and other ancillary elements – temporary or otherwise.

Considering the current and imminent planning proposals/applications in lower Douglas in the area of Lord Street, Parade Street and Middlemarch, there needs to be early appreciation of

the constraints in place. Many were highlighted on the Area Plan for the East. There is some discussion of alternative sites in the Report but there is very little detail and it is difficult to gauge whether there is a full appreciation of the characteristics of the locations referred to. Differences in approach depending on whether a cable landing area is Groudle or Douglas need to be explained better.

The construction corridor as described is extensive and the substation building will be large relative to any existing buildings in the areas mentioned. It would be helpful to understand the site selection criteria for shortlisted sites and cable landing areas. It is understood other areas of Government have been involved in the site selection - how was this exercise conducted? The Scoping Report is weak in explaining the assessment criteria in this respect i.e. identifying cable landfall locations and siting of the on shore substation.

Planning Policy acknowledges at para 4.1.3 'Transmission Options' that Orsted recognises the process could result in landfall and cable route refinement, alteration or fundamental reconsideration of alternatives options.' Planning Policy supports this.

Para 4.3.1.4 – 'The scoping boundary presented in this Scoping Report is a composite of the search areas adopted at this stage in early development, design and RPSS to identify the potential location of the landfall, permanent cable area and temporary works corridor, and within which any infrastructure may be moved or deviated in response to the Scoping Opinion and continued stakeholder feedback.' What is meant by 'continued stakeholder feedback'?

Para 6.1.1.3 states 'there are no specific consultation requirements under the TCPA, and therefore the Applicant will follow the requirements as set out in MIMA (see section 6.3) for the offshore components and voluntarily adopt these for the onshore components of the Proposed Development.' Cabinet Office seeks to highlight that DEFA will likely have a view on this approach.

Other Points

Reference is made to the Landscape Character Assessment (Chris Blandford Associates 2008). The intention is to update this survey in Q1/Q2 2024. Characterisation of the offshore seascape character of the Isle of Man may be in the project specification.

Baseline data sources – should include the Area Plan for the East - Landscape Chapter. Also the Draft Area Plan for the North and West 2022 (a Public Inquiry is set for Q2 2024).

Para 15.4.3.4 – Residential receptors – should include Baldrine and Onchan. Ballasalla is referred to but not Castletown; why is that?

At Table 15.2, the representative viewpoints are not extensive enough – Onchan Head, Laxey Headland should be included.

Para 15.2.2 AHLVCCS is no longer applicable in the East and the South.

Para 20.4.1.4 – MU Proposals Area – this should be attributed to Cabinet Office not DEFA.

Para 26.10.3.7 refers to the possibility of a more detailed coastal character assessment? Cabinet Office is interested in being a part of such discussions; it is not just relevant to DOI.

Other matters Cabinet Office is not on the Acronyms Table in the Glossary? Is there a clear understanding of the function split between CO and DEFA?

Cabinet Office
20th December 2023

CABINET OFFICE - EXTERNAL RELATIONS:

Hi Laura

Many thanks for your email, and for the opportunity to comment on the Ørsted Scoping Report.

As you might imagine, we have only relatively few comments to make on the report (and I would add that we have identified, and therefore only read Chapters 1-4 as being relevant to CABO).

On this basis, therefore, we would make the following comments -

- at section 2.4.1.1 we would suggest that as the Isle of Man is not a signatory in its own right to the international agreements referenced, that it might better say that we are a signatory "via the UK Government" as it does elsewhere in the report.
- in relation to the Ramsar convention, we are not sure that this is relevant to this report.
- we would suggest that the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter (1972) and the 1996 Protocol to that Convention might be relevant
- And we can confirm that the UK's ratification of the Espoo Convention does extend to cover the Isle of Man

Our only other observation, and it is one that we are in discussions with Ørsted about, is that we are looking to engage with the UK Government (in conjunction with colleagues in DEFA) concerning the Contracts for Difference (CfD) legislation in the UK, which may afford them a more profitable route to the UK market.

I hope that this is helpful,

With best wishes

David

DEPARTMENT OF INFRASTRUCTURE – HARBOURS:

Moor Vannin (Ørsted) Scoping Report opinion – IOM Harbours response for

Chapter 29 – Major Accidents & Disasters

The Isle of Man, through the Department of Infrastructure (DOI), Department of Enterprise (DfE) and Department of Food, Environment and Agriculture (DEFA) have International Maritime Organization (IMO) Flag, Port & Coastal State obligations. IMO instruments included in these obligations include:

- Safety of Life at Sea (SOLAS 1974 and its 1978 & 1988 Protocols, as amended);
- Prevention of Pollution from Ships (MARPOL 1973 and Protocols 1978 & 1997, as amended);
- Standards of Training, Certification and Watchkeeping for Seafarers (STCW 1978, as amended);
- Load Lines (LL 66 and its 1988 Protocol);
- Tonnage Measurements of Ships (Tonnage 1969);
- Regulations for Preventing Collisions at Sea (COLREG 1972).

Department of Infrastructure (DOI), through the Harbours Division assumes responsibility for the Coastal State obligations, including responsibility for Search & Rescue, Pollution, Salvage, and Safe Navigation in Manx Territorial Water. Harbours Division expects all relevant International Obligations to which the Island is a signatory and which are applicable to Manx territorial waters to be acknowledged and considered as part of the EIA.

Memorandum of Understanding (MOU) between the DOI, DfE and the Maritime and Coastguard Agency (MCA), UK Government in respect of The Conduct of SAR, Marine Pollution and Salvage Incidents and the Exchange of Maritime Safety Information & Meteorological Information in Manx Territorial Sea and Airspace was signed in 2023. The MOU sets out areas of understanding regarding certain operational aspects relating to SAR, marine pollution and salvage incidents to the seaward limits of its territorial sea. This also includes Maritime accident and disaster response. This MOU can be made available if required.

In addition, IOM Harbours and Coastguard have had initial discussions with HM Coastguard Governance, Policy, Standards and International Section regarding assessing and commenting on new marine developments from a SAR and pollution aspect. These discussions have resulted in the IOM Harbours and Coastguard being invited to future Offshore Renewable Energy Emergency Forum (OREEF) Environmental Subgroup.

If regards to the questions laid out in Chapter 29:

Q 29.1 Harbours agree.

Q 29.2 Harbours agree.

Q29.3 Harbours agree - Although ground collapse is covered in MA&D – 04, reference cannot be seen regarding collapse of any offshore turbine or substation(s), during construction, operation (either through mechanical failure or impact) or decommissioning. This should be included in the Impacts Register unless it covered in other chapters.

Q 29.4 Harbours agree.

Q 29.5 Harbours agree - noting that much of this will be carried out through the Key Receptors Chapters Risk Assessment which will form part of the EIA which will accompany the future application, all of which will be subject to Examination.

Q 29.6 Harbours agree.

Q 29.7 Harbours agree – the above listed IMO obligations, MARPOL and SOLAS should be added.

Q 29.9 Harbours agree - but reassurances are sought as to how any future receptors or users who become identified or have pertinent information, such as OREEF as mention above, can be included as or receptor or can feedback any information.

Moor Vannin (Ørsted) Scoping Report opinion – IOM Harbours response

- Question 14.1: Do you agree with the Study Area that has been identified for shipping and navigation?;

Yes

- Question 14.2: Do you agree that the baseline data sources identified are sufficient to adequately characterise the baseline?;

14.4.1.7 – Noting Mezeron’s daily transit between Ramsay and Glasson Dock bisects the proposed array this would be seen as having a significant impact to their operations leading to time delays and increased costs ion shipping of materials carried by their vessel.

14.4.1.8 – Lifeline Services Technical Advisory Group (TAG). In light of comment above we would expect that Mezeron are part of this conversation as a key risk.

- Question 14.3: Do you agree that all impacts/ effects that could arise from all stages of the Proposed Development have been identified within the Impacts Register (Annex 5.B)?;

Yes from a shipping and Navigation perspective

- Question 14.4: Do you agree on the suitability of the proposed commitments to reduce or eliminate LSE relevant to shipping and navigation?;

Yes but note - The cumulative impact - The gap at the Southern end of the array to the Northern section of the Morgan array. 14.7.2.1.4 STATES 1.4Nm. Measurement from Gig 14.3 is 3.6Nm while 2.5Nm is references in Morgan’s Nav Haz workshop.

- Question 14.5: Do you agree that the proposed approach to assessment is sufficiently set out to enable a robust assessment allowing likely significance to be ascertained;

Yes as much of this will be carried out via the Navigational Risk Assessment

- Question 14.6: Do you agree that the application can be assessed with the submission of an NRA in line with MGN 654?;

Yes on the basis that the IOM does not have an equivalent publication, therefore this remains best practice that should be followed.

- Question 14.7: Do you agree with the further data collection outlined in section 14.7 for informing the NRA?;

Yes

- Question 14.8: Do you agree that all receptors (users) related to shipping and navigation have been identified?; and

Yes

- Question 14.9: Does the Isle of Man have a mechanism for the establishment of offshore safety zones?

The DOI understands there are legislative requirements in respect of safety zones etc and the DOI is currently pursuing external assistance in order to understand what they are and how we consider and address.

THE TREASURY:



The Treasury

Yn Tashtey

Caldric Randall
Chief Financial Officer
The Treasury
3rd Floor, Government Office,
Bucks Road, Douglas,
Isle of Man.
IM1 3PX

FAO Mark Syme, Moir Vannin Development Project Team
Department of Infrastructure
Sea Terminal
Douglas
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IM1 2RF

Date: 15 December 2023

Dear Mark,

This letter sets out the response from Officers of The Treasury (Economic Advisory Function, Financial Governance Division) to Chapter 28 (Socioeconomics, Tourism & Recreation) of the Moir Vannin scoping report.

Overview

Chapter 28 covers the scoping of Socioeconomic, Tourism & Recreation impact assessments. While specific questions posed by the Applicant are addressed below, we will address broad themes here.

Socioeconomics can conceivably cover a very broad range of impacts, many of which may be intangible or difficult to link to the development in question. The Applicant has defined the impacts in Chapter 28 to be largely limited to the various population impacts of workers constructing the development, tourism impacts from changes in the seascape, and economic effects from construction and operation. Impacts on commercial fisheries and sea services are dealt with in chapters 13 and 14 respectively and will be responded to separately. In wider economic terms, these impacts are potentially greater than the economic impacts on tourism and through limited construction activities set out in the socioeconomics section.

The Isle of Man Government has various public ambitions around the addressing of Climate Change and the decarbonisation of the economy, most notably in commitments in the Economic Strategy (2022), subsequently incorporated into the Island Plan (see gov.im/economicstrategy). This includes an ambition to “substantially decarbonise the services parts of our economy by 2030 [...]”, motivated by a recognition that available green power is becoming a key requirement for businesses and residents in location decisions. While the timeframes for the Moir Vannin development would fall outside this timeframe, there remains a possibility that should any energy be brought on-Island, this could help contribute to new economic opportunities. Given the uncertainties around this, we would not propose that the Applicant seek to quantify such impacts.

In terms of more immediate impacts, the Applicant has identified the following key themes in the impact register:

Migrant workers

- The Applicant identifies the impact on the economy and potential impacts on service (e.g. healthcare) demand due to an influx of migrant workers. Some of these impacts are listed as no LSE, however we cannot agree that there is no LSE without further detail being provided.

Tourism impacts

- The Applicant identifies tourism impact from constraints on bedspaces (due to being taken up by migrant workers) and restrictions to offshore tourist/leisure activities. While the number of temporary workers is unknown there is the potential for impacts on tourism capacity and therefore it appears sensible to consider this.

Economy/GDP impacts

- GDP impacts from export activity are identified as being LSE – this will likely be dependent on the nature of operations and the ultimate commercial regime set up around the development. For example, if the Development is solely for export power to another jurisdiction there may be little need for on-Island activity. There may still be potential impacts from royalties, leases, taxation, etc, though these are yet to be defined.
- Further impacts are identified in terms of the on-Island workforce and job growth during the construction phase. Again, the scale of this activity is yet to be defined.

Overall, the proposed scoping seems reasonable subject to further detail being required on the scoping of service impacts (see Q 28.4 below). It should be noted that potentially major socioeconomic impacts could be generated should there be a failure to properly mitigate risks in other areas such as commercial shipping and aviation and these areas will be of interest from an economic perspective going forward.

Question 28.1: Do you agree with the Study Areas that has been identified for socioeconomics, tourism and recreation?

The study areas identified appear to be appropriate for capturing the relevant impacts. We anticipate that the 'Wider Study Area' referred to in 28.3.4 will be particularly relevant for capturing the general impacts on the Island.

Question 28.2: Do you agree that the baseline data sources identified are sufficient to adequately characterise the baseline?

Some of the Baseline data sources are due to be updated soon, or will be updated by the time the assessment takes place. Of particular relevance are:

- National Income accounts: 2021/22 data should be available imminently
- Quarterly Statistical Report: now available up to Q3, but Q4 may be available at time of assessment
- Isle of Man Economic Dashboard: is updated regularly. For information on source data or other questions please contact economicadvisory@gov.im

In addition to the potential for updated data sources as per the above, the following may be of use:

- Visit Isle of Man passenger survey 2023, interim results may be available on request and full results will be available in 2024
- CACI socio-demographic report, available on request from Business Isle of Man

We note the reference to Gross Value Added (GVA) in the Applicant's Scoping Report. GVA is not currently produced officially for the Isle of Man (please see National Income Report). While we do not object to the Applicant using methodologies around GVA, the Applicant will need to create this in a suitable manner. Otherwise it may be more appropriate to use a different measure such as GDP, GNP, GNI, etc.

Question 28.3: Do you agree that all impacts/ effects that could arise from all stages of the Proposed Development have been identified within the Impacts Register (Annex 5.B)?

The impacts / effects identified in Annex 5.B appear to be appropriate. We note that impacts to shipping (including economic lifeline services) and commercial fisheries are covered elsewhere and these may have major impacts on socio-economics.

Question 28.4: Do you agree on the suitability of the proposed commitments to reduce or eliminate LSE relevant to socioeconomics, tourism and recreation?

While the Commitments (Co18, 32, 23) listed against socioeconomic factors are positive steps, we do not agree that they will eliminate or substantially mitigate LSE.

For example, there does not appear to be mitigation around a potential large influx of migrant workers (either regarding local services or impact on tourism capacity). It is noted that the Scoping Report lists impacts relating to migrant workers as "No LSE" however we cannot assess whether this is appropriate without greater understanding of the numbers/phasing. Theoretically, a large number of migrant workers could take up a significant proportion of the Island's hotel stock, which could have knock-on impacts on inbound tourism. We therefore do not believe that this can be listed as "No LSE".

Related to the above, we similarly do not believe that IDs SE-03, SE-08, SE-09, SE-16 can be considered "No LSE" in the absence of further evaluation.

Question 28.5: Do you agree that the proposed approach to EIA is sufficiently set out to enable a robust assessment allowing likely significance to be ascertained?

The proposed EIA approach seems sufficient, however will require suitable assessment criteria for economic aspects (such as what level of job / GVA impact would warrant classification as 'significant'). It should be noted that in this regard the Isle of Man context would differ from UK methodologies and therefore a bespoke approach that takes into account this context will be required. For example, the following are factors that may be relevant to consider:

- Trade boundaries
- Existence/importance of lifeline services
- Economic sector makeup
- Business sizes (e.g. generally higher prevalence of smaller businesses vs UK)

Question 28.6: Do you have any specific requirements for the economic modelling methodology?

We would request that economic modelling adheres to current UK best practice (such as that approved for use in UK planning applications / business cases) but otherwise have no specific requirements. Please note that Isle of Man context will need to be accounted for as per Q28.5.

Question 28.7: Are local economic multipliers available at the level of the Isle of Man?

While some local multipliers have been publicised in the Isle of Man, these are not based on robust methodologies or are out of date, and we would therefore not recommend their use in this context. We would not object to the Applicant producing their own multipliers provided the methodology is sufficiently robust.

Question 28.8: Are there examples of measures adopted for similar developments in the Isle of Man which have sought to enhance economic benefits? If so, could you provide details?

We are not aware of relevant examples.

Question 28.9: Given the uncertainty around the level of local sourcing within the Isle of Man, would you agree that the economic benefits (jobs and GVA) should be represented as a range, but with the lowest likely scenario representing a "worst case" assessment of benefits?

We agree that providing a range of impacts would be appropriate in this context. Please note previous comments around calculation of GVA.

Question 28.10: Do you agree that decommissioning is an activity too distant in the future to conduct a meaningful assessment of socio-economic impacts, especially in regarding to economic modelling of jobs and GVA?

We agree that decommissioning is too distant to conduct a meaningful assessment.

Yours sincerely,

A large black rectangular redaction box covering the signature of the Chief Financial Officer.

Caldric Randall
Chief Financial Officer

MANX NATIONAL HERITAGE:

Hi Steve, Emma (and Ken in Steve's absence)

Herewith our response to the scoping opinion: no major issues, thankfully!

Thank you for the opportunity to comment on the Ørsted / Mooir Vannin Offshore Wind Farm Scoping Report. We understand that this is a preliminary part of the process leading towards the submission of the scheme.

Our comments are strictly limited to those aspects of the Scoping Report where we have a statutory responsibility under the terms of the *Manx Museum and National Trust Act*. We have therefore considered Chapters 15 (Seascape, Landscape & Visual Impact Assessment), 16 (Offshore Archaeology & Cultural Heritage), 22 (Onshore Archaeology & Cultural Heritage) and 26 (Landscape & Visual Impact Assessment). We confirm that we have also consulted the Impacts Register where relevant to these chapters.

Whilst we take a detailed interest in ecological matters, these are primarily dealt with by the Department of Environment, Food and Agriculture through its statutory responsibilities under the Wildlife Act, and we shall support the Department's responses in this area.

Chapter 15 Seascape, Landscape & Visual Impact Assessment

We are pleased to see reference to the Isle of Man Landscape Character Assessment at the outset of this chapter, together with the Isle of Man Strategic Plan (2016) and acknowledgement of the status of the island's National Glens. We would also point out however that there are substantial landholdings under the care of the Manx Museum and National Trust for their cultural and natural heritage value, and also that DEFA holds even more extensive lands which are areas of public ramblage, from which the public will gain views of the proposed scheme, thus forming a substantial and extensive visual receptor. This type of landholding might usefully be listed within Table 15.1, and acknowledged under the key receptors listed in Section 15.4.3.4. It is welcome that, from amongst our landholdings on the east coast of the island, Maughold Head, Marine Drive and St Michael's Isle are included in the list of proposed receptors detailed in Table 15.2. Additionally we would like to take the opportunity to record that we also have landholdings at the Dhoon, and at Laxey Head, and that the former shares characteristics with the nearby coastal road and Manx Electric Railway, both of which will have clear views of the development site, and might usefully serve as an additional receptor. In general, we are pleased to see that the proposed receptors provide a good range of locations and varied altitudes AOD from which to assess visual impact.

Lastly, we note that the detailed digital survey that forms the basis for mapping information covering the Isle of Man, maintained by the Department of Infrastructure's Cartographic Office, is missing from the list of sources provided in Table 15.1. We would remark that this offers a clear opportunity to use GIS to model visual impact effectively across the whole of the Isle of Man.

We foresee no problems with the questions raised in Section 15.8.

Chapter 16 Offshore Archaeology & Cultural Heritage

We note a typographic error on line 3, page 258: 'disbursed' should read 'dispersed'.

We have seen that various references are made within this chapter to wreck information in Manx waters derived from several sources, particularly MHER (Isle of Man Historic Environment Record), and 'Adrian Corkill's shipwreck database obtained directly from Mr Corkill or via his book (Corkill, 2001)'. For the avoidance of doubt we would like to clarify that Mr Corkill's database is now wholly incorporated within the

Isle of Man Historic Environment Record, and the latter database should be regarded as the ‘source of truth’ for all wreck data both within the offshore development site and the proposed landfall site – whether Douglas or Groudle – and that there are considerably more wreck sites in the vicinity of the landfall sites than currently indicated on Figure 16.1.

We note that the research covering this particular subject is ongoing and that therefore the outcomes and assessment of impact is necessarily provisional: overall however we are confident that the approach is well-established and have confidence that the issues raised under Section 16.8 will be properly addressed.

Chapter 22 Onshore Archaeology & Cultural Heritage

We note that there appear to be typographic errors in paragraphs 22.4.1.4 and 22.4.1.5 which obscure their meaning.

22.4.4.5 This should be the Manx National Heritage Library and Archive.

As with Chapter 16, we note that the research covering this particular subject is ongoing and that therefore the outcomes and assessment of impact is necessarily provisional: overall however we are confident that the approach is well-established and have confidence that the issues raised under Section 22.8 will be properly addressed. In respect of Question 22.7, we are working towards a solution to providing a dataset of designated monuments in GIS / shapefile format. The other datasets should be obtained from DEFA.

Chapter 26 Landscape & Visual Impact Assessment

Our previously-expressed comments made in response to Chapter 15 are again relevant, though with the acknowledgement that as these are much more developed urban areas, visual impacts are going to be for the most part limited and mostly transient during construction. We are content with the issues raised by the questions in Section 26.11.

I shall be attending the presentations on Tuesday 19th December as the representative of Manx National Heritage and note my inclusion in the relevant TAG groups. Dr Erica Spencer is away from the office this week but will in due course represent MNH on the Environment TAG.

Regards

Andy

Andrew Johnson BA MSc FSA

Curator – Field Archaeology / Inspector of Ancient Monuments

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e: [REDACTED]

Manx National Heritage, Eiraght Ashoonagh Vannin
Manx Museum, Douglas, Isle of Man, IM1 3LY

Isle of Man Registered Charity No 603 [REDACTED]

SHIP REGISTRY:

Hi Mark,

Apologies for the late response.

I have looked through the below and relevant chapter for shipping: 14.2.2 Legislation – International Legislation

I think MARPOL should be added to this list as it is relevant to major incidents and disasters.

In Shipping terms: Very Serious Marine Casualties (IMO Casualty Investigation Code) includes incidents that cause severe environmental impact such as from Oil, Dangerous goods, Noxious Liquid substances etc (MARPOL)

[REDACTED]

Thanks

Kind regards

Cameron

Cameron Mitchell
Director, Isle of Man Ship Registry

Tel : +44(0) [REDACTED] Direct : +44 (0) [REDACTED] Mobile + [REDACTED]
E-mail : [REDACTED] Website : [REDACTED] LinkedIn : [REDACTED] Twitter: [REDACTED]
Address: 1st Floor, St Georges Court, Upper Church Street, Douglas, Isle of Man, IM1 1EX, British Isles

ISLE OF MAN AIRPORT:

Good afternoon Emma,

Please see below the response from Isle of Man Airport.

We believe the Scoping Report has adequately captured the impacts upon Isle of Man Airport, but we have the following comments or observations:

1. **IOMA Secondary Surveillance Radar (SSR)**. IOMA uses a Wide Area Multilateration (MLAT) system (WAM) for secondary surveillance data. Whilst CAP764 states that impacts on SSR are typically only seen when turbines are located in close proximity (i.e. within 10km), the Scoping Report incorrectly states at para 17.7.2.4 that the nearest SSR to the offshore array is over 80km away inferring that the IOMA's WAM has not been considered. Whilst most of the WAM sensors would still be outside of the 10km, MLAT systems can suffer from multipath interference from windfarm developments and we therefore request that the IOMA's WAM is scoped in.
2. **IOMA Instrument Flight Procedures (IFPs)**. The Scoping report does specifically include IOMA IFPs in the report at paras 17.4.2.7 as well as in the summary of key receptors at para 17.4.4.4. However, neither the Impacts Register nor the Commitments Register include them. IOMA would therefore request that the IFPs are included within the Impacts register designated as a Likely Significant Effect (LSE).

Best regards,
Geoff

Geoffrey Pugh
Head of Air Traffic Services
Department of Infrastructure

Mob: [REDACTED]

Tel: [REDACTED]

Fax: [REDACTED]

Email: [REDACTED]

Isle of Man Airport
Ballasalla
Isle of Man

DEPARTMENT OF INFRASTRUCTURE – HIGHWAYS DIVISION:

Hello Mark,

Apologies for not getting back sooner. I was waiting to attend the TAG introductory meeting last week to get an overview of the project, before replying.

These are my initial thoughts.

Questions to Consultees

• Question 21.1: Do you agree with the Study Area that has been identified for traffic and transport?;

No.

The study area should cover both Douglas and Onchan for the proposed Douglas connection as would more robust. Especially as there is no information on cable routing through Douglas. Is it wholly within the highway or will the route traverse 3rd party land?

Also the study area of the Groudle Glen needs to encompass the A2, A11 , A2/A11 junction and A2/Avondale/Royal Ave Junction.

• Question 21.2: Do you agree that the baseline data sources identified are sufficient to adequately characterise the baseline?;

The Transport Assessment must use the Departments micro simulation model (Paramics Discovery) for Douglas and Onchan.

The Department can also provide additional historic ATC data.

• Question 21.3: Do you agree that all impacts/effects that could arise from all stages of the Proposed Development have been identified within the Impacts Register (Annex 5.B)?;

No.

Impact on concurrent planned commercial development in Douglas, particularly in Lower Douglas. Parade St, Lord St, Middlemarch and Villiers sites

• Question 21.4: Do you agree on the suitability of the proposed commitments to reduce or eliminate LSE relevant to traffic and transport?;

Partially.

Does not include reference to onshore cable route on highway infrastructure.

Also commitments will need reviewing once final location of onshore infrastructure is provided.

• Question 21.5: Do you agree that the proposed approach to EIA is sufficiently set out to enable a robust assessment allowing likely significance to be ascertained?; and

Yes.

• Question 21.6: Are features such as designated cycle ways available as GIS files to be mapped?

Yes.

Adopted highways, prowl etc. But also pedestrian routes.

Regards,

Kevin

Kevin Almond | Network Planning Manager

Highway Services | Department of Infrastructure

Sea Terminal Building, Douglas, Isle of Man, IM1 2RF

☎ Phone: [REDACTED]
✉ Email: [REDACTED]
@ Website: www.gov.im/infrastructure

DEPARTMENT OF INFRASTRUCTURE – FLOOD MANAGEMENT DIVISION:

Dear Laura,

Apologies for the delay in response we have no comment at present however we like to be included in the ongoing consultation. For information we have commissioned new tidal and fluvial flood maps for the Island which should be available in February. We are also currently reviewing flood planning Strategy and Policy for the Island which will be available later in the year.

If you have any questions please contact me.

Kind regards,

Malcolm

Malcolm Cowin BEng MSc GMICE MCIWEM | Senior Engineer | Flood Management Division

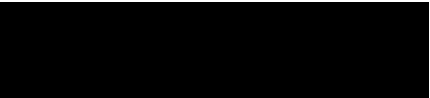
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Email: [REDACTED]

Websit: [REDACTED]



DEPARTMENT OF INFRASTRUCTURE – WASTE MANAGEMENT:

Mark

We have reviewed the waste section of the Scoping Report. The Department is content that the proposed baseline and assessment methodology are valid and will offer a robust assessment of waste within the EIA.

Section 31.2.3 will need to be updated to include reference to the Waste Strategy (Core Strategy) published in July 2018.

A new Waste Strategy is being developed and is due to be published in 2025. It is likely the EIA will need to consider this document rather than the 2012-22 strategy.

At this stage there is little definition of what the likely waste streams will be, however the island has routes for most waste forms.

Regards

Gary

**Gary Saunders IEng, IMIStructE, MICE, FIHE, MaPS, NECReg
NEC4 Accredited Project Manager**

Head of Project Delivery/Acting Head of Waste Management

Highway Services Division
Department of Infrastructure
Ellerslie Depot
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Isle of Man, IM4 2HA

Tel: [REDACTED]

Mob: [REDACTED]

email: [REDACTED]

From: Svme. Mark [REDACTED]



Manx Utilities
Isle of Man Business Park
Coil
Isle of Man
IM2 2QZ

25th October 2023

Moor Vannin Offshore Windfarm Scoping Opinion

To whom this may concern,

I write on behalf of Manx Utilities to formally state our opinion with regards to the proposed Environmental Impact Assessment (EIA) scoping report for Moir Vannin. Manx Utilities is only able to comment on the aspects of this project which may impact our existing and future planned infrastructure both onshore and offshore. We reserve commentary on both the viability of this project from an overall deliverability perspective and make no commitments within this response to future trading mechanisms or routes to market.

Manx Utilities are unable to comment on other aspects of the Environmental Impact Assessment which we are not experts in.

Having reviewed the scoping report, Manx Utilities has specific comments on the following areas:

Ownership and consenting

Manx Utilities' preference is to both own and consent any asset which is downstream of any proposed fiscal meter within the sub-station for the offshore windfarm, where there is a connection to the Manx Utilities network. This is consistent with the approach we have taken with other private onshore generators.

Manx Utilities will work with Orsted to ensure the deliverables of any required surveys align with their project milestones.

Future Security of Supply and Strategic Assets

It is yet to be determined how any cable between the offshore windfarm and the Isle of Man, may contribute to the Island's security of supply. Should this asset be a strategic asset, it would need to be protected from damage following a similar approach to the Isle of Man's existing HVAC interconnector. This may include sub-sea burial to a depth of 2m or alternative physical protection where burial is not possible. As such, the Environmental Impact Assessment may need to include this additional provision and the requirements for network modelling may need to be tighter.

Manx Utilities would also prefer a Douglas cable landing was avoided due to the proximity to the existing interconnector. From a network perspective a landfall north of the existing interconnector may be preferable to maintain separation and ensure there are no single point failures. This is likely to safeguard the resilience of the Isle of Man power system.

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However, should the cabling to the Isle of Man *not* be designated as strategic, synergy with the requisite surveys for Manx Utilities' planned second interconnector will be critical to avoid competition between contractors, vessels, routes and network constraints. Both aspects should be considered as socio-economic impacts within the EIA.

A strategic asset services level agreement may also be required between Manx Utilities and Orsted. Additional information on the requirements for protecting our Strategic Assets has been provided in Appendix 1.

Onshore consenting process and wayleaves

Consideration and allowances should be made within the EIA for Manx Utilities' Statutory Powers under the Electricity Act, 1996, particularly with regards to any benefits these powers may bring to the onshore connection and any necessary wayleaves.

Network Studies

Any connection to the Isle of Man power system will require consideration of both existing and planned connections which may be in service prior to the offshore windfarm. This will include intermittent renewable generation, on-demand generation and additional interconnection or other network modifications.

To support this work, Manx Utilities would require additional resources within the network design team to carry out the in-house modelling to work alongside Orsted grid modelling team to ensure there is no risk to security of supply on the Island in all scenarios including credible fault conditions. Consideration for the burden to Manx Utilities and any opportunity to support this resource gap should be included.

This resource requirement maybe greater depending on the complexity of the connection and any additional connections to other jurisdictions. The potential proposal for a connection with EirGrid is not clear from the scoping report.

Capacity of existing sub-stations

The proposed window for connections to the Isle of Man appears to assume a connection to one of the sub-stations in Douglas. The spatial requirements of any ancillary infrastructure required to support an offshore windfarm connection would need to be understood.

While there is sufficient capacity in the network to accommodate some additional generation in Douglas, there may not be sufficient space available within the existing sub-stations to accommodate the connection. This does not currently appear to be part of the assessment.

Onshore Utilities

It is not clear from the scoping report what constitutes the potential proposal for a connection with EirGrid and whether or not there is any proposed onshore corridor for this connection. If this cable route is passing across the Isle of Man, then consideration for Manx Utilities' services (e.g. electricity, water, sewerage, gas and telecoms) will need to be given. In addition, the potential impact to our wider utilities may be greater and more resource may be required from Manx Utilities to facilitate the connection.



Additional Information Required

There does not currently appear to be sufficient information available for Manx Utilities to fully consider the impact on all of our infrastructure, particularly with regards to any planned onshore infrastructure. We recommend that this is included and all potential cross-Island routes are included.

Manx Utilities is 100% committed to the delivery of the Island's 2030 electricity decarbonisation target and the Isle of Man Government's Island Plan. We support schemes that contribute to the wider Isle of Man Government's journey to net zero in 2050; however, we also have a duty to ensure the Island's electricity supply remains reliable and affordable. In particular, Manx Utilities has identified a connection between the Isle of Man and an offshore windfarm being the most viable means of providing greater energy independence with increased use of renewables after 2030 without compromising the Island's electricity balancing position or the stability of the Island's power system.

Yours sincerely
Lizzie

Lizzie Riley
Energy Transition Lead & Transition Programme Manager
Manx Utilities Transition Programme

Appendix 1: Existing Offshore Strategic Assets

Background Information

The Manx Cable Company (MCC) own and operates, on behalf of the Manx Utilities Authority, a submarine power cable, referred to as the Isle of Man interconnector [Manx 1], which runs between Douglas Head in the Isle of Man and Bispham, Blackpool. With an undersea section of approximately 104km (65 mi), it is one the longest AC undersea cables in the world and is an essential means of maintaining efficient and secure supplies of electricity to the residents of the Isle of Man.

Sub-sea cables are vulnerable to third-party damage from marine activities and these risks are constantly being monitored and assessed, as the impact from third-party damage can result in significant repair and business interruption costs to the Authority.

In addition to third-party damage the introduction of fixed structures and associated export, collector and/or array cables on or buried in the seabed, can through their proximity present an ongoing operational risk to maintenance and repair works over the life of the asset.

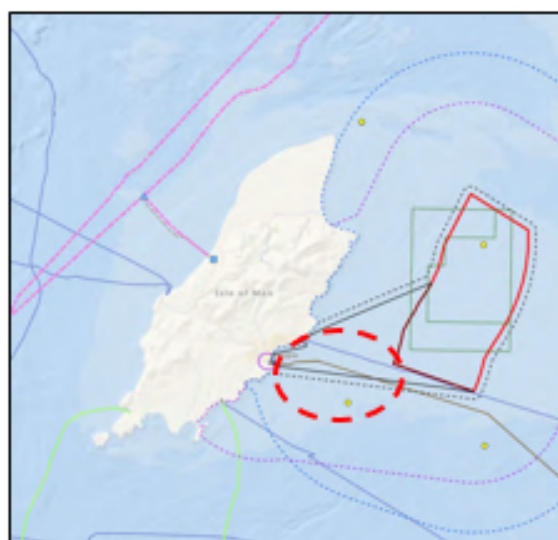
With this in mind and considering the interconnector's asset value and strategic importance to our business and the wider Manx economy MCC welcomes the opportunity to engage in the consultation process.

Interpretation of Wind Farm proximity to the Interconnector and associated export cables

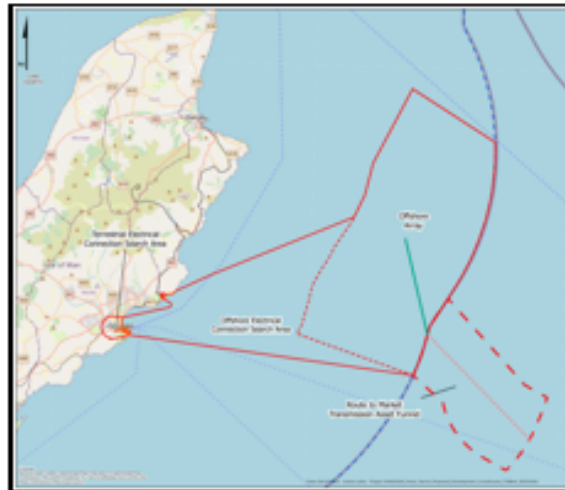
The proposed Offshore Array is sited inside IOM territorial waters between the Isle of Man and west coast of GB and to the north of Douglas.

None of the IOM interconnector is positioned inside the boundary of the proposed ~~Orsted~~ offshore wind farm.

However, approximately 13km of the IOM Interconnector **is situated in** the proposed area for the cable corridor between the Offshore Array and Isle of Man. Proximity and/or crossing agreements maybe relevant depending on the exact route of the cables.



In respect to the export cables [Route to Market Transmission Assets] running from the eastern boundary for the Offshore Array; these will likely impact on our existing assets in the future and regular communication and co-ordination between the relevant parties will be essential as plans become clearer.



Comments and Feedback below relate to **Socio-economics & Major Accidents** in relation to the project and the IOM Interconnector.

Item	Risk Category	Potential Increase in Risk	Level of Concern	Comments
1	Third Party Damage	Vessels engaged in the construction and maintenance utilise Douglas Harbour increasing the potential for vessels anchoring in the vicinity of Douglas Bay.	Medium	Request developer ensures robust protocols are in place to highlight the existence and positioning of the interconnector to all vessel engaged in the supply chain.
2	Third Party Damage	Displacement of fishing activity increases fishing interaction, from present levels, over the cable route.	Low	The impact of displaced fishing activity may present an increase in risk considering the collective impact of Eastern Irish Sea in the future.
3	Third-Party Damage	Survey works [Geotechnical] which are invasive and interacts with the sea bed in close proximity to the IOM interconnector	High	Request developer engages as soon as it is practicable with MCC to review any survey with 1NM and assess the risk presented by the proposed survey works due to it nature and proximity.
4	Third-Party Damage	Cable installation [export and inter-array cables]	High	Request developer engages as soon as it is practicable with MCC to review any cable installation activities with 1NM and assess the risk presented by the proposed works due to it nature and proximity.



5	Third-Party Damage	Fixed Structure installation [wind turbines and offshore sub-stations]	High	Request developer engages as soon as it is practicable with MCC to review any offshore construction activities with 1NM and assess the risk presented by the proposed works due to its nature and proximity.
6	Operational Risk	Close proximity of fixed structures such as turbines and offshore substations	Medium	Request developer engages as soon as it is practicable with MCC to open dialogue on determining a suitable proximity limit where the planned proximity of any fixed structure is within 1NM of the IOM interconnector
7	Operational Risk	Third-party cable crossings	Medium	Request developer avoids, wherever possible, multiple crossings of the IOM interconnector by export, collector and/or array cables. Where multiple cable crossings are necessary, the crossing of cables should be spaced and agreed so that, timely and economical repairs to both the crossing and crossed cables can be undertaken.

In addition to the above, and for the purpose of transparency, it is appropriate to share an outline of Manx Utilities plans relating to a second interconnector for the Isle of Man.

Several options for future interconnection, via a second sub-sea interconnector cable, are currently being considered with one potential off-shore cable route/corridor from a site north of the existing interconnector, running to the south of the proposed Wind farm towards the west coast of GB.

Plans and co-ordinates of the route being considered are available on request.

At present these plans and options are still in the high-level feasibility stage but it is considered appropriate to highlight and share our plans for information purposes at this stage.

For further information or clarification in respect to the above please feel free to contact:

Stephen McGhee
Interconnectors Manager for Manx Utilities

Stephen McGhee [REDACTED]

Scoping Opinion for the Proposed Moir Vannin Offshore Wind Farm Project

Dear Laura,

Apologies for the delay in response we have no comment at present however we like to be included in the ongoing consultation. For information we have commissioned new tidal and fluvial flood maps for the Island which should be available in February. We are also currently reviewing flood planning Strategy and Policy for the Island which will be available later in the year.

If you have any questions please contact me.

Kind regards,

Malcolm

Malcolm Cowin BEng MSc GMICE MCIWEM | Senior Engineer | Flood Management Division
Department of Infrastructure | Sea Terminal Building | Douglas | Isle of Man | IM1 2RF
Tel: [REDACTED]
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CABINET OFFICE – PUBLIC HEALTH:

Public Health (Cabinet Office) response to Orsted’s scoping report on the Moir Vannin Offshore Wind Farm (the “scoping report”).

The following response reflects the views of officers in Public Health (Cabinet Office) regarding the information contained with the submitted Scoping Report (Orsted) dated October 2023.

1. Contents

1. Contents	1
2. Basis for Public Health’s response to the scoping report.....	1
3. Overview of Public Health’s consideration of the scoping report.....	2
4. Impact on human health and wellbeing	3
5. Impact on human health and wellbeing - Consultation questions	7
Question 30.1: Do you agree with the Study Area that has been identified for human health and wellbeing?	7
Question 30.2: Do you agree that the baseline data sources identified are sufficient to adequately characterise the baseline?	8
Question 30.3: Do you agree that all impacts/effects that could arise from all stages of the Proposed Development have been identified within the Impacts Register (Annex 3.8)?	8
Question 30.4: Do you agree on the suitability of the proposed commitments to reduce or eliminate LSE relevant to human health and wellbeing?	8
Question 30.5: Do you agree that the proposed approach to EIA is sufficiently set out to enable a robust assessment allowing likely significance to be ascertained?	8
References.....	9
6. Legislative concerns arising from the scoping report’s content.....	9
Commencement of the Marine Infrastructure Management Act 2016 and associated secondary legislation	9
Possible incomplete assessment of legal obligations	9

2. Basis for Public Health’s response to the scoping report

The primary legislation relating to the functions of Public Health on the Island are provided by section 1 of the [Local Government Act 1983](#). Notably, section 1(2) of that Act requires the Director of Public Health to provide the Cabinet Office with such assistance as the Department may consider necessary to fulfil its obligations under any enactment.

Further to its statutory powers, Public Health also provide impartial advice across Government and non-Government bodies to promote and co-ordinate improvements to health and wellbeing across the Island.

Accordingly, Public Health contribute towards many of the requirements of the Island Plan¹, including the goal of “An Island of health and Wellbeing”. This goal recognises the link between health places, active lifestyles and overall wellbeing in policy choices along with the clear benefit of taking a long term Public Health view in Government policy making. Public Health thus has a key role in helping guide Departments, and other, through the consideration of their policy making for the benefit of the wider population.

It is on this basis of the above that Public Health are responding to the scoping report.

3. Overview of Public Health’s consideration of the scoping report

In preparing this response it was noted that the scoping report represents the earliest stages of this proposed project. This response is accordingly intended to provide feedback to Orsted on how this scoping report, and subsequent Environmental Impact Assessment, may be refined and developed.

This feedback also identifies possible issues or concerns for the Isle of Man Government that may also require addressing with respect to the issues raised by the scoping report.

It is recognised that there are clear links between energy consumption and wellbeing that improve with the reliability of energy supply. Given the requirements of the Climate Change Act 2021, and the high levels of greenhouse gas emissions as a consequence of current energy generation on the Island, substantial changes to the Island’s energy supply are required. The development of energy generation from offshore wind has been recognised as making an important contribution to the Island’s future energy generation mix, and on this basis this project has the potential to provide significant benefits to the Island (e.g. reductions in air pollution).

However, it is noted that the scoping report and associated project are in the early stages of development with further information yet to be defined in a number of areas, in particular –

- The overall design rationale for the project, in particular the reasoning behind the proposed landfill site in Groudle; the arrangements for onshore infrastructure; and Orsted’s planned relationship with the Manx Utilities Authority (MUA) as the operator of the Island’s electricity network.
- The regulatory requirements for this project given the most up-to-date legislation (i.e. the Marine Infrastructure Management Act 2016) is not fully implemented.
- Noting the limited capacity of the Island’s energy infrastructure, the benefits this project may bring to the Island’s economy and energy security in the short, medium and long term.
- The possible health benefits (if any) this project may bring to the Island.

With respect to the last bullet point, Public Health are presently undertaking a Joint Strategic Needs Assessment of the Island’s health and wellbeing. Public Health would be happy to discuss with Orsted how this work may inform the scoping report and the subsequent preparation of the environmental impact assessment.

Finally it is noted by Public Health that any major project of this nature will need to carefully consider its environmental impact, particularly with respect to the Island’s UNESCO biosphere status and the Marine Nature Reserves that may be impacted by this project.

¹ Our Island Plan: Incorporating the delivery of the economic strategy. Building a secure, vibrant and sustainable future for our Island: January 2023. [GD/2022/0095, as amended].

4. Impact on human health and wellbeing

Wellbeing, although a widely used term, is not defined in the Island plan. For the purposes of this response regard has been given to the UK Measures of National Wellbeing², as developed and measured by the UK Government's Office of National Statistics (ONS) since 2011.

The UK Measures of National Wellbeing (2023) is a framework of 10 domains, and 60 associated measures, of national wellbeing. It is this framework that has been used as the basis of this qualitative response to the scoping report, which has also been informed by research on "Understanding the Impacts of Offshore Wind Farms on Well-Being"³ and the Public Health chapter from the 2022 Environmental Impact Assessment for the Awel y Môr Offshore Wind Farm⁴.

Wellbeing domain	Observation	Suggested action
Personal wellbeing	<p>Visual impact in certain areas may be greater than others</p> <p>Noise impact may be higher on Island, notably given proximity off wind farm to Island (6nm at Maughold held) and low background noise.</p> <p>Residential areas in proximity to onshore infrastructure</p>	Orsted invited to consider this impact
Our relationships	<p>The scoping report notes a number of "statutory" and "non-statutory" consultees have been identified with respect to the application.</p> <p>However, it seemingly fails to consider other interested parties on the Island, such as –</p> <ul style="list-style-type: none"> • representatives of local businesses (e.g. IOM Chamber of Commerce, Isle of Man Construction); • local businesses or organisations that may be affected by any development (e.g. Groudle Village, businesses and organisations in North Quay and/or Middle River Industrial Estate); • professional bodies (e.g. IOM Law Society). 	Orsted is encouraged to give consideration to broadening the list of non-statutory consultees having regard to the Isle of Man Government's consultation principles and guidance ⁵ .

² See <https://www.ons.gov.uk/peoplepopulationandcommunity/wellbeing>

³ Hattam, C., Hooper, T. and Papathanasopoulou, E. 2015. 'Understanding the Impacts of Offshore Wind Farms on Well-Being', The Crown Estate, 77 pages, ISBN: 978-1-906410-63-0.

⁴ Awel y Môr Offshore Wind Farm. Category 6: Environmental Statement. Volume 3, Chapter 12: Public Health. April 2022; Revision B. RWE Renewables UK.

⁵ Public engagement and consultation principles, Council of Ministers, October 2017 [\[ISO 2017/0061\]](#).

Wellbeing domain	Observation	Suggested action
Health	Correction of typographical error in the report with respect to percentage of participants in survey who have low physical activity.	Invite Orsted to correct para. 30.4.1.3 to show that 39.6% of participants were classified as having low physical activity.
	The health and wellbeing baseline data is too broad to be linked and measured against the risk register. The baseline data sources identified are not sufficient to adequately characterise the baseline.	The baseline data sources identified should be updated to focus more on specific health risks rather than general population data such as alcohol and tobacco use.
	The Impact Register (Annex 3.8) sets out the proposed assessment of potential effects on human health and wellbeing associated with the Proposed Development, yet excludes reference to the baseline data.	A closer alignment should be made between data regarding risks and data regarding health and wellbeing.
	The likely proposed landing locations both likely impact on residential accommodation. However, it is not possible at this stage to fully scope the potential impact of this infrastructure.	Orsted to work with the MUA to update the scoping report with respect to onshore infrastructure requirements and the potential sites for required onshore infrastructure. This information will assist interested parties in providing relevant and constructive input as to the requirements of the scoping report.
	Depending on the type and location of onshore infrastructure there are possible health risks that may arise from this development. Some of these may be associated with the building of the infrastructure (e.g. dust, noise pollution and transport) and some may arise due to its operation (e.g. risks of exposure to high voltage electricity and the possible health risks from the associated electromagnetic fields).	The scoping report should set out plans for a proper health impact assessment as well as health and safety risk assessments. It is also suggested that consideration be given to following the model set out in the 2022 Environmental Impact Assessment for the Awel y Môr Offshore Wind Farm ⁸ .
What we do	It is noted the scoping report has given some consideration to sporting events on the Island (e.g. the TT races). However,	Orsted is invited to work with the Department for Enterprise (DfE) to identify what major sporting or cultural events may

⁸ Awel y Môr Offshore Wind Farm. Category 6: Environmental Statement. Volume 3, Chapter 12: Public Health. April 2022; Revision B. RWE Renewables UK.

Wellbeing domain	Observation	Suggested action
	<p>there is a concern that there is no reference to other events that may have an impact on the project (e.g. the annual Festival of Motorsport in September and a possible Island Games in 2029). [see paragraph 21.4.4.6 of the scoping report]</p>	<p>be impacted by, or impact upon, the proposed development.</p>
<p>Where we live</p>	<p>It is noted the report has a threshold for when surveys need to be undertake a transport assessment for assessing the potential impacts on traffic and transport. However, given the relative size of the Island there is a concern that these thresholds are too high. [see paragraph 21.7.3 and table 21.3: magnitude of impact of the scoping report]</p>	<p>Invite Orsted to review this threshold, and others in the scoping report, having regard to the possible impact of the proposed activities on a small Island.</p>
	<p>It is noted the scoping report plans to assess the impact of the visual aspect of the proposed development on tourist accommodation. [see paragraph 28.3.4.5 of the scoping report]</p> <p>It would seem reasonable to assess this potential impact on the property prices more generally.</p>	<p>Invite Orsted to assess how the visual impact of the project may impact upon the value of properties within the wider study area.</p>
<p>Personal finance</p>	<p>Paragraph 28.5 of the scoping report sets out the assumptions that will be taken into consideration for the socioeconomic, tourism and recreation scoping assessment.</p> <p>Given the specialist nature of the windfarms construction and their location, when set against the Island's limited industrial base, it seems unlikely that significant amounts of the offshore aspect of the project will be supplied from persons or businesses on the Island</p>	<p>Orsted is invited to clarify in its assessments what economic benefits will likely be derived by persons and businesses on the Island as a consequence of this project during the commissioning, operational and decommissioning stages of this project. This will aid the understanding of the economic benefits this project will bring to the Island.</p>
<p>Education and skills</p>	<p>Paragraph 30.1.1.4 of the scoping report states: "The Proposed Development is also expected to provide employment opportunities and economic benefits that may make positive contributions to human health and wellbeing."</p>	<p>Orsted is invited to ensure that any assessment of this matter takes into account the health and safety risks that may arise as a consequence of such employment.</p>

Wellbeing domain	Observation	Suggested action
	However, if the employment opportunities are hazardous or dangerous they may well have a net negative impact on human health and wellbeing due to injuries or long-term sickness arising as a consequence of such work.	
Economy	The scoping report presently provides a lack of information on the economic basis of this project, and the associated costs and benefits of the project for the Island. Measuring these, such as via the <i>five-capital approach</i> ⁷ , have been linked to population wellbeing.	Orsted is invited to set out how the project will impact upon the Island's economy during each stage of the project.
Governance	The Island operates a significantly different legal framework to the UK with key legislation relating to this potential application either out of date or not yet in operation. <i>[see also para. 6 below]</i>	The Department of Infrastructure (DOI) to publish its intended plans for implementing MIMA and engaging with all interested parties as a matter of urgency on the required secondary legislation, guidance and operational requirements.
Environment	Potential impacts on the environment difficult to assess given size of scoping area and lack of clarity as to rationale (e.g. why a landing location at Groudie) and location of onshore infrastructure. No consideration of broader possible infrastructure developments (e.g. UK – Eire interconnector) and potential replacement of the existing IOM – UK interconnector.	Orsted to work with the MUA to update the scoping report with respect to onshore infrastructure requirements and the potential sites for required onshore infrastructure. This information will assist interested parties in providing relevant and constructive input as to the requirements of the scoping report.
	The impact of the project on the Island's net greenhouse gas emissions is unclear. For example, the project indicates the windfarm will have the capacity to meet the energy needs of the Island. <i>[see para. 1.3.4.3 of the scoping report]</i>	Orsted and the MUA to identify the likely impact of the proposed development on the Island's energy needs over the lifetime of the project. Orsted to undertake an assessment of the Island's likely greenhouse gas emissions associated with the project's installation and de-commissioning set against the Island's greenhouse gas emissions that

⁷ See paragraph 1.1. of Hattam, C., Hooper, T. and Papathanasopoulou, E. 2013. 'Understanding the Impacts of Offshore Wind Farms on Well-Being', The Crown Estate, 77 pages, ISBN: 978-1-906410-63-0.

Wellbeing domain	Observation	Suggested action
	<p>However, the current Energy Strategy⁸ only has a target of receiving 30MW of power from renewable energy, such offshore wind power. It is understood this is a consequence of local energy infrastructure and load balancing requirements.</p>	<p>may be reduced as a consequence of this project.</p>
	<p>There is no data on the effects of the existing impact of Pulrose Power Station on the health and wellbeing of the Island's population.</p>	<p>Invite Orsted to work with MUA and DEFA to establish a data baseline.</p>
	<p>Possible need for further consideration of the definition of artificial land noting the land reclamation work in Douglas promenade and Battery Pier. <i>(see para. 20.4.1.11 of the scoping report)</i></p>	<p>Orsted is invited to assess that the scoping report has given adequate consideration to the possible impact of the onshore infrastructure aspects of the project on reclaimed land in Douglas promenade and Battery Pier.</p>
	<p>It is noted that a decommissioning plan is yet to be fully developed, although there is an assumption that some infrastructure will be left in situ. <i>(see paragraph 3.8.1.6 of the scoping report)</i></p> <p>Given the potential environmental impact of the project, and the associated costs of these decommissioning arrangements at a time when the project is no longer generating revenue, it would seem reasonable to ensure greater consideration is given to the project's decommissioning, and funding thereof, at the earliest opportunity.</p>	<p>Orsted is invited to set out in more detail the likely decommissioning arrangements and how these will be funded.</p>

5. Impact on human health and wellbeing - Consultation questions

Question 30.1: Do you agree with the Study Area that has been identified for human health and wellbeing?

The Study Area defined appears to encompass the areas of proposed landing sites. One of the proposed human health and wellbeing impacts is that of air quality, specifically, dust particles and exhaust emissions.

⁸ [Energy Strategy 2023, Department of Environment, Food and Agriculture.](#)

The Study Area for Chapter 24, Air Quality, is the entirety of the Isle of Man's land surface area. It is difficult to understand why these two study areas, as one example, differ so largely, when the impacts assessed in Chapter 24 are in conjunction with Chapter 30.

Clarification as to the rationale behind the Study Area of Chapter 30 would be needed to ascertain suitability of the Study Area identified.

Question 30.2: Do you agree that the baseline data sources identified are sufficient to adequately characterise the baseline?

Whilst the data sources identified are, in themselves, robust and representative of the Island's population, it is difficult to determine whether or not these are adequate without further clarification as to the rationale behind the described baseline data in Chapter 30.

It is unclear as to the purpose of the baseline data given in Chapter 30, when read in conjunction with the impacts signposted to, within Chapter 30.

For example, as Chapter 24, Air Quality, has been identified as containing impacts related to human health and wellbeing, it would be expected that baseline data would include specific reference to cardiovascular and respiratory outcomes, either in the identified Study Area, or Isle of Man in its entirety, as has been causally linked within contemporaneous scientific literature.³

Specific effects from both noise pollution, and electromagnetic fields should also be assessed from both acute, and chronic exposure, due to the effects of these on human health.^{3,4}

Question 30.3: Do you agree that all impacts/effects that could arise from all stages of the Proposed Development have been identified within the Impacts Register (Annex 5.B)?

No; it would be reasonable to expect a Health Impact Assessment (HIA) to have been scoped and/or completed at this stage to determine specific Human health and wellbeing impacts/effects to measure, and monitor.

Paragraph 30.2.4.2 references Health Impact Assessment in spatial planning as one of a number of guidance documents used, although it is unclear as to how this has informed the impacts/effects, and subsequently, the baseline data within Chapter 30.

Question 30.4: Do you agree on the suitability of the proposed commitments to reduce or eliminate LSE relevant to human health and wellbeing?

As described above, more clarification as to the suitability of the impacts determined is needed before determining described commitments to reducing, or eliminating, LSE's relevant to Human health and wellbeing.

Question 30.5: Do you agree that the proposed approach to EIA is sufficiently set out to enable a robust assessment allowing likely significance to be ascertained?

As above, with specific regard to Human health and wellbeing, a HIA would allow for comprehensive assessment of impacts to human health and wellbeing, and subsequent ascertainment of likely significance.

References

1. Dominski FH, Lorenzetti Branco JH, Buonanno G, Stabile L, Gameiro da Silva M, Andrade A. Effects of air pollution on health: A mapping review of systematic reviews and meta-analyses. *Environ Res.* 2021;201. doi:10.1016/j.envres.2021.11148
2. Noise pollution is a major problem, both for human health and the environment — European Environment Agency. Accessed January 23, 2024. [REDACTED]
3. Guidelines for limiting exposure to time-varying electric and magnetic fields (1 Hz TO 100 kHz). *Health Phys.* 2010;99(6):818-836. doi:10.1097/HP.0B013E3181F06C86
4. [REDACTED]

6. Legislative concerns arising from the scoping report's content

Commencement of the Marine Infrastructure Management Act 2016 and associated secondary legislation

It is noted that the scoping report makes a critical assumption that the Marine Infrastructure Management Act 2016 (MIMA) will be fully commenced, along with all necessary secondary legislation, by the time the application is submitted in early.

As of January 2024, MIMA has only been partially commenced and no substantive secondary legislation has been made to implement the requirements of that Act.

This would indicate a planned drafting, consultation and Tynwald approval of the necessary secondary legislation to bring MIMA into effect, alongside the development and introduction of guidance and operational changes within Government (notably DOI) to implement such legislation.

While this may be feasible in the next 11 months, to bring forward the implementation of such legislation at such a pace, in the context of an anticipated application being made under MIMA that is likely to attract significant public attention and possible legal challenges, gives rise to a number of risks –

- A. The secondary legislation is not developed with sufficient input from key stakeholders, within and without Government, giving rise to concerns over its adequacy and possibility for bias.
- B. The secondary legislation is not developed in time for the anticipated application date by Orsted, forcing all parties to operate on the complex, and arguably incomplete, previous regulatory model.
- C. Progressing the secondary legislation through Tynwald is subject to heightened challenge, and risk of failure, by acting as a proxy debate on the merits of the anticipated Orsted application.

Possible incomplete assessment of legal obligations

In addition to the concerns over the implementation of MIMA, it is noted that some possible legal obligations were referenced, but the consequences of these legal obligations was not fully considered. Notably –

The requirements of the [Wildlife Act 1990](#) with respect to –

- Protection of certain wild animals (section 9) – notably subsection (4A) given the planned sonar surveys;

- Marine Nature reserves (section 32) and the legal status of Douglas Marine Nature Reserve (MNR) under the associated secondary legislation⁶;
- Duty to have regard to environment (section 36).

The possible application of the requirements of the [Harbours Act 2010](#) (e.g. section 26 – works detrimental to navigation or use of vessels) and the Fisheries Act 2012 (e.g. section 11 – removal of obstructions, section 17 – use etc. of deleterious matter and section 18 – removal of material from river-bed) with respect to any activities in the harbour of and rivers, respectively, that may be affected by the onshore infrastructure developments of this project.

The possible application of the [Coastline Management Act 2005](#), notably the requirements for the regulation of development in a coastline management zone (section 4)

The possible application of the [Electricity Act 1996](#), in particular –

- Construction of generating stations (section 6); and
- Regulations as to safety and supply (section 7 and regulations made thereunder).

⁶ Manx Marine Nature Reserves (Designation) Order 2018 (SD 2018/0187) and associated Manx Marine Nature Reserves Byelaws (SD 2018/0186).

9. Appendix 2: External Responses to Scoping Consultation and Copies of Replies

Marine and Fisheries Division Response

Scoping Opinion Transboundary Consultation

Marine Conservation

DAERA Marine and Fisheries Division welcomes the opportunity to comment on this consultation. We have the following comments to make:

- Regarding Table 1.7 in the scoping report (pg. 692) for The North Channel SAC (Harbour Porpoise) we are content that for Underwater noise Harbour porpoise from this SAC have been screened in. However, under Changes to prey, and Habitat loss/disturbance, the North Channel SAC Harbour porpoise have been screened out; this is a winter SAC based on high densities of Harbour porpoise being present in that season. There is potential for the proposed wind farm area to be used by Harbour porpoise from the North Channel SAC in the summer. Therefore, screening these out based on distance from the site may not be accurate. The data from SCANS IV may be helpful in considering the significance of Moir Vannin scoping area.
- Strangford Lough SAC – the site selection feature is listed as Harbour Porpoise, but it should be Harbour Seal.
- The Maidens SAC (Grey Seal) – This may be a similar case as the point made for Harbour Porpoise, however, if screening rules out any significant adverse impacts to North Channel Harbour Porpoise, then other marine mammals (e.g. Grey Seals in the Maidens) should be sufficiently covered.

Marine Licensing

DAERA Marine Licensing have no comment to make at this stage but we would like to request sight of the application once it is received by the Department of Infrastructure.

UK Chamber of Shipping:

Dear Orsted,

The UK Chamber of Shipping welcomes the opportunity to respond to the Scoping Report for Moir Vannin

Offshore Wind Farm located in Isle of Man waters.

The Chamber has singularly read and reviewed the Shipping and Navigation section and offers the following responses to the set questions:

Question 14.1: Do you agree with the Study Area that has been identified for shipping and navigation?

- Yes 10nm is industry standard for study area. The Chamber further agrees with the stated 50nm search area for cumulative impact which is consistent with other large scale projects. The Chamber expects, at least, that all projects that have submitted a scoping report, to be considered within the cumulative study.

Question 14.2: Do you agree that the baseline data sources identified are sufficient to adequately characterise the baseline?;

- Yes as a baseline for the Scoping report to be built upon for the NRA.

Question 14.3: Do you agree that all impacts/ effects that could arise from all stages of the Proposed Development have been identified within the Impacts Register (Annex 5.B)?;

- The Chamber asserts that it is incorrect to state that reduced port access is singularly due to increased vessel traffic. Reduced access is due to development location, orientation and proximity to the port and should be considered. Site selection was proposed in 2015, prior to other developments in the Irish Sea and the AfL may not be appropriate for an OWF development due to the cumulative picture.
- The Chamber does not agree that SN-06 to SN-09 should exclude construction/decommissioning phases
- The Chamber wishes to see SE-18 “Economic impact due to disruptions to shipping lanes” – broadened to include socio-economic and environmental impacts and not just economic noting the essential lifeline ferry services impacted and the degraded environmental performance of the shipping industry from increased deviation and cancellations.

Question 14.4: Do you agree on the suitability of the proposed commitments to reduce or eliminate LSE relevant to shipping and navigation?;

- Compliance with MGN 654 is standard, however it is of the Chamber’s initial view that amendments to the red line boundary will be required to result in navigational safety being tolerable if ALARP

Question 14.5: Do you agree that the proposed approach to assessment is sufficiently set out to enable a robust assessment allowing likely significance to be ascertained;

- With the widening of the impacts scoped in as suggested above, likely yes.

Question 14.6: Do you agree that the application can be assessed with the submission of an NRA in line with MGN 654?;

- Yes the Chamber agrees with an NRA in compliance with MGN 654.

Question 14.7: Do you agree with the further data collection outlined in section 14.7 for informing the NRA?;

- Section 14.4.4 details further data collection to be undertaken not 14.7. The Chamber supports a full 12-months of high fidelity AIS data used to validate. The Chamber would further wish to see 20 years of MAIB, RNLI & IOM equivalent accident analysed rather than 10 as stated.

Question 14.8: Do you agree that all receptors (users) related to shipping and navigation have been identified?; and

- Yes

Question 14.9: Does the Isle of Man have a mechanism for the establishment of offshore safety zones?

- The Chamber is unaware whether the Isle of Man has such a mechanism. The Chamber supports the approach taken in the UK REZ which enables 500m safety zones during

construction, major maintenance and decommissioning. The Chamber does not see the need for Co31 and would question the developers rationale for application.

In addition to the above, the Chamber provides the following general comments.

The Chamber has significant navigational safety concerns for commercial traffic with regard to the proposed development when taken into consideration with the existing cumulative developments of Walney and Walney Extension, along with intended developments of Morgan, Mona and Morecambe which have undergone S42 consultation under PINS.

The Chamber has significant navigational safety concerns regarding the desire to achieve a generating capacity of up to 1.4GW in a scoping boundary of only 253km² for this high density and complex sea areas. This equates to a generating density in excess of 5.5MW per km² before any necessary boundary changes or mitigations are incorporated for receptors. The original Scoping Report from 2015 which proposed a generating capacity of up to 700MW provides for a more flexible and balanced position.

The Chamber trusts these comments are of good use looks forward to future consultation and engagement with the developer.

Yours faithfully,
Robert

Robert Merrylees

Policy Manager (Safety & Nautical) & Analyst

UK Chamber of Shipping

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creating a better place
for people and wildlife



Mrs Emily Curphey
Isle of Man Government
Department of Infrastructure
Sea Terminal Building
Douglas
Isle of Man
IM1 2RF

Our ref: XA/2024/100066/01-L01
Your ref: 240129/BD06
Date: 27 February 2024

[via email: OffshoreDevelopments.DOI@gov.im]

Dear Mrs Curphey

Moor Vannin Offshore Wind Farm, Isle of Man

Environment Impact Assessment (EIA) Scoping Opinion – Transboundary Consultation

Thank you for consulting the Environment Agency on the above, in our capacity as transboundary consultee.

The Environment Agency operates across England and has a responsibility for protecting and improving the environment, as well as managing flood risk and contributing towards sustainable development.

We have reviewed the details submitted, insofar as it relates to our remit, and we wish to make the following comments:

The proposed development sits wholly within the Scoping Boundary, which is located outside of English waters and the Environment Agency's 12nm limit of seaward operations from the English coastline. We note that a precautionary 12km study area buffer has been applied to Scoping Boundary for the certain marine process, water quality and ecology topics. While this buffer encroaches into our operational extent, we have no comments to make in this regard.

customer service line 03708 506 506
gov.uk/environment-agency

We therefore have no comments to make on the proposed scope for the Environmental Impact Assessment, and we do not need to be engaged in the consenting process if / when an application is received for consideration.

We note that the applicant is exploring options for Route to Market Assets to North West England, which would require a Development Consent Order (DCO) under the Planning Act 2008. We recommend that the developer engages us early on any proposed development that falls within this scope and our operation extent, given we are a statutory consultee in the DCO process.

The developer can contact us at NITeam@environment-agency.gov.uk (Environment Agency National Infrastructure Team) for further details on our engagement processes and planning advice services. Information on how developers can get advice on Nationally Significant Infrastructure Projects is also available on GOV.UK: [Developers: get environmental advice on your planning proposals - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/guidance/developers-get-environmental-advice-on-your-planning-proposals).

If you have any queries about the above, please contact using the details provided.

Yours sincerely

Mr Alex Hazel
Planning Specialist – National Infrastructure Team
Email: NITeam@environment-agency.gov.uk

Scoping Opinion for the Proposed Moir Vannin Offshore Wind Farm Project

Caution: This email is from an external sender. Please take care before opening any attachments or following any links.

Dear Mr Brooks,

Thank you for your EIA scoping opinion request for any comments for the proposed development of Moir Vannin Offshore Wind Farm off the coast of Maughold Head, Isle of Man.

- HSE's response is limited to our role in the land use planning system for the control of major industrial hazards involving hazardous substances.
- HSE is not responding in our regulatory role in the health and safety system

Due to the points below, there appears to be no need to consult HSE:

1. The proposed development, being an offshore wind farm with associated onshore infrastructure, does not appear to be of a type that would store or process hazardous substances in quantities relevant to the potential for industrial major accidents with respect to The Planning (Hazardous Substances) Regulations 2015.

2. The proposed development would not lead to a material increase in the number of people at the development, therefore, they will not be at risk from any existing major hazard sites or major hazard pipelines.

However, if the locations onshore in UK/Wales could impact major hazard pipelines or major accident hazard sites or licensed explosive sites, then the applicant should consult the operators of those major hazard sites or major hazard pipelines.

HSE realises that Environmental Risk Assessments are not expected to include general health and safety at work however we take this opportunity to point out that it may be beneficial for employer(s) to undertake a risk assessment as early as possible to satisfy themselves that their design and operation will meet requirements of relevant health and safety legislation as the project progresses.

Kind regards,
Berdine Clews

HSE's Land Use Planning Support Team
Chemicals, Explosives and Microbiological Division 5
HSE, Harpur Hill, Buxton, Derbyshire, SK17 9JN

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E
W

01 February 2024

Department of Infrastructure,
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Douglas,
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To Whom it Concerns,

Irish Lights has reviewed the scoping report and understand that there will be further studies required for the route to market options. Should these options include Ireland or Northern Ireland, Irish Lights request to be kept informed of project developments. As noted in the scoping report Northern Lighthouse Board is the General Lighthouse Authority for the Isle of Man under the UK Merchant Shipping Act 1995. Also, as the site appears to be outside the 12nm limit for IoM it is likely to come under the England and Wales consenting arrangements, so Trinity House should also be notified.

Yours sincerely,

Capt. Catriona Schmegner Tosco
Navigation Services Manager

Registered Charity No. 20002794



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Mrs Emily Curphey
Chief Officer
Department of Infrastructure
Sea Terminal Building
Douglas
Isle of Man
IM1 2RF

JNCC Reference: OIA-09956
Date: 09 February 2024

Dear Mrs. Curphey,

Request by Ørsted (Isle of Man) for Moir Vannin Offshore Windfarm, Isle of Man

Thank you for consulting JNCC on information to be provided in the Environmental Statement for the Moir Vannin Offshore Wind Farm EIA (Scoping Opinion), and enquiry on our future engagement in this process if and when an application is received. This consultation was received on 18 January 2024.

The JNCC advice contained within this minute is provided as part of our advisory role relating to nature conservation in UK offshore waters (beyond the territorial limit). We have subsequently concentrated our comments on aspects of the documents that we believe relate to offshore UK waters. For aspects relating to territorial UK waters, we defer to the relevant SNCB of the Devolved Administrations.

The advice below relates to marine ornithology, marine mammals and benthic ecology transboundary aspects presented within the Moir Vannin Offshore Windfarm Scoping Report [redacted] (accessed 09 February 2024) and the consultation questions provided within.

Marine Ornithology Advice

Question 9.1: Do you agree with the Study Area that has been identified for offshore ornithology?

Yes

The Joint Nature Conservation Committee (JNCC) is the statutory adviser to Government on UK and international nature conservation, on behalf of the Council for Nature Conservation and the Countryside, Natural Resources Wales, Natural England and NatureScot. Its work contributes to maintaining and enriching biological diversity, conserving geological features and sustaining natural systems.

JNCC Support Co. Registered in England and Wales, Company No: 05380206. Registered Office: JNCC, Monkstone House, City Road, Peterborough, PE1 1JY, UK.

Question 9.2: Do you agree that the baseline data sources identified are sufficient to adequately characterise the baseline?

Yes

Question 9.3: Do you agree that all impacts/ effects that could arise from all stages of the Proposed Development have been identified within the Impacts Register (Annex 5.B)?

Impact ID O-01 The maximum design scenario is "Vessel traffic associated with construction, operational and decommissioning activities", yet the phases of impact are listed as only construction and decommissioning. We advise that vessel disturbance during operation is considered.

Impact ID O-03 We advise that a displacement assessment is also carried out for puffin, black-legged kittiwake and Manx shearwater.

Impact ID O-04 We advise that a displacement assessment is also carried out for fulmar.

Impact ID O-05 Barrier effects due to WTG presence is concluded to have no LSE, with a note to say that barrier effects are considered within the disturbance/displacement assessment. It is not clear whether this is suggesting that there is no LSE due to barrier effects, or that there is LSE but it is assessed through the disturbance/displacement assessment therefore does not need to be a separate impact pathway. We would suggest that the more appropriate approach would be to conclude that there is LSE due to barrier effects in its own right, but it is assessed through the disturbance/displacement assessment.

Impact ID O-07 There is a lack of evidence around the potential interaction between Manx shearwaters and offshore wind farms, particularly through nocturnal attraction caused by lights on turbines. It has been suggested that Manx shearwaters show weak avoidance of OWFs as they are rarely seen within the footprints, although shearwaters have been observed within wind farms in the Celtic Sea, but this is based on limited evidence (Dierschke *et al.* 2016). It is widely understood that Manx shearwaters can be attracted to light at night, both on structures such as boats, and on land, which can cause collision or the birds to become disorientated and grounded (Merkel 2011; Ryan 1991). Attraction is most likely to occur in the late summer (August/September) when young birds are fledging, particularly in adverse weather conditions when visibility is poor, such as fog (Montevicchi 2006). For the integrity of the Irish Sea Front SPA to be maintained it is essential that birds from linked colonies are able to access the site. Given the location of the proposal and that the Irish Sea Front SPA is designated as a foraging location within the breeding season, it is unlikely that the integrity of this SPA will be affected. Manx shearwaters forage almost entirely during daylight hours therefore any potential attraction to turbines lit up at night is unlikely to be a concern for birds which will be foraging within the SPA during the day (Dean *et al.* 2013). However, given the lack of data around the behaviour of fledglings leaving their colonies we would recommend consideration of the potential impact of attraction and subsequent disorientation/collision at a colony level. Known linked colonies including Skomer, Skokholm, Bardsey, Copeland, Rum and Lundy (see Conservation Advice here). Research has recommended that to reduce any potential impacts of light on shearwaters lights of lower intensity, of red colour and shorter duration of "light-on" periods should be used (Syposz *et al.* 2021). Additionally, given the lack of evidence on the interactions between this species and OWF, the density of birds in this region and the importance of this species in terms of global conservation concern we would recommend monitoring at this site to ensure any potential impacts are fully understood and mitigated for.

Question 9.4: Do you agree on the suitability of the proposed commitments to reduce or eliminate LSE relevant to offshore ornithology?

There are relatively limited commitments to reduce or eliminate LSE listed.

Question 9.5: Do you agree that the proposed approach to EIA is sufficiently set out to enable a robust assessment allowing likely significance to be ascertained?

Yes

Question 9.6: Do you agree with the proposed methodology for the CRM?

We largely agree with the proposed methodology for the CRM, however note our advice below.

9.4.3.5 We advise that a collision assessment is also carried out for fulmar.

9.4.4.6 Note that for a collision risk assessment, densities of birds within the array area alone are used to calculate the number of collisions.

9.7.3.8 We can provide avoidance rates and other parameters for use within a CRM which are updates to the SNCB 2014 advice.

Question 9.7: Do you agree that Manx shearwater are not sensitive to either collision or displacement impacts?

No, we advise that Manx shearwater are assessed for displacement using the displacement matrix approach.

Additional comments

9.4.1.5 note that analysis of the full 24 months of data collected (August 2021 to July 2023) will need to be included in the EIA and HRA. Section 9.7.3.4 implies it will be, but it needs stating clearly.

Table 9.2 Clarity is required on whether the full 10% coverage from HiDef DAS has been analysed and used for density estimates.

9.4.3.5 What is the criteria used for assessing 'numbers sufficient for potential LSE'?

9.4.3.6 We advise that a displacement assessment is also carried out for puffin, black-legged kittiwake, and Manx shearwater.

9.4.3.7 We advise that a displacement assessment is carried out for Manx shearwater.

9.4.4.6 It may be worth considering a model-based method to generate distribution maps for key species. This may help identify if there are any hotspots of higher density of species which may indicate whether particular mitigation measures could be considered.

9.7.3.10 We recommend that the survival rates from Horswill & Robinson (2015) are used to calculate baseline mortality.

Annex 32.A Transboundary Protected Sites Assessment Screening

Table 1.1 For the ornithological receptors, there is nothing in the "Criteria and Definition" and "Relevant distance/ range to determine connectivity with qualifying features" rows on non-breeding season features.

Table 1.2 We welcome the use of Woodward et al 2019 mean max plus 1 standard deviation foraging ranges. Note that we advise that breeding season foraging ranges for razorbill and guillemot are those within appendix 1 of Woodward et al 2019 which excludes data from Fair Isle where foraging range may have been unusually high as a result of reduced prey availability during the study year. Therefore, the foraging range to use for razorbill is 73.8km + 48.4km and for guillemot is 55.5km + 39.7km. Note that we advise specific SPA foraging ranges as follows:

- Gannet at Forth Islands SPA 590km (max)
- Gannet at Grassholm SPA 516.7km (max)
- Gannet at St Kilda SPA 709km (max)
- Common guillemot at all Northern Isle SPAs $73.2 \pm 80.5\text{km} = 153.7\text{km}$ (mean max +1SD)
- Razorbill at all Northern Isle SPAs $88.7 \pm 75.9\text{km} = 164.6\text{km}$ (mean max +1SD)

Table 1.5 We would advise that the Irish Sea Front SPA is screened in for barrier effects and potentially indirect effects on prey. The Seas off St Kilda SPA can be screened out due to its designation as a marine SPA, not a colony SPA, therefore there is no need to apply a foraging range. The colony associated with Seas off St Kilda SPA is St Kilda SPA, so this alone should have a foraging range applied to it.

Table 1.6 lists only collision and disturbance and displacement as effects screened in for specific SPAs and features yet table 1.3 lists direct disturbance and displacement, collision risk, barrier effects, indirect effects, and in-combination as potential effects to offshore ornithology. No rationale is given for not screening in barrier effects and indirect effects in table 1.6. This is particularly relevant for The Irish Sea Front SPA.

1.6.6.1 The Irish Sea Front SPA and St Kilda SPA should both be included in this list for ornithological receptors, but the Seas off St Kilda SPA can be removed.

Marine Mammal Advice

Question 11.1: Do you agree with the Study Area that has been identified for marine mammals?

As the study area allows for transboundary impacts to be assessed, JNCC agrees with the area identified.

Question 11.2: Do you agree that the baseline data sources identified are sufficient to adequately characterise the baseline?

The majority of the cetacean data sources provide coverage of the full Marine Mammal Study Area. This allows transboundary impacts to be assessed, and we therefore agree with these data sources (JNCC defers to the relevant SNCB for seal data sources).

Question 11.3: Do you agree that all impacts/ effects that could arise from all stages of the Proposed Development have been identified within the Impacts Register (Annex 5.B)?

Whilst we agree that all impacts/effects have been identified, we would like to see more detail provided for the cumulative and transboundary effects, as it is currently unclear which impacts are relevant to these. We are also unsure why operational noise has been scoped out and until we see more detail, we cannot agree to this. Whilst, operational noise is of less concern than construction noise, the wind farms will add nearly constant noise to a fixed area over the course of two or more decades. The sounds generated have the potential for causing displacement, physiological stress, barrier effects, the masking of biological important sounds and temporary threshold shifts (TTS onset) in sound sensitive animals, particularly if they are attracted to the wind farm and chronically exposed to the sound. There is very limited evidence (modelled or observed) on the effects of wind farm operational noise on marine mammals and fish and the few existing measurements of sound emissions have been taken from relatively small wind farms with smaller turbines, and in shallower depths than the ones planned to be built over the next decade and beyond in the Irish and Celtic Seas.

Question 11.4: Do you agree on the suitability of the proposed commitments to reduce or eliminate LSE relevant to marine mammals?

We note that commitments towards reducing LSE of piling noise (i.e. noise abatement such as bubble curtains) are not mentioned here. There is commitment to develop and implement a Project Impact Monitoring and Mitigation Programme (Table 8.2, pg. 136), which we welcome, but currently there is no detail on what this will entail.

Question 11.5: Do you agree that the proposed approach to EIA is sufficiently set out to enable a robust assessment allowing likely significance to be ascertained?

JNCC is happy with the proposed approach.

Question 11.6: Do you agree that all key marine mammal species to be scoped into the assessment have been identified?

Yes, although we would like to know which are the five species that have been recorded in Isle of Man waters, but not on a regular basis (and have therefore not been scoped in).

Questions 11.7: Do you agree with the approach of defining two types of Study Areas (i.e. Marine Mammal Study Area, and the species-specific Regional Study Areas), as a more comprehensive way to characterise the baseline condition and assess potential impacts of activities associated with the Proposed Development? If the answer is no, please provide alternative way(s) for better definition of Study Area(s).

JNCC is happy for this approach to be used. As well as a focus on the immediate area surrounding the development, it also considers the fact that marine mammals are mobile and wide-ranging by acknowledging the marine mammal management units.

Question 11.8: When are the Biodiversity Action Plans (BAPs) due to be published for harbour and grey seal?

JNCC defers to the relevant SNCB for this question.

Benthic Ecology Advice

We agree with the conclusions presented in Annex 5.D Transboundary Screening that effects may occur on benthic subtidal ecological receptors and that benthic ecology should be considered further within the EIA. Priority should be given to avoiding impacts, and where this is not possible, reducing impacts to an acceptable level. Survey data should provide adequate evidence that habitats and species of nature conservation concern (including Annex I habitats) are or are not present.

We agree with the screening conclusions presented in Annex 32.A Transboundary Protected Sites Assessment Screening, which screens in both West of Walney MCZ and West of Copeland MCZ.

We recommend that information on UK Offshore Marine Protected Areas (West of Walney MCZ and West of Copeland MCZ) and associated conservation advice is accessed [here](#) and the JNCC mapper [here](#). This information should be used to fully consider the potential transboundary effects of the Proposed Development on these protected sites.

The Advice on Operations for these sites notes that the following pressures should be considered within the assessment:

- Changes in suspended solids (water clarity)
- Introduction or spread of invasive non-indigenous species (INIS)
- Smothering and siltation rate changes (heavy)
- Smothering and siltation rate changes (light)
- Water flow (tidal current) changes, including sediment transport considerations

We welcome further engagement on the transboundary aspects of the Moir Vannin offshore windfarm if and when an application is received for consideration.

Please contact me with any questions regarding the above comments.

Yours sincerely,

Emma Thorpe

Offshore Industries Advice Manager

Email: 

References

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Coastguard
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Dr Julian Carolan
Consent Project Manager
Moor Vannin Offshore Wind Farm Ltd
By email to : moirvannin@orsted.com

27 November 2023

Dear Dr Carolan

Moor Vannin Offshore Wind Farm - Scoping Report Consultation

Thank you for your letter dated 18 October 2023 requesting comments on the scoping report provided by Moor Vannin Offshore Wind Farm Ltd. The MCA welcomes the opportunity to provide comments under the above Environmental Impact Assessment Regulations, and we would comment as follows:

The development area carries a significant amount of through traffic with a number of shipping routes, particularly ferries, in close proximity. Attention needs to be paid to routing, particularly in heavy weather ensuring shipping 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 MCA guidance MGN 654 which is welcomed. The proximity to other offshore windfarms and loss of sea room will need to be fully considered, with an appropriate assessment of the distances between OREI boundaries and shipping routes. The cumulative impacts of other windfarms, such as the proposed Morgan offshore wind farm, will change routing and attention must be paid for ensuring the established shipping routes in the Irish sea, particularly ferry routes and adverse weather routes, can continue without unacceptable safety risks and deviations.

The MCA provides a Search and Rescue (SAR) service in Isle of Man waters and 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 and an ERCoP will need to be completed in consultation with MCA, as per MGN 654 Annex 5 SAR requirements. The turbine layout design will require MCA approval prior to construction to minimise the risks to SAR aircraft and rescue boats operating within the site. Any additional SAR requirements, as per MGN 654 Annex 5, will be agreed at the approval stage.



On the understanding that the shipping and SAR aspects are undertaken in accordance with MGN 654 and its annexes, MCA will be content with the approach and looks forward to engaging with Orsted as the project develops.

Yours sincerely,



Nick Salter
Offshore Renewables Lead
UK Technical Services - Navigation

Scoping Opinion for the Proposed Moir Vannin Offshore Wind Farm Project

Dear Mrs Curphey,

Thank you for your recent letter dated 18 January 2024 welcoming MCA comments on the scoping report for the proposed Moir Vannin offshore wind farm in Isle of Man waters.

The MCA has statutory responsibilities in the UK in relation to our international obligations for vessel routing, safety of navigation and emergency response. In regards to offshore renewable energy installations our responsibilities are for ensuring that the future of shipping is able to continue to operate safely in UK waters. MCA provides a Search and Rescue (SAR) service in Isle of Man waters and we also therefore have a responsibility to ensure SAR resources and emergency response is able to continue effectively.

We have reviewed the scoping report provided by Orsted and I can confirm we would expect a Navigation Risk Assessment (NRA) to be conducted as part of the Environmental Statement. This will include elements of both navigation and emergency response in its assessment. MCA provides guidance to developers in conducting NRAs in MGN654 *Safety of Navigation: Offshore Renewable Energy Installations (OREIs) - Guidance on UK Navigational Practice, Safety and Emergency Response* (available from <https://www.gov.uk/guidance/offshore-renewable-energy-installations-impact-on-shipping>) and we would expect the Moir Vannin NRA to contain the required elements to this standard. I can confirm we would like to remain engaged in the ES process and we would welcome the opportunity to review the NRA and ES for comment.

For your information, we were consulted by Orsted on the scoping report last year and I have attached our response.

Please do not hesitate to contact me if you would like to discuss any of the above. We look forward to engaging with yourselves and Orsted as the project develops.

Best regards,

Nick

Nick Salter
Offshore Renewables Lead
UK Technical Services Navigation



Maritime &
Coastguard
Agency



Maritime & Coastguard Agency
Spring Place
105 Commercial Road,
Southampton, SO15 1EG

Safer Lives, Safer Ships, Cleaner Seas
www.gov.uk/mca

NatureScot

Caution: This email is from an external sender. Please take care before opening any attachments or following any links.

I am writing in response to the recent scoping consultation regarding the above proposed offshore wind farm.

We have no comment to make in respect of the provision of scoping advice.


We wish to be consulted, if the application and accompanying information including the EIA and HRA, there are predicted impacts to Scottish designated sites / features.

Future correspondence should continue to be sent to : marineenergy@nature.scot where it will be picked up and acted upon.

With best wishes

Erica

Erica Knott | Marine Sustainability Manager | Sustainable Coasts and Seas | NatureScot | Battleby, Redgorton, Perth PH1 3EW | 01738 458674

 Scotland's Nature Agency | Buidheann Nàdair na h-Alba



Northern
Lighthouse
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Website: www.nlb.org.uk
Email: enquiries@nlb.org.uk

Your Ref: Moir Vannin OWF - Scoping Report
Our Ref: AL/OPS/ML/WIND_008_24

Mrs Emily Curphey
Chief Officer – Department of Infrastructure
Sea Terminal Building
Douglas
Isle of Man
IM1 2RF

19 January 2024

[MARINE INFRASTRUCTURE MANAGEMENT ACT \(MIMA\) 2016](#)

[Request for Scoping Opinion for the Moir Vannin Offshore Wind Farm Located Approximately 11km East of Maughold Head, Isle of Man](#)

Thank you for your e-mail correspondence dated 18th January 2024 relating to the Scoping Report submitted by **Moor Vannin Offshore Windfarm Ltd**, providing Northern Lighthouse Board the opportunity to comment on the proposed Moir Vannin Offshore Wind Farm development in our role as the General Lighthouse Authority (GLA) for the Isle of Man. NLB have already provided comment directly to the applicant in October 2023.

Northern Lighthouse Board note that the proposed wind farm will consist of up to 100 fixed bottom Wind Turbine Generators (WTG) and up to 5 Offshore Substations (OSS) and various inter-array and export cables. It is also noted that various options remain for export cable routing, including potential landfalls within both England and Wales, and the Republic of Ireland, as well as the Isle of Man.

Northern Lighthouse Board also note Chapter 14 – Shipping & Navigation, with particular reference to Table 14.2 – Relevant Commitments to Shipping and Navigation, and the intention to develop both an ‘Aid to Navigation Plan’ (Co33) and a ‘Lighting and Marking Plan’ (Co43) in conjunction with NLB.

In relation to Co36 (Development of Emergency Response Co-operation Plan (ERCoP)), NLB wish to highlight the need to include a wreck response section within the ERCoP document.

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In Salutem Omnium
For the Safety of All

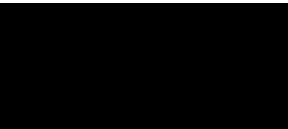
Scoping Opinion for the Proposed Moir Vannin Offshore Wind Farm Project

Moor Vannin OWF – Scoping Report
Mrs E Curphey
Pg. 2

Northern Lighthouse Board also welcome the intention to include cumulative impacts of both existing and proposed offshore infrastructure within the NRA, and also the intention of Orsted to engage with neighbouring offshore wind developments so as to limit cumulative effects on navigation within the region.

NLB have no objection to the content of the Scoping Report, and no suggestions for additional content.

Yours sincerely



Peter Douglas
Navigation Manager

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In Salutem Omnium
For the Safety of All

An Roinn Tithíochta,
Rialtais Áitiúil agus Oidhreacht
Department of Housing,
Local Government and Heritage



29 February 2024

Mrs Emily Curphey
Chief Officer
Department of Infrastructure
Sea Terminal Building
Douglas
Isle of Man
IM1 2RF

By email only to: OffshoreDevelopments.DOI@gov.im

Re: Request by Ørsted (Isle of Man) for Mooir Vannin Offshore Wind Farm, Isle of Man

Dear Mrs Curphey,

I refer to your letter dated 18 January 2024, giving formal notification in relation to the above-mentioned proposed new Offshore Wind Farm, which is at pre-application stage in the Isle of Man's development process.

I note in the scoping report prepared on behalf of the Department of Infrastructure, Isle of Man, that potential transboundary issues have been identified for Ireland from the proposed development due to its nature and location.

In accordance with this we have contacted our colleagues overseeing policy areas likely to be of transboundary interest for their observations. We have attached their responses as appropriate.

In light of their observations I wish to confirm, on behalf of the Minister for Housing, Local Government and Heritage, that Ireland wishes to be engaged in this process if and when an application is received for consideration. In that regard, we would welcome if the EIAR for this development includes chapters covering the transboundary issues identified for Ireland at the scoping stage, and specifically those issues identified by our colleagues in the attached responses.

Noting that the application is at the pre-application stage, we await further notification of when the transboundary EIA procedure officially begins. Please ensure that any communications in this regard are also issued to transboundaryeia@housing.gov.ie.

Teach an Chustaim, Baile Átha Cliath 1, D01W6X0
Custom House, Dublin 1, D01 W6X0
T +353 1 888 2000 | transboundaryeia@housing.gov.ie
www.gov.ie/housing



Yours sincerely,

[Redacted signature]

Declan Grehan
Assistant Principal
EU & International Planning Regulation
Department of Housing, Local Government and Heritage
Ireland



Ein cyf/Our Ref: AOS-22426-0001
Eich cyf/Your ref: NRW:01001067

Ebost/Email: marine.area.advice@cyfoethnaturiolcymru.gov.uk

Ørsted Moir Vannin
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Mooirvannin@orsted.com

Dyddiad/Date: 28/11/2023

Annwyl / Dear Julian Carolan,

(In anticipation of coming into force) Marine Infrastructure Management Act 2016 (MIMA 2016) – Section 15

EIA Scoping Opinion consultation regarding an application by Moir Vannin Offshore Windfarm Limited to the Department of Infrastructure, Isle of Mann for a Marine Infrastructure Consent for the Moir Vannin Offshore Wind Farm (the Proposed Development)

Thank you for consulting Cyfoeth Naturiol Cymru / Natural Resources Wales (NRW) on the EIA scoping opinion for the above proposal, received on 18/10/2023. NRW Advisory (A) has reviewed the information provided in the '*Moor Vannin Offshore Wind Farm Scoping Report, 18/10/2023 Rev 01*'.

Please note that the comments provided herein are made without prejudice to any (further) advice NRW may need to give, or decisions NRW may need to take, in a project specific context should different circumstances or new information emerge that NRW will need to take into account.

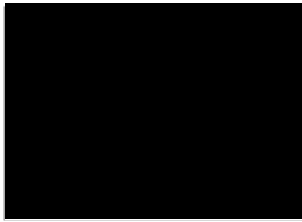
NRW (A) comments provided in this response necessarily focus on those matters that we consider need to be taken into account and applied to the Environmental Impact Assessment (EIA) and the resulting Environmental Statement (ES). In order to aid review where possible our comments are provided under chapter headings from the Scoping Report.

With respect to the advice contained within this document and which relate to nature conservation interests within Welsh inshore waters, reference to Welsh Offshore waters and English Onshore / Offshore waters may be made in view of potential mobile species and potential transboundary and cumulative impacts on the Welsh inshore marine area and protected sites. Where potential impacts are wholly within Welsh offshore waters or English Onshore / Offshore waters, NRW (A) defer to comments provided by the Joint Nature Conservation Committee (JNCC) and Natural England (NE) respectively.

conservation body at the earliest opportunity to seek pre-application advice on this aspect of the project.

Please do not hesitate to contact us if you require further information or clarification on any of the above.

Yn gywir / Yours sincerely,



Rebekah Newstead
Uwch Gyngorydd Morol – Rhaglen Ynni Adnewyddadwy ar y Môr) /
Senior Marine Advisor – Offshore Renewable Energy Programme
Cyfoeth Naturiol Cymru / Natural Resources Wales

Overarching Comments/Key issues

- NRW (A) welcome consultation by Moir Vannin Offshore Windfarm Limited for the Moir Vannin Offshore Windfarm. Overall NRW (A) advise that the application would benefit from clarity in approach to EIA, surrounding the use of a consistent approach to methodology and relevant language for use in EIA assessment. NRW (A) has approached this consultation through the application of provision of EIA and HRA as they exist in Wales to transboundary significant effects. Detailed comments have been made under the relevant sections in the following annex, including NRW (A)'s responses to the questions posed to consultees. The key areas that need addressing are summarised as follows:
- With regards to Marine Ornithology, NRW (A) advise that 24 months of survey data are used to assess any potential Likely Significant Effect (LSE) and that species are not scoped out until this is available. Furthermore NRW (A) recommend assessment of LSE on non-breeding season features of Special Protection Areas (SPA's). NRW (A) consider that there is limited commitment to reduce LSE for Ornithology and recommend consideration of the highest minimum rotor clearance of turbines to reduce collision risk estimates and the contribution of the project to cumulative/in-combination effects.
- From a Marine Mammal perspective, NRW (A) welcome the use of Management Units for the regional study area and advise that [NRW's position on the use of Marine Mammal Management Unit \(MMMU\)](#) considers that OSPAR region III is the appropriate scale at which to consider offsite impacts to grey seal. NRW (A) recommend the additional use of Evans & Waggitt 2023 as a baseline data source and advise that the final density estimates used for assessment should be agreed via consultation with the relevant organisations and SNCB's. Furthermore, the use of Digital Aerial Survey data needs to be considered in light of any limitations of the approach with respect to marine mammals. NRW (A) advise that the LSE screening currently lacks justification for ruling out LSE for marine mammals using a distance-based rationale.
- Regarding Fish and Shellfish, NRW (A) advise that Migratory Fish Ecology Receptors are screened into Transboundary Protected Sites Assessment (PSA) Screening. NRW (A) further advise that diadromous fish features for North Wales protected sites, including the Dee Estuary/ Aber Dyfrdwy SAC, as well as the river Dee and Bala Lake/ Afon Dyfrdwy a Llyn Tegid SAC are incorporated in assessments of transboundary effects to migratory fish
- NRW (A) note that a number of potential cable route options are being considered one of which is within Welsh waters with a landfall on the Welsh coast. We strongly advise liaising with NRW as both marine licensing authority and appropriate nature

Contents

1	General Comments	4
2	Offshore Ornithology	6
2.1	Key Issues.....	6
2.2	Detailed Comments	6
2.2.1	Annex 32.A Transboundary Protected Site Assessment Screening	6
2.2.2	Chapter 9 Offshore Ornithology	8
2.2.3	Chapter 9 Ornithology Section 9.8 Question to Consultees	9
3	Marine Mammals.....	11
3.1	Key Issues.....	11
3.2	Detailed Comments	11
3.2.1	Annex 32. A Transboundary Protected Sites Assessment Screening	11
3.2.2	Chapter 11 Marine Mammals Section 11.8 Questions to Consultees	12
4	Fish and Shellfish.....	14
4.1	Key Issues.....	14
4.2	Detailed Comments	14
4.2.1	Chapter 12 Fish & Shellfish Ecology Section 12.8 Questions to Consultees.....	14
5	References.....	15

1 General Comments

1. NRW (A) recommend consistency in the approach to EIA, with particular regards to the process, documentation and language. Currently there is overlap in terminology with UK legislation but substantial differences in how this terminology is used and applied. Examples of this occur within “*How to read this Scoping Report*”, which uses terminology typically used in Habitats Regulation Assessments (‘Likely Significant Effect’ as a specific assessment stage). Furthermore, the citation for *Chapter 5 EIA Methodology, Section 5.5.4, Table 5.3 “Significance Categories and Typical Descriptions”*, does not include LSE in the Table 3.7 of the source document (DMRB, 2019). While it is common to make a determination as to the significance category that may be considered ‘significant in EIA term’, this is not typically referred to as LSE.
2. NRW (A) advise that the purpose of the evidence plan process would benefit from additional clarity, as it is not clear at this stage why an evidence plan would not be applied to pathways with potential significant levels of impact, to support the more detailed assessment.

3. Responses to General Questions to consultees

Chapter 1 Introduction Section 1.8 Questions to Consultees, Question 1.1: Is it clear which infrastructure and associated activities a Scoping Opinion is being sought for?

NRW (A) agree that it is clear which infrastructure and associated activities a Scoping Opinion is being sought for.

Question 2.1: Are you satisfied that all relevant overarching legislation, policy and guidance has been identified within this Chapter (noting that topic specific legislation, policy and guidance are noted within those topic chapters)?

NRW provide the following information to support environmental assessments of [Marine Developments](#):

NRW guidance for [Offshore Wind Developments](#) which includes guidance on consenting and assessments, guidance on receptors and guidance on data for assessments.

NRW guidance for [Marine Developments](#) which includes specific guidance for marine receptors

NRW guidance on [Scoping and Preparing an Environmental Impact Assessment for Marine Developments](#)

NRW [Marine and Coastal Evidence Reports](#)

Legislation relevant to marine vertebrates in Wales; [Natural Resources Wales / Marine vertebrate conservation legislation in Wales](#)

Chapter 3 Project Description Section 3.11 Question to Consultees, Question 3.1: Is the definition of the Proposed Development and how it forms part of the Moir Vannin Offshore Wind Farm (the 'Whole project') clear?

NRW (A) agree that definition of the Proposed Development and how it forms part of the Moir Vannin Offshore Wind Farm (the 'Whole project') is clear.

Chapter 4 Site Selection & Consideration of Alternatives, Question 4.1: Is the process by which the Proposed Development's design has been, and will be, refined via the RPSS process clear?

NRW (A) agree that process by which the Proposed Development's design has been, and will be, refined via the RPSS process is clear.

2 Offshore Ornithology

2.1 Key Issues

4. NRW (A) recommend that a full 24 months of survey data are used to assess any potential LSE, and that species are not scoped out from potential impacts until this is available.
5. NRW (A) recommend that consideration is given to non-breeding season features of SPA's and that these non-breeding season impacts are screened in at the Likely Significant Effect Stage (LSE) where appropriate.
6. NRW (A) recommends that consideration is given to the recent Welsh Marine Mammal and Bird Atlas (Evans & Waggitt 2023) as a baseline data source.
7. NRW (A) consider that whilst there is relatively limited commitment to reduce or eliminate LSE for Ornithology, we welcome and recommend the commitment to 'development and adherence to marine pollution and contingency plan' and 'development of project impact monitoring and mitigation programme'.
8. Recommendation is also given to maximisation of the minimum rotor clearance of turbines to reduce collision risk estimated and minimise the projects contribution to cumulative/in-combination collision effects.
9. NRW (A) recommends that a displacement assessment is conducted for Manx shearwater for all phases of the development

2.2 Detailed Comments

2.2.1 Annex 32.A Transboundary Protected Site Assessment Screening

10. Regarding Marine Ornithology, NRW (A)'s primary area of interest for offshore ornithology for this project is on transboundary impacts to Welsh designated sites, therefore our focus is on the information contained in Annex 32.A Transboundary Protected Sites Assessment Screening. NRW (A) have also reviewed and provided comment on the approaches to the EIA for offshore ornithology, including the proposed methodologies, set out in Chapter 9 and have also provided response to the specific offshore ornithology related questions set out in Chapter 9, as these are related to the transboundary impacts to Welsh designated sites, as the predicted EIA impacts will be used in apportioning impacts to Welsh designated sites.
11. With reference to Table 1.1: It is unclear where there is a difference between the 'Criteria and Definition' and also the 'Relevant distance/range to determine connectivity with qualifying features' listed for Criterion 1A and 1B for ornithological receptors, as these appear to be the same for both criterion.

12. For the ornithological receptors in Table 1.1; the 'Criteria and Definition' and 'Relevant distance/ range to determine connectivity with qualifying features' rows focus on breeding season features only and there is no consideration of non-breeding season features (e.g. wintering waterbird features of SPAs that may pass through the Moir Vannin site on migration to these SPAs and hence be at risk of collision) – NRW (A) recommend that non-breeding season features are also considered.
13. NRW (A) welcome the use of Woodward et al. (2019) mean max plus 1 standard deviation foraging ranges within Table 1.2. We also suggest that a cross check is undertaken against colony specific foraging ranges to ensure no relevant colonies missed are from being screened in.
14. With reference to paragraph 1.6.3.4, which states: 'All non-breeding season impacts for seabirds at sites out with the maximum foraging range + 1SD were screened out for SPAs further than 300 km from the site of the Proposed Development'. With regard to non-breeding season impacts, NRW (A) advise that for seabird species covered by Furness (2015), all sites within the relevant species-specific Biogeographic Biologically Defined Minimum Population Scales (BDMPS) region are screened in at the Likely Significant Effect (LSE) stage due to connectivity during the non-breeding season and there being potential impact pathways. Screening sites out at LSE screening stage based on specific distances risks missing some sites with wide-ranging features during the non-breeding season. However, in this case, we suggest that consideration is given to the approach taken in the Morecambe Generation Assets PEIR where potential connectivity in the non-breeding season has been assumed for SPA populations that contribute >1% of the BDMPS population.
15. With regards to Table 1.6 –Table of sites and features identified for Ornithology receptors:
 - NRW (A) note that for breeding species (e.g. tern features of Anglesey Terns / Morwenoliaid Ynys Môn SPA, The Dee Estuary SPA), whilst the effects considered for these species are listed as migratory collision risk, the source-pathway-receptor is listed as 'the Proposed Development has no connectivity with breeding features based on mean-maximum +1SD foraging range (Woodward et al. 2019). Therefore, LSE can be discounted in relation to all effects alone or in-combination.' However, we note that foraging ranges are relevant for the breeding season only, which is when birds are constrained by returning to colonies to provision chicks. NRW (A) advise that foraging ranges are not relevant for the migratory period and recommend that potential connectivity should be based on whether the proposed development sits within the broad migratory front for the species and whether the species flies at potential collision risk height, and hence whether there is potential for birds from the SPA to pass through the development on migration and hence be at risk of collision.
 - Given that the proposed development is located within foraging range of Manx shearwater from Aberdaron Coast and Bardsey Island / Glannau Aberdaron ac Ynys Enlli SPA and that NRW (A) recommend that Manx shearwater are assessed for disturbance and displacement. We recommend that this SPA is screened in for LSE for displacement for Manx shearwater.

- NRW (A) note that the qualifying features of the Skomer, Skokholm and seas off Pembrokeshire / Sgomer, Sgogwm a moroedd Penfro (SSSP) SPA are breeding Manx shearwater, European storm petrel, Atlantic puffin and lesser black-backed gull and a breeding seabird assemblage. Guillemot, razorbill and black-legged kittiwake are not qualifying features in their own right but are (along with the 4 qualifying species) named components of the assemblage feature.
- Whilst the proposed development may be located outside of foraging range of the puffin and lesser-black-backed gull qualifying features (and also of guillemot, razorbill and kittiwake as assemblage components) of the SSSP SPA, consideration of impacts to these features outside of the breeding season should also be given – we suggest consideration is given to our suggested approach above regarding screening impacts in the non-breeding season.
- Given that the proposed development is located within foraging range of Manx shearwater from the SSSP SPA and that NRW (A) recommend that Manx shearwater are assessed for disturbance and displacement, we recommend that this SPA is screened in for LSE for displacement for Manx shearwater.

2.2.2. Chapter 9 Offshore Ornithology

16. With reference to Sections 9.4.3.5 and 9.4.3.6, NRW (A) advise that more detail is required with respect to the criteria and data sources used for assessing 'numbers sufficient for potential LSE'. Until the full 24 months of survey data are available and analysed, we do not recommend scoping species out from potential impacts.
17. NRW (A) note that species that may pass through the project site on migration (e.g. waterbirds, skuas, terns etc) shouldn't be excluded from any final assessment based on low numbers recorded during site-based digital aerial surveys alone. Migrants may travel through an area continuously for certain times of year, but this may not be adequately captured by baseline characterisation surveys which represent a snapshot of conditions at the particular time of the survey. Therefore, assessments should account for the flux of such birds on passage through the sites, e.g. through migration modelling approaches such as SOSSMAT: SOSSMAT_Instructions.pdf (bto.org) or MIGROPATH (developed by Apem). We recommend that this should also be considered for quantifying impacts of migratory collision for waterbird features of UK SPAs for transboundary assessments.
18. With regards to Section 9.4.3.6, NRW (A) advise that a displacement assessment is also carried out for gannet, puffin and Manx shearwater. As gannet may be impacted by both collision and displacement, we also advise that the combined impact of collision plus displacement is carried out for gannet.
19. Within Section 9.4.4, NRW (A) note that abundance estimates will be generated using design-based methods and confidence intervals will be generated by bootstrapping. We also note that unidentified species will be apportioned to the individual species making up

the species group based on ratios of positively identified species in the surveys – we note this is standard practice for Welsh offshore wind farm assessments and welcome the approach. We also note that it is standard practice to apply an availability bias correction to estimates of diving species, such as auks, to account for birds diving underwater and not visible at the time the plane flew over and we would recommend that this approach is also taken for this project.

20. With reference to Section 9.7.3.10. NRW (A) recommend that the survival rates from Horswill & Robinson (2015) are used to calculate baseline mortality.
21. Highly Pathogenic Avian Influenza (HPAI): Given that the surveys were undertaken over the period of time when HPAI has impacted seabird colonies (since summer 2022), NRW (A) recommend that consideration should be given to impacts of HPAI in the assessments.

2.2.3. Chapter 9 Ornithology Section 9.8 Question to Consultees

Question 9.1: Do you agree with the Study Area that has been identified for offshore ornithology?

NRW (A) agree with Study Area identified for offshore ornithology

Question 9.2: Do you agree that the baseline data sources identified are sufficient to adequately characterise the baseline?

NRW (A) welcome that digital aerial survey data has been collected for the array area and a 4km buffer. We advise that the digital aerial survey data collected for this project should be the primary data source used for the analysis. We note that analysis of the full 24 months of data collected (August 2021 to July 2023) will need to be included in the EIA and HRA (for transboundary designated sites). Section 9.7.3.4 implies that the full 24 months of data will be included, we recommend that this needs to be stated clearly.

NRW (A) advise that further information is included describing how the design of the digital aerial survey design has been decided. To determine whether the survey coverage (10%, as indicated in paragraph 9.4.1.5 and Table 9.2) and design would provide an adequate baseline characterisation, we would expect that evidence from a power analysis is used. The level of coverage required to be sufficient for baseline characterisation will depend on the nature of the area being surveyed and the abundance and distribution of receptors across the area. We advise that a power analysis should be undertaken to inform survey design and ensure that such designs maximise the probability of detecting changes in abundance and distribution through future comparison with data that may be collected post-consent. Webb et al. (2014) provide some examples of power analyses applied to sampling of focal bird species within a marine Special Protection Area (SPA).

In addition to the baseline data sources listed in Table 9.2, we recommend that consideration could also be given to the recent Welsh Marine Mammal and Bird Atlas (Evans & Waggitt 2023).

Question 9.3: Do you agree that all impacts/ effects that could arise from all stages of the Proposed Development have been identified within the Impacts Register (Annex 5.B)?

NRW (A) agree in general with the impacts/effects identified. However, there are specific impacts/effects upon which we have the following specific comments:

Impact ID O-01: This impact is temporary habitat loss/ disturbance and displacement due to vessel activity during construction and decommissioning. NRW (A) note that the justification for the maximum design scenario (MDS) states that the 'MDS identifies the maximum number of structures maximum lengths of cable to be installed, requiring the greatest number of vessels and therefore the greatest potential for accidental pollution'. We query whether this should actually be '*.... requiring the greatest number of vessels and therefore reflecting the greatest potential temporary habitat loss/disturbance and displacement due to vessel activity*'.

Impact ID O-03: We advise that a displacement assessment is also carried out for puffin, Manx shearwater and gannet.

Impact ID O-05: This impact (barrier effects due to WTG presence) is concluded to have no LSE, with the further evidence column stating that there will be 'provision of assessment methodology note that incorporates consideration of barrier effects within the disturbance/displacement assessment.' It is unclear whether this is suggesting that there *is no LSE* due to barrier effects, or that there *is LSE*, but it is assessed through the disturbance/displacement assessment and therefore does not need to be considered in a separate impact pathway. NRW (A) recommend that the most appropriate approach would be to conclude that there is LSE due to barrier effects in its own right, but for it to be assessed through the disturbance/displacement assessment.

Question 9.4: Do you agree on the suitability of the proposed commitments to reduce or eliminate LSE relevant to offshore ornithology?

There are relatively limited commitments to reduce or eliminate LSE listed for ornithology. However, we do welcome within Annex 3.A Commitments Register the inclusion of Co4: 'development and adherence to marine pollution and contingency plan' and Co7: 'development of project impact monitoring and mitigation programme'.

NRW (A) recommend that consideration is given to raising the minimum rotor clearance of turbines by as much as possible, as this would reduce collision risk estimates generated by the project and also minimise the project's contribution to the cumulative/in-combination collision totals by as much as is possible.

Question 9.5: Do you agree that the proposed approach to EIA is sufficiently set out to enable a robust assessment allowing likely significance to be ascertained?

In general, NRW (A) agree, however we provide further comments on Chapter 9 in response to the subsequent questions as set out below.

Question 9.6: Do you agree with the proposed methodology for the CRM?

Largely yes. NRW (A) note that for Collision Risk Modelling (CRM) densities of birds within the array area alone should be used in calculating the number of collisions. With regard to avoidance rates and other input parameters to use with CRM, NRW can provide advice on avoidance rates and other parameters for use within CRM which are updates to the SNCB 2014 advice.

Question 9.7: Do you agree that Manx shearwater are not sensitive to either collision or displacement impacts?

NRW (A) do not agree that Manx shearwater are not sensitive to either collision or displacement impacts. We note that Manx shearwaters have been shown to avoid the windfarm at North Hoyle in Liverpool Bay (see Table 3 of Dierschke et al. 2016) and therefore we recommend that a displacement assessment is conducted for Manx shearwater for all phases of the development.

3 Marine Mammals

3.1 Key Issues

22. NRW (A) welcome the use of Management Units for the regional study area and advise that NRW's position on the use of Marine Mammal Management Unit (MMMU) considers that OSPAR region III is the appropriate scale at which to consider offsite impacts to grey seal.
23. NRW (A) recommend the additional use of Evans & Waggitt 2023 as a baseline data source.
24. NRW (A) recommend that Digital Aerial Survey data needs to be considered in light of any limitations of the approach with respect to marine mammals and that the final density estimates used for assessment should be agreed via consultation with the relevant organisations and SNCB's.
25. NRW (A) advise that the LSE screening currently lacks justification for ruling out LSE for marine mammals using a distance-based rationale.

3.2 Detailed Comments

3.2.1 Annex 32. A Transboundary Protected Sites Assessment Screening

26. With reference to *Section 1.6 Screening for Appropriate Assessment – alone and in combination* [NRW's position on the use of marine mammal management units for screening and assessment in habitats regulations assessments for special areas of conservation with marine mammal features](#) outlines that NRW (A) generally consider that the appropriate scale at which to consider offsite impacts for grey seal to be OSPAR region III. However, NRW (A) are content that all relevant SACs for marine mammal annex II species have included in Table 1.5 for the screening, but note the exclusion of

Skomer MCZ, which would fall within OSPAR III. The position also outlines NRW recommendations for appropriate assessment.

27. NRW (A) advise that the LSE screening currently lacks justification for ruling out LSE for marine mammals using a distance-based rationale. We recommend that for some pathways this is inconsistent with using a MU approach for mobile species which may be associated with a site a distance away but transit to the project area. It may be possible to robustly justify this conclusion with alternative rationale, depending on the available information.

3.2.2 Chapter 11 Marine Mammals Section 11.8 Questions to Consultees

Question 11.1: Do you agree with the Study Area that has been identified for marine mammals?

NRW (A) are content with the use of MU's for the Regional Study Area for cetaceans but note [NRW's position on the use of marine mammal management units for screening and assessment in habitats regulations assessments for special areas of conservation with marine mammal features](#) in respect to grey seal, whereby we generally consider that the appropriate scale at which to consider offsite impacts to be OSPAR region III.

Question 11.2: Do you agree that the baseline data sources identified are sufficient to adequately characterise the baseline?

NRW (A) highlight the following additional data source Evans, P.G.H. and Waggitt, J.J. 2023. [Modelled Distribution and Abundance of Cetaceans and Seabirds in Wales and Surrounding Waters](#). NRW Evidence Report, Report No: 646, 354 pp. Natural Resources Wales, Bangor.

NRW (A) advise that the suitability of data arising from the Digital Aerial Survey will need to be considered carefully in light of the limitations of the approach in respects to marine mammals and the final density estimate used for assessment should be agreed via consultation with relevant organisations and SNCBs. This suitability assessment should consider aspects including but not limited to sample size, detection probability, weather conditions, species identification confidence and apportioning of unidentified individuals.

Question 11.3: Do you agree that all impacts/ effects that could arise from all stages of the Proposed Development have been identified within the Impacts Register (Annex 5.B)?

NRW (A) agree that all impacts/ effects that could arise from all stages of the Proposed Development have been identified within the Impacts Register (Annex 5.B).

Question 11.4: Do you agree on the suitability of the proposed commitments to reduce or eliminate LSE relevant to marine mammals?

NRW (A) agree in principle on the suitability of the proposed commitments to reduce or eliminate LSE relevant to marine mammals, though advise that this is dependent on the content of the final documentation.

Question 11.5: Do you agree that the proposed approach to EIA is sufficiently set out to enable a robust assessment allowing likely significance to be ascertained?

NRW (A) recommend that approach to EIA would benefit from clarification where there is overlap in terminology related to EIA and HRA, for example the use of LSE as a specific assessment stage typically used in HRA assessment used in EIA scoping. Clarity in the process, documentation and language relevant to the environmental assessment would benefit the robust assessment required to ascertain likely significance within the EIA.

The following documents contain relevant information on NRW's positions regarding assessment approaches for marine mammals;

[NRW's Position on Assessing the effects of hearing injury from underwater noise for environmental assessments](#)

[NRW's Position on Assessing Behavioural Disturbance of Harbour Porpoise \(Phocoena phocoena\) from underwater noise](#)

[NRW's position on determining adverse effect on site integrity for marine mammal site features in Wales in relation to potential anthropogenic removals \(mortality\) from marine developments](#)

Question 11.6: Do you agree that all key marine mammal species to be scoped into the assessment have been identified?

NRW (A) agree that all key marine mammal species to be scoped into the assessment have been identified

Questions 11.7: Do you agree with the approach of defining two types of Study Areas (i.e. Marine Mammal Study Area, and the species-specific Regional Study Areas), as a more comprehensive way to characterise the baseline condition and assess potential impacts of activities associated with the Proposed Development? If the answer is no, please provide alternative way(s) for better definition of Study Area(s)

NRW (A) agree that in principle the chosen approach appears suitable, but this would be dependent on the methods used to reach a final conclusion regarding level of impact. NRW's position on the use of MU's outlines the current recommended approach, which would focus on the Regional Study Areas utilising MU's.

Question 11.8: When are the Biodiversity Action Plans (BAPs) due to be published for harbour and grey seal?



**Defence
Infrastructure
Organisation**

Mark Syme
Isle Of Man Government

Your Reference: SCOPING

Our Reference: DIO10060668

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03 May 2024

Dear Paul,

Moor Vannin Offshore Wind Farm Environmental Impact Assessment (EIA) Scoping Report

Thank you for consulting the Ministry of Defence (MOD) on the above Scoping Opinion request in respect of the Moir Vannin Offshore Windfarm proposal.

The Defence Infrastructure Organisation (DIO) Safeguarding Team represents the Ministry of Defence (MOD) as a consultee in UK planning and energy consenting systems to ensure that development does not compromise or degrade the operation of defence sites such as aerodromes, explosives storage sites, air weapon ranges, and technical sites or training resources such as the Military Low Flying System.

It is acknowledged that, at this time, details of the precise location, dimensions, and configuration of the turbines and associated infrastructure are not available and that the project will be progressed using the design envelope adopted for the whole project. The design envelope is located wholly the Isle of Man jurisdiction. Within the design envelope the development would comprise:

- Up to 100 Wind Turbine Generators (WTGs);
- Foundations;
- Array cables;
- Offshore Substations and Offshore Cables; and
- Scour, cable crossings and cable protection.

The maximum blade tip height of the wind turbines is expected to be no greater than 389metres above Lowest Astronomical Tide, with a maximum rotor diameter of 320m.

I write to confirm the safeguarding position of the MOD on information that should be provided in the Environmental Statement to support any application, this response is based on the "Moor Vannin Offshore Wind Farm "Scoping Report" dated 18 October 2023) which recognises some of 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. Chapter 17 Military & Civil Aviation of the Scoping Report

considers some of the aviation and radar systems that may be affected by the proposed wind farm.

The report identifies that turbines have the potential to affect and be detectable to, the Primary Surveillance Radars (PSR) and that the nearest military PSRs are Spadeadam Berry Hill and Deadwater Fell, West Freugh, RAF Valley and Warton Aerodrome. The report also acknowledges the Air Defence Radars (ADR) at RAF Brizlee. Potential interference with military air traffic control during both construction and operational phases has been acknowledged and the impact on ADR at Brizlee Wood has been scoped out. The MOD accepts these conclusions, given the turbine specification and on the basis of the information currently available it is not anticipated that the proposed offshore would affect military radar systems.

Eskmeals Danger Area

The applicant has correctly identified at section 17.4.2.11 of the report, that the Moir Vannin offshore array area coincides with a military danger area; the Eskmeals Danger Area. The proposed array area will fall within Danger Areas D406C and D406B. The applicant has identified these danger areas as a key receptor. These danger areas serve to protect the weapons testing activities undertaken at the Eskmeals Range on the Cumbrian coast. As stated in the Scoping Report, weapons, ordnance, munitions and explosives are fired into D406C and D406B. The development of an offshore wind array within any danger area would be incompatible with the firing activities undertaken within them.

Question 17.8, under Section 17.8 Questions to Consultees, asks if it is possible to reduce the size of D406C and D406B. The MOD will engage with the applicant, and also the Isle of Man Government, separately to discuss this matter. We will make contact in due course.

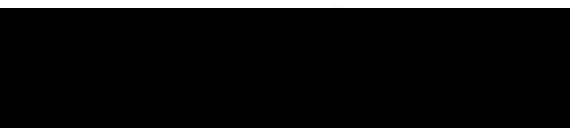
Unexploded Ordnance (UXO)

The potential for unexploded ordnance (UXO) to be present within the development area and the necessity for clearance should be considered. The potential presence of UXO and disposal sites should be a consideration during the installation and decommissioning of turbines, cables, and any other infrastructure, or where other intrusive works are necessary.

MOD Safeguarding wishes to be consulted and notified about the progression of this proposal and any subsequent application(s) that may be submitted relating to it to verify that it will not adversely affect defence interests.

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

Yours faithfully



Teena Oulaghan
Safeguarding Manager
DIO Safeguarding

Scoping Opinion for the Proposed Moir Vannin Offshore Wind Farm Project

The following transboundary consultees were contacted for comment on the Moir Vannin Offshore Wind Farm Scoping Report.

Consultee	Response
UK HSE	Response received
Maritime and Coastguard Agency	Response received
The Marine Management Organisation	Nil response
Marine Scotland	Nil response
The Environment Agency	Response received
The Joint Nature Conservation Committee	Response received
The Crown Estate Commissioners	Nil response
Crown Estate Scotland	Nil response
The Ministry of Defence	Response received
The Civil Aviation Authority UK	Nil response
Trinity House	Nil response
General Lighthouse Authority for the Isle of Man – Northern Lighthouse Board	Response received
Commissioners of Irish Lights	Response received
Other jurisdictions for transboundary issues	
Relevant Northern Ireland Department Note: this is likely to be Department of Agriculture, Environment and Rural Affairs	Response received
Natural England	Nil response
Natural Resources Wales	Response received
Department of Agriculture, Environment and Rural Affairs of Northern Ireland	Response received
NatureScot	Response received
Irish National Parks & Wildlife Service	Nil response
Historic England	Nil response
National Federation of Fishermen's Organisations	Nil response
UK Chamber of Shipping.	Response received
Welsh Ministers	Nil response
Scottish Ministers	Nil response
Government of Republic of Ireland	Response received
Secretary of State for Energy Security & Net Zero	Nil response