

MORGAN OFFSHORE WIND PROJECT: GENERATION ASSETS

Response to ISH2 Hearing Action Points

Deadline: 4

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Image of an offshore wind farm

MORGAN OFFSHORE WIND PROJECT: GENERATION ASSETS

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Glossary

Term	Meaning
Applicant	Morgan Offshore Wind Limited.
Development Consent Order (DCO)	An order made under the Planning Act 2008 granting development consent for one or more Nationally Significant Infrastructure Project (NSIP).
Environmental Statement	The document presenting the results of the Environmental Impact Assessment (EIA) process for the Morgan Offshore Wind Project.
Expert Working Group (EWG)	Expert working groups set up with relevant stakeholders as part of the Evidence Plan process.
Marine licence	The Marine and Coastal Access Act 2009 requires a marine licence to be obtained for licensable marine activities. Section 149A of the Planning Act 2008 allows an applicant for a DCO to apply for a 'deemed' marine licence as part of the DCO process.
Morgan Array Area	The area within which the wind turbines, foundations, inter-array cables, interconnector cables, offshore export cables and offshore substation platforms (OSPs) forming part of the Morgan Offshore Wind Project will be located.
Morgan Offshore Wind Project: Generation Assets	This is the name given to the Morgan Generation Assets project as a whole (includes all infrastructure and activities associated with the project construction, operations and maintenance, and decommissioning).
Morgan Offshore Wind Project: Generation Assets PEIR	The Morgan Generation Assets Preliminary Environmental Information Report (PEIR) that was submitted to The Planning Inspectorate (on behalf of the Secretary of State) for the Morgan Offshore Wind Project: Generation Assets.
National Policy Statement (NPS)	The current national policy statements published by the Department for Energy Security & Net Zero in 2024.
The Planning Inspectorate	The agency responsible for operating the planning process for NSIPs.

Acronyms

Acronym	Description
AEOI	Adverse Effect on Integrity
AfL	Agreement for Lease
ALARP	As Low As Reasonably Practicable
DCO	Development Consent Order
dML	Deemed Marine Licence
EIA	Environmental Impact Assessment
ES	Environmental Statement
EWG	Expert Working Group
GHG	Greenhouse Gas
HAP	Hearing Action Point
HRA	Habitats Regulations Assessment

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Acronym	Description
INNS	Invasive Non-Native Species
ISH	Issue Specific Hearing
NPS	National Policy Statement
PEIR	Preliminary Environmental Information Report
SPA	Special Protection Area
TCE	The Crown Estate

Units

Acronym	Description
km	Kilometres

1 APPLICANT'S RESPONSE TO ISH2 HEARING ACTIONS POINTS

1.1 Introduction

- 1.1.1.1 This document addresses the Hearing Action Points raised by the Examining Authority at Issue Specific Hearing 2 (ISH2) at Delta Hotels, Liverpool on 26th and 27th of November 2024.
- 1.1.1.2 The Hearing Action Points that have been designated for delivery at Deadline 4 have been addressed and are presented in Table 2.1 below.
- 1.1.1.3 The Hearing Action Points that will be addressed at Deadline 5 or Deadline 6 are listed in Table 3.1.

2 APPLICANT'S RESPONSE TO ISH2 HEARING ACTION POINTS DUE AT DEADLINE 4

2.1 Applicant's Response to ISH2 Hearing Action Points due at Deadline 4

Table 2.1: Applicant's response to ISH2 Hearing Action Points due at Deadline 4.

Ref.	Directed to	Action	Applicant response
HAP_ISH2_1	Marine Management Organisation Stena Line Any other Interested Parties (IPs)	Review the recording of Issue Specific Hearing 2 (ISH2) and submit any comments on or additional responses to the discussions in the hearing.	The Applicant notes HAP_ISH2_1 is directed towards Marine Management Organisation, Stena Line and any other Interested Parties (IPs) and shall not be responding.
HAP_ISH2_2	Applicant	Submit an illustrated note clarifying Environmental Statement (ES) Volume 2 Chapter 7 section 7.5.3 identifying location, size and frequency of deep draught vessels sheltering or transferring pilots east of Douglas in the northern part of the study area; including identification of what the likely routing would be to pass around the Proposed Development on passage to Liverpool.	The Applicant has responded to HAP_ISH_2_2 in S_D4_3.1_ Annex 3.1 to Response to Hearing Action Points 2 and 3: Shipping & Navigation.
HAP_ISH2_3	Applicant	Submit a note elaborating ES Volume 2 Chapter 7 section 7.6.3 on precedent (whether in the United Kingdom or elsewhere) for restricted "pinch-points" in navigation corridors or gaps between or alongside Wind Farm arrays, for which navigation risk has been assessed as tolerable if controlled to as low as reasonably practicable (ALARP), and providing diagrams or plans describing comparative context to the worst-case passage between the Proposed Development and the Agreement for Lease (AfL) area for the proposed Moir Vannin Offshore Wind Farm (OWF).	The Applicant has responded to HAP_ISH_2_3 in S_D4_3.1_ Annex 3.1 to Response to Hearing Action Points 2 and 3: Shipping & Navigation.
HAP_ISH2_7	Moor Vannin Offshore Windfarm Limited	The ExA invites Moor Vannin OWF Limited to submit (having reviewed the recording of ISH2) any comments you may have on or observable hazards to or constraints to navigation of ferries and	The Applicant notes HAP_ISH2_7 is directed towards Moor Vannin Offshore Windfarm Limited and shall not be responding.

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		commercial shipping in the sea space between the Isle of Man and the Cumbrian coast indicated on the chart submitted as Figure 14.3 in your Scoping Report [REP3-043] with regard to the AIS-tracked traffic routes indicated on the Shipping and Navigational Study Area Figure 14.2 in that same submission.	
HAP_ISH2_11	Ørsted IPs	Submit further evidence to back up the quoted percentage loss of Annual Energy Production (AEP) figures submitted at D3, with explanation of the modelling used and a summarised justification for the quoted figures. This should set out the loss to each of the six individual Irish Sea OWFs participating in the Examination as well as the overall loss to all and clarifying if this represents a loss at front row receptor turbines only, and therefore approximately how many of the existing turbines that you contend would suffer adverse wake effects.	<p>The Applicant notes HAP_ISH2_11 is directed towards Ørsted IPs, however to help the ExA in advance of the Second Questions (due 19th December) the Applicant has reviewed the Wake Impact Assessment Report submitted into the Mona examination at Deadline 5 (REP5-120) and has the following observations:</p> <ul style="list-style-type: none"> a) Assuming the same report will be submitted into the Morgan examination at Deadline 4, it is not yet possible to determine if the information provided is sufficiently robust enough to provide a technical note on calculation of the effects of the project on climate, specifically the net effects on GHG emissions, and this would in no way suggest agreement with those figures relating to percentage loss of AEP. The Applicant will continue to consider the information for Deadline 5. b) The Morgan boundary used in the report is the PEIR boundary, rather than the Array Area submitted with the application. The numbers presented therefore, represent unmitigated numbers, and these should be updated with the mitigated boundary. c) It is noted that the wind speed maps (Figure 3-1, Figure 3-2, Figure 3-3) correlate with that presented by the Applicant in REP3-006 (response to INF 1.4). d) The report is stated as an independent wake loss study, but this is not the case. It is a study commissioned by Orsted (who are objecting to the Applicant's scheme), and without reference to or information being provided by the Applicant or other proposed or operational offshore wind farms in the Irish Sea. e) The report claims that industry standard methodologies for deriving the impact of wakes between operational wind farms, but as the Applicant has made clear, there is no standardised approach to assessing wake effects. f) The report does not have a baseline consideration of effects of Orsted projects on each other, which would be a critically important component

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Ref.	Directed to	Action	Applicant response
			<p>of characterising and understanding the interaction of wakes in this region. The report also states that Awel y Mor will affect the energy production of the Orsted IP projects and that Moir Vannin wind farm is excluded from the assessment since it hasn't obtained consent at the time of writing, though would likely have additional impact on the results of the assessment. The Applicant would like to highlight that the modelled wind farms (Mona, Morgan and Morecambe) do not have consent either and Morgan Generation Assets are of a similar size, location and distance from the Orsted IPs compared to Moir Vannin.</p> <p>g) The Applicant would draw to the ExA's particular attention that Orsted (parent company of Moir Vannin Offshore Wind Limited) has gone to great lengths to highlight (despite having a full understanding of the Tiered approach to consideration of projects in cumulative assessments under the Planning Act 2008) that in their opinion the Applicant should undertake a quantified impact assessment on behalf of the Moir Vannin project to inform the Morgan cumulative assessments, but has specifically excluded Moir Vannin from its own assessment of wake loss. The Applicant does not suggest that Orsted undertake a quantified assessment of Moir Vannin at this stage (given the lack of certainty relating to that projects application design), but their wake loss study must be updated to consider the project, and given the proximity to the other Orsted assets one can reasonably conclude that the effects from Moir Vannin on the Orsted IPs projects would be similar to those claimed for the Morgan Generation Assets project. Whilst prevailing wind direction is a relevant consideration it is noted from their report that their study predicts the same level of effect from Mona on Burbo Bank Extension (39 km to the southeast of Mona) as it does on the Walney assets (31 km to the northeast), so clearly prevailing wind direction is not the only consideration in this region.</p> <p>h) The Applicant also highlights that the Moir Vannin Scoping Report does not contain reference to wake effects, so it appears that Orsted do not consider it necessary for their own projects to make an assessment of such matters (as has been the case for the other six Orsted projects that have been brought forward under the Planning Act to date). The Applicant cannot see any response to the Scoping Report from the Orsted IPs to the Moir Vannin in the Scoping Opinion. The Applicant is surprised by this given the Orsted IPs claimed importance of an assessment being undertaken for the Round 4 developments (both within the Irish Sea and</p>

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HAP_ISH2_13	Ørsted IPs Applicant	Provide a without prejudice response to the question asked at ISH2 regarding what potential mitigation measures might involve if effects resulting from wake loss were to be demonstrated as significant e.g. consideration of protective provisions or a commercial side agreement to protect interests of the Ørsted IPs	<p>North Sea). The Applicant therefore, welcomes a response from both the Orsted IPs and Moor Vannin on this matter.</p> <p>The Applicant reiterates that there is no robust or recognised approach for assessing wake effects and for determining the significance of any such effects. The Applicant is therefore unclear how any such effects could be considered significant and the threshold(s) that should be applied.</p> <p>The Applicant refined the Morgan Array Area boundary following PEIR and post-consent the Applicant will go through the final design process which may include refinement of number of wind turbines, refinement of wind turbine spacing and refinement of wind turbine positions within the Morgan Array Area (all in accordance with the layout principles set out in Table 3.7 of the Project description chapter (APP-010)), following the completion of detailed site investigation campaigns and selection of wind turbine model through a competitive procurement process.</p> <p>The Crown Estate's (TCE) response to Outer Dowsing ExQ1 (ExQ1 OG 1.2 in REP2-080) sets out that the 7.5 km separation distance from existing and new wind farms enables developers to develop, operate and maintain wind farms by allowing for wake effects, and the Applicant further increased this distance following PEIR.</p> <p>The Morgan Generation Assets are limited to the Agreement for Lease area, and taking account of the 7.5 km specified by TCE should be able to develop within that area subject to existing constraints. The only way for new schemes not to affect the wind regime for existing projects would be for them not to be built at all, clearly not the intention of either TCE or Government who see new offshore wind capacity as Critical National Priority infrastructure.</p> <p>The Applicant also explained [see S_D4_4_Morgan Gen Written Summaries - Issue Specific Hearing 2] that to mitigate any effects on the Orsted IPs projects would require an increase in distance between the projects that would have a disproportionately larger effect on the Morgan Generation Assets project and result in a greater negative effect on the clean energy generation and GHG emissions savings from the projects taken together.</p> <p>The Applicant understands that the Orsted IP's position is that an assessment should be undertaken in order to comply with NPS policy and that there should be financial compensation for wake effects on its existing assets as a result of the Morgan Generation Asset project. For the reasons given in other responses, the Applicant does not agree that either of these are correct. Without prejudice to the Applicant's position these are not matters that are</p>

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			suitable for either protective provisions or a commercial side agreement. Protective provisions are designed to protect existing infrastructure that benefits from statutory authority from direct effects as the result of works authorised under a DCO (which also have statutory authority). As the Applicant has made clear, the Morgan Generation Assets works do not adversely affect any licences held by the Orsted IPs. In addition, there is no right to or basis for compensation for the Orsted IPs and therefore no commercial side agreement is required or appropriate.
HAP_ISH2_14	Applicant	Submit updates to Aviation and Radar Tracker/Progress Report to include two extra columns setting out next steps and expected timescales to resolve any negotiations and/ or actions being agreed with the relevant IPs	The Applicant has submitted an updated Aviation and Mitigation progress report (S_D4_18) at Deadline 4.
HAP_ISH2_15	Isle of Man Government Territorial Seas Committee (IoM TSC)	Provide a copy of the independently commissioned analysis for Ronaldsway Airport with regard to potential cumulative effects of proposed OWF developments in the Irish Sea.	The Applicant notes HAP_ISH2_15 is directed towards Isle of Man Government Territorial Seas Committee (IoM TSC) and shall not be responding.
HAP_ISH2_16	Sottish Fishermen's Federation (SFF) and West Coast Sea Products (WCSP)	Submit responses (either separate or combined) to ExA Written Questions outstanding from Deadline 3.	The Applicant notes HAP_ISH2_16 is directed towards Sottish Fishermen's Federation (SFF) and West Coast Sea Products (WCSP) and shall not be responding.
HAP_ISH2_17	SFF	Provide further evidence of the extent of existing and recent (last three years) pelagic fishing activity in and adjacent to the Morgan Proposed Development, describing seasonal characteristic relating to the scallop fishery in the same sea space.	The Applicant notes HAP_ISH2_17 is directed towards SFF and shall not be responding.
HAP_ISH2_18	Applicant Natural England	The ExA would like to receive an update from the Applicant at D4 and again at D5 on how the Applicant is addressing Natural England's advice given in REP3-047, parts (4) and (5) on page 3 of that representation in relation to marine mammals	In relation to marine mammal monitoring (REP3-047, part 4), the Applicant notes Natural England's request for marine mammal monitoring. The Applicant's position remains as stated at Deadline 3 (MO 1.13 in REP3-006, REP2-033.35 and REP2-033.43 in REP3-004).

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		<p>and ornithology. Natural England can respond at D5 and D6.</p>	<p>The Applicant notes that the Morgan Array has not been identified as being located in a particularly sensitive area for marine mammals, there is not a significant EIA or HRA risk associated with the potential effects on these receptors, the project is not proposing novel techniques associated with the installation of foundations nor are any of the key design parameters (such as hammer energy) sufficiently large to generate uncertainty. There have been a significant number of offshore wind farm projects built within this region of the Irish Sea to date and marine mammals are known to persist in this area noting that for some species, such as harbour porpoise, the SCANS data (SCANS I to SCANS IV) have suggested the population is stable in the Irish and more recently has been reported as increasing in survey blocks overlapping the Mona Marine Mammal Study Area in the Irish Sea (Hammond <i>et al.</i> 2021; Gilles <i>et al.</i>, 2023). The Applicant has raised concerns about the risks of generic site specific monitoring to have the statistical power to detect change, and notes that for many of the Round 3 projects off the east coast of the UK (that supported high numbers of mammals) it was recognised within the consents that contribution to a strategic programme represented the best form of addressing some of the uncertainty with regard to the interaction between large scale offshore wind farm development and these mobile receptors.</p> <p>In relation to ornithology monitoring (REP3-047, part 5), the Applicant maintains that ornithological monitoring is not required, for the following reasons, summarised from REP3-006:</p> <ul style="list-style-type: none"> • The impact magnitudes predicted for the Morgan Generation Assets are much lower than those predicted for other offshore wind farms in UK waters (where ornithological monitoring has been merited) • Conducting post-consent monitoring to address areas of uncertainty at a project which has limited impacts on offshore ornithological receptors and therefore low abundances of focal species is of little value • The presence of relatively low numbers of birds, make it highly probable that any monitoring programme would be unable to provide conclusions that were statistically robust • Areas of uncertainty relevant to the Morgan Generation Assets are more effectively addressed at projects where seabird abundances are higher or through strategic monitoring programmes • The Applicant is a contributor to a number of strategic research programmes (including the Offshore Wind Evidence and Change (OWEC) Programme), which address uncertainties associated with species in the Morgan

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			<p>Generation Assets assessments, and the Applicant plans to continue this involvement during the operation of the Morgan Generation Assets.</p> <p>The Applicant maintains that there is clear justification for not undertaking project specific ornithological monitoring in this instance.</p> <p>In relation to Manx shearwater, the Morgan Generation Assets are not located in an area of importance for Manx shearwater as illustrated by the results of the baseline aerial surveys undertaken in support of the application and other survey programmes and analyses (e.g. Waggitt <i>et al.</i>, 2020) as presented in APP-053. During site-specific baseline aerial surveys, the abundance of Manx shearwater was relatively low, in the context of the Irish Sea, throughout the breeding season, increasing into the post-breeding season in the second year of surveys. The increase noted is likely ephemeral in nature, driven not by the importance of the area but more by prevailing weather conditions pushing migrating birds out of favoured foraging areas (e.g. the South-west Approaches or those associated with the Irish Sea Front) into the north-east Irish Sea. The regional distribution maps presented in Appendix B of APP-053 show that the Morgan Generation Assets study area supports relatively low to negligible densities through the year. Higher densities occur further west, closer to Ireland, and are associated with the Irish Sea Front, an area known for its importance for the species. As a result, there is no guarantee that the abundance of Manx shearwater would be high enough for robust conclusions to be drawn as part of post-consent monitoring. The Applicant therefore maintains that the uncertainties associated with the assessments are better addressed through strategic monitoring programmes which can be targeted at areas in which seabird abundance is higher therefore increasing the chances that robust datasets can be collected and robust conclusions drawn.</p> <p>The Applicant has demonstrated that where it can see there is real merit in monitoring and or an evidence gap that would benefit being filled from the project that industry has not yet covered, then it is fully supportive of site specific monitoring (as evidenced with the commitments relating to scallop, sandwave recovery, INNS and colonisation surveys of novel structure (i.e. gravity base foundations) monitoring). For the reasons set out above, the Applicant does not consider there is a clear need, nor that tangible benefits could be gained from, site specific monitoring for either marine mammal or ornithological receptors.</p> <p>The Applicant would welcome further technical engagement with Natural England on these points. The Applicant has requested engagement on these</p>

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Ref.	Directed to	Action	Applicant response
			matters and will continue to try and secure technical discussions between now and Deadline 5 with Natural England.
HAP_ISH2_19	IoM TSC	Comment on the Applicant's response to ExQ1 MO1.17 [REP3-006] regarding the five proposed Ramsar Sites on the Isle of Man.	The Applicant notes HAP_ISH2_19 is directed towards IoM TSC and shall not be responding.
HAP_ISH2_21	Applicant, JNCC Natural England Natural Resources Wales	<p>a) Confirm at Deadline 4 whether an Adverse Effect on Integrity (AEoI) on all European sites from the project alone or in-combination with other plans or projects can be excluded.</p> <p>b) If agreement of no AEoI with Natural England, Natural Resources Wales or JNCC is not confirmed by Deadline 4, the Applicant is requested to submit a derogation case by Deadline 5.</p>	<p>The Applicant refers the ExA to the ISH Hearing Summaries, agenda item 7(a). As set out in the hearing summaries, Natural England's response to the ExA's question HRA 1.1 [REP3-048] stated that Natural England considered the risk of adverse effects on the SPAs listed is generally low and do not anticipate a HRA derogation case being required. NRW also agree that there are unlikely to be any adverse effects on integrity (AEoI) on any European sites [REP3-051]. Advice from SNCBs from pre-application to date has indicated that an AEoI conclusion would be unlikely and a derogation case is likely to not be required. The final conclusion on AEoI from SNCBs is awaiting confirmation of the methodological issues raised and due to the requirement to consider the decision based on 'no reasonable scientific doubt' the SNCBs have not provided the confirmation of no AEoI until their queries regarding the methodological issues are fully resolved (as is standard practice for SNCBs). There is a fundamental difference between withholding confirmation until all methodological issues are resolved and SNCBs raising concerns regarding AEoI being considered as 'likely', which is not the case here and supported by the Deadline 3 responses (REP3-048 and REP3-051). This reflects discussions with SNCBs during the pre-application phase when both Natural England and NRW indicated that the risk of AEoI was low from the Morgan Generation project. Specifically:</p> <ul style="list-style-type: none"> • In the Offshore Ornithology EWG meeting 7, 8/12/2023 Natural England noted they are not concerned regarding adverse effects on integrity, alone or in-combination, but would need to see final application assessments to confirm. NRW agreed during the same meeting, but confirmed they would review the application. • In a letter from Natural England dated 29/06/2023 (responding to presentation of the HRA Methodology note by the Applicant), Natural England noted that the likelihood of substantial impacts [on SPAs] is generally low. • In a letter from NRW dated 29/06/2023 (responding to the same HRA Methodology note) NRW noted that the likelihood of substantial impacts [on SPAs] is generally low.

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			<p>The Applicant notes that NPS EN-1, paragraph 5.4.26 sets out that “<i>If, during the pre-application stage, the SNCB indicate that the proposed development is likely to adversely impact the integrity of habitat sites, the applicant must include with their application such information as may reasonably be required to assess a potential derogation under the Habitats Regulations.</i>” This is not the case for the Morgan Generation Assets, where SNCBs have indicated that the risk of adverse effects on integrity is low (i.e. it is unlikely to adversely impact the integrity of habitat sites).</p> <p>The Applicant considers it is unnecessary to present a ‘without prejudice’ derogation case at this time as the Applicant and SNCBs feel that the ornithology methodological issues can be resolved by the end of examination. It is the Applicant position that it is not unusual for the SNCBs to maintain wording such as they have done to encourage developers to address the methodological concerns in line with their advice, before they are prepared to formally acknowledge no AEol. It is not the case, in this instance, that the SNCBs are suggesting that they feel there is likely to be AEol (in the Applicant’s opinion). The distinction between the two positions is subtle but vitally important.</p> <p>In order to develop ‘without prejudice’ derogation case, the Applicant would need to understand from SNCBs which sites (SPAs) and species there is a potential risk of adverse effects on integrity (and ideally the quantum of impact on the relevant species from the Proposed Development) in order to allow for appropriate compensation measures to be developed. In the absence of that (which is the case here) it would be virtually impossible for the Applicant to produce anything meaningful in the timeframe of this examination.</p> <p>Furthermore, given the very low impacts on SPA features from the Proposed Development, i.e. of the order of <1 bird impacted per annum, it is highly unlikely that any proportionate compensation could be identified leaving the most (/only) appropriate approach to compensation be to a contribution towards a strategic compensation fund (e.g. Defra’s Marine Recovery Fund).</p> <p>However, it is the Applicant’s position that such compensation will not be required as there is no adverse effect on integrity from the Morgan Generation Assets alone or in-combination and that SNCBs will reach the same conclusion upon review of the information provided by the Applicant at Deadline 5.</p>
HAP_ISH2_22	SFF	Submit any evidence regarding effects on shellfish populations at other OWFs.	The Applicant notes HAP_ISH2_22 is directed towards SFF and shall not be responding.

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HAP_ISH2_23	Applicant	Provide further justification and commentary on reasoning for lack of proposed site-specific ornithological monitoring further to discussion at ISH2.	<p>Please see response to HAP_ISH2_18 above, in addition to the key points below summarised from the Applicant's Written Summaries - Issue Specific Hearing 2 (S_D4_4_Morgan Gen Written Summaries - Issue Specific Hearing 2):</p> <ul style="list-style-type: none"> • The Applicant has continued to engage with Natural England regarding the need for other ecological monitoring, including that for marine mammals, and has sought again to secure engagement on this matter before Deadline 5. • The Applicant considers it has committed to a suitable level of monitoring as part of the application. Regulation 21(3) of the Infrastructure Planning (Environmental Impact Assessment Regulations) 2017 sets out that measures "should be proportionate to the nature, location and size of the proposed development and the significance of its effects on the environment" which is consistent with the approach that the Applicant has taken. The Applicant has looked at impacts where there is the potential for significant effects, as well as where there is associated uncertainty, or has looked to include monitoring to address a specific concern of a stakeholder (such as in respect of fisheries). • The Applicant's position in respect of the wider requirements for monitoring that have been put forward by Natural England is that they are not necessary on the evidence of the assessment that has been undertaken. • The Applicant notes it has been common-place for ornithology to be a key consent risk item for many of the offshore wind farm projects that have come forward in the UK in recent times, and therefore, there has rightly been a focus around monitoring for those specific projects. However, that does not mean that ornithological monitoring should be by default, and the Applicant's position remains that ornithological monitoring is not required in this instance, as supported by the data included in the Applicant's assessments. • Given the low bird numbers recorded at the Morgan Generation Assets, any ornithological monitoring would be unlikely to have the power to deliver meaningful results, and without having regard to wider data, means that such monitoring would be likely to fail to set out findings in context which is paramount for any wider ranging receptor. • Monitoring of Manx shearwater, for example, as proposed by Natural England would very likely (based on what is known about their usage in the vicinity of the Morgan Array Area) fail to deliver any meaningful outputs, and

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			<p>the evidence gaps around this species will be better filled by on-going strategic initiatives such as ProcBe (part of the Offshore Wind Evidence and Change Programme), which aims to fill critical evidence gaps around how seabird species such as storm petrel and Manx shearwater might interact with offshore wind farms and improve demographic rate and population modelling approaches.</p>
HAP_ISH2_24	Applicant	<p>Review the Applicant's D3 response to all the MMO's D2 points about the draft DMLs [REP2-029.101 to REP2-029.139] which all have the same answer "Please see response to REP2-029.100" (which merely relates to Transfer of Benefit of the Order) and provide at D4 more specific responses (where appropriate) to the individual line items.</p>	<p>The Applicant has reviewed its response MMO's D2 points from ID REP2-029.101 to REP2-029.139. All of the points raised by the MMO relate to the drafting of Article 7 of the draft DCO, which is the reason why the Applicant referred back to its single response in REP2-029.100.</p> <p>The Applicant did not consider it necessary to set out its position in detail to each point, as the Applicant considers that it has already provided an adequate explanation of the reasons why it seeks to include the article in the draft DCO. This is set out in particular within the Explanatory Memorandum [REP3-015] and within the Applicant's Response to Relevant Representations [PD1-017 at ID RR-020.9].</p> <p>As explained in the Explanatory Memorandum, the article is well precedented, being included in the Norfolk Boreas Offshore Wind Farm Order 2021, the Norfolk Vanguard Offshore Wind Farm Order 2020, the East Anglia One North Offshore Wind Farm Order 2022, the East Anglia Two Offshore Wind Farm Order 2022, the Awel y Môr Offshore Wind Farm Order 2023, the Hornsea Project Four Offshore Wind Farm Order 2023 and the Sheringham Shoal and Dudgeon Extensions Offshore Wind Farm Order 2024.</p> <p>The principle of including such an article and the specific wording has been repeatedly accepted by the Secretary of State.</p> <p>The Applicant acknowledges that the MMO disagrees with the inclusion of such an article where its provisions extend to any deemed marine licences included within a DCO, and that the MMO has sought to argue against it consistently in DCO Examinations. However, the MMO's argument has been repeatedly rejected by the Secretary of State.</p> <p>The reason that precedent is a useful reference in the determination of planning applications is that it removes a need to focus time and effort re-considering matters that have been previously settled, unless there is a specific reason in any one case to do so. The Applicant respectfully suggests that there is no exceptional reason to depart from well-established precedent in respect of this matter.</p>

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			The Applicant therefore submits that the reasons for and drafting of Article 7 are justified.

3 HEARING ACTION POINTS DUE AT DEADLINE 5 OR DEADLINE 6

3.1 ISH2 Hearing Action Points due at Deadline 5 or Deadline 6

Table 3.1: ISH2 Hearing Action Points due at Deadline 5 or Deadline 6.

Ref.	Directed to	Action	Deadline
HAP_ISH2_4	Applicant	<p>Submit a detailed study of the use of sea space adjacent to the Isle of Man and United Kingdom Exclusive Economic Zone territorial sea boundary, indicating:</p> <ul style="list-style-type: none"> a) any constraints to navigation features and any aids to navigation present or proposed plus any temporary safety zones likely to be applied for construction and major maintenance adjacent to the territorial boundary; b) prudent clearing distances for vessels passing the Proposed Development in each direction including any north-south passage, in normal metocean conditions; and c) the same information for reasonable worst case adverse metocean conditions in which prudent mariners would be making passage. 	The Applicant confirms that it will respond at Deadline 5 (D5) Thursday 16 January 2025.
HAP_ISH2_5	Applicant	<p>Submit a report on the Applicant's participation in the Mooir Vannin NRA workshop planned for December and on any other engagement undertaken with Mooir Vannin OWF on navigation risk control.</p>	The Applicant confirms that it will respond at Deadline 5 (D5) Thursday 16 January 2025.
HAP_ISH2_6	Applicant	<p>Submit a paper providing:</p> <ul style="list-style-type: none"> a) consideration of policy and transboundary jurisdictional matters concerning post-consent control (should development consent be forthcoming) of navigational safety risk in the sea space between and adjacent to the two developments; and b) without prejudice draft wording for a Development Consent Order (DCO) requirement and Deemed Marine Licence (DML) condition to exclude structures to reduce navigational safety risk to tolerable and ALARP, such requirement only to take effect in the contingency that a 	The Applicant confirms that it will respond at Deadline 5 (D5) Thursday 16 January 2025.

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Ref.	Directed to	Action	Deadline
		Moor Vannin OWF consent, if made, precedes a decision on the application for the Proposed Development; and c) consideration whether the draft DCO and DMLs should be amended such that no safety zone for construction or major maintenance shall cross the territorial seas boundary.	
HAP_ISH2_8	Moor Vannin Offshore Windfarm Limited	The ExA invites Moor Vannin OWF Limited to submit a detailed study of the use of sea space adjacent to the Moor Vannin southern and eastern Agreement for Lease (AfL) boundaries recognising the constraint of the Morgan Generation Assets Proposed Development order limits, indicating: a) any constraints to navigation features and any aids to navigation present or proposed plus any temporary safety zones likely to be applied for around turbines for construction and major maintenance; b) the prudent clearing distances for vessels passing in each direction including any north-south passage, in typical metocean conditions; and c) the same information for reasonable worst-case adverse metocean conditions in which prudent mariners would be making passage.	The Applicant notes this Question is directed at Moor Vannin with a Deadline 5 submission date.
HAP_ISH2_9	Moor Vannin Offshore Windfarm Limited	The ExA invites Moor Vannin OWF Limited to submit a summarised report on your Navigational Risk Assessment (NRA) workshop planned for December including any preliminary conclusions on the top three residual cumulative navigational risks after mitigation, and the outline scope of any navigational bridge simulation undertaken or planned.	The Applicant notes this Question is directed at Moor Vannin with a Deadline 5 submission date.
HAP_ISH2_10	Moor Vannin Offshore Windfarm Limited	The ExA invites Moor Vannin OWF Limited to submit a paper discussing transboundary jurisdictional and policy compliance considerations concerning control of navigational safety risk to tolerable and ALARP in the event that Moor Vannin OWF Limited were to be granted development consent before the Morgan Proposed Development, with focus on cumulative effects	The Applicant notes this Question is directed at Moor Vannin with a Deadline 5 submission date.

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Ref.	Directed to	Action	Deadline
		assessment of impact to shipping and navigation receptors.	
HAP_ISH2_12	Applicant	Provide an update to the Greenhouse Gas impact assessment having regard to further analysis to be submitted by the Ørsted IPs at D4 relating to percentage loss of AEP following their initial analysis submitted at D3.	The Applicant confirms that it will respond at Deadline 5 (D5) Thursday 16 January 2025. The Applicant is to provide a technical note on the calculation of the effects of the project on climate, specifically the net effects on GHG emissions, and this would in no way suggest agreement with Orsted IPs' figures.
HAP_ISH2_18	Applicant Natural England	The ExA would like to receive an update from the Applicant at D4 and again at D5 on how the Applicant is addressing Natural England's advice given in REP3-047, parts (4) and (5) on page 3 of that representation in relation to marine mammals and ornithology. Natural England can respond at D5 and D6.	The Applicant confirms that it has provided a response at Deadline 4 (REP3-047.8 and REP3-047.9 of S_D4_6: Applicant's Response to IP submissions submitted at Deadline 3 and Table 2.1 HAP_ISH2_18 above). The Applicant also confirms that it will provide a further update at Deadline 5 (D5) Thursday 16 January 2025.
HAP_ISH2_20	Applicant	Provide an update to the HRA screening report to record consideration of the IoM existing and proposed Ramsar Sites, so all the information is in one place.	The Applicant also confirms that it will provide a response with a Deadline 6 submission date.
HAP_ISH2_21	Applicant JNCC Natural England Natural Resources Wales	a) Confirm at Deadline 4 whether an Adverse Effect on Integrity (AEoI) on all European sites from the project alone or in-combination with other plans or projects can be excluded. b) If agreement of no AEoI with Natural England, Natural Resources Wales or JNCC is not confirmed by Deadline 4, the Applicant is requested to submit a derogation case by Deadline 5.	The Applicant confirms that it has provided a response above (Table 2.1 HAP_ISH2_21) at Deadline 4. The Applicant notes this is also directed at JNCC, Natural England and Natural Resources Wales (NRW) and looks forward to their response in due course.
HAP_ISH2_25	Applicant BAE Systems	Provide either an agreed position or a statement of points of difference on wording of draft DCO requirements relating to aviation and radar mitigation at both Walney and Warton aerodromes.	The Applicant confirms that it will respond at Deadline 5 (D5) Thursday 16 January 2025.