

Date: 10 December 2024
Our ref: 493734 Natural England's Covering Letter to Deadline 4 Morgan
OWF Project
Your ref: EN01036



██████████
National Infrastructure Planning
The Planning Inspectorate
Temple Quay House
2 The Square
Bristol
BS1 6PN

Hornbeam House
Crewe Business
Park Electra Way
Crewe
Cheshire
CW1 6GJ

T 0300 060 3900

BY EMAIL ONLY

Dear ██████████,

Morgan Offshore Wind Project: Generation

The following constitutes Natural England's formal statutory response for Examination Deadline 4.

1. Deadline 3 Submissions

Natural England has reviewed the relevant documents submitted by the Applicant at Deadline 3. Please find an update of Natural England's position regarding these documents in Table 1 below, including anticipated timing of responses. In addition, Natural England is also submitting the following detailed responses, signposted from Table 1, within the following thematic appendices:

- EN01036 493734 - Morgan Offshore Wind Project: Generation - Appendix I4 - Natural England's Risk and Issues Log Deadline 4

2. Applicant's Deadline 3 submissions in relation to Offshore Ornithology

Similar to our Deadline 3 response [REP3-046], we highlight that ornithology documents supplied by the Applicant at Deadline 3 ([REP3-018] S_D3_9 – Inclusion of Awel y Mor in Cumulative Assessments – Clarification Note, [REP3-019] S_D3_10 - Review of Cumulative Effects Assessment and In-Combination Assessment: Offshore ornithology and [REP3-020] S_D3_11 - Kittiwake apportioning clarification note) essentially serve as additional stress-testing of the Applicant's conclusions against our advice on specific aspects of the impact assessment, in isolation from each other.

We have discussed and provided advice on the required updated assessments with the

Applicant during an Expert Working Group (EWG) meeting held on 13 November 2024. The Applicant has advised that they will be presenting ornithology data in a tabulated or spreadsheet format and submitting this at Deadline 5. Natural England will review these at Deadline 5 and we defer further comments on ornithology until the subsequent deadline.

3. Issue Specific Hearing 2 Action Point 21

As noted in our response to the Examiner's Question HRA 1.1 (REP3-048) Natural England considers the risk of adverse effects on the SPAs listed is generally low, and that the submission of in-principle compensatory measures for English SPAs is unlikely to be necessary.

Since Deadline 3 we have met with the Applicant to discuss what is required in order to resolve this issue (EWG dated 13 November 2024 and project meeting dated 03 December 2024). Whilst Adverse Effects on Integrity (AEoI) are unlikely, at present it is not possible for Natural England to definitively rule out AEoI until the Applicant has addressed the issues identified with their impact assessment.

Further submissions from the Applicant are expected to aid resolution. The Applicant has confirmed they will submit an updated Outline Offshore Environmental Management Plan, expected at Deadline 4, and tabulated ornithology impact parameters which are expected at Deadline 5. Subject to the Applicant addressing our key points in these submissions, we believe this issue should be resolvable without the need for a derogation case.

4. Inclusion of UXO clearance in the DCO - Schedules 3 and 4 – Paragraph 2(f) Licencing of Unexploded Ordnance clearance

Natural England note that UXO clearance continues to be included as a licensable activity within the draft DCO (dDCO). Natural England disagrees with the approach of including UXO clearance in the dDCO and have previously flagged this to the Examining Authority in the Natural England Risk and Issue log submitted at deadline 1 (C10). We would like to reiterate that we do not consider it appropriate for UXO clearance to be included as a licensed activity in the DCO. We have requested further information from the Applicant regarding the exact number, size, location and clearance methods to be used if they wish to secure UXO clearance within the DCO, however we understand this information cannot currently be provided and a full assessment of the impacts of the UXO to be cleared cannot be undertaken at this time. Therefore, a standalone Marine Licence should be sought from MMO post-consent, once UXO surveys have been undertaken and the above information is available. It should also be noted that a European Protected Species (EPS) licence is also likely to be required for UXO clearance works, which will be applied for post-consent as again, the additional information outlined above is currently unavailable.

We would like to draw the Examining Authority's attention to the submission by JNCC at Deadline 5 of the Mona Offshore Wind Farm Examination (REP4-086) which sets out a detailed explanation of why UXO clearance should be authorised under a standalone Marine Licence post-consent rather than within the DCO. Natural England are fully aligned with the advice provided by JNCC and consider the same advice to be applicable to the Morgan Offshore Wind Farm Examination.

Yours sincerely,



Cheshire to Lancashire Area Team

E-mail: [REDACTED]@[naturalengland.org.uk](mailto:[REDACTED]@naturalengland.org.uk) / [REDACTED]@[naturalengland.org.uk](mailto:[REDACTED]@naturalengland.org.uk)

Annex 1: Natural England's Response to the Applicant's Documents Submitted at Deadline 3 Relevant to our Remit

PINS Document Reference	Document Name	Natural England's Response/Position Summary
REP3-001	S_D3_1 – Cover Letter	Natural England has no comments to make on this document.
REP3-002	S_D3_2 – Application Guide (Clean)	Natural England has no comments to make on this document.
REP3-003	S_D3_2 – Application Guide (Tracked)	Natural England has no comments to make on this document.
REP3-004	S_D3_3 – Applicant's response to IP submissions submitted at Deadline 2	Natural England has no comments to make on this document.
REP3-006	S_D3_4 - Applicant's Response to Examining Authority's Written Questions (ExAQ1)	Natural England has provided updates, where necessary, in our Risk and Issues log (Appendix I4) in relation to this document.
REP3-010	S_D3_4.4 - Annex 4.4 to the Applicant's response to EXQ1: SLVIA Clarification note	Natural England has no comments to make on this document.
REP3-011	S_D3_5 - The Applicant's Errata Sheet (Clean)	Natural England acknowledges the Applicant's errata sheet. However, NE has no comments to make on this document at this stage
REP3-012	S_D3_5 - The Applicant's Errata Sheet (Tracked)	Natural England acknowledges the Applicant's errata sheet. However, NE has no comments to make on this document at this stage
REP3-013	S_D3_6 - Draft Development Consent Order (Clean)	Natural England has provided updates, where necessary, in our Risk and Issues log (Appendix I4) in relation to this document.
REP3-014	S_D3_6 - Draft Development Consent Order (Tracked)	Natural England has provided updates, where necessary, in our Risk and Issues log (Appendix I4) in relation to this document
REP3-015	S_D3_7 - Explanatory Memorandum (Clean)	Natural England has provided updates, where

		necessary, in our Risk and Issues log (Appendix I4) in relation to this document
REP3-016	S_D3_7 - Explanatory Memorandum (Tracked)	Natural England has provided updates, where necessary, in our Risk and Issues log (Appendix I4) in relation to this document
REP3-017	S_D3_8 - Schedule of Change to the draft Development Consent Order	Natural England has provided updates, where necessary, in our Risk and Issues log (Appendix I4) in relation to this document.
REP3-018	S_D3_9 - Inclusion of Awel y Môr in Cumulative Assessments – Clarification note	Natural England has no comments to make on this document, please see heading 2 of this cover letter
REP3-019	S_D3_10 - Review of Cumulative Effects Assessment and In-Combination Assessment: Offshore ornithology	Natural England has no comments to make at this time on this document, please see heading 2 of this cover letter
REP3-020	S_D3_11 - Kittiwake apportioning clarification note	Natural England has no comments to make at this time on this document, please see heading 2 of this cover letter
PD-008	Rule 13 - Notification of Hearings - Issue Specific Hearing 2 (ISH2) 26 / 27 November 2024	Natural England has responded to Action Point 21 in this cover letter.