

# MORGAN OFFSHORE WIND PROJECT: GENERATION ASSETS

## Response to Hearing Action Points from ISH2 for Deadline 5

Deadline: 5

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Image of an offshore wind farm

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## MOORGAN OFFSHORE WIND PROJECT: GENERATION ASSETS

### Glossary

Term	Meaning
Applicant	Morgan Offshore Wind Limited.
Development Consent Order (DCO)	An order made under the Planning Act 2008 granting development consent for one or more Nationally Significant Infrastructure Project (NSIP).
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).

### Acronyms

Acronym	Description
ALARP	As Low As Reasonably Practicable
DCO	Development Consent Order
DIO	Defence Infrastructure Organisation
dML	Deemed Marine Licence
HRA	Habitat Regulations Assessment
IPMP	In Principle Monitoring Plan
NDA	non-disclosure agreement
NRA	Navigational Risk Assessment
OWF	Offshore Wind Farm
PSR	primary surveillance radar

# **1 APPLICANT'S RESPONSE TO 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 26<sup>th</sup> and 27<sup>th</sup> of November 2024.
- 1.1.1.2 The Hearing Action Points that have been designated for delivery at Deadline 5 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 6 are listed in Table 3.1.

## 2 APPLICANT'S RESPONSE TO ISH2 HEARING ACTION POINTS DUE AT DEADLINE 5

### 2.1 Applicant's response to ISH2 Hearing Action Points due at Deadline 5

Table 2.1: Applicants response to ISH2 Hearing Action Points due at Deadline 5.

Ref.	Directed to	Action	Applicant response
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"> <li>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;</li> <li>b) prudent clearing distances for vessels passing the Proposed Development in each direction including any north-south passage, in normal metocean conditions; and</li> <li>c) the same information for reasonable worst case adverse metocean conditions in which prudent mariners would be making passage</li> </ul>	<p>The Applicant has provided a response to the shipping and navigation hearing action points 4, 5 and 6 in S_D5_3.1 Annex 3.1 to Hearing Action Points 4, 5 and 6 from ISH2 (Shipping and Navigation) F01.</p>
HAP_ISH2_5	Applicant	<p>Submit a report on the Applicant's participation in the Moir Vannin NRA workshop planned for December and on any other engagement undertaken with Moir Vannin OWF on navigation risk control.</p>	<p>The Applicant has provided a response to the shipping and navigation hearing action points 4, 5 and 6 in S_D5_3.1 Annex 3.1 to Hearing Action Points 4, 5 and 6 from ISH2 (Shipping and Navigation) F01.</p>
HAP_ISH2_6	Applicant	<p>Submit a paper providing:</p> <ul style="list-style-type: none"> <li>a) consideration of policy and transboundary jurisdictional matters concerning post-consent control (should development consent be forthcoming) of navigational safety risk in the</li> </ul>	<p>The Applicant has provided a response to the shipping and navigation hearing action points 4, 5 and 6 in S_D5_3.1 Annex 3.1 to Hearing Action Points 4, 5 and 6 from ISH2 (Shipping and Navigation) F01.</p>

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Ref.	Directed to	Action	Applicant response
		<p>sea space between and adjacent to the two developments; and</p> <p>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 Mooir Vannin OWF consent, if made, precedes a decision on the application for the Proposed Development; and</p> <p>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.</p>	
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 has provided the S_D5_20 Greenhouse Gas Assessment Technical Clarification Note F01 in response to the ExA's request.
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 provided the S_D5_9 Aviation and Mitigation progress report F03 in response to the ExA's request.
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 provided an update at Deadline 4 within REP4-004. The Applicant's position on marine mammal monitoring and ornithology monitoring remains as stated within REP4-004. The Applicant has sought further technical engagement with Natural England on this matter but has not managed to secure access to any marine mammal specialists at Natural England, and has requested a further meeting with the marine mammal specialist before the end of January 2025. During the ornithological meeting of 8 <sup>th</sup> January 2025 Natural England were not able to provide any further justification for their monitoring request, but did agree to take it away for further consideration. The Applicant therefore, awaits further response from Natural England on this topic.

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Ref.	Directed to	Action	Applicant response
			<p>The Applicant has responded further on monitoring and adaptive management in Annex 5.1 (S_D5_5.1) to the Applicants response to the ExA's question (EXQ2 Gen 2.9) with updates made within the Offshore In Principle Monitoring Plan (IPMP) at Deadline 5 (S_D5_21).</p>
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.	<p>The Applicant has followed the ExA's request and responded in S_D5_3.2: Annex 3.2 to Hearing Action Point 20_ Consideration of impacts on ornithological features of Ramsar sites on the Isle of Man F01 and S_D5_3.3: Annex 3.3 to Hearing Action Point 20_ Assessment of impacts on non-ornithological features of proposed Ramsar Sites within the Isle of Man F01.</p>
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.	<p>The Applicant has included requirements within the draft DCO at Deadline 5 that would secure mitigation measures for Walney and Warton aerodromes, if required. The drafting of the requirements provides for a broad scope of potential mitigation, recognising that the final determination of what mitigation is necessary will be dependent on both final design of the Morgan Generation Assets and further technical analysis. The terms of the requirements, as drafted, are considered to be industry-standard.</p> <p>The Applicant has not had confirmation from BAE systems that the requirements can be agreed. The relevant party at BAE Systems has been absent from work ahead of Deadline 5. Advances have however been made on these matters and are acknowledged in the Progress Report (S_D5_9).</p> <p>The Applicant notes that there was positive engagement with BAE Systems prior to the Christmas break on the terms of a DCO requirement that would cover all air traffic service matters. However, BAE cannot unilaterally confirm that they are satisfied with its terms, as matters related to the PSR impact are subject to acceptance by DIO as holders of the safety case for the radar at BAE Warton.</p> <p>Due to certain conditions relating to commissioning of the new PSR radar not being met, BAE Systems and its partners have not been able to remove the NDA relating to this matter. This has prevented the parties from openly discussing the nature of the new asset and mitigation requirements (and solutions).</p> <p>Whilst the Applicant has included a requirement in the draft DCO to secure implementation of mitigation prior to operation of the wind turbines, the Applicant understands that at this time, DIO process means they also cannot formally accept the requirement. This is due to the fact they are not the operator of the asset and are thus unable to confirm whether mitigation will be viable. The Applicant notes that the nature of the requirement, which is of a well established industry standard, is such that it places no</p>



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Ref.	Directed to	Action	Applicant response
			<p>risk with DIO; for the Applicant to progress with development, mitigation will need to be identified and deployed ahead of turbine erection.</p> <p>The Applicant anticipates that tripartite engagement on this matter would provide prompt confirmation that mitigation is viable, to the satisfaction of DIO. This has not been possible ahead of this deadline due to critical resource at BAE being absent.</p> <p>It is hoped that a liaison meeting can be held ahead of DL6 that will allow BAE to clearly state their consideration of the viability of mitigation and ensure that DIO are able to accept the requirement. This will allow closure of the DIO SOCG and acceptance of the broad requirement that will secure mitigation for all identified impacts at BAE Walney and Warton.</p>

### 3 HEARING ACTION POINTS DUE AT DEADLINE 6

#### 3.1 ISH2 Hearing Action Points due at Deadline 6

Table 3.1: Hearing Action Points that will be addressed at Deadline 6.

Ref.	Directed to	Action	Deadline
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.	D6