

MORGAN OFFSHORE WIND PROJECT: GENERATION ASSETS

Annex 5.1 to the Applicant's response to EXQ2 GEN 2.9: Monitoring - Adaptive Management

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Image of an offshore wind farm

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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 a Nationally Significant Infrastructure Project (NSIP).
Morgan Array Area	The area within which the wind turbines, foundations, inter-array cables, interconnector cables, scour protection, cable protection and offshore substation platforms (OSPs) forming part of the Morgan Offshore Wind Project: Generation Assets 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).
The Planning Inspectorate	The agency responsible for operating the planning process for applications for development consent under the Planning Act 2008.

Acronyms

Acronym	Description
EIA	Environmental Impact Assessment
ExA	Examining Authority
INNS	Invasive non-native species
IPMP	In-Principle Monitoring Plan
MMO	Marine Management Organisation
NPS	National Policy Statement

1 ANNEX 5.1 TO THE APPLICANT'S RESPONSE TO EXAQ2 GEN 2.9

1.1 Introduction

1.1.1.1 This document has been prepared in response to the Examining Authority's (ExA's) second written question GEN 2.9 addressed to the Applicant. The question is as follows:

1.1.1.2 **'Monitoring - Adaptive Management**

At ISH2 the Applicant stated that it continues to engage with Natural England regarding the need for additional ecological monitoring, including that for marine mammals; however, it was highlighted that 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, and that this is the approach that the Applicant has taken [REP4-006].

The ExA notes that Regulation 21(3) of the Infrastructure Planning (Environmental Impact Assessment Regulations) 2017 is directed at the Secretary of State when considering whether to impose a monitoring measure if an order is made. The ExA therefore considers that the provisions of Regulation 21(3) have been misrepresented. Notwithstanding, the ExA notes the Applicant's response to ExQ1 GEN 1.8, whereby it states adherence to 2014 guidance issued by the MMO that monitoring should be used where there is uncertainty in the significance of an impact which could lead to a potentially significant impact on a sensitive receptor' and 'Monitoring should not be required for impacts where there is already high certainty'[REP3-006].

The ExA notes that NPS EN-3 states that "should impacts be greater than those predicted, an adaptive management process may need to be implemented and additional mitigation required, to ensure that so far as possible the effects are brought back within the range of those predicted" (paragraph 2.8.222). There is no clear provision in the In-Principle Monitoring Plan (IPMP) for adaptive management should the post-construction monitoring show impacts greater than anticipated.

The Applicant should provide amendments to the IPMP to include references to a commitment to adaptive management measures (to be agreed with the MMO and Natural England if required), and if it chooses not to do so, provide an explanation. MMO and Natural England responses on the Applicant's submission are expected at D6.'

1.2 Response

1.2.1 Policy and legal context

1.2.1.1 The wider policy and legal context is important for the proper understanding and application of NPS EN-3 paragraph 2.8.222. The Applicant maintains that regulation 21(3) of the Infrastructure Planning (Environmental Impact Assessment Regulations) 2017 is directly relevant to this consideration. The need for a monitoring plan (based on the In-Principle Monitoring Plan (IPMP)) is secured in the deemed marine licences within each DCO in conditions 20(1)(c), 27, 28 and 29. Reg.21(1)(d) directs the Secretary of State to consider if monitoring should be imposed and reg.21(3)(d) states that this should be "proportionate to the nature, location and size of the proposed development and the significance of its effects on the environment". The IPMP

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contains the measures proposed as part of this application and the ExA will need to recommend to the Secretary of State whether it considers those measures are sufficient, or if further monitoring requirements should be imposed through the DCO.

1.2.1.2 The Applicant does not consider there to be any misrepresentation of reg.21(3). The ExA and the Secretary of State must consider if the monitoring measures proposed are appropriate, having regard to the factors set out in sub-paragraph 21(3)(d).

1.2.1.3 The Applicant further notes that NPS EN-1 paragraph 4.3.8 states:

1.2.1.4 *'4.3.8 In this NPS and the technology specific NPSs, when used in relation to environmental matters the terms 'effects', 'impacts' or 'benefits' should be understood to mean likely significant effects, likely significant impacts, or likely significant benefits.'*

1.2.1.5 This policy aligns with the legal context set out above. The NPS, and EIA regime, is focussed on likely significant effects and how those are avoided, mitigated and when monitoring or adaptive management measures might be appropriately imposed. The provisions in paragraph 2.8.222 of NPS EN-3 must be read in that context.

1.2.2 Practical considerations

1.2.2.1 In terms of the practical implications of applying adaptive management for all impacts, even those that are not significant in EIA terms, there would be significant challenges for the developer and regulators including topic specific challenges. The predicted impacts from Morgan Generation Assets (based on a reasonable worst case scenario) are some of the lowest of any offshore wind farm of this size (Round 3 and Round 4). As set out in NPS EN-1, the policies in the NPS should be applied on a case-by-case basis having regard to the predicted significant impacts of the project under consideration. Provision of a blanket adaptive management commitment for effects that have the potential of only minor or negligible significance is not warranted. It would create uncertainty for the project in terms of the scale of contingency required and associated financial implications.

1.2.2.2 With regards to ecological monitoring (which is the focus of the question from the ExA) the Applicant has proposed the following monitoring:

- Monitoring of sandwave recovery;
- Monitoring of invasive non-native species (INNS);
- Monitoring of the colonisation of novel (i.e., gravity base foundations) hard structures;
- Monitoring of scallop;
- Identification of reef habitats of principal importance as listed under Section 41 of the NERC Act during pre-construction surveys; and
- Under water sound monitoring during pile installation.

1.2.2.3 The Applicant has already provided comment on its adaptive approaches to the proposed ecological monitoring at REP4-009 (see REP3-047.3 and REP3-049.78), but summarises its position for each monitoring below for completeness.

1.2.2.4 With regard to sandwaves the monitoring will adopt an adaptive approach in terms of reviewing the findings of the post consent surveys with the MMO and relevant statutory advisors, with the need for further monitoring actions to be discussed following that review. No further specific adaptive actions are proposed nor considered necessary. Pre-construction activities may require clearance of a pathway through sandwaves to accommodate cable installation. These sandwaves are not designated features nor

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located within a designated site. They are formed as a result of the region's active sediment transport system and are subject to natural exposure to sediment redistribution and therefore the sensitivity is low. Sandwaves have the ability to reform either in the same position or nearby in a new dynamic equilibrium. Although the physical process in the immediate location of the construction activity may change, the physical processes driving the active sediment transport system does not. The reformation of sandwaves following clearance will be supported by the construction techniques, whereby the material which will be removed from the sandwaves will not be removed from the system but will be relocated in close proximity to the sandwave such that it is readily available for sandwave recharge. In terms of applying any adaptive actions beyond extending the duration or spatial extent of the monitoring (which could occur through the current adaptive approach) the only action would be to try and restore the 'impacted' sandwave. This clearly would not be appropriate considering the scale of the works required, potential that it could be ineffective and the additional impacts this could cause, when the key component, i.e. the sediment, is not lost from the physical processes system and individual sandwaves are modified within a naturally evolving environment.

- 1.2.2.5 With regard to invasive non-native species (INNS) the Applicant has committed to monitoring of INNS to establish the presence or absence of INNS around seabed infrastructure. Should the monitoring detect the presence of INNS, the feasibility of collecting samples of the communities colonising the seabed infrastructure for further analysis of INNS will be considered as an adaptive measure, as stated within the Applicant's response to MP 2.1 (Table 2.11 in S_D5_5 Applicant's Response to Examining Authority's Written Questions (ExQ2)), REP4-009 (see REP3-047.3) and IPMP (S_D5_21 In Principle Monitoring Plan F03). If INNS are identified, then action will be taken following the approach set out in the Measures to Minimise INNS Plan adapting depending on the colonisation of the INNS as informed by the monitoring (see Annex F of REP4-018). A monitoring plan (which accords with the offshore in principle monitoring plan) will include details of the proposed surveys and will be submitted to the MMO at least four months prior to survey commencement. The specific approach to monitoring and adaptive actions will be set out within the Measures to Minimise INNS Plan and therefore is not necessary to include the full detail in the IPMP (especially as the potential impacts are not significant).
- 1.2.2.6 Regarding the monitoring of the colonisation of gravity base foundations no adaptive management is needed (as detailed in our response to MP 2.2, Table 2.11 in S_D5_5 Applicant's Response to Examining Authority's Written Questions (ExQ2)) as it is an evidence building monitoring programme. It is not linked to a specific impact, but is proposed to provide greater understanding of the colonisation at such water depths and for these types of more novel foundations. No update to the IPMP is proposed or required.
- 1.2.2.7 With regard to scallop monitoring the Applicant confirms this will include adaptive measures, and cross refers the ExA to its response CF 2.1 which details the approach to adaptive monitoring and the circumstances under which the Applicant would take forward further adaptive management measures (S_D5_5.3 Annex 5.3 to the Applicant's response to EXQ2 CF 2.1).
- 1.2.2.8 With regard to the identification of reef habitat of principal importance as listed under Section 41 of the NERC Act during pre-construction monitoring, the Applicant can confirm that this will include adaptive measures, as if any such features are recorded then the Applicant will engage with the MMO to ascertain whether any micro-siting of foundations and or cables are required to avoid these features. This is detailed within

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condition 20(1)(a)(v) of each deemed marine licence within the DCO and the IPMP (S_D5_21 In Principle Monitoring Plan F03).

- 1.2.2.9 The Applicant can confirm that an adaptive approach will be taken to underwater sound monitoring and if necessary adaptive measures will be applied if the results demonstrate the need for further action. The Applicant cross refers the ExA to its response to MM 2.5 (Table 2.10 in S_D5_5 Applicant's Response to Examining Authority's Written Questions (ExQ2) F01) for further detail and condition 28(4 and 5) of the DCO (S_D5_7 Draft Development Consent Order F07). The Applicant has updated the IPMP to reflect the adaptive measures to the monitoring and subsequent actions if required.
- 1.2.2.10 In summary, the Applicant has committed to adaptive measures where it considers appropriate and capable of delivering tangible benefit. Applying a blanket approach to all monitoring and potential impacts without consideration of practicality and levels of significance, would be disproportionate in terms of time and cost and, without clear rationale and objectives, and as detailed in the Applicant's previous responses would not provide useful information relevant for future projects. Morgan Generation Assets has some of the lowest potential ecological effect of any recent offshore wind farm. The measures proposed by the Applicant through the IPMP, and as secured by the DCO, go beyond the legal and policy requirements and further than is set out in the MMO 2014 guidance. The ExA and Secretary of State can and should conclude that the measures proposed are appropriate for the Morgan Generation Assets and accord with the provisions of paragraph 2.8.222 of NPS EN-3.