

# MORGAN OFFSHORE WIND PROJECT: GENERATION ASSETS

## Applicant's Response to Examining Authority's Written Questions (ExAQ2)

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Image of an offshore wind farm

**MOORGAN OFFSHORE WIND PROJECT: GENERATION ASSETS**

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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).
Environmental Statement	The document presenting the results of the Environmental Impact Assessment (EIA) process for the Morgan Offshore Wind Project.
Interconnector cables	Cables that may be required to interconnect the Offshore Substation Platforms in order to provide redundancy in the case of cable failure elsewhere.
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.
Maximum Design Scenario (MDS)	(MDS) The scenario within the design envelope with the potential to result in the greatest impact on a particular topic receptor, and therefore the one that should be assessed for that topic receptor.
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 Scoping	Report The Morgan Scoping Report that was submitted to The Planning Inspectorate (on behalf of the Secretary of State) for the Morgan Offshore Project: Generation Assets.
National Policy Statement (NPS)	The current national policy statements published by the Department for Energy Security & Net Zero in 2024.
Wind turbines	The wind turbine generators, including the tower, nacelle and rotor.
The Planning Inspectorate	The agency responsible for operating the planning process for NSIPs.

### Acronyms

Acronym	Description
ADD	Acoustic Deterrent Devices
ALARP	As Low As Reasonably Practicable
ATM	Air Traffic Management
CAA	Civil Aviation Authority
CAP	Civil Aviation Publication
CBRA	Cable Burial Risk Assessment
CEA	Cumulative Effects Assessment

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Acronym	Description
CMS	Construction Method Statement
CRNRA	Cumulative Regional Navigation Risk Assessment
CSIP	Cable Specification and Installation Plan
DAERA	Department of Agriculture, Environment and Rural Affairs
DCO	Development Consent Order
dML	Deemed Marine Licence
EIA	Environmental Impact Assessment
EMF	Electromagnetic Field
EMP	Environmental Management Plan
EPS	European Protected Species
ETV	Emergency Towage Vessel
EWG	Expert Working Group
ExA	Examining Authority
FLCP	Fisheries Liaison and Co-existence Plan
GES	Good Environmental Status
GHG	Greenhouse Gas
HPAI	Highly Pathogenic Avian Influenza
HRA	Habitats Regulations Assessments
IMO	International Maritime Organisation
INNS	Invasive Non-Native Species
IoM TSC	Isle of Man Territorial Seas Committee
IP	Interested Parties
IPMP	In Principle Monitoring Plan
JNCC	Joint Nature Conservation Committee
MCA	Maritime and Coastguard Agency
MDS	Maximum Design Scenario
MNR	Marine Noise Registry
MMO	Marine Management Organisation
MMMP	Marine Mammal Mitigation Protocol
MNEF	Marine Navigational Engagement Forum
MSFD	Marine Strategy Framework Directive
NAS	Noise Abatement Systems
NE	Natural England
NEQ	Net Explosive Quantity
NFFO	National Federation of Fisherman's Organisations

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Acronym	Description
NPS	National Policy Statement
NRA	Navigational Risk Assessment
NRW	Natural Resources Wales
NSIP	Nationally Significant Infrastructure Project
PIANC	World Association for Waterborne Transport Infrastructure
PSR	Primary Surveillance Radar
PVA	Population Viability Analysis
REWS	Radar Early Warning Systems
RIES	Report on the Implications for European Sites
RSPB	Royal Society for the Protection of Birds
SAC	Special Areas of Conservation
SBF	Sub-Bottom Profilers
SLVIA	Seascape and Landscape Visual Impact Assessment
SMZ	Scallop Mitigation Zone
SNCB	Statutory Nature Conservation Body
SoCG	Statement of Common Ground
SPA	Special Protection Area
SSSI	Site of Special Scientific Interest
TSS	Traffic Separation Scheme
UHF	Ultra High Frequency
UK	United Kingdom
UNCLOS	UN Convention on the Law of the Sea
UWSMS	Underwater sound Management Strategy
UXO	Unexploded Ordnance
VHF	Very High Frequency
VTMP	Vessel Traffic Management Plan
WCSP	West Coast Sea Products
WFA	Welsh Fisherman's Association
WFC	Whitehaven Fisherman's Co-operative

## Units

Unit	Description
km	Kilometers
Kj	Kilojoule

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<b>Unit</b>	<b>Description</b>
m	Metres
Nm	Nautical Miles

# **1 Applicant's response to Examining Authority's Written Questions (ExAQ2)**

## **1.1 Introduction**

1.1.1.1 Morgan Offshore Wind Limited (the Applicant) has taken the opportunity to review each of the Examining Authority's Written Questions (ExQ2).

1.1.1.2 Details of the Applicant's response to each of the ExQ2 are set out in the subsequent sections of this document and its annexes.

1.1.1.3 Four annexes were produced to support the Applicant's response, as follows:

- S\_D5\_5.1 Annex 5.1 to the Applicant's response to EXQ2 GEN 2.9
- S\_D5\_5.2 Annex 5.2 to ExQ2 Gen 2.11: Applicants response to NE Risk and Issues log
  - Appendix A to Annex 5.2 to ExQ2 Gen 2.11: Applicants response to NE Risk and Issues log.
- S\_D5\_5.3 Annex 5.3 to the Applicant's response to EXQ2 CF 2.1
- S\_D5\_5.4 Annex 5.4 to the Applicant's response to EXQ2 INF 2.4 Comments on Wood Thilsted Report



## 2 RESPONSES TO EXAMINING AUTHORITY'S WRITTEN QUESTIONS (EXQ2)

### 2.1 Cross-Topic, General and Miscellaneous Questions

Table 2.1: Response to ExAQ2: Cross-Topic, General and Miscellaneous Questions.

Reference	Question to	ExQ2	Applicant's response
GEN 2.1	Applicant	<p><b>Errata and Additional Documents</b></p> <p>Further to your response to the Examining Authority's (ExA) first written question (ExQ1) GEN 1.1 [REP3-006], provide a list of application documents which are to be updated or appended to at Deadlines (D) 5 and 6.</p>	<p>As set out in the Applicant's response referenced (REP3-006), the Applicant will take the following approach:</p> <ul style="list-style-type: none"> <li>• The Applicant will maintain an errata sheet to be appended to the relevant application document at the end of the Examination (Deadline 6) where there are less than 10 errors (unless the document is otherwise being updated, in which case errata will be captured in the updated document)</li> <li>• Where there are more than 10 errors, the Applicant will incorporate errata amends within updated application documents at the end of the Examination (Deadline 6).</li> </ul> <p>List of application documents updated at <b>Deadline 5</b>, which will include addressing any outstanding errata (as relevant):</p> <ul style="list-style-type: none"> <li>• Volume 2, Chapter 4: Marine mammals (S_D5_11_Marine Mammals_F03)</li> <li>• Commitments Register (previously titled Mitigation and monitoring schedule) (S_D5_14_Commitments Register_F04)</li> <li>• Outline fisheries liaison and co-existence plan (S_D5_13_OFLCP_F05)</li> <li>• Offshore in-principle monitoring plan (IPMP) (S_D5_21_In Principle Monitoring Plan_F03)</li> <li>• Outline marine mammal mitigation protocol (S_D5_10_Outline marine mammal mitigation protocol_F03)</li> <li>• Outline underwater sound management strategy (UWSMS) (S_D5_12_Outline UWSMS_F02)</li> <li>• Outline vessel traffic management plan (VTMP) (S_D5_18_Outline Vessel Traffic Management Plan_F03)</li> </ul>

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Reference	Question to	ExQ2	Applicant's response
			<ul style="list-style-type: none"> <li>• Outline offshore written scheme of investigation for archaeology (S_D5_19_WSI_F03).</li> </ul> <p>List of application documents to be updated/appended to at <b>Deadline 6</b>, which will include any outstanding errata:</p> <ul style="list-style-type: none"> <li>• Volume 1, Chapter 3: Project description (APP-010)</li> <li>• Volume 2, Chapter 1: Physical processes (APP-013)</li> <li>• Volume 2, Chapter 2: Benthic subtidal ecology (APP-020)</li> <li>• Volume 2, Chapter 3: Fish and shellfish (APP-021)</li> <li>• Volume 2, Chapter 5: Offshore ornithology (APP-023)</li> <li>• Volume 2, Chapter 7: Shipping and navigation (APP-025)</li> <li>• Volume 2, Chapter 9: Other sea users (APP-027)</li> <li>• Volume 2, Chapter 10: Seascape, landscape and visual resources (APP-014)</li> <li>• Volume 2, Chapter 13: Socio-economics (APP-017)</li> <li>• Volume 4, Annex 5.3: Offshore ornithology collision risk modelling technical report (APP-055)</li> <li>• Volume 4, Annex 5.5: Offshore ornithology apportioning technical report (APP-057)</li> <li>• Volume 4, Annex 6.1: Commercial fisheries technical report (APP-059)</li> <li>• Volume 4, Annex 7.1: Navigational risk assessment (APP-060)</li> <li>• HRA Stage 1 Screening report (APP-099)</li> <li>• HRA Stage 2 information to support an appropriate assessment Part Three: Special Protection Areas and Ramsar Site assessments (APP-098).</li> </ul> <p>The approach to the ornithology clarification notes is set out in the Applicant's response to ExQ2 MO 2.2.</p>
GEN 2.2	Applicant	<p><b>Other licences and consents</b> Provide an update on other licences and consents required should a Development Consent Order (DCO) be made, including</p>	<p>The Applicant noted in response to ExQ1 DCO 1.12 (REP3-006) that the consenting process under the Planning Act 2008 facilitates the inclusion of a range of different consents within the same order, with a view to streamlining the process for Nationally Significant Infrastructure Projects. As such, the Applicant has sought consent for the comprehensive range</p>

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Reference	Question to	ExQ2	Applicant's response
		<p>comments on any concerns raised during consultation and ongoing discussions.</p>	<p>of foreseeable activities required to construct and operate the Morgan Generation Assets, under the DCO application.</p> <p>A limited number of other licences and consents are required, as follows:</p> <ul style="list-style-type: none"> <li>• Marine Licence for high order UXO clearance activities. The Applicant has now committed to removing high order UXO clearance activities from the draft DCO in response to stakeholder concerns (see also response to ExQ2 MM 2.8). A separate Marine Licence will be applied for, if required.</li> <li>• European Protected Species (EPS) Licensing. Where possible, effects on protected species have been avoided or minimised. Where such effects cannot be avoided, then an application for an EPS licence will be made.</li> </ul>
GEN 2.3	Applicant Interested Parties	<p><b>National Policy, Guidance and Legislation</b></p> <p>The Applicant and Interested Parties are asked to provide comment on further updates or changes to UK and Isle of Man Government legislation, policy or guidance relevant to the determination of this application that have been issued since submission of the application.</p> <p>Provide a summary of the implications, if any, for the Examination. Note: such updates include but are not limited to the National Planning Policy Framework published on 12 December 2024, the Clean Power 2030 Action Plan published on 13 December 2024, and other recently published Ministerial statements and policy papers.</p>	<p>The Applicant has reviewed UK and IoM Government legislative, policy and guidance changes since submission of the Morgan Generation Assets application on 24 April 2024 and can confirm that the updates or changes made to the following policy and plans will not affect assessment outcomes:</p> <ul style="list-style-type: none"> <li>• National Planning Policy Framework – the Applicant has reviewed the updates to the National Planning Policy Framework and notes changes to policy paragraph numbering and wording. On review of the changes the Applicant can confirm that these updates do not have implications for the topic assessments undertaken in the Environmental Statement.</li> <li>• The Clean Power 2030 Action Plan reinforces the UK Government ambitions to achieve clean power targets. The Action Plan sets out the UK Government target of having 43-50 GW of installed offshore wind capacity by 2030. The Morgan Generation Assets would make a material contribution towards those targets and is therefore supported by the 2030 Action Plan. The Applicant does not consider there to be implications for the environmental assessments, as submitted. It is noted that the Action plan includes proposals for updates to the National Policy Statements (NPSs) to include 12-month reviews as well as further guidance being produced. The Applicant will monitor these updates and any new guidance produced.</li> </ul>

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Reference	Question to	ExQ2	Applicant's response
GEN 2.4	Applicant	<p><b>Good environmental status</b> Provide an explanation, as set out in paragraph 2.8.109 of National Policy Statement (NPS) EN-3, how the Proposed Development has had regard to Good Environmental Status under the UK Marine Strategy.</p>	<p>Paragraph 2.8.109 of National Policy Statement (NPS) EN-3 states that 'Applicants should have regard to duties in relation to Good Environmental Status (GES) of marine waters under the UK Marine Strategy and MPA target (including any interim target) in England, set under the Environment Act 2021'.</p> <p>As set out in section 2.2 of Volume 2, Chapter 2: Benthic subtidal ecology (APP-020), the Marine Strategy Framework Directive (MSFD) aims to protect the marine environment across Europe. The MSFD is transposed for the UK by the Marine Strategy Regulations 2010. It requires Member States to take measures to achieve or maintain GES. Achieving GES is about protecting the marine environment, preventing its deterioration and restoring it where practical, while allowing sustainable use of marine resources. GES is described in relation to eleven descriptors which help to define the state of the marine environment, covering both environmental indicators and anthropogenic pressure.</p> <p>The Marine Strategy Framework Directive's high level descriptors of GES and how they have been considered in the Morgan Generation Assets Environmental Statement are presented in Table 2.1 of Volume 2, Chapter 2: Benthic subtidal ecology (APP-020), Table 3.4 of Volume 2, Chapter 3: Fish and shellfish ecology (APP-021), and Table 4.3 of Volume 2, Chapter 4: Marine mammals (AS-010). This includes consideration of:</p> <ul style="list-style-type: none"> <li>• Biological diversity</li> <li>• Non-indigenous species</li> <li>• Marine food webs</li> <li>• Sea floor integrity</li> <li>• Hydrographical conditions</li> <li>• Contaminants</li> <li>• Marine litter</li> <li>• Introduction of energy including underwater sound.</li> </ul>
GEN 2.5	Maritime & Coastguard Agency,	<p><b>Outline Environmental Management Plan</b> The Maritime and Coastguard Agency (MCA) and Marine Management Organisation (MMO) are asked to confirm</p>	<p>The Applicant will include respective final position statements on the Outline Offshore EMP in the final SoCG with the MCA and within the final SoCG with the MMO to be submitted at Deadline 6.</p>

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Reference	Question to	ExQ2	Applicant's response
	Marine Management Organisation	satisfaction with the Outline Environmental Management Plan (EMP) [REP4-018], or if not satisfied, provide comments clarifying why not. This should be included in the respective Statements of Common Ground (SoCG).	The Applicant notes that the updated SoCG with the MCA submitted at Deadline 5 (S_D5_MCA), has included this as a new row (MCA.DCO.3) and is agreed.
GEN 2.6	Applicant	<p><b>Inter-related effects: displacement of fishing activity into other areas</b></p> <p>The Applicant is asked to signpost and clarify how its inter-related effects assessment takes account of displacement of fishing activity into other areas where other fishing is already having environmental impact.</p>	<p>It is important to distinguish between the two sections of Table 15.11 in Volume 2, Chapter 15: Inter-related effects – Offshore (APP-019), which relate to two types of inter-related effects on commercial fisheries:</p> <ul style="list-style-type: none"> <li>• Project lifetime effects</li> <li>• Receptor-led effects.</li> </ul> <p>In the context of project lifetime effects, this section of the inter-related effects assessment focuses primarily on the direct displacement of commercial fishing activity from the project area and does not explicitly reference the impacts of such displacement into other areas where fishing already exists (i.e. potentially leading to gear conflict). This approach is taken because this section emphasises that displacement would be minimal in both extent and duration throughout the project lifetime, owing to the Applicant's commitments during construction, operations and maintenance, and decommissioning phases.</p> <p>Commitments are set out within Table 1.2 of the Outline Fisheries Liaison and Co-existence Plan (OFLCP) (S_D5_13) and the Commitments Register (S_D5_14_). The commitments are designed to enable co-existence as far as possible during all project phases. They include commitments to not close the entire development area during the construction phase, the establishment of a Scallop Mitigation Zone (SMZ), which will be free of wind turbines and offshore substation platforms (a commitment which is a 'first' for offshore wind in the United Kingdom as far as the Applicant is aware) and the orientation and spacing of infrastructure such that fishing can continue within the Morgan Array Area.</p> <p>In contrast, it is important to note that the receptor-led effects section of the inter-related effects assessment does explicitly address the potential for gear conflict resulting from displacement into areas where other fishing activity occurs. This section discusses the potential inter-related effects arising from the combination of restricted or lost access to fishing grounds and the subsequent displacement of activity into other areas.</p>

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Reference	Question to	ExQ2	Applicant's response
			The Applicant considers that this section is the appropriate context for discussing gear conflict and refers the ExA to it for more details.
GEN 2.7	Applicant	<p><b>Inter-related effects: socio-economic and environmental impacts of ferry route deviations</b></p> <p>The Applicant is asked how it is to resolve the ongoing point of discussion noted in the SoCG with the UK Chamber of Shipping (CoS) [REP3-025] in which the CoS maintains that the Applicant has not undertaken adequate analysis of the socio-economic impact on shipping sector nor engagement on environmental impact for shipping and navigation consequential on deviation of routeing.</p>	<p>The Applicant undertook adequate analysis on the potential socioeconomic impacts on the shipping sector in line with the agreed scope of the assessment (at Scoping) and based on consultation feedback through the development of the Environmental Statement.</p> <p>The Applicant is seeking to resolve these matters directly with the affected operators rather than with the UK Chamber of Shipping. The Applicant knows that the UK Chamber of Shipping is regularly liaising with its members to ascertain their acceptance of the engagement they are receiving from the Applicant in parallel to the examination, to ensure such effects are adequately addressed.</p> <p>An updated SoCG with the UKCoS has been submitted at Deadline 5 (S_D5_CoS) to reflect that the ongoing point of discussion status will be resolved once the UKCoS's members confirm all matters are agreed.</p>
GEN 2.8	Applicant Moor Vannin Offshore Wind Farm Limited	<p><b>SoCG with Moor Vannin Offshore Wind Farm Limited</b></p> <p>The Applicant is requested to submit by D5 a SoCG with Moor Vannin Offshore Wind Farm Limited in accordance with the ExA's Rule 6 letter [PD-001] (Appendix G page 33) that refers to "other wind operators that have made relevant representations". The SoCG is to be submitted in final signed form at D6.</p>	<p>The Applicant and Moor Vannin Offshore Wind Farm Limited (MVOWFL) met 07 January 2025 to discuss the approach to the SoCG and a draft was provided to MVOWFL 08 January 2025, with the intention to submit a draft at Deadline 5. However, MVOWFL confirmed to the Applicant that they could not return the SoCG before Deadline 5. The Applicant will continue to engage with MVOWFL to submit a final SoCG at Deadline 6.</p>
GEN 2.9	Applicant Marine Management Organisation Natural England	<p><b>Monitoring - Adaptive Management</b></p> <p>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].</p> <p>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</p>	<p>The Applicant cross refers the ExA to Annex 5.1 to the Applicant's response to EXQ2 GEN 2.9 (S_D5_5.1) where this response is provided.</p>

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Reference	Question to	ExQ2	Applicant's response
		<p>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].</p> <p>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.</p> <p>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.</p>	
GEN 2.10	The Crown Estate	<p><b>Book of Reference and land rights over the seabed</b> The Crown Estate is asked to:</p> <p>i) Review the Applicant's answer to ExQ1 GEN 1.18 (pages 17-20 [REP3-006]) and confirm if it agrees with the Applicant's interpretation of 'land' further to the judgement of the High Court in the case of R (Parkes) v Secretary of State for the Home Department [2024] EWHC 1253 (Admin), and that a Book of Reference is not required to be submitted.</p> <p>ii) Subject to the grant of the DCO and any terms therein and any other necessary and separate consents, the Crown Estate is</p>	The Applicant notes that this question is directed to The Crown Estate and shall not be responding.

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Reference	Question to	ExQ2	Applicant's response
GEN 2.11	Applicant Natural England	<p>asked whether it is confident that it would be able to grant the necessary rights for the undertaking of the Proposed Development.</p> <p><b>Response to Natural England Risk and Issues Log</b> The Natural England Risk and Issues log [REP4-043] indicates that there are many points that Natural England still has concerns about, coloured red and amber in the log. The Applicant is asked to: i) Respond specifically to each of the issues where disagreement remains in Tabs A to G. The ExA is specifically seeking a detailed response to all points that remain red and of the highest concern (i.e. A2/A9, B55, C7), with account of any detailed negotiations to resolve those red matters. The ExA requests that the Applicant does not refer the ExA to previous submissions in their answers, rather produces a single document with a response to each amber and red concern. Natural England is asked to: ii) Submit a final Risk and Issues log at D6 addressing all the responses submitted by the Applicant, and if there is no change to the status, explain with sufficient detail why. Please expand on any outstanding concerns, and what outcomes, processes, changes to the DCO and/ or to the outline control documents which are required to be able to address or reduce Natural England's concerns.</p>	<p>The Applicant has provided a detailed response in Annex (S_D5_5.2). The Applicant is continuing to engage with Natural England to resolve outstanding matters.</p>
GEN 2.12	Applicant	<p><b>Greenhouse Gas Assessment</b> Could the Applicant provide comment in light of the recent cases of R (on the application of Finch on behalf of the Weald Action Group) v Surrey County Council [2024] UKSC 20 and Friends of the Earth Ltd and South Lakeland Action on Climate Change v SSLUHC [2024] EWHC 2349 (Admin), and whether these cases have any implications for the assessments of greenhouse gas emissions.</p>	<p>The Applicant does not consider that the recent high court ruling Friends of the Earth Ltd &amp; South Lakeland Action on Climate Change vs SSLUHC [2024] EWHC 2349 (the FoE Case), which also draws on the recent decision of R (Finch on behalf of the Weald Action Group) v Surrey County Council [2024] UKSC 20 (the Finch Case) has any implications for the assessment of carbon emissions undertaken in Volume 2, Chapter 12: Climate change (APP-016).</p> <p>The Applicant has undertaken its Environmental Impact Assessment (EIA) in accordance with the principles of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (the 2017 Regulations). The 2017 Regulations specify that "The EIA must identify, describe and assess in an appropriate manner, in light of each individual case, the direct and indirect significant effects of the proposed</p>



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Reference	Question to	ExQ2	Applicant's response
			<p>development on the following factors... land, soil, water, air and climate" (Regulation 5(2)(c)).</p> <p>The EIA process therefore requires the identification of potential likely significant effects before assessing whether the project in question would give rise to those likely significant effects. The output of that assessment in this case has been the Environmental Statement, in particular Volume 2, Chapter 12: Climate change (APP-016).</p> <p>Volume 2, Chapter 12: Climate change (APP-016) suitably assesses the carbon emissions arising from the Morgan Generation Assets.</p> <p>The impact of greenhouse gas emissions arising from the consumption of materials and activities required to facilitate the operations and maintenance of the Morgan Generation Assets and estimated abatement of UK Grid emissions as well as the impact of the effects of climate change on the Morgan Generation Assets offshore infrastructure through the operations and maintenance phase have been assessed.</p> <p>Both the FoE Case and Finch Case consider whether adequate EIA was carried out in respect of climate change impacts from carbon-emitting fuels (coal and oil, respectively) and the subsequent combustion of those fuels. The position in those cases can immediately be distinguished, therefore, from the Morgan Generation Assets by virtue of the fact that the Morgan Generation Assets is an entirely renewable development and will provide energy which is generated through renewable means, rather than through the combustion of fuels.</p> <p>In the FoE Case, the decision was held to be unlawful by the High Court on the basis of a number of points. Of most relevance for this question was a point centred on the EIA not having suitably assessed the indirect effects of the development on climate change. This was because downstream effects on climate change of burning the extracted coal had not been assessed and it was held that the burning of the coal was an inevitable consequence of its extraction. There was therefore enough of a connection between the project being developed and the effect of the burning the coal to be extracted.</p> <p>As set out in Volume 2, Chapter 12: Climate change (APP-016), the operations phase of the Morgan Generation Assets would enable the use of renewable electricity and the displacement of fossil fuels from the UK energy mix. This would result in a positive GHG impact. When</p>

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Reference	Question to	ExQ2	Applicant's response
			<p>considering the avoided emissions, the assessment concludes that there would be a significant beneficial effect in EIA terms.</p> <p>It is not possible to undertake an assessment of upstream or downstream emissions beyond that set out in APP-016, as it would not be possible to make a causal link between the generation of energy through the development and any increase or decrease of carbon emissions as a result of downstream use. There are innumerable ways, industries and processes in which the electricity produced by the development could be used. The impact-receptor-effect pathway is simply too intangible for there to be any identification or assessment of the likely significant effects downstream. As set out in the Finch case, where it is impossible to ascertain that downstream use there is no need to consider this further within an EIA.</p>

## 2.2 Aviation and Radar

Table 2.2: Response to ExAQ2: Aviation and Radar Questions.

Reference	Question to	ExQ2	Applicant's response
AR 2.1	BAE Systems Blackpool Airport, Defence Infrastructure Organisation/ Ministry of Defence, Isle of Man Government Territorial Seas Committee (Ronaldsway Airport), NATS En-Route plc	<p><b>Aviation and Radar Mitigation Progress Report</b> The D4 update to the Aviation Mitigation Progress Report [REP4-028] now includes 'next steps' and expected timescales for conclusion of agreement as requested by the ExA at ISH2.</p> <p>Could all listed aviation and radar IPs confirm if the Applicant's summary of progress is correct and provide any necessary updates.</p>	Not applicable to the Applicant.
AR 2.2	Applicant	<p><b>Aviation and Radar Mitigation Requirements</b> The Applicant is to update the draft DCO at D5 to include any new requirements (without prejudice) that may be required to secure mitigation for potential aviation and radar effects for each relevant aerodrome in the event that commercial agreement cannot be reached before the close of the Examination. Agreement on such requirements should be recorded in the SoCGs with each of the respective aviation and radar IPs by D6.</p>	The Applicant has updated the draft DCO to include various further requirements proposed in respect of aviation and radar mitigations (S_D5_7 Draft Development Consent Order F07).
AR 2.3	Applicant Blackpool Airport	<p><b>Blackpool Airport Five Year Review</b> The SoCG with Blackpool Airport (BA.AR.12 [REP1-028]) and the Aviation Mitigation Progress Report [REP3-007] note that a safeguarding assessment is currently being undertaken with an update to the airport's five year review (with other relevant Irish Sea projects) which is anticipated to be submitted to the Civil Aviation Authority (CAA) in October/November 2024. i) Blackpool Airport is asked to submit to the Examination at Deadline 5 a summary of the results of the assessment, a timeline</p>	<p>i) The Applicant has no comment on this matter. ii) Wording of the Requirement is included in the draft DCO submitted at Deadline 5 (S_D5_7 Draft Development Consent Order F07).</p>

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Reference	Question to	ExQ2	Applicant's response
		<p>on when it is likely to be approved by the CAA, the likely mitigation, and when this is likely to be agreed between the parties. The Applicant may also wish to respond.</p> <p>ii) If such agreement is expected to be after the conclusion of the Examination (10 March 2025) the Applicant is asked to provide the wording of any Requirement for the draft Development Consent Order.</p>	
AR 2.4	<p>Applicant Blackpool Airport Ronaldsway Airport BAE Systems for Walney and Warton Aerodromes Defence Infrastructure Organisation Maritime and Coastguard Agency NATS En-Route plc</p>	<p><b>Very High Frequency (VHF) Communications</b> The Applicant and BAe notified the ExA at ISH2 that the matter of potential effects to VHF communications was a newly emerging issue since production of the ES, which has arisen from recent CAA advice relating to onshore wind farms. The Applicant is asked to:</p> <p>i) Clarify whether an assessment from NATS has now been commissioned (the progress report [REP4-028] states it is 'commissioning' an assessment) and advise the likely timescale for its production and submission.</p> <p>ii) Clarify whether potential effects to VHF communications should be considered as part of the EIA process.</p> <p>The Applicant and the listed IPs are asked to:</p> <p>iii) Provide a summary of the ongoing discussions on this VHF matter.</p> <p>iv) Provide the wording of a preferred (without prejudice) DCO requirement in the event that the matter is not resolved and/or a commercial agreement is not reached before the end of the Examination. This should also be recorded in the final SoCGs.</p> <p>The MCA is asked to:</p> <p>v) Clarify if the VHF matter arising from recent CAA advice is an issue for search and rescue operations and confirm this within the final version of your SoCG.</p>	<p>i) The assessment has been commissioned, but the delivery date will not be before the close of the examination. .</p> <p>ii) It remains the Applicant's position that the likelihood of an impact from the windfarm on VHF and UHF communications is negligible; if this was a significant issue there would be numerous and widespread demonstrable cases in areas across Scotland where onshore windfarms co-exist with aviation activity. As it is, concern only appears to be arising at a single location (Prestwick), where a particular set of circumstances appears to occur (assumed to be topography, density of onshore wind farm development and spatial relationship between transmitter stations and turbines). The Applicant's position is further reinforced by the fact BAE have not historically noted any detrimental impact on their VHF assets at Walney despite the co-existence with a number of offshore windfarms in the wider environment. Furthermore, extensive tests (including flight trials) have been undertaken at North Hoyle windfarm where no reduction in communications was noted. Given the lack of evidence that there is impact to consider, there is no potential for a significant environmental effect that needs to be considered through the EIA.</p> <p>iii) Regular dialogue has continued with all relevant IPs. As already noted, it remains the Applicant's position that there is no potential for detrimental impact to be considered in regards to this matter, and further no IP has brought forward evidence that such an impact will arise. Notwithstanding this, the Applicant has sought to provide comfort to the relevant IPs (BAE Walney, BAE Warton and IOM Ronaldsway) by providing broadly worded requirements that ensure that should detrimental impacts to air traffic services (not specific issues, such as PSR) arise and be demonstrable, the Applicant shall deliver mitigation.</p>

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Reference	Question to	ExQ2	Applicant's response
			<p>iv) As noted above, wording for requirements has been provided. These requirements are in agreed form with Blackpool and Ronaldsway, and are subject to ongoing discussion with the BAE assets largely due to critical resource being unavailable at BAE ahead of Deadline 5. All such requirements are included in the draft DCO submitted at Deadline 5. Updated SOCGs will be agreed and submitted at Deadline 6.</p> <p>v) The Applicant notes the request to update the SoCG with the MCA which will be submitted as final at Deadline 6. However, the Applicant believes it is useful to note that their understanding is that there is no formal/public advice that has been communicated from the CAA regarding VHF impacts on aerodromes. The messaging on this matter has been communicated through the CAA audit processes at aerodromes and appears to be focussed solely on aerodromes and the provision of Air Traffic Services and having specifically arisen due to impacts experienced at Prestwick, which relate to co-existence with onshore wind farms. The MCA has historically undertaken search and rescue flight trials with offshore wind farms (North Hoyle 2004/5) and found no evidence of impacts that required mitigation.</p>
AR 2.5	Applicant BAE Systems	<p><b>Aviation and Radar Monitoring</b></p> <p>The Applicant and BAE Systems stated at ISH2 that monitoring beyond initial testing following completion of the wind turbines is not required, so long as mitigation is demonstrated to be effective (point 51 in [REP4-006]). The parties are asked to include this within the next version of the SoCG.</p> <p>The Applicant is also asked to confirm agreement on whether operational monitoring is with the other aviation and radar IPs in their respective SoCGs.</p>	<p>The Applicant notes the request that this is included within the SoCG. As noted above an updated SOCG will be supplied at Deadline 6.</p> <p>For clarity, the Applicant has restated below the reasoning for this position.</p> <p>Where mitigation measures are identified as being necessary, the aviation and radar requirements within the draft DCO prevent erection of the wind turbines (beyond foundation level) until “appropriate mitigation” is confirmed by the Secretary of State to be in place. In practice, the mitigation scheme will be agreed between the Operator and the Applicant and will include both a deployment and testing phase.</p> <p>In respect of BAE’s interests, the format of mitigation (likely to be modification of the existing radar or provision of additional radar feed) will be agreed between the Applicant and BAE. The mitigation will then be applied, and tests undertaken to ascertain that the mitigation performs adequately to ensure the satisfactory maintenance of safe provision of air traffic services. Until that testing has been completed</p>

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Reference	Question to	ExQ2	Applicant's response
			<p>with a satisfactory outcome, the “appropriate mitigation” as approved by the Secretary of State will not have been implemented for the purposes of the requirement. The testing phase is a key part of the implementation of a mitigation scheme. Once the efficacy of the mitigation has been fully established through testing, there is no need for ongoing monitoring; should there be a failure of mitigation beyond this point it will be a contractual matter for resolution between the two parties.</p> <p>The discharge of such requirements is a well preceded and understood process for offshore and onshore wind farm developments through the UK. The Applicant has proposed requirements that align with that well-established practice.</p>
AR 2.6	Applicant	<p><b>Future Baseline - Helicopters</b> Table 11.10 of ES Chapter 11 [APP-015] lists the hydrocarbon infrastructure considered for helicopter access within 9nm of the Morgan array area. Paragraphs 11.5.2.2 and 11.5.2.3 refer to the difficulties in defining the likely evolution of helicopter aviation interests, due to uncertainties relating to future oil and gas licencing rounds and decommissioning of existing fields with resultant declining helicopter use.</p> <p>Could the Applicant clarify if there is any update to the baseline that may affect consideration of effects on helicopter access.</p>	<p>Consideration of the following platforms can be removed from Table 11.10 within Volume 2, Chapter 11: Aviation and radar (APP-015):</p> <ul style="list-style-type: none"> <li>• Millom West: The Applicant received further detail on helicopter access requirements during the decommissioning process for Harbour Energy assets (see REP1-044), where it was confirmed that flights would not be required during the decommissioning period at the Millom West platform.</li> </ul> <p>In relation to the future baseline, review of the latest North Sea Transition Authority (NSTA) data shows that only two blocks offered in the east Irish Sea in the 33<sup>rd</sup> Offshore Licensing Round have been provisionally awarded since the completion of the assessment to support the Morgan Generation Assets application:</p> <ul style="list-style-type: none"> <li>• Block 113/27c (licence P2682, licenced to Hartshead Resources Ltd): Hartshead Resources Ltd are in the early stages of exploration activities<sup>1</sup>. Part of Block 113/27c is located within 9 nm of the Morgan Generation Assets. However, as it is not currently known if exploration activities will return a viable resource and the Applicant is not aware of any plans in the public domain for any new installations requiring helicopter access to date, there is no</li> </ul>

<sup>1</sup> <https://hartshead-resources.com.au/33rd-round/>.

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Reference	Question to	ExQ2	Applicant's response
			<p>update to the current baseline that may affect consideration of effects on helicopter access.</p> <ul style="list-style-type: none"> <li>Block 110/3b (GS007 gas storage licence awarded to dCarbonX). dCarbonX<sup>2</sup> are developing gas and hydrogen storage projects, which will require new installations. Block 110/3b is located beyond 9 nm from the Morgan Generation Assets and therefore the provisional award of this block does not affect the consideration of effects on helicopter access.</li> </ul> <p>The Applicant can therefore confirm that, other than the update noted above in relation to Millom West, there are no material updates to the baseline environment presented in Volume 2, Chapter 11: Aviation and radar (APP-015) which would affect the consideration of effects on helicopter access.</p> <p>For completeness, the Applicant can also confirm that the two blocks provisionally awarded in the 33<sup>rd</sup> Offshore Licensing Round are located beyond the Other sea users local study area and therefore this update does not affect the assessment presented in Volume 2, Chapter 9: Other sea users (APP-027).</p>
AR 2.7	Applicant Any Interested Parties	<p><b>Civil Aviation Publication (CAP) 764</b> A consultation revision of CAA CAP 764 was published earlier this year. The Applicant (and any IPs if they wish) are asked to clarify when the final revised document is likely to be published and set out the main changes from the 2016 version quoted in ES Volume 2 Chapter 11 [APP-015] which may affect the consideration of the Application.</p>	<p>The Applicant understands that the CAA planned to publish Edition 7 of CAP 764: CAA Policy and Guidelines on Wind Turbines in June 2024. The Applicant is not currently aware of the timescales for the publication of Edition 7 by the CAA.</p> <p>Draft CAP 764 Edition 7's most significant change is to reorder text and introduce new chapters on specific topics. The main drivers for change are:</p> <ol style="list-style-type: none"> <li>The emphasis of CAA Aerodromes and Air Traffic Management (ATM) Inspectorate Team conduct of safeguarding oversight audits at certified and licensed aerodromes to confirm compliance to the applicable rules</li> <li>A general permission, within CAP 764, for aviation obstacle notification and lighting requirements for onshore and offshore wind turbines, previously published separately on the CAA website, incorporation of international standards for wind turbines</li> </ol>

<sup>2</sup> <https://www.dcarbonx.com/>.

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Reference	Question to	ExQ2	Applicant's response
			<p>specified in the International Electrotechnical Commission Technical Standard 61400-29:2023 as well as general editorial updates.</p> <p>The Applicant considers that these updates will not affect consideration of the Morgan Generation Assets application.</p>
AR 2.8	Applicant	<p><b>Cumulative Radar Early Warning Systems (REWS) impact assessment update</b> The Applicant is asked to clarify if there are any additional updates further to their answer to ExQ1 AR 1.9 [REP3-006].</p>	<p>The Applicant does not have any further updates on this matter and confirms that a comprehensive review of cumulative effects taking into account recently submitted applications was presented in 'Review of Cumulative Effects Assessment and In-Combination Assessment' (REP2-023) as noted in REP3-006.</p>



## 2.3 Commercial Fisheries

Table 2.3: Response to ExAQ2: Commercial Fisheries Questions.

Reference	Question to	ExQ2	Applicant's response
CF 2.1	Applicant	<p><b>Outline Fisheries Liaison and Co-existence Plan – clarification of compensation as a last resort for effects to fisheries</b></p> <p>Having regard to the most up-to-date industry best practice guidelines, the Applicant is asked to submit an updated outline Fisheries Liaison and Co-existence Plan (FLCP) to clarify the mechanism that would be in place for commercial compensation to fisheries stakeholders as a last resort in the worst-case event that the scallop mitigation zone (SMZ) is not fully effective as mitigation and that adverse effects on landings during or post-construction are demonstrated to be significantly greater than the amount assessed as likely in the ES[APP-024] (6.8.1).</p> <p>The ExA acknowledges the Applicant's commitment to undertake post construction dredge surveys to determine changes to queen scallop from baseline predictions, but these surveys are intended only to validate predictions in the ES. If the species does not recover as predicted in the ES, the ExA wishes to understand how commercial fisheries will be compensated. It is insufficient to respond with a statement that there will be no significant impact to continued access to the queen scallop resource.</p>	<p>The Applicant directs the ExA to the response in Annex 5.3 to the Applicant's response to EXQ2 CF 2.1 (S_D5_5.3 Annex 5.3 to the Applicant's response to EXQ2 CF 2.1_F01).</p>
CF 2.2	Applicant	<p><b>Standalone plan to secure Scallop Mitigation</b></p> <p>The MMO submission at D4 noted that it has concerns about the proposed SMZ "only being indicative at this stage" and considers that the zone should be finalised before a decision is made on the DCO and that a standalone plan secured by the DCO "could be beneficial". The ExA notes that a minimum area for the SMZ has been added as a commitment in the outline FLCP but requests the Applicant to submit by D5 a standalone plan sufficient to secure a definitive SMZ, with co-ordinates, subject only to minor refinement post-consent, or to give detailed justification why it is not appropriate to do so, cross-referenced to any response to the MMO if applicable.</p>	<p>On 19 December 2024, the Applicant and the MMO discussed how the FLCP that included the SMZ could be discharged post-consent. The Applicant understands that the MMO is content with the principle of the SMZ being secured within the final Fisheries Liaison and Coexistence Plan (FLCP). The MMO does not consider that a standalone plan is now required.</p> <p>The Applicant has now updated the OFLCP to make the SMZ section more definitive, therefore removing any potential for subjectivity or uncertainty in the discharge of the plan post-consent. This follows on from discussions with the MMO and further representations from the fisheries stakeholders,</p> <p>The updated OFLCP submitted at Deadline 5 (S_D5_13 OFLCP_F05) now confirms the minimum area for the SMZ (34 km<sup>2</sup>) and a definitive location of the SMZ.</p>

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Reference	Question to	ExQ2	Applicant's response
			<p>Additionally, the Applicant following further discussions with the MMO has also considered the maximum extent of the SMZ, which would be 37 km<sup>2</sup> and would extend to the Order Limits in the western part of the Array Area. The final SMZ will therefore be either the minimum (34 km<sup>2</sup>) <u>or</u> maximum (37 km<sup>2</sup>) extent, depending on peripheral turbine installation. If it is the maximum extent, this can <u>only</u> be at the discretion of the Applicant, as informed by post consent detailed site investigation surveys that will feed into the final design process, and turbine procurement process. Under this maximum extent scenario, there will be no surface or subsurface infrastructure in this part of the Array Area.</p> <p>This has also been reflected in the update OFLCP submitted at Deadline 5 (S_D5_13 OFLCP_F05).</p> <p>The Applicant notes that the final Design Plan, that is discharged by the MMO, will also reflect the SMZ commitments with no WTGs being within the SMZ.</p>
CF 2.3	<p>National Federation of Fishermen's Organisations</p> <p>Scottish Fishermen's Federation</p> <p>West Coast Sea Products</p> <p>Any other Interested Parties</p>	<p><b>Satisfaction with cable installation and protection commitments submitted at D4</b></p> <p>The ExA notes the outline Construction Method Statement (CMS) submitted at Deadline 4 includes at Annex A: Outline Cable Specification and Installation Plan (CSIP) including Cable Burial Risk Assessment (CBRA), and at Annex B: Scour Protection and Cable Protection Management [REP4-032]. The Applicant has also revised the wording of TM17 in the outline FLCP [REP4-021].</p> <p>The Fisheries IPs are requested to confirm if they now sufficiently satisfied with the commitments contained in the outline CSIP/CBRA [REP4-032] and within the Commitments Register [REP4-025], notably commitments Co19 to Co30 inclusive, to be able to agree with the principle of the Scallop Mitigation Zone as proposed.</p>	<p>The Applicant notes that this question is directed to other interested parties and is not responding.</p>
CF 2.4	<p>Applicant</p> <p>National Federation of Fishermen's Organisations</p>	<p><b>Unresolved matters in the SoCG with the NFFO and others</b></p> <p>The updated SoCG with the NFFO and others contains many unresolved matters, including lack of agreement with the EIA methodology and its conclusions for the project alone and cumulatively. The ExA notes that the record of post-application engagement shows no meeting with the NFFO since September 2024</p>	<p>The Applicant and the NFFO met to discuss further updates to the SoCG on 18 December 2024. During that meeting all remaining "outstanding points of discussion" on the EIA elements were updated to either "Agreed", "Agreed with caveats" or "Not Agreed but not material".</p>

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Reference	Question to	ExQ2	Applicant's response
		<p>and that review of the SoCG in December 2024 was only by correspondence.</p> <p>i) What assurance can be given to the ExA that best efforts will be made to resolve the ongoing points of discussion in good time for a final SoCG to be submitted at D6?</p> <p>ii) If necessary, would it be helpful to the Examination if the SoCG with the NFFO et al. were to be separated into standalone SoCGs with each of the parties rather than awaiting collective agreement of all the parties?</p>	<p>The NFFO confirmed that they would seek agreement on these statements with the WFA and WFC to enable the SoCG to be finalised and signed off at Deadline 5.</p> <p>As the NFFO had not reviewed the Outline CMS and Outline CSIP submitted at Deadline 4, the Applicant and NFFO met again on 7 January 2025 to discuss the remaining position statements relating to this document. Following this meeting all remaining points are now "Agreed" or "Agreed with Caveats".</p> <p>The final and signed SoCG between the Applicant and NFFO, WFA and WFC has been submitted at Deadline 5 (S_D5_NFFO Signed SoCG NFFO_F03).</p>
CF 2.5	<p>Marine Management Organisation</p> <p>National Federation of Fishermen's Organisations</p> <p>Scottish Fishermen's Federation</p> <p>West Coast Sea Products</p> <p>Any other Interested Parties</p>	<p><b>Identification of Irish Sea queen scallop fishing grounds</b></p> <p>Do you have any observations or critique to make about the analysis produced by ERM and submitted by the Applicant as [REP4-011] identifying "Irish Sea queen scallop fishing grounds generated by digitising information provided in Vause et al, 2007, Defra, 2024 and plotter positions provided by WCSP"?</p>	<p>The Applicant notes that this question is directed to other interested parties, however when finalising the SoCG with the NFFO, the Applicant discussed this figure with the NFFO who noted the effort by the Applicant to further contextualise the scallop grounds in the Irish Sea.</p>

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## 2.4 Cumulative Effects

**Table 2.4: Response to ExAQ2: Cumulative Effects Questions.**

Reference	Question to	ExQ2	Applicant's response
CE 2.1	Applicant	<p><b>Cumulative Effects Assessment</b> In the response to ExQ1 CE 1.1 the Applicant offers to prepare a document which consolidates the information within the listed cumulative effects assessment (CEA) tables and sections of topic chapters along with any updates to the Review of CEA and In-Combination Assessment notes [REP2-023, REP3-019 and REP4-024] and an updated cumulative effects screening matrix. The Applicant is asked to provide these documents by D6.</p>	<p>Whilst this approach was suggested at Deadline 3, the Applicant has reflected on the most effective way to consolidate the CEA information prepared across the application and during the Examination submissions, to avoid duplication of material already available to the ExA in the application and unnecessarily adding to the volume of documentation.</p> <p>The Applicant intends to undertake the following approach for submission at Deadline 6:</p> <ul style="list-style-type: none"> <li>• Final Review of CEA and In-Combination Assessment note, to include the following: <ul style="list-style-type: none"> <li>– Upfront section signposting to where the CEA can be located within each of the relevant topic chapters of the Environmental Statement, including the Cumulative effects screening matrix</li> <li>– Screening and, where applicable, review of any new or updated project environmental assessment information that has become publicly available since the reviews carried out to date (REP-023, REP3-019 and REP4-024).</li> </ul> </li> </ul>
CE 2.2	Natural England Natural Resources Wales Meath County Council	<p><b>Cumulative and In-Combination Assessments review documents</b> A number of CEA/In-combination assessment review documents have been submitted by the Applicant to include updated information relating to other projects in and around the Irish Sea and additional information relating to ornithology [REP2-023, REP3-018, REP3-019, REP4-024, REP4-029]. Natural England, NRW and Meath County Council are asked to confirm if they have any comments on the relevant review documents.</p>	<p>The Applicant notes that this question is directed to other Interested Parties and shall not be responding.</p>
CE 2.2	Moor Vannin Offshore Wind Farm Limited	<p><b>Moor Vannin Offshore Wind Farm</b> i) Provide an update on any progress to submission of your application for Marine Infrastructure Consent, noting any changes to the timeline provided in your answer to CE 1.5 [REP3-041]. ii) Provide details of any further environmental information which has become publicly</p>	<p>The Applicant notes that this question is directed to Moor Vannin Offshore Wind Farm Limited and shall not be responding.</p>

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Reference	Question to	ExQ2	Applicant's response
CE 2.3	Applicant Natural England Natural Resources Wales	available since the publication of the preliminary environmental information in August 2024.	<p>The Applicant notes that point i) is directed to Natural England and NRW, however the Applicant wishes to highlight that the Planning Inspectorate's guidance on cumulative effects assessment (CEA) (The Planning Inspectorate, September 2024) states that a key aspect of establishing the short list of other developments to be included in a CEA is identifying the temporal scope of developments to establish whether there is overlap and potential for interaction. This should be undertaken on the basis of publicly available information and the Applicant considers this a reasonable/most appropriate basis on which to undertake a CEA and in-combination assessment.</p> <p>In response to point ii), the lifetimes for the existing offshore wind farms Barrow and Burbo presented in REP3-006 were taken directly from Ørsted IPs submissions into the Mona Offshore Wind Project Examination (Mona Offshore Wind Project Examination Library Reference REP4-130) as follows:</p> <ul style="list-style-type: none"> <li>• Barrow: 2030</li> <li>• Burbo Bank 1: 2031.</li> </ul> <p>The Applicant notes that the Environmental Statement for the Barrow offshore wind farm anticipated an operational lifetime of 20 years (Warwick Energy Limited, 2002). The Barrow offshore wind farm was operational in 2006, and existing Marine Licences in place for the Barrow project (available via the MMO Public Register at <a href="https://marinelicensing.marinemanagement.org.uk/mmofox5/fox/live/">https://marinelicensing.marinemanagement.org.uk/mmofox5/fox/live/</a> – see for example case MLA/2016/00149/3 and MLA/2014/00155/3) are valid until 2026 (see also response to point iii below).</p> <p>The Applicant notes that the Environmental Statement for the Burbo Bank offshore wind farm anticipated an operational lifetime of 20 to 25 years (SeaScape Energy Ltd, 2002). The Burbo Bank offshore wind farm was operational in 2007 and existing Marine Licences in place for the Burbo Bank project (available on the MMO Public Register – see for example case MLA/2016/00148/4 and MLA/2014/00336/1) are valid until 2032 (see also response to point iii below), and therefore the timeframes provided by Ørsted IPs (in Mona Offshore Wind Project Examination Library Reference REP4-130) are consistent with the information provided in the Environmental Statement and existing Marine Licences.</p> <p>In response to point iii), the Applicant is not aware of any licence variation applications by Ørsted IPs for offshore wind life extension.</p> <p>Under the Marine and Coastal Access Act, a licence is required to 'construct, alter or improve any works within the UK marine licensing area either (a) in or over the sea, or (b) on or under</p>

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Reference	Question to	ExQ2	Applicant's response
			<p>the sea bed' (section 66(7) of the Marine and Coastal Access Act 2009). MMO guidance (<a href="https://www.gov.uk/guidance/construction-alteration-or-improvement-of-works">https://www.gov.uk/guidance/construction-alteration-or-improvement-of-works</a>) includes 'maintenance' under this category:</p> <ul style="list-style-type: none"> <li>• "Construction' means to build or make something and includes 'maintenance', 'alteration' and 'improvement' activities.</li> <li>• 'Maintenance' means the upkeep or repair of an existing structure or asset wholly within its existing three dimensional boundaries".</li> </ul> <p>Therefore, in order for Ørsted IPs to continue to maintain/upkeep or repair Barrow and Burbo beyond the anticipated lifetime of the projects (as currently licenced or as assessed in the Environmental Statement), it is the Applicant's view that additional approvals would be required, supported by appropriate environmental assessment. This may include an extension to the existing Marine Licences to allow ongoing maintenance and upkeep to ensure compliance with the Marine and Coastal Access Act 2009.</p> <p>The Applicant has carried out its CEA (and in-combination assessment) based on the best available information within the public domain and following the Planning Inspectorate's guidance on cumulative effects assessment (CEA). The Applicant submits that the CEA (and in-combination assessment) is robust.</p>
CE 2.4	Applicant Mooir Vannin Offshore Wind Farm Limited Isle of Man Government TSC	<p><b>Moor Vannin Offshore Wind Farm</b>            In the event that further environmental information is made publicly available, or the Marine Infrastructure Consent application is submitted to the Isle of Man Government prior to the close of the Examination, the listed parties are asked to:</p> <p>i) Comment what approach should be taken by the Applicant to reviewing the CEA (and in-combination assessment) in time for the close of the Examination so that the ExA has an opportunity to consider it and that the Secretary of State is fully informed.</p> <p>ii) Provide commentary on the scenario that the Marine Infrastructure Consent application is determined by the Isle of Man (IoM) Government prior to a decision on the Proposed Development by the Secretary of State for Energy Security and Net Zero.</p>	<p>i) Any Marine Infrastructure Consent application will be accompanied by an EIA and therefore contain new environmental information about the Moor Vannin project. That information will clearly be relevant to the assessment of cumulative and in-combination effects of the project and it will be important that the Secretary of State has up to date information before them prior to their determination. Moor Vannin Offshore Wind Farm Limited has stated (see REP3-041) that it intends to submit the Marine Infrastructure Consent application in March 2025 (post close of the Morgan Generation Assets Examination). The Applicant therefore, fully expects the Secretary of State to request the Applicant submits an updated CEA that considers the final Moor Vannin application, during the determination phase.</p> <p>Even if that application is submitted earlier than scheduled (i.e. submitted at the very start of March), it would only allow less than one week between the submission and close of the Examination. That timing would be insufficient for the EIA for Moor Vannin to be reviewed and a robust review of the CEA (and in-combination assessment) to be undertaken.</p> <p>In those circumstances, the Applicant suggests it would be appropriate for the ExA to prepare their recommendation report based on the information before them at the close of the Examination and to invite the Secretary of State to seek an update from the Applicant before they determine the application. The Secretary of State would then have the most up to date information before them.</p>

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Reference	Question to	ExQ2	Applicant's response
			<p>The Applicant is continuing to engage with Mooir Vannin Offshore Wind Farm Limited and will seek to provide the ExA with information relating to meaningful updates to what is proposed as part of that development, such as the recently confirmed boundary change (see the Applicant's response to ExA Question SN2.6 for more information).</p> <p>ii) If the Marine Infrastructure Consent application was determined before the application for the Morgan Generation Assets (which the Applicant does not consider realistic), then that would also be a relevant factor in the CEA, as at that point there would be a 'fixed' design envelope based on the terms of the consent issued. The Secretary of State would need to have regard to whether or not that had any material impact on the CEA (and in-combination assessment).</p> <p>The Applicant notes that, based on the anticipated timelines for a Marine Infrastructure Consent application and subsequent determination, it considers such a scenario to be highly unlikely.</p>
CE 2.5	Mooir Vannin Offshore Wind Farm Limited	<p><b>Mooir Vannin Offshore Wind Farm transmission infrastructure</b> The D4 update to the Report on Interrelationships with Other Infrastructure Projects [REP4-016] (paragraph 1.2.1.5, Tables 1.1 and 1.2) refers to a separate project for the Mooir Vannin transmission infrastructure (the 'East Irish Sea Transmission Project') located in English waters, which is in early-stage development and has been the subject of a Section 35 Direction granted on 24 October 2024. Mooir Vannin Offshore Wind Farm Limited is asked to submit a copy of the Direction and any other supporting information, including potential timescales for application submission, which would assist the Examination.</p>	<p>The Applicant notes that this question is directed to Mooir Vannin Offshore Wind Farm Limited and shall not be responding.</p>
CE 2.6	Meath County Council	<p><b>Irish Offshore Windfarms</b> Meath County Council are invited to review the Applicant's response [REP1-006] and the reviews of the CEA [REP2-023 and REP3-019], further to its response to the second transboundary screening [OD-006]. Please</p>	<p>The Applicant notes that this question is directed to Meath County Council and shall not be responding.</p>

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Reference	Question to	ExQ2	Applicant's response
		provide any comments to the ExA at D5, with any updates to the listed projects or any additional projects relating to Irish waters which may be of relevance.	



## 2.5 Draft Development Consent Order (DCO)

Table 2.5: Response to ExAQ2: Draft Development Consent Order (DCO) Questions.

Reference	Question to	ExQ2	Applicant's response
<b>Parts 1 and 2</b>			
DCO 2.1	Applicant	<p><b>DCO Draft Development Consent Order</b></p> <p>Part 1 Article 2 Definition of Commence</p> <p>The definition of commence in Article 2 relates to the carrying out of licensed activities rather than any other development. The ExA assumes that this is because the only works authorised by the DCO are works which are licensed activities authorised by the DMLs. If this is the case then the Applicant is asked to include a definition of licensed activities in Part 1, Article 2.</p>	<p>The Applicant has added the following definitions to the draft DCO:</p> <p>“deemed marine licences” means the marine licences set out in Schedules 3 (Deemed Marine Licence under the 2009 Act – Licence 1: Wind Turbine Generators and Associated Infrastructure) and 4 (Deemed Marine Licence under the 2009 Act – Licence 2: Offshore Substation Platforms and Interconnector Cables).</p> <p>“licensed activities” means the activities specified in Part 1 of the deemed marine licences.</p>
DCO 2.2	Applicant	<p><b>Part 2 Article 7 Benefit of the Order (1)</b></p> <p>At [REP4-009, Ref. REP3-037.41] the Applicant repeats its argument of precedent for this article in previous made orders and contends that there is no “exceptional reason to depart from well-established precedent in respect of this matter”. The ExA notes, however, that the Applicant has not addressed the MMOs point that the Applicant has not identified any reasoned justification in any previous decision which explains why the transfer process which it proposes is justified and to be preferred over the existing statutory mechanism [REP2-029, paragraphs 2.2.18 – 2.2.20].</p> <p>The ExA acknowledges the precedent point being made by the Applicant but requests the Applicant to provide specific justification for the inclusion of these provisions in this specific application and why the existing statutory regime set out in s72 of the Marine and Coastal Act 2009 are not suitable.</p>	<p>The Applicant has copied below its response to the Marine Management Organisation’s relevant representation (point RR-020.9 within PD1-017) where the Applicant provided a fuller explanation and justification. The key point is that, if the Applicant ever wished to transfer the powers in the DCO/DML, it is important that they can be transferred together to ensure that the same party has the benefit of the powers and liability for any breach. Having to pursue transfer of the DCO powers separately from the DML powers, and under different legislative provisions, could result in an unsatisfactory situation where different parties held the benefit of the respective powers and liability for compliance with any requirements/conditions attached. Given the significant overlap in the activities that the DCO and DMLs authorise, this could lead to considerable legal uncertainty, which would be unsatisfactory. Such a situation can be avoided by the inclusion of Article 7 in its current, well precedented, form.</p> <p><b>Response to RR-020.9 in PD1-017:</b></p> <p>“Article 7 of the draft DCO (AS-003) contains provisions for the transfer or lease of powers under the DCO. As set out in the Explanatory Memorandum (AS005) these provisions are based on the Model Provisions and the drafting has developed through their inclusion in many offshore wind farm development consent orders.</p>

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Reference	Question to	ExQ2	Applicant's response
			<p>Following the precedent drafting from other offshore wind farm orders article 7(2) provides the transfer or grant of DCO powers to take place with the written consent of the Secretary of State and article 7(5) provides for this transfer or grant to take place without the need for consent in the circumstances specified in the paragraph. Both of these allow for the transfer or grant of powers under the deemed marine licence. Article 7(4) requires the Secretary of State to consult with the MMO before giving consent to the transfer or grant to another person of the benefit of either deemed marine licence.</p> <p>Article 7(11) disapplies sections 72(7) and (8) of the Marine and Coastal Access Act 2009 in relation to a transfer or grant of the benefit of the deemed marine licence. The drafting in the draft DCO reflects a long-established precedent regarding the transfer of DCO powers and deemed marine licences that has been endorsed by the Secretary of State many times, including most recently in the Sheringham Shoal and Dudgeon Extensions Offshore Wind Farm Order 2024. Where a transfer of the deemed marine licence is sought under Article 7(2), the Secretary of State would consider the appropriateness of the party to whom the transfer or grant is proposed and would also take into account any representations made by the MMO before determining whether to grant consent.</p> <p>From the procedural perspective it is important that the DCO and any deemed marine licence can be transferred together using the process set out in Article 7. It is considered important that the timing of any transfer or grant of powers/authorisations under the DCO and dMLs be aligned, as there is considerable overlap between the authorisations and the requirements/conditions. This justifies a departure from the procedure under the Marine and Coastal Access Act 2009. Having deemed the marine licence in the DCO, it is also appropriate that any transfer under the Order include the deemed marine licence as part of the wider transfer – it is one element of the wider order powers and should not be separated out from the authority to construct, operate and maintain the NSIP granted by the Order.</p> <p>The Planning Act 2008 is clear that marine licences may be deemed in a DCO in appropriate areas (s149A) and that a DCO may include such further provisions ancillary to the operation of that dML (s122(3)), including transfer along with the benefit. Section 122(5)(a) and (c) set out that a DCO may “apply, modify or exclude a statutory provision</p>

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Reference	Question to	ExQ2	Applicant's response
			<p>which relates to any matter for which provision may be made in the order” or “include any provision that appears to the Secretary of State to be necessary or expedient for giving full effect to any other provision of the order”. The ability to transfer the dML is related to the deeming and is submitted to be a sensible, expedient part of the wider power to transfer the benefit of the order.</p> <p>There is accordingly no legal barrier to including these provisions in the draft DCO and there is a clear advantage to doing so for the reasons set out above. This has been accepted by the Secretary of State in a number of offshore wind farm DCOs and is well precedented.”</p>
DCO 2.3	Marine Management Organisation	<p><b>Part 2 Article 7 Benefit of the Order (2)</b></p> <p>Without concluding on the matter but contemplating that the SoS may wish to include transfer of the benefit of the DML within the Order, the ExA invites the MMO to provide a revised draft of Article 7 that it may be able to be satisfied with, and also set out any other associated changes to the dDCO that it feels is necessary.</p>	<p>The Applicant notes this is directed at the MMO and will review the MMO's response in due course.</p>
<b>Schedule 2 – Requirements</b>			
DCO 2.4		<p><b>Requirement 1: Time Limits – Commencement and Challenge Period (1)</b></p> <p>IPs are invited to comment on the Applicant's responses to ExQ1 DCO 1.4 and DCO 1.5 (pages 50-51 [REP3-006]), in seeking to justify the seven-year commencement period and the extension to the period should a legal challenge be submitted.</p>	<p>The Applicant notes this is directed at interested parties and will review their responses in due course.</p>
DCO 2.5		<p><b>Requirement 1: Time Limits – Commencement and Challenge Period (2)</b></p> <p>Requirement 1(2) seeks to extend the time limit for commencement if a legal challenge is made. However, it is unclear what is meant by the words ‘If proceedings are begun ...’ The ExA considers that the drafting creates uncertainty because it will not be clear on the face of the Order when the development must commence by. The ExA therefore considers that the words need to be defined, particularly as only the Applicant, the Claimant and the consenting SoS are likely to be aware of any proceedings filed with the court.</p>	<p>The Applicant does not consider that any amendment is necessary. As noted in paragraph 5.10 of the Explanatory Memorandum [REP3-015], the wording in requirement 1(2) replicates the provisions of section 91(3A) and (3B) of the Town and Country Planning Act 1990 as they apply to grants of planning permission. That Act does not include further definition of the relevant terms. Where those provisions apply, it would similarly not be clear from the face of a planning permission when a development must commence by.</p> <p>As the principle of the intention and wording of such drafting has been accepted by Parliament when enacting those provisions of the Town</p>

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Reference	Question to	ExQ2	Applicant's response
			and Country Planning Act 1990, the Applicant does not consider it necessary to amend the wording in requirement 1(2).
<b>Schedules 3 &amp; 4 – draft Deemed Marine Licences</b>			
DCO 2.6		<p><b>Enforceability of Conditions 11 and 12</b></p> <p>Conditions 11 and 12 in DMLs 1 and 2 seek to ensure that the works constructed under each DML cannot, when combined, exceed those consented by the DCO. Condition 11 states that the total number of offshore substation platforms in both licences cannot exceed 4 and Condition 12 states the total length of the interconnector cables in both licences cannot exceed 60km.</p> <p>However, in the event that the total works were to exceed those parameters, would there be a breach of one or both DMLs? Put another way, how will the MMO understand which works will be constructed under which licence and which licence is breached if the works exceed the parameters in Conditions 11 and 12? This is important for enforcement purposes. The view of the MMO on how best to address this quirk of identical parameter controls is invited. Could some wording be added to Condition 20 (Pre-construction plans and documents) for example, to assist the MMO at approval stage? If so please provide suggested wording.</p>	<p>The Applicant considers that this is provided for in condition 20(1)(a) of each DML, which requires the undertaker to have a design plan approved that includes, amongst other things, numbers of offshore substations and the proposed layout of all cables. The Applicant notes that the final line of condition 20(1)(a) states that information is provided <i>“to ensure conformity with the description of Work No.1 and compliance with conditions 10, 11 and 12.”</i></p> <p>The Applicant considers that this provides the MMO with sufficient information to control the maximum number of offshore substations and length of interconnector cables built under the licences, through approval of the design plans under condition 20(1)(a). To then build beyond that amount would be a clear departure from those approved plans, and enforcement action could be taken.</p>
DCO 2.7		<p><b>Micrositing – Condition 20(1)(a)(ii)</b></p> <p>In ExQ1 DCO 1.19(iv) the Applicant was asked to ‘iv) Amend the dimensions in Project Description Table 3.7 Layout development principles 5 and 6 as appropriate’. In its response the Applicant stated it will submit an updated version of the Project Description chapter with an update to Table 3.7 at Deadline 6 [REP3-006]. The ExA hereby issues a reminder to the Applicant that this update must be provided at D6.</p>	<p>The Applicant notes this reminder and confirms that this will be updated at Deadline 6.</p>
DCO 2.8		<p><b>Outline Decommissioning Plan</b></p> <p>The MMO’s response to ExQ1 DCO 1.13 [REP3-037] refers to a review of a standard DML condition relating to decommissioning. The Applicant was questioned on this at ISH2.</p> <p>The MMO is asked to:</p> <p>i) Provide an update on this review.</p>	<p>The Applicant notes this is directed at the MMO and will review the MMO’s response in due course.</p>

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Reference	Question to	ExQ2	Applicant's response
		<p>ii) Provide comments on the Applicant's response to the same question [REP3-006] and further comments arising from discussion at ISH2 (pages 25-26 [REP4-006]) and (REP3-049.79 [REP4-009]) regarding the separate legislative regime being in place, therefore no outline decommissioning plan is considered to be necessary.</p>	
DCO 2.9		<p><b>Outline Offshore Construction Method Statement</b> The Applicant is asked to include reference to the outline Offshore Construction Method Statement [REP4-032] in Condition 20(1)(d).</p>	The Applicant has updated this condition within each DML.
DCO 2.10		<p><b>Pre-Construction Plans - Condition 20(1)(g) (formerly Condition 20(1)(h)): Marine Mammal Mitigation Protocol (MMMP)</b> In ExQ1 DCO 1.27 the Applicant was asked to provide clarity on why submission of a MMMP was necessary under Condition 20(1)(h) and Condition 23(b) of the draft DMLs in Schedules 3 and 4 of the DCO. The ExA notes the Applicant's response [REP3-006] which stated that 'separate conditions are necessary and that the intention of having a standalone condition 23 is to allow mitigation measures for UXO clearance to be approved, and that activity to be undertaken, before all of the statements, plans and schemes set out in condition 20(1) have been approved.'  However, the ExA notes that like Condition 23(b), Condition 20(1)(g) (formerly 20(1)(h)) prevents commencement of Unexploded Ordnance (UXO) clearance until a MMMP is submitted to and approved in writing by the MMO. The ExA requires clarification why there is still a need to retain reference to UXO clearance in Condition 20(1)(g), when it is sufficiently covered in Condition 23(b).  The Applicant is asked whether Condition 20(1)(g) should just relate to submission of a MMMP for piling activity and remove any reference to UXO clearance activity given that UXO clearance activity and the need for an MMMP in that regard is separately controlled by Condition 23.</p>	<p>The Applicant has discussed the wording of the DML conditions further with the MMO so far as they relate to the approval of the MMMP. Following feedback received from the MMO, the Applicant has updated conditions 20, 22 and 23 to separate out the need for submission of the MMMP for piling and for UXO clearance, as well as the UWSMS for piling and for UXO clearance.  Condition 20(1)(g) now relates only to submission of a MMMP for piling activity. Condition 23 relates to submission of a MMMP for UXO clearance.</p>
DCO 2.11		<p><b>Pre-Construction Plans – Condition 20(1)(a)(v): Micrositing for Reef Habitats</b></p>	The Applicant has updated this condition in the draft DML to include the wording suggested by Natural England.

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Reference	Question to	ExQ2	Applicant's response
		Natural England has provided a suggested amendment for the wording of draft DML condition 20 (1)(a)(v), in the Risks and Issues Log at Deadline 4 [REP4-043 - rows A7 and G17]. Is the Applicant willing to update the draft DML with the wording suggested by Natural England? If not, why not?	The Applicant notes that Natural England confirmed that if this change is made, this matter in its 'Risk and Issues Log' can be considered resolved.
DCO 2.12		<p><b>Pre-construction Plans - Condition 20(1)(c), Condition 21 and Condition 22</b></p> <p>Could the Applicant, Natural England and the MMO provide an update on any progress made regarding the timescales included in the DML conditions for approval of pre-construction documentation and agreement of documents, where 4 months can remain and those where 6 months can be accepted.</p>	<p>The Applicant has updated this condition in the draft DML to include the wording suggested by Natural England.</p> <p>The Applicant notes that Natural England confirmed that if this change is made, this matter in its 'Risk and Issues Log' can be considered resolved.</p>
DCO 2.13		<p><b>Pre-construction Plans – Condition 23(2)</b></p> <p>Natural England and the MMO are asked to advise if they are content with a three-month approval period for the UXO Clearance method statement and associated MMM. If not, please advise what period of time would be acceptable with reasons.</p>	The Applicant has amended the draft DML condition to include six months as the timescale for approval of this plan. This has been agreed with the MMO.
<b>Schedule 5</b>			
DCO 2.14		<p><b>Schedule 5: Certified Documents</b></p> <p>The Applicant is asked to check the documents contained within the certified documents set out in Schedule 5 of the draft DCO and ensure the list is fully updated with the final versions by Deadline 6, including:</p> <p>Outline Environmental Management Plan [REP4-018].</p> <p>Outline Offshore Construction Method Statement (incorporating Outline Cable Specification and Installation Plan) [REP4-032].</p> <p>Greenhouse Gas Reduction Strategy [REP4-023].</p> <p>The numerous errata sheets, clarification notes, technical notes and summary tables relating to ornithology and other matters, and/or any updates to the ES and HRA to incorporate such notes.</p>	<p>The Applicant has updated schedule 5 of the draft DCO, and will do so again at Deadline 6 to reflect any further updates necessary.</p> <p>The Applicant has included the Commitments Register.</p>

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Reference	Question to	ExQ2	Applicant's response
		<p>The ExA is also minded to include the Commitments Register [REP4-025] within the list of certified documents. If the Applicant disagrees, provide justification.</p>	

## 2.6 Habitats Regulations Assessment

Table 2.6: Response to ExAQ2: Habitats Regulations Assessment Questions.

Reference	Question to	ExQ2	Applicant's response
HRA 2.1	Applicant Natural England Natural Resources Wales	<p><b>Summary of Data</b></p> <p>The Applicant's numerous responses to Natural England and NRW [REP4-007, REP4-009, REP4-012] refer to recent discussions (13 November and 28 November 2024) and indicate that it is working to provide a summary of data and a solution to resolve all outstanding methodological issues associated with the assessments presented in Volume 2 Chapter 5 Offshore Ornithology [APP-023] and the HRA Stage 2 Information to Support Appropriate Assessment part 3 [APP-098]. The Applicant expects this to provide Natural England with the information necessary to close out many of the outstanding methodological issues without the need for updated assessment document and to reduce the volume of documents submitted into the Examination, with an aim to allow the conclusion of no adverse effect on integrity (AEol) either alone or in-combination.</p> <p>However Natural England and NRW continue to put to the ExA that the clarification notes essentially serve as additional stress-testing of the Applicant's conclusions against their advice, in isolation from each other.</p> <p>i) The Applicant is asked to share the summary with the statutory nature conservation bodies (SNCB) at the earliest opportunity, and submit a copy at D5, so that complete responses can be submitted by all parties at D5 in order to inform the ExA's Report on the Implications for European Sites (RIES), to be published on 6 February 2025.</p> <p>ii) Natural England and NRW are asked to comment on the summarised data at D5.</p>	<p>The Applicant has submitted the information requested by Natural England in 'S_D5_16_Morgan Gen_Ornithological assessment clarification data_F01'. This information was sent to Natural England on 19 December 2024 and Natural Resources Wales on 23 December 2024 with comments received during a meeting held on 8 January 2025, with these addressed in the final version. As previously stated, the Applicant has provided this information in consultation with Natural England and Natural Resources Wales and can confirm that all remaining methodological issues are now closed. During the meeting held on 8 January 2025 Natural England confirmed they could now conclude no AEol alone and in-combination. The resolution to the outstanding methodological issues is anticipated to be provided by Natural England at Deadline 5.</p>
HRA 2.2	Applicant Natural England Natural Resources Wales	<p><b>Habitats Regulations Assessment derogation case - ornithology</b></p> <p>The Applicant's position is that compensation will not be required as there is no AEol from the Proposed Development either alone or in-combination, and it highlights that the SNCBs</p>	<p>Please see the Applicant's response to HRA 2.1. During the meeting held on 8 January 2025 Natural England confirmed they could now conclude no AEol alone and in-combination. The Applicant confirms that the information requested will be provided at Deadline 5 (and Deadline 6 if any further information is required).</p>



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Reference	Question to	ExQ2	Applicant's response
		<p>consider the risk of AEol is low.</p> <p>Natural England and NRW's submissions states that they cannot definitively rule out AEol until the Applicant has addressed the issues raised in their representations and that they have had the opportunity to review information submitted at D4 (and the summary data as referred to above in HRA 2.1).</p> <p>The parties indicate that the remaining issues are capable of being resolved prior to the close of the Examination, and as such a derogation case and compensation may not be required.</p> <p>Natural England, NRW and the Applicant are urged to submit information and comments in as much detail as possible to the Examination by D5 to inform the ExA's RIES, with final confirmation that AEol can be ruled out and that a derogation case is not required at D6.</p>	
HRA 2.3	Applicant Natural England Natural Resources Wales	<p><b>Liverpool Bay Special Protection Area</b></p> <p>The Outline Offshore EMP [REP4-018] at 5.6 Annex E and the Commitments Register (Co65) [REP4-025] include reference to measures to minimise disturbance to rafting birds from transiting vessels to be attached to the final Offshore EMP, secured within Condition 20(e) of the DMLs.</p> <p>i) Natural England and NRW are asked to confirm whether provision of the documents would allow them to agree that an AEol of the qualifying features of the Liverpool Bay Special Protection Area (SPA) can be excluded, alone and in-combination.</p> <p>ii) The Applicant is asked to update the Stage 2 SPA Report [APP-098] to record consideration of the Liverpool Bay SPA.</p>	The Applicant has provided a clarification note (S_D5_17_Morgan Gen_Liverpool Bay/Bae Lerpwl SPA Clarification Note _F01) which will form an appendix to HRA Stage 2 information to support an appropriate assessment Part Three: Special Protection Areas and Ramsar Site assessments (APP-098) in response to this question.
HRA 2.4	Natural England Natural Resources Wales	<p><b>Kittiwake Apportioning</b></p> <p>Natural England's Risk and Issues Log [REP4-043] states that it has advised the Applicant on the required updated assessments and will provide further comments in response to any additional material at D5. NRW continues to consider that the correct approach has still not been applied [REP4-044].</p> <p>The Applicant has submitted responses to D3 submissions from Natural England and NRW [REP4-007 and REP4-009] and an</p>	The Applicant can confirm that the information provided to address the methodological issues raised by the SNCBs (S_D5_16_Morgan Gen_Ornithological assessment clarification data_F01) includes, as the SNCBs requested, the incorporation of apportioning values that do not include consideration of older immature age cohorts. Following the meeting held on 8 January 2025 the Applicant anticipates the SNCBs will confirm this matter is resolved.

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Reference	Question to	ExQ2	Applicant's response
		<p>additional clarification note 'Differences between Morgan and Mona in abundance estimates used in the CEA' [REP4-031]. The ExA expects further comments from the SNCBs to the additional material at D5 to inform the final SoCG with NRW and Principal Areas of Disagreement Summary Statement (PADSS) from Natural England.</p>	
HRA 2.5	Natural England	<p><b>HRA Stage 1 Assessment</b></p> <p>The Applicant states that 'The likelihood of the Morgan Array Area resulting in barrier effects for qualifying features of SPAs are low...' (paragraph 1.4.5.16 [APP-099]). The screening matrices further explain that this is due to the large foraging ranges used by seabirds and the large distances from the Morgan Array Area at which the SPAs are located.</p> <p>The ExA notes that NRW has agreed that barrier effects can be screened out of the assessment with respect to Welsh SPAs [REP3-051].</p> <p>Does Natural England agree with the Applicant's statements that barrier effects can be screened out for all phases?</p>	The Applicant notes that this question is directed to Natural England and shall not be responding.
HRA 2.6	NatureScot Northern Ireland Department of Agriculture, Environment and Rural Affairs	<p><b>HRA Stage 1 and Stage 2 Assessments</b></p> <p>The sites for which likely significant effects could not be excluded include those in Wales, Northern Ireland and Scotland. NE's RR [RR-026] highlighted the need for the Applicant to consult the relevant SNCBs on impacts to non-English sites.</p> <p>The SNCBs for Scotland and Northern Ireland, NatureScot and the Department of Agriculture, Environment and Rural Affairs (DAERA) respectively, were invited to participate in the Examination as Other Persons in Appendix B of the ExA's Rule 6 letter [PD-001]. The Applicant's response to NE [RR-026] [PD1-017, p142] confirms that it has consulted with all relevant stakeholders, including NatureScot, and refers to the Consultation Report [APP-088], the Technical Engagement Plan [APP-094] and appendix D Part 4 [APP-092].</p> <p>Can NatureScot and DAERA confirm whether they are in</p>	The Applicant notes that this question is directed to other Interested Parties and shall not be responding.

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Reference	Question to	ExQ2	Applicant's response
		agreement with the outcomes of the Applicant's HRA [APP-096, 097, 098, 099 and APP-100] for the relevant non-English sites?	
HRA 2.7	Natural England	<p><b>HRA Stage 2 Assessment</b></p> <p>Natural England are asked to confirm whether it is content that an AEoI, alone and in combination, can be excluded for the following English sites designated for marine mammal qualifying features:</p> <ul style="list-style-type: none"> <li>• Lundy SAC.</li> <li>• Isles of Scilly Complex SAC.</li> </ul>	The Applicant notes that this question is directed to Natural England and shall not be responding.
HRA 2.8	Applicant Isle of Man Government	<p><b>Isle of Man Ramsar Sites</b></p> <p>Further to the Applicant's response to ExQ1 MO 1.17 the IoM Government TSC confirmed in their response to ISH2 action point 19 that the Applicant has given appropriate consideration to the relevant seabird colonies and listed/proposed Ramsar sites [REP4-039].</p> <p>The Applicant is asked to ensure that the HRA screening report is updated by D6 to include the information provided.</p> <p>The IoM Government TSC and the Applicant are asked to include the matter in the next version of their SoCG.</p>	The Applicant has provided a clarification note (S_D5_3.2_Morgan Gen_Annex 3.2 to Hearing Action Point 20_Consideration of impacts on ornithological features of Ramsar sites on the Isle of Man _F01) which will form an appendix to HRA Stage 2 information to support an appropriate assessment Part Three: Special Protection Areas and Ramsar Site assessments (APP-098) in response to this question. This will be appended to the HRA Stage 2 information to support an appropriate assessment Part Three: Special Protection Areas and Ramsar Site assessments (APP-098) at Deadline 6.
HRA 2.9	Applicant	<p><b>Underwater Sound Management Strategy Update (UWSMS)</b></p> <p>As per the Applicant's response to the Joint Nature Conservation Committee (JNCC) regarding ExQ1 HRA 1.6 [Ref. REP3-035.37 in REP4-007], the ExA hereby issues a reminder to the Applicant to update the outline UWSMS at D5 to reflect that the use of Noise Abatement Strategy technologies is classified as a 'secondary' mitigation measure.</p>	<p>The Applicant can confirm that an updated outline UWSMS has been submitted at Deadline 5 (S_D5_12_Morgan Gen_Outline UWSMS_F02). The Applicant notes that the outline UWSMS already included Noise Abatement Strategy technologies as secondary mitigation.</p> <p>The Applicant has updated the outline MMMP (S_D5_10_Morgan Gen_Outline marine mammal mitigation protocol_F03) to ensure that any reference to Noise Abatement Strategy technologies as presented in the UWSMS is termed "secondary mitigation".</p>

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**2.7 Historic Environment**

**Table 2.7: Response to ExAQ2: Historic Environment Questions.**

Reference	Question	ExQ2 to	Applicant's response
HE 2.1	Applicant	<p><b>Historic England Statement of Common Ground</b>            The Applicant is asked to submit its response on several points still under discussion in the initial submission of an SoCG with Historic England [REP4-036], notably:</p> <ul style="list-style-type: none"> <li>i) The need for post-consent survey acquisition and data analysis in a sufficiently timely manner to inform design finalisation (HE.TBC.06).</li> <li>ii) The conclusion of no significant adverse residual effects in EIA terms for marine archaeology for the project alone or cumulatively (HE.TBC.08).</li> <li>iii) The need for potential cumulative impacts to the Outstanding Universal Value of the English Lake District World Heritage Site to be assessed (HE.TBC.09).</li> <li>iv) The need for mechanisms to compensate any harm to archaeological assets through "preservation by record" where avoidance through micro-siting of groundworks is not possible (HE.TBC.12).</li> <li>v) Wording of DML conditions needs review to adequately secure implementation in the post-consent, pre-construction phase of detailed archaeological investigation to inform detailed planning and engineering design (HE.TBC.13).</li> </ul>	<p>The Applicant and Historic England have agreed that points HE.TBC.06 (Project Design Envelope), HE.TBC.08 (Assessment of the effects from the project alone), HE.TBC.12 (Mitigation, relating to cable installation) and HE.TBC.13 (Outline WSI and PAD) which were under discussion in the SoCG with Historic England (REP4-036), can be closed out and are resolved. An updated SoCG will be submitted at Deadline 5 that reflects this position.</p> <p>HE.TBC.09 regarding the potential cumulative impacts to the Outstanding Universal Value of the English Lake District World Heritage Site is still under discussion. The Applicant addressed this issue in the Applicant's Response to Examining Authority's Written Questions (REP3-006, HE 1.11), and is awaiting HE's response to this. Further consultation with Historic England prior to Deadline 6 is now being sought. This is the sole outstanding matter and the Applicant shall endeavour to resolve this ahead of Deadline 6.</p>
HE 2.2	Historic England	<p><b>Revised Mitigation and Means of Securing the Commitment</b>            Further to your answer to ExQ HE1.3, please confirm satisfaction with the wording of the 'commitment securing mechanism' for Co99 (page 35, [REP4-025]) which currently reads: '...subsequent method statements produced by the Retained Archaeologist and approved by the Statutory Archaeological Curator in advance of works commencing'.</p>	<p>The Applicant notes this question is directed towards Historic England and shall therefore not be answering.</p>

## 2.8 Marine Fish & Shellfish Ecology

Table 2.8: Response to ExAQ2: Marine Fish & Shellfish Ecology Questions.

Reference	Question to ExQ2	Applicant's response
MFS 2.1	<p>Applicant</p> <p><b>Electro-magnetic fields</b> NPS EN-3 paragraph 2.8.247 states 'it is unknown whether exposure to multiple cables and larger capacity cables may have a cumulative impact on sensitive species. It is therefore important to monitor EMF emissions which may provide the evidence to inform future EIAs'.</p> <p>Could the Applicant explain how it would satisfy this particular paragraph.</p>	<p>The Applicant has currently planned no future monitoring for the impacts of EMFs on fish and shellfish ecology (based on the information set out in Section 3.9.6 of Volume 2, Chapter 3: Fish and Shellfish Ecology (APP-021). The assessment of the potential impacts of EMF on fish and shellfish ecology was concluded as not significant (minor adverse). During the Applicant's discussions with the MMO on monitoring, the MMO has not requested any monitoring of EMF as part of the Offshore In Principle Monitoring Plan (Offshore IPMP; REP2-013) and the lack of a need for EMF monitoring was confirmed in a recent meeting between the Applicant and the MMO (19 December 2024).</p> <p>The Applicant maintains the position that the monitoring put forward in the Offshore IPMP (for the other potential impacts and receptors) is proportionate and in line with industry best practice for project specific monitoring. The Applicant does not consider that paragraph 2.8.247 of NPS EN-3 should be read as a direction that all offshore wind farm projects need to monitor EMF. For projects with large capacity cables (often as part of the transmission infrastructure) or that would put multiple cables in close proximity to each other, it is more likely to be relevant.</p> <p>The Applicant notes that there are wider industry workstreams to investigate the topic of EMF. For example, The Crown Estate and Cefas have a live project on advancing the understanding of interactions between subsea power cables and the marine environment, as part of the Offshore Wind Evidence and Change Programme. The Applicant is actively engaged with The Crown Estate on the Offshore Wind Evidence and Change Programme and considers such strategic studies like this to be the appropriate means to advance more generic, low risk knowledge gap fills such as this.</p> <p>Having regard to the wider strategic work being undertaken in the industry and a lack of request for monitoring by the MMO as marine regulator, the Applicant submits that no EMF monitoring is necessary for the Morgan Generation Assets.</p>

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Reference	Question to	ExQ2	Applicant's response
MFS 2.2	Applicant Marine Management Organisation	<p><b>Seasonal Piling Restrictions</b></p> <p>At ISH2 the Applicant was asked to respond to the MMO's position on the necessity for seasonal piling restrictions during the cod and herring spawning seasons and whether there was a need for a condition in the DMLs to explicitly control piling periods. Despite acknowledging that a seasonal piling restriction was included in the Walney Extension DCO (SI 2014 No. 2950) the Applicant stated it was not necessary to put forward a without prejudice position as it considers the Underwater Sound Management Strategy (UWSMS) the appropriate mechanism to deal with this matter. Following on from ExQ1 MFS 1.2 [PD-004], which asked the MMO whether any changes are necessary to the draft DCO/DMLs to reflect seasonal piling restrictions as a fallback position, the MMO advised that it would provide the Applicant with condition wording and also provide this to the ExA at D4.</p> <p>i) Can the MMO direct the ExA to the part of its submission that contains the draft DML condition wording? If this was not submitted at D4, please submit at D5 with additional commentary on the Applicant's D4 submission [REP4-010] which suggests that any piling restriction in relation to cod should be limited to February to March (and not January to April inclusive) and that the UWSMS is the appropriate mechanism to capture potential mitigation requirements.</p> <p>ii) The Applicant is asked to provide a response to the MMO's draft condition at D6, setting out any revisions to the suggested wording (and why), and setting out in detail the effects of the MMO's condition(s) on the construction phase.</p>	<p>The Applicant maintains its position that a seasonal piling restriction is not necessary for cod and herring spawning as there are adequate controls in place to avoid significant effects on these species in the Underwater Sound Management Strategy (UWSMS; APP-068).</p> <p>With specific reference to the condition for Walney Extension DCO (SI 2014 No. 2950), the cod restriction states that "<i>The undertaker must ensure that no percussive piling activity takes place during the cod spawning period from 15th February to 31st March (inclusive) of any year</i>". The herring restriction states that "<i>no percussive piling activity takes place during the herring spawning period from 15th September to 15th November (inclusive) for any year, within such areas as agreed with the MMO prior to the commencement of construction. The undertaker must provide to the MMO the results of noise modelling prepared to an agreed methodology to inform the selection of such areas</i>". Section 1.8 of the UWSMS sets out that piling will be managed and mitigated during the herring spawning season (the timing of herring spawning set out in section 1.2.3 of the UWSMS; APP-068), with potential for spatial and temporal restrictions which would need to be evidenced to the MMO using modelling based on the final project design. As such, the UWSMS is already broadly in line with this condition of the Walney Extension DCO.</p> <p>Where required (by policy) and appropriate (based on final scheme design), the final mitigation strategy for the Morgan Generation project may include the use of Noise Abatement Systems (NAS) during this period, to reduce effects on these species during spawning. The Applicant would note that NAS was not considered as part of the mitigation strategy for Walney Extension as this project was consented over 10 years ago. However, given developments in NAS technology in the intervening years, these are included for the Morgan Generation project as one of the effective strategies to reduce noise levels at source and therefore reduce the magnitude of effect on spawning fish (alongside project refinements, spatial and temporal consideration etc.).</p> <p>All mitigation strategies would be developed in consultation with the MMO and other stakeholders through the UWSMS. The Applicant accepts that there will be a requirement as part of this process for the effectiveness of mitigation (e.g. project refinements, spatial/temporal refinements and NAS) to be evidenced via updated modelling</p>

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Reference	Question to	ExQ2	Applicant's response
			<p>provided in good time to the MMO and other stakeholders. This would need to be based on the final project design to ensure the risks to spawning fish from the final design are properly and accurately mitigated using the best available technologies (see paragraph 1.8.2.15 of the UWSMS which notes that the mitigation strategy should be based on the technologies available at the time of construction given the speed of developments in the area of underwater noise, including NAS). The Applicant therefore submits that there are adequate controls in place to minimise effects on cod and herring spawning and that these controls are broadly in line with previous consent decisions, including Walney Extension DCO.</p> <p>The Applicant is having ongoing discussions with the MMO regarding updates to the UWSMS with a view to reaching agreement on this point. The outline UWSMS has been updated at Deadline 5 to reflect the peak spawning periods if seasonal considerations for piling are deemed necessary as mitigation in the final UWSMS (S_D5_12 Outline UWSMS F02).</p>
MFS 2.3	Marine Management Organisation	<p><b>Piling Impacts and Scallop Larvae</b></p> <p>At ISH2 the Applicant was asked to respond to the MMO's suggestion in [REP3-037] that scallop larvae should be considered within the Applicant's UWSMS. The Applicant's submission was that if piling is employed it would never occur continuously over a period of 90 hours and taking account of water movements within the Irish Sea, the scallop larvae would never be within a particular impact range for even a full piling sequence, such that it is not necessary to include mitigation to reduce piling noise effects on scallop larvae within the UWSMS.</p> <p>The MMO is asked to review the Applicant's submissions [EV5-012, REP4-006 and REP4-009] and confirm if it is satisfied with the Applicant's rebuttal, or provide a summary of reasons if disagreement remains and further detail on what the MMO would like to see included in the outline UWSMS to address its concerns.</p>	<p>The Applicant notes that MFS 2.3 is directed towards the Marine Management Organisation and shall therefore not be responding.</p>

## 2.9 Marine Mammals

Table 2.9: Response to ExAQ2: Marine Mammals Questions.

Reference	Question to	ExQ2	Applicant's response
MM 2.1	Applicant Marine Management Organisation	<p><b>Masking in Marine Mammals</b></p> <p>At ExQ1 MM 1.5 the ExA asked the MMO, NRW and Natural England whether they agreed with the Applicant's statement in Paragraph 4.9.1.2 of ES Volume 2, Chapter 4 [AS-010] that there is insufficient evidence to properly evaluate masking. Whilst NRW and Natural England raised no issue with the Applicant's position, the MMO disagreed [REP4-041] and requested a submission from the Applicant discussing the relevant peer-reviewed literature (for instance, Erbe et al. (2016) and Erbe et al. (2019)).</p> <p>i) The Applicant is asked to submit a response to the MMO's request at D5.</p> <p>ii) The MMO is requested to comment on the Applicant's submission at D6.</p>	<p>The Applicant confirms that they have provided a response to the Marine Management Organisation (MMO) at D5 (S_D5_4 Applicant's Response to IP submissions submitted at Deadline 4_F01). This response is as follows:</p> <p>'The Applicant highlights that the ExA posed this question to the MMO, Natural England and Natural Resources Wales (NRW). As per the Applicant's Response to IPs response to Examining Authority's Written Questions (REP4-007) the Applicant refers to their response to point MM 1.5 at Deadline 3 regarding the lack of published criteria and directs the ExA to NE's response at Deadline 3 (REP3-048.13 in S_D4_5 Applicants response to IPs responses to EXQ1 F01) which agrees that there is limited evidence to inform an assessment on masking and to the response by NRW (A) at Deadline 3 (REP3-051.10) which states that they are satisfied with the Applicant's assessment of masking.</p> <p>Paragraph 4.9.1.2 in Volume 4, Chapter 2 Marine Mammals (S_D5_11 Marine Mammals F03) highlighted there are four agreed zones of influence, which includes masking, and states there is insufficient scientific evidence to properly evaluate masking and no relevant threshold criteria to enable a quantitative assessment. The Applicant highlights that the MMO agrees with the Applicant that there is no threshold against which to assess masking of biological sounds. The Applicant has considered masking (such as hindering prey capture) where relevant within sections assessing the sensitivity of marine mammal receptors to behavioural disturbance, but it is not possible to assess masking alone quantitatively and robustly in the absence of agreed thresholds. The Applicant also carried out a detailed literature review which considered the effect of vessels on marine mammals (see PD1-010) and highlighted this did not change the outcome of the assessments in Volume 4, Chapter 2 Marine Mammals (AS-010). Therefore the Applicant has completed as full an assessment as possible and is standard practice and sufficient for the EIA.</p> <p>The Applicant highlights the assessment methodology was agreed through the Expert Working Group process (see Table 4.5 in Volume 4, Chapter 2 Marine Mammals (AS-010)). The assessment methodology is</p>



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Reference	Question to	ExQ2	Applicant's response
			<p>also considered agreed by the MMO as set out in the SoCG between Morgan Offshore Wind Limited and the MMO (REP3-028) (the MMO deferred to relevant SNCBs). The request for further discussion of masking was not highlighted during the EWG process or during S42 consultation.</p> <p>The Applicant has reviewed Erbe <i>et al.</i> (2019) and highlights that, whilst the paper has useful information on studies of masking in mysticetes and pinnipeds, the authors conclude that understanding on the potential effects of watercraft noise is still lacking and a number of knowledge gaps remain. Similarly, Erbe <i>et al.</i> (2016) reviews the understanding and potential framework of assessment of masking in marine mammals, but the authors highlight predicting masking is complex and difficult given the variety of factors that must be accounted for, and more research is needed (particularly before masking can be incorporated into regulation strategies or approaches for mitigation). Therefore the Applicant considers that whilst the studies by Erbe <i>et al.</i> provide useful literature on the effects of masking, it does not propose accepted approaches to the evaluation of masking (rather highlights research recommendations needed). The Applicant therefore considers that the inclusion of these papers in Volume 4, Chapter 2 Marine Mammals (S_D5_11 Marine Mammals F03) would not have made a material difference to the outcome of the assessment and is not required. The Applicant has developed the UWSMS to address the potential impacts on marine mammals (and fish) species.</p>
MM 2.2	Applicant Natural England	<p><b>Monitoring the Mitigation for Marine Mammals</b></p> <p>The ExA notes that there is an outstanding concern from NE in the Risk and Issues Log at Deadline 4 [REP4-043, rows C8 &amp; C32] that proposed post consent monitoring does not include monitoring the effectiveness of the mitigation measures in reducing the impacts on marine mammals to acceptable levels. The ExA notes the Applicant's position [REP4-009, Ref REP3-049.41] that monitoring is not warranted, proportionate to the scale of the effects and was not required for Awel y Mor even though that project had predicted a larger magnitude effect on bottlenose dolphin. Natural England is requested to:</p> <p>i) Provide an example of a DCO/DML in which the level of</p>	<p>Marine Mammal monitoring</p> <p>iii) The Applicant confirms they have reviewed the Offshore Wind Marine Environmental Assessments: Best Practice Advice for Evidence and Data Standards. Phase IV: Expectations for monitoring and environmental requirements at the post-consent phase (hereafter referred to as the 'Best Practice Guidance'). With respect to marine mammals and specifically of relevance to fixed foundation wind farms the guidance suggests monitoring for marine mammals in relation to a) underwater noise (section 6.2) b) validating predictions of changes in the behaviour of marine mammals (section 6.3) and c) validating the effectiveness of mitigation measures (section 6.4). These are detailed under the relevant headings below:</p>

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Reference	Question to	ExQ2	Applicant's response
		<p>monitoring sought in this case is specified and justify why it should be implemented in this case. If this is a novel case, then NE should set out the terms of the monitoring that it is seeking for marine mammals and explain why.</p> <p>The ExA notes that NE has previously referred the Applicant to Best Practice Advice for monitoring in: 'Offshore Wind Marine Environmental Assessments: Best Practice Advice for Evidence and Data Standards Phase IV: Expectations for monitoring and environmental requirements at the post-consent phase'. However, the ExA notes that the advice documents are currently stored on a SharePoint Online site, which requires non-Defra staff to request consent for access.</p> <p>ii) NE are asked to submit into the examination any documents contained on that SharePoint site which NE seeks to rely upon to sustain its concerns around the lack of marine mammal monitoring and how monitoring should be developed.</p> <p>The Applicant is asked to:</p> <p>iii) Confirm that it has reviewed the aforementioned NE Best Practice Advice and to explain how it complies with it, or why it diverges from it.</p> <p>iv) Provide an update on NE's suggestion in [REP3-047] that post-consent monitoring for marine mammals would ideally be a collaborative assessment across the Mona and Morgan Generation projects with a focus on filling evidence gaps for marine mammals in the Irish Sea.</p>	<p>a) Underwater noise</p> <p>The Applicant confirms that the underwater sound monitoring proposed is entirely compliant with the guidance. The Applicant has committed to carry out monitoring of underwater sound in the event that driven or part-driven piled foundations are proposed, as detailed in the Offshore in-principle monitoring plan (S_D5_21 In Principle Monitoring Plan F03). The Applicant highlights the objective of the monitoring of the first four piles is "to ensure the level of underwater sound generated from percussive piling is not greater than predicted, and if relevant establish the efficacy of any relevant mitigation (such as noise abatement systems (NAS))" and therefore has a clear associated hypothesis "the level of underwater sound generated from percussive piling is not greater than predicted" which validates the predictions of the Environmental Statement. The Applicant notes that following discussion with the MMO the Applicant will also measure underwater sound generated by the installation of the first two piles where it is anticipated hammer energies greater than 3,000kJ may be required for installation. The Applicant will seek to agree the appropriate locations to monitor with the relevant stakeholders to ensure that monitoring complies with the Best Practice Guidance. The Applicant has committed to providing the information from this monitoring to the Marine Noise Registry (MNR).</p> <p>The Applicant considers that the measures proposed in this respect therefore accord with the Best Practice Advice.</p> <p>b) Validating predictions of changes in the behaviour of marine mammals</p> <p>With regard to monitoring behaviour of marine mammals the Applicant agrees that offshore wind construction activities have the potential to disturb marine mammals and recognises that the guidance includes validation of predicted displacement of cetaceans as a result of construction activities. The Applicant considers that the Best Practice Guidance is (understandably) generic offshore wind farm guidance aimed at providing a starting point for any given offshore wind farm project to consider. It has not been developed with the intent that all content of the guidance is to be applied carte blanche to every offshore wind farm, irrespective of each development's design and potential impacts. The key is the application of the context for the project in question in relation to the guidance. The Best Practice Guidance clearly states, "monitoring for the</p>

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Reference	Question to	ExQ2	Applicant's response
			<p>sake of undertaking monitoring should be avoided (MMO, 2014)” and in the instance of Morgan Generation Assets (which concluded all residual effects for the project alone will be of minor adverse significance following the application of appropriate measures adopted) the Applicant does not consider the risk to marine mammal receptors from the development of the project necessitates marine mammal monitoring for the reasons set out in the Applicant’s submissions in REP4-009 (REP3-047.8, REP3-049.41).</p> <p>The Applicant has committed to the UWSMS (a novel approach in this region) to reduce the project’s own contribution to potential cumulative effects of underwater sound during piling on sensitive marine mammal receptors. On this issue of cumulative effects the Applicant highlights that the Best Practice Guidance suggests consideration of a collaborative approach, however, for such an approach to be successful there must also be collaborative advice and agreement from relevant stakeholders as to an agreed purpose and necessity of such monitoring. The Applicant has reviewed the advice and status with respect to monitoring for other projects within this part of the Irish Sea and notes that, as yet, there has been no commitment to monitoring of behavioural effects on marine mammals, meaning that a collaborative approach has not been determined to be required for other projects.</p> <p>For example, the Applicant highlights that Mona Offshore Wind Project is not proposing any specific marine mammal monitoring, in agreement with NRW (A) who confirmed in their Deadline 1 Submission (REP1-056) that “in view of the overall conclusions in this assessment and the commitment to an UWSMS, provided the UWSMS is produced in consultation with SNCBs during the post-consent stage, marine mammal monitoring to test the predictions made within the impact assessment would not be required from a consenting perspective”. Nor has there been there any monitoring of behavioural effects stipulated for the consented Awel y Mor offshore wind farm as set out in the final version of the Schedule of Mitigation and Monitoring at Deadline 8 (REP8-016 in the Examination library of Awel y Mor). Therefore collaborative monitoring with Mona (and Awel y Mor) would not be possible when these projects are not required to undertaken marine mammal monitoring beyond the underwater sound monitoring during piling (as deemed appropriate by the regulator).</p>

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Reference	Question to	ExQ2	Applicant's response
			<p>Furthermore, the Applicant is not aware of specific evidence gaps within the Irish Sea regarding monitoring of marine mammals from piling activities. The Applicant is aware of the OWEER V5 report which details 'marine mammal distribution in the Irish and Celtic Seas' as an evidence gap but considers this is not related specifically to piling activities and is instead related to improving understanding of marine mammal distribution via baseline data, which the Applicant has contributed two years of aerial survey data for the Morgan Generation Assets. The Mona Offshore Wind Project has also contributed two years of data. These datasets will be made available on the Marine Data Exchange website managed by The Crown Estate.</p> <p>The Applicant and Mona Offshore Wind Limited are both partners of the Ecological Consequences of Offshore Wind research programme (ECOWind) which will explore the effects of offshore wind on different aspects of the marine environment such as marine mammals, fish, seabirds, and benthic ecology in the Irish Sea and beyond using data from a number of different offshore wind farms including Morgan Generation Assets. Therefore, the Applicant and Mona Offshore Wind Limited are jointly contributing to this strategic research programme.</p> <p>The Applicant considers that no justification has been put forward for monitoring beyond that, which is proposed by the Applicant.</p> <p>c) Validating the effectiveness of mitigation measures</p> <p>The Best Practice Guidance sets out advice regarding monitoring to test and evaluated the efficacy of mitigation measures to validate predictions made in the Environmental Statement and inform on the future use of mitigation. The Applicant considers the key knowledge gap regarding mitigation to be the use of noise abatement systems (NAS). The Applicant is aware of forthcoming guidance from Defra on the use of NAS and has made a commitment to adhere to such guidance if available within the project timescales. The Applicant highlights that NAS will be considered as a potential mitigation measure as part of the final Underwater Sound Management Strategy (UWSMS) once the project parameters have been refined post-consent.</p>

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Reference	Question to	ExQ2	Applicant's response
MM 2.3	Applicant	<p><b>UXO Clearance Rates</b>            In response to ExQ1 MM 1.9 the Applicant clarified that modelling assumes a maximum of two UXO clearances per day. It added that whilst the identified wording of "at least one UXO per tide" does not contradict the assumption of two high order UXO clearance events per day, the wording has been updated.</p> <p>Can the Applicant identify for the ExA where the wording has been updated, as there does not appear to have been any change made to ES Volume 2, Chapter 4 [AS-010], no updated wording in the revised outline Marine Mammal Mitigation Protocol [REP4-019] and no mention in the Errata [REP3-011].</p>	<p>The Applicant confirms that the update that was referenced in their response to MM 1.9 (see REP3-006) was intended to be updated in both Volume 2, Chapter 4: Marine mammals of the ES (S_D5_11 Marine Mammals F03) and the MMMP (S_D5_10 Outline marine mammal mitigation protocol F03) for Deadline 6. Due to the ExQ2 question the Applicant has provided the updates at Deadline 5. The wording requiring updating was "<i>The clearance activities will be tide and weather dependant. The aim is to enable clearance of at least one UXO per tide, during the hours of daylight and good visibility. There is an assumption of up to 0.5 kg NEQ clearance shot for neutralisation of residual explosive material at each location.</i>" (paragraph 4.9.3.6 in Volume 2, Chapter 4: Marine mammals of the ES [AS-010] and paragraph 1.4.3.9 of the MMMP (REP4-019). This has been updated to "<i>The clearance activities will be tide and weather dependant. The aim is to enable clearance of one UXO per tide (a maximum of two clearance events per day), during the hours of daylight and good visibility. There is an assumption of up to 0.5 kg NEQ clearance shot for neutralisation of residual explosive material at each location.</i>". The Applicant confirms this has been updated in both Volume 2, Chapter 4: Marine mammals of the Environmental Statement (S_D5_11 Marine Mammals F03) and the Outline MMMP (S_D5_10 Outline marine mammal mitigation protocol F03) submitted at Deadline 5.</p>
MM 2.4	Applicant Marine Management Organisation Natural England	<p><b>Underwater Sound Management Strategy – Arbitration</b>            The ExA notes that the MMO and Natural England remain concerned about the Applicant's lack of firm commitment to the use of Noise Abatement Systems (NAS). The ExA also notes the Applicant's position that the deployment of NAS is not standard industry practice within the UK and at present there is no statutory requirement for NAS to be deployed, although the Applicant's UWSMS includes NAS as one of a number of mitigation options if required. The ExA also notes the Applicant's submissions at ISH2 [REP4-006] that through the process of discharging conditions of the DMLs and approving the final plans, the MMO has fundamental control.</p> <p>Can the Applicant, the MMO and NE advise what would happen if agreement on the final UWSMS cannot be</p>	<p>Condition 22 of each deemed marine licence prevents any piling activities or detonation of UXO until an underwater sound management strategy (UWSMS) has been submitted to and approved by the MMO, in consultation with Natural England (S_D5_7 Draft Development Consent Order F07).</p> <p>The MMO, as regulator, will ultimately determine whether the final plan submitted is in an acceptable format. The MMO will be able to exercise its own judgement in doing so, subject to standard public law principles on decision making. The MMO would require to have regard to the comments of Natural England, the terms of the outline underwater sound management strategy considered through this application and any prevailing guidance in place at the time the condition was discharged.</p> <p>The MMO retains ultimate control of this process and there would be no third party that arbitrated/resolved any disagreement. It is ultimately for</p>

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Reference	Question to	ExQ2	Applicant's response
		reached, and if so how would the matter be arbitrated/resolved.	<p>the MMO to determine post-consent, based on the relevant information (e.g. detailed design) and policy at the time.</p> <p>In practice, the Applicant will engage with the MMO and Natural England to agree a plan that is considered acceptable. It is in the Applicant's interest to have the condition discharged without delay to allow works to commence.</p>
MM 2.5	Applicant	<p><b>Construction Monitoring – Piling</b></p> <p>As part of the construction monitoring of the first four piled foundations (Condition 28 of the draft DMLs [REP4-013], Table 1.6 of the In Principle Monitoring Plan [REP2-013] and Co57, Co60, Co63 and Co92 of the Commitments Register [REP4-025]) the MMO has requested that at least two of the first four piles of each foundation are the worst-case scenario piles and that this is updated within the aforementioned documents. The MMO also noted that the objective of the noise monitoring is to test the validity of the predictions made in the ES. If the monitoring suggests that the noise levels may exceed those predicted, then the MMO may take remedial action. The MMO requests that an underwater sound monitoring plan or scope of works is to be developed which sets out further details of the proposed monitoring and methodologies.</p> <p>The Applicant is asked to:</p> <p>i) Make the requested change to the aforementioned documents or explain why not.</p> <p>ii) Advise how it intends to address the potential requirement for adaptive management if piling noise is found to be greater than the predictions made in the ES.</p>	<p>i) The Applicant can confirm that the Applicant has discussed this request detailed in REP4-041 with the MMO and the Applicant is in agreement and will update the Commitments Register and IPMP at Deadline 5 to state the monitoring will include measurements of underwater sound generated by the installation of the first four piles of each piled foundation type to be installed and measurements of underwater sound generated by the installation of the first two piles where it is anticipated hammer energies greater than 3,000kJ may be required for installation. Condition 28 of the draft DCO has been updated at Deadline 5 to reflect this.</p> <p>ii) The Applicant considers that the draft DCO(S_D5_7 Draft Development Consent Order F07) (at Condition 28) suitably includes this requirement. Condition 28 (2) through to (6) details how the Applicant will undertake and report on the underwater noise monitoring for a select number of piles. Condition 28(5) and (6) go on to describe the process that shall be followed in the unlikely event that monitoring identifies a difference in the measurements of underwater noise from those predicted within the ES. The full wording is set out below for sub-paragraph (5), with sub-paragraph (6) in similar terms:</p> <p><i>(5) The results of the initial underwater sound measurements monitored in accordance with sub-paragraph (2) must be provided to the MMO within six weeks of the installation of the first four piled foundations. The assessment of this report by the MMO will determine whether any further underwater sound monitoring is required. If, in the reasonable opinion of the MMO in consultation with the relevant statutory nature conservation body, the assessment shows significantly different underwater sound modelling results to those</i></p>

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Reference	Question to	ExQ2	Applicant's response
			<p><i>assessed in the environmental statement or failures in mitigation, all piling activity must cease until an update to the marine mammal mitigation protocol and further monitoring requirements have been agreed.</i></p> <p>The Applicant would highlight that this is standard wording for offshore wind farm DCOs, and establishes an adaptive process in the instance that a) noise levels are different from those predicted in the ES, and b) those differences are deemed sufficient to trigger the need to adapt the approach to monitoring or potentially the mitigation associated with the piling itself. The nature of any specific adaptations are not speculated on here as they will be entirely dependent on the nature of the monitoring results. However, as identified by the wording of Condition 28(5), the MMO have the ability to control the piling activity to ensure that, if ultimately necessary, no further piling takes place until they are satisfied that appropriate controls are in place.</p>
MM 2.6	Applicant	<p><b>Behavioural Responses to Underwater Sound</b>            ExQ1 MM 1.10(iii) asked why the Applicant had not carried out an assessment of the potential effects of aggregate exposure to underwater sound on the behaviour of marine mammals. In its response [REP3-006] the Applicant stated that the potential effects of 'aggregate exposure' were assessed under section 4.13 (Inter-related Effects) of Volume 2, Chapter 4: Marine Mammals (AS-010) and in Volume 2, Chapter 15: Inter-related effects of the Environmental Statement.</p> <p>Notwithstanding, and as identified by NRW in its Written Representation [REP1-056], the potential effects of aggregate exposures to one or multiple pressures has not been discussed in those documents. The interrelated effects assessment would be made more robust by considering the potential effects of aggregate exposure, particularly within the context of this assessment being used to inform cumulative assessments with other future projects.</p>	<p>The Applicant reiterates the response to ExQ1 MM 1.10 and highlights potential effects of 'aggregate exposure' of the long-term additive effects of multiple stressors were assessed under section 4.13 (Inter-related Effects) of Volume 2, Chapter 4: Marine Mammals (S_D5_11 Marine Mammals F03) (specifying project lifetime effects were considered) and in Volume 2, Chapter 15: Inter-related effects of the Environmental Statement, with further detail provided in Annex 3.4 of the Applicant's Response to Relevant Representation from Natural England and Natural Resources Wales: Interrelated Effects (PD1-009). The marine mammal inter-related effects assessment in paragraph 15.6.2.7 of Volume 2, Chapter 15: Inter-related effects reviewed the potential for project lifetime effects and receptor led effects and is detailed in Table 15.9. The conclusions of this assessment identified that there was no potential for inter-related effects to occur. The level of significance concluded for the project alone and cumulatively would not be greater even when considering the potential for inter-related effects of over the lifetime of the project including aggregated exposure.</p> <p>Annex 3.4 in PD1-009 set out in detail how the seven impacts assessed in Volume 2, Chapter 4: Marine Mammals can be categorised into three</p>

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Reference	Question to	ExQ2	Applicant's response
		<p>Can the Applicant revisit its response to ExQ1 MM 1.10 and advise why it has not carried out an assessment of the potential effects of aggregate exposure.</p>	<p>key stressors (injury and disturbance from elevated underwater sound, collision risk from vessels and changes in prey communities) and how such impacts could potentially interact to cause an additive/synergistic/antagonistic effect on marine mammal receptors. For example, there are several different impacts associated with the Project that could lead elevated subsea sound (e.g. piling, unexploded ordnance (UXO) clearance, site investigation surveys, vessel use and other (non-piling) sound producing activities). Further evidence was presented to demonstrate that, in consideration of each stressor and considering how multiple stressors may interact (i.e. 'aggregate exposure') marine mammals are likely to quickly recover and return to the impacted area. Therefore, the Applicant considers it has carried out a robust and proportionate assessment of the potential effects of 'aggregate exposure' (see section 1.5.6 <i>Multiple impacts: inter-related effect of all stressors</i> in PD1-09).</p> <p>The Applicant highlights NRW did not respond at Deadline 2 on this matter, but responded at Deadline 3 to the first Examination Questions and did not raise any further concerns on aggregate exposure (no response was provided to MM.10) in their Deadline 3 Response (REP3-050). Therefore, the Applicant considers this point raised by NRW to be resolved.</p>
MM 2.7	Marine Management Organisation Natural England Natural Resources Wales	<p><b>Outline Marine Mammal Mitigation Protocol (MMMP) – draft DML</b> Can the MMO, NE and NRW confirm whether they are content with the Applicant's response to ExQ1 MM 1.3 [REP3-006] – specifically, that it is not necessary for geophysical activities to be referenced in the draft DML Conditions [REP4-013].</p>	<p>The Applicant notes that this question is directed to other Interested Parties and shall not be responding.</p>
MM 2.8	Applicant	<p><b>Outline MMMP – Scare Charges</b> NE maintains the view that scare charges should be removed from the outline MMMP [REP3-048]. The Applicant is asked to consider the removal of scare charges from the outline MMMP [REP4-019], and if not, why not.</p>	<p>The Applicant highlights that the latest version of the MMMP (S_D5_10 Outline marine mammal mitigation protocol F03) has been updated so that soft start charges are only applied to high order clearance events, should high order clearance events be necessary. Section 1.8.5 (Deterrence procedures) states that "<i>If, in addition to the ADD (and further to discussion with stakeholders), scare charges are deemed to be required, the number and size of charges and frequency of deployment will be agreed for the final MMMP</i>".</p>



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Reference	Question to	ExQ2	Applicant's response
			<p>As per the Applicant's response at Deadline 4 (REP3-049.38 in REP4-009), the Applicant highlights that the final MMMP will be developed in consultation with key SNCBs, including Natural England, and that there will be due consideration to the judicial use of scare charges as a mitigation tool if required. The Applicant highlights that such charges would only be required in the event of high order detonation of UXOs and that, as per the mitigation hierarchy set out in the outline UWSMS (APP-068) and the outline MMMP (S_D5_10 Outline marine mammal mitigation protocol F03), the preference is for a low order clearance option in the first instance. Given that only low order clearance is within this DCO (S_D5_7 Draft Development Consent Order F07), any requirement for high order detonation and associated mitigation (i.e. scare charges) would be discussed and agreed as part of a separate marine licence application and therefore has been included in the MMMP to be holistic including mitigation options for the worst case scenario. As detailed in REP3-006, low order deflagration is a new technique which has been successfully applied at the Moray West Offshore Windfarm, where 81 UXO ranging from 14 kg to 879 kg were all cleared using this technique (Ocean Winds, 2024). This example demonstrates the success of low order detonation techniques such as deflagration and demonstrates that it is highly likely the majority, if not all, of the UXO identified could be cleared using low-order deflagration methods with resulting impacts significantly smaller than those assessed for the MDS. The Applicant notes that whilst there has been no update on Natural England's position at further deadlines, the Applicant considers that they have taken on board Natural England's advice and removed the application of soft start procedures including charges for all clearance events other than high order (which are no longer included within the DCO).</p>
MM 2.9	Natural Resources Wales	<p><b>Injury and Disturbance to Marine Mammals from Vessels – Wylfa Newydd Approach</b></p> <p>Can NRW confirm whether it is content with the Applicant's response to ExQ1 MM 1.17 [REP3-006] – specifically that the Applicant has used the most appropriate accepted threshold suited to the impact of vessel disturbance, which is more precautionary than the approach used in the Wylfa Newydd study. In addition, the can NRW confirm if the Applicant's response to them at Deadline 4 [REP4-009, Ref.</p>	<p>The Applicant notes that this question is directed to other Interested Parties and shall not be responding.</p>

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Reference	Question to	ExQ2	Applicant's response
		<p>REP3-050.39] on the same matter alleviates NRW's concerns?</p> <p>If NRW is not content with the Applicant's response, explain why not and what are the implications for the Applicant taking the approach that they have.</p>	
MM 2.10	Applicant	<p><b>Sub Bottom Profiler Surveys</b>            In response to the ExQ1 MM 1.23 [REP4-043, row C37] Natural England advises that there is a need for monitoring to fill the knowledge gap on the impact of SBP surveys on harbour porpoises. Natural England advises that monitoring should be considered with the aim to collect data before, during and after SBP surveys to examine changes in the baseline, and that inclusion of this monitoring in the In Principle Monitoring Plan (IPMP) would resolve this issue. The Applicant is asked if it is willing to accept the advice and include the monitoring in the IPMP. If so, please submit a revised IPMP at D5.            If not, provide an explanation.</p>	<p>The Applicant re-iterates that the impact assessment for injury and disturbance from elevated underwater sound generated from site investigation survey sources (see section 4.9.6 of Volume 2, Chapter 4: Marine mammals (S_D5_11 Marine Mammals F03) concluded that there was no potential for significant effects as a result of site investigation survey sources (including Sub-Bottom Profilers (SBP)). As such, the Applicant is confident that the inclusion of monitoring (of behavioural responses to SBPs) in the In-Principle Monitoring Plan is disproportionate to the risk, noting also that the site-investigation surveys at the Morgan Generation Assets are not a licensable activity. The Applicant highlights the Best Practice Guidance clearly states, "monitoring for the sake of undertaking monitoring should be avoided (MMO, 2014)" and in the instance of Morgan Generation Assets (which concluded that there was no potential for significant effects as a result of site investigation survey sources (including Sub-Bottom Profilers (SBP)) the Applicant does not consider the risk to marine mammal receptors from the development of the project necessitates marine mammal monitoring and therefore do not consider it necessary to include this monitoring in the outline IPMP. This was discussed with the MMO during a meeting on 8<sup>th</sup> January 2025 and the Applicant anticipates the MMO will concur that such a common activity across marine industries which is exempt from a marine licence does not require monitoring when the assessment conclusion is no potential significant impacts.</p>
MM 2.11	Natural England	<p><b>Marine Mammal Sensitivity and Prey Availability</b>            In response to EXQ1 MM 1.22 [REP3-048], Natural England advised that it is content with the assigned sensitivity score for Minke whales but due to the vulnerability of harbour porpoise and harbour seal to changes in prey availability their assigned sensitivity score should be upgraded to medium. However, Natural England did not advise the ExA whether their position on this matter makes a material difference to the Applicant's assessment of effects in the ES</p>	<p>Whilst the Applicant acknowledges this question is addressed to Natural England, the Applicant highlights this matter has been turned 'Yellow' in Natural England's latest risk register at Deadline 4 which demonstrates "<i>Natural England doesn't agree with the Applicant's position or approach. We would ideally have liked this to be addressed prior to the examination but are satisfied that for this particular project it is unlikely to make a material difference to our advice or the outcome of the decision-making process and would not expect these matters to be an ongoing focus of the examination. However, we reserve the right to revise our opinion</i></p>

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Reference	Question to	ExQ2	Applicant's response
		for harbour porpoise and harbour seal. Can Natural England please clarify?	<i>should further evidence be presented</i> ". The Applicant agrees with Natural England that this matter is not material.

## 2.10 Marine Physical Processes and Benthic Ecology

Table 2.10: Response to ExAQ2: Marine Physical Processes and Benthic Ecology Questions.

Reference	Question ExQ2 to	Applicant's response
MP 2.1	<p>Applicant</p> <p><b>Monitoring of Invasive Non-Native Species (INNS)</b> The ExA notes that monitoring to detect the presence of INNS is now included as a commitment in the In Principle Monitoring Plan (IPMP) [REP2-013] and that the Applicant states in its SoCG with the MMO that it will commit to considering the feasibility of collecting samples of the communities colonising the seabed infrastructure for further analysis of INNS. The ExA notes that this is a matter that was agreed at D3 in the SoCG with the MMO, however, neither the IPMP [REP2-013] nor the Commitments Register [REP4-025] capture the commitment to undertake sampling.</p> <p>The Applicant is requested to update those documents to include the sampling commitment as an adaptive management measure, as outlined in the Applicant's D3 submission [REP3-004]. If the Applicant considers it would be inappropriate to do so, then explain why.</p>	<p>The Applicant has updated the Commitments Register at Deadline 5 (S_D5_14 Commitments Register F04) to include the commitment to considering the feasibility of collecting samples of the communities colonising the seabed infrastructure for further analysis of invasive non-native species (INNS) as an adaptive measure.</p>
MP 2.2	<p>Applicant</p> <p><b>Monitoring the Colonisation of Novel Hard Structures</b> Further to ExQ1 MP 1.10, the ExA notes that the updated IPMP [REP2-013] now includes the use of scheduled pre- and post- construction surveys to identify colonisation of novel hard structures to establish an increased evidence base in relation to the possible biodiversity benefits from the introduction of artificial structures. However, the monitoring objective in the IPMP is limited to establishing the colonisation around a representative sample of gravity base foundation structures only.</p> <p>On the basis that several foundation types are under consideration and that colonisation could also occur around pin piled jackets and suction bucket jackets, the ExA requests that the monitoring objective in the IPMP is expanded to include monitoring of all foundation types that are installed.</p> <p>The Commitments Register [REP4-025] would also need to be updated accordingly.</p>	<p>The Applicant notes that it proposed this monitoring voluntarily and on the basis of there being an industry learning benefit from it (rather than as a result of an outcome of the ES). The Applicant confirms that the monitoring objective is deliberately targeted at gravity based foundation structures only, as these represent novel foundation types for the industry for which there is limited post-construction monitoring data relating to colonisation compared to other foundation types (i.e. jacket foundations). The other foundation types within the project design envelope have been used in the offshore industry for decades and there are numerous research studies on the colonisation of these traditional foundation structures. The Applicant does not therefore consider that it would be proportionate or ecologically valuable to expand the monitoring commitment to include other foundation types beyond the monitoring of a sample of gravity base foundations.</p>

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Reference	Question	ExQ2 to	Applicant's response
MP 2.3	Applicant	<p><b>Ballast Material Disposal</b> In response to ExQ1 MP 1.3 the Applicant advised that it will undertake decommissioning of gravity bases by the removal of ballast, including sand sequestered during construction. It added that it is anticipated that the ballast material will be reused or disposed of offsite and not released back into the local system. While the ExA appreciates that decommissioning will be governed by separate legislation and procedure, the ExA and Natural England (See [REP3- 048]) remain uncertain about what "reused or disposed of off site" means, as well as what is meant by "the local system".</p> <p>Does the Applicant mean released back into the water environment beyond the Morgan Array Area, or disposed of on land? The Applicant is asked to provide a more detailed explanation to supplement its response to ExQ1 MP 1.3.</p>	<p>The Applicant states in the Applicant's Response to Examining Authority's Written Questions (ExAQ1) (REP3-006, MP 1.3) that during the decommissioning of gravity bases and the removal of ballast, including sand sequestered during construction, material will not be released back into the local system, by this the Applicant is referring to within the Morgan Array Area in the vicinity of the decommissioning activity.</p> <p>There are a range of potential disposal options including onshore disposal outside the marine environment or offshore disposal at a licenced site i.e. ensuring there are no significant impacts on designated sites.</p> <p>Depending on the timing of the decommissioning there may also be opportunities for reuse of the ballast. This material may include rock along with sand sequestered during construction; noting the ballast material derived from offsite sources would be tested for contamination prior to use within the Morgan Generation gravity base foundations.</p> <p>Types of repurposing may include beneficial use in the marine environment such as coastal protection schemes, infill for land reclamation/port development or reuse as ballast at an alternate offshore location. Beneficial use in the onshore environment could include projects for habitat creation and restoration such as wetland islands for birds and other wildlife.</p> <p>In all cases the disposal scheme will ensure there are no significant impacts on designated sites.</p> <p>The specific approach will be set out in a decommissioning programme as secured within Requirement 5 under Schedule 2 of the draft development consent order (REP4-013, S_D4_8). A draft decommissioning programme will be submitted prior to construction commencing (Volume 1, Chapter 3 Project description (APP-010), paragraph 3.11.1.1).</p>

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## 2.11 Marine Ornithology

Table 2.11: Response to ExAQ2: Marine Ornithology Questions.

Reference	Question to ExQ2	Applicant's response
MO 2.1	<p>Applicant</p> <p><b>Summary of Data</b> The Applicant's numerous responses to NE and NRW [REP4-007, REP4-009, REP4-012] refer to discussions (13 November and 28 November 2024) and indicates that it is working to provide a summary of data and a solution to resolve all outstanding methodological issues associated with the assessments presented in Volume 2 Chapter 5 Offshore Ornithology [APP023]. The Applicant expects this to provide Natural England with the information necessary to close out many of the outstanding methodological issues without the need for updated assessment document and to reduce the volume of documents submitted into the Examination.</p> <p>However Natural England and NRW continue to put to the ExA that the clarification notes essentially serve as additional stress-testing of the Applicant's conclusions against their advice, in isolation from each other.</p> <p>The Applicant is asked to share the summary with the SNCBs at the earliest opportunity and submit a copy at D5.</p> <p>Natural England and NRW are asked to comment on the summarised data at D5.</p> <p>The parties can combine their response with HRA 2.1</p>	<p>The Applicant has submitted the information requested by Natural England in S_D5_16 Ornithological assessment clarification data F01. This information was sent to Natural England on 19 December 2024 and Natural Resources Wales on 23 December 2024 with comments received during a meeting held on 8 January 2025, with these addressed in the final version. As previously mentioned the Applicant has provided this information in consultation with Natural England and Natural Resources Wales and can confirm that all remaining methodological issues are now closed. During the meeting held on 8 January 2025 Natural England confirmed they could now conclude no AEol alone and in-combination. The resolution to the outstanding methodological issues is anticipated to be provided by Natural England at Deadline 5.</p>
MO 2.2	<p>Applicant</p> <p><b>Updates to Environmental Statement, HRA and related documents</b> Provide a list of any relevant ornithological documents which the Applicant intends to update to incorporate the clarification notes and errata submitted to date and identify those which will be included in the certified documents at Schedule 5 of the draft DCO.</p>	<p>The Applicant has set out its approach to the submission of additional documents, including the approach to incorporating errata, in response to ExQ2 GEN 2.1.</p> <p>Specifically in relation to offshore ornithology clarification notes, the Applicant has submitted the following clarification notes into the Examination. The following should be considered alongside the assessments presented in Volume 2, Chapter 5: Offshore ornithology (APP-023):</p> <ul style="list-style-type: none"> <li>• S_D1_4.6 Displacement Rates Clarification Note (REP1-011)</li> <li>• S_D1_4.7 Annex 4.7 to Response to Hearing Action Point 15: Apportioning Sensitivity Analysis (REP1-012)</li> </ul>

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Reference Question to ExQ2		Applicant's response
		<ul style="list-style-type: none"> <li>• S_D1_4.8 Annex 4.8 to Response to Hearing Action Point 15: Great Orme Head SSSI Clarification Note (REP1-013)</li> <li>• S_D2_13 Treatment of Birds in Flight Data in Abundance Estimation (REP2-021)</li> <li>• S_D2_14 Great black-backed gull regional populations (REP2-022)</li> <li>• S_D3_9 - Inclusion of Awel y Môr in Cumulative Assessments – Clarification note (REP3-018)</li> <li>• S_D3_11 - Kittiwake apportioning clarification note (REP3-020)</li> <li>• S D4 19 - Project alone and cumulative assessment for the Great Orme's Head SSSI (REP4-029)</li> <li>• S_D4_20 - Conservation objectives clarification note (REP4-30)</li> <li>• S_D4_21 - Differences between the Morgan Generation Assets and the Mona Offshore Wind Project in abundance estimates used in the CEA (REP4-031)</li> <li>• S_D5_15 Additional PVA Modelling for Great Black-Backed Gull Cumulative Assessment F01.</li> </ul> <p>The Applicant has also submitted the following clarification notes into the Examination. The following should be considered alongside the assessments presented in HRA Stage 2 information to support an appropriate assessment Part Three: Special Protection Areas and Ramsar Site assessments (APP-098):</p> <ul style="list-style-type: none"> <li>• 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</li> <li>• S_D5_3.3_ Annex 3.3 to Hearing Action Point 20_ Consideration of impacts on non-ornithological features of Ramsar sites on the Isle of Man _F01</li> <li>• S_D5_17 Liverpool Bay/Bae Lerpwl SPA Clarification Note _F01</li> </ul> <p>These documents will be listed in Schedule 5 of the draft DCO as forming part of the Environmental Statement.</p>
MO 2.3	Natural England Natural	<p><b>Methodology for Ornithological Assessments</b></p> <p>The SNCBs and RSPB are asked to confirm at D5 a list of the agreed and not agreed methodological issues, with reference to the</p>

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Reference	Question to	ExQ2	Applicant's response
	Resources Wales Joint Nature Conservation Committee Royal Society for the Protection of Birds	summary data as referred to above and the range of clarification notes/errata submitted up to and including D4.	
MO 2.4	Applicant	<p><b>Sabbatical Birds</b> Natural England's Risk and Issues Log (B28, B29, B46 [REP4-043]) indicates that it is broadly content with the Applicant's responses on the issue of sabbatical birds, however it advises that the wording in the submitted application documents should be updated with the clarification given by the Applicant in its response (B.69, B.70 [PD1-017]). The Applicant is asked to update the relevant documents accordingly.</p>	<p>The requested text is already included in HRA Stage 2 information to support an appropriate assessment Part Three: Special Protection Areas and Ramsar Site assessments (APP-098) in the following sections:</p> <ul style="list-style-type: none"> <li>• Paragraph 1.5.3.1 which provides the methodology used throughout APP-098 which states: <ul style="list-style-type: none"> <li>– “The apportioning values do not include consideration of sabbatical birds.”</li> </ul> </li> <li>• Paragraph 1.6.3.49 which provides the in-combination assessment for kittiwake at the Ireland's Eye SPA and North-west Irish Sea SPA and states: <ul style="list-style-type: none"> <li>– “For many of the projects for which there is connectivity with kittiwake from the SPA in the breeding season, the apportioning values presented do not account for the presence of immature and sabbatical birds at the project site.”</li> </ul> </li> <li>• Paragraphs 1.6.3.54, 1.6.3.70 and 1.6.3.136 which discuss sources of over-estimation in the in-combination totals estimated and state: <ul style="list-style-type: none"> <li>– “Over-estimation of impacts associated with the projects with connectivity in the breeding season due to sabbatical birds not being accounted for within the apportioning process undertaken for that project.”</li> </ul> </li> </ul> <p>The response provided by the Applicant to RR-026.B.69 in PD1-017 referenced text included in Volume 4, Annex 5.5: Offshore ornithology apportioning technical report (APP-057). The Applicant therefore considers that the application documents do not require any updates in relation to sabbatical birds as the requested text is already included in HRA Stage 2 information to support an appropriate assessment Part</p>



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Reference Question to ExQ2			Applicant's response
			Three: Special Protection Areas and Ramsar Site assessments (APP-098) and/or Volume 4, Annex 5.5: Offshore ornithology apportioning technical report (APP-057).
MO 2.5	Royal Society for the Protection of Birds	<p><b>Ornithology clarification notes and CEA/In-Combination Assessment Review</b></p> <p>The Deadline 1 response [REP1-058] refers to your ongoing review of the technical clarification notes, and that your position will be updated through the SoCG and further written submissions to the Examination. The SoCG [REP1-039] contains limited agreement and notes a number of matters which are an ongoing point of discussion, with one matter (assessment methodology RSPB OO.6) noted as not agreed.</p> <p>The RSPB response to ExQ1 MO 1.8 [REP3-052] does not specifically note whether any additional information or assessment is sought from the Applicant regarding HPAI effects as set out in part v) of the question.</p> <p>The Applicant has submitted a number of additional notes since the SoCG was produced on 3 October.</p> <p>In the absence of an updated version of the SoCG to date, the RSPB is asked to submit a response to the additional clarification notes, CEA Review and the Applicants comments on its response to ExQ1 MO 1.8 [REP4-007 and REP4-008].</p>	The Applicant notes that this question is directed to the Royal Society for the Protection of Birds and shall not be responding.
MO 2.6	Natural England	<p><b>Ornithological Monitoring</b></p> <p>Natural England is asked to review and comment on the Applicant's comments made at [REP4-006] (pages 21-24)] and [REP4-009] (page 35) regarding their reasoning for lack of ornithological monitoring and the suggestion of monitoring of Manx shearwater.</p>	The Applicant notes that this question is directed to Natural England and shall not be responding.
MO 2.7	Natural England Natural Resources Wales Joint Nature Conservation Committee	<p><b>SSSI and CEA clarification notes</b></p> <p>NE, NRW and JNCC are asked to review the following additional ornithological clarification notes provided at D4 and provide comment at D5:</p> <p>i) Project alone and cumulative assessment for the Great Orme Head SSSI [REP4-029].</p> <p>ii) Differences between the Morgan Generation Assets and the Mona Offshore Wind Project in abundance estimates used in the CEA [REP4-031].</p>	The Applicant notes that this question is directed to other Interested Parties and shall not be responding.

## 2.12 Other Offshore Infrastructure and Activities

Table 2.12: Response to ExAQ2: Other Offshore Infrastructure and Activities Questions.

Reference	Question to ExQ2	Applicant's response
INF 2.1	<p>Applicant Manx Utilities NATS En-Route Ltd</p> <p><b>Co-operation or co-existence agreements with other infrastructure operators</b> The Applicant is asked to: i) Confirm that there are no other organisations expected to be subject to co-operation or co-existence agreements. i) Provide a final update to the Commercial Side Agreements Tracker at Deadline 6.</p> <p>Manx Utilities and NATS are asked to confirm their positions on the status set out in Table 1.1 of the Applicant's Commercial Side Agreements Tracker [REP3-023].</p>	<p>i) The Applicant can confirm that there are no other organisations expected to be subject to co-operation or co-existence agreements. ii) The Applicant notes the reminder to provide a final update to the Commercial Side Agreements Tracker at Deadline 6.</p>
INF 2.2	<p>Applicant Harbour Energy</p> <p><b>Joint Statement with Harbour Energy</b> Further to [AS-011], Harbour Energy and the Applicant are asked to clarify whether this is to remain outside of the Examination or to be secured within the DCO, and if so, what the mutually agreeable mechanism to address mutually exclusive simultaneous operations and marine access would be.</p>	<p>As the Applicant has previously noted, the areas of concern raised by Harbour Energy lie out with the order limits and therefore it would be inappropriate and unnecessary for such matters relating to co-existence to be secured within the DCO.</p> <p>The Applicant remains of the position that existing mechanisms, such as Marine Navigation Engagement Forum (MNEF), will provide a sufficient mechanism to discuss exclusive simultaneous operations and marine access as may be required. Notwithstanding this, the Applicant has engaged with Harbour Energy regards the potential for a co-existence agreement to understand further the rationale for requesting negotiation of such agreement.</p>
INF 2.3	<p>Applicant</p> <p><b>Greenhouse Gas Assessment</b> Provide a technical note to include an assessment on the potential net effect on Greenhouse Gas emissions, taking account of the Wake Impact Assessment Report [REP4-049] and the calculated reduction in energy yield of the six OWFs operated by the Ørsted IPs.</p>	<p>The Applicant's technical note on the potential net effect on Greenhouse Gas (GHG) emissions, taking account of the Wake Impact Assessment Report (REP4-049) is provided in S_D5_20: Greenhouse Gas Assessment Technical Clarification Note F01. A high-level summary of the assessment is that the greatest benefit to national GHG emissions reduction, and UK renewable energy production, is achieved through the operation of the Morgan Generation Assets, despite any potential losses experienced by the Ørsted IPs offshore wind farms.</p>

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Reference	Question to	ExQ2	Applicant's response
INF 2.4	Applicant	<p><b>Potential wake effects 1</b> Provide a response to:</p> <p>i) Paragraph 3.11 of the Ørsted IPs comments on [REP4-048] in which they ask the Applicant to confirm whether it has undertaken an assessment of energy yield and wake effects of the Proposed Development (either together with or separately from the Mona project) and if so, whether specialist consultants were engaged in that exercise.</p> <p>ii) The Wake Impact Assessment Report [REP4-049].</p>	<p>i) The Applicant has considered the expected energy yield of the Morgan Generation Assets (separately from the Mona Offshore Wind Project) which is an integral and routine component of the offshore wind farm development process to inform financial investment. This exercise does not constitute an assessment in EIA terms (as the Applicant has made clear in representations to date) and most importantly does not, and is not able to consider, any potential wake effect impact on nearby consented or operational projects. This exercise is informed by technical specialists with a mix of in-house and external experience.</p> <p>ii) The Applicant's response to the Wake Impact Assessment Report (REP4-049) is provided in S_D5_5.4: Annex 5.4 to the Applicant's response to EXQ2 INF 2.4 Comments on Wood Thilsted Report F01.</p>
INF 2.5	<p>Barrow Offshore Wind Limited</p> <p>Burbo Extension Limited</p> <p>Walney Extension Limited</p> <p>Morecambe Wind Limited</p> <p>Walney (UK) Offshore Windfarms Limited</p> <p>Ørsted Burbo (UK) Limited (collectively "the Ørsted IPs")</p>	<p><b>Potential wake effects 2</b> Tables 5-4 and 5-5 of the Wake Impact Assessment Report [REP4-049] provide a summary of the results of the wake loss assessment for each of the main scenarios on each of the Ørsted IPs windfarms, expressed as a percentage wake loss. Could the Ørsted IPs update the tables to include the following additional information:</p> <p>i) Identify the percentage losses in terms of a quantified total energy loss (in kWh) for each scenario and OWF affected each year.</p> <p>ii) Taking into account the above, what the overall quantified total energy loss would be for each OWF having regard to the current operational life of each.</p>	<p>The Applicant notes that this question is directed to the Ørsted IPs.</p>

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Reference	Question to	ExQ2	Applicant's response
INF 2.6	Applicant The Ørsted IPs	<p><b>Potential wake effects 3</b></p> <p>Provide a commentary on how you consider the matter of any loss of renewable energy yield from other OWFs might be a matter to be demonstrated in the mitigation hierarchy and in consideration of Critical National Priority, and how it might be weighed in the planning balance.</p>	<p><u>Mitigation hierarchy and CNP</u></p> <p>As set out in the Glossary to NPS EN-1, the “mitigation hierarchy” is a term used to incorporate the process that developers undertake to protect the environment and biodiversity through avoiding, reducing, mitigating and compensating for impacts from development. The mitigation hierarchy is at the heart of the iterative design process that a developer goes through, informed by an EIA, to reduce their impacts on the environment to non-significant levels wherever possible. Paragraph 4.1.5 of NPS EN-1 directs the Secretary of State to take into account the potential adverse impacts of a development, including any measures to avoid, reduce, mitigate or compensate for any adverse impacts, following the mitigation hierarchy. It should be noted that references to “impacts” or “effects” within the NPS, mean likely significant effects or likely significant impacts (para 4.3.8 of EN-1).</p> <p>Section 4.2 of NPS EN-1 sets out how the Secretary of State should determine applications for development consent for ‘critical national priority’ (CNP) infrastructure. This sets out that:</p> <ul style="list-style-type: none"> <li>• CNP policy does not create an additional need case (para. 4.2.7).</li> <li>• It applies after consideration of the impacts of the project and the mitigation hierarchy (para. 4.2.7).</li> <li>• During decision making, the CNP policy will influence how non-HRA and non-MCZ residual (significant) impacts are considered in the planning balance (para. 4.2.8).</li> <li>• It will also influence how the Secretary of State should consider certain planning policy tests that require exceptional or special circumstances to be demonstrated.</li> </ul> <p>Paragraph 4.2.15 states:</p> <p><i>“Where residual non-HRA or non-MCZ impacts remain after the mitigation hierarchy has been applied, these residual impacts are unlikely to outweigh the urgent need for this type of infrastructure. Therefore, in all but the most exceptional circumstances, it is unlikely that consent will be refused on the basis of these residual impacts.”</i></p>

Reference	Question to	ExQ2	Applicant's response
			<p><u>Wake effects</u></p> <p>The Applicant has set out its position on wake loss policy in previous submissions (see REP1-016; INF1.3 – INF 1.6 in REP3-006; table 2.4 in REP4-009) and it is not repeated here. The Applicant's position is that wake effects are not a matter that is to be considered through the NPS, or through the EIA regime. As such, it is not an 'environmental impact' to which the mitigation hierarchy applies. It is simply a commercial matter.</p> <p>Notwithstanding this, and in light of the question asked, if the Examining Authority of the Secretary of State did consider that wake effects should be considered as a matter of policy, the Applicant considers that it is clear the NPS tests have been met, including application of the mitigation hierarchy.</p> <p><u>Site selection and project design</u></p> <p>The Crown Estate (TCE) have a key role in the offshore wind industry as the authority responsible for leasing rounds. They have a strategic role to play in the development of the industry, part of which is implemented through the criteria that they impose for each leasing round. That criteria is fixed taking account of industry representations and concerns, ultimately determining criteria that TCE consider acceptable to manage interactions with other sea users, subject to the details of any specific project. TCE increased the separation distance between projects between Round 3 and Round 4 from 5 km to 7.5 km, deliberately limiting proximity to existing offshore wind farms. That increase took into account submissions made by the wider offshore wind industry and, as far as the Applicant is aware, there was no suggestion by the industry that 7.5 km was unacceptable in terms of wake effects.</p> <p>Once a site is awarded, a developer will then need to follow the mitigation hierarchy in its onward development, reducing environmental impacts to acceptable levels. However, for the reasons set out previously, the Applicant respectfully submits that this does not apply to wake effects on existing offshore wind farms. The buffer established by The Crown Estate in the Round 4 leasing round is sufficient to manage proximity to an acceptable level.</p>

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Reference	Question to	ExQ2	Applicant's response
			<p><u>Application of NPS to wake effects impacts</u></p> <p>Paragraph 3.8.342 of NPS EN-3 sets out that where a proposed offshore wind farm potentially affects other offshore infrastructure or activity, a pragmatic approach should be employed by the Secretary of State. Paragraph 2.8.345 states that the Secretary of State should be satisfied that the site selection and site design of a proposed offshore wind farm has been made with a view to avoiding or minimising disruption or economic loss or any adverse effect on safety to other offshore industries.</p> <p>A summary of the design process, consideration of alternatives and site selection for the Proposed Development is set out within Environmental Statement - Volume 1, Chapter 4 Site selection and consideration of alternatives (APP-011). This process was done in a transparent and collaborative manner, with design changes informed by the iterative EIA process and stakeholder feedback. It balanced a wide range of environmental and technical factors, whilst seeking to achieve the key policy aim set out in paragraph 2.8.2 of NPS EN-3 for developers to maximise the capacity of new large-scale energy development within technological, environmental and other constraints.</p> <p>As set out in APP-011, the Applicant has already substantially reduced the Order Limits following statutory consultation, one implication of which was to increase the distance to the offshore wind farms operated by the Ørsted IPs (from 7.5 km to a minimum of 8.1 km). The Applicant does not consider that any further avoidance or mitigation is possible for the Morgan Generation Assets, without compromising project objectives and the overall contribution of the project to UK Government Policy.</p> <p>As set out in the GHG clarification note (S_D5_20_Morgan Gen_Greenhouse Gas Assessment Technical Clarification Note_F01), any reduction in the boundary of the Morgan Generation Assets would reduce the annual energy production of the Morgan Offshore Wind Farm, resulting in a large loss of avoided emissions that outweigh those lost by the Ørsted IPs projects as a result of wake loss effects. Put another way, a reduction to the Morgan Generation Assets Order Limits would result in a net negative effect on GHG abatement of all projects taken together, when compared with the Order Limits that have been applied for and the wake effects as</p>

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Reference	Question to	ExQ2	Applicant's response
			<p>calculated by the Ørsted IPs (which for the avoidance of doubt are not accepted).</p> <p>The Applicant respectfully submits that there is therefore no justifiable basis for such a further amendment to the boundary as "mitigation". The Applicant has commented further in response INF 2.8 below on the potential for mitigation. The Examining Authority and the Secretary of State can be satisfied that the mitigation hierarchy has been followed, and there is no further scope for avoidance or mitigation of any residual impact.</p> <p>To the extent that there is a residual impact, the CNP policy in NPS EN-1 applies. The starting point in decision making is the presumption that, as CNP infrastructure, residual impacts are unlikely to outweigh the urgent need for the Morgan Generation Assets to proceed. The Applicant respectfully submits that there is no material submitted to the Examination that would constitute "exceptional circumstances" that overcome that presumption (para. 4.2.15).</p> <p>On the contrary, the benefits that arise from the Morgan Generation Assets make a substantial contribution towards the urgent need established in UK Government policy for new low carbon electricity development. That should be given very great weight in the planning balance.</p> <p>To the extent that wake effects are a relevant consideration under the NPS (which is not accepted) the Applicant respectfully submits that they should be given very limited weight, which would be considerably outweighed by the benefits of the Morgan Generation Assets.</p>
INF 2.7	The Ørsted IPs	<p><b>Potential wake effects 4</b> Provide a final statement to the Examination regarding potential wake loss effects at D6. To include:</p> <ul style="list-style-type: none"> <li>i) A response to the technical note on Greenhouse Gas emissions to be submitted by the Applicant at D5.</li> <li>ii) A summary of the policy and legislation being used to justify your comments (there is no need to repeat previous submissions, only summarise the relevant points).</li> <li>iii) Comments on the relevance of the recommendation report and Secretary of State decision relating to the Awel y Mor Offshore Wind Farm to this Examination.</li> <li>iv) A summary of the outcome which the Ørsted IPs expect to</li> </ul>	The Applicant notes that this question is directed to the Ørsted IPs.

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Reference	Question to ExQ2	Applicant's response
INF 2.8	<p><b>Applicant</b> The Ørsted IPs</p> <p><b>Wake Loss – potential mitigation</b> The Ørsted IPs response to ISH2 Action Point 13 [REP4-047] includes potential mitigation measures to reduce loss of AEP including design and operational changes such as installing a smaller number of large turbines, reducing capacity, increasing separation distance, wind sector management and wake steering. They consider that a commercial side agreement would assist in ensuring their interests are adequately protected, but that this would require meaningful engagement from the Applicant. The Applicant's response (HAP_ISH2_13 [REP4-004]) refers to the final design process and the Crown Estate's 7.5km separation distance, and maintains that an assessment is not required and that the matters are not suitable for either protective provisions nor a commercial side agreement.</p> <p>i) The Ørsted IPs are asked to explain what is meant by 'wind sector management' and 'wake steering'. ii) The Applicant is asked to comment on the potential mitigation measures referred to by the Ørsted IPs. iii) Both the Ørsted IPs and the Applicant are asked to comment on the following as a potential means of resolving the issue of wake loss: NPS EN-3 Paragraph 2.8.262 states that "In some circumstances, the Secretary of State may wish to consider the potential to use requirements involving arbitration as a means of resolving how adverse impacts on other commercial activities will be addressed."</p>	<p>ii) The Applicant's comments on the potential mitigation measures referred to by the Ørsted IPs are set out below.</p> <p>The Applicant does not believe there is 'appropriate mitigation' that can be applied between different offshore wind projects. In the first instance this is because the Applicant does not believe there are identified impacts to be mitigated as there is no policy requiring an assessment of wake impacts, or guidance defining how any assessment might be undertaken.</p> <p>Notwithstanding this primary and overriding point, a key aspect of determining what mitigation might be "appropriate" is being able to ascertain what level of residual effect is considered "acceptable". Mitigation measures can then be considered where they can achieve that threshold and applied where it is proportionate and justifiable to do so. As previously set out, there is no guidance or threshold for what significance of perceived wake effects might be considered acceptable, or what mitigation might be applied. The Applicant is therefore unclear on what basis the perceived impacts that the Ørsted IPs have identified in their Wake Impact Assessment Report (REP4-049) (i) are determined to require mitigation and (ii) what that mitigation would seek to achieve to class it as 'appropriate'. The Applicant is unable to model the impacts of any mitigations on the Ørsted IPs projects for the same reasons it is unable to model any wake effects on the Ørsted IPs with any appropriate certainty and robustness, and therefore unable to demonstrate the appropriateness of any mitigation.</p> <p>Further, as demonstrated by the Applicant any potential mitigation would have a disproportionately large effect on the Morgan Generation Assets (through for instance an increase in internal wake effects due to increased density) as compared to any potential change in the effects on the Ørsted IPs projects, and would therefore have significantly negative effects on overall energy production and</p>



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Reference	Question to	ExQ2	Applicant's response
			<p>GHG reduction as a whole (as set out in the GHG Technical Note, Ref: S_D5_20_Morgan Gen_Greenhouse Gas Assessment Technical Clarification Note_F01).</p> <p>With respect to the suggested potential mitigation measures, the Applicant's position is that:</p> <ul style="list-style-type: none"> <li>• Changes to the internal layout of Morgan, for instance individual turbine locations or orientation of turbine rows, assuming the array area is not constrained, is likely to have no measurable impact on the Ørsted IPs projects because the overall downstream wake effect from Morgan would remain broadly unchanged for a constant number of turbines installed within this area. The Applicant also notes that there are a number of constraints already placed on the layout of structures for the purposes of navigational and commercial fisheries mitigation that would limit any ability to amend layouts for the purposes of wake effects. These layout principles, including a minimum spacing between structures of 1400 m, are set out in Table 3.7 Layout Development Principles in APP-010.</li> <li>• Increasing the separation distance between Morgan and the Ørsted IPs projects would require a spatial reduction to the Morgan Array Area. Given the low levels of impact, the Ørsted IPs have predicted from Morgan Generation Assets on their projects, the scope for any mitigation to reduce impacts is correspondingly small. Noting that the Ørsted IPs projects are in a range of directions from Morgan Generation Assets, boundary changes may be required on a number of fronts to increase distances from all Orsted IP projects. However, a substantial change in the Morgan Array Area (which would be required to make any meaningful reduction in effect) would have significant effects on Morgan Generation Asset's energy output due to an increased density of turbines and increased internal wake effects. The Applicant has undertaken some preliminary work, applying first principles of wake effects on how stepping a boundary back (i.e. increasing the distance) would affect the existing and new project respectively (see S_D5_20: Greenhouse Gas Assessment Technical Clarification Note_F01). Based on an understanding of the consequential increase in internal turbine density and internal wake effects on the new project, the Applicant believes there would be an order of magnitude difference</li> </ul>

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Reference	Question to	ExQ2	Applicant's response
			<p>in the impacts on the new project as compared to any benefit to the existing project. As a result, the net impact of the mitigation to the overall energy output from the projects collectively would be reduced under the mitigated scenario. The Applicant would also note that such boundary changes may adversely significantly affect the overall capacity of the project should the changes be significant enough to require a reduction in the number of turbines. Furthermore, the Applicant is cognisant of the predicted effect of the Mona Offshore Wind Project within the Wood Thilsted report (REP4-049) and notes that it is not materially different to that of Morgan Generation Assets (as far as the level of concern expressed within the Ørsted's representations would suggest). Therefore, any spatial reduction in the array area of Morgan Generation Assets will not materially change their concern on the consequence of any wake effects, and the only way to achieve that would be to not have the project in that location at all.</p> <ul style="list-style-type: none"> <li>• Wind sector management, defined as deactivating or reducing output of the Morgan turbines under certain wind conditions, would cause a significant reduction in the output of the Morgan turbines and provide only a small relative benefit to the Ørsted IP projects. In a similar manner to increasing the separation distance of Morgan from the Ørsted IP projects, the net impact of the mitigation would be a considerable reduction in the energy output of the projects collectively.</li> <li>• The use of wake steering, the yawing of individual turbines out of alignment with the incoming wind direction to deflect their wakes around downstream turbines, increasing power output from a turbine array as a whole, would not be expected to materially reduce the downstream wake from that array. There is no evidence or even intention that such a system could be used to reduce wake impacts on neighbouring arrays located at significant distance downstream, as are the Ørsted IP projects. This was discussed in the Mona Offshore Wind Project ISH6 (REP6-083 in the Mona Offshore Wind Project Examination library), and it was acknowledged by the Ørsted IPs representative from Wood Thilsted that there is no known use of wake steering to address wake effects outside of an array itself. Any examples of wake steering are confined to reducing</li> </ul>

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Reference	Question to	ExQ2	Applicant's response
			<p>effects in the near field, within an array. The Applicant does not believe there would be any value to this as a mitigation, as it would likely have no effect on the Ørsted IPs projects.</p> <p>iii) The Applicant appreciates the ExA is looking to resolve the matter of potential wake effects, however it is important to take into account that this is also being considered across a number of other offshore wind examinations (Mona, Five Estuaries, Outer Dowsing, and Morecambe) taking place simultaneously. The Applicant appreciates that the ExA wants to present a clear position on this to the Secretary of State, but the Applicant is concerned that this is being dealt with differently on a project-by-project basis. The Applicant's view is that this matter should be dealt with centrally as there is no clear guidance or approach as to what is required. The Applicant confirmed it appreciates guidance may not be issued prior to close of this examination and the Applicant is doing its best to respond to points coming forward, whilst recognising this is an industry matter and there is inherent risk in trying to push too hard to resolve this point in individual examinations without appropriate guidance.</p> <p>The Applicant believes that arbitration would not be a suitable mechanism to deal with this issue. The Applicant considers this to be an industry wide issue that needs guidance and resolution to come from the Secretary of State rather than on a project by project basis. With respect to Paragraph 2.8.262 of EN-3 it is noted that the Secretary of State has an overarching position on resolving this issue, rather than it being resolved by way of examination.</p> <p>For an arbitration to be successful, the arbitrator needs to receive instructions on the scope of what they are to arbitrate. The Applicant highlights that in the absence of policy or guidance, it would be very unclear what achieving "good mitigation" would be and what might satisfy the Ørsted IPs. In the absence of understanding this, is difficult to know whether an arbitrator could judge whether effective controls have been put in place. The Applicant therefore considers that a requirement that specified arbitration as a mechanism to resolve the dispute would be unworkable and unenforceable.</p>

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Reference	Question to	ExQ2	Applicant's response
INF 2.9	Moor Vannin Offshore Wind Farm Limited Ørsted IPs	<p><b>Moor Vannin Offshore Wind Farm Application</b></p> <p>The Applicant's response to the Ørsted IPs D3 submission on wake effects [REP4-009, point REP3-070.24] notes that:            "The Moor Vannin Scoping Report does not contain reference to wake effects ... it appears that Ørsted 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 Ørsted projects that have been brought forward under the Planning Act to date). Further, the Applicant cannot see any response to the Scoping Report from the Ørsted IPs to Moor Vannin in the Scoping Opinion. The Applicant is surprised by this given the Ørsted IPs claimed importance of an assessment being undertaken for all of the Round 4 developments (both within the Irish Sea and North Sea). The Moor Vannin project is of a similar size, location and distance from the Ørsted IPs assets compared to the Morgan Generation Assets and is therefore assumed to have an equivalent wake effects potential on the Ørsted IPs assets".</p> <p>Moor Vannin Offshore Wind Farm Limited are asked:</p> <p>i) Has a wake loss assessment been carried out regarding effects on AEP of the Ørsted IPs existing OWFs within the Irish Sea, and if so, will it inform the forthcoming submission for Marine Infrastructure Consent, including consideration of any mitigation?</p> <p>ii) Is there any reference in Isle of Man policy or legislation or seabed leasing conditions for such an assessment? The Ørsted IPs are asked to provide comment on the Applicant's response [REP4-009] in respect of potential wake effects of Moor Vannin Offshore Wind Farm, and its comments in relation to ISH2 action point 11 [REP4-004] regarding the specific exclusion of Moor Vannin Offshore Wind Farm from the Wake Impact Assessment Report [REP4-049].</p>	<p>The Applicant notes that this question is directed to the Ørsted IPs and Moor Vannin Offshore Wind Farm Limited, and has no comment to make at this deadline.</p>
INF 2.10	The Crown Estate	<p><b>Offshore Wind Leasing Round 4</b></p> <p>The Ørsted IPs D4 submissions include the Crown Estate's response to Outer Dowsing Offshore Wind (Generating Station) ExQ1 OG 1.2 [REP4-051], in supporting their comments relating to the minimum 7.5km distance referred to in the Offshore Wind Leasing Round 4 [REP4-046, REP4-047, REP4-048 and REP4-049].</p> <p>The Crown Estate are invited to make any additional comments relating to this matter which are specific to the Morgan Generation Assets project and the existing and proposed OWFs within and</p>	<p>The Applicant notes that this question is directed to The Crown Estate.</p>

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Reference	Question to	ExQ2	Applicant's response
		around the Irish Sea which would assist in the ExA's consideration of wake effects.	

## 2.13 Shipping and Navigation

Table 2.13: Response to ExAQ2: Shipping and Navigation Questions.

Reference	Question to	ExQ2	Applicant's response
SN 2.1	Isle of Man Territorial Sea Committee Maritime and Coastguard Agency UK Chamber of Shipping	<p><b>Guidance on navigational route width in IoM territorial waters</b></p> <p>The IoM Harbours Division (through the IoM Government TSC), the MCA and the UK Chamber of Shipping are invited to advise on any or all of the following:</p> <p>i) Whether the World Association for Waterborne Transport Infrastructure (PIANC) WG161 recommendations on shipping route width as described in the Applicant's Cumulative Regional Navigational Risk Assessment [APP-060] (Appendix E, Section 7.6) is applicable to navigation within Manx territorial waters between the Proposed Development and the proposed Moor Vannin OWF array. If not, why not?</p> <p>ii) Are the PIANC WG161 recommendations endorsed by the International Maritime Organisation?</p> <p>iii) Whether there are any contradictions between these PIANC WG161 recommendations and MGN654.</p> <p>iv) Whether there has been any further related guidance on marine spatial planning for the interaction between maritime navigation and offshore windfarms produced since that 2018 PIANC WG161 report.</p>	<p>The Applicant notes this question is direct to other parties, however, wishes to make the following comments:</p> <p>i) PIANC is an industry body which develops guidance and technical advice by bringing together experts to address challenges in ports and waterway developments and management. The resulting guidelines are guidance based on best practice rather than compliance requirements and have no official weighting in any jurisdiction. The Applicant notes that PIANC WG161 guidance is referenced by the MCA within MGN654.</p> <p>ii) PIANC guidance has been submitted to the International Maritime Organisation (IMO) for awareness as information reports (see for example NCSR 7/INF.15). This is not something that the IMO would adopt.</p> <p>iii) MGN654 provides guidance to developers in assessing the impact of offshore renewable energy installations on navigational safety. MGN654 is not prescriptive, describes principles, and notes that it should be applied on a case-by-case basis to demonstrate suitable and safe sea space (Paragraph 3.4 of MGN654). PIANC WG161 provides a review of international equivalent guidance in other jurisdictions and presents one means by which safe space could be calculated under certain conditions. Therefore, the Applicant does not believe that they are contradictory.</p> <p>iv) Whilst there are a myriad of guidance related to marine spatial planning, MGN654 and PIANC WG161 are well regarded within the industry and recognised as best practice.</p>
SN 2.2	Applicant	<p>PIANC WG161 recommendations report</p> <p>i) The Applicant is asked to submit to the Examination Library a copy of the World Association for Waterborne Transport Infrastructure (PIANC) WG161 recommendations report, subject to express permission from the publisher.</p> <p>ii) Signpost in the NRA [APP-060] or provide a supplementary note on any provisions of the United Nations Convention on</p>	<p>i) The Applicant notes this document is copyrighted and has requested that a copy can be shared with the Examination library but has not received a response to date. The Applicant notes that a copy was included in the Five Estuaries (EN010115) Examination Library as Appendix 5 of the Applicant's Response to Action Points (REP1-060 in Five Estuaries Examination Library) (<a href="https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN010115/EN010115-000693-">https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN010115/EN010115-000693-</a></p>

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Reference	Question to	ExQ2	Applicant's response
		<p>the Law of the Sea and the International Maritime Organisation General Provisions on Ships' Routeing that are relevant to determining safety of navigation in constrained space between or adjacent to windfarms.</p>	<p>Five%20Estuaries%20Offshore%20Wind%20Farm%20Ltd%20-%20Post-Hearing%20submissions%20including%20written%20submissions%20of%20oral%20case%20as%20requested%20by%20Examining%20Authority%201.pdf).</p> <p>ii) The Applicant wishes to answer this questions in two parts:</p> <ul style="list-style-type: none"> <li>• Firstly, the Applicant reiterates the findings of Section 1.8.2 of the NRA (APP-060) which argues that a sea lane constitutes a Traffic Separation Scheme. As agreed with the MCA in their SoCG (REP2-024) and their responses to ExQ1 (REP3-038) there are no sea lanes within 10 nm of the Morgan Array Area. As such the relevant provisions of UNCLOS and the IMO's General Provisions on Ships' Routeing do not apply.</li> <li>• Secondly, the IMO's Ship Routeing guide (2008) states that "3.12 Governments are recommended to ensure, as far as practicable, that drilling rigs (MODUs), exploration platforms and other similar structures are not established within the traffic lanes of routeing systems adopted by IMO or near their terminations." No distances are provided, however, MGN654 Annex 2 recommends that two nautical miles is the preferred distance between an offshore wind farm and a Traffic Separation Scheme (TSS). There are, however, numerous precedents in Europe and the UK for a TSS closer to an offshore wind farm than two nautical miles, including Gwynt-y-Mor in the Irish Sea at 0.5 nm offset from the TSS.</li> </ul>
SN 2.3	<p>Isle of Man Territorial Sea Committee</p> <p>Mooir Vannin Offshore Wind Farm Limited</p> <p>Stena Line</p> <p>UK Chamber of Shipping</p>	<p><b>Design vessel length in relation to PIANC guidance for safe passage space</b></p> <p>The IPs listed are asked to comment on what would be a reasonable 'design vessel' length overall (LOA) to be applied in relation to the PIANC guidance on route width as discussed in [APP-060, Appendix E, Section 7.6] considering the vessels expected to transit the sea space between the Proposed Development and the proposed Mooir Vannin OWF, either on passage to or from the Port of Douglas or on passage past the east and north of the Isle of Man.</p>	<p>The Applicant notes this question is direct to other parties, however, wishes to make the following comments:</p> <p>The Applicant notes that Statements of Common Ground with the UK Chamber of Shipping (REP3-025), Stena Line (REP3-029) and Maritime and Coastguard Agency (REP2-024) all indicate agreement and satisfaction on the assessment methodologies and no concerns were raised on the assumptions and implementation of PIANC guidance.</p> <p>The Applicant's assessment of PIANC design widths in Table 30 of Appendix E of the NRA (APP-060) is based on conservative figures of design vessel sizes and numbers. For example, design lengths of 200 m and 300 m are assessed whilst the largest vessel anticipated to be passing between the Morgan Array Area and Walney offshore wind farms would be the 215 m Stena RoRo ferries operating between Liverpool and</p>

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Reference	Question to	ExQ2	Applicant's response
			<p>Belfast. Furthermore, Table 29 shows an anticipated 1,851 ferry and 171 commercial ship movements per year between the Morgan Array Area and Walney offshore wind farms, with the PIANC guidance category based on total vessel movements of less than 4,400 per year. In addition, many of these vessels, including the larger Stena Line ferries would not pass between the Morgan Array Area and Mooir Vannin Offshore Wind Farm.</p> <p>Furthermore, the Applicant notes that even accepting a conservative maximum vessel size of 300 m and a more than doubling in vessel numbers to greater than 4,400 vessels per year, 4.1 nm of searoom would be required between the Mooir Vannin Offshore Wind Farm and Morgan Array Area. As noted in the Applicant's response to SN 2.6 below, this is the new width between the projects as a result of changes to the Mooir Vannin Offshore Wind Project boundaries announced on the 12 December 2024.</p>
SN 2.4	<p>Maritime and Coastguard Agency Mooir Vannin Offshore Wind Farm Limited Stena Line UK Chamber of Shipping</p>	<p><b>Precedent for restricted navigation corridors past OWFs</b> The ExA invites comment from the listed IPs on the discussion of UK precedent for restricted channels between windfarms presented in [APP-060, Section 7.6 of Appendix E] as expanded in the Applicant's Annex 3.1 to responses to ISH2 Action Points [REP4-005] and invites suggestion of any other relevant precedent (whether or not flanked on both sides by offshore wind turbine arrays) of navigation route 'corridors' of restricted width, outwith ports and harbours.</p>	<p>The Applicant notes SN 2.4 is directed towards the MCA, Mooir Vannin Offshore Wind Limited, Stena Line and UK Chamber of Shipping and shall not be responding.</p>
SN 2.5	Mooir Vannin Offshore Wind Farm Limited	<p><b>Outstanding responses to Action Points from Issue Specific Hearing 2</b> Mooir Vannin Offshore Wind Farm Limited is asked to coordinate the following with its responses to Action Points from ISH2 issued for its attention [EV5-014, APs 7 to 10 inclusive]: i) A summary note describing the conclusions of its NRA to date exclusively with regard to navigational risk in the sea space adjacent to the Mooir Vannin and Morgan projects and the Walney Extension OWF, including a summary statement on any bridge simulations carried out or the scope and intention of any further bridge simulations planned to study</p>	<p>The Applicant notes SN 2.5 is directed towards Mooir Vannin Offshore Wind Limited and shall not be responding. The Applicant notes that it is in part answered by the Applicant's response to SN 2.6 and Issue Specific Hearing 2 Action Point 5.</p>



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Reference	Question to	ExQ2	Applicant's response
		<p>use of that sea space. Note: the ExA does not wish to receive into the Examination the entirety of the Moir Vannin NRA.</p> <p>ii) A plan illustrating the proposed structures boundary or order limits following your December NRA workshop and having regard to your answer to ExQ SN1.9 [REP3-041], if different to that shown in [REP3-039] Indicative WTG Layout February 2024.</p>	
SN 2.6	Applicant Moor Vannin Offshore Wind Farm Limited	<p><b>Safe route width between Proposed Development and Moor Vannin OWF</b></p> <p>The ExA invites both the Applicant and Moor Vannin Offshore Wind Farm Limited to provide draft wording for a requirement in the draft DCO or a condition in the draft DMLs ensuring that a sufficient separation distance between the Proposed Development structures and the proposed Moor Vannin structures must be achieved in final design layout by the <u>second</u> of the two proposals to receive development consent (if both projects are granted consent) in order to ensure an acceptable residual level of navigational safety risk in that sea space can be achieved that is acceptable to both the IoM Government Harbours Division and the MCA as well as shipping stakeholders.</p> <p>Please also provide an opinion whether this would be more appropriate as a requirement to be discharged by the Secretary of State or a condition to be discharged by the MMO.</p>	<p>The Applicant would like to inform the Examining Authority of a revised boundary for the Moor Vannin Offshore Wind Farm which was shared with stakeholders at the hazard workshop on 12 December 2024, which the Applicant attended. The hazard workshop was also attended by representatives from IoMSPC, IoM Government, IoM Coastguard, MCA, Chamber of Shipping and Northern Lighthouse Board (Stena Line attended a morning session but could not attend the workshop itself).</p> <p>The revised boundary included the following amendments (Figure 5 in Annex 3.1 to Response to Hearing Action Point 5 (S_D5_3.1)):</p> <ul style="list-style-type: none"> <li>• The refinement of the Moor Vannin southern boundary which results in 4.1 nm offset from the Morgan Array Area and 4.8 nm from the Walney wind farms</li> <li>• The refinement of the northwest corner of the Moor Vannin boundary to increase the separation distance between Moor Vannin and the Bahama Bank to 2.1 nm and allow access to the Isle of Man from the north</li> <li>• A shapefile of the revised Moor Vannin boundary was shared by Moor Vannin Offshore Wind Limited to the Applicant on the 19 December 2024.</li> </ul> <p>No scoring of hazards was undertaken within the workshop and therefore it was not clear whether stakeholders were satisfied that risks had been reduced to Tolerable levels either for Moor Vannin in isolation or cumulatively with the Morgan Generation Assets. The Applicant understands that Moor Vannin Offshore Wind Farm Limited will use the discussions at the hazard workshop to prepare a draft hazard log for comment with stakeholders and then update their NRA for submission with the Moor Vannin application in March 2025.</p>

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Reference	Question to	ExQ2	Applicant's response
			<p>Following the Moir Vannin hazard workshop, the Applicant has commenced the following activities to consider the effect this change has on navigational safety:</p> <ul style="list-style-type: none"> <li>• Undertaken a review of the revised boundary and comparison with existing guidance and precedent. The Applicant notes that a 4.1 nm separation is similar to the separation between the Morgan Array Area and Walney offshore wind farms where consensus with stakeholders confirmed the risks were Tolerable and ALARP. Furthermore, 4.1 nm meets the guidance of PIANC with highly conservative assumptions on vessel size and numbers (APP-060).</li> <li>• Is undertaking analysis and modelling of likely meeting situations between vessels when passing between the Morgan Array Area and Moir Vannin Offshore Wind Farm.</li> <li>• Is undertaking full bridge navigation simulations on the 20 – 21 January 2025 with attendance confirmed by the Isle of Man Steam Packet Company, Stena Line, UK Chamber of Shipping and Maritime and Coastguard Agency.</li> <li>• Will update the risk assessment submitted as part of the CRNRA Appendix D (APP-060) that includes the Moir Vannin Offshore Wind Farm.</li> </ul> <p>The Applicant will provide a summary of the findings, and extent of agreement with stakeholders, to the Examining Authority at Issue Specific Hearing 3 on 12 February 2025. The Applicant will also provide a written position on this at Deadline 6 on the 27 February 2025, supported where possible by updated Statements of Common Ground with affected stakeholders.</p> <p>Noting the amendments to the Moir Vannin Offshore Wind Farm array area set out above, the Applicant does not consider that such a provision in the DCO is warranted subject to the findings of its own further assessment. The Applicant also notes that Moir Vannin Offshore Wind Farm Limited cannot be bound by a provision in the DCO.</p>
SN 2.7	Maritime and Coastguard Agency Stena Line	<p><b>Security for continuation of the Marine Navigation Engagement Forum</b></p> <p>The listed IPs are asked to confirm if they consider that adequate security for post-consent stakeholder engagement would be provided by Commitment Co72 in the Commitments</p>	<p>The Applicant notes this question is direct to other parties, however, wishes to make the following comment:</p> <p>The Applicant has updated the Outline Vessel Traffic Management Plan (S_D5_18 Outline Vessel Traffic Management Plan F03) and Commitments Register at Deadline 5 (S_D5_14 Commitments Register</p>

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Reference	Question to	ExQ2	Applicant's response
	UK Chamber of Shipping Any Other Interested Parties	Register [REP4-025] which commits to continued engagement of the Marine Navigation Engagement Forum (MNEF) post-consent, and if not, why not.	F04) to include a commitment to continue the MNEF for a period of five years post construction.
SN 2.8	Applicant Maritime and Coastguard Agency	<p><b>Emergency response for disabled or drifting vessels in sea space between wind farms</b></p> <p>The UK Chamber of Shipping [REP3-025, UKCoS.SN.23b] continue to contend that emergency towage capability or resource may be required to mitigate risks from cumulative projects related to drifting (disabled) vessels in the corridors between proposed wind farms.</p> <p>The Applicant and the MCA are asked whether that capability would be made available as part of development post-consent of the Emergency Response and Cooperation Plan (ERCoP) secured by compliance with MGN654 under Condition 25 in the draft DMLs.</p> <p>If so, how might it be controlled by a Marine Coordination Centre as referenced in the Applicant's answer to ExQ1 SN 1.20 [REP3-006].</p>	<p>The Applicant notes that the UK Chamber of Shipping Statement of Common Ground (REP3-025) and as quoted in SN 2.8 states that an Emergency Towage Vessel (ETV) "may" be required. The use of "may" implies that the UK CoS does not have a firm position on this requirement and no evidence or justification has been provided to support such a view.</p> <p>The Applicant has submitted an updated SoCG with the UK Chamber of Shipping (S_D5_COS_Morgan Gen_SoCG UK COS_F03) and updated Outline VTMP (S_D5_18 Outline Vessel Traffic Management Plan F03) at Deadline 5 to reflect a commitment to consider the towage capability of project vessels during construction and the operations and maintenance phases, which should not preclude consent.</p> <p>The UK Chamber of Shipping has already stated that the risks in the cumulative scenario (excluding Moir Vannin) are Tolerable and ALARP and also attended navigation simulations and the hazard workshop at which agreement on ALARP was reached. Furthermore, the MCA in their SoCG has not suggested additional risk controls are required (REP2-024).</p> <p>Whilst a provision could be included in the ERCoP or draft dML for the Applicant to provide emergency towage, the Applicant's position is that ETVs are not required as they address a rare event and have limited effectiveness, which is not considered to be proportionate to the identified risks, and are highly expensive. The provision would need to define what type of ETV was required, its strength and its coverage, without any supporting basis. In addition, whilst the provision would be for the Applicant to provide an ETV, it is the MCA who would be responsible for Search and Rescue in the Irish Sea and therefore the decision to task an ETV would lie with HM Coastguard and not the Marine Coordination Centre.</p>

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Reference	Question to	ExQ2	Applicant's response
			<p>The Applicant has set out below the reasons for why it believes such a provision is neither practicable nor warranted:</p> <ul style="list-style-type: none"> <li> <b>NRA Results:</b> During the hazard workshop, as reported in the NRA (APP-060), it was concluded that the risks associated with the Morgan Generation Assets and other Tier 1 and Tier 2 projects were considered to be Tolerable and As Low as Reasonable Practicable (ALARP). The amendments to the Morgan Generation Assets, Mona Offshore Wind Project and Morecambe Offshore Windfarm array area boundaries had improved the searoom and increased the passing distances between shipping routes and the array areas of the existing and proposed offshore wind farms in the Irish Sea.         </li> <li> <b>Cumulative Scenario:</b> The Applicant notes that the UK Chamber of Shipping refer to only the cumulative scenario for the introduction of an ETV. The Examining Authority would therefore not be justified in placing this requirement solely on the Morgan Generation Assets. This is reiterated in the UK Chamber of Shipping's submissions to the Mona Offshore Wind Project Examination (EN010137) at Deadline 5 (REP5-124).         </li> <li> <b>Low Likelihood:</b> The likelihood of a ferry becoming disabled and drifting into an offshore wind farm is very low. Ferries are well maintained and have good redundancy should mechanical failure occur. There are very few reported incidents occurring in close proximity to existing OWFs in the Irish Sea.         </li> <li> <b>Difference from base case:</b> The Applicant notes that at present ferries pass in close proximity to existing offshore wind farms in the Irish Sea with many passage plans keeping similar passing distances from the Walney group, West of Duddon Sands and Gwynt-y-Mor offshore wind farms. The Applicant is not aware of any previous suggestion that ETVs would be required in this context.         </li> <li> <b>Difficulty in Attaching Tow:</b> In situations where an ETV has reached a casualty vessel, attaching a tow line can be both challenging and dangerous. For example, the Julietta D incident which occurred in 2022 in the Netherlands took several hours to attach a tow and resulted in several injuries. Attempts of an ETV to establish a tow off the Dutch coast on 07 December 2024 during Storm Darragh were called off after a crew member was injured requiring airlifting to hospital. A similar incident off France on the same date took five         </li> </ul>

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Reference	Question to	ExQ2	Applicant's response
			<p>hours to establish a tow. Furthermore, in the most significant incident which occurred in the Irish Sea, the loss of the Riverdance in 2008, it would have been highly dangerous to attempt to establish a tow. Furthermore, the design of RoRo vessels makes it more challenging to pass a messenger line than for other vessel types. Therefore, there is no guarantee that an available ETV would prevent an incident from occurring.</p> <ul style="list-style-type: none"> <li>• <b>Potential increase in risk:</b> The presence of an ETV in the study area potentially increases the risk of collision with passing vessels and allision, were the ETV to get into difficulty, and therefore could be a net negative on navigational safety.</li> <li>• <b>Response Time:</b> ETVs are most effective when they are immediately available to respond to an incident. Given the proximity of the ferry routes to the OWFs, and noting the above on difficulties in attaching a tow, an ETV roaming the Irish Sea may still not get to a casualty vessel in time to attach a tow and prevent an incident. It would not be practical for an ETV to escort each ferry when transiting between the offshore wind farms.</li> <li>• <b>High Cost:</b> ETVs are highly expensive and this was the main reason the UK government withdrew the UK's ETV programme in 2010. This makes them justifiable only where there is a strong evidence base that they are proportionate to addressing the risks, which the Applicant considers not to be the case in the Irish Sea.</li> <li>• <b>Unprecedented:</b> The Applicant notes that such a requirement has not been made on any other offshore wind farm in the UK and would set a significant precedent to the industry. The request therefore requires a strong justification as to why the Irish Sea is considered to be inherently more dangerous than other regions with offshore wind farms and high density marine traffic, which has not been provided.</li> <li>• <b>Government Led:</b> The Applicant would argue that ETVs should be a government led initiative, as was the case previously in the UK and is the case in other European nations. The Applicant considers that the MCA as the navigation authority, rather than the Applicant, should therefore undertake a review as to whether such a scheme is required.</li> </ul> <p>For all of those reasons, such a condition or requirement would fail to meet the tests of being necessary, relevant to planning, relevant to the</p>

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Reference	Question to	ExQ2	Applicant's response
			development to be consented, enforceable, precise, and reasonable in all other respects, as required by NPS EN-1 paragraph 4.1.16.
SN 2.9	Isle of Man Steam Packet Company Stena Line UK Chamber of Shipping	<b>Agreeing assessment of likely effects of ferry route deviations</b> The listed IPs are asked to report briefly by D6 the best efforts they have made to agree with the Applicant an assessment of any likely significant social or economic effects and carbon emissions effects of the route deviation that would be necessitated by the presence of the proposed Morgan Generation Assets array alone, for each ferry route or routes which would be affected. It would be helpful to the ExA if such assessment were to be stated <u>on a percentage change basis.</u>	The Applicant notes SN 2.9 is directed towards the Isle of Man Steam Packet Company, Stena Line and UK Chamber of Shipping and shall not be responding.
SN 2.10	Isle of Man Steam Packet Company	<b>Assessment of effects of deviation of ferry routes</b> The IoMSPC is invited to respond by D5 to the Applicant's responses [REP4-007, pages 43 to 50] to the IoMSPC's D3 answers to ExQ1, including the Applicant's contention that the analysis of environmental effects on ferry services presented by the IoMSPC is precautionary because some parameters seem to have been overstated, including fuel cost and amount of sailings that would be adverse weather routed, needing further justification. The ExA notes from this submission that the Applicant "is engaging with the IoMSPC to resolve residual commercial effects in parallel to the Examination".	The Applicant notes SN 2.10 is directed towards the Isle of Man Steam Packet Company and shall not be responding.
SN 2.11	Isle of Man Steam Packet Company Stena Line	<b>Mitigation for adverse commercial and carbon emissions effects of ferry deviations</b> The IoMSPC and Stena Line are each asked to advise: i) What mitigation it is seeking for adverse commercial and carbon emissions effects resulting from the need for deviated passages of its ferry services. ii) How would any such mitigation be allocated among the cumulative projects creating the need for deviation. iii) How should any such mitigation be secured via a DCO, if made.	The Applicant notes this question is direct to other parties, however, wishes to make the following comment:  The Applicant is actively progressing separate negotiations of an agreement with both the IoMSPC and Stena Line with the aim of securing agreements prior to the close of the Examination.  The Applicant's position remains that conditioning such commercial matters within the DCO is not necessary or appropriate however acknowledges the position put forward by Stena in the joint position statement (REP5-078) and in the closing statement for IoMSPC and Stena submitted into the Mona Offshore Wind Project examination library (S_D7_2).

## 2.14 Seascape, Landscape and Visual

Table 2.14: Response to ExAQ2: Seascape, Landscape and Visual Questions.

Reference	Question to	ExQ2	Applicant's response
SLV 2.1	The Applicant Natural England	<p><b>Protected Landscapes</b></p> <p>Guidance on the Protected Landscapes Duty was published on 16 December 2024, setting out how the duty is intended to operate and providing broad principles to guide compliance with Section 245 of the Levelling up and Regeneration Act 2023.</p> <p>The Applicant and Natural England are asked to provide comment on the relevance of the guidance to the Proposed Development, in particular that which relates to the setting of Protected Landscapes.</p>	<p>The Guidance for relevant authorities on seeking to further the purposes of Protected Landscapes (the 'Guidance') relates to changes under Section 245 of the Levelling up and Regeneration Act 2023 (the 'Act'). Under section 245 of the Act, relevant authorities must now 'seek to further' the statutory purposes of Protected Landscapes. Protected Landscapes are National Parks, the Norfolk and Suffolk Broads and National Landscapes (formerly AONBs) in England.</p> <p>Section 245 of the Act introduces new sections to the National Parks and Access to the Countryside Act 1949 and the Countryside and Rights of Way Act 2000. These additions require a relevant authority in performing their functions in relation to a National Park or a National Landscape to seek to further its statutory purposes.</p> <p>Both National Parks and National Landscapes have a common statutory purpose of conserving and enhancing their natural beauty. National Parks have an additional purpose of conserving and enhancing wildlife and cultural heritage of designated areas and promoting opportunities for the understanding and enjoyment of the special qualities of those areas by the public.</p> <p>The key change introduced by section 245 of the Act is the imposition of a positive duty on relevant authorities (as defined) to seek to further conservation and enhancement of the relevant Protected Landscape, which replaces the previous duty on relevant authorities to 'have regard to' their statutory purposes.</p> <p>Under both the 1949 Act and 2000 Act, a 'relevant authority' includes (a) any Minister of the Crown (b) any public body (c) any statutory undertaker or (d) any person holding public office. In relation to the Morgan Generation Assets, this definition includes the Secretary of State as decision maker (and accordingly the Examining Authority must have regard to it in their recommendation), Natural England as a non-departmental public body and the Applicant as statutory undertaker.</p> <p>In relation to the Applicant's duty, as statutory undertaker, the Applicant has complied with its duty to seek to further the purpose of Protected Landscapes to the extent that it is relevant to this application. As the Morgan Generation Assets is a wholly offshore scheme, it does not have any direct impacts on any Protected Landscape. In that context, the key duty on the Applicant is to do what is reasonably practicable to avoid any indirect harm to the special qualities or key characteristics of Protected Landscapes and to provide evidence that is the case.</p>

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Reference	Question to	ExQ2	Applicant's response
			<p>Chapter 10, Volume 2 of the Environmental Statement (Seascape, landscape and visual resources) (APP-014) included an assessment of the potential impact of the Morgan Generation Assets on National Parks and National Landscapes and concluded that there would be no significant effects on any Protected Landscape. It further concluded that significant harm to the statutory purposes of the Lake District National Park is not expected to arise. The Applicant has complied with the duties imposed on it.</p> <p>In its response to ExQ1 (REP3-048), Natural England states: <i>"we do not have any outstanding concerns with the SLVIA assessment regarding potential impacts on designated landscapes, including the Lake District National Park"</i>. Natural England is therefore satisfied with the conclusions set out in APP-014 and has not raised any concerns on potential harm to Protected Landscapes as a result of the Morgan Generation Assets.</p> <p>The Secretary of State has sufficient information available to consider any impacts to Protected Landscapes as a result of the Morgan Generation Assets, including APP-014 and representations made by Natural England. The Secretary of State can and should conclude that the Morgan Generation Assets application does not conflict with the duty to further the purposes of Protected Landscapes and there is no barrier to consent being granted.</p>



### **3 REFERENCES**

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