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The Applicant  
Natural England  
Marine Management Organisation  
Blackpool Airport  
Harbour Energy

Your Ref:  
Our Ref: EN010136  
Date: 3 March 2025

Dear Sir/ Madam

## The Infrastructure Planning (Examination Procedure) Rules 2010 – Rule 17

### Application by Morgan Offshore Wind Limited for an Order Granting Development Consent for the Morgan Offshore Wind Project: Generation Assets

We are writing under Rule 17 of the Infrastructure Planning (Examination Procedure) Rules 2010 (as amended) (EPR) to request further information from a number of parties as detailed below. All information should be received by 23:59 on Deadline 7 (D7), **Monday 10 March 2025** unless otherwise specified. The Applicant is asked to include the question references (e.g. **CF 3.1**) in its responses.

#### Request for further information from Natural England

The Examining Authority (ExA) is aware from Natural England's D6 submissions that it did not have sufficient time to appraise updated versions of the following documents, which we understand were supplied by the Applicant to Natural England on the evening of 24 February 2025 and received by the Planning Inspectorate on 27 February 2025:

- Environmental Statement (ES) Volume 1, Chapter 3: Project description
- ES Volume 2, Chapter 1: Physical processes
- ES Volume 2, Chapter 4: Marine Mammals
- ES Volume 2, Chapter 2: Benthic subtidal ecology
- Outline Underwater Sound Management Strategy
- Outline marine mammal mitigation protocol
- Outline Offshore Operations and Maintenance Plan
- Commitments Register
- Offshore In-Principle Monitoring Plan

The ExA requires Natural England to submit final comments on these documents, as well as a final Risks and Issues Log/ Principal Areas of Disagreement Summary Statement, and confirmation of its final position regarding Noise Abatement Systems to the Examining Authority by 23:59 on **Thursday 6 March 2025**.

Given the limited time for the Planning Inspectorate to publish such submissions and allow the Applicant a reasonable period of time to make its final response to your submissions by D7, we request that a copy of your submissions should also be sent electronically to the Applicant by 23:59 on **Thursday 6 March 2025**.

**NE 3.1:** The Applicant is asked to provide a final response to Natural England's submissions by D7.

### **Request for further information from the Marine Management Organisation (MMO)**

In its D6 closing statement the MMO recommends deletion of Deemed Marine Licence (DML) Condition 18(1). However, the ExA notes that the MMO suggested alternative wording for Condition 18(1) in its D5 submission [[REP5-056a](#)] as follows:

*“18. (1) Unless otherwise agreed in writing by the MMO, all chemicals and substances, including paints and coatings, used below MHWS for the undertaking of the licensed activities must be approved in writing by the MMO prior to use. Submission for approval to the MMO must take place no later than ten weeks prior to use, unless otherwise agreed by the MMO in writing.”*

The ExA therefore seeks clarification from the MMO if it now seeks deletion of Condition 18(1) in its entirety or replacement with its D5 wording quoted above.

Also in its closing statement, the MMO recommends an update to Condition 20(1)(e) in the draft DMLs to include the following:

*“(ii) a chemical risk assessment, including information regarding how and when chemicals are to be used, stored and transported in accordance with recognised best practice guidance and standards;  
(X) a chemical risk assessment for all chemicals that have a pathway to the marine environment used for the marine licensed activities, outside the course of normal navigation, and are not present on the OSPAR List of Substances Used and Discharged Offshore which Are Considered to Pose Little or No Risk to the Environment (PLONOR) including ...”*

The ExA requires the MMO to clarify if part (ii) of Condition 20(1)(e) quoted above is to be replaced by part (X) or if both parts are recommended by the MMO.

### **Request for further information from Blackpool Airport**

ISH3 agenda item 4 [[EV6-011](#)] requested the Applicant and Blackpool Airport to submit a report on wording for a draft DCO mitigation requirement consistent with that for Mona and Morecambe draft DCO's. This has not been specifically submitted by Blackpool Airport, but the ExA notes the content of the SoCG and the Applicant's closing statement at paragraph 3.4.1.6 which notes an intention from Blackpool Airport to submit an alternative requirement 9 (provided at Appendix 1 of the SoCG).

Blackpool Airport is asked to provide a brief closing statement in response to the Applicant's contention that reference to offshore substation platforms in the requirement is

unnecessary and unreasonable, and confirm that engagement is continuing on this late arising matter.

### **Request for further information from Harbour Energy**

Harbour Energy's D6 comments on Issue Specific Hearing 3 (ISH3) refer to further supplementary comments. Harbour Energy are asked to clarify such supplementary comments in a closing statement, including a brief response to the Applicant's post ISH3 submissions in relation to agenda item 6(b), and section 6.2 of the Applicant's closing submissions.

### **Request for further information and final comments from the Applicant only**

#### **Aviation and Radar**

BAe Systems' closing statement rejects "*in the strongest possible terms*" the Applicant's report at D5 that the matter of potential adverse effects on the operation of Air Traffic Service at Walney and Warton Aerodromes "*has been resolved from a consenting perspective*", giving reasons including contention that the ES is inadequate in this respect ('Matter 1'). Furthermore, BAe will not be able to assess the Applicant's Primary Surveillance Radar mitigation proposal before the end of the Examination ('Matter 2'). Additionally, BAe has submitted without prejudice preferred wording for draft DCO requirements 5 and 6 ('Matter 3').

**AR 3.1:** The Applicant is asked to:

- a) Confirm agreement of BAe's preferred requirements 5 and 6.
- b) Suggest a process (with indicative target dates) by which each of these matters (1, 2 and 3) might be resolved with BAe Systems in the post-Examination period in order to facilitate a decision by the Secretary of State on whether a legally sound DCO could be made, not least with regard to EIA regulations.
- c) Indicate what liaison might need to be undertaken by the Secretary of State with any other concerned Government department or agency in order to assure the robustness of a decision on the DCO.

#### **Commercial Fisheries**

Scottish Fishermen's Federation (SFF) at D6 pursued the ExQ2 request of the Applicant 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 for loss or reduced access to fishing grounds.

**CF 3.1:** The Applicant is asked to reconsider and reconfirm its response as to what mechanism it could deploy for compensation as a last resort in this regard, if fishing is subsequently proved not able to return to the entirety of the proposed SMZ fishing grounds.

#### **Ornithology**

The Royal Society for the Protection of Birds (RSPB) position within the agreed SoCG includes a number of 'not agreed – material' issues which are coloured red. The ExA notes that in relation to several matters "*due to resource constraints the RSPB has been unable*

to review the new information and reach conclusions on whether the RSPB's concerns have been addressed".

**MO 3.1:** The Applicant is asked to provide a brief summary of the matters outstanding with the RSPB, specifying which elements have been separately agreed with the Statutory Nature Conservation Bodies. The Applicant is also asked to confirm whether any post-examination discussion with the RSPB is to take place on such matters.

### **Other Offshore Infrastructure and Sea Users**

In its D6 closing statement, Mooir Vannin Offshore Wind Farm Limited (MVOWFL) contends that *"wake loss is a transboundary matter which should have been assessed by the Applicant"*.

**INF 3.1:** The Applicant is asked to:

- a) Comment whether this is potentially a transboundary matter for consideration by the Secretary of State in view of other evidence submitted to this Examination.
- b) Provide a summary assessment of potential wake loss effects to the proposed Mooir Vannin Offshore Wind Farm project.

Harbour Energy were not present at ISH3 but have submitted a post-hearing submission at D6.

**INF 3.2:** The Applicant is asked to respond to this submission.

### **Shipping and Navigation**

At D6 the Isle of Man Steam Packet Company (IoMSPC) notes in its final Statement of Common Ground (SoCG) that it is not agreed that a gap of 4.1nm Morgan to Mooir Vannin OWF would be sufficient for risks to be tolerable and As Low As Reasonably Practicable (ALARP) unless speed restrictions were to be introduced for high-speed craft in circumstances of restricted visibility and potential interference with shipborne radar in close proximity to Wind Turbine Generators (WTGs). It maintains that the gap should be increased to 5nm because at "normal service speeds" confusion could arise between vessel masters if sufficient action to avoid collision under the COLREGS is not able to be taken in good time.

**SN 3.1:** The Applicant is asked whether it proposes additional mitigation to satisfy IoMSPC on this point.

In its post-ISH3 note, IoMSPC argues why it considers a separation distance of 5nm is considered necessary in the specific circumstances of the "bottleneck gap" between the Proposed Development and the Mooir Vannin proposed array:

*"Under the COLREGs certain vessels are required to maintain course and speed (the Stand-on vessel) and others are the 'give way' vessel in specific scenarios and conditions. Under COLREG Rule 8 where vessel who is not to be impeded determines they have to take avoiding action, avoiding action may constitute a large change in heading or significant speed change. The effectiveness of a speed change will be determined by the characteristics of the vessel and a large change of heading requires available sea room... When applying the principles MGN 654 Annex 2 to the gap the Isle of Man Steam Packet considers two vessels passing one another at a distance of 1 nautical mile while each*

vessel maintains a “low risk” to the windfarms to the other side. This equates to a minimum “low risk” distance of 2 nautical miles between a vessel and the windfarm.”

**SN 3.2:** The Applicant is asked to:

- a) Comment on this D6 submission, in particular on its 5nm interpretation of MGN654 guidance on separation distance which differs from the approximately 4nm interpretation taken by the Applicant and agreed with the MCA.
- b) Comment on how that 5nm might best be achieved by mutual agreement with MVOWFL in the event that the Secretary of State is minded to agree with the IoMSPC position.

At D6 the final signed SoCG with Stena Line contained two matters not agreed and several other concerns outstanding: the Applicant states that it will not indemnify shipping operators from losses or damage incurred through emergency use of anchors during force majeure situations; Stena Line response to that [SN.12] is to maintain its “serious concerns” in respect of the effects of the Proposed Development on its operations.

**SN 3.3:** The Applicant is asked to give examples of what it considers “force majeure situations” might be.

In paragraph 3.40 of its closing statement, Stena Line contends that “it must have the assurance of the protective provision which sits outside any terms agreed in respect of a mitigation agreement”. Stena provides draft protective provisions at Annex 1.

**SN 3.4:** In view of the possibility of transfer of benefits of a DCO (if made), the Applicant is asked to provide a ‘without prejudice’ comment on these draft protective provisions or signpost if a suitable alternative draft already exists either in the documentation for this examination or for any documents in the public domain for other OWF DCO applications.

In paragraphs 3.43 and 3.44 of its closing statement Stena Line notes that with regard to the issue of potential radar and radio effects, mitigation “would be subject to consideration / discussion with the MCA post consent but pre-construction with the Applicant as to the need for in-field, marine band VHF radio communications aerial(s) that can cover the entire wind farm site and its surrounding area”, and Stena queries “whether the assurance that such discussion must take place with the MCA is indeed sufficient to mitigate any impact given that there is no obligation on the Applicant or requirement in the DCO to do so”.

**SN 3.5:** The Applicant is asked to comment on whether there is a relevant obligation or requirement secured in the existing draft DCO and DMLs and if not, please provide suitable ‘without prejudice’ additional wording to secure such an obligation for a DCO if made.

The Ørsted IPs closing submission clarified its request for specific commitments to post-consent engagement between the Applicant and them on a Vessel Traffic Management Plan.

**SN 3.6:** The Applicant is asked to respond to the specific request for the opportunity to review that plan prior to submission to the licencing authority and for the Ørsted IPs to be a named signatory in the Vessel Traffic Management Plan (VTMP), providing as appropriate additional wording for a DML condition to that effect.

A revised outline Vessel Traffic Management Plan F04 was submitted at D6.

**SN 3.7:** The Applicant is asked to provide a tracked changes version of that document.

### **Socio-Economics**

In the final SoCG with the Isle of Man Government at D6, subject to confirmation from the IoMSPC that the commercial side agreement has been agreed in principle, the TSC is minded to agree that there would be no significant effects on socio-economics receptors in EIA terms for the Morgan Generation Assets cumulatively with other projects and plans; and that the mitigation measures and conditions outlined in ES [APP-017] and the Mitigation and Monitoring schedule [APP-076] are appropriate and would ensure significant effects are avoided.

**SE 3.1:** The Applicant is asked to provide confirmation from the SPC that the commercial side agreement has been agreed in principle.

### **Statements of Common Ground**

The SoCG with the MMO has confusing entries (under consenting – determination dates and consenting- adaptive management) that are colour coded amber but noted as not agreed - material impact.

**SoCG 3.1:** The Applicant is asked to respond to the why these entries not colour-coded red, or annotated as 'no material impact'.

### **Draft Development Consent Order/ Deemed Marine Licences**

#### Draft DML Condition 18(10) relating to Dropped Objects:

In its final submission the MMO has suggested revisions to Condition 18(10), which it has agreed with the MCA and has presented to the Applicant as follows:

- “(18) (10) (a) Debris or dropped objects which are considered a danger or hazard to navigation must be reported as soon as reasonably practicable but no later than six hours from the undertaker becoming aware of an incident, to the relevant HM Coastguard Maritime Rescue Co-ordination Centre by telephone (add number), and the UK Hydrographic Office email: navwarnings@btconnect.com.*
- (b) All dropped objects including those in (a), must be reported to the MMO using the Dropped Object Procedure Form (including any updated form as provided by the MMO) as soon as reasonably practicable and in any event within 24 hours of the undertaker becoming aware of an incident, unless otherwise agreed in writing with the MMO.*
- (c) On receipt of notification or the Dropped Object Procedure Form the MMO may require relevant surveys to be carried out by the undertaker (such as side scan sonar) if reasonable to do so and the MMO may require obstructions to be removed from the marine environment at the undertaker’s expense if reasonable to do so.”*

**DCO 3.1:** The ExA requires commentary from the Applicant on the MMO’s suggested revisions to Condition 18(10) on the basis that the suggested revisions have not been

incorporated into the final draft DCO (version F08) and is not discussed in Section 8.4.2 (Draft DCO – points of disagreement) of the Applicant’s closing statement.

### Certified Documents:

**DCO 3.2:** The Applicant is requested to clarify whether the following documents should be included in Schedule 5 of the final draft DCO (version F08):

- APP-096 (HRA stage 2 information to support an appropriate assessment, Part 1: Introduction).
- APP-097 (HRA Stage 2 Information to support an appropriate assessment, Part 2: Special areas of conservation (SACs) assessments).
- APP-098 (HRA Stage 2 information to support an appropriate assessment, Part Three: Special Protection Areas (SPA) and Ramsar Site assessments).
- APP-099 (HRA Stage 1 Screening Report).
- APP-100 (HRA integrity matrices).
- APP-101 (Marine conservation zone screening report).
- REP1-010 (Annex 4.5 to Response to Hearing Action Point 15: Offshore Ornithology CEA and In-combination Gap-filling of Historical Projects Note).
- REP1-026 (instead of or in addition to APP-053) (Volume 4, Annex 5.1: Offshore Ornithology Baseline Characterisation, version F02).
- REP2-006 (Annex 3.1 to the Applicant’s response to Written Representations from the Marine Management Organisation at Deadline 2) comprising a compliance note on Marine Plan policies.
- REP3-019 (Review of Cumulative Effects Assessment and In-Combination Assessment: Offshore ornithology).
- REP3-020 (Kittiwake apportioning clarification note).
- REP4-011 (Annex 6.2 to the Applicant’s response to Written Representations from MMO at Deadline 3: Queen Scallop).
- REP5-035 (Ornithological assessment clarification data) and its associated excel spreadsheet annexes:
  - REP5-032 (Annex 16.1 to Ornithological assessment clarification data English sites).
  - REP5-033 (Annex 16.2 to Ornithological assessment clarification data Welsh sites).
  - REP5-034 (Annex 16.3 to Ornithological assessment clarification data offshore sites).
  - Annex 16.4 to Ornithological assessment clarification data (REP5-035) - Applicant's parameters (English sites) (submitted at D6).
  - Annex 16.5 to Ornithological assessment clarification data (REP5-035) - Applicant's parameters (Welsh and offshore sites) (submitted at D6).
  - Appendix to Ornithological assessment clarification data (REP5-035) - Explanatory note to support SNCB and Applicant workbooks (submitted at D6).
- AS-013 (Updated ornithological clarification data in relation to Natural Resources Wales submissions from the Applicant received on 31 January 2025).
- Assessment of Gannet at the Grassholm SPA (submitted at D6, Document Reference S\_D6-38, version F01), which provides additional information to REP5-033 and AS-013.

- Underwater Sound Abatement Modelling: Fish Receptors (submitted at D6, Document Reference S\_D6\_47, version F01).
- Annex 3.5: Response to Natural England ExQ2 MM2.10 submission: Sub bottom profile surveys – clarification note (submitted at D6, Document Reference S\_D6\_3.5, version F01).
- Annex 4.1 to the Applicant's response to Response to HAP from ISH2 & ISH3: HAP\_ISH3\_10 (submitted at D6, Document Reference S\_D6\_4.1, version F01) comprising a clarification note on marine noise policy papers and guidance issued by DEFRA and the JNCC on 21 January 2025.

## **Explanatory Memorandum**

The Explanatory Memorandum submitted at D3 [REP3-015] included reference to additional made DCOs at section 4.4, however these are not included in the D5 [REP5-044] or D6 versions of the document.

**DCO 3.3:** The Applicant is asked to submit clean and tracked versions of the Explanatory Memorandum to include Dogger Bank Teesside, Triton Knoll and Yorkshire Green in section 4.4 (and any other made DCO referred to).

The deadline to respond to all of the above, unless otherwise specified, is 23:59 on D7, **Monday 10 March 2025**.

If you have any questions about the content of this letter, please contact the Case Team on: [morganoffshorewindproject@planninginspectorate.gov.uk](mailto:morganoffshorewindproject@planninginspectorate.gov.uk)

Yours faithfully

*Susan Hunt*

## **Lead member of the Examining Authority**

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