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Ref: EN010136

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29 August 2025

Dear Mr Grant,

PLANNING ACT 2008

APPLICATION FOR DEVELOPMENT CONSENT FOR THE MORGAN OFFSHORE WIND PROJECT: GENERATION ASSETS

1. Introduction

1.1. I am directed by the Secretary of State for Energy Security and Net Zero ("the Secretary of State") to advise you that consideration has been given to the Examining Authority's ("ExA") report dated 29 May 2025. The ExA consisted of three examining inspectors, Susan Hunt (Lead Member), Janine Laver and Stephen Bradley. The ExA conducted an examination ("the Examination") into the application submitted on 24 April 2024 ("the Application") by Morgan Offshore Wind Limited ("the Applicant") for a Development Consent Order ("the Order") under section 37 of the Planning Act 2008 ("the 2008 Act") for the Morgan Offshore Wind Project: Generation Assets ("the Proposed Development"). The Application was accepted for Examination on 17 May 2024. The Examination began on 10 September 2024 and closed on 10 March 2025. The Secretary of State received the Report of Findings and Conclusions and Recommendation to the Secretary of State ("the ExA's Report") on 29 May 2025.

1.2. On 19 June 2025 a consultation letter was issued by the Secretary of State seeking information on several matters ("the first consultation letter")[1]. On 18 July 2025, Interested Parties ("IPs") were invited to comment on the responses received ("the second consultation

[1] https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN010136/EN010136-001116-Morgan%20Offshore%20Wind%20Farm%20-%20Information%20Request%20-%20June%202025%20signed.pdf

letter")[2]. A further letter was issued on 25 July 2025, requesting further information ("the third consultation letter")[3].

1.3. The Proposed Development comprises the offshore generating assets only. The Proposed Development is located entirely within the Exclusive Economic Zone of the United Kingdom, adjacent to the boundary with the territorial sea of the Isle of Man ("IoM").

1.4. The Proposed Development, along with the Morecambe Offshore Windfarm Generation Assets ("Morecambe OWF") (Planning Inspectorate reference EN010121)[4], were included in the Pathways to 2030 workstream under the Offshore Transmission Network Review, within which the National Grid Electricity System Operator conducted a Holistic Network Design Review ("HNDR"), concluding that the projects should work collaboratively on a coordinated grid connection at Penwortham in Lancashire, to be delivered as part of a separate application for development consent [ER 1.3.5]. The joint Morgan and Morecambe Offshore Wind Farms Transmission Assets ("the Transmission Assets")[5] application (Planning Inspectorate reference EN0200028) was accepted for examination on 18 November 2024, examination commenced on 29 April 2025 and is expected to close on 29 October 2025 [ER 1.3.5].

1.5. The Order, as applied for, would grant development consent for:

- Work No. 1- up to 96 wind turbine generators
- Work No. 2- up to four offshore substation platforms
- Work No. 3- a network of subsea interconnector cables between the offshore substation platforms including cable crossings and cable protection [ER 1.3.7].

1.6. Published alongside this letter on the Planning Inspectorate's National Infrastructure Project website[6] is a copy of the ExA's Report. The ExA's findings and conclusions are set out in Chapters 3-6 of the ExA Report, and the ExA's summary of conclusions and recommendation is at Chapter 7. All numbered references, unless otherwise stated, are to paragraphs of the ExA's Report ["ER *.*.*"].

2. Summary of the ExA's Report and Recommendation

2.1. The principal issues considered during the Examination on which the ExA has reached conclusions on the case for development consent are set out in the ExA's Report under the following broad headings:

- The Principle of the Development;
- Site Selection and Alternatives;
- Grid Connection and other Irish Sea Projects;
- Aviation and Radar;
- Commercial Fisheries;
- Fish and Shellfish Ecology;

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[2] https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN010136/EN010136-001141-Morgan%20Offshore%20Wind%20Farm%20-%20All-IP%20Consultation%20-%2018%20July%202025.pdf
[3] https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN010136/EN010136-001148-Morgan%20Offshore%20Wind%20Farm%20-%20Information%20Request%20-%20July%202025.pdf
[4] https://national-infrastructure-consenting.planninginspectorate.gov.uk/projects/EN010121
[5] https://national-infrastructure-consenting.planninginspectorate.gov.uk/projects/EN020032
[6] https://national-infrastructure-consenting.planninginspectorate.gov.uk/projects/EN010136

- Marine Mammals;
- Ornithology;
- Physical Processes and Benthic Ecology;
- Shipping and Navigation;
- Other Offshore Infrastructure and Sea Users;
- Other Considerations; and
- Good Design.

2.2. The ExA recommended that the Secretary of State should make the Order for the Proposed Development in the form recommended at Appendix D of the ExA's Report [ER 7.3.1].

2.3. This letter is intended to be read alongside the ExA's Report and, except as indicated otherwise in the paragraphs below, the Secretary of State agrees with the findings, conclusions and recommendations of the ExA as set out in the ExA's Report, and the reasons for the Secretary of State's decision are those given by the ExA in support of their conclusions and recommendations.

3. Summary of the Secretary of State's Decision

3.1. As the Proposed Development is an offshore wind generating station with an electricity output capacity of over 100 megawatts (MW), it falls within s15(3) of the 2008 Act, meets the definition of a Nationally Significant Infrastructure Project ("NSIP") set out in s14(1)(a) of the 2008 Act and requires a development consent order ("DCO") in accordance with s31 of the 2008 Act [ER 1.1.3].

3.2. Section 104 of the 2008 Act provides for the approach to be taken to decisions where one or more of the NPSs have effect. NPS EN-1 and EN-3 have effect in relation to the Proposed Development and consequently it is to be determined under the provisions of s104 of the 2008 Act. Section 104(2) of the 2008 Act requires the Secretary of State, in deciding an application, to have regard to any relevant National Policy Statement ("NPS"). Subsection (3) requires that the Secretary of State must decide the application in accordance with the relevant NPS except to the extent that one or more of subsections (4) to (8) apply.

3.3. The Secretary of State has considered the overall planning balance and, for the reasons set out in this letter, has concluded that the public benefits associated with the Proposed Development outweigh the harm identified, and that development consent should therefore be granted.

3.4. The Secretary of State has decided under section 114 of the 2008 Act to make, with modifications, an Order granting consent for the proposals in the Application. This letter is a statement of the reasons for the Secretary of State's decision for the purposes of section 116 of the 2008 Act and the notice and statement required by regulations 31(2)(c) and (d) of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 ("the EIA Regulations").

3.5. In making the decision, the Secretary of State has complied with all applicable legal duties and has not taken account of any matters which are not relevant to the decision.

4. The Secretary of State's Consideration of the Application

4.1. The Secretary of State has considered the ExA's Report and all other material considerations, including written representations ("WR"), relevant representations ("RR"), responses to questions and oral submissions made during the Examination and post examination submissions received after the close of the Examination, including those received in response to the Secretary of State's consultation letters referred to in paragraph 1.2 above, all of which have been considered and are addressed where appropriate in this decision letter below and published on the Planning Inspectorate's National Infrastructure Planning project webpage. 120 RRs were made during the Examination in respect of the Application by statutory authorities, businesses, non-governmental organisations, and individuals.

4.2. Given that the Proposed Development is wholly offshore there are no local authorities falling under the definition in s56A of the 2008 Act. However, in its Rule 6 letter the ExA stated that it welcomed Local Impact Reports ("LIR") from any local authorities who wished to submit one, and specifically requested a LIR from the Isle of Man Government ("IoM Government").

4.3. The Secretary of State has had regard to the LIR submitted by the IoM Government via its Territorial Sea Committee ("IoMTSC"), environmental information as defined in regulation 3(1) of the EIA Regulations and to all other matters which are considered to be important and relevant to the Secretary of State's decision as required by section 104 of the 2008 Act including relevant policy set out in the NPSs EN-1 and EN-3.

4.4. RRs were received from Fylde Borough Council [RR-001] and Liverpool City Region Combined Authority [RR-002] both under the mistaken impression that this application also concerned energy transmission at landfall and onshore. Those RRs were not subsequently pursued in this Examination [ER 1.4.1].

4.5. The Secretary of State notes that the 2024 NPSs had effect for the ExA's consideration of this Application. On 24 April 2025, a consultation on the draft revisions of NPS EN-1 and EN-3 was launched; whilst these 2025 versions of the NPSs do not have effect for this Application, they are capable of being important and relevant considerations in the Secretary of State's decision-making process.

4.6. The Secretary of State has also had regard to the updated National Planning Policy Framework from February 2025. The Clean Power 2030 Action Plan ("CP2030") was published on 13 December 2024 and sets out a pathway to a clean power system. The Secretary of State had regard to these publications and finds that there is nothing contained within them which would lead him to reach a different decision on the Application.

4.7. The Secretary of State agrees with the ExA's conclusions and the weight it has ascribed in the overall planning balance in respect of the following issues:

- Site Selection and Alternatives – the Applicant adequately and appropriately considered alternatives [ER 3.4.45];
- Commercial Fisheries – Moderate negative weight [ER 3.6.121];
- Fish and Shellfish Ecology – Little negative weight [ER 3.7.69];
- Physical Processes and Benthic Ecology – Neutral [ER 3.10.101];
- Other Considerations:

- Historic Environment – Does not weigh for or against [ER 3.13.59];
- Human Health – Does not weight for or against [ER 3.13.69];
- Seascape, landscape and visual effects – Little negative weight [ER 3.13.127];
- Social and Economic – Little positive weight [ER 3.13.161]; and

- Good Design – the Applicant met the requirements of NPS EN-1 and NPS EN-3 [ER 3.14.1].

4.8. The paragraphs below set out the matters where the Secretary of State has further commentary and analysis to add beyond that set out in the ExA's Report, including those matters on which further information has been sought.

The Principle of the Development

4.9. The ExA was satisfied that the Applicant had applied an appropriate methodology in the Environmental Statement ("ES") and had effectively contextualised carbon emissions across all phases of the Proposed Development [ER 3.4.39]. Subject to further planning considerations set out at Sections 3.5 to 3.13 of the ExA's Report the ExA recognised the role of offshore wind in contributing to increased energy supply and energy security and achieving net zero targets, as outlined in NPS EN-1 and reinforced by the CP2030 [ER 3.4.41]. The ExA concluded that the Proposed Development would make a significant and positive contribution to the urgent need for new renewable energy infrastructure. [ER 3.4.42]. In conclusion the ExA ascribed the need for the Proposed Development very great positive weight in the final planning balance, given the contribution the Proposed Development would make to satisfying the urgent need for this type of energy infrastructure [ER 3.4.43].

The Secretary of State's Conclusion on the Principle of the Development

4.10. The Secretary of State agrees with the ExA's view and considers that the need for the Proposed Development is clearly established and notes the contribution the Proposed Development would make to the established need and targets for renewable electricity generation. The Secretary of State finds the Applicant's assessment of lifecycle greenhouse gas ("GHG") emissions to be appropriate, including the calculation of avoided emissions by comparison to the UK Grid average emissions factor. This predicts 324,370 tCO2e avoided over the lifetime of the Proposed Development [APP-016].

4.11. The Secretary of State further notes the impact of wake effects on other offshore wind farms and the potential impact on cumulative GHG emission reductions, as discussed at paragraphs 4.141-4.180 of this decision letter. The Secretary of State considers that, while the capacity of some projects may be slightly reduced, cumulatively there is a greater capacity of clean electricity generation with the Proposed Development. The Secretary of State, therefore, concludes that this does not affect the need clearly established for the Proposed Development. The Secretary of State notes the policy in NPS EN-1 (in particular paragraphs 3.2.6-3.2.7) stating that substantial weight should be given to need for the types of infrastructure covered by the NPS on the basis that the Government has demonstrated that there this an urgent need for these types of infrastructure. The Secretary of State therefore ascribes the need for the Proposed Development substantial positive weight in line with NPS policy.

Grid Connection and Other Irish Sea Projects

4.12. The Applicant set out in ES Volume 1, Chapter 4: Site selection and consideration of alternatives [APP-011] that the Proposed Development was scoped into the HNDR as a Pathway to 2030 project, which concluded that the Proposed Development and Morecambe OWF should work collaboratively to connect to the National Grid at Penwortham in Lancashire, resulting in a separate Transmission Assets application. The Applicant set out this was likely to reduce network infrastructure costs, cumulative environmental impacts and impacts on coastal communities [ER 3.4.7]. The Applicant set out in its ES a Cumulative Effects Assessment ("CEA") in each section, which includes the Transmission Assets in all scenarios.

4.13. ES Volume 1, Chapter 5: EIA methodology [APP-012] sets out the tiered approach to the CEA: Tier 1 are projects under construction, permitted but not yet implemented, and submitted applications that are not yet determined; Tier 2 are projects where a scoping report has been submitted and is in the public domain; and Tier 3 are projects on the Planning Inspectorate's programme but no scoping report has yet been submitted, or projects identified in a relevant adopted or emerging development plan or another framework for future development proposals [ER 3.4.11].

4.14. Natural England raised concerns in its RR regarding the separation of the Proposed Development from the Transmission Assets, noting concerns with regard to the risk of stranded assets and suggesting a Requirement in the DCO to prevent commencement until the necessary further consents had been obtained, advising that mitigation and potential compensation should be considered promptly and holistically and noting the potential for confusion in the post-consent phase in discharging DCO Requirements and Deemed Marine Licence ("DML") conditions [ER 3.4.31]. The Applicant considered a restriction in the DCO unnecessary as it would not construct the OWF array without certainty that it could export to the UK grid and considered the CEA within the ES to be robust and would provide the ExA and Secretary of State with full information to understand the effects of the project as a whole [ER 3.4.33].

4.15. In its Rule 6 letter, the ExA requested a report on the interrelationship with other infrastructure projects ("the Interrelationship Report") which provides an overview of the Proposed Development and other projects in and around the Irish Sea including the Mona Offshore Wind Farm ("Mona OWF"), the Morecambe OWF, Transmission Assets, Mooir Vannin Offshore Wind Farm ("Mooir Vannin OWF") and Awel y Môr Offshore Wind Farm ("Awel y Môr OWF"), and was updated throughout examination with the final version at Deadline 6 [REP6-016]. The Applicant undertook reviews of the CEA to consider updated information for other projects during the Examination and concluded in the Interrelationship Report that, at Deadline 6, there was no potential for new cumulative effects to arise or an increase in cumulative effects and the conclusions of the Proposed Development CEA, aside from in relation to shipping and navigation, remained unchanged [ER 3.4.21].

4.16. For the Mooir Vannin OWF, at the start of the Examination, there was limited information available in the public domain and the Applicant considered the scoping report and further consultation materials which were available insufficient to undertake a meaningful cumulative assessment with a high degree of certainty [ER 3.4.24]. The ExA asked if any additional information was available and Mooir Vannin OWF Limited ("Mooir Vannin OWFL") submitted extra information into the Examination, later confirming that the application for Marine Infrastructure Consent ("MIC") would be submitted to the IoM Government on 12

March 2025 and that sufficient information would be available at the time of the Secretary of State's decision on the Proposed Development [ER 3.4.27].

4.17. Whilst the Mooir Vannin OWF would be located within IoM territory, part of its transmission infrastructure is proposed within English waters with grid connection in northwest England ("East Irish Sea Transmission Project") and this project was granted a Section 35 Direction on 17 October 2024. Mooir Vannin OWFL set out that the DCO application for the East Irish Sea Transmission Project would not be submitted until the second quarter of 2026, with the submission of an EIA scoping report in the first quarter of 2025 [REP5-077].

The ExA's Overall Conclusion on Grid Connection and Other Irish Sea Projects

4.18. The ExA considered that the threat of stranded assets was unrealistic, noting the Proposed Development would not be commercially feasible without certainty regarding its onshore connection to the grid, and construction would therefore not take place until this [ER 3.4.56]. The ExA concluded no Requirement or condition was necessary within the DCO to secure the transmission infrastructure in advance [ER 3.4.56].

4.19. The ExA was satisfied with the Applicant's approach to updating the CEA, in-combination assessment and Interrelationship Report during the Examination and was satisfied that the overall conclusions of the ES did not change as a result of the emerging details of proposals [ER 3.4.49]. With regard to the Mooir Vannin OWF, the ExA accepted the CEA could not be updated during the Examination given the lack of published environmental information available and noted that a higher level of information would be available once the application for MIC had been submitted and an update to the Secretary of State would be necessary [ER 3.4.50]. The ExA noted a similar situation with the East Irish Sea Transmission Project [ER 3.4.51]. Overall, the ExA considered the approach to the CEA and in-combination assessment was robust and the documents provide sufficient information on indirect, secondary and cumulative effects so that the potential effects of the project as a whole, with generation and transmission assets, can be properly understood [ER 3.4.56].

The Secretary of State's Conclusion on Grid Connection and Other Irish Sea Projects

4.20. On receipt of the ExA's Report, the Secretary of State was unclear of the Mooir Vannin OWF application stage. The Secretary of State notes that the East Irish Sea Transmission Project website now indicates that the EIA scoping report is not expected to be submitted until the third quarter of 2025[7] and considers it unlikely that any additional information about this project will become available to inform the CEA undertaken by the Applicant.

4.21. In the first consultation letter, the Secretary of State wrote to the Applicant, Mooir Vannin OWFL and the IoM Government requesting an update on the status of the Mooir Vannin OWF application. The Applicant responded on 3 July 2025 stating that they had contacted Mooir Vannin OWFL and IoMTSC with regard to the Mooir Vannin OWF application and understood that it is expected to be resubmitted on 28 July 2025, following amendments to the MIC Regulations, due to be laid before Tynwald by 17 July 2025. The Applicant confirmed no publicly available documents are available to enable an update to the CEA and in-combination assessment. Mooir Vannin OWFL responded on 3 July 2025 stating it submitted the application for MIC in March 2025 as planned but withdrew the application on

[7] https://eastirishseatransmissionproject.co.uk/the-project

10 June 2025, intending to resubmit in late July 2025 once amendments to the MIC Regulations are in force. Mooir Vannin OWFL stated that although the application documentation was not publicly available environmental information could be made available to the Applicant upon request. IoMTSC responded on 2 July 2025 stating its initial assessment of the Mooir Vannin OWF application demonstrated the existing MIC Regulations had been prepared in such a way that any proposed controlled marine activity would struggle to be accepted for examination and therefore changes would need to be made to the MIC Regulations prior to Mooir Vannin OWFL resubmitting their application.

4.22. In its response to the second consultation letter, the Applicant referred to the PINS advice on cumulative effects assessment, noting that assessments should be proportionate and no longer than necessary to identify and assess likely significant cumulative effects. Further the Applicant noted that it is reasonable to include an assessment 'cut off date', reflecting the potential conflict between an applicant's right to have a decision taken within the prescribed timescales and the desirability of having the assessments reflect the most up to date information. The Applicant stated it had considered the Mooir Vannin OWF as far as reasonably practicable based on the level of information within the public domain and, when the application documents are published, it will not be a 'new' project. The Applicant considers it highly unlikely that the Mooir Vannin OWF will be so materially different from previous information that it will introduce the potential for new significant effects, further noting that Mooir Vannin OWFL will be required to undertake its own cumulative effects assessment and there is no potential for an environmental assessment 'gap'. The Applicant concluded it would be unreasonable to defer determination of the Proposed Development to require any update or review of the CEA to reflect that the Mooir Vannin OWF application has been submitted.

4.23. The Secretary of State agrees with the ExA that the risk of the wind farm becoming a stranded asset is unrealistic and no Requirement or condition is necessary within the DCO. He considers that the concerns raised by Natural England [RR-026] relating to its experience of the consenting process for Triton Knoll OWF should not compromise the decision making for this Proposed Development. The Triton Knoll OWF and transmission applications were submitted and determined several years apart with a much lower level of information regarding the proposals for the onshore transmission to the grid. Furthermore, the examination of the Triton Knoll OWF took place in a different policy context to that which is now contained within the updated NPS EN-1 and EN-3.

4.24. The Secretary of State agrees with the ExA that the Applicant's approach to the CEA is robust and provides sufficient information to properly understand the potential effects of the project as a whole, including generation and transmission assets.

4.25. The Secretary of State considers that, in the absence of publicly available environmental information pertaining to the MIC application for Mooir Vannin OWF, the CEA is as up to date as is possible, is robust and the information on cumulative effects is sufficient for him to determine this Application.

Aviation and Radar

Applicant's Assessment of Effects

4.26. The Applicant presented its assessment of the impacts of the Proposed Development on aviation and radar in ES Volume 2, Chapter 11: Aviation and Radar [APP-015], supported by ES Volume 4 Annex 11.1: Aviation and Radar technical report [APP-045].

4.27. The Applicant found that, due to the creation of physical obstacles, the Proposed Development alone would have moderate adverse effects, significant in EIA terms, on instrument flight procedures ("IFP") during construction, operation, maintenance and decommissioning at Walney Aerodrome, RAF Valley and Ronaldsway Airport, prior to mitigation [APP-015]. At Walney Aerodrome there would be a potential breach of the Minimum Sector Altitude ("MSA"), at RAF Valley an impact to the Air Traffic Control Surveillance Minimum Altitude Chart ("ATCSMAC") and at Ronaldsway Airport a potential breach to the Surveillance Minimum Altitude Area ("SMAA") [ER 3.5.21]. There was ongoing engagement with Walney Aerodrome, RAF Valley via the Ministry of Defence ("MoD"), and Ronaldsway Airport to agree mitigation measures and the Applicant considered that with mitigation in place at these three locations the residual impact would be minor adverse and not significant in EIA terms [APP-015].

4.28. The Applicant also found there would be impacts on primary surveillance radar ("PSR") systems. The MoD confirmed in pre-application consultation that PSR impacts were not expected at RAF Valley and Warton Aerodrome and this was therefore scoped out of the ES assessment [ER 3.5.11]. For the Proposed Development alone and prior to mitigation, during operation and maintenance, there would be moderate adverse effects, significant in EIA terms, on PSR systems at NATS Lowther Hill, NATS St Anne's, and Ronaldsway Airport [APP-015]. There was ongoing engagement with NATS Services Limited ("NATS") and Ronaldsway Airport to agree mitigation measures. NATS defined a mitigation solution, subject to commercial agreement, which would be implemented by radar blanking of affected areas which would remove all wind turbine radar returns and the provisions of a Transponder Mandatory Zone ("TMZ"). The Applicant considered that the residual impact would be minor adverse and not significant in EIA terms [APP-015]. Consultation with Ronaldsway Airport was continuing with the expectation that a technical mitigation solution would be agreed such as the installation of additional MultiLATeration ("MLAT") sensors or radar blanking and an application for a TMZ and with mitigation implemented, the Applicant considered that the residual impact would be minor adverse and not significant in EIA terms [APP-015].

4.29. Cumulatively, the Applicant assessed three different scenarios and found that there would be moderate adverse effects during operation and maintenance, significant in EIA terms, on PSR systems, reducing to minor adverse and not significant in EIA terms with implementation of mitigation [APP-015].

Walney Aerodrome

4.30. For Walney aerodrome, impacts to IFP as a result of the physical presence of the wind turbines could result in a breach to the MSA, requiring mitigation in the form of an application to the Civil Aviation Authority ("CAA") to change the IFP and MSA for this area [ER 3.5.36]. The Applicant confirmed it would meet these mitigation costs, but that mitigation would be best deployed once the scale of the wind turbines had been confirmed post-consent [ER 3.5.36]. If no mitigation solution was in place before the end of Examination, the Applicant

sought to address this through inclusion of a DCO requirement, arguing this was standard industry practice [ER 3.5.37].

4.31. At Deadline 6, the Applicant submitted its aviation and radar mitigation progress note which laid out the positions of all parties in relation to aviation and radar matters [REP6-072]. For Walney Aerodrome, NATS had been commissioned by the Applicant to carry out an assessment to inform mitigation requirements for the MSA and potential amendments to associated flight procedures, along with the nature of mitigation for potential impacts on VHF communications [REP6-072]. BAE Systems Limited ("BAE") were unable to discuss the drafting of DCO Requirement 7 relating to IFP and VHF until this mitigation assessment was completed and its conclusions considered, however the Applicant considered Requirement 7 perfectly adequate to secure mitigation [REP6-072].

4.32. In the first consultation letter, the Secretary of State asked for an update from the Applicant and BAE regarding its commercial agreement and the wording of Requirement 7 in the DCO. The Applicant responded on 3 July 2025 that it had provided a draft commercial agreement to BAE but had not received any feedback, noting that this agreement could be finalised post consent. The Applicant set out that discussion on the wording of Requirement 7 was ongoing and, while the parties were not agreed, they are continuing to engage on final points of difference. The Applicant provided its preferred drafting for Requirement 7, noting it would adequately secure any mitigation required.

4.33. BAE responded on 3 July 2025 that the draft commercial agreement was not fit for purpose as it only dealt with impacts on IFP at Walney, not issues at Warton as well. The parties had met on 19 June 2025 and committed to agreeing a set of commercial principles and a non-disclosure agreement. BAE considered this recent engagement constructive. BAE directed the Secretary of State to submissions made for the Mona OWF, noting the importance of cross-project harmonisation and alignment of draft Requirements, submitting its preferred wording for the air traffic systems ("ATS") Requirement 7. BAE stated positive progress had been made towards agreeing this wording and the parties hoped to be in a position to confirm agreement of the wording of Requirement 7 soon.

4.34. In response to the second consultation letter, on 31 July 2025 the Applicant stated the parties disagreed on whether or not it is appropriate for Requirement 7 of the DCO to include a limb allowing the Secretary of State to confirm that 'no mitigation' was required after consulting the operator and the CAA. The Applicant considers the wording should be the same as in the made Mona OWF DCO, including a 'no mitigation' limb. The Applicant set out that the Sagentia/Osprey IFP assessment undertaken at Walney Aerodrome concluded that there was a potential impact on MSA, necessitating the increase in the Minimum Obstacle Clearance Altitude from 1800ft to 2200ft. This adjustment will be undertaken by Walney, funded by the Applicant. An assessment by NATS also considered future as yet undesigned IFPs and identified minor impacts, however given these procedures are still being designed, it would be anticipated that any impacts could be removed during the IFP design phase, as concluded by NATS. If further mitigation is required, this will be included in the ATS mitigation scheme, however, in the absence of mitigation being confirmed as necessary, it is justified to retain a no mitigation limb.

4.35. The Applicant also set out that the NATS assessment of VHF suggested minor potential impacts at altitudes below 2500ft, meaning Walney now had to undertake an operational assessment of those potential impacts. As this had not been completed or shared with the

Applicant, CAA or Secretary of State, the Applicant maintained it cannot be concluded that there is a detrimental impact which would require mitigation.

4.36. In response to the third consultation letter, on 7 August 2025 the Applicant reiterated its view that the commercial agreement can be entered into post-consent, and stated that progress had been made on the non-disclosure agreement between the parties. Regarding the wording of DCO Requirement 7, the Applicant maintained the position it set out in its response to the second consultation, and requested that the Secretary of State accept its preferred wording.

4.37. In response to the third consultation letter, on 8 August 2025, BAE confirmed that it was prepared to agree the wording of Requirement 7 as in the made Mona OWF DCO, save for the inclusion of a 'no mitigation' limb. BAE stated that the Secretary of State's reasoning for the no mitigation limb in the Mona DCO, regarding the late objection and lack of detailed examination of mitigation options, does not apply to the Proposed Development, reiterating that BAE made its objections clear from the outset and the potential for the Proposed Development to have adverse impacts on ATS was the subject of detailed examination. BAE stated that the Applicant, during the Examination, did not advocate for the inclusion of a no mitigation limb. BAE further laid out the detailed need for a mitigation requirement and technical justification for this requirement in the case of all interactions. Finally, BAE confirmed the parties were engaging on a non-disclosure agreement, prior to negotiations on commercial agreements.

4.38. On 15 August 2025, the Applicant sent a further letter, confirming that a detailed response to the submissions of BAE of 8 August 2025 would be unnecessary and that the Applicant does not consider further consultation to be required. The Applicant considered BAE's submission demonstrated there is still ongoing work and technical uncertainty, supporting the Applicant's position that a 'no mitigation' limb would be reasonable and appropriate. The Applicant further noted the joint statement of BAE and Blackpool Airport providing commentary in relation to ongoing technical work concerning potential interaction between the Proposed Development and VHF communications and considered this was not material to the question of whether mitigation is adequately secured by the requirements.

Warton Aerodrome

4.39. The position regarding Warton aerodrome changed during Examination. Impacts related to both PSR (Requirement 6) and IFP, MSA and VHF (Requirement 5) are explained in further detail below.

4.40. The Defence Infrastructure Organisation ("DIO") submitted a safeguarding WR objecting to the Proposed Development on the grounds of unacceptable impacts on the effective operation and capability of air traffic control radar [ER 3.5.32]. The DIO explained that wind turbines have been shown to have detrimental effects on PSR such as desensitisation of radar in the vicinity of the turbines, shadowing and the creation of unwanted aircraft returns [ER 3.5.61]. The DIO stated its assessments had determined that, when operational, the Proposed Development would cause unacceptable and unmanageable interference to the effective operation of air traffic control radar at Warton aerodrome [ER 3.5.61]. The Applicant pointed out that the DIO had not, in its pre-application consultation response, anticipated impacts on either of its radars at RAF Valley and Warton aerodrome, which was why it had been scoped out of the ES [ER 3.5.64]. The Applicant confirmed it would engage with the

DIO on the matter of suitable technical mitigation to reduce the impact on PSR at Warton aerodrome [ER 3.5.64].

4.41. The DIO maintained that it was unable to move from a position of objection or agree to Requirement 6 in the draft DCO until the Applicant submitted a viable mitigation scheme for impacts on the PSR at Warton [ER 3.5.65]. The Applicant submitted a mitigation proposal to the DIO shortly before the close of the Examination [ER 3.5.68]. In the final Statement of Common Ground ("SoCG"), the DIO confirmed this was being assessed to determine whether it was both technically and operationally acceptable, but this would likely exceed the MoD's target timescale of 6 weeks and the DIO was not in a position to agree the wording of draft DCO Requirement 6 or withdraw its objection until this assessment was complete [ER 3.5.69].

4.42. In the first consultation letter, the Secretary of State asked for an update from the Applicant and DIO regarding progress on the wording of Requirement 6. The Applicant responded on 3 July 2025 setting out the progression of the drafting of Requirement 6, primarily in relation to BAE's argument for a shutdown/cessation clause, made in its final submission to the Morecambe OWF examination. The Applicant highlighted this was not raised in the final submission in the Proposed Development's Examination and the Applicant fundamentally disagrees with BAE on the need for inclusion of a cessation clause. The Applicant directed the Secretary of State to submissions made in regard of the Mona OWF, and repeated at Appendix A, namely that shutdown provisions on the face of the DCO would represent an unqualified risk to investors and lenders which could significantly impact the ability of the Proposed Development to reach financial close or make a Final Investment Decision and could set a precedent for future offshore and onshore wind energy consents which could undermine the Government's strategy and targets for renewable energy.

4.43. BAE responded on 3 July 2025, directing the Secretary of State to submissions made in regard of the Mona OWF and confirming sub-paragraphs (1) to (5) inclusive of Requirement 6 for PSR was now agreed leaving sub-paragraph (6) (a post-implementation mitigation failure/authorised development cessation provision) as the remaining matter in dispute. BAE had committed to reviewing in detail the Applicant's submissions regarding the Mona OWF and was engaging with CAA and DIO. BAE confirmed its position was maintained that there is robust justification for inclusion of a cessation provision within Requirement 6.

4.44. DIO responded on 3 July 2025 stating the wording of Requirement 6 was not agreed with DIO, the mitigation proposal was being assessed by BAE and DIO's objection to the Proposed Development must therefore remain in place until the technical and operational assessments on the mitigation proposal were complete and concluded that the proposal is viable. DIO confirmed the wording for Requirement 6 was being considered by DIO and BAE and updates would be provided in due course.

4.45. In response to the second consultation letter, on 31 July 2025 the Applicant, noting the made Mona OWF DCO and the desirability of consistency in DCO requirements, stated that it and BAE, agreed the cessation paragraph should not be included and presented an agreed Requirement 6 at Appendix B. The Applicant stated that DIO agreed with this drafting but could not remove its objection until the technical and operational assessments on the mitigation proposal are concluded as viable, which would not occur by 8 August 2025 and the close of consultation.

4.46. In response to the third consultation letter, on 7 August 2025 the Applicant reiterated that the DIO had agreed to the wording of Requirement 6, but that the DIO could not remove its objection until the relevant assessments are completed.

4.47. In response to the third consultation letter, on 8 August 2025, BAE stated that it was prepared to agree the wording of Requirement 6 in line with the made DCO for Mona OWF, subject to a small number of errors being addressed and appended a copy of the agreed wording as Appendix 1.

4.48. Regarding the impacts on IFP, MSA and VHF for Warton aerodrome, NATS had been commissioned by the Applicant to carry out an assessment to inform mitigation requirements for the MSA and potential amendments to associated flight procedures, along with the nature of mitigation for potential impacts on VHF communications [REP6-072]. BAE were unable to discuss the drafting of DCO Requirement 5 relating to IFP and VHF until this mitigation assessment was completed and its conclusions considered, however, the Applicant considered Requirement 5 perfectly adequate to secure the mitigation [REP6-072].

4.49. In the first consultation letter, the Secretary of State asked for an update from the Applicant and BAE regarding progress on commercial agreements and the wording of Requirement 5. The Applicant responded on 3 July 2025 that the ATS and PSR mitigation solution had not yet been confirmed by BAE and therefore the Applicant had not been able to issue an agreement, noting that this could be entered into post consent and would be aligned with Walney aerodrome for ATS. The Applicant set out that discussion on Requirement 5 was ongoing and, while the parties were not agreed, they are continuing to engage on final points of difference. The Applicant provided its preferred drafting for Requirement 5, considering it would adequately secure any mitigation required.

4.50. BAE responded on 3 July 2025 that the draft commercial agreement was not fit for purpose as it only dealt with impacts on IFP at Walney, not issues at Warton as well. The parties had met on 19 June 2025 and committed to agreeing a set of commercial principles and a non-disclosure agreement. BAE considered this recent engagement constructive. BAE directed the Secretary of State to submissions made for the Mona OWF, noting the importance of cross-project harmonisation and alignment of draft Requirements, submitting its preferred wording for the ATS Requirement 5. BAE stated positive progress had been made towards agreeing this wording and the parties hoped to be in a position to confirm agreement of the wording of Requirement 5 soon.

4.51. In response to the second consultation letter, on 31 July 2025 the Applicant stated the parties disagreed on whether or not it is appropriate for Requirement 5 of the DCO to include a limb allowing the Secretary of State to confirm that ‘no mitigation’ was required after consulting the operator and the CAA. The Applicant’s position is that the wording should be the same as in the made Mona OWF DCO, including a ‘no mitigation’ limb. The Applicant set out that the Sagentia/Osprey IFP assessment undertaken at Warton Aerodrome concluded that none of the published IFPs would be impacted by the Proposed Development, if mitigation is required then the requirement is drafted in such a manner that this would then be included in the ATS mitigation scheme. The Applicant also set out that the NATS assessment of VHF, UHF and Direction Finding (“DF”) suggested minor potential impacts at altitudes below 2000ft, meaning Warton now had to undertake an operational assessment of those potential impacts. As this had not been completed or shared with the Applicant, CAA or Secretary of State, the Applicant maintained it cannot be concluded that there is a detrimental impact which would require mitigation.

4.52. In response to the third consultation letter, on 7 August 2025 the Applicant reiterated its view that the commercial agreement can be entered into post-consent, and stated that progress had been made on the non-disclosure agreement between the parties. Regarding the wording of DCO Requirement 5, the Applicant maintained the position it set out in its response to the second consultation, and requested that the Secretary of State accept its preferred wording.

4.53. In response to the third consultation letter, on 8 August 2025, BAE confirmed that it was prepared to agree the wording of Requirement 5 as in the made Mona OWF DCO, save for the inclusion of a 'no mitigation' limb. BAE stated that the Secretary of State's reasoning for the no mitigation limb in the Mona DCO, regarding the late objection and lack of detailed examination of mitigation options, does not apply to the Proposed Development, reiterating that BAE made its objections clear from the outset and the potential for the Proposed Development to have adverse impacts on ATS was the subject of detailed examination. BAE stated that the Applicant, during the Examination, did not advocate for the inclusion of a no mitigation limb. BAE further laid out the detailed need for a mitigation requirement and technical justification for this requirement in the case of all interactions. Finally, BAE confirmed the parties were engaging on a non-disclosure agreement, prior to negotiations on commercial agreements.

4.54. On 15 August 2025, the Applicant sent a further letter, confirming that a detailed response to the submissions of BAE of 8 August 2025 would be unnecessary and the Applicant does not consider further consultation to be required. The Applicant considered BAE's submission demonstrated there is still ongoing work and technical uncertainty, supporting the Applicant's position that a 'no mitigation' limb would be reasonable and appropriate. The Applicant further noted the joint statement of BAE and Blackpool Airport providing commentary in relation to ongoing technical work concerning potential interaction between the Proposed Development and VHF communications and considered this was not material to the question of whether mitigation is adequately secured by requirements.

Blackpool Airport

4.55. The Applicant identified no impact to currently published Blackpool Airport IFP or MSA as a result of the Proposed Development [ER 3.5.76]. Blackpool Airport disagreed with scoping out impacts to IFP and MSA, as well as VHF, stating it was unable to agree there would be no significant effects whilst the airport was awaiting its IFP safeguarding assessment as part of its five-year review of flight procedures as requested by the CAA [ER 3.5.78]. The Applicant stated it would work with Blackpool Airport to ensure that appropriate mitigation is in place so that the Proposed Development would not have a significant effect on its MSA [ER 3.5.78]. Blackpool Airport requested a Requirement to ensure that appropriate mitigation can be secured, providing drafting consistent with the Mona OWF and Morecambe OWF draft DCOs [ER 3.5.79]. The Applicant added Requirement 9 to the draft DCO, which covered IFP, MSA and VHF, with both parties noting in the final SoCG that if agreement were reached on the drafting of the Requirement, then Blackpool Airport's concern would be closed out [ER 3.5.80].

4.56. Late in the Examination, Blackpool Airport requested that the Requirement also included reference to Offshore Substation Platforms ("OSPs") as a restricted construction activity in addition to the wind turbines. The Applicant resisted as these are low height and not material to aviation matters, but a delay to this construction adds unnecessary scheduling risk to the project [ER 3.5.82]. Blackpool Airport stated it would consent to the removal of OSP text

from the Requirement if the Applicant provided evidence that OSPs would not impact on its operations [ER 3.5.83]. The Applicant submitted a quantitative technical line of sight assessment [REP7-005], focused on Warton, which concluded that OPSs do not need to be included in the Requirements, and anticipated similar results for Blackpool Airport due to the similar ranges and littoral profiles [ER 3.5.84].

4.57. In the first consultation letter, the Secretary of State asked for an update from the Applicant and Blackpool Airport. The Applicant responded on 3 July 2025 with a joint statement, stating that Blackpool Airport had reviewed the line of sight assessment and confirmed the wording of Requirement 9 was now agreed, as set out in the draft DCO at Deadline 7. The Applicant further confirmed that the parties were aligned that a commercial agreement to secure the final details of necessary mitigation could be finalised and entered into post-consent. Blackpool Airport did not respond to the Secretary of State's first consultation letter.

4.58. In response to the third consultation letter, on 7 August 2025 the Applicant confirmed that it had reached an agreement with Blackpool Airport on the wording of Requirement 9, including some minor typographical changes. It stated that the parties are agreed that the requirement, as corrected, would be appropriate to include in any made DCO and would secure any necessary mitigation. On 8 August 2025 Blackpool Airport confirmed this agreement.

4.59. The Secretary of State notes a mistake in the ExA's report as follows: *"The Aviation and Radar Technical Report within the ES includes as Appendix B an Obstacle Limitation Surface (OLS) and IFP Assessment that concludes that there would be no impact from the Proposed Development on Blackpool Airport OLS and IFPs with the exception of minimum sector altitude (MSA) for one sector approach, which would need the minimum obstacle clearance area to be increased from 2000 ft to 2200 ft (Appendix B, page 212 [APP-045])."* [ER 3.5.17]. This report is for both the Proposed Development and Mona OWF: the quoted impact is for Mona OWF, not the Proposed Development.

Ronaldsway Airport

4.60. At Deadline 6, the parties reached agreement regarding Requirement 8 in the DCO which would secure mitigation for potential adverse effects on IFP, PSR and VHF to reduce the effects on Ronaldsway Airport from moderate to minor adverse [ER 3.5.95].

4.61. In the first consultation letter, the Secretary of State asked for an update from the Applicant and Ronaldsway Airport regarding their outstanding commercial agreement. The Applicant responded on 3 July 2025 that the parties agreed that Requirement 8 would provide suitable legal security for any necessary mitigation and commercial agreement to be finalised and entered into post-consent, informed by technical information at the detailed design stage. IoMTSC responded on behalf of Ronaldsway Airport on 2 July 2025, confirming Requirement 8 was agreed during examination and the need for mitigation and a post-consent commercial agreement is suitably secured by the DCO Requirement.

NATS St Anne's and Lowther Hill

4.62. The Applicant and NATS agreed the wording of Requirement 4 in the DCO to secure a radar mitigation scheme for PSR at both St Anne's and Lowther Hill prior to operation [ER 3.5.101].

4.63. In the first consultation letter, the Secretary of State asked for an update from the Applicant and Ronaldsway Airport regarding their outstanding commercial agreement. The Secretary

of State also asked if NATS could remove its objection. The Applicant responded on 3 July 2025 noting that NATS did not object to the application but had identified concerns around impacts on radar from the Proposed Development. The Applicant stated it had agreed a final engrossment of the commercial agreement with NATS and expected to be able to provide the Secretary of State with an update to confirm execution of the commercial agreement soon.

4.64. NATS responded on 3 July 2025 stating it was prepared to formally withdraw its objection, contingent on the finalisation and execution of a binding agreement with the developer, due to be signed on 4 July 2025. NATS stated it expected to issue the formal objection withdrawal immediately following the execution of the agreement and requested this timing was taken into consideration. On 4 July 2025 NATS withdrew its objection, subject to conditions agreed with the Applicant that no part of the wind turbine generator shall be erected until a primary radar mitigation scheme had been agreed and implemented.

The ExA's Overall Conclusion on Aviation and Radar

4.65. The ExA was satisfied that the Applicant had undertaken an appropriate assessment of potential impacts to aviation and radar on all affected civil and military aerodromes in accordance with paragraph 5.5.49 of NPS EN-1 [ER 3.5.120]. The ExA noted that, while communications were not scoped into the ES, the Applicant had adequately responded to IPs concerns regarding this issue and draft DCO requirements would secure any mitigation that may be required to address effects on VHF/UHF communications [ER 3.5.121].

4.66. The ExA concluded there was currently a lack of information to satisfy it that the impacts on aviation and radar would not present risks to national security and physical safety, but noted that, in the event that agreement with BAE was not reached within the Secretary of State's decision period, the Grampian type requirements in the recommended DCO would meet the relevant tests in securing mitigation [ER 3.5.129].

4.67. The ExA attributed moderate weight against the making of the Order, however noting this would reduce to little weight against if BAE and DIO were satisfied with the requirements following their review of the assessments and their safeguarding objections were withdrawn accordingly [ER 3.5.131].

The Secretary of State's Conclusion on Aviation and Radar

4.68. The Secretary of State notes that requirements for mitigation schemes for NATS St Anne's and NATS Lowther Hill (Requirement 4), Ronaldsway Airport (Requirement 8) and Blackpool Airport (Requirement 9) are agreed.

4.69. With regard to Requirements 5 and 7 regarding IFP, MSA and VHF mitigation at Warton and Walney respectively, the Secretary of State considers the Applicant's drafting of the requirement, with the addition of a further provision that allows the need for a mitigation scheme to be avoided where the Secretary of State is content that no mitigation is required, appropriate and is content that if mitigation is required it will be secured under the Requirements.

4.70. In relation to the Warton PSR, Requirement 6, the Secretary of State notes that the Applicant and BAE came to an agreement resulting in the removal of subparagraph 6, in line with the made Mona OWF DCO. The Secretary of State is content that the draft requirement, without the shutdown provision, is wide enough to allow the approved radar mitigation scheme to

cover issues in relation to mitigation failure and the circumstances in which any shutdown make be required. The radar mitigation scheme is subject to post consent approval by the Secretary of State, in consultation with BAE and the MoD. The Secretary of State is content that the requirement is therefore sufficient to ensure the mitigation of impacts on the Warton PSR.

4.71. With all of the relevant civil and military ATS, PSR and VHF/UHF requirements in place, the Secretary of State is satisfied that mitigation is appropriately secured and ascribes the matter of aviation and radar little negative weight in the overall planning balance.

Marine Mammals

Unexploded Ordnance

4.72. Unexploded Ordnance ("UXO") clearance was discussed throughout the Examination. In its initial Application, the Applicant submitted a draft DCO which would license clearance of UXO under a DML [APP-005]. The DML's wording did not stipulate any restriction on UXO clearance techniques, implicitly permitting both low order and high order methods, and did not specify any maximum number of clearances to be permitted. Condition 22 of Schedule 4 in the initial draft DML included a requirement for an Underwater Sound Management Strategy ("UWSMS") to be submitted in relation to any UXO clearance. Condition 23 required the submission of a method statement including specific details on the UXO, and a Marine Mammal Mitigation Protocol ("MMMP"). All three of these documents must be approved by the Marine Management Organisation ("MMO") in consultation with the relevant Statutory Nature Conservation Body ("SNCB") prior to any UXO clearance [PD1-017].

4.73. The inclusion of this DML provision was a point of disagreement between the Applicant, MMO and SNCBs during the Examination. The MMO and Natural England [REP1-048], [RR-026] objected, arguing that a separate licence should be sought post-consent [ER 3.8.60]. The Joint Nature Conservation Committee ("JNCC") submitted a similar objection at Deadline 3 on the basis that it would be difficult to properly assess potential impacts due to a lack of information on the nature of the clearance required, and also that high order clearance was included in the DML, conflicting with the Government's position statement[8] [REP3-035], [ER 3.8.60].

4.74. The Applicant justified its inclusion of UXO clearance in its DML [REP3-006], because the 2008 Act facilitates the inclusion of different consents within the DCO with a view to streamlining the process for NSIPs. The Applicant argued that avoiding the need to obtain a separate Marine Licence would prevent delays to the project, and ultimately support their objective of commencing construction in 2026, thereby contributing to the UK Government's renewable energy targets [ER 3.8.62]. The Applicant stated that the MMMP and UWSMS, developed in consultation with key stakeholders, would provide suitable measures to mitigate high order clearance of any UXO size encountered [ER 3.8.60].

4.75. The Applicant had initially chosen not to specify a maximum number of clearances permitted under the DML due to the lack of survey data [REP2-005]. The MMO, stated that if UXO clearance were to be retained in the DML, then a limit on the number should be included,

[8] https://www.gov.uk/government/publications/marine-environment-unexploded-ordnance-clearance-joint-position-statement/marine-environment-unexploded-ordnance-clearance-joint-position-statement

and noted that 13 UXOs had been mentioned as a likely scenario in the UWSMS [REP1-048], [ER 3.8.63]. At Deadline 3, the Applicant brought its draft DML in line with this position, amending condition 23(6) to include the maximum number of UXO clearances (13) [ER 3.8.63].

4.76. Natural England reiterated its objection to UXO clearance inclusion in the DML at Deadline 4 and stated this fully aligned with the JNCC's advice submitted to the Mona OWF examination [ER 3.8.64] At Deadline 5 the JNCC submitted a copy of this submission and advised that it was also relevant to the Proposed Development [REP5-060]: This submission argued that including UXO clearance in DMLs is not standard practice, noting that only two DCOs consented between 2010 and 2022 included UXO clearance: East Anglia One North Wind Farm and East Anglia Two [ER 3.8.64].

4.77. At Deadline 5, in response to the submissions of the JNCC, the publication of new marine noise policy, and the Government's position statement on UXO clearance which identified that high order detonations could result in considerable injury and disturbance to marine species, and advised that low order methods should now be the default [ER 3.8.66], the Applicant removed high order UXO clearance from the DML in the draft DCO [REP5-018], and subsequently amended the MMMP and UWSMS [ER 3.8.66].

4.78. Natural England maintained its objection to authorising any UXO clearance in the DCO but was satisfied that high order clearance had been removed [ER 3.8.67]. In its final SoCG with the Applicant [REP6-081], the MMO maintained its objection, but stated that if the Secretary of State were to decide that low order UXO clearance would remain in the DML it would be able to manage mitigation and impacts post-consent [ER 3.8.67]. The JNCC maintained its objection, but acknowledged that the Applicant's commitment to use only low order UXO clearance methods was in line with the Government's position statement [REP6-106].

4.79. The ExA concluded that the strength of the SNCBs objections were reduced after the Applicant removed high order clearance from the DML, aligning with the new marine noise policies and guidance [ER 3.8.68]. The ExA also noted the precedent for including UXO clearance in made DCOs, and that recent updated guidance does not materially change the strength of this precedent, noting that low order clearance methods are considered to be safer, commercially available and cause less environmental harm [ER 3.8.69]. Furthermore, the ExA considered that the Applicant's argument regarding the streamlining of NSIP consents was persuasive, noting that removing the need to apply for one or more separate marine licences in the post consent stage has the potential to shorten and simplify the pre-construction period, while the final approvals will still rest with the MMO through the MMMP and UWSMS [ER 3.8.70].

4.80. The ExA was concerned that the conditions included in the DML did not require the Applicant to provide details of NAS for low order UXO clearance within the UWSMS, only for piling activities [ER 3.8.71]. The ExA considered this could be because both the Applicant and MMO consider that NAS would not be required for low order clearances [ER 3.8.71]. However, noting the injury ranges predicted in the ES with respect to the JNCC's guidance [ER 3.8.72] on this topic, the ExA determined that standard mitigation measures may not suffice and that NAS must be considered [ER 3.8.73]. The ExA therefore recommended an amendment to condition 22(2) of the DML to this effect [ER 3.8.73].

The ExA's Overall Conclusion on Marine Mammals

4.81. The ExA was content that the ES and additional clarification provided during the Examination presented an adequate assessment of effects on marine mammals from the Proposed Development both alone and cumulatively [ER 3.8.101]. The ExA was satisfied that, subject to the implementation of identified mitigation, there would be only minor adverse effects on marine mammals as a result of the Proposed Development, noting that for bottlenose dolphins there remains potential for significant cumulative effects during piling [ER 3.8.102]. However, the ExA was content that the Applicant's adoption of the newly published marine policy would reduce the likelihood of such a significant impact arising [ER 3.8.102].

4.82. The ExA considered that a convincing case had been made for the inclusion of low order UXO clearance in the DML and amended the condition to reflect the possibility of a requirement for Noise Abatement Systems ("NAS") [ER 3.8.103].

4.83. The ExA concluded that further marine mammal monitoring measures would not be necessary, considering there is no deficiency in the Applicant's assessments and without clear rationale identified for carrying out monitoring, the information gathered may not prove relevant to future projects [ER 3.8.105].

4.84. Overall, the ExA was content that that the methods of construction had been designed to reasonably minimise significant disturbance effects on marine mammals [ER 3.8.104], and that the residual effects, whilst minor adverse, were not significant in EIA terms. The ExA therefore attributed only a little weight against making the Order [ER 3.8.106].

The Secretary of State's Conclusion on Marine Mammals

4.85. The Secretary of State understands the concerns of the JNCC, MMO, and Natural England, but agrees with the ExA that the removal of high order clearance from the DML weakens these objections. He notes that low order UXO clearance is in line with the Government's position statement and therefore considers this change to be appropriate. He also agrees that including a maximum number of clearances in the DML is a reasonable addition. He notes the precedence for including UXO clearance in the DML and agrees with the Applicant that the NSIP regime provides for a streamlined licencing process, which should be utilised when appropriate. Therefore, the Secretary of State agrees with the ExA that low order UXO clearance can be secured in the DML.

4.86. The Secretary of State is satisfied that the final mitigation measures, which must be agreed with the MMO, will ensure that significant effects on marine mammals are avoided. He therefore ascribes this matter only little negative weight in the overall planning balance.

<u>Ornithology</u>

Assessment Methodology for Cumulative Effects on Great Black-backed Gull

4.87. The SNCBs: Natural England; Natural Resources Wales; and JNCC, and the Royal Society for the Protection of Birds to a lesser extent, raised concerns regarding the methodology to assess cumulative effects on great black-backed gulls, including those relevant to the Habitats Regulations Assessment published alongside this decision letter. These concerns were maintained throughout much of the Examination [ER 3.9.36].

4.88. Natural England raised concerns early and throughout the Examination about differing conclusions on the significance of cumulative collision impacts on great black-backed gulls [RR-026]. The Applicant undertook additional Population Viability Analysis [REP5-031], which concluded there would be no significant adverse cumulative effects on the Great Black-backed Gull population. While the Applicant assessed the impact as minor adverse, and not significant in EIA terms, Natural England considered it moderate adverse and significant [ER 3.9.50].

4.89. Natural England's Risk and Issues Log [AS-016] on methodological issues arising from deviations from SNCB advice (Issue B55) remained partially unresolved at the close of the Examination. While Natural England generally agreed that project-alone impacts were low, it declined to comment on the assessment conclusions. This reflected concerns, particularly in the treatment of displacement, collision impacts, and the inclusion of historic impacts in cumulative and in-combination assessments [ER 3.9.55].

4.90. Natural England acknowledged the Applicant's assessment of raising turbine blade tip height to increase the air gap and accepted that no further increase was feasible. In its final Risk and Issues Log, Natural England maintained an 'agree to disagree' position regarding the assessment of cumulative effects, specifically in relation to the potential for a significant adverse impact at the EIA scale on great black-backed gulls [ER 3.9.56].

4.91. The ExA was satisfied that the Applicant had addressed Natural England's concerns on this matter, despite the ongoing 'agree to disagree' position. The issue was not identified as a principal concern in the final Principal Areas of Disagreement Summary Statement ("PADSS"), with key matters such as the CEA methodology and Collision Risk Modelling assessments resolved and rated green [ER 3.9.57].

4.92. The ExA considered the specified minimum blade tip height above sea level to be adequate mitigation, as secured through Requirement 2 of the recommended DCO and Condition 10 of the DML [ER 3.9.58].

Post-consent Ornithological Monitoring

4.93. With regards to post-consent monitoring, Natural England maintained that this should be secured within the DMLs, citing persistent evidence gaps identified by the Applicant throughout the application documents. Natural England advised that post-consent monitoring could serve to validate assessment predictions, detect unforeseen effects, and reduce uncertainty, particularly for species such as Manx shearwater, which are not typically subject to post-construction monitoring. Reference was made to Natural England's best practice guidance [RR-026] and [REP1-053] [ER 3.9.72].

4.94. The Applicant argued that the predicted impacts were minimal and that defining statistically robust monitoring measures at project level would be challenging. It noted that recent offshore wind projects, including Walney Extension, had not undertaken post-consent ornithological monitoring, and that emerging practice favours strategic, industry-wide monitoring initiatives. The Applicant confirmed its active participation in such programmes, endorsed by The Crown Estate, and considered this approach more effective in addressing uncertainty than project-specific monitoring [REP2-005] [ER 3.9.73].

4.95. Natural England ultimately agreed that strategic monitoring is preferable and suggested that a regional collaborative approach could help test assessment assumptions and inform future

developments in the Celtic Sea zone [REP5-080]. Although further discussions were held, Natural England was unable to provide a clear justification for project-specific monitoring [REP4-009] [ER 3.9.78].

4.96. Natural England's final Risk and Issues Log and PADSS identified the absence of post-consent monitoring for key ornithological receptors as an outstanding amber issue, with the parties remaining in an 'agree to disagree' position [AS-015] and [AS-016] [ER 3.9.81].

The ExA's Overall Conclusion on Ornithology

4.97. The ExA was satisfied that the Applicant's assessment, with the addition of clarification notes, had been robustly carried out in line with relevant policies and guidance [ER 3.9.86]. The ExA was satisfied that the mitigation measures forming part of the Application, including the commitment to a minimum turbine blade tip clearance of 34 metres above Lowest Astronomical Tide and 26 metres above Highest Astronomical Tide, as secured within the DCO, are appropriate and sufficient [ER 3.9.87].

4.98. The ExA further considered that the Outline Offshore Environmental Management Plan [REP4-018] includes suitable measures to minimise disturbance to rafting birds from transiting vessels, as supplemented by [REP5-046]. Given that the effects have been assessed as not significant, the ExA concluded that no additional mitigation or monitoring is necessary [ER 3.9.87].

4.99. The ExA noted that NPS EN-3 (paragraphs 2.8.82–2.8.87, 2.8.295, and 2.8.296) provides for environmental monitoring where requested by the Secretary of State, and encourages collaborative and strategic approaches [ER 3.9.88]. Notwithstanding, the ExA considered that, given the very limited effects identified, strategic-level monitoring would be more appropriate than project-specific measures and did not consider it necessary to include a requirement for ornithological monitoring in the DCO [ER 3.9.88].

4.100. The ExA attributed little negative weight to the EIA aspects of offshore ornithology in the overall planning balance [ER 3.9.89].

The Secretary of State's Conclusion on Ornithology

4.101. The Secretary of State agrees that the Applicant has taken appropriate steps to avoid significant adverse effects on offshore ornithological receptors, notably through the increase in minimum blade tip height. While Natural England [AS-016] has advised that the cumulative impacts of multiple offshore wind farms may pose a risk of significant adverse effects to Great Black-backed Gull, the Secretary of State finds that the rationale supporting this advice is not clearly substantiated. Having reviewed the Applicant's assessment and conclusions [REP5-031] and [APP-023], the Secretary of State considers the evidence presented to be robust and persuasive and concludes that the cumulative effect on Great Black-backed Gull is likely to be minor adverse and not significant across all impact scenarios considered.

4.102. With regard to post-consent monitoring, the Secretary of State notes that Natural England maintained its position in favour of securing ornithological monitoring within the DMLs. However, the Secretary of State agrees with the ExA and the Applicant that it would be unreasonable to impose such a requirement in this instance, given the conclusion of non-significant effects for all assessed species and the acknowledged limitations in detecting meaningful project-level impacts through monitoring [ER 3.9.82–3.9.83]. The Secretary of State does, however, recognise the value of strategic monitoring in addressing evidence

gaps and informing future impact assessments, and is supportive of the Applicant's stated commitment to ongoing participation in strategic evidence gathering programmes [REP2-005], [REP3-006].

4.103. Overall, the Secretary of State agrees with the ExA's conclusions on this matter and ascribes ornithology little negative weight in the overall planning balance.

Shipping and Navigation

Impact on navigational safety

4.104. The Maritime and Coastguard Agency ("MCA") confirmed that the Applicant's Navigational Risk Assessment ("NRA") had followed MCA guidance and the adopted additional risk controls would be appropriate for reducing navigational safety risks to As Low As Reasonably Practicable ("ALARP") for the Proposed Development alone [ER 3.11.73]. With regard to the cumulative navigational risk outlined in the Cumulative Regional Navigational Risk Assessment ("CRNRA"), the MCA confirmed its expectation for the developers of the Proposed Development and Mooir Vannin OWF to reach agreement on increasing the sea space between the two sites to ensure that navigational risks are tolerable [ER 3.11.74].

4.105. At Deadline 5, the Applicant noted that Mooir Vannin OWFL had reduced its proposed structures boundary to leave an increased minimum gap of 4.1 nautical miles (nm) from the Proposed Development and noted that the distance satisfies the relevant guidance with highly conservative assumptions on vessel size and numbers [REP5-004]. Mooir Vannin OWFL confirmed it had assessed cumulative residual navigational risk between the proposed wind farms as ALARP and tolerable [REP5-075]. The MCA confirmed it was satisfied that this revised separation distance ensures compliance with Marine Guidance Note ("MGN") 654 [ER 3.11.86].

4.106. At Issue Specific Hearing ("ISH") 3 the Isle of Man Steam Packet Company ("IoMSPC") contended that the separation distance should be a minimum of 5nm due to the presence in the adjacent sea space of multiple vessel interactions from multiple directions [ER 3.11.87]. The Applicant submitted that an increase from 4.1nm to 5nm would not be significant in reducing risk [ER 3.11.90].

4.107. The Applicant submitted an extensive technical clarification note [REP6-065] as a supplement to the CRNRA, including details of bridge navigation simulations. This additional risk assessment failed to achieve complete agreement with IoMSPC and Stena on the acceptability or tolerability of risk in the sea space adjacent to Mooir Vannin OWF and the Proposed Development [ER 3.11.102]. The Applicant argued that this disagreement is inconsistent with the previous agreement to the tolerability of risk between the Proposed Development and the Walney OWFs, with a separation distance of between 4.2nm and 5.3nm over a substantially longer distance, which the Applicant argues is inherently riskier [ER 3.11.103]. The Applicant also argued that the objecting stakeholders had not provided any evidence that an increased gap of 5nm would provide increased mitigation of risks aside from slightly greater sea room [ER 3.11.104]. The Applicant concluded the risks of navigation in the sea space between the Proposed Development and Mooir Vannin OWF would be tolerable and ALARP after mitigation, including the increase of separation of structure arrays to a minimum of 4.1nm [REP6-065].

4.108. At the close of Examination, Stena still maintained that any risk to navigational safety is unacceptable [ER 3.11.109]. IoMSPC maintained its objection to the acceptability of the gap between Mooir Vannin OWF and the Proposed Development [REP6-110]. The MCA confirmed its view that the navigational risk associated with the gap of 4.1nm is tolerable and ALARP subject to embedded and applied risk controls and does not need further mitigation [ER 3.11.110]. The IoMTSC confirmed that the risk mitigation of the 4.1nm separation gap was now concluded to be ALARP, noting the remaining concerns of commercial shipping and companies and requested continued engagement with them by the Applicant [ER 3.11.111].

4.109. The ExA concluded that the Applicant had made substantial efforts to agree with stakeholders that residual risks after application of mitigation and risk controls would be tolerable and ALARP [ER 3.11.113]. The ExA noted the suggestion of IoMSPC that the 4.1nm separation distance would only result in tolerable and ALARP risk if speed restrictions were also introduced, but considered this would be a matter for agreement post-consent between the MCA and the Applicant and Mooir Vannin OWFL and the IoMTSC, should consent be granted for both projects [ER 3.11.117]. The ExA considered that this post-consent finalisation of risk mitigation was secured by the Vessel Traffic Management Plan ("VTMP") to be discharged by the MMO advised by the MCA and by the necessary Emergency Response Co-Operation Plan ("ERCoP") required for compliance with MGN 654 [ER 3.11.117].

4.110. The ExA concluded that the adjustments to structure boundaries made by both the Applicant and Mooir Vannin OWFL to increase the minimum separation gap to 4.1nm were sufficient to justify an assessment by both developers that navigational risk would be controlled to a level that is tolerable and ALARP [ER 3.11.128].

Emergency response and co-operation and continued stakeholder engagement on marine navigational safety

4.111. The UKCoS raised at Deadline 3 that additional towing capability may be required to mitigate additional navigational risks from projects, including the Proposed Development [ER 3.11.138]. The MCA confirmed that post-consent assessment of towing capability would be required via the final VTMP and the ERCoP [REP5-069]. The Northern Ireland Fish Producers' Organisation also raised concerns regarding emergency towage, with the MCA confirming that the matter of emergency towage can be deferred to discharge of the ERCoP post-consent [ER 3.11.141]. The final SoCG with the UKCoS recognised the Applicant's ongoing commitment to analysis of towing resource post-consent and reserved its position until that analysis had been considered, accepting that this does not preclude consent for the Proposed Development [ER 3.11.143]. The ExA was satisfied that provision of emergency towing resource can be a post-consent matter for ERCoP development in liaison with relevant authorities [ER 3.11.53].

4.112. Stena maintained that the Applicant should consider indemnifying shipping operators for losses or damages from emergency use of anchors which subsequently fouled undersea cables. In the final SoCG with Stena, the Applicant confirmed it would not do so, and Stena maintained serious concerns in respect of the effects on its operations [ER 3.11.144].

4.113. The Applicant confirmed that participation in the Marine Navigation Engagement Forum ("MNEF"), set up by the Applicant in 2021 during the pre-application phase to engage and update stakeholders on plans and progress of the Proposed Development, is open to all sea

users in the East Irish Sea [REP1-005], later clarifying this point in the outline VTMP [REP6-055]. Stena maintained that the MNEF alone would not provide the comfort it required regarding the commercial consequences of navigational safety risk mitigation on its operations [ER 3.11.148]. Ørsted IPs maintained there was not adequate security for post-consent stakeholder engagement via the MNEF and sought to be named as consultees in the outline VTMP, however the Applicant stated it was not necessary nor appropriate for a commercial organisation to be included, reiterating that the MCA were content with the approach to the MNEF [ER 3.11.150]. The UKCoS confirmed satisfaction in principle with the MNEF in securing post-consent stakeholder engagement, noting it should have specific targets, objectives and means of redress determined by its members [ER 3.11.149].

4.114. Late in the Examination Harbour Energy requested a formal agreement to cover both aviation and marine access for its decommissioning activities, suggesting protective provisions should be included in a DCO if made [ER 3.11.152].

4.115. The ExA considered it was not reasonable to include an indemnity in respect of Stena as a Requirement of the DCO, noting that no other stakeholder had demanded such indemnity and considered this a matter for the commercial side agreement being negotiated between Stena and the Applicant [ER 3.11.155]. The ExA was satisfied with the commitment in the outline VTMP that the MNEF would be open to any stakeholder and was satisfied this would ensure ongoing engagement regarding navigational safety, marine traffic management and emergency response co-operation, including with Harbour Energy regarding vessel movements [ER 3.11.157].

Consequential effects on timetabled ferry and port operations

4.116. The IoMSPC objected to the adverse weather deviations, with IoMTSC noting that the economy of the IoM is highly reliant on regular, safe shipping by the IoMSC for its goods [ER 3.11.159]. The IoMSPC noted that an increase in vessel passage duration has implications on the ability to maintain schedule service timing as delayed arrivals may result in delayed departures or cancellations which are highly detrimental to the operation of a lifeline passenger service vital to the IoM's economy [ER 3.11.165]. The Applicant responded that historic data shows that there is already significant variation in transit and turnaround times and a route deviation of 1.6 to 3 minutes additional transit time due to the Proposed Development is minimal in relation to this normal variation [ER 3.11.166].

4.117. Stena confirmed its concerns about the impact of additional passage duration from deviations and the effect this would have on increased carbon emissions, associated carbon tax, bunker consumption and turn around times in port [ER 3.11.161].

4.118. At Deadline 5 and ISH3, some progress was reported by the Applicant on negotiating a Ferry Mitigation Agreement ("FMA") with IoMSPC and Stena, limited to commercial matters and the Applicant reiterated it did not consider these were not necessary to ensure policy compliance [ER 3.11.171].

4.119. Stena maintained its objection to the Proposed Development on the basis of cumulative significant adverse impacts to shipping in the northern Irish Sea in adverse weather conditions and a subsequent considerable increase in its operational costs [ER 3.11.173]. Stena requested PPs in addition to the FMA and submitted a draft form at Deadline 6 [REP6-095]. The Applicant maintained PPs for Stena were neither necessary or justified as the mitigation requested is not a matter required to make the Proposed Development acceptable

in planning terms but is a commercial matter to be negotiated between the parties [ER 3.11.175].

4.120. Discussions were continuing at the end of the Examination regarding a FMA in relation to IoMSPC, concerning technical and operational requirements [ER 3.11.176]. The IoMSPC deferred to the IoMTSC regarding socio-economic effects from disruption to ferry sailings [REP6-078]. IoMTSC recorded that, subject to a commercial side agreement between the Applicant and IoMSPC, it agreed with the Applicant's assessment that post mitigation there would be no residual effects on socio-economic receptors both alone and cumulatively that would be significant in EIA terms [ER 3.11.177].

4.121. The ExA accepted the Applicant's assessment that residual impact of the Proposed Development on shipping operations would be moderate adverse in all phases and therefore significant in EIA terms [ER 3.11.178].

4.122. The ExA had regard to NPS EN-3 paragraph 2.8.347 which states substantial weight should be given by the Secretary of State "*where a proposed development is likely to affect the future viability or safety of an existing or approved/licensed offshore infrastructure or activity*" and concluded that no compelling evidence had been presented to demonstrate risks to future viability of the ferry companies [ER 3.11.181].

4.123. The ExA had regard to NPS EN-3 paragraph 2.8.329 which states substantial weight should be given by the Secretary of State where development is "*likely adversely to affect major commercial navigation routes, for instance by causing appreciably longer transit times"* and concluded that, subject to mutually satisfactory and secure commercial side agreements with Stena and IoMSPC, the residual effects in relation to deviation of routes would be minor adverse [ER 3.11.138].

4.124. The ExA agreed with the Applicant that PPs in respect of Stena are neither necessary nor justified [ER 3.11.185]. The ExA recommended that the Secretary of State should satisfy himself that the commercial side agreements were concluded to the satisfaction of the Applicant, Stena, IoMSPC and acknowledged by IoMTSC [ER 3.11.186].

The ExA's Overall Conclusion on Shipping and Navigation

4.125. The ExA was satisfied that the Proposed Development would not present unacceptable risk to navigation offshore or to human health and public safety, subject to mitigation commitments secured by the recommended DCO and the DMLs [ER 3.11.192].

4.126. The ExA agreed with the Applicant that the overall significance of effect from the Proposed Development on shipping and navigation would be moderate adverse and significant in EIA terms, including any encroachment on strategically important navigation routes [ER 3.11.195].

4.127. The ExA agreed with the Applicant that moderate adverse effects would result from the Proposed Development alone and cumulatively on additional passage durations for ferry service operators in adverse weather [ER 3.11.200].

4.128. The ExA, in the absence of security of mitigation afforded by commercial side agreements with Stena and IoMSPC, attributed moderate weight against the making of the Order to shipping and navigation impacts of the Proposed Development both alone and cumulatively with other projects [ER 3.11.200]. However, the ExA considered that if the commercial side

agreements with Stena and IoMSPC were satisfactorily concluded at the time of decision making, little weight against the making of the Order would be attributed [ER 3.11.202].

The Secretary of State's Conclusion on Shipping and Navigation

4.129. The Secretary of State notes Stena's post-examination submission of 27 May 2025, confirming it had entered into a commercial agreement with the Applicant to address the impacts to Stena's ferry routes as a result of the construction, operation, maintenance and decommissioning of the Proposed Development [PIR-002]. Stena also confirmed withdrawal of its objection to the Proposed Development Application and the withdrawal of the request for PPs in respect of Stena [PIR-002]. While the Secretary of State notes Stena's withdrawn, he considers this does not reduce identified adverse effects on navigational safety. The Secretary of State notes that for the Proposed Development alone all risks would be ALARP and, for the cumulative picture after the change to Mooir Vannin OWF's structural boundary, risks would be ALARP as well. The Secretary of State agrees with the ExA that the Proposed Development would not present unacceptable risk to navigation offshore.

4.130. In the first consultation letter, the Secretary of State asked for an update from the Applicant and IoMSPC. The Applicant responded on 3 July 2025 stating discussions are ongoing and some progress had been made through June 2025 regarding the terms of a commercial agreement. The Applicant stated that it would continue to engage with IoMSPC but does not consider a commercial agreement to be necessary to comply with planning policy, citing that impacts on shipping and navigation are ALARP, with a residual moderate adverse effect for adverse weather routing only. The Applicant also referred to NPS EN-3 which recognises it is inevitable that there will be an impact on navigation in and around the site of an offshore wind farm development. The Applicant emphasised that it had sought to minimise the extent of impacts on IoMSPC and other shipping routes. The Applicant contended that the Application accords with NPS EN-3 and considered that, to the extent there is a residual adverse commercial impact, it is considerably outweighed by the benefits of the Proposed Development, noting that it would like to reach agreement with IoMSPC but these discussions could extend to post-consent. IoMSPC responded on 3 July 2025, stating that no final agreement had been reached and negotiations were continuing with the Applicant, noting that IoMSPC hoped to reach an agreement imminently.

4.131. In the third consultation letter, the Secretary of State asked for a further update from the Applicant and IoMSPC. The Applicant responded on 31 July 2025 stating that a FMA was signed on 29 July 2025 and that IoMSPC would now withdraw their objection to the Proposed Development. The Applicant further noted that it had addressed and mitigated all potential shipping and navigation effects and now, following completion of commercial agreements with Stena and IoMSPC, had compensated for all effects and as such the Proposed Development would have no residual significant effects with respect to shipping and navigation. IoMSPC responded on 30 July 2025, stating that a FMA had now been signed and that IoMSPC now withdrew its objection to the Application.

4.132. In response to the second consultation letter inviting comment from all IPs, Mooir Vannin OWFL responded on 1 August 2025, stating that if an agreement were reached between IoMSPC and the Applicant, clarification should be provided regarding whether IoMSPC is satisfied with the distance between Mooir Vannin OWF and the Proposed Development. Mooir Vannin OWFL commented that the adequacy of this gap must be resolved in the examination and decision making relating to the Proposed Development, it would not be appropriate to leave this matter as a residual issue to be dealt with subsequently in the IoM

territory, which would clearly be a significant transboundary effect that has not been evaluated by the Applicant.

4.133. In response to the third consultation letter, on 7 August 2025 the Applicant restated its view that the separation distance between the Morgan Generation Assets and the Mooir Vannin array area was sufficient, that the risk to navigational safety as a result of the Proposed Development was ALARP, and that this had been established by the close of the Examination. It also reiterated that, contrary to the position of Mooir Vannin OWFL, it considers that the Isle of Man is not 'transboundary' for the purposes of the EIA Regulations. The Applicant concluded it has complied with the requirements of NPS EN-3, and that there are no residual effects relating to shipping and navigation to be addressed.

4.134. The Secretary of State notes that NPS EN-3 ascribes substantial weight to adverse effects on major commercial navigation routes and agrees with the ExA that these routes are covered by this policy. The Secretary of State can see no reason to depart from that policy in this case and therefore on balance, concludes that the impact on lifeline ferries and strategic routes should be ascribed substantial negative weight in the overall planning balance. The Secretary of State agrees with the ExA that, with regard to the gap between the Proposed Development and Mooir Vannin OWF, and noting conclusions from the MCA and IoMTSC, navigational safety risks can be controlled to tolerable and ALARP.

4.135. The Secretary of State does not consider that completion of commercial agreements should change the overall weighting for shipping and navigation: noting that these agreements would not affect the navigational implications, impacts on users of ferry services such as increase journey times and it is unclear that these agreements would mitigate risks of delayed and cancelled services. However, the Secretary of State is satisfied that the Proposed Development, both alone and cumulatively, does not put the ferry services at risk of being unviable.

4.136. Overall, considering the contribution of the Proposed Development itself to the matter of navigational safety risk and the effects to shipping routes, the Secretary of State considers that navigation and shipping should be ascribed moderate negative weight in the overall planning balance.

Other Offshore Infrastructure and Sea Users

Oil and gas infrastructure

4.137. Harbour Energy raised concerns about potential impacts on decommissioning activities at Millom West and Millom East, including restrictions on helicopter access, marine operations, platform communications and simultaneous activities like piling and diving, which would increase the time and associated costs for decommissioning [ER 3.12.31]. The Applicant considered there was an adequate separation distance between the Proposed Development and Harbour Energy's assets and there would be no significant effects on the infrastructure or operations [ER 3.12.39]. Harbour Energy requested a coexistence and cooperation agreement to address mutually exclusive simultaneous operations [ER 3.12.39]. The Applicant maintained that existing mechanisms, such as the MNEF, would be sufficient to address exclusive simultaneous operations and marine access as required [ER 3.12.42].

4.138. Harbour Energy sought mitigation including an exclusion zone in Millom East, compensation and phased installation of the wind turbine generators nearest to Millom East until

decommissioning was complete [ER 3.12.44]. At the end of the Examination, the Applicant maintained that potential decommissioning impacts at Millom East would only occur if Harbour Energy's program were delayed, there was only a short-term impact on Harbour Energy's operations, and mitigation in terms of installation scheduling would have disproportionate consequences on the timetable of the Proposed Development [ER 3.12.56]. The Applicant considered that neither protective provisions nor compensation payment were required and the interaction between the decommissioning of the Millom East wells and the construction of the Proposed Development could be managed by sharing information through the MNEF [ER 3.12.57].

4.139. The ExA understood that effects at Millom West were minor adverse but would not require mitigation [ER 3.12.59]. Regarding Millom East, the ExA noted that Harbour Energy was continuing to seek to establish a coexistence and cooperation agreement for managing simultaneous operations and marine access [ER 3.12.60]. The ExA concluded that engagement via normal industry methods would be sufficient in relation to mutually exclusive simultaneous operations, and the extension of the MNEF would enhance this by providing detailed information to Harbour Energy and a forum to discuss such activities [ER 3.12.63].

4.140. The ExA acknowledged the uncertainty of the Millom East decommissioning timeline [ER 3.12.66]. However, given the Proposed Development's overall lifespan this is a relatively short period and could be completed prior to the construction of wind turbine generators [ER 3.12.66]. The ExA agreed with the Applicant's ES that any effects would be minor adverse and not significant and considered that including protective provisions or delaying construction was unnecessary and disproportionate due to the limited potential impact on decommissioning works [ER 3.12.66].

Existing offshore wind farms and wake effects

4.141. The Ørsted IPs raised concerns about the Proposed Development's proximity to existing OWFs, highlighting risks of reduced wind speed or changes to its direction, which could lower energy output [ER 3.12.69]. The Ørsted IPs called for a proper assessment of wake effects, calculation of net losses in renewable energy generation, and for such effects to be mitigated or compensated, arguing that the necessary data and modelling tools were available [ER 3.12.69].

4.142. The Applicant argued there was no legal or policy requirement for a wake effects assessment, arguing that even if such an assessment were needed the necessary data was unavailable, and no standardised method or published guidance exists [ER 3.12.75]. The Applicant also disputed claims that the Proposed Development was 'close' to existing infrastructure, referencing the Crown Estate Round 4 spacing criteria of 7.5km and concluded that by meeting this spacing requirement and reducing the array area it had taken appropriate steps to minimise impacts [ER 3.12.76].

4.143. The ExA asked the Applicant to submit a wake effects assessment by Deadline 5, referring to section 2.8 of NPS EN-3 and the specific context of the case [ER 3.12.77]. The Applicant declined, maintaining there is no published guidance for such an assessment under the EIA Regulations or paragraph 2.8.198 of NPS EN-3 [ER 3.12.77].

4.144. In their closing statement, the Ørsted IPs maintained that the Applicant's policy interpretation is flawed, conflicting with paragraphs 2.8.261 and 2.8.347 of NPS EN-3 which stress the need for a proper understanding of how new projects affect existing and consented

developments [ER 3.12.80]. The Ørsted IPs insisted that an assessment is required under paragraph 2.8.197, and without it, the Secretary of State cannot make a decision in line with paragraphs 2.8.344 and 2.8.345 of NPS EN-3 [ER 3.12.80].

4.145. Ørsted's IPs commissioned an independent assessment ("the Wood Thilsted report") which concluded that, of the proposed developments in the Irish Sea, the Proposed Development would have the largest impact on the total additional wake loss of the Ørsted assets, particularly on the nearby Walney 2 and Walney Extension sites [REP4-049]. The Applicant noted the boundary used in the Wood Thilsted report was larger than the array area later submitted with the Application and criticised the lack of a standardised assessment approach, the exclusion of a baseline of the effects of the Ørsted assets on each other, and the exclusion of the proposed Mooir Vannin OWF, for which Ørsted is the parent company [ER 3.12.119]. Ørsted submitted an updated version of the Wood Thilsted report at Deadline 5 in response to some of the Applicant's comments, which showed a slight worsening to the predicted effects [ER 3.12.122].

4.146. Mooir Vannin OWFL stated it had undertaken a wake loss assessment and commercial discussions would determine whether it would be submitted as part of its MIC application, but maintained that its impact is not relevant to the Proposed Development's Examination which should be determined on its own merits and informed by its own impact assessment including all Irish Sea OWFs including Mooir Vannin OWF [ER 3.12.132]. Mooir Vannin OWFL also stated the transboundary impact from the Proposed Development should have been assessed by the Applicant [ER 3.12.134].

4.147. The Applicant disagreed on the basis that Mooir Vannin OWF is a Tier 2 project, neither existing or in permitting, and highlighted to the ExA the inconsistency in the manner that Ørsted is dealing with wake loss, further noting that Mooir Vannin OWFL's consideration is contradictory by confirming it is a commercial and not a planning matter [ER 3.12.133]. The Applicant noted that the IoM is not an EEA State and Regulation 32 of the EIA Regulations with relation to transboundary EIA assessment does not apply [ER 3.12.135].

4.148. While the ExA acknowledged the Wood Thilsted report's limitations, particularly due to the current lack of detailed design information, it accepted that alongside Ørsted's submissions and the Applicant's critique, it provided sufficient evidence to draw reasoned conclusions [ER 3.12.128]. The ExA recognised that wake effects would reduce annual energy production ("AEP") and thus renewable energy export and economic returns, but found limited evidence to support Ørsted's claims about impacts on the long-term viability of existing OWFs [ER 3.12.129]. It concluded that such viability concerns are commercial matters outside the scope of the DCO and not appropriate for inclusion in its provisions [ER 3.12.130]. The ExA agreed with the Applicant that Mooir Vannin OWF should not be included in a wake effect assessment as it is not existing or permitted operational offshore infrastructure, nor has a licence been issued by government as per NPS EN-3 paragraph 2.8.197 [ER 3.12.138]. The ExA considered that any inconsistency in Ørsted's approach to the assessment of wake effects between its existing OWFs and Mooir Vannin OWF is not a matter with bearing on the ExA's considerations on this Proposed Development [ER 3.12.140].

4.149. At Deadline 5, the Applicant provided a technical note on the calculation of the net effects on GHG emissions ("the GHG technical note") following its review of the Wood Thilsted report [ER 3.12.141]. The Applicant used the Ørsted IPs' wake loss estimates in its calculations but did not endorse their assessment or accept a policy obligation to conduct

one [ER 3.12.142]. The GHG technical note showed that while the Proposed Development would cause some loss of avoided emissions from Ørsted's existing OWFs, it would still deliver significantly greater overall GHG benefits [ER 3.12.143]. Ørsted criticised the Applicant's assumptions, particularly the exclusion of lifetime extensions and the realism of the mitigation scenario [ER 3.12.145]. The Applicant updated its GHG technical note to include revised scenarios and data, concluding that even with potential lifetime extensions for Ørsted's OWFs, the Proposed Development remains the most beneficial option for national GHG emissions reduction [ER 3.12.149].

4.150. The ExA considered the Applicant's GHG assessment, as presented in the ES and clarified through the GHG technical note [REP5-041] and its update [REP6-063], to be sufficient to reach reasoned conclusions on the effects of the Proposed Development on GHG emissions [ER 3.12.150]. Despite some methodological limitations and the absence of a cumulative scenario, the ExA found the assessment complied with paragraph 2.8.198 of NPS EN-3 and relevant EIA guidance [ER 3.12.151]. The updated GHG technical note showed that, under all scenarios, changes in emissions are marginal, and the overall GHG benefit of the Morgan OWF significantly outweighs the small reduction in avoided emissions from Ørsted's OWFs [ER 3.12.152]. The inclusion of 10-year lifetime extensions for Ørsted's projects does not alter the conclusion that the effects are not significant in EIA terms [ER 3.12.152].

4.151. Ørsted IPs provided mitigation suggestions such as design and operational changes, reducing capacity, increasing separation distance, wind sector management, wake steering and commercial side agreements, further maintaining that an assessment must first be provided by the Applicant [ER 3.12.155]. The Applicant stated the only mitigation is for the turbines to not be built at all, an increase in distance would have a disproportionately larger effect on clean energy generation, and that financial compensation for Ørsted is not a matter for protective provisions nor a commercial side agreement [ER 3.12.156].

4.152. The ExA agreed with the Ørsted IPs that loss of energy yield would result in inevitable economic loss, however this was not quantified in the Examination, and similarly the ExA could not make assumptions about commercial decisions regarding possible extensions of Ørsted OWF lifetimes [ER 3.12.164].

4.153. Overall, the ExA accepted there would be varying wake loss effects to each existing OWF in the Irish Sea but these would be limited to a small percentage and considerably outweighed by the generation of new renewable energy from the Proposed Development [ER 3.12.165]. The ExA noted the range of potential mitigation measures and considered that, given the effects are so small and the GHG effects are not significant in EIA terms, that these effects do not warrant mitigation to be secured in the DCO whether by requirement, protective provisions or any other method including arbitration [ER 3.12.166].

The ExA's Overall Conclusion on Other Offshore Infrastructure and Sea Users

4.154. The ExA was satisfied the Applicant had worked with Harbour Energy to minimise negative impacts and reduce risks to ALARP, noting the appropriate mitigation in respect of an increase in the separation distance, and was satisfied that no further mitigation was required in respect of marine access for Millom field decommissioning [ER 3.12.169]. Further, the ExA considered engagement through the VTMP secured in the DCO and the MNEF would be sufficient, and no further mitigation is required within the recommended DCO [ER 3.12.169].

4.155. Noting additional flight data and meteorological analysis provided by the Applicant the ExA found that restrictions on and disruptions to helicopter flights to Millom East would be limited [ER 3.12.170]. Taking account of the likely short-term overlap of construction of the Proposed Development with Millom Field decommissioning, the ExA agreed with the Applicant that effects to Harbour Energy would be minor adverse and not significant and that protective provisions would be unreasonable and unnecessary [ER 3.12.171].

4.156. The ExA was disappointed that the Applicant did not submit its own detailed assessment of wake effects as requested by the ExA and the ExA reiterated it considered NPS EN-3 paragraph 2.8.197 to be applicable to existing OWFs as existing operational offshore infrastructure [ER 3.12.172]. The ExA considered the Wood Thilsted report and the GHG technical note sufficient to inform the ExA and Secretary of State on potential effects to existing OWFs [ER 3.12.173].

4.157. The ExA concluded the Proposed Development would result in a loss of export of renewable energy from the existing OWFs and a level of economic loss to the Ørsted IPs, however these effects would be very limited in the context of the substantial levels of renewable energy generated by the Proposed Development [ER 3.12.174].

4.158. The ExA was not persuaded by arguments relating to the consequences of wake effects on commercial decisions about future viability of the Ørsted OWFs and considered these outside the scope of the Examination [ER 3.12.175].

4.159. Overall, the ExA recognised the importance of existing offshore infrastructure but considered a pragmatic approach could be employed by the Secretary of State in accordance with paragraph 2.8.342 of NPS EN-3 [ER 3.12.177]. The ExA attributed a little negative weight against the making of the Order to the effects on other offshore infrastructure and sea users [ER 3.12.178].

The Secretary of State's Conclusion on Other Offshore Infrastructure and Sea Users

4.160. The Secretary of State agrees with the ExA that effects to Harbour Energy would be minor adverse and not significant, that protective provisions would be unnecessary, and is satisfied that engagement is secured through the VTMP and MNEF.

4.161. The Secretary of State agrees with the ExA that the Applicant's assessment should have included consideration of the potential wake effects of the Proposed Development and agrees with the ExA's assessment of the issue in the context of the relevant policies in NPS-EN3.

4.162. The Applicant has taken a consistently entrenched position, repeated in its response to the Secretary of State's information request of 19 June 2025. The Secretary of State considers that the Applicant's position is unhelpful and overly legalistic and is unable to agree with any of the arguments put forward in support of that position. In particular, the Secretary of State considers that:

a. There is no sensible basis for asserting that an existing wind farm does not amount to "existing operational offshore infrastructure" for the purposes of NPS EN-3;

b. In the context of a policy in relation to impacts on other infrastructure, a project is unarguably "close" enough to be relevant if it is accepted that there is a direct physical impact on that project;

c. The semantic argument advanced by the Applicant based upon the use of the word "licence" in the policy is misguided. The construction and operation of existing wind farms are regulated by Government in a number of ways. The names of the regulatory approvals varies, but the Secretary of State reminds the Applicant that like any other offshore wind farm the Morgan Offshore Wind Project: Generation Assets will be required to hold both a marine licence and an operating licence; and

d. The absence of an accepted industry standard model or methodology for carrying out a wake assessment does not permit an acknowledged impact to simply be ignored.

4.163. The Applicant also asserts that if a wake assessment was required by NPS EN-3 then no application for a wind farm should ever have been accepted for examination unless accompanied by such an assessment. The Secretary of State disagrees. An acknowledged adverse environmental impact cannot be entirely ignored because the understanding of that impact is new and evolving, or its exact impact is uncertain and not agreed. The Secretary of State is clear that this would be inconsistent with both NPS and EIA requirements.

4.164. The Secretary of State has recently consulted on amendments to NPS EN-3 to address this and make clear that a wake assessment and early engagement with affected parties are always required, as well as to provide further clarity on what is expected from applicants. The Secretary of State has done this because such doubts were being expressed, not because he considers the existing policy allows Applicants to ignore wake effects. As the introductory text at 2.8.176 of the draft EN-3 makes clear "*As with any new development, applicants should consider the impact of their proposal on other activities and make reasonable endeavours to address these*." Therefore, while the Secretary of State gives the new draft EN-3 no independent consideration, he does note the substance of those proposed amendments.

4.165. The Secretary of State is particularly disappointed to see that the Applicant refused to respond to an express and reasonable request from the ExA for a wake assessment for the same legalistic reasons. This issue could and should have been properly addressed during the examination by reasonable parties acting collaboratively, rather than adopting entrenched positions.

4.166. While the Applicant criticises many aspects of the Wood Thilsted report, it notes that those criticisms would apply to any wake assessment and accepts that although the report should not be used to establish a precise baseline, it is at least indicative. The Secretary of State agrees. Although the ExA and the Secretary of State would have expected the Applicant to provide an assessment, in line with the policy, the Secretary of State accepts that the Wood Thilsted report is an acceptable alternative for him to consider in the absence of an assessment from the Applicant.

4.167. The Secretary of State agrees with both the Applicant and Ørsted IPs that the assessment of wake effects is an emerging process, with considerable levels of uncertainty. It is not a process that can yet establish exact figures for impacts and may never be able to. However, the Secretary of State notes that all parties accept that there will be an impact from the Proposed Development on Ørsted IPs existing wind farms and that the levels of impact set out in the Wood Thilsted report are at least indicative.

4.168. The Secretary of State accepts the Proposed Development will have wake effect on existing operational offshore infrastructure, noting that precise figures for this impact cannot be

established. The average impacts across the Ørsted IPs assets, based upon the Wood Thilsted report (and accepting that these figures may only be indicative), appears to be less than 1.7% for the Proposed Development alone or less than 4% when considered in combination with other proposed wind farms in the area. The greatest cumulative impact on an individual Ørsted IP asset is assessed by Wood Thilsted as 5.3% for the Walney Extension 4. The Proposed Development's impact alone on the Walney Extension 4 is assessed as 3.22% and for Walney Extension 3 is assessed as 3.35%.

4.169. The Secretary of State accepts that this will have a financial impact on Ørsted IPs and that this impact may be of some relevance to future decisions in relation to their assets. However, the Secretary of State agrees with the ExA that there is insufficient evidence that wake effects will in itself be likely to affect the future viability or safety of any of Ørsted IPs existing infrastructure. The Secretary of State has already noted the urgent need for new offshore wind generation. The Applicant's GHG assessment, even accounting for the Ørsted IPs' criticisms, shows that the certain and quantifiable benefits of the Proposed Development clearly outweigh the indicative and uncertain loses causes to the Ørsted IPs assets by wake effects.

4.170. Acknowledging the impact of wake effects on Ørsted IPs and the requirement set out in NPS EN-3, in his first consultation letter the Secretary of State requested that the Applicant provide, on a without prejudice basis, a method of securing the provision of a wake assessment (if the assessment contained in the Wood Thilsted Report is not agreed); and further consideration of means to minimise any assessed impacts, including opportunities to work with impacted wind farms to achieve this.

4.171. As set out above, while the Applicant does not expressly agree with the Wood Thilsted report, in refusing to secure provision of its own assessment the Applicant does accept that the Wood Thilsted report is at least indicative. On this basis the Secretary of State sees little merit in requiring a further assessment and accepts the Wood Thilsted report as the best available evidence of wake effects, albeit that the evidence is indicative rather than precise.

4.172. The Secretary of State received letters from the Ørsted IPs on 14 July 2025 [PID-002, PID-003, PID-004, PID-005, PID-006, PID-007]. These letters confirmed that the Ørsted IPs and the Applicant had reached agreement to address matters raised during Examination, providing mitigation of identified wake effects on Ørsted assets, and allowing the Ørsted IPs to withdraw their objections to the Proposed Developments. The Ørsted IPs withdrew their objections to the Application and to the DCO being made in the terms sought by the Applicant, confirming they did not consider any additional provisions are required in the DCO in respect of wake loss impacts.

4.173. Ørsted IPs noted the wake effect requirement at Requirement 29 of the Mona Offshore Wind Farm Order and stated they did not consider an equivalent requirement is needed in any DCO granted for the Proposed Development. Ørsted IPs noted that, if the Secretary of State decided to include a requirement in the DCO regarding mitigation on the Ørsted assets, the Ørsted IPs considered suitable mitigation had been provided such that any requirement could be discharged without any further controls on design or a need to consult further.

4.174. Ørsted IPs considered that the Secretary of State could be satisfied that the Applicant had provided suitable mitigation, met the relevant policy tests including policy tests within the draft EN-3 and had worked collaboratively with Ørsted IPs and taken reasonable steps to minimise the possible impact of wake effects on the operations of Ørsted assets.

4.175. Ørsted IPs also confirmed that they had reached agreement with the undertaker of the Mona Offshore Wind Project in terms of mitigation for wake effects and intend to write to the Secretary of State separately to confirm that they are satisfied that Requirement 29 of the Mona Offshore Wind Farm Order can be discharged.

4.176. In its response to the second consultation letter on 31 July 2025, the Applicant confirmed that it and the Ørsted IPs had continued to negotiate terms and agreement had been reached to allow the Ørsted IPs to withdraw their objections and which provides mitigation of identified wake effects on the various offshore wind farms. The Applicant submitted that the Secretary of State could conclude that the Applicant has met the NPS EN-3 requirement with respect to wake effects, there are no residual significant effects on the Ørsted IPs and it is unnecessary to include any wake effects requirement in the DCO as suitable mitigation has already been agreed.

4.177. In response to the second consultation, on 1 August 2025, Mooir Vannin OWFL laid out that it anticipated the Proposed Development would result in wake losses to Mooir Vannin OWF and it should therefore be included in any requirement in the DCO. Mooir Vannin OWFL acknowledged that necessary consents were yet to be obtained but stated that the site was awarded to Ørsted in November 2015, well before the process relevant to the Proposed Development concluded. Given that Mooir Vannin OWF would be the first OWF in the IoM jurisdiction, it would not be appropriate for the Applicant to be allowed to ignore potentially significant wake effects on a neighbouring development.

4.178. In response to the third consultation letter, on 7 August 2025 the Applicant argued that the Secretary of State should reject Mooir Vannin OWFL's request for its own wake losses to be included in a DCO requirement. The Applicant noted that the Mooir Vannin OWF is neither existing nor operational, and that, therefore, the provisions of NPS EN-3 (2.8.196-197) concerning the assessment of effects on other infrastructure do not apply in this case. The Applicant concluded that following the withdrawal of objections from Ørsted IPs it had met the requirements of NPS EN-3, and it would not be necessary to include any wake effects requirement in the DCO.

4.179. Noting the letters received from Ørsted IPs and the Applicant, the Secretary of State considers that it is not necessary to insert the Requirement provided by the Applicant in its response of 3 July 2025 in the Order. The Secretary of State notes the comments made by Mooir Vannin OWFL in its final consultation response. This matter was addressed by the ExA (see paragraph 4.148 above) and the Secretary of State can see no reason to disagree with the ExA.

4.180. However, in light of the acknowledged wake effects impact that the Proposed Development will have on existing operational offshore infrastructure and the Secretary of State's clear finding that the Applicant's approach to this issue has not been consistent with NPS policy, nor helpful to good project planning, the Secretary of State concludes that effects on other offshore infrastructure and activities should be ascribed moderate negative weight in the planning balance.

5. Morgan Offshore Wind Project: Generation Assets Habitats Regulations Assessment

5.1. The Secretary of State's HRA is published alongside this letter. The paragraphs below should be read alongside the HRA which sets out in full the Secretary of State's consideration of these matters.

5.2. The Secretary of State has undertaken a Habitats Regulations Assessment ("HRA") and has carefully considered the information presented during the Examination, including the HRA Report as amended and updated during Examination by the Applicant, the Report on the Implications for European Sites ("RIES") [PD-020] as produced by the ExA, the ES, representations made by IPs, and the ExA's Report.

5.3. The Secretary of State considers that the Proposed Development has the potential to have a Likely Significant Effect ("LSE") on fifty-four protected sites when considered alone and in-combination with other plans or projects.

5.4. The Secretary of State has undertaken an Appropriate Assessment ("AA") in respect of the Conservation Objectives of the protected sites to determine whether the Proposed Development, either alone or in-combination with other plans or projects, will result in an Adverse Effect on Integrity ("AEoI") of the identified protected sites. Based on the information available to him and subject to the mitigation measures as secured in the final Order, the Secretary of State is satisfied that the Proposed Development, either alone or in-combination with other plans or projects, will not adversely affect the integrity of any protected sites. The full reasoning for the conclusions is set out in the HRA.

6. Secretary of State's Consideration of the Planning Balance and Conclusions

6.1. The Secretary of State acknowledges the ExA's recommendation that the Secretary of State should make the Order for the Proposed Development in the form recommended at Appendix D of the ExA's Report [ER 7.3.1].

6.2. The Secretary of State agrees with the ExA's conclusions and, where relevant, the weight it has ascribed in the overall planning balance in respect of the following issues:

- Site Selection and Alternatives (the Applicant adequately and appropriately considered alternatives);
- Commercial Fisheries (moderate negative weight);
- Fish and Shellfish Ecology (little negative weight);
- Physical Processes and Benthic Ecology (neutral);
- Other Considerations:
  - Historic Environment (does not weigh for or against);
  - Human Health (does not weight for or against);
  - Seascape, Landscape and Visual Effects (little negative weight);
  - Social and Economic (little positive weight); and
- Good Design (the Applicant met the requirements of NPS EN-1 and NPS EN-3).

6.3. The paragraphs below summarise the conclusions and, where relevant, planning weightings ascribed to those matters where the Secretary of State has further commentary and analysis to add (see paragraphs 4.9 – 4.180 above).

6.4. The Secretary of State has ascribed substantial positive weight to the need for the Proposed Development, consistent with the policy in NPS EN-1.

6.5. The Secretary of State has carefully considered the grid connection and other Irish Sea projects. The Secretary of State agrees with the ExA that the Applicant's approach to the

CEA is robust and there is sufficient information on cumulative effects for him to determine this Application.

6.6. As detailed in the relevant sections of this decision letter, the Secretary of State has ascribed the matters of aviation and radar, marine mammals and ornithology little negative weight in the planning balance.

6.7. As detailed in the relevant sections of this decision letter, the Secretary of State has ascribed the matters of shipping and navigation and other offshore infrastructure and sea users moderate negative weight in the planning balance.

6.8. All NSIPs will have some potential adverse impacts. In the case of the Proposed Development, most of the potential impacts have been assessed by the ExA as having not breached the requirements of NPS EN-1 and NPS EN-3, subject in some cases to suitable mitigation measures being put in place to minimise or avoid them completely as required by NPS policy. The Secretary of State considers that these mitigation measures have been appropriately secured.

6.9. For the reasons given in this letter, the Secretary of State concludes that development consent should be granted for the Proposed Development. The Secretary of State does not believe that the national need for the Proposed Development as set out in the relevant NPSs is outweighed by the Development's potential adverse impacts, as mitigated by the proposed terms of the Order.

6.10. In reaching this decision, the Secretary of State confirms that regard has been given to the ExA's Report, the NPSs, draft NPSs, the UK Marine Policy Statement (2011), other relevant national policies and to all other matters which are considered important and relevant to the Secretary of State's decision as required by section 104 of the Planning Act 2008. The Secretary of State confirms for the purposes of regulation 4(2) of the EIA Regulations that the environmental information as defined in regulation 3(1) of those Regulations has been taken into consideration.

6.11. The Secretary of State has therefore decided to accept the ExA's recommendation to make the Order granting development consent, including the modifications set out in section 9 of this decision letter.

7. Other Matters

Equality Act 2010

7.1. The Equality Act 2010 includes a public sector "general equality duty" ("PSED"). This requires public authorities to have due regard in the exercise of their functions to the need to eliminate unlawful discrimination, harassment and victimisation and any other conduct prohibited under the Equality Act 2010; advance equality of opportunity between people who share a protected characteristic and those who do not; and foster good relations between people who share a protected characteristic and those who do not in respect of the following "protected characteristics": age; gender reassignment; disability; marriage and civil partnerships[9]; pregnancy and maternity; religion and belief; race; sex and sexual orientation.

[9] In respect of the first statutory objective (eliminating unlawful discrimination etc.) only.

7.2. In considering this matter, the Secretary of State (as decision-maker) must pay due regard to the aims of the PSED. This must include consideration of all potential equality impacts highlighted during the Examination. There can be detriment to affected parties but, if there is, it must be acknowledged and the impacts on equality must be considered.

7.3. The Secretary of State has had due regard to this duty and has not identified any parties with a protected characteristic that might be discriminated against as a result of the decision to grant consent to the Proposed Development.

7.4. The Secretary of State is confident that, in taking the recommended decision, he has paid due regard to the above aims when considering the potential impacts of granting or refusing consent and can conclude that the Proposed Development will not result in any differential impacts on people sharing any of the protected characteristics. The Secretary of State concludes, therefore, that granting consent is not likely to result in a substantial impact on equality of opportunity or relations between those who share a protected characteristic and others or unlawfully discriminate against any particular protected characteristics.

Natural Environment and Rural Communities Act 2006

7.5. The Secretary of State notes the "general biodiversity objective" to conserve and enhance biodiversity in England, section 40(A1) of the Natural Environment and Rural Communities Act 2006 and considers the Application consistent with furthering that objective, having also had regard to the United Nations Environmental Programme Convention on Biological Diversity of 1992, when making this decision.

7.6. The Secretary of State is of the view that the ExA's Report, together with the Environmental Statement, considers biodiversity sufficiently to inform the Secretary of State in this respect. In reaching the decision to give consent to the Proposed Development, the Secretary of State has had due regard to conserving biodiversity.

8. Modifications to the draft Order

8.1. Following consideration of the recommended Order provided by the ExA, the Secretary of State has made the following modifications to the recommended Order:

- In requirement 1 the Secretary of State has allowed the Applicant the requested 7 years to commence the Proposed Development, undoing the change made by the ExA. The Secretary of State accepts that there is an urgent need to deliver this project, however, notes that the project is exclusively offshore and is reliant on a separate connection DCO, shared with the Morecambe OWF, which is still in examination. The Secretary of State has not allowed the Applicant an additional year to deal with any judicial review. The Secretary of State considers that any delay caused by a judicial review will not have a significant impact set against this 7-year overall period.
- The Secretary of State has added additional wording to subparagraph (4) of requirement 2. Table 1 within the requirement sets out the design parameters for the development. So far as these relate to wind turbines these parameters are set to capture both scenario 1 and 2 in table 3.5 of the ES. However, by combining the two scenarios they could suggest a combination of parameters that exceed the impacts of either scenario. Subparagraph (2) ensures that these parameters

cannot be relied upon to construct a development whose environmental impacts are greater than those assessed in the ES based on the two assessed scenarios.

8.2. In addition to the above, the Secretary of State has made various changes to the draft Order which do not materially alter its effect, including changes to conform with the current practice for statutory instruments, changes made in the interests of clarity and consistency, changes made for the purposes of standardised grammar and spelling, and changes to ensure that the Order has its intended effect. The Order, including the modifications referred to above, is being published with this letter.

9. Challenge to decision

9.1. The circumstances in which the Secretary of State's decision may be challenged are set out in the Annex to this letter.

10. Publicity for decision

10.1. The Secretary of State's decision on this Application is being publicised as required by section 116 of the Planning Act 2008 and regulation 31 of the EIA Regulations.

Yours sincerely,

David Wagstaff OBE

Head of Energy Infrastructure Planning

ANNEX A: LEGAL CHALLENGES RELATING TO APPLICATIONS FOR DEVELOPMENT CONSENT ORDERS

Under section 118 of the Planning Act 2008, an Order granting development consent, or anything done, or omitted to be done, by the Secretary of State in relation to an application for such an Order, can be challenged only by means of a claim for judicial review. A claim for judicial review must be made to the Planning Court during the period of 6 weeks beginning with the day after the day on which the Order or decision is published. The decision documents are being published on the date of this letter on the Planning Inspectorate website at the following address:

https://infrastructure.planninginspectorate.gov.uk/projects/north-west/morgan-offshore-wind-project-generation-assets/?ipcsection=overview

These notes are provided for guidance only. A person who thinks they may have grounds for challenging the decision to make the Order referred to in this letter is advised to seek legal advice before taking any action. If you require advice on the process for making any challenge you should contact the Administrative Court Office at the Royal Courts of Justice, Strand, London, WC2A 2LL (0207 947 6655).

ANNEX B: LIST OF ABBREVIATIONS

Abbreviation	Reference
AA	Appropriate Assessment
AEoI	Adverse Effects on Integrity
AEP	Annual Energy Production
AEP	Annual Energy Production
ALARP	As Low as Reasonably Practicable
ATCSMAC	Air Traffic Control Surveillance Minimum Altitude Chart
ATS	Air Traffic Systems
BAE	BAE Systems Limited
CA	Compulsory Acquisition
CAA	Civil Aviation Authority
CEA	Cumulative Effects Assessment
CP2030	Clean Power 2030 Action Plan
CRNRA	Cumulative Regional Navigational Risk Assessment
DCO	Development Consent Order
DF	Direction Finding
DIO	Defence Infrastructure Organisation
DML	Deemed Marine Licence
EIA	Environmental Impact Assessment
ERCoP	Emergency Response Co-Operation Plan
ES	Environmental Statement
ExA	The Examining Authority
FMA	Ferry Mitigation Agreement
GHG	Green House Gas
HNDR	Holistic Network Design Review
HRA	Habitats Regulations Assessment
IFP	Instrument Flight Procedures
IoM	Isle of Man
IoMTSC	Isle of Man Territorial Sea Committee
IP	Interested Party
IROPI	Imperative Reasons of Overriding Public Interest
ISH	Issue Specific Hearing
JNCC	Joint Nature Conservation Committee
LAT	Lowest Astronomical Tide
LIR	Local Impact Report
LSE	Likely Significant Effect
MCA	Marine Character Area
MCA	Maritime and Coastguard Authority
MDS	Maximum Design Scenario
MGN	Marine Guidance Note
MIC	Marine Infrastructure Consent
MLAT	MultiLATeration sensors

MMMP	Marine Mammal Mitigation Protocol
MMO	Marine Management Organisation
MNEF	Marine Navigation Engagement Forum
MoD	Ministry of Defence
MSA	Minimum Sector Altitude
MW	Megawatt
NAS	Noise Abatement System
NATS	NATS Services Limited
NPI	Non-producing Installation
NPPF	National Planning Policy Framework
NPS	National Policy Statement
NPS EN-1	National Policy Statement for Energy
NPS EN-3	National Policy Statement for Renewable Energy Infrastructure
NRA	Navigational Risk Assessment
NRW	Natural Resources Wales
NSIP	Nationally Significant Infrastructure Project
NSN	National Site Network
NUI	Normally Unattended Installation
OSP	Offshore Substation Platform
PADSS	Principal Areas of Disagreement Summary Statement
PP	Protective Provisions
PSED	Public Sector Equality Duty
PSR	Primary Surveillance Radar
RIES	Report on the Implications for European Sites
RR	Relevant Representation
SAC	Special Area of Conservation
SMAA	Surveillance Minimum Altitude Area
SNCB	Statutory Nature Conservation Body
SoCG	Statement of Common Ground
SPA	Special Protection Area
SSSI	Site of Special Scientific Interest
SSZ	Seascape Sensitivity Zone
SU	Statutory Undertaker
The 2008 Act	The Planning Act 2008
The EIA Regulations	The Infrastructure Planning Environmental Impact Assessment Regulations 2017
The Habitats Regulations	The Conservation of Habitats and Species Regulations 2017
The Ramsar Convention	The Convention on Wetlands of International Importance 1972
TMZ	Transponder Mandatory Zone
TP	Temporary Possession
UWSMS	Underwater Sound Management Strategy
UXO	Unexploded Ordnance
VTMP	Vessel Traffic Management Plan

WMS	Written Ministerial Statement
WR	Written Representation