



SHEPHERD+ WEDDERBURN

RESPONSE TO COMMENTS ON RELEVANT REPRESENTATIONS ON
BEHALF OF

(1) BARROW OFFSHORE WIND LIMITED (REF: 20048546) (2) BURBO
EXTENSION LTD (REF: 20048544) (3) WALNEY EXTENSION LIMITED
(REF: 20048542) (4) MORECAMBE WIND LIMITED (REF: 20048547) (5)
WALNEY (UK) OFFSHORE WINDFARMS LIMITED (REF: 20048545) (6)
ØRSTED BURBO (UK) LIMITED (REF: 20048543) (THE "ØRSTED IPs")

IN CONNECTION WITH THE Application by Mona Offshore Wind Limited for
an Order Granting Development Consent for the Mona Offshore Wind Farm

Introduction

- 1.1 This response to comments on relevant representations is provided in accordance with Deadline 2 of the examination timetable for the application by Mona Offshore Wind Farm Limited (the “**Applicant**”) for an Order under the Planning Act 2008 (the “**Act**”) granting Development Consent for the Mona Offshore Wind Farm (the “**Project**”).
- 1.2 We represent six owners of operational offshore windfarms in the East Irish Sea (as set out relevant representations RR-004, RR-007, RR-047, RR-087, RR-088 and RR-090), who we refer to together as the “**Ørsted IPs**” for the purposes of this document.
- 1.3 In this document, we respond briefly to comments made by the Applicant (PDA-008) on the Ørsted IPs’ relevant representations. We note that the general matters raised in these responses are also addressed in the Ørsted IPs’ written representation (REP1-072), the summary of oral submissions on behalf of two of the Ørsted IPs (REP1-063) and were canvassed during ISH2. However, the Ørsted IPs consider it may be helpful to the Examining Authority to highlight some of the points where concerns have not been addressed and which therefore warrant specific response.
- 1.4 The Ørsted IPs’ responses to the Applicant’s comments are structured by topic, which align with the issues raised in the relevant representations. We note that the Applicant provided separate (albeit almost identical) responses to each of the Ørsted IPs’ relevant representations. The Ørsted IPs’ responses in this document relate to comments which are repeated in each of the Applicant’s responses (other than for radar, which has only been raised by two of the Ørsted IPs).

2. Wildlife

- 2.1 In response to the concerns raised in the Ørsted IPs’ relevant representations, regarding the Applicant’s assessment of wildlife effects, the Applicant stated (among other points): “*The Mona Offshore Wind Project has undertaken a robust assessment of all potential impacts on marine wildlife informed by appropriate data sources from site specific surveys and detailed desktop studies, in accordance with relevant topic specific guidance*”.
- 2.2 The Ørsted IPs refer to the discrepancies identified in parts of the Applicant’s assessment identified in the Ørsted IPs written representation (REP1-072). The Ørsted IPs reiterate their concerns regarding the adequacy of the Applicant’s assessment, which require to be adequately addressed in the course of the Examination.

3. Shipping and Navigation

- 3.1 In their relevant representations, the Ørsted IPs noted the effects of the Project on shipping and navigation, and sought to be involved in stakeholder engagement on this issue. In response, the Applicant stated (among other points):

The Applicant has committed within Volume 2, Chapter 7: Shipping and navigation (APP-059) to continue engagement with all stakeholders through the Marine Navigation Engagement Forum (MNEF) which includes Ørsted and other offshore wind energy developers.
- 3.2 The Ørsted IPs acknowledge this statement, and note that, in their view, additional engagement is required beyond what has occurred through the Marine Navigation Engagement Forum to date. As stated in the Ørsted IPs’ written representation, they consider ongoing updates regarding consultation with vessel operators, engagement on any mitigations which could influence their developments and a mechanism for consultation on any operational procedures for the Project relating to construction and operation traffic to/from the Ørsted IPs developments, is required.

4. Energy Yield

- 4.1 In their relevant representations, the Ørsted IPs raised concerns regarding the impacts of the Project on the energy yield of their developments. In response, the Applicant explained that wake loss effects had been scoped out for further assessment, due to the distance of the Project from operational wind farms.

4.2 In support of this approach, the Applicant stated that:

...NPS EN-3 (paragraph 2.8.44) recognises that offshore wind development will occur in or close to areas where there is other offshore infrastructure” and referred to a study commissioned by TCE which “indicated that, or the non-site-specific scenarios modelled, potential wake effects level off with approximately 10 km separation between offshore wind farms, and for separations much larger than 20 km wake effects become vanishingly small.

4.3 The Ørsted IPs have set out their position on the requirement to assess this matter in their written representation. However, we wish to specifically respond to the Applicant’s comments outlined above.

4.4 The Ørsted IPs note that paragraph 2.8.44 of the NPS EN-3, relied on by the Applicant, states: “*There may be constraints imposed on the siting or design of offshore wind farms because of the presence of other offshore infrastructure...*”. We consider this paragraph provides support for the proposition that the Project should properly assess its potential effects on other offshore wind farms, such that design and siting constraints can be considered adequately.

4.5 The Ørsted IP also note that the NPS EN-3 requires that new offshore wind development assess the effects of development on existing infrastructure:¹

Where a potential offshore wind farm is proposed close to existing operational offshore infrastructure, or has the potential to affect activities for which a licence has been issued by government, the applicant should undertake an assessment of the potential effects of the proposed development on such existing or permitted infrastructure or activities.

4.6 A proper interpretation of NPS EN-3 requires that the Applicant assess and consider its potential effects on the Ørsted IPs developments. It is not appropriate to ‘scope out’ wake loss at this stage, as it is a direct effect on another sea user not simply an effect to be considered through the EIA process.

4.7 Additionally, the Ørsted IPs note that they do not consider the findings of the TCE-commissioned study referred to by the Applicant,² which was commissioned to “*optimise the use of the seabed*” rather than assess the potential effects of the Project on the Ørsted IPs developments, relieves it of its responsibility to assess the potential effects of the Project in the context of its specific environment.

4.8 The Applicant has so far failed to address this point which the Ørsted IPs believe requires to be dealt with in early course in the Examination, to ensure successful co-existence of the Ørsted IPs and the Project.

5. Radar

5.1 This response is provided on behalf of Walney Extension Limited and Burbo Extension Limited (“**the Extensions**”) only.

5.2 In response to the Extensions’ relevant representations relating to mitigation in relation to potential impacts on the Warton Airfield Primary Surveillance Radar, the Applicant stated that:

The Mona Offshore Wind Project has not had a technical objection in regard to the Primary Surveillance Radar (PSR) from the Ministry of Defence (MOD) Defence Infrastructure Organisation (DIO), who is responsible for Warton Aerodrome aeronautical/aviation safeguarding. No significant impacts to Warton Airfield PSR were identified in EIA terms in Volume 4, Chapter 1: Aviation and radar (APP-075). Thus, the Applicant has no reason to believe that the Mona Offshore Wind Project might adversely affect or increase the cost of the mitigation put in place by Walney Extension Ltd related to Warton Aerodrome PSR.

¹ Paragraph 2.8.197.

² Frazer-Nash Consultancy Limited, 2023. Referred to by the Applicant in its responses to the Ørsted IPs relevant representations (PDA-008) and Volume 2, Chapter 10: Other Sea Users of the Environmental Statement at [10.5.2.12] (APP-062).

- 5.3 The Extensions note that the Ministry of Defence has now filed a written representation (REP1-054) objecting to the Project, on the grounds that the Project would have unacceptable impacts on the air traffic control radar system sited at BAE Warton. This reinforces the Extensions' concerns regarding the potential of the Project to impact on their mitigation arrangements.
- 5.4 The Extensions await the Applicant providing a satisfactory outcome to these impacts which if unresolved will cause an unacceptable impact on the Ministry of Defence, BAE, and the Extensions.

Shepherd & Wedderburn LLP

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