



SHEPHERD+ WEDDERBURN

COMMENTS ON DEADLINE 4 SUBMISSIONS 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

## 1. Introduction

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- 1.1 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 submission.
- 1.2 At deadline 4 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**”), the Applicant filed a number of documents relating to the ecological effects of the Project which the Ørsted IPs wish to respond to. The Ørsted IPs also wish to briefly respond to a point made by the Applicant in its comments on the Ørsted IPs EXQ1 responses regarding shipping and navigation.
- 1.3 In this submission, the Ørsted IPs respond to the following documents:
- 1.3.1 ‘Updated Offshore Ornithology Cumulative Effects Assessment and In-combination Gap-filling Historical Projects Technical Note’ (the “**Technical Note**”);<sup>1</sup>
- 1.3.2 Response to REP4-079 in respect of shipping and navigation.

## 2. Response to the Technical Note

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- 2.1 The Ørsted IPs provided an initial response to the Applicant’s deadline 3 version of the Technical Note, recording that they were considering the Technical Note in the context of the other proposed developments (namely, the Morgan and Morecambe offshore wind farms). An updated version of the Technical Note was filed at examination Deadline 4.
- 2.2 Following this further consideration, the Ørsted IPs have identified an issue with the Applicant’s approach to the cumulative collision risk assessment. The Applicant has incorrectly recorded that Barrow Offshore Windfarm has a predicted lifespan which ends before the construction of the Project.
- 2.3 The Applicant has cited the expiry of a marine licence which authorises maintenance of the Barrow Offshore Windfarm to justify this approach. However, this licence does not relate to the operation of the development. The Ørsted IPs understanding is that no additional consents are required to continue operating Barrow Offshore Windfarm beyond 2026.
- 2.4 Therefore, Barrow Offshore Windfarm should be included in the Applicant’s cumulative effects assessment. Excluding this development from assessment runs counter to the precautionary principle and creates a risk that cumulative effects are not accurately assessed.

## 3. Response to REP4-079

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- 3.1 The Applicant has provided its comments on the Ørsted IPs ExQ1 responses in REP-079. The Ørsted IPs consider their submissions regarding wake loss at deadline 3<sup>2</sup> cover the Applicant’s comments at REP103.1-REP103.5 and do not propose to repeat that information in this submission.
- 3.2 In respect of the Applicant’s comments at REP3.103.6-REP3.103.7, the Ørsted IPs reiterate that they require to be specifically engaged with in respect of the shipping and navigation risks arising from the development and how those will be managed (as relevant to the interface with the Ørsted IPs’ developments). This interface would cover Emergency Response and Cooperation Plan (ERCOP) and the Marine Pollution Contingency Plan (MPCP).
- 3.3 In light of the cumulative risks to shipping and navigation at their developments, the Ørsted IPs consider a formal commitment to such engagement would be appropriate in the Project’s Outline Vessel Traffic Management Plan (“**OVTMP**”).<sup>3</sup> The Ørsted IPs seek to be specifically named as consultees at 1.6.2 of that document.

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<sup>1</sup> [REP4-028] and [REP4-029].

<sup>2</sup> [REP4-126], [REP4-129], [REP4-130].

<sup>3</sup> [REP3-018].

- 3.4 Importantly, this will provide greater certainty that the parties ultimately responsible for the construction of the Project are aware that the Ørsted IPs must be consulted with. The Ørsted IPs considers there is a risk that in relying on the umbrella consultee categories included in the OVTMP (which includes “existing users of the relevant sea” and “relevant stakeholders”), those ultimately implementing the OVTMP may not be aware that the Ørsted IPs require to be consulted. Lack of engagement could have important consequences for the successful coexistence of the Project with the Ørsted IPs’ developments.

**Shepherd & Wedderburn LLP**

**03.12.2024**