



Our Ref: FH—ExAQ2_Deadline6-Morgan-OWFProj/25-001

Your Ref: EN010136 – Morgan Offshore Wind Project: Generation Assets
– Applicant's Response to Examining Authority's Second Written Questions

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To whom it may concern,

SFF & West Coast Sea Products Ltd (WCSP) Response to the Applicant's Response to Examining Authority Written Questions 2 re Morgan Offshore Windfarm Generation Assets

This response is presented by the Scottish Fishermen's Federation (SFF) on behalf of the 450 plus fishing vessels in membership of its constituent associations, the Anglo Scottish Fishermen's Association, Fife Fishermen's Association, Fishing Vessel Agents and Owners Association, Mallaig & North West Fishermen's Association, Orkney Fisheries Association, Scottish Pelagic Fishermen's Association, the Scottish White Fish Producer's Association and Shetland Fishermen's Association.

SFF and WCSP Response:

The SFF appreciates the opportunity provided since the start of the license application process to comments on Morgan OWF. This comment is mainly focused on the Applicant's response to the Examining Authority's (ExA's) second written questions (PD-009) addressed to the Applicant (Annex 5.3 to the Applicant's response to EXQ2 CF 2.1, Deadline: 5, Document Reference: S_D5_5.3. This response should be read with the SFF response to the Morgan Offshore Windfarm Generation Assets License Application Consultation submitted on 3rd October 2024 and dated: 16 January 2025). the SFF & West Coast Sea Products Ltd (WCSP) Response to Examining Authority Written Questions 2 re Morgan Offshore Windfarm Generation Assets submitted on 16 January 2025. Our further concerns are set out in this response.

The SFF admire and support the Examining Authority's (ExA's) second written questions (PD-009) addressed to the Applicant. However, we are not content and convinced with the Applicant's response since their response is not irrelevant and unjustified.

The ExA's question (CF 2.1) is as follows:

Members:

Anglo Scottish Fishermen's Association · Fife Fishermen's Association · Fishing Vessel Agents & Owners Association (Scotland) Ltd · Mallaig & North-West Fishermen's Association Ltd · Orkney Fisheries Association · Scottish Pelagic Fishermen's Association Ltd · The Scottish White Fish Producers' Association Ltd · Shetland Fishermen's Association

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“• Outline Fisheries Liaison and Co-existence Plan (OFLCP) – clarification of compensation as a last resort for effects to fisheries

“• Having regard to the most up-to-date industry best practice guidelines, the Applicant is asked to submit an updated outline Fisheries Liaison and Co-existence Plan (FLCP) to clarify the mechanism that would be in place for commercial compensation to fisheries stakeholders as a last resort in the worst-case event that the scallop mitigation zone (SMZ) is not fully effective as mitigation and that adverse effects on landings during or post-construction are demonstrated to be significantly greater than the amount assessed as likely in the ES (Environmental Statement) [APP-024] (6.8.1).

“• The ExA acknowledges the Applicant’s commitment to undertake post construction dredge surveys to determine changes to queen scallop from baseline predictions, but these surveys are intended only to validate predictions in the ES. If the species does not recover as predicted in the ES, the ExA wishes to understand how commercial fisheries will be compensated. It is insufficient to respond with a statement that there will be no significant impact to continued access to the queen scallop resource.”

The Applicant has addressed this question in two parts below:

i) the mechanism for potential compensation if stocks remained healthy/viable, but access to areas within the Array was more limited than predicted within the EIA (*Environmental Impact Assessment*), and

ii) the mechanism for managing unforeseen negative impacts if there was a greater than predicted impact on scallop stocks (and subsequent impact on landings)

i) Compensation mechanism for reduced access

The SFF cannot agree with the Applicant’s justification that fishing access will not be reduced at the Array Area during construction and operation of the Morgan OWF for the following reasons:

1. Scallop Mitigation Zone (SMZ)

The Applicant claims, “the Applicant has implemented a Scallop Mitigation Zone (SMZ), which fisheries stakeholders have agreed is welcomed mitigation for coexistence. The inclusion of the SMZ reduced the significance of the “loss or reduced access to fishing grounds” effect in EIA terms.” The SFF cannot agree with this statement as the proposed SMZ included as part of the planning application will have an unacceptable presence of cables within the SMZ but also bound to the west and southwest by wind turbines. With the presence of cables and turbines in and around SMZ, the purpose and effectiveness of this mitigation measure (for the fishing industry) will be null and voided/vanished, and it will not have any impact on reducing the significance of the “loss or reduced access to fishing grounds” effect in EIA terms. Therefore, we do not agree with the EIA findings and strongly believe that the Morgan OWF will have significant effect on “loss or reduced access to fishing grounds” for both Queen Scallops and pelagic fisheries.

As the residual effect of the Development on commercial fisheries is significant, the fishing industry is entitled for compensation due to loss or reduced access to fishing grounds (as there is a risk of 53% of our ground facing access issues or habitat loss). Therefore, the SFF support the ExA’s demand of the Applicant to clarify the mechanism that would be in place for commercial compensation to fisheries stakeholders as a last resort in the worst-case event that the scallop mitigation zone (SMZ)

is not fully effective as mitigation and that adverse effects on landings during or post-construction are demonstrated to be significantly greater than the amount assessed as likely in the ES (*Environmental Statement*) [APP-024] (6.8.1).

2. Compensation for static gear vs mobile gear

The SFF cannot agree with the Applicant's statement at para 1.2.1.8 that states, "commercial compensation to individual mobile gear fishers (including scallop fishers) is not standard practice" as compensation for mobile gear was paid by Neart na Goethe (NnG) OWF in Scottish water.

3. Example of Scallop fishing within windfarms in Scottish waters

The SFF note from para (1.2.1.12) that the Applicant states, "Scallop fishing activity is currently undertaken within a number of Scottish wind farm sites". Learning from Seagreen and other offshore windfarms that are in operation, effort and annual grossing could be reduced by up to 66%.

4. Availability of queen scallop fishing grounds

The SFF note from para '1.2.1.13' that the Applicant is of the view that the queen scallop fleet will continue to have access to the queen scallop grounds/resource within the Array Area. The queen scallop fleet will continue to have access to the wider scallop fishery in the Irish Sea (depicted in Figure 1.1 of REP4-011), and as such, individual commercial compensation payments relating to the operational phase are not considered necessary, or appropriate.

As stated earlier if the SMZ is not obstacles free (free of cables and turbine ab boundary) the queen fleet will lose access to 53% of fishing grounds (while pelagic fishing will lose 100% of fishing ground at western corner of the Array if turbines are installed at SMZ boundary). Therefore, financial compensation is unavoidable.

In terms of access to Irish Sea, following our response to the ExA's Q2, the diagram provided at **(Figure 1.1 of Annex 6.2 to the Applicant's response to Written Representations from MMO at Deadline 3: Queen Scallop)** is out of context as it tries to show the Queen Scallop grounds in the Irish Sea are vast and the development will have a negligible impact on Queen Scallop fisheries. This is not the case for the following reasons:

- The mentioned diagram (Figure 1.1) shows further Queen Scallop grounds in the Irish Sea, but it should be noted that our members (especially WCSP as the receptor affected) do not have access to the Queen Scallop grounds in Manx waters, which despite having historical rights, is now purely an otter trawl fishery for Queen Scallops.
- Secondly, the majority of the shown Queen Scallop grounds in Figure 1.1 are not prominent or commercially viable during a typical season, i.e. in some years there may be dense numbers of commercially viable Queen Scallops, but some beds can go years without any productivity. We would also like the opportunity to also highlight that the Morgan OWF and its SMZ is situated within the area of the Fishery management Plan currently being developed for English waters in which the attached document ([REDACTED] also attached with this response's email) evidences this as one of the most productive ICES rectangles for Queen Scallop commercial fishing.

¹ Paper 1. Proposed Fisheries Management Plan for queen scallop in English waters, Supporting document: Evidence Statement, Date: October 2024.

As the analysis mentions, WCSP had provided detailed information on commercially viable queen scallop fishing grounds via plotter positions within the Morgan Array Area in responses to questionnaires issued to commercial fisheries stakeholders on 24 March 2022 (that has been cited in Section 1.3.3 of Volume 4, Annex 6.1: Commercial fisheries technical report (APP-059)). WCSP had categorised the queen scallop grounds into zones to show where Queen scallop fishery take place, with a zone in the west corner of the Morgan Array Area being labelled as the 'commercially important queen scallop fishing ground', with the remaining area within the Morgan Array Area being labelled as grounds that are rarely fished (as shown in Figure 1.54 of Volume 4, Annex 6.1: Commercial fisheries technical report (APP-059)). This remains intact to date. As we have reiterated in our Responses to this development consultations so far, the western corner of the proposed development has significant importance to our Queen scallop fishery (and pelagic fleet) and the mentioned area is our prolific fishing ground. Therefore, we wish for the Development to include an SMZ which Queen Scallop fishers can be confident delivers true uninterrupted coexistence (without cable crossing and turbine on perimeters).

5. Fisheries Management Plan (FMP)

The SFF note the Applicant's view in relation to a new Queen Scallop Fisheries Management Plan (FMP) in English waters, led by Defra. The Applicant states, "some of the proposed measures, such as introducing gear specification, could themselves lead to reductions in scallop landings due to new management measures. Therefore, any review of the impact of Morgan Generation Assets on scallop stocks would also need to be placed in the context of these potential new measures, which adds further complexity to the process."

We are strongly unsupportive of the Applicant's response as it is an attempt to create ambiguity that any impact on the fishery or access would not be to the blame of an OWF development situated on top of the fishery. The applicant is correct that an FMP is being developed for the fishery, which is at an early consultation stage between industry and Defra to consider possible management measures at a high level. However, the applicant's response cannot be supported by SFF & WCSP as the applicant is arguing in their response that improved governmental-industry fisheries management could be on par with the impact of the OWF on the stocks. For instance, as it stands at the present with the current SMZ access issues and probability of cables being routed through it and the added possibility of habitat loss, it is unacceptable to consider that improved fisheries management could be as much to blame for reduced landings.

ii) Managing unforeseen negative impacts on scallop stocks

The SFF admire and support the ExA concerns in terms of Morgan OWF impact on Queen Scallop stock and the ExA's wishing to understand how commercial fisheries will be compensated if the queen scallop resource does not recover following construction of the Morgan Generation Assets. We agree with the ExA that it is insufficient to respond with a statement that there will be no significant impact to continued access to the queen scallop resource and there should be a commitment for compensation if things go wrong.

We note that the Applicant has stated that such compensation is not envisaged by the FLOWW guidance (2014 and 2015). As the FLOWW name suggests, it is liaison guidelines between fisheries and renewable energy, and it off course does not touch on compensation for offshore wind farms adverse effect on fish stocks. However, based on the 'polluter pays principle', the SFF, in line with ExA statement' want to see a solid commitment from Applicants to compensate fishing industry if

the queen scallop resource does not recover following construction of the Morgan Generation Assets. We are of the view that the scallop re-seeding programme is ineffective therefore we do not support it.

Unresolved matters in the SoCG

The SFF reiterate that the Applicant has still not reached agreement with us regarding numerous important items in the draft Statement of Comment Ground (SoCG) including agreement on mitigation measures (SMZ), the EIA methodology and routine monitoring (every 5 years). These should be agreed pre-consent. Signing off the SoCG with the disagreed important items is not valuable.

Misc.

Our concern in relation to the development constructions noise impacts on herring and scallop larvae still remain intact and we propose that the ICES 2024 advice on herring in Irish Sea to be considered and acted up on.

Conclusion:

On behalf of the SFF and WSCP we appreciate the opportunity to submit this written response and reiterate the **SFF robustly objects to the application as it negatively impacts our members.**

Best regards

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Offshore Energy Policy Manager
Scottish Fishermen's Federation