

Date: 27 February 2025
Our ref: 499427 Natural England's Covering Letter to Deadline 6 Morgan
OWF Project
Your ref: EN010136



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BY EMAIL ONLY

Dear Susan Hunt,

Morgan Offshore Wind Project: Generation

The following constitutes Natural England's formal statutory response for Examination Deadline 6.

1. Deadline 5 Submissions

Natural England has reviewed the relevant documents submitted by the Applicant at Deadline 5. Please find an update of Natural England's position regarding these documents in Table 1 below, including anticipated timing of responses. In addition, Natural England is also submitting the following detailed responses, signposted from Table 1, within the following thematic appendices:

- EN010136 499427 Morgan Generation Assets Appendix I6 - Natural England's Risk and Issues Log Deadline 6
- EN010136 499427 Morgan Generation Assets Appendix J6 - Natural England's Principal Areas of Disagreement Summary Statement Deadline 6
- EN010136 499427 Morgan Generation Assets Appendix N6 – Natural England's Comments to the RIES Deadline 6
- EN010136 499427 Morgan Offshore Wind Generation Assets Appendix O6 - Natural England's Advice on Cable Protection and Inclusion in Marine Licenses Deadline 6

2. Action point 11 from Issue Specific Hearing 3 (ISH3)

“The ExA invites the MMO, Natural England, NRW and JNCC to submit any comments they may have on the Application’s compliance (or not as the case may be) with the marine noise policy and guidance documents listed in Action Point 10 above. Identify, if necessary, any revisions that would need to be made to the application, its supporting documents and/ or the draft DCO to address any application shortcomings in light of the marine noise policy and guidance.”

Throughout our Relevant Representations and subsequent Deadline submissions, Natural England has made a number of comments strongly advising that the Applicant fully commits to using Noise Abatement Systems (NAS) as mitigation to reduce both injury and disturbance to marine mammal receptors during the construction activities. Whilst the Applicant has responded to many of these comments throughout the Examination process, a full commitment to the use of NAS including a secured condition in the DCO has not been reflected in the relevant documents provided by the Applicant in any of the previous Examination Deadlines.

Since Deadline 5, and the Defra marine noise policy paper and guidance being published on 21 January 2025, we have met with the Applicant to discuss what is required in order to resolve these issues and ensure compliance with the Defra noise policy (meeting dated 22 January 2025). The Applicant has shared draft versions of updates to relevant documents (UWSMS, MM ES Chapter, IPMP, Outline MMMP) which Natural England provided further advice on. It is our view that the final drafts the Applicant shared with Natural England over email on 24 February 2025 incorporate our advice on the wording around NAS. Providing that these documents are submitted into Examination at Deadline 6, we believe the Applicant has included sufficient compliance with the Defra marine policy and guidance documents (as listed in Action Point 10) and several issues in our R&I Log will be readily resolved.

3. Closing Statements

It is Natural England’s understanding that as set out in the Rule 8 letter, Deadline 6 will be the final opportunity for the Applicant and Interested Parties (IPs) to provide submissions, unless any further information is requested by the ExA under Rule 17 of The Infrastructure Planning (Examination Procedure) Rules 2010. Therefore, Natural England has provided our final position on the relevant matters in our final Principal Areas of Disagreement Summary Statement (PADSS) (Appendix J6) and Risks and Issues Log (Appendix I6).

It is Natural England’s understanding that the Applicant intends on submitting further updates to their application documents at Deadline 6, having sent Natural England draft submissions last week. We highlight there has been insufficient time to review these draft submissions ahead of Deadline 6, with the exception of the Applicant’s draft updates on the wording around NAS as referred to in section 2 above. However, to assist the ExA and ultimately the decision-maker in drawing conclusions on outstanding matters that the Applicant’s Deadline 6 submissions may resolve, especially noting the limited time to the end of Examination, we have drafted the Deadline 6 R&I log in a way that sets out what those submissions would need to include to address our concerns.

Nevertheless, given Defra's marine noise policy has only emerged recently, we would welcome the opportunity to submit confirmation of our final position regarding NAS at Deadline 7 should the ExA consider this useful.

Yours sincerely,

Elliott Waltho / Kathleen Bealby
Cheshire to Lancashire Area Team

E-mail: [REDACTED]

Annex 1: Natural England's Response to the Applicant's Documents Submitted at Deadline 5 Relevant to our Remit

PINS Document Reference	Document Name	Natural England's Response/Position Summary
REP5-001	S_D5_1 Cover Letter	Natural England has no comments to make on this document.
REP5-002	S_D5_2 Application Guide (Clean)	Natural England has no comments to make on this document.
REP5-003	S_D5_2 Application Guide (Tracked)	Natural England has no comments to make on this document.
REP5-005	S_D5_3.2 Consideration of impacts on ornithological features of Ramsar sites on the Isle of Man	Natural England has provided updates, where necessary, in our Risk and Issues log (Appendix I6) in relation to this document.
REP5-006	S_D5_3.3 Annex 3.3 to Hearing Action Point 20: Assessment of impacts on non-ornithological features of proposed Ramsar Sites within the Isle of Man	Natural England has provided updates, where necessary, in our Risk and Issues log (Appendix I6) in relation to this document.
REP5-007	S_D5_3 Response to Hearing Action Points from ISH2 for Deadline 5	Natural England has no comments to make on this document.
REP5-009	S_D5_4 Applicant's Response to IP submissions submitted at Deadline 4	Natural England has no comments to make on this document.
REP5-010	S_D5_5.1 Annex 5.1 to the Applicant's response to EXQ2 GEN 2.9: Monitoring – Adaptive Management	Natural England has provided updates, where necessary, in our Risk and Issues log (Appendix I6) in relation to this document.
REP5-011	S_D5_5.2 Annex 5.2 to the Applicant's response to ExA Question GEN2.11 at Deadline 5	Natural England has provided updates, where necessary, in our Risk and Issues log (Appendix I6) in relation to this document.
REP5-012	S_D5_5.2_Appendix A to Annex 5.2 to ExQ2 Gen 2.11. Applicant's response to NE Risk and Issues log	Natural England has provided updates, where necessary, in our Risk and Issues log (Appendix I6) in relation to this document.
REP5-015	S_D5_5 Applicant's Response to Examining Authority's Written	Natural England has provided updates, where

	Questions (ExAQ2)	necessary, in our Risk and Issues log (Appendix I6) in relation to this document.
REP5-017	S_D5_7 Draft Development Consent Order (Clean)	Natural England has provided updates, where necessary, in our Risk and Issues log (Appendix I6) in relation to this document.
REP5-018	S_D5_7 Draft Development Consent Order (Tracked)	Natural England has provided updates, where necessary, in our Risk and Issues log (Appendix I6) in relation to this document.
REP5-019	S_D5_8 Schedule of Change to the draft Development Consent Order	Natural England has provided updates, where necessary, in our Risk and Issues log (Appendix I6) in relation to this document.
REP5-021	S_D5_10 Outline marine mammal mitigation protocol (Clean)	Natural England has provided updates, where necessary, in our Risk and Issues log (Appendix I6) in relation to this document.
REP5-022	S_D5_10 Outline marine mammal mitigation protocol (Tracked)	Natural England has provided updates, where necessary, in our Risk and Issues log (Appendix I6) in relation to this document.
REP5-023	S_D5_11 Environmental Statement Volume 2, Chapter 4: Marine Mammals (Clean)	Natural England has provided updates, where necessary, in our Risk and Issues log (Appendix I6) in relation to this document.
REP5-024	S_D5_11 Environmental Statement Volume 2, Chapter 4: Marine Mammals (Tracked)	Natural England has provided updates, where necessary, in our Risk and Issues log (Appendix I6) in relation to this document.
REP5-025	S_D5_12 Outline Underwater Sound Management Strategy (Clean)	Natural England has provided updates, where necessary, in our Risk and Issues log (Appendix I6) in relation to this document.
REP5-026	S_D5_12 Outline Underwater Sound Management Strategy (Tracked)	Natural England has provided updates, where necessary, in our Risk and Issues log (Appendix I6) in relation to this document.
REP5-029	S_D5_14 Commitments Register (previously titled Mitigation and monitoring schedule) (Clean)	Natural England has provided updates, where necessary, in our Risk and Issues log (Appendix I6) in relation to this document.

REP5-030	S_D5_14 - Commitments Register (previously titled Mitigation and monitoring schedule) (Tracked)	Natural England has provided updates, where necessary, in our Risk and Issues log (Appendix I6) in relation to this document.
REP5-031	S_D5_15 Additional PVA Modelling for Great Black-Backed Gull Cumulative Assessment	Natural England has provided updates, where necessary, in our Risk and Issues log (Appendix I6) in relation to this document.
REP5-032	S_D5_16.1 Annex 16.1 to Ornithological assessment clarification data English sites	Natural England has provided updates, where necessary, in our Risk and Issues log (Appendix I6) in relation to this document.
REP5-033	S_D5_16.2 Annex 16.2 to Ornithological assessment clarification data Welsh sites	Natural England has provided updates, where necessary, in our Risk and Issues log (Appendix I6) in relation to this document.
REP5-034	S_D5_16.3 Annex 16.3 to Ornithological assessment clarification data offshore sites	Natural England has provided updates, where necessary, in our Risk and Issues log (Appendix I6) in relation to this document.
REP5-035	S_D5_16 Ornithological assessment clarification data	Natural England has provided updates, where necessary, in our Risk and Issues log (Appendix I6) in relation to this document.
REP5-036	S_D5_17 Liverpool Bay/Bae Lerpwl SPA Clarification Note	Natural England has provided updates, where necessary, in our Risk and Issues log (Appendix I6) in relation to this document.
REP5-037	S_D5_18 Outline vessel traffic management plan (Clean)	Natural England has provided updates, where necessary, in our Risk and Issues log (Appendix I6) in relation to this document.
REP5-038	S_D5_18 Outline vessel traffic management plan (Tracked)	Natural England has provided updates, where necessary, in our Risk and Issues log (Appendix I6) in relation to this document.
REP5-042	S_D5_21 Offshore in-principle monitoring plan (Clean)	Natural England has provided updates, where necessary, in our Risk and Issues log (Appendix I6) in relation to this document.
REP5-043	S_D5_21 Offshore in-principle monitoring plan (Tracked)	Natural England has provided updates, where necessary, in our Risk and Issues log (Appendix I6) in relation to this document.

		in relation to this document.
REP5-044	S_D5_22 Explanatory Memorandum (Clean)	Natural England has no comments to make on this document.
REP5-045	S_D5_22 Explanatory Memorandum (Tracked)	Natural England has no comments to make on this document.
REP5-046	S_D5_23 Measures to minimise disturbance to marine mammals and rafting birds from transiting vessels (Clean)	Natural England has provided updates, where necessary, in our Risk and Issues log (Appendix I6) in relation to this document.
REP5-047	S_D5_23 Measures to minimise disturbance to marine mammals and rafting birds from transiting vessels (Tracked)	Natural England has provided updates, where necessary, in our Risk and Issues log (Appendix I6) in relation to this document.
EV6-011	Issue Specific Hearing 3 (ISH3) - 12 February 2025 - Action Points	Natural England has provided a response to Action Point 11 in the Cover Letter above.



THE PLANNING ACT 2008

THE INFRASTRUCTURE PLANNING (EXAMINATION PROCEDURE) RULES
2010

Morgan Offshore Wind Farm: Generation Assets

Appendix J6 to Natural England's Deadline 6 Submission

**Natural England's Principal Areas of Disagreement Summary Statement
(PADSS) at Deadline 6**

For:

The construction and operation of the Morgan Offshore Wind Project: Generation Assets located approximately 37 km from the Northwest English Coast in the Irish Sea.

Planning Inspectorate Reference: EN010136

27 February 2025

Principal Areas of Disagreement Summary Statement (PADSS) at Deadline 6

This PADSS should be read in conjunction with the Appendices of Natural England's Relevant Representations [RR-026], written presentations and Natural England Deadline 6 Risk and Issues Log, which provide further detail on the areas of disagreement which require resolution. For ease of reference, we have added a RAG rating for each principal area.

The principal issue in question	The brief concern held by Natural England which will be reported on in full in WR / LIR	What needs to change, or be included, or amended so as to overcome the disagreement	RAG rating D1	Has the concern been addressed?	RAG rating D6
Development Consent Order (DCO) and deemed Marine Licence (dML)					
Maximum parameters of the works are not adequately captured	The DCO and dMLs do not accurately capture important metrics such as the maximum area and volume of scour and cable protection, and the number and size of UXOs that can be detonated.	The Applicant should update the DCO and dMLs to ensure the maximum parameters of all important metrics are appropriately secured.		The issue has been resolved for maximum area, volume of scour and cable protection. However, as the information required to inform the size and number of UXOs is currently not available, we reiterate our advice that UXO clearance (including low order detonations) should not be included as a licensed activity in the DCO. Therefore, this issue remains unresolved at Deadline 6.	
Pre-construction documentation required at least six months prior to commencement	Due to the increasing complexity of construction of large offshore works, the proposed four month consultation period is no longer appropriate.	The Applicant should amend the dMLs to allow for documents to be submitted at least six months prior to commencement.		This issue has been resolved. Natural England welcomes the update to the DCO condition 20 requiring pre-construction documentation to be submitted at least six months prior to commencement.	
Conditions to require an updated Offshore Operations and Maintenance Plan (OOMP) and secure post construction time	Currently, there is no condition requiring an updated OOMP to be submitted. The condition should also secure that no cable protection should be deployed later than 10 years post construction.	The Applicant should update the dMLs to require an updated OOMP and a maximum period of ten years post construction for cable protection.		Natural England maintains our position that a 10-year time limit for cable protection deployment should be imposed within the DCO. This is in line with our standing advice on cable protection assessment for offshore windfarms and inclusion in marine licenses (Appendix O6).	

The principal issue in question	The brief concern held by Natural England which will be reported on in full in WR / LIR	What needs to change, or be included, or amended so as to overcome the disagreement	RAG rating D1	Has the concern been addressed?	RAG rating D6
limits for cable protection					
Ecological monitoring conditions	The monitoring conditions included within the dMLs do not secure any ecological monitoring.	Monitoring of benthic, offshore ornithology and marine mammals should be conditioned.		This issue has been partly resolved in that the Applicant has proposed monitoring of marine process and benthic ecology. However, Natural England maintains its position on the need for ecological monitoring for ornithological and marine mammal receptors. Recognising the Applicant takes the opposite view, we are now in an 'agree to disagree' position regarding ornithological and marine mammal monitoring.	
Offshore Ornithology					
Cumulative Effects Assessment (CEA) methodology	The Applicant has undertaken a qualitative assessment of impacts from historic projects without considering quantitative impacts, which Natural England advise is inappropriate. We therefore consider there to be a high level of uncertainty in the Applicant's CEA. Additionally, there are inconsistencies in the data used across the Round 4 Irish Sea offshore wind projects.	Natural England advise that the method previously supplied to the Applicant during pre-application discussions remains our preferred approach, and that this should be adopted across the Irish Sea Round 4 projects, who should also collaborate to establish the use of consistent data.		At Deadline 5, the Applicant submitted agreed impact figures following a methodology advised by Natural England. This resolved our concerns around methodological issues associated with the Applicant's assessments presented in the ES. Therefore, this issue has been resolved.	
Collision Risk Modelling (CRM), displacement assessments and	Natural England have outstanding concerns relating to both the CRM and displacement assessments and	Greater clarity and transparency is required on the results of assessments, and how these are used in		At Deadline 5, the Applicant submitted agreed impact figures following a methodology advised by Natural England. This resolved our concerns around	

The principal issue in question	The brief concern held by Natural England which will be reported on in full in WR / LIR	What needs to change, or be included, or amended so as to overcome the disagreement	RAG rating D1	Has the concern been addressed?	RAG rating D6
subsequent apportioning	subsequent apportioning undertaken by the Applicant. These currently preclude any consideration of the Applicant's EIA and HRA conclusions.	later stages (e.g. apportioning), especially with respect to CRM parameters. Furthermore, we consider that the full range of SNCB advised displacement and mortality rates must be considered when apportioning impacts.		methodological issues associated with the Applicant's assessments presented in the ES. Therefore, this issue has been resolved.	
Marine Mammals					
Use of Noise Abatement Systems as mitigation	Natural England strongly advises the Applicant to commit to using noise abatement (NAS) as mitigation during construction.	We strongly recommend that the Applicant fully commits to using NAS as mitigation measure to reduce both injury and disturbance to marine mammal receptors during construction activities (i.e. piling and high order UXO clearance).		<p>Progressed but not resolved: In January 2025, DEFRA published the policy paper on Reducing Marine Noise which requires offshore wind pile driving activities "to demonstrate that they have utilised best endeavours to deliver noise reductions through the use of primary and/or secondary noise reduction methods in the first instance".</p> <p>The Applicant intends to submit an updated version of their MMMP, IPMP, UWSMS and Marine Mammal Chapter. Provided that the Applicant submits this into examination at Deadline 6 aligning with Natural England's advice and the commitment to NAS is secured within the DCO, we believe this issue will be readily resolved.</p>	
Benthic Ecology and Physical Processes					
EIA assessments for benthic ecology	Natural England advise that the following potential	Natural England advises that an updated ES is submitted		In progress: NE notes that the Applicant intends to submit an updated version of	

The principal issue in question	The brief concern held by Natural England which will be reported on in full in WR / LIR	What needs to change, or be included, or amended so as to overcome the disagreement	RAG rating D1	Has the concern been addressed?	RAG rating D6
and physical processes.	<p>pressures/impacts have not been considered/assessed or that further information is required:</p> <p>WCS/MDS parameters are not described and assessed (as detailed in Appendix D);</p> <ul style="list-style-type: none"> - Boulder clearance; - UXO clearance; - Impacts of seabed scour due to the presence of windfarm infrastructure during the operation and maintenance phase; and - Impacts due to cable and infrastructure repair during the operation and maintenance phase. 	which includes and assess these pressures/impacts with respect to benthic ecology and marine processes as required.		<p>Volume 2, Chapter 1 Physical Processes [APP-013] and Chapter 2 Benthic Subtidal Ecology [APP-020] at Deadline 6.</p> <p>Provided that the updated ES chapters reflect the changes to the MDS parameters, it is likely that the Deadline 6 submission will resolve this issue.</p>	
Lack of decommissioning proposals	Natural England has concerns that the Applicant has not committed to endeavour to return the seabed to its original state at the end of the project.	Natural England advises that the Applicant should produce a draft decommissioning plan that outlines all decommissioning options (maintain, full removal and partial removal), and that an updated plan is secured in the dML.		Natural England notes that a draft decommissioning plan was not submitted into examination. Natural England does not agree that the use of the wording "consideration will be given" to the use of scour/cable protection that is removable at decommissioning. Our view is that this wording does not secure this condition. For this to be resolved, the wording should state that scour/cable protection that is removable at decommissioning 'will' be used.	

The principal issue in question	The brief concern held by Natural England which will be reported on in full in WR / LIR	What needs to change, or be included, or amended so as to overcome the disagreement	RAG rating D1	Has the concern been addressed?	RAG rating D6
				This issue has not been resolved by Deadline 6.	
Fish and Shellfish Ecology					
Use of Soft Starts and ramp ups as mitigation for fish species	Natural England does not agree with the use of the Marine Mammal Mitigation Protocol (MMMP) methods of soft starts and ramp ups as a means of mitigation for fish species.	Do not include these measures as appropriate mitigation for impacts to fish species.		Natural England does not agree with the use of soft starts and ramp ups as a means of mitigation for fish species. However, Natural England consider this issue to be sufficiently minor for it not to hinder us from drawing impact assessment conclusions, so has been down-rated to Yellow.	