

MORGAN OFFSHORE WIND PROJECT: GENERATION ASSETS

The Applicant's response to Interested Party submissions made at Deadline 5

Deadline: 6

Application Reference: EN010136

Document Number: MRCNS-J3303-RPS-10239

Document Reference: S_D6_3

27 February 2025

F01



Image of an offshore wind farm

MORGAN OFFSHORE WIND PROJECT: GENERATION ASSETS

Document status

Version	Purpose of document	Authored by	Reviewed by	Approved by	Review date
F01	Deadline 6	RPS	Morgan Offshore Wind Limited	Morgan Offshore Wind Limited	February 2025

Prepared by:	Prepared for:
RPS	Morgan Offshore Wind Limited.

MORGAN OFFSHORE WIND PROJECT: GENERATION ASSETS

Contents

1	THE APPLICANT'S RESPONSE TO INTERESTED PARTY SUBMISSIONS MADE AT DEADLINE	5
1.1	Introduction	1
2	BAE SYSTEMS	2
3	BLACKPOOL AIRPORT	3
4	BORDORGAN	4
5	DEFENCE INFRASTRUCTURE ORGANISATION	7
6	HARBOUR ENERGY	8
7	HISTORIC ENGLAND	9
8	ISLE OF MAN STEAM PACKET COMPANY	10
9	ISLE OF MAN TERRITORIAL SEAS COMMITTEE	11
9.1	Aviation and radar	11
9.2	Commercial fisheries	11
9.2.2	Efficacy of Scallop Mitigation Zone and cable burial/protection	11
9.2.3	Ecological monitoring	12
9.2.4	Unresolved matters in the SoCG	12
9.3	Shipping and navigation	13
9.4	Cumulative effects	13
10	JNCC	14
10.1	Marine mammals	14
10.2	Ornithology	15
11	MARITIME AND COASTGUARD AGENCY	16
12	MMO	17
12.1	Physical processes and benthic ecology	17
12.2	Fish and shellfish ecology	17
12.3	Marine mammals	19
12.4	Other topics (General, Monitoring)	21
12.5	DCO	22
13	MOOIR VANNIN	23
14	NATURAL ENGLAND	28
14.1	Ornithology	28
14.2	Marine mammals	30
14.3	Physical processes and benthic ecology	33
14.4	Fish and shellfish Ecology	36
14.5	Other topics (cumulative effects, other plans and topics)	36
14.5.1	Cumulative effects	36
14.5.2	Other plans	36
14.5.3	Other topics and matters raised	38
14.6	DCO	39
15	NATURAL RESOURCES WALES	40
15.1	Marine mammals	40
15.2	Ornithology	41
15.3	Other topics (Cumulative effects)	42
16	NFFO	43
17	ORSTED IPS	44
18	RSPB	45

MORGAN OFFSHORE WIND PROJECT: GENERATION ASSETS

19	SFF AND WCSP.....	46
	19.1.2 Scallop Mitigation Zone and cable burial/protection	46
	19.1.3 Unresolved matters in the SoCG	52
	19.1.4 Identification of Irish Sea queen scallop fishing grounds	52
	19.1.5 Noise impacts on herring spawning ground and scallop larvae.....	54
20	STENA LINE.....	56
21	THE CROWN ESTATE.....	58
22	UK CHAMBER OF SHIPPING	59
23	REFERENCES	61

Tables

Table 19.1: Distances between cables in the Irish Sea	48
Table 19.2: Queen scallop fishing grounds and approximate area (km ²) in Irish Sea (UK waters only)	53

Figures

Figure 13.1: Vessel traffic between the Morgan Generation Assets, Moir Vannin and Walney wind farms..	26
Figure 19.1: Areas of queen scallop dredging and existing infrastructure within the Irish Sea	49
Figure 19.2: Average dredge gear fishing density hours (2020) (ICES, 2021) and existing infrastructure within the Irish Sea (as of 2018)	50

MORGAN OFFSHORE WIND PROJECT: GENERATION ASSETS

Glossary

Term	Meaning
Applicant	Morgan Offshore Wind Limited.
Development Consent Order (DCO)	An order made under the Planning Act 2008 granting development consent for a Nationally Significant Infrastructure Project (NSIP).
Morgan Array Area	The area within which the wind turbines, foundations, inter-array cables, interconnector cables, scour protection, cable protection and offshore substation platforms (OSPs) forming part of the Morgan Offshore Wind Project: Generation Assets will be located.
Morgan Offshore Wind Project: Generation Assets	This is the name given to the Morgan Generation Assets project as a whole (includes all infrastructure and activities associated with the project construction, operations and maintenance, and decommissioning).
The Planning Inspectorate	The agency responsible for operating the planning process for applications for development consent under the Planning Act 2008.

Acronyms

Acronym	Description
AEP	Average Energy Production
ALARP	As Low As Reasonably Practicable
ANIFPO	Anglo-North Irish Fish Producers Organisation
BML	Bodorgan Marine Limited
CAA	Civil Aviation Authority
CCUS	Carbon Capture, Usage and Storage
CEA	Cumulative Effects Assessment
CMS	Construction Method Statement
CRNRA	Cumulative Regional Navigational Risk Assessment
CSIP	Cable Specification and Installation Plan
DBBC	Double Big Bubble Curtain
DCO	Development Consent Order
EIA	Environmental Impact Assessment
EMP	Environmental Management Plan
ES	Environmental Statement
ExA	Examining Authority
GHG	Greenhouse Gas
HPAI	Highly Pathogenic Avian Influenza
HRA	Habitats Regulations Assessments
IOM SPC	Isle of Man Steam Packet Company
IP	Interested Party
ISH	Issue Specific Hearing

MORGAN OFFSHORE WIND PROJECT: GENERATION ASSETS

Acronym	Description
JNCC	Joint Nature Conservation Council
MCA	Maritime and Coastguard Agency
MMMP	Marine Mammal Mitigation Protocol
MMO	Marine Management Organisation
MNEF	Marine Navigation Engagement Forum
MSA	Highly Pathogenic Avian Influenza
NAS	Noise Abatement System
NE	Natural England
NFFO	National Federation of Fisherman's Organisations
NIFPO	Northern Irish Fish Producers Organisation
NMS	Noise Mitigation System
NPS	National Policy Statement
NRW	Natural Resources Wales
OFLCP	Outline Fisheries Liaison and Co-Existence Plan
OSP	Offshore Substation Platform
OVTMP	Outline Vessel Traffic Management Plan
PSR	Primary Surveillance Radar
SFF	Scottish Fishermen's Federation
SLVIA	Seascape, Landscape and Visual Assessment
SMZ	Scallop Mitigation Zone
SPA	Special Protection Area
RSPB	Royal Society for the Protection of Birds
SSSI	Site of Special Scientific Interest
TCE	The Crown Estate
ToR	Terms of Reference
TTS	Temporary Threshold Shift
UHF	Ultra High Frequency
UK	United Kingdom
UWSMS	Underwater Sound Management System
UXO	Unexploded Ordnance
VHF	Very High Frequency
VMS	Vessel Monitoring System
WEL	Walney Extension Limited
WTG	Wind Turbine Generator

1 THE APPLICANT'S RESPONSE TO INTERESTED PARTY SUBMISSIONS MADE AT DEADLINE 5

1.1 Introduction

- 1.1.1.1 This document has been prepared in response to the Interested Party (IP) submissions made at Deadline 5. It sets out the Applicant's response to outstanding matters only.
- 1.1.1.2 The document is structured into individual sections for each stakeholder, and include responses to both IP submissions and IP responses to the Examining Authority's second written questions, where relevant.

2 BAE SYSTEMS

- 2.1.1.1 This response sets out the Applicant's position on the submission by BAE Systems at Deadline 5 (REP5-061).
- 2.1.1.2 The Applicant welcomes confirmation from BAE Systems that DIO are lead consultee for matters relating to BAE Warton's PSR, and notes that matters relating to this asset are dealt with in the response to this stakeholder and this reflects the Applicant's approach to date. The Applicant also welcomes confirmation from BAE Systems that they do not foresee the need for monitoring of mitigation to this asset, noting that CAA certification will "negate the requirement for ongoing monitoring"
- 2.1.1.3 In regards to the first matter covered by the IP's response, (AR2.1 Aviation Mitigation Progress Report), the Applicant welcomes the agreement that the that impacts relating to the provision of adequate and safe air traffic services (which here should be taken as amendments to IFP and MSA processes and regulations, and provision of VHF/UHF communications) at BAE Warton and BAE Walney should be resolved through a broad DCO requirement for each aerodrome. The Applicant has included Requirements 5 and 7 within the draft DCO that it considers are sufficient to secure the necessary mitigation. Engagement continues between the parties in this regard. The Applicant can confirm that the contract for supporting studies is now placed with NATS and work is underway. This report will provide commentary on both IFP/MSA matters and the potential for impacts on VHF communications. Whilst the quote stated delivery of these reports would take 20 weeks, indications from the supplier suggest that the report could be available sooner and, should it become available prior to a decision being issued, the Applicant would seek to provide an update to the Secretary of State at the appropriate time.. Whilst the Applicant notes the IP's wish to be able to consider all the Irish Sea offshore wind projects at once, the Applicant reiterates that mitigation to IFP and MSA matters is entirely procedural and that the three projects cannot create a situation whereby there is a cumulative barrier to delivery of mitigation. If cumulative issues do exist it is in relation to the opportunity to deliver mitigation for more than one project under a single process, but this will only be possible once final layouts and build timelines are known post-consent.
- 2.1.1.4 In relation to VHF, whilst an emerging concern has been communicated through CAA auditor engagement with aerodromes from experiences arising at Prestwick Airport in relation to onshore wind, there is no expectation that new guidance is proposed to replace the CAA's current CAP-670. Thus the position taken by the Applicant in the ES of scoping out this impact remains in line with guidance. Indeed it is noted that NATS themselves only insist of assessment of the potential for an impact when wind farm generation lies within 10km of their transmitter stations.
- 2.1.1.5 Notwithstanding this, the Applicant has agreed to undertake an assessment (as confirmed above) and will continue to engage with BAE Systems on this matter.

3 BLACKPOOL AIRPORT

- 3.1.1.1 The Applicant notes Blackpool Airport's response at Deadline 5 in the form of a response to ExAQ2 (REP5-062) and offers the following comments.
- 3.1.1.2 The Applicant has accepted the IP's preference that matters are dealt with through the provision of requirements, and has included within the draft DCO at Deadline 5 requirement 9 (REP5-017). This requirement aligns with the requirement agreed for Mona Offshore Wind Project and which was requested by Blackpool Airport at Deadline 5 and ISH3.
- 3.1.1.3 Subsequent to Deadline 5, Blackpool Airport requested that the requirement include reference to the Offshore Substation Platform (OSP) as a restricted construction activity pending discharge of the requirement, in addition to the wind turbines. The Applicant considers that the static nature of the OSP and its low height (70m for main built form, or 95m including ancillaries such as lightning protection) means that it is not material to aviation matters. The Applicant therefore does not consider this addition to the requirement to be necessary and notes that installation of the OSP could take place well in advance of wind turbine installation leaving materially less time for the definition, and implementation of, any mitigation (if required) which would add unnecessary scheduling risk to the project. Wording of a requirement which the Applicant considers to be of industry standard (for example DCOs for Awel-y-Mor, Burbo Bank Extension, Walney Extension all only reference WTG and not OSPs as well) and was deemed acceptable by Blackpool Airport for Mona Offshore Wind Project is included in the draft DCO submitted at Deadline 6 (S_D6_10). The Applicant understands (from engagement with Blackpool Airport on this matter) that, if agreement was reached on the requirement, then their concerns on matters raised would be closed out. Whilst agreement has not been quite been achieved, the Applicant does not consider the IP's concern or the related additional wording to have a justified basis and considers the proposed requirement ensures adequate control for the IP's assets.
- 3.1.1.4 In regard to VHF, the Applicant has stated how this topic has evolved as a matter of interest over the period of the Examination in regard to BAE Systems (see 2 above). As such the Applicant has agreed to further assessment of this matter. The Applicant would note however that it does not anticipate delivery of a NATS study for this IP, having accepted the need for further assessment having produced an initial assessment on the Mona project. In response to this, the Applicant accepted that Blackpool Airport would commission a stage 2 assessment that considered project alone and cumulative impacts for the Mona, Morgan and Morecambe projects by the aerodrome's APDO, Cyrrus. The Applicant looks forward to further dialogue on this matter with the aerodrome on receipt of the Cyrrus report.
- 3.1.1.5 Notwithstanding this, the Applicant has included a broad requirement covering all air traffic service matters (i.e. IFP, MSA and VHF), which is considered sufficient to secure any necessary mitigation.

4 BORDORGAN

- 4.1.1.1 This response sets out the Applicant's position on the submission by Bodorgan Marine Limited (BML) made at Deadline 5 (REP5-093), accepted at the discretion of the Examining Authority (ExA). The Applicant considers that BML's position is fundamentally misplaced.
- 4.1.1.2 BML's submission suggests it has aspirations to co-locate an offshore mussel farm within an offshore wind farm. It suggests this could be in the Irish Sea, and in particular on part of the seabed and in the water column within the Order Limits of the Morgan Generation Assets, which is 37 km from the English coast. BML has made similar representations into the ongoing Examinations into the Mona Offshore Wind Farm and Morecambe Offshore Windfarm Generation Assets, which, similarly to this response, have been wholly rejected by the respective Applicants as speculative and unsupported by policy.
- 4.1.1.3 BML is specifically seeking:
- no less than 5 blocks of marine space each no less than 50ha in area
 - the grant of a sub-lease in respect of these blocks
 - the grant of a deemed marine licence
 - the making of navigational arrangements and protocols.
- 4.1.1.4 As far as the Applicant is aware, BML do not currently hold any seabed licencing rights for the proposed aquaculture activities nor have they exhibited application for such rights. BML have not undertaken any environmental assessment work in respect of their aquaculture proposals. The suggestion, therefore, is that the Applicant ought to provide all necessary permits and consents to BML through the Morgan Generation Assets DCO and The Crown Estate (TCE) Agreement for Lease (AfL). Such a proposition should be wholly rejected.

Policy

- 4.1.1.5 BML submits that the Applicant has failed to comply with National Policy Statements (NPS) EN-1 (paragraphs 4.5.1-4.5.12), EN-3 (paragraphs 2.8.46-2.8.48 and 2.8.250-2.8.251) and marine planning policy by not including provisions for co-location of bivalve aquaculture in its DCO application. The Applicant notes that BML refers erroneously to the Welsh Marine Plan Area when referring to marine policy, which is not applicable to the Order Limits of the Morgan Generation Assets, with the relevant applicable marine plan being the North West Offshore Marine Plan. The Applicant refutes this suggestion made by BML. The Applicant has complied with all relevant policy requirements.
- 4.1.1.6 BML has taken an incorrect approach to the consideration of the NPS. There is nothing in policy that requires the Applicant to seek out partners in co-location in the manner suggested by BML.
- 4.1.1.7 The Applicant would highlight that paragraph 2.8.48 of NPS EN-3, which *encourages* applicants to work collaboratively with other developers and sea users on co-location opportunities where appropriate, is an aspirational policy. This policy does not require the Applicant to progress co-location opportunities with other sea users. Further, even if the Applicant did want explore co-location opportunities in terms co-locating of bivalve aquaculture within the Order Limits, BML's proposals are not sufficiently

MORGAN OFFSHORE WIND PROJECT: GENERATION ASSETS

developed at this stage (and had not been notified to the Applicant) for the Applicant to take any meaningful action.

- 4.1.1.8 Policy 2.8.319 of NPS EN-3 requires the Secretary of State to consider *“the extent to which the proposed development occupies any recognised important fishing grounds, and whether the project would prevent or significantly impede protection of sustainable commercial fisheries or fishing activities”*. That paragraph is targeted at existing commercial fishing activity. It does not apply to the aspirational development concept that BML wishes to pursue.
- 4.1.1.9 Although BML did not mention the North-West Marine Plan in its submissions, given they did reference accordance with marine planning and policy, the Applicant includes here relevant co-location policy of the North-West Marine Plan. Policy NW-CO-1 of the North-West Marine Plan states: *“proposals that optimise the use of space and incorporate opportunities for co-existence and co-operation with existing activities will be supported. Proposals that may have a significant adverse impact on, or displace, existing activities must demonstrate that they will, in order of preference: a) avoid b) minimise c) mitigate adverse impacts so that they are no longer significant. If it is not possible to mitigate significant adverse impacts, proposals must state the case for proceeding”*. This policy refers to co-location with existing activities, and given the nascent nature of BML’s proposals, this policy is not relevant to them.

Practical Constraints

- 4.1.1.10 Notwithstanding the fact that there is no policy requirement to consider BML’s submissions any further, the Applicant would also note the following practical constraints on co-location in the manner suggested.
- 4.1.1.11 BML requests that the Applicant grants them a sub-lease of its AfL with TCE. The Applicant does not have the ability to grant a sublease over any of the Order Limits due to restrictions in its AfL with TCE. The AfL prohibits the Applicant from subleasing any part of the Order Limits and from undertaking activities which are not permitted within the AfL, the AfL only permitting an offshore wind farm. Further, the AfL is not a lease in itself and does not create any property rights. The Applicant respectfully suggests that BML engage with TCE in the first instance in relation to seeking a lease over the seabed.
- 4.1.1.12 BML requests that the Applicant grant it a deemed marine licence for its proposed aquaculture. The DCO cannot include deemed marine licences that grant powers to entities other than the Applicant. The Applicant respectfully suggests that BML engage with the Marine Management Organisation in relation to any marine licence it requires.
- 4.1.1.13 BML requests that the Applicant make navigational arrangements and protocols for the use of its Order Limits to locate aquaculture. It is unclear what BML means by this, and without further information there is limited action the Applicant can take. The Applicant would also point out that it is also not obliged to enter into general commercial arrangements with the aquaculture industry.

Conclusion

- 4.1.1.14 BML’s submissions identify an aspiration development concept of co-location of aquaculture and offshore wind farms. Whilst there may be merit in synergies of this nature, it is not what is being proposed in this Application. The Applicant has complied with the NPS policies in developing the Morgan Generation Assets application, and any suggestion otherwise by BML is simply incorrect. The Applicant does not as a

MORGAN OFFSHORE WIND PROJECT: GENERATION ASSETS

matter of policy require to explore co-location in the manner suggested and as set out above could not do so through the DCO or within the terms of its AfL.

5 DEFENCE INFRASTRUCTURE ORGANISATION

- 5.1.1.1 The DIO raised points on a number of topics related to the safeguarding of operations on BAE Warton in their response to ExQ2 (REP5-063). These are addressed in order as presented in their response.
- 5.1.1.2 In response to Question AR 2.1, DIO have clarified their position on their ability to accept a requirement relating to the mitigation of impacts on the PSR at BAE Warton, noting that due to internal process they are unable to do this until a mitigation proposal has been produced and submitted by the Applicant and accepted by DIO.
- 5.1.1.3 The Applicant notes that through engagement with BAE Systems and DIO there has been lack of clarity as to the baseline on site, as a non-disclosure agreement has prevented the exchange of relevant information about the current radar. However, the Applicant now understands that, from the perspective of DIO, the necessary comfort can be given through a 'clean sheet' exercise and present a mitigation that is blind to the baseline but clarifies the viability of future mitigation. This document has now been produced by the Applicant and submitted to DIO for their consideration. The standard delivery period for this is 6 weeks, but the Applicant will work with DIO to hasten delivery where possible. It is understood that the acceptance of the proposal will permit agreement of the proposed requirement, and it is hoped this can be confirmed during determination period. The Applicant's proposed requirement is included in the draft DCO submitted at Deadline 6. The proposed requirement follows a standard form previously utilised in relation to offshore wind matters at a number of MoD assets, and the Applicant considers this delivers a typical level of control sought by DIO.
- 5.1.1.4 In DIO's response to ExQ2 AR 2.2 (REP5-063) the IP notes they have no comment to offer regarding VHF matters at BAE Warton. The Applicant welcomes this clarity and will continue engagement on this matter directly with BAE Systems.
- 5.1.1.5 In DIO's response to ExQ2 AR 2.3 (REP5-063) the IP offers comment on the need for operational monitoring of any radar solution installed in due course. The IP notes the current lack of mitigation proposal (as detailed above) and states *"it is not possible to make a definitive statement as to what monitoring requirements may be identified in order to evaluate the efficacy of such mitigation."*
- 5.1.1.6 The Applicant disagrees with this position, noting that it does not reflect the history of PSR mitigation and the delivery of such matters either under TCPA planning conditions or DCO requirements. The critical issue with PSR mitigation is that it either works or it does not; it would be an inadequate form of mitigation that is incapable of meeting safety case tests that would require monitoring. Unlike, say benthic ecology mitigation, the performance and adequacy of the mitigation will be robustly tested on installation and the mitigation would only be accepted once adequate performance has been demonstrated to and accepted by the relevant stakeholders. The reality of this position is demonstrated by a review of requirements historically accepted by DIO in relation to PSR; they are all of a generic standard template and none have provision for the monitoring of mitigation post installation.
- 5.1.1.7 The Applicant therefore considers requirement 6 in the draft DCO sufficient to secure the necessary mitigation.

6 HARBOUR ENERGY

- 6.1.1.1 Harbour Energy submitted three documents at Deadline 5:
- REP5-054 Comments on any other submissions received at Deadline 4
 - REP5-064 Responses to ExQ2
 - REP5-064a Comments on any other submissions received at Deadline 4
- 6.1.1.2 The Applicant notes the REP5-054 and REP5-064a are duplicated and has responded to REP5-054/REP5-064a in Annex 3.2 (S_D6_3.2).
- 6.1.1.3 There are additional Annexes that support this response and the Closing Statement:
- S_D6_3.3_Morgan Gen_Annex 3.3: Helicopter Access_Additional Flight Data_F01
 - S_D6_3.4_Morgan Gen_Annex 3.4: Helicopter Access_Additional Meteorological Analysis_F01
- 6.1.1.4 The Applicant responded to ExQ2 INF 2.2 at Deadline 5 (REP5-015) and notes Harbour Energy's submission to the same question (REP5-064). The Applicant confirms that no agreement has been reached and has set out in Annex 3.2 (S_D6_3.2) why the proposed mitigation is not necessary nor acceptable to the Applicant.

7 HISTORIC ENGLAND

- 7.1.1.1 The Applicant welcomes Historic England's response to the Examining Authority's second written questions (REP5-065 (HE 2.2)), where Historic England confirm that they are satisfied by the commitment securing mechanism for Co99 in the Commitments Register (REP4-025).

8 ISLE OF MAN STEAM PACKET COMPANY

- 8.1.1.1 The Applicant notes the Isle of Man Steam Packet Company's (IoMSPC) responses to the ExQ2 questions SN 2.10 and SN 2.11 (REP5-078) and reiterates that it is actively engaging with IoMSPC to address residual concerns.
- 8.1.1.2 The Applicant and IoMSPC are continuing to engage on the Ferry Cost Mitigation Agreement. This agreement is commercial in nature and subject to a Non-disclosure Agreement. The SoCG with IoMSPC (S_D6_IoM SPC) reflects the agreement to ensure reasonable adverse weather operational costs including emissions, due to deviations are reimbursed. The Commercial Side Agreement Tracker (S_D6_14) has been updated at Deadline 6 to include this agreement.
- 8.1.1.3 Regarding the gap between Mooir Vannin and Morgan Generation Assets, the Applicant has undertaken further navigation simulations and a hazard review session, with IoMSPC in attendance, and refers the ExA and IoMSPC to the Morgan - Mooir Vannin gap - navigational safety review technical clarification note (S_D6_42), within which the Applicant concluded all hazards are ALARP with a 4.1 nm gap between the proposed Order Limits of the two projects.
- 8.1.1.4 Consensus was not reached on these findings with the IoMSPC citing concerns on breakdown scenarios and risk of collision with fishing boats, however, the Applicant's updated assessment demonstrates that this risk is Tolerable with proposed mitigation even under worst credible weather and traffic conditions. During subsequent discussions at the hazard review session, the IoMSPC indicated these concerns are inherent to the construction of four new offshore wind projects in the Irish Sea rather than any specific gap width between Mooir Vannin and Morgan Generation Assets. The suggested additional mitigation measures, including the use of a crash barrier, are not proportionate, appropriate or realistic risk control measure for the reasons set out in the Morgan - Mooir Vannin gap - navigational safety review technical clarification note (S_D6_42).
- 8.1.1.5 Subsequently at the Issue Specific 3 Hearing 12 February and then within the final SoCG with the IoMSPC (S_D6_IoM SPC), the IoMSPC stated that the Applicant and Mooir Vannin Offshore Wind Farm Limited should work together to increase the gap width to exceed 5 nm. No justification was provided by the IoMSPC as to why 5 nm as opposed to 4.1 nm is more acceptable, noting the latter distance meets both guidance and is comparable to the width of the passage between the Morgan Generation Assets and Walney wind farms already agreed with the IoMSPC to be acceptable (REP3-026).
- 8.1.1.6 At the Issue Specific 3 Hearing 12 February, Colin Innes, responding the ExA on behalf of Mooir Vannin OWF Limited on the revised gap between Mooir Vannin and Morgan Generation Assets stated that "we agree with the assessment that has been made by the applicant in relation to this matter" and "Our interim findings agree and align with the applicant."
- 8.1.1.7 As noted in the final SoCG with the MCA (S_D6_MCA), the MCA have been involved in the review of the updated CRNRA (safety justification technical clarification note (S_D6_42) regarding the revised distance between the Morgan Generation Assets and Mooir Vannin projects. A final position on navigational safety of the passage between Morgan Generation Assets and Mooir Vannin Offshore Wind Farm was provided in the Issue Specific 3 Hearing on 12 February where the MCA confirmed that 4.1 nm meets guidance and is accepted by the MCA as Tolerable and ALARP. The MCA and MMO will approve the final design plan post consent, which will be designed to the Application boundary of the Morgan Generation Assets.

9 ISLE OF MAN TERRITORIAL SEAS COMMITTEE

9.1 Aviation and radar

- 9.1.1.1 The Applicant notes the agreed position submitted by Isle of Man Territorial Sea Committee (IoM TSC) to the Aviation and Radar Mitigation Progress Report in response to ExQ2 question AR 2.1 (REP5-066). This has been subsequently formalised by the agreement of a Statement of Common Ground with IoM Ronaldsway Airport (S_D6_RNLDSWY).
- 9.1.1.2 In regard to ExQ2 question AR 2.1 (REP5-066), the Applicant notes the IoM TSC's approach to VHF communications assessment and is in agreement that the current classifications do not support assessment of the proposed scale of turbines without further interpretation of the formula set out in CAP-670. The proposal to further assess the VHF impact of the wind farm as clarity emerges on layout is accepted by the Applicant and provisions for this are supported in the requirement agreed between the Applicant and the IP, under the broad provision of preserving the "operator's ability to provide safe and efficient air traffic services for Isle of Man Airport".

9.2 Commercial fisheries

- 9.2.1.1 The Applicant acknowledges the point raised by the IoM TSC in their response to ExQ2 question CF 2.3 (REP5-066) in relation to the efficacy of the SMZ and cable infrastructure.

9.2.2 Efficacy of Scallop Mitigation Zone and cable burial/protection

- 9.2.2.1 The Applicant accepts the IoM TSC's agreement in principle to the SMZ but notes concern that the SMZ's effectiveness for commercial fisheries could be compromised if target burial depths are not achieved and a considerable volume of cable protection is present within the SMZ.
- 9.2.2.2 The Applicant confirms that the Scallop Mitigation Zone (SMZ) will be free of wind turbine generators and offshore substation platforms. This is committed to in the Outline Fisheries Liaison and Co-existence Plan (OFLCP) (REP5-027) and Commitments Register (REP5-029, Co19). The Applicant has also committed to a minimum size (34 km²) of the SMZ, which, in the event that the final array layout requires the placement of (up to 10) turbines around the western perimeter of the SMZ, there would only be a single row of turbines along this boundary, with a minimum spacing of 1,400 metres, subject to micro-siting and in accordance with the layout principles. At Deadline 5 the Applicant also detailed the maximum size (37km²) the SMZ could be, which would result from extending the SMZ along the western part of the Array Area. In this scenario, there would be no turbines along the western perimeter, or need for cables or cable protection within the SMZ. The Applicant is not in a position to commit to either scenario at this stage and it will not be determined until final design which will be post-consent following completion of further detailed site investigations and the turbines procurement process. Accordingly, it is critical for the Applicant to maintain design optionality at this stage, but in either scenario the Applicant has demonstrated the commitment to mitigating effects on scallop fishing and facilitating co-existence as far as reasonably practicable.
- 9.2.2.3 The commitment set out in Co26 of the Commitments Register (REP5-029) states that the Cable Specification and Installation Plan (CSIP) will include measures to minimise the use of cable protection as far as reasonably practicable. While it is not possible to

MORGAN OFFSHORE WIND PROJECT: GENERATION ASSETS

entirely eliminate the need for cable protection in all instances, the Applicant has committed to prioritising cable burial wherever feasible and ensuring that where protection is required, its extent is minimised through primary design commitments (PM01 of the OFLCP (REP5-027) Co27 of the Commitments Register (REP5-029) to reduce potential interactions with fishing activities. Additionally, in the scenario where there are perimeter turbines, requiring cabling through the SMZ, it is unlikely that cable protection will be used uniformly across the SMZ in a way that would prevent continuous tows for scallop vessels.

9.2.2.4 With respect to the scenario where there are shallow buried cables and/or cable protection within the SMZ (which the Applicant has committed to minimising in Co20 of the Commitments Register REP5-029) and the commitments for target cable burial depth will be determined to minimise the risk of snagging hazards and cable exposure as far as possible (Co27 of the Commitments Register REP5-029) demonstrate the desire of the Applicant to ensure coexistence. The Applicant re-iterates that it is wholly in its interest to achieve the target burial depth, which minimises the potential for damage to assets and cost associated with cable protection and reburial.

9.2.2.5 Additionally, the Applicant has committed to an annual review of Vessel Monitoring System (VMS) data, I-VMS data (when available) and landings data for the first five years of the operations and maintenance phase, to identify any notable reductions in the value of landings, ensuring that any potential impacts on commercial fisheries are monitored and assessed over time. The results of annual reviews will be discussed with stakeholders through a commercial fisheries working group that is proposed to be established post-consent. This commitment is secured within the Outline FLCP (REP5-027) and Co36 in the Commitments Register (REP5-029).

9.2.3 Ecological monitoring

9.2.3.1 The Applicant has committed to monitoring of scallop within the core grounds (for both queen scallop and king scallop) in and around the Morgan Array Area on a voluntary and precautionary basis, and further detail on scallop monitoring is presented in the Offshore In-Principle Monitoring Plan (REP5-042), TM17 of the Outline FLCP (REP5-027), and the Commitments Register (REP5-029).

9.2.3.2 The Applicant welcomes the IoM TSC's support for the updated wording of TM17 in the OFLCP (REP5-027) and remains committed to ensuring that monitoring covers both queen and king scallop stocks and is consistent with other regional monitoring programmes.

9.2.3.3 Additionally, the Applicant notes the IoM TSC's recommendation that engagement on monitoring results should go beyond reporting and include discussions on next steps. The Applicant is open to continued dialogue on this point and will work with stakeholders to ensure that monitoring outcomes inform appropriate and agreed actions, as reflected in Table 1.7 of the Offshore In-Principle Monitoring Plan (REP5-042).

9.2.4 Unresolved matters in the SoCG

9.2.4.1 The Applicant notes that matters discussed in Section 9.2.2 and 9.2.3 were ongoing points of discussion with the IoM TSC in the SoCG at Deadline 4 (REP4-037) and has updated wording at Deadline 5 to ensure consistency across the documents, including the Offshore In-Principle Monitoring Plan (REP5-042), Commitments Register (REP5-029) and the Outline Fisheries Liaison and Co existence Plan (REP5-027).

MORGAN OFFSHORE WIND PROJECT: GENERATION ASSETS

- 9.2.4.2 To facilitate further discussions, the Applicant met with the IoM TSC on 10 February and 21 February 2025, with a final signed SoCG submitted at Deadline 6 (S_D6_IoM TSC). This matter is now agreed in the final signed SoCG and the Applicant remains open to constructive engagement to ensure that concerns are appropriately considered and mitigation measures remain effective.

9.3 Shipping and navigation

- 9.3.1.1 The Applicant notes the IoMTSC responses to ExQ2 questions SN 2.1 and 2.3 (REP5-066). The Applicant notes the response for question 2.3 and confirms it is consistent with the analysis undertaken within the NRA (APP-060). The Applicant does not anticipate vessels of 300 m transiting between the Mooir Vannin Offshore Array Area and Morgan Array Area and refers the IoMTSC to the Morgan - Mooir Vannin gap - navigational safety review technical clarification note (S_D6_42) for further information.

9.4 Cumulative effects

- 9.4.1.1 The Applicant notes the IoMTSC responses to ExQ2 question CE 2.4 specifically that there is a shared understanding that Mooir Vannin consent application will be submitted after the close of this examination (and therefore, application material will not be available within that timeframe) and the Mooir Vannin application will be determined after the determination of the Morgan Generation Assets decision.

10 JNCC

10.1 Marine mammals

- 10.1.1.1 The Applicant welcomes the engagement from JNCC since Deadline 5. The Applicant notes that JNCC's response to ExAQ2 (REP5-067) did not include any points related to marine mammals. However the Applicant has provided information for developments on matters that JNCC have been engaged with in the period between Deadline 5 and Deadline 6 (discussion between the Applicant and SNCBs, 22 January 2025).
- 10.1.1.2 In relation to UXO clearance inclusion within the DCO/dML, the Applicant has at Deadline 5 updated each of the dMLs within the draft DCO (REP5-017) such that they authorise the low order clearance of UXO only. This responds to comments made by the JNCC (within REP3-035) that their concerns relate primarily to high order clearance of UXO. Any high order clearance, if required, would be undertaken under a separate marine licence.
- 10.1.1.3 In relation to updates to the UWSMS and MMMP as requested:
- Updates have been made to both the UWSMS and MMMP in light of the recent Defra Reducing marine noise policy (2025) and the position statement from SNCBs published on 21 January 2025 which requires that developers should demonstrate that they have used "*best endeavours to deliver noise reductions through the use of primary and/or secondary noise reduction methods in the first instance.*" The Applicant highlights that in light of the publication of this policy paper, the Applicant has confirmed that it will adhere to the Defra policy and the subsequent removal of any uncertainty on future noise mitigation systems (NMS) and/or noise abatement systems (NAS) requirements, the Morgan UWSMS wording has been updated, where conditional wording was previously applied. The Applicant believes that this will provide assurances on the commitment to the consideration of NMS and/or NAS by Morgan Generation Assets.
 - In response to JNCC's advice regarding primary and secondary mitigation, NMS which seek to reduce noise at source such as the Menck hammer are primary mitigation (part of project design) whilst noise abatement systems which seek to attenuate sound thereby reducing received sound levels are secondary mitigation. The UWSMS has been updated to clarify this.
 - In addition, the Applicant has given consideration to the Defra Reducing Marine Noise policy (2025), engagement with the MMO and the request from Natural England made on 17th February 2025 to include a condition on the DCO/dML to commit to the use of NMS and/or NAS. Despite the agreement with the SNCBs during the meeting held on 22nd January that the current UWSMS condition (Schedules 3 & 4, Condition 22) was sufficient, in light of this recent requirement and to provide the necessary comfort to SNCBs, the Applicant has updated condition 22 of the draft DCO for the final deadline (Deadline 6 on 27th February 2025). The updated wording includes an express reference to the UWSMS including details of noise mitigation systems and /or noise abatement systems if driven piling is undertaken. The Applicant believes that this will provide assurance and resolve any outstanding SNCB concerns on underwater sound for the project.
 - The Applicant has reviewed the updated joint position statement on UXO (released 21 January 2025) and has updated the UWSMS and MMMP in accordance with the advice therein. The Applicant has committed to the use of

MORGAN OFFSHORE WIND PROJECT: GENERATION ASSETS

low order clearance techniques over high order as part of the mitigation hierarchy and if high order clearance is required (following at least three attempts using low order clearance) the Applicant be required to apply for a separate marine licence and will make best endeavours to reduce the introduction of noise into the marine environment through prudent use of NAS as per the latest policy released by Defra. The UWSMS and MMMP have been updated to reflect the new guidance and policy wording within the updated statement by joint signatories.

- The final MMMP will be developed post-consent for low order clearance within this DCO and will include information on the total number, type and location of devices to be cleared and the low order technique to be employed. The Final MMMP will be updated in consultation with key stakeholders including the JNCC.

10.1.1.4 The Applicant reiterates that high order clearance has been removed from the DCO as per the update provided at Deadline 5 in response to the JNCC comments (within REP3-035). The Applicant highlights that the information presented in the assessment reflects the worst-case scenario in respect of low order clearance of UXOs, which includes a worst case scenario of up to 13 clearance events. The reason is that the size of the UXO is irrelevant to low order clearance as the emitted sound levels are related to the donor charges only in this case (Robinson *et al.*, 2020; Seiche, 2021). The Applicant therefore considers that the information presented in the assessment for low order clearance is sufficient to allow marine licensing for this type of clearance method.

10.2 Ornithology

10.2.1.1 The Applicant welcomes JNCC's response to the Examining Authority's second written questions (REP5-067), reference MO 2.3, where JNCC confirm that all outstanding methodological concerns have been resolved, and conclude no AEol on all features of the Skomer, Skokholm and the Seas off Pembrokeshire/Sgomer, Sgogwm a moroedd Benfro Special Protection Area (SPA) (for which JNCC has joint responsibility) as a result of potential impacts from the Morgan Generation Assets alone and in-combination with other plans and projects. The Applicant notes that this supersedes JNCC's response to the Examining Authority's Actions Points from Issue Specific Hearing 2 (REP5-060).

10.2.1.2 The Applicant welcomes JNCC's conclusion that an AEol can be ruled out, both from the project alone and in-combination with other plans and projects, for the Irish Sea Front SPA, Seas off St Kilda SPA, and Liverpool Bay/Bae Lerpwl SPA.

10.2.1.3 In relation to JNCC's response to the Examining Authority's second written questions (REP5-067), reference MO 2.7, the Applicant can confirm that schedule 5 of the draft DCO was updated at Deadline 5 to include that the clarification notes should be considered as forming part of the Environmental Statement (including the clarification notes that should be considered alongside the assessments presented in Volume 2, Chapter 5: Offshore ornithology (APP-023) and in HRA Stage 2 information to support an appropriate assessment Part Three: Special Protection Areas and Ramsar Site assessments (APP-098)). The Applicant welcomes that JNCC is 'content that there are only minor differences between the Morgan Generation Assets and the Mona Offshore Wind Project in abundance estimates used in the cumulative and in-combination assessment documents... and that these do not result in substantial differences in the cumulative and in-combination assessments between the two projects'.

11 MARITIME AND COASTGUARD AGENCY

- 11.1.1.1 The Maritime and Coastguard Agency (MCA) has responded to ExQ2 questions GEN 2.5, AR 2.4, SN 2.1, SN 2.4, SN2.7 and SN 2.8 (REP5-069).
- 11.1.1.2 The Applicant notes in relation to AR 2.4, that whilst offshore windfarms can potentially affect shore based and marine VHF coverage, as described in Section 1.8.12 of Volume 4, Annex 7.1 Navigational risk assessment (S_D6_28) and the best available evidence, this impact is negligible. The Applicant confirms that as per MGN654, further engagement with the MCA will be undertaken post-consent/pre-construction.
- 11.1.1.3 The Applicant notes MCA's response to ExQ2 SN 2.1 and confirms it is consistent with the guidance utilised within Volume 4, Annex 7.1 Navigational risk assessment (S_D6_28).
- 11.1.1.4 ExQ2 SN 2.4 relates to the precedent for restricted navigation corridors past offshore wind farms. The Applicant notes the MCA's response and agrees that the 4.1 nm gap between the Morgan Array Area and Moir Vannin Offshore Wind Farm Array Area is not a corridor and complies with guidance as per MGN654. The Applicant has submitted a technical clarification note at Deadline 6 (S_D6_42 'Morgan - Moir Vannin gap - navigational safety review technical clarification note') on the findings of its assessment for the refined Moir Vannin Offshore Wind Farm boundary and separation distance (4.1 nm) to Morgan Generation Assets. The Applicant has engaged extensively with the MCA throughout January and February 2025 regarding this process. The MCA confirmed at Issue Specific Hearing 3 that 4.1 nm was sufficient for safe navigation and the risks were now Tolerable and ALARP. This position is reflected in the final signed SoCG with the MCA (S_D6_MCA), who along with the MMO will approve the final design plan post consent, which will be designed to the current boundary.
- 11.1.1.5 The Applicant notes the MCA's response to ExQ2 SN 2.8 regarding emergency response for disabled or drifting vessels. The revised Outline Vessel Traffic Management Plan (OVTMP) submitted at Deadline 5 included a commitment to review towing capability (S_D6_35). As noted in the MCA's response, and the SoCG with the UK Chamber of Shipping submitted at Deadline 5 (REP5-048), this review would be undertaken post consent but prior to construction.
- 11.1.1.6 The final signed SoCG with the MCA has been submitted at Deadline 6, with all matters agreed (S_D6_MCA).

12 MMO

12.1 Physical processes and benthic ecology

- 12.1.1.1 This section provides the Applicant's response to the MMO's submission at Deadline 5 (REP5-056) in relation to key points of agreement and outstanding matters.
- 12.1.1.2 The Applicant welcomes the MMO's confirmation that all concerns regarding impacts to benthic ecology have been suitably addressed by the Applicant.
- 12.1.1.3 The Applicant welcomes the MMO's confirmation that all concerns regarding coastal processes have been addressed by the Applicant.

12.2 Fish and shellfish ecology

- 12.2.1.1 The Applicant welcomes the MMO's acceptance to the approach of deriving the modelled underwater noise contours from the SELss metric and that the overall assessment conclusions remain the same as presented in Volume 2, Chapter 3: Fish and shellfish ecology (APP-021) (REP5-055.5 and ExQ2 response REP2-029.53 in REP5-056a)).
- 12.2.1.2 The Applicant welcomes the MMO's conclusion that the potential effects will not be significant and it is not appropriate to include shellfish larval stages in the UWSMS.
- 12.2.1.3 The Applicant acknowledges the MMO's agreement that the data presented in REP4-011 supports 'commercially important queen scallop fishing grounds' in the western corner of the Morgan Array Area and the mapping greatly enhances the shellfish information of the wider area in the Irish Sea. The Applicant welcomes the MMO agreement that the data does not change the conclusions for both king and queen scallops, and is therefore not appropriate to include scallops in the UWSMS.
- 12.2.1.4 The Applicant also welcomes the agreement on the evidence-based determination of the peak spawning period for cod (Paragraph 3.6.2, 3.6.3 and 3.6.15 in REP5-056a) and the broad agreement to the approach taken with the Mona UWSMS for potential cod spawning impacts which has been reflected in the Morgan UWSMS. The Applicant has also updated the cod spawning season and referred to the agreement on the peak spawning period with the MMO as requested in paragraph 3.3 of REP5-056.
- 12.2.1.5 The Applicant notes and welcomes the response regarding the UWSMS. The Applicant notes the definitions of 'temporal phasing' and 'seasonal piling restrictions' provided by the MMO. In relation to the recommended changes to the UWSMS.
 - In response to paragraph 3.6.10 and 3.6.18 of the MMO's D5 submission (REP5-056a), the Applicant maintains that a significant effect on cod spawning will not occur for the project alone, but there is potential for a significant effect cumulatively with other projects in the region without further mitigation. The Applicant is committed to adherence of the Defra Reducing marine noise policy statement (2025). Specifically, it is the Applicant's position that with the application of noise mitigation systems (NMS) and/or noise abatement systems (NAS) during driven piling (to which the Applicant has committed), sound reductions will mitigate potential impacts for all species such that significant effects are avoided (the Applicant notes that this is explicitly the intent of the Defra Reducing marine noise policy (2025)). With this commitment, the Applicant does not consider any residual underwater noise from the driven piling works from the Project alone will meaningful contribute to any wider cumulative effect should other projects in the region be undertaking noisy activities (and notes that

MORGAN OFFSHORE WIND PROJECT: GENERATION ASSETS

given the expectation on adherence to the Defra policy, considers other regional projects will be required to adopt similar commitments). As such, the commitments will provide mitigation for effects during fish spawning seasons from the project alone and cumulatively.

- In response to paragraph 3.6.7 and 3.6.10 in REP5-056a for herring, the period of peak spawning identified in the UWSMS (S_D6_30.1 Underwater Sound Management Strategy F03) is the 15 September to 31 October. The herring spawning period occurs from late September and lasts for three to four weeks (Dickey-Collas *et al.*, 2001) and the mid September start date is consistent with the Walney Extension seasonal restriction condition which sets out the start of the peak herring spawning period as 15 September. As set out above, it is the Applicant's position that with the application of NMS and/or NAS during driven piling, sound reductions will mitigate potential impacts for all species such that significant effects are avoided (as required and in accordance with the Defra Reducing marine noise policy statement (2025)). The Applicant has provided further commitments for during the herring spawning season into section 1.9.2 of the UWSMS, as requested. The Applicant notes the MMO is now in agreement that there is no need for any restriction for herring spawning and is in agreement with the UWSMS at Deadline 6 (S_D6_MMO).

12.2.1.6 The Applicant has submitted evidence to the MMO on the effectiveness of NMS and/or NAS as a mitigation measure in the Underwater Sound Abatement Modelling Fish Receptors Report (S_D6_47 Underwater Sound Abatement Modelling: Fish Receptors), which corroborates the evidence presented in the Cefas guidance 'Evidence on the efficacy of underwater noise abatement' published in 2024 to support the Defra policy and SNCB Joint Position statements. This evidence clearly demonstrates the significant reduction in underwater sound from NMS and/or NAS. The results in the Tables 3.1 and 3.2 of that report (S_D6_47) provide evidence to demonstrate that there are effective NMS and/or NAS options which would be explored through the UWSMS and therefore no seasonal restriction is required. For one example of a NMS (the Menck MNRU) reduces the potential auditory injury (Temporary Threshold Shift (TTS)) by 67%, or over 15km reduction in the range of effect for TTS; when using both NMS (e.g. Menck MNRU) and NAS (e.g. double big bubble curtain (DBBC)) the reduction is substantial reducing the range by 96% (i.e. reducing the range of effects of TTS from 23,800km to only 980m). It is understood that DBBC can be over double the efficacy of NMS (Steinhagen, 2019 and Bellmann *et al.*, 2020). The modelling undertaken in the Underwater Sound Abatement Modelling Fish Receptors Report (S_D6_47) is precautionary and yet with the addition of the DBBC shows how the range is significantly reduced beyond that with only the NMS. Therefore, it is clear from the results presented that DBBC alone would reduce the impacts on herring spawning to not significant levels, particularly when combined with project design refinements and spatial considerations as set out in the UWSMS. The evidence presented and the updates in the UWSMS is reflected in the agreement from the MMO that there is no requirement for a seasonal restriction for herring in the DML. The Applicant has updated section 1.7 in addition to existing text in section 1.8 of the UWSMS (S_D6_30 Underwater Sound Management Strategy F03) to reflect that the effectiveness of mitigations (either primary or secondary) will need to be appropriately evidenced to demonstrate that effects will not be significant on key fish species (REP5-MMO.27). This is in line with the latest Defra policy for reducing marine noise and the comments made here by the MMO.

12.2.1.7 Regarding MMO's outstanding concerns in relation to seasonal restrictions secured through the DML (paragraphs 3.6.4, 3.6.6, 3.6.9, and 3.6.14 of REP5-056a), it is again

MORGAN OFFSHORE WIND PROJECT: GENERATION ASSETS

the Applicant's position that with the application of NMS and/or NAS during driven piling, sound reductions will mitigate potential impacts for cod such that significant effects are avoided, and seasonal restrictions on the DCO are therefore not required. The Applicant has committed to these measures and they are in accordance with the Defra Reducing marine noise policy statement (2025), agreed through engagement with the MMO and the request from Natural England made on 17th February 2025 to include a condition on the DCO/DML to commit to the use of NMS and/or NAS. The UWSMS has also included clarification that the Applicant will need to demonstrate (with appropriate evidence, modelling etc.) that mitigation being proposed as part of the project (including NAS) will be effective to ensure no significant effects on cod. Provision of such evidence will be an important part of the process to agree and obtain approval of the UWSMS with the MMO (Paragraph 3.6.13/14 of REP5-056a), but the updated Defra policy does not materially change the broad approach to mitigating effects of underwater noise on cod, including spatial and temporal considerations if required when developing the final piling strategy following design refinement and analysis of NAS options.

- 12.2.1.8 The MMO also highlighted a point concerning electromagnetic field monitoring from the National Policy Statements EN-3. The MMO stated it is content with the Applicant's statement at the preliminary environmental impact report stage that there will be no direct impact pathways to marine conservation zones with designated fish features due to a lack of spatial overlap, and therefore no further monitoring will be required for electromagnetic fields.

12.3 Marine mammals

- 12.3.1.1 The Applicant will continue to engage with the MMO to work to resolve outstanding matters through the UWSMS. The Applicant notes the MMO is now in agreement with the UWSMS at Deadline 6 (S_D6_MMO).
- 12.3.1.2 In regard to the matters raised at deadline 5, the Applicant notes the MMO's acknowledgement of the removal of high order clearance from the Outline MMMP (REP5-021). The Applicant maintains that low order clearance should remain within the dML. Including UXO clearance activities within the dML is intended to remove the need to apply for and obtain a further licence post-consent and prior to construction, assisting with the expeditious delivery of the Morgan Generation Assets, contributing to UK Government targets for Net Zero. The Applicant notes the MMO is now in agreement with the MMMP at Deadline 6 (S_D6_MMO).
- 12.3.1.3 The Applicant highlights the following relevant statement, as set out in the Outline MMMP (REP5-021): "The Applicant has committed at Examination Deadline 5 to the use of low order clearance only following engagement with the SNCBs and the MMO. High order UXO clearance will not be authorised under the DCO. This is reflected in the updated drafting of the dML's in Schedules 23 & 43, Condition 23 in the draft DCO (REP5-017). The Commitments Register (previously titled Mitigation and Monitoring Schedule) (REP5-029) and the outline UWSMS (REP5-025) have been updated at Deadline 5 to reflect this change (see Co62 and Co100). For completeness however, if additional secondary mitigation measures are required the UWSMS provides assurances that mitigation for high order clearance could include the use of suitable NAS e.g. bubble curtains. The Applicant notes that the MMO's position on the inclusion of UXO in the DML has not changed from Deadline 4, but also notes that the MMO see the removal of high order clearance as a 'welcomed decision'. Furthermore, the Applicant notes that the MMO is still reviewing the draft DCO to be submitted by the Applicant at Deadline 5, and notes the MMO's statement that "If the MMO has any

MORGAN OFFSHORE WIND PROJECT: GENERATION ASSETS

comments in relation to this, the MMO will work with the applicant to get to agreement by Deadline 6". The Applicant notes the MMO's position that, for high order UXO clearances, bubble curtains must be used regardless of the size, and this should be reflected within the plans at this stage. The Applicant has updated the outline UWSMS in line with the latest Defra policy¹ and government joint position paper on UXOs² and highlights that NAS will be applied for all high order clearances. The Applicant also reiterates that if high order clearance is required a separate Marine Licence will be applied for, and further information on the details will be provided at that time.

- 12.3.1.4 The Applicant also notes that the MMO is supportive of the removal of scare charges and notes the MMO's statement that "This is a positive step forwards and the MMO thanks the Applicant for making these changes".
- 12.3.1.5 In relation to the MMO's suggested edits to Permanent Threshold Shift (PTS) ranges within the MMMP (REP5-MMO.71 and MM 2.7 of ExQ2), the Applicant thanks the MMO and confirms that this has been updated in a new version of the Outline MMMP at Deadline (S_D6_31 Outline marine mammal mitigation protocol) to reflect this change. The Applicant highlights that the correct distance has already been included in Table 1.12 of the Outline MMMP (REP5-021), which reflects the value set out in Volume 2, Chapter 10: Marine mammals (REP5-023) and Volume 3, Annex 3.1: Underwater sound technical report (APP-028).
- 12.3.1.6 In response to ExQ2 MM 2.4, the Applicant welcomes the clarity provided by the MMO but notes the previous statement that "the MMO is content with the projects proposal to use the UWSMS alongside seasonal restrictions being on the face of the DML and subject to the UWSMS becoming a certified document and secured through a condition." As per the Applicant's response to Natural England's response to EXAQ2 MM 2.4, the Applicant has fully acknowledged the recent publication of Defra's policy paper on Reducing Marine Noise which requires projects to use "best endeavours to deliver noise reductions through the use of primary and/or secondary noise reduction methods in the first instance". In light of this the Morgan UWSMS wording has been updated to provide a firmer commitment to NAS (as a secondary mitigation measure). Clarification has also been provided in the UWSMS that the Applicant will demonstrate (with appropriate evidence, modelling etc.) that mitigation being proposed as part of the project (including NAS) will be effective to ensure no significant effects on sensitive fish species. Therefore, the Applicant believes that this will provide assurances and resolve any outstanding SNCB concerns on NAS for the Project. Furthermore, the Applicant notes that the MMO has welcomed that "the Applicant has inserted additional text within the UWSMS plan document, to provide additional confidence that procurement and finance is available post-consent should NAS be required".
- 12.3.1.7 The Applicant does maintain the position that seasonal restrictions for sensitive fish species are not required to be on the face of the dML due to the commitments made to implement appropriate mitigation, during key sensitive periods for fish species, as set out in the UWSMS (see section 1.9.2). However, this does not materially change the broad approach to mitigating effects of underwater noise on fish, including spatial and temporal considerations when developing the final piling strategy.
- 12.3.1.8 Finally, the Applicant highlights that in light of the recent publication of Defra's new policy¹, the UWSMS has been updated at Deadline 6 committing to the use of quieter

¹ <https://www.gov.uk/government/publications/reducing-marine-noise/reducing-marine-noise>

² <https://www.gov.uk/government/publications/marine-environment-unexploded-ordnance-clearance-joint-position-statement/marine-environment-unexploded-ordnance-clearance-joint-position-statement>

MORGAN OFFSHORE WIND PROJECT: GENERATION ASSETS

installation methods and/or NAS when undertaking impact piling and this is reflected in an update to Schedules 3 and 4, condition 22 in the draft DCO/DML (S_D6_10 Draft Development Consent Order_F08). The updated wording includes an express reference to the UWSMS including details of noise mitigation systems and/or noise abatement systems if driven piling is undertaken. Following engagement with the MMO additional wording has been added in section 1.9.2 of the UWSMS to enable the agreement from the MMO that a seasonal restriction for herring is not required (S_D6_MMO). The Applicant notes the MMO is now in agreement with the UWSMS at Deadline 6 (S_D6_MMO). The Applicant believes that this will provide assurance and resolve any outstanding SNCB and regulator concerns on underwater sound for the project.

- 12.3.1.9 In response to ExQ2 MM 2.5, the Applicant welcomes the statement provided by the MMO that they are “largely content with the update to the condition wording” and that the MMO is confident that the wording and layout of the condition will be resolved prior to Deadline 6. The Applicant directs the MMO to the response provided against ExQ2 MM2.4 with respect to the commitment to reducing marine noise as per the new Defra policy¹.
- 12.3.1.10 The applicant would also note that the effectiveness of noise abatement systems (NAS) for reducing the magnitude of underwater noise is well understood, as that detailed in the Cefas guidance ‘Evidence on the efficacy of underwater noise abatement’ published in 2024 to support the Defra policy and SNCB Joint Position statements (S_D6_47 Underwater Sound Abatement Modelling: Fish Receptors). The condition of seasonal restrictions being on the face of the DML would add potential delay to the construction programme and therefore risk hindering achievement of one of the key project objectives of generating electricity by 2030, in line with renewable energy targets under the Clean Power 2030 Action Plan.
- 12.3.1.11 In response to ExQ2 MM 2.7 the Applicant welcomes the agreement from the MMO that that geophysical activities are not necessary to be referenced in the draft DML conditions as they are covered within the MMMP. The Applicant also confirms that, in relation to the MMO’s suggested edits to Permanent Threshold Shift (PTS) ranges within the MMMP (REP5-056a and MM 2.7 of ExQ2), the Applicant thanks the MMO and confirms that this will be updated and a new version of the Outline MMMP will be updated to reflect this change.

12.4 Other topics (General, Monitoring)

- 12.4.1.1 Regarding the MMO’s updated response at Deadline 5, (REP5-056a), in relation to a decommissioning plan, the Applicant notes that the MMO agrees that decommissioning will not be consented as part of the DCO, however the MMO requests an outline decommissioning plan. The Applicant held further discussions with the MMO on this matter on 17 January 2025 where it was agreed that the Statement of Common Ground would be updated to reflect that this matter is ‘not agreed, but not material’ (S_D6_MMO SOCG).
- 12.4.1.2 In relation to the MMO’s comments on the Offshore In-Principle Monitoring Plan (IPMP) (S_D6_34 Offshore In Principle Monitoring Plan F04), the Applicant can confirm that the IPMP has been updated to reference that the Applicant will give consideration to the MMO’s ‘Standardisation of Offshore Wind Post-Consent Monitoring’, forthcoming, to ensure that any standards or best practice is adhered to. The Applicant notes the MMO is now in agreement with the IPMP at Deadline 6 (S_D6_MMO).

12.5 DCO

- 12.5.1.1 The Applicant has made a number of further updates to the draft DCO at Deadline 6 with a view to addressing points raised by the MMO at Deadline 5 and subsequently through discussions. Where there are matters of material disagreement, the Applicant's position is set out in its Closing Statement (S_D6_7 Closing Statement).

13 MOOIR VANNIN

- 13.1.1.1 Mooir Vannin Offshore Wind Farm Limited (MVOWFL) submitted the following documents at Deadline 5, and the Applicant has responded to outstanding matters or key points below:
- REP5-070 – Responses to ExQ2 – Qualifying Request s35 Cover Letter
 - REP5-071 – Responses to ExQ2 – Qualifying Request s35 Supporting statement
 - REP5-072 – Responses to ExQ2 – Section 35 Direction Figure 1 Indicative Location Plan
 - REP5-073 – Responses to ExQ2 – Section 35 Direction Figure 2 Indicative Location Plan Onshore
 - REP5-074 – Responses to ExQ2 – Section 35 Direction
 - REP5-075 – Responses to ExQ2 – Mooir Vannin and Morgan Gap Position Paper
 - REP5-076 – Responses to ExQ2 – Mooir Vannin Generation Project Indicative Layout
 - REP5-077 – Responses to ExQ2 – Response to Morgan ExA Q2 and Action Points
- 13.1.1.2 The Applicant has no comments regarding REP5-070, REP5-071, REP5-072, REP5-073 or REP5-074.
- 13.1.1.3 In terms of REP5-077, MVOWFL's response to ExQ2's, the Applicant has considered each response below.
- 13.1.1.4 Regarding ExQ2 GEN 2.8, the Applicant provided MVOWFL with a draft SoCG on 8 January 2025 and encouraged a follow up meeting after Deadline 5. The Applicant received comments on the SoCG from Mooir Vannin 19 February 2025 and discussed the statements during a meeting 24 February 2025 and have submitted a signed SoCG at Deadline 6 (S_D6_MV).
- 13.1.1.5 Considering MVOWFL's response to ExQ2 CE 2.2, the Applicant has reviewed the information available in the public domain, including the Mooir Vannin community consultation summary report dated January 2025, which sets out design refinements, and taken this into account in the CEA review submitted at Deadline 6 (S_D6_30 Review of Cumulative Effects Assessment and In-Combination Assessment). The Applicant maintains that a CEA needs to be carried out based on information available in the public domain. The Applicant has carried out its CEA (and in-combination assessment) based on the best available information within the public domain and following the Planning Inspectorate's guidance on cumulative effects assessment (CEA). As detailed in the Applicant's Response to the Examining Authority's Written Questions (ExAQ2) (REP5-015), on the basis that the Mooir Vannin application will have been submitted to the Isle of Man government the Applicant fully expects the Secretary of State to request that the Applicant carries out a further CEA review that considers the final Mooir Vannin application, during the determination phase.
- 13.1.1.6 Regarding ExQ2 CE 2.5, the Applicant has provided a proportionate review of the East Irish Sea Transmission Project in the CEA review submitted at Deadline 6 (S_D6_30 Review of Cumulative Effects Assessment and In-Combination Assessment), noting that there is limited information in the public domain for this project.

MORGAN OFFSHORE WIND PROJECT: GENERATION ASSETS

13.1.1.7 Regarding the remaining MVOWFL submissions at Deadline 5 (Hearing Action Points and responses to ExQ2), responses are specific to shipping and navigation and wake effects and the Applicant has responded to each below.

Shipping and navigation

13.1.1.8 The Applicant welcomes the boundary refinement undertaken by MVOWFL, as set out in REP5-075 and REP5-076, which now establish a minimum 'gap' of 4.1 nm between the respective Order Limits of Morgan Generation Assets and Mooir Vannin.

13.1.1.9 Following the Mooir Vannin Hazard Workshop on 12 December 2024 (as detailed in Action Point 9 of REP5-077 and the Applicant's response to ExQ2 SN 2.6 REP5-015), the Applicant proactively commissioned the following activities to inform the ExA on the effect of the increased separation distance on the Applicant's cumulative risk assessment:

- a review of the revised Mooir Vannin boundary and comparison with existing guidance and precedent
- analysis and modelling of likely meeting situations between vessels when passing between the Morgan Array Area and Mooir Vannin Offshore Wind Farm
- full bridge navigation simulations with the Isle of Man Steam Packet Company, Stena Line and Maritime and Coastguard Agency which consider the revised Mooir Vannin array boundary
- a hazard review session with stakeholders following the bridge simulations.

13.1.1.10 These outputs are detailed within the Morgan – Mooir Vannin Gap Navigational Safety Review – Technical Clarification Note submitted at Deadline 6 (S_D6_42). In summary, and in response to MVOWFL's response to ExQ2 question SN 2.6 (safe route width), this technical clarification note demonstrates that the 4.1 nm gap between the Mooir Vannin Array Area and the Morgan Array Area meets relevant guidance and would enable vessels to navigate in worst credible traffic and weather conditions in full compliance with the Collision Regulations and the practice of good seamanship. The Applicant considers the risks have been reduced to Tolerable and ALARP following the Mooir Vannin boundary refinement.

13.1.1.11 The Applicant's Safety Justification of the revised 4.1 nm gap between the Mooir Vannin Array Area and Morgan Array Area (S_D6_42) shows that the array boundary refinement made by MVOWFL is consistent with guidance and precedent, and has reduced the risks to Tolerable and ALARP. Figure 13.1 shows the four main routes of commercial traffic impacted by either the Morgan Generation Assets or Mooir Vannin Offshore Wind Farm, with the refined gap addressing the passages of IoMSPC between Heysham and Douglas (highlighted in blue) with passages to the east or north of Mooir Vannin (highlighted in orange and grey) to be addressed by MVOWFL.

13.1.1.12 As discussed during Issue Specific Hearing 3, both MVOWFL and the Applicant agree that the 4.1nm separation distance between the proposed Morgan Array Area and proposed Mooir Vannin Array Area meet, and exceed, all relevant guidance, which the MCA also confirmed they are content with. Additionally, the refined separation distance exceeds the accepted separation of both constructed and consented passages elsewhere in the UK, as set out within the Applicant's response to ISH 2 Action Point 2 (REP4-005).

13.1.1.13 The Applicant concludes that there are no residual unacceptable risks to navigational safety associated with the Morgan Generation Assets, including cumulative effects with the refined Mooir Vannin boundary, and all risks have been reduced to ALARP,

MORGAN OFFSHORE WIND PROJECT: GENERATION ASSETS

which is agreed with the MCA in the signed SoCG submitted at Deadline 6 (S_D6_MCA). This is further detailed within the Morgan – Mooir Vannin Gap Navigational Safety Review – Technical Clarification Note submitted at Deadline 6 (S_D6_42). Furthermore, the IoMTSC, who are the navigation authority in Isle of Man waters, note in the final SoCG that they broadly agree with these conclusions (S_D6_IoMTSC).

- 13.1.1.14 Whilst both the IoMSPC and Stena recognised that navigational safety had improved as a result of the refinement of the Mooir Vannin boundary, it is the understanding of the Applicant that they consider the presence of four large offshore wind farms within this region of the Irish Sea to represent a residual risk. On this basis, noting the aligned conclusions of both the Applicant's and Mooir Vannin's assessment, and the position of the MCA (as the UK government's advisor on navigational safety) on this matter, the Applicant does not believe that any further mitigation of this gap is either necessary.
- 13.1.1.15 With regards to MVOWFL's response to ExQ2 question SN 2.3 (vessel length in relation to PIANC guidance for safe passage space), the Applicant emphasises that 300 m length was used in the sensitivity analysis to demonstrate that all passages between the Irish Sea offshore wind farms exceeds the requirements of PIANC even with precautionary inputs (APP-060).
- 13.1.1.16 Noting MVOWFL's response to ExQ2 question SN 2.4 (precedent for restricted navigation corridors), whilst the Applicant agrees that precedent alone does not demonstrate a proposed passage is safe, it does provide useful benchmarking. Precedent demonstrates that narrower passages with significantly greater traffic densities have been assessed to be safe.
- 13.1.1.17 The Applicant agrees that following the refinements made by MVOWFL, the gap between the Morgan Array Area and Mooir Vannin Array Area does not constitute a corridor and this is also supported by the MCA's response to ExQ2 (REP5-069).
- 13.1.1.18 MVOWFL also responded within REP5-077 to Action Points from ISH2. Specifically, Action Points 7, 8, 9 and 10. The Applicants' response to Action Points 7, 8 and 9 are covered in the Morgan – Mooir Vannin Gap Navigational Safety Review – Technical Clarification Note submitted at Deadline 6 (S_D6_42). Regarding Action Point 7, the Applicant notes with respect to the impact on Stena Line weather routing east of the Isle of Man, that Stena Line have indicated that Mooir Vannin Offshore Wind Farm in isolation will adversely affect their optionality irrespective of the presence of the Morgan Generation Assets.
- 13.1.1.19 In terms of Action Point 10 and ExQ2 SN 2.5, the Applicant reiterates that it has assessed the Mooir Vannin Offshore Wind Farm appropriately and in compliance with the relevant Planning Inspectorate guidance as set out within Volume 4, Annex 7.1: Navigational Risk Assessment (APP-060), the Applicant's response to ExQ1.SN 1.17 (REP3-006) and response to REP1-051.21 (REP2-005).

MORGAN OFFSHORE WIND PROJECT: GENERATION ASSETS

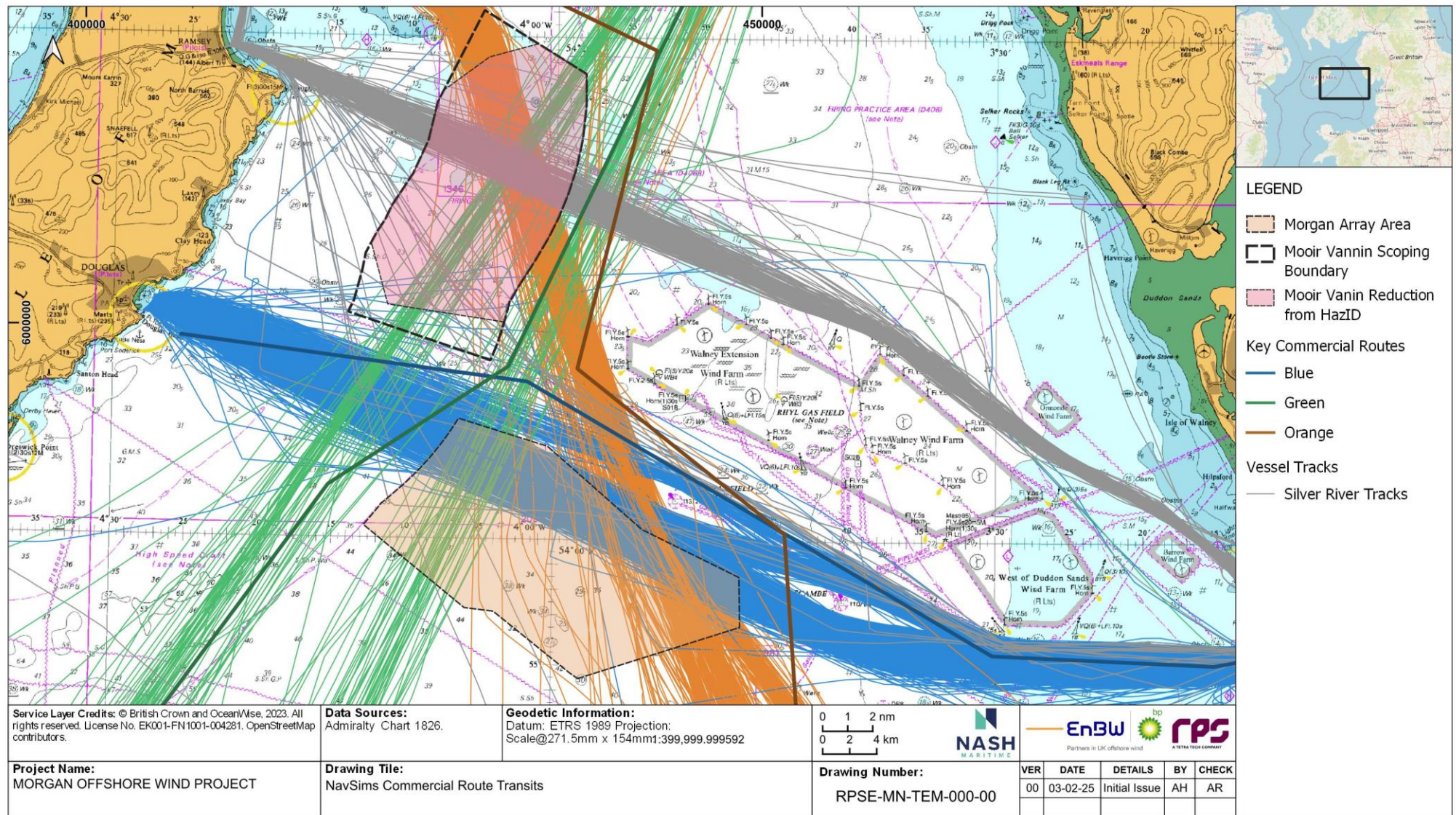


Figure 13.1: Vessel traffic between the Morgan Generation Assets, Moir Vannin and Walney wind farms.

Wake effects

- 13.1.1.20 MVOWFL's response to ExQ2 INF 2.9 states that they have undertaken a wake loss assessment, but the Applicant highlights that this is not an EIA assessment. The Applicant also notes the statement "*whether this wake loss assessment is submitted as part of the application for Marine Infrastructure Consent will be determined by the status of commercial discussions*" demonstrates MVOWFL consider this is purely a commercial matter. This is not consistent with the approach that Orsted IPs have suggested the Applicant needs to follow (as per REP1-063, REP3-056, REP4-047, REP5-059a).
- 13.1.1.21 MVOWFL are incorrect in stating that "*Morgan must be determined on its own merits informed by its own impact assessment which should have included all Irish Sea OWFs (including Mooir Vannin)*," as NPS EN3 (paragraph 2.8.197) clearly states that only existing or permitted infrastructure or activities should be assessed (noting the Applicant's position that this does not apply to offshore wind farms or the Orsted IPs projects). Mooir Vannin is neither existing nor permitted. The Applicant has assessed Mooir Vannin as a Tier 2 project in all applicable assessments, which is in accordance with guidance, policy and legislation.
- 13.1.1.22 The Applicant notes that the second part of MVOWFL's response to ExQ2 INF 2.9 mirrors that submitted by the Orsted IP's (REP5-059a) in terms of factoring in Mooir Vannin into the business case and therefore, cross refers Mooir Vannin to our full response provided in Annex 3.1 (S_D6_3.1).
- 13.1.1.23 The Applicant wishes to clarify that its position was clearly not that Mooir Vannin should undertake a wake loss assessment, but more to highlight to the Examining Authority and Secretary of State the inconsistency in the manner Orsted (as the parent company of Mooir Vannin and the 2023 Scoping Report (REP3-043) for Mooir Vannin states, "*Mooir Vannin Offshore Wind Farm Limited, is ultimately owned by Orsted A/S*") is dealing with wake loss; i.e., it is strongly suggesting that in order to meet the policy requirements the Applicant should do such an assessment, and that Orsted adopt a consistent and open approach to dealing with such issues on their own projects, when clearly for a project in planning, adjacent to their existing assets they do not consider it necessary.
- 13.1.1.24 The Applicant notes the arguments from Mooir Vannin with regard to the timing of developments and points Mooir Vannin to its response to the Orsted IPs in Annex 3.1 (S_D6_3.1), but fundamentally given the timescales and complexity of bringing forward new offshore wind development, projects are only taken into account when there is sufficient information in the public domain that an application is likely to be forthcoming. It should also be noted that for obvious reasons the NPS policy regarding other offshore infrastructure only seeks to protect 'existing', not future infrastructure. As a result, even if the policy did cover offshore wind farms (which as the Applicant has made clear it does not agree with), Mooir Vannin would not be protected as a future project.
- 13.1.1.25 The Applicant maintains that a DCO requirement is not appropriate or applicable.

14 NATURAL ENGLAND

14.1 Ornithology

- 14.1.1.1 This section provides the Applicant's response to Natural England's submission at Deadline 5 regarding Natural England comments on offshore ornithology (REP5-079), Natural England's response to the Examining Authority's second written questions (REP5-080), and other responses in relation to key points of agreement and outstanding matters (REP5-081, REP5-082, REP5-082a and REP5-082b).
- 14.1.1.2 The Applicant welcomes Natural England's conclusion that 'significant adverse effects at the EIA scale due to the Project alone can be ruled out for all impact pathways for all offshore ornithological receptors' (REP5-079), and that 'an Adverse Effect on Integrity (AEoI) can be ruled out for all English Special Protection Areas (SPA) for all impact pathways due to the Project alone'.
- 14.1.1.3 The Applicant also welcomes Natural England's conclusion that 'AEoI can be ruled out for all English sites from collision effects, both due to the Project alone and in-combination with other projects'. The Applicant notes this is reflected in the RIES (PD-011) and concludes that no derogation is necessary.
- 14.1.1.4 In relation to Natural England's outstanding representations on the cumulative effects assessment for displacement, the Applicant has submitted a clarification note at Deadline 6 that provides the population modelling for guillemot requested by Natural England (S_D6_39 Population Viability Analysis for the Regional Population of Guillemot). This note concludes that the cumulative impact for guillemot is of negligible significance which is consistent with the conclusions reached in Volume 2, Chapter 5: Offshore ornithology (APP-023). The Applicant welcomes Natural England's conclusions in relation to both razorbill and Manx shearwater that 'significant adverse effects can be ruled out for this species at EIA scale'.
- 14.1.1.5 In relation to Natural England's outstanding representations on the cumulative effects assessment for collision risk, the Applicant welcomes Natural England's conclusion in relation to lesser black-backed gull (LBBG) of 'no significant adverse effect (i.e. no greater than minor adverse effect) from cumulative collision to LBBG at an EIA scale'. The Applicant disagrees with Natural England's conclusions in relation to impacts on great black-backed gull. This is discussed as part of the Applicant's submission at Deadline 5, specifically REP5-031. The submission REP5-031 provides additional PVA and further discussion and this further evidence leads to the same conclusion (i.e. an impact of minor significance that is not significant in EIA terms) as reached in REP2-022 and Volume 2, Chapter 5: Offshore ornithology (APP-023).
- 14.1.1.6 In response to REP5-079 (Page 5, Further advice on collision risk modelling section), the Applicant can confirm that the requested log files for the collision risk model runs will be provided at Deadline 6.
- 14.1.1.7 Regarding Natural England's outstanding concerns in relation to disturbance/displacement effects from vessel movements on the red-throated diver feature of the Liverpool Bay SPA, the Applicant can confirm that the advised updates were incorporated into the 'Measures to minimise disturbance to marine mammals and rafting birds from transiting vessels' document submitted at Deadline 5 (REP5-046). The Applicant notes Natural England's comment that these updates will enable Natural England to conclude no AEoI alone and in-combination on the red-throated diver feature of Liverpool Bay SPA.

MORGAN OFFSHORE WIND PROJECT: GENERATION ASSETS

- 14.1.1.8 In relation to Natural England's outstanding methodological concerns (reference B1, B2, B22, B26, B27, B31, B32, B33, B36, B37, B47, B48, B49 and B55 of their risk and issues log), the Applicant submitted the requested ornithological clarification information, following a methodology advised by Natural England, at Deadline 5. Following review of a draft version, the Applicant notes that Natural England anticipate confirming that this matter is resolved at Deadline 6. This includes an update to the approach to kittiwake age class apportioning (Offshore ornithology comment B27 in REP5-082b) as highlighted in the Examining Authority's RIES (PD-011).
- 14.1.1.9 Regarding Natural England's response to the Examining Authority's second written questions (REP5-080), reference MO 2.4, in relation to sabbatical birds, the requested text has already been included in relevant documents, as detailed in the Applicant's response at Deadline 5 (REP5-015).
- 14.1.1.10 In relation to post-consent monitoring (reference B54 of Natural England's risk and issues log, REP5-079.7 of Natural England's submission at Deadline 5 (REP5-079) and Natural England's response to the Examining Authority's second written questions (REP5-080), reference MO 2.6), please see the Applicant's response to ExAQ1 GEN 1.8 and MO 1.13 in REP3-006, the Applicant's response to IP submissions submitted at Deadline 3 (REP4-009), section 7.b) of the Written Summaries - Issue Specific Hearing 2 (REP4-006) and the response to HAP_ISH2_18 and HAP_ISH2_23 in the Issue Specific Hearing 2 Hearing Action Points (REP4-004).
- 14.1.1.11 In relation to post-consent monitoring of Manx shearwater specifically, the Applicant notes the agreement in relation to there being no risk of significant effect in EIA or HRA terms on this species, and that this species has historically not been considered sensitive to offshore wind development by the SNCB. The Applicant does not consider there to be any uncertainty or risk associated with the assessment conclusions that merits particular monitoring validation attention. Furthermore, whilst the Applicant considers that studies to address this uncertainty must be undertaken at relevant projects that are located in sea areas, or undertaken strategically at a scale, where monitoring will provide an adequate amount of data to inform statistically robust conclusions. The Morgan Generation Assets is not located in an area of sea important for Manx shearwater as illustrated in the results of the 24-month aerial survey programme completed for the Morgan Generation Assets and in distribution maps presented by Waggitt *et al.* (2020). The Applicant undertook a power analysis during the pre-application phase that suggested that within a representative zone of influence (i.e. the project area plus a 2 km buffer) it would not be possible to achieve a sample size of Manx shearwater large enough to detect impacts as part of post-construction monitoring in any month. It is therefore considered that any monitoring requiring the investigation of the numbers of Manx shearwater in the Morgan Generation Assets will not be able to detect changes in the distribution and abundance of Manx shearwater or deliver data that will lead to statistically robust conclusions. If any such monitoring was undertaken to consider before and after change in presence of Manx shearwater then it would not be able to meet the monitoring objectives. The existence of uncertainty is not reason enough to require a project to undertake monitoring especially in areas where Manx shearwater are not abundant and where assessments have concluded that the magnitude of impacts on the species in question is negligible (a maximum increase in the baseline mortality of the regional population of Manx shearwater of 0.03%).
- 14.1.1.12 The arguments made by the Applicant in relation to monitoring of Manx shearwater at the Morgan Generation Assets apply equally to the Mona Offshore Wind Project and Morecambe Offshore Windfarms: Generation Assets. These projects are not located in an area of importance for Manx shearwater (as illustrated by project-specific surveys

MORGAN OFFSHORE WIND PROJECT: GENERATION ASSETS

and wider regional studies (e.g. Waggitt *et al.*, 2020) and as such a strategic study in this area will also not deliver data that would allow statistically robust conclusions to be reached. The Applicant notes that ornithological monitoring has not been proposed for the Mona Offshore Wind Project, and Manx shearwater has not been identified as a key species in the monitoring proposed for the Morecambe Offshore Windfarms: Generation Assets. Whilst the Applicant accepts that there is uncertainty related to the vulnerability of Manx shearwater to impacts associated with offshore wind farms (Wade *et al.*, 2016) this is not unique to the Morgan Generation Assets.

- 14.1.1.13 The potential impacts on Manx shearwater associated with Round 5 projects will be assessed as part of the respective projects' EIA and HRA. The Round 5 projects are in closer proximity to the Skomer, Skokholm and Seas off Pembrokeshire SPA at which there is a large population of Manx shearwater. Due to the planning stage of the Round 5 projects it is not possible or appropriate for the Applicant to propose strategic monitoring with these projects.
- 14.1.1.14 Areas of uncertainty relevant to the Morgan Generation Assets are more effectively addressed at projects where seabird abundances are higher or through strategic monitoring programmes in suitable areas. The Applicant is a contributor to a number of strategic research programmes (including the Offshore Wind Evidence and Change (OWEC) Programme), which address uncertainties associated with species in the Morgan Generation Assets assessments, and the Applicant plans to continue this involvement during the operation of the Morgan Generation Assets.

14.2 Marine mammals

- 14.2.1.1 This section provides the Applicant's response to Natural England's submission to ExAQ2 and Natural England's submission at Deadline 5 (REP5-082b) in relation to key points of agreement and outstanding matters.
- 14.2.1.2 The Applicant notes and thanks Natural England for their responses to ExAQ2 MM 2.7 (Outline MMMP – draft dML) and MM 2.11 (marine mammal sensitivity and prey availability). The Applicant also notes and thanks Natural England for their response to ExAQ2 HRA 2.7 and for confirmation that an AEol alone and in-combination can be excluded for the marine mammal qualifying features of Lundy SAC and Isles of Scilly Complex SAC.
- 14.2.1.3 The Applicant notes that Natural England's position on the assessment methodology has not changed at Deadline 5 (Risk and Issue Log number C1, C11 and C35). The Applicant provided detailed justification in their response to Relevant Representations and maintains this position. The Applicant provided further information on this subject in response to ExAQ1 MM 1.11. Whilst at Deadline 3, Natural England stated that they "support the ExA's request (MM 1.11) to the Applicant to provide further information. NE will consider this point further after we have received additional information" no further comments have been provided by Natural England on this subject. The Applicant notes that no additional questions were raised in the ExAQ2 questions. Furthermore, the Applicant notes that whilst Natural England have concerns on the assessment methodology, there has been no disagreement on the levels of significance concluded for each of the impacts in the assessment.
- 14.2.1.4 The only exception to this was Natural England's position on the conclusion of negligible magnitude for injury and disturbance to marine mammals, especially harbour porpoises, from elevated underwater sound due to piling activities (Risk and Issue Log number C2 and C12). The Applicant provided a detailed justification in their response to Relevant Representations, highlighting that the magnitude for disturbance was assessed as 'low' and only injury was assessed as 'negligible'. This conclusion of

MORGAN OFFSHORE WIND PROJECT: GENERATION ASSETS

negligible magnitude for injury was reached on the basis that injury could be fully mitigated via industry recommended measures adopting primary (soft start to piling) and tertiary (MMOs and PAM) and has been detailed in the outline MMMP (S_D6_31 Outline marine mammal mitigation protocol F04). At Deadline 3 Natural England stated that “without NAS being deployed, it is NE’s view that the magnitude scores cannot be concluded as negligible.” Whilst Natural England consider this to be unresolved at Deadline 5, the Applicant has fully acknowledged the recent publication of Defra’s policy paper on Reducing Marine Noise (published 21 January 2025). This policy paper states that “all offshore wind pile driving activity across all English waters will be required 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”. The Applicant highlights that in light of the publication of this policy paper, the Morgan UWSMS wording has been updated, where conditional wording was previously applied (to account for the uncertainty of the requirements of NAS as a secondary mitigation measure) to confirm the Applicant will adhere to the Defra Reducing marine noise policy (2025). The Applicant has been engaging with Natural England on the proposed updated wording in the UWSMS.

- 14.2.1.5 The Applicant was requested by Natural England on 17th February 2025 to include the commitment to use noise mitigation systems and /or noise abatement systems within the DCO/DML, despite the agreement with the SNCBs during the meeting held on 22nd January that the current UWSMS condition (Schedules 3 & 4, Condition 22) was sufficient with the updates to the UWSMS. The Applicant believes the commitments within the UWSMS (which required approval by the MMO before any construction can commence), the Defra Reducing marine noise policy (2025), European protected species licence requirements and the condition in Schedules 3 & 4, Condition 22 in the draft DCO/DML (S_D6_10) is already sufficient to secure this requirement. However, for the avoidance of any doubt and to provide the necessary comfort to SNCBs, the Applicant has updated condition 22 for the final deadline (Deadline 6 on 27th February 2025) to include an express reference to the UWSMS including details of noise mitigation systems and/or noise abatement systems, where required. The Applicant believes that this will provide assurance and resolve any outstanding SNCB concerns on underwater sound for the project.
- 14.2.1.6 The Applicant notes that Natural England’s position on the over-reliance in the assessment on ADDs as a key mitigation tool (Risk and Issue Log number C3 and C13) has not changed at Deadline 5. The Applicant provided a detailed justification in their response to Relevant Representations, highlighting that the final MMMP will be developed in consultation with relevant stakeholders, including Natural England, and will be informed by the most recent guidance. The Applicant notes that Natural England in their Relevant Representation stated that “The onus should be on reducing the noise at the source as a priority” and re-iterates that in light of the publication of Defra’s policy paper on Reducing Marine Noise, the UWSMS wording has been updated, where conditional wording was previously applied (to account for the uncertainty of the requirements of NAS as a secondary mitigation measure) to confirm the Applicant will adhere to the Defra Reducing marine noise policy (2025). This adherence will therefore resolve this issue for piling activity. Furthermore, the Applicant highlights the removal of high order clearance in the updated drafting of the dML’s in Schedules 23 & 43, Condition 23 in the draft DCO (REP5-017) and the alignment with the latest JNCC guidance on mitigation for UXO clearance (JNCC, 2025). The commitment to low order clearance (and removal of high order clearance) will inherently reduce the potential noise at source for UXO clearance. The information on potential application of ADD and maximum required length of ADD deployment time that was previously presented in Volume 2, Chapter 4: Marine Mammals (AS-010) (and the Outline marine mammal

MORGAN OFFSHORE WIND PROJECT: GENERATION ASSETS

mitigation protocol (S_D6_31 Outline marine mammal mitigation protocol F04)) was based on injury ranges modelled for the worst case scenario of high order UXO clearance. The injury ranges presented for low order clearance were smaller, and therefore the requirement for ADD in order to deter animals from the zone of injury for UXO clearance would, comparatively, be minimal. The Applicant believes that this will provide assurances and resolve any outstanding Natural England concerns on “over-reliance” on ADDs as a mitigation tool for the project.

- 14.2.1.7 In relation to Natural England’s outstanding concerns relating to scare charges for UXO clearance (Risk and Issue Log number C4 and Natural England’s response to ExAQ2 MM 2.8), the Applicant highlights that scare charges were previously required only for high order UXO clearance. Given that the Applicant has committed to the use of low order clearance only, following engagement with the SNCBs, the use of scare charges has now been removed from the DCO, via the removal of high order clearance in the updated drafting of the dML’s in Schedules 3 & 4, Condition 23 in the draft DCO (REP5-017) and this has been reflected in the updated Outline marine mammal mitigation protocol (MMMP) (REP5-021) provided at Deadline 5.
- 14.2.1.8 The Applicant notes that Natural England’s position on mitigation measures has not changed at Deadline 5 (Risk and Issue Log number C5, C21 and C43 and C7) and in relation to Natural England’s response to ExAQ2 MM 2.4. The Applicant provided a response at Deadline 4 submission (REP4-009) and maintains their position. The Applicant re-iterates that in light of the publication of Defra’s policy paper on Reducing Marine Noise, the UWSMS wording has been updated, where conditional wording was previously applied (to account for the uncertainty of the requirements of NAS as a secondary mitigation measure) to confirm the Applicant will adhere to the Defra Reducing marine noise policy (2025). The Applicant has also included an additional condition (Schedules 3 & 4, condition 22) in the DCO/DML. The Applicant believes that this will provide assurances and resolve any outstanding SNCB concerns on NAS for the project.
- 14.2.1.9 The Applicant notes that Natural England’s position on monitoring for marine mammals has not changed at Deadline 5 (Risk and Issue Log number C37) and that Natural England has welcomed further question on this matter via ExAQ2 (MM 2.2 and MM 2.10). The Applicant provided a response at Deadline 5 submission (REP5-009) to Natural England’s response to ExAQ1 MM 1.23, detailing that the impact assessment for injury and disturbance from elevated underwater sound generated from site investigation survey sources concluded that there was no potential for significant effects as a result of site investigation survey sources (including Sub-Bottom Profilers (SBP)) and therefore the inclusion of monitoring (of behavioural responses to SBPs) in the oIPMP is disproportionate to the risk, whilst also highlighting that the site-investigation surveys are not a licensable activity and there is no precedent for undertaking monitoring for surveys of this manner for any other site investigation surveys (in relation to any type of offshore project across marine industries e.g. aggregates, cables, oil and gas etc.). The Applicant provided further detailed responses to ExAQ2 MM 2.10, confirming that they had reviewed Natural England’s Best Practice Guidance (published in 2022), which clearly states, “monitoring for the sake of undertaking monitoring should be avoided (MMO, 2014)” and given that no potential significant effects were identified for site investigation survey sources (including SBP) the Applicant does not consider the risk to marine mammal receptors from the development of the project necessitates marine mammal monitoring for disturbance as a result of SBPs.
- 14.2.1.10 Finally, a technical note was submitted at Deadline 6 (S_D6_3.5 Annex 3.5: Response to Natural England ExAQ2 MM2.10 submission: Sub bottom profile surveys -

MORGAN OFFSHORE WIND PROJECT: GENERATION ASSETS

clarification note) to provide evidence to support the more likely effect range of 4km and the Applicant now understands that the 2D seismic survey using a SBP referred to by Natural England (in Veneruso *et al.*, 2024) was conducted using an Applied Acoustics S-Boom DC SBP, with a maximum SPL capability of 222 dB re 1µPa (personal communication, G. Veneruso, 18 February 2025) (S_D6_7 Closing Statement). The Applicant highlights that this SBP is a completely different type of sound source with different characteristics to the proposed by Morgan Generation Assets SBP (using either chirper or pinger). Boomers are broadband impulsive sound sources, compared to the narrowband sinewave type character of the pingers/chirpers modelled for Morgan Generation Assets. Therefore, the Applicant considers that the disturbance observations (and recovery times) presented by Veneruso *et al.*, 2024, cannot be directly compared to the modelling conducted for SBPs at Morgan Generation Assets and furthermore are ill-placed to underpin the justification for the Natural England request for extensive monitoring of disturbance as a result of SBP.

- 14.2.1.11 The Applicant has discussed the proposed monitoring of SBP with Natural England (22 January 2025) and re-iterates that the practicalities of conducting rigorous monitoring of the impact of SBPs are not simple, and the ability to collect a sufficiently large amount of data to make robust statistical inferences on the direct impact of SBP is low, particularly given that SBP will be operating in parallel with other geophysical survey equipment and therefore establishing links directly to SBP would pose significant challenges. Furthermore, undertaking extensive monitoring from a strategic, collaborative perspective would present the same practical and scientific challenges. The Applicant understands that the MMO agrees with its position on the need for monitoring of SBP surveys and will confirm in its response to the ExA at Deadline 6.
- 14.2.1.12 With regard to the need for any further mammal monitoring, the Applicant also highlights that in light of the publication of this policy paper (Defra's Reducing marine noise (2025)), and the subsequent removal of uncertainty on future NAS requirements, the UWSMS wording has been updated. The Applicant has updated condition 22 to include an express reference to the UWSMS including details of noise mitigation systems and/or noise abatement systems, where required. As such, the Applicant considers that with the commitment to noise mitigation systems and/or noise abatement systems, and the associated reduction in risk to marine mammals that the request for additional monitoring, is disproportionate to the risk.
- 14.2.1.13 Finally, the Applicant confirms that, as discussed with the MMO the DCO condition 28(2)(b) has been updated to state that monitoring will include measurements of underwater sound generated by the installation of the first four piles of each piled foundation type to be installed, and measurements of underwater sound generated by the installation of the first two piles where it is anticipated hammer energies greater than 3,000kJ may be required for installation. The OIPMP states following submission of the underwater sound measurements the MMO will validate the modelling and determine if any further monitoring or mitigation is required (S_D6_34). The OIPMP states if 'the assessment shows significantly different underwater sound modelling results to those assessed in the environmental statement, or failures in mitigation, all piling activity must cease until an update to the marine mammal mitigation protocol and further monitoring requirements have been agreed'.

14.3 Physical processes and benthic ecology

- 14.3.1.1 This section provides the Applicant's response to Natural England's submission at Deadline 5 (REP5-082b) in relation to key points of agreement and outstanding matters.

MORGAN OFFSHORE WIND PROJECT: GENERATION ASSETS

- 14.3.1.2 The Applicant welcomes Natural England's conclusion at Deadline 5 that this fully resolves the issue raised regarding the submission of plans for mitigation measures in F20 in Natural England's Risk and Issues Log (REP5-082b).
- 14.3.1.3 Natural England has maintained its outstanding representation that not all worse case scenarios for marine processes and benthic subtidal ecology are detailed in the assessment. To address these matters, the Applicant has updated the relevant chapters to incorporate the reduced parameters for sandwave clearance for interconnector cables, volumes and areas of impact from cable protection/cable crossings, parameters for cable repairs, UXO clearance and the Applicant's response to ExAQ1 (REP3-006, MP 1.12) have been integrated into the Deadline 6 updates to Volume 2, Chapter 1: Physical processes (S_D6_17), Volume 2, Chapter 2: Benthic subtidal ecology (S_D6_18) and Volume 1, Chapter 3: Project description (S_D6_16) (PD1-017, RR-026.D.9, REP4-009, REP3-049.56). These updates fully resolve the points raised by Natural England with regards to physical processes (D1, D3, D6, D7, D8, D9, D13 and D15) and benthic subtidal ecology (F1, F5, F6, F7, F15 and F17) in Natural England's Risk and Issues Log (REP5-082b).
- 14.3.1.4 The Applicant can confirm that, to address Natural England's concerns regarding cable protection, it will seek to reduce environmental impacts (by only using scour protection and cable protection where absolutely necessary) and has committed to considering removable scour and cable protection as detailed in the Commitments Register (S_D6_34). The Applicant notes that the prescribed use of removable scour/cable protection or its removal is not standard industry practice and has never been a requirement for offshore wind projects which are not located within a Special Area of Conservation. The Morgan Generation Assets is located over 8km from the nearest designated site and no Annex 1 habitats have been recorded in the Morgan Array Area. The Applicant highlights that the scour/cable protection to be employed during construction must, in the first instance, prioritise asset integrity and fulfil the safety requirements for which it is intended, to protect the assets. Therefore, we do not consider this new request to be justified given the associated operational risk. Furthermore, we note that the request from Natural England relates to the decommissioning phase of the project which is likely to be at least 35-40 years from now, if not more. The Applicant does not consider it appropriate to pre-judge what the policy position may be around such material and the ecological communities that will develop around them over time. We note that on the recent Awel y Môr consent it was deemed sensible to consider cable protection material that could bring biodiversity benefit, suggesting a long term beneficial view could be a realistic outcome from the introduction of new habitat. Whilst this is not the point being made by the Applicant for the Morgan Generation Assets, it is relevant to note that other SNCBs have taken that view, and therefore, it is not inconceivable that Natural England's position could also change over time. The Applicant will make all best endeavours to ensure that the material used is removable at the end of the operational lifetime but highlights that safety requirements must be prioritised. The Applicant considers that they have made all reasonable endeavours and concessions to resolve this point made by Natural England in D4, D22, D24, F3 and F16 of Natural England's Risk and Issues Log (REP5-082b).
- 14.3.1.5 Natural England has maintained its outstanding representation that indicative cable crossing locations, are required. The Applicant does not anticipate that cable crossings will be required as there are no recorded existing cables within the Morgan Array Area. Therefore, the location of these crossings, if any are required, is not currently known but will be specified in the Cable specification and installation plan (CSIP) in adherence to the Applicant's commitments secured under Schedules 3 and 4, Condition 20(1)(d)

MORGAN OFFSHORE WIND PROJECT: GENERATION ASSETS

of the dMLs within the draft DCO (S_D6_11). Ten crossings have, however, been included in the project design on a precautionary basis and as outlined in Volume 2, Chapter 1: Physical processes (S_D6_17). The hypothetical crossing locations were selected to represent the MDS for changes to physical processes particularly with regards to considering the potential for impacts on neighbouring Marine Conservation Zones (MCZs) (as illustrated within Figure 1.65 in Volume 4, Annex 1.1: Physical processes technical report (APP-033)). The Applicant therefore considers that a precautionary approach has been adopted and assessed. The Applicant considers that this should be sufficient to resolve the points made by Natural England in relation to cable protection parameters in D8 and F7 of Natural England's Risk and Issues Log (REP5-082b).

- 14.3.1.6 Natural England have continued to request that site specific survey reports should be provided into examination (D11 and F9 of of Natural England's Risk and Issues Log (REP5-082b). The Applicant reiterates that all relevant documents which can be shared have been provided to Natural England and Natural England have confirmed they have received the reports. The Applicant highlights that it is not standard practice to submit these documents with the Environmental Statement and can confirm that all relevant information from these reports has been summarised in Volume 4, Annex 1.1: Physical processes technical report (APP-033) and Volume 4, Annex 2.1: Benthic subtidal ecology technical report (APP-050), as appropriate. These documents do not contain any additional information that changes the physical processes or benthic subtidal ecology baselines or any of the conclusions of the assessments presented in Volume 2, Chapter 1: Physical processes (S_D6_16) and Volume 2, Chapter 2: Benthic subtidal ecology (S_D6_17). The Applicant considers that the information provided should be sufficient to resolve the points made by Natural England in D11 and F9 of Natural England's Risk and Issues Log (REP5-082b).
- 14.3.1.7 Natural England have maintained concerns that the impacts of seabed scour due to the presence of windfarm infrastructure during the operation and maintenance phase has not been included as an impact. The Applicant has provided further detail on the assessment of seabed scour in the Applicant's Response to Relevant Representations (PD1-017, RR-026.D.18). Additional information on the provision of scour protection to minimise secondary scour was provided in the Applicant's Response MP1.5 of ExAQ1 submitted at Deadline 3 (REP3-006). The Applicant confirmed that at the detailed design stage the magnitude of potential scour in relation to the proposed measures will be balanced. Where scour protection measures are to be provided, they will be subject to engineering design to ensure they minimise as much as practical the occurrence of scour. Additionally, the Applicant confirmed that the detail of design and construction will be outlined within the Offshore CMS developed in consultation with MMO. The Applicant notes that at Deadline 5, in the MMO's Updated Response to Deadline 4 Submission (REP5-056a, Table 2, REP2- 029.34), the MMO stated that it considers an assessment of the magnitude of scour in comparison to the volumes of scour protection at the locations where it is proposed included in the Offshore Construction Method Statement (CMS) to be an acceptable course of action and considers this issue has been sufficiently addressed. The Applicant considers that the information provided should be sufficient to resolve the points made by Natural England in D16 of Natural England's Risk and Issues Log (REP5-082b).
- 14.3.1.8 Natural England have maintained their position that further information on the impacts to physical processes arising from sediment extraction in order to stabilise conical gravity based foundations during construction and disposal of ballast during decommissioning is required. The Applicant has responded previously in the Applicant's response to Relevant Representations (PD1-017, RR-026.D.20), at

MORGAN OFFSHORE WIND PROJECT: GENERATION ASSETS

deadline 5 (REP5-009, REP4-043.46) and Applicant's Response to Examining Authority's Written Questions (ExAQ2), (REP5-015, MP 2.3). The Applicant can confirm that measures to be adopted as part of the Morgan Generation Assets to reduce the potential for impacts on physical processes include the commitment that the decommissioning of gravity bases and the removal of ballast material, including sand sequestered during construction, which will not be released back into the local system and beneficial-use of the material will be considered. This is included within the updated Commitments Register (Co101 in S_D6_34) submitted at Deadline 6. The Applicant considers that the information provided should be sufficient to resolve the points made by Natural England in D18 of Natural England's Risk and Issues Log (REP5-082b).

- 14.3.1.9 In response to points regarding micro-siting for reef, the Applicant updated the wording in Schedules 3 and 4, condition 20(1)(a)(v) of the dMLs at Deadline 5 (REP5-017) to the wording requested by Natural England. The Applicant considers that this now fully resolves the points made by Natural England in F10 of Natural England's Risk and Issues Log (REP5-082b).

14.4 Fish and shellfish Ecology

- 14.4.1.1 In relation to Natural England's Risk and Issue log point E1 and E3, whilst NE have categorised this matter as minor (yellow) at Deadline 5, the Applicant has removed scare charges from the MMMP in line with latest Defra policy Regarding marine noise (2025) and therefore consider this fully resolves this matter. All other matters raised in relation to fish and shellfish ecology (including no or negligible impacts on Annex II species and no adverse effects on designated sites alone and in-combination) are all agreed and resolved.

14.5 Other topics (cumulative effects, other plans and topics)

14.5.1 Cumulative effects

- 14.5.1.1 The Applicant welcomes Natural England's confirmation in response to ExAQ2 reference CE 2.2 that a comprehensive CEA and in-combination assessment of English sites has been carried out.
- 14.5.1.2 The Applicant notes Natural England's response to ExAQ2 reference CE 2.3 on lifetimes of existing offshore wind farms. Natural England has advised that continuation of energy production 'will be subject to a further statutory consultation where the licence has an expiry date or similar provision. This would need to be supported by cumulative and in-combination assessments where needed'. In this respect the Applicant highlights that OWF sites in the Irish Sea are either operating under time limited operations and maintenance Marine Licences or have operation and maintenance activities managed under its DCO. The Applicant also highlights that the original Environmental Statements for these projects, as available on the Marine Data Exchange, anticipated a project lifetime of 20-25 years.

14.5.2 Other plans

- 14.5.2.1 A number of matters were noted as 'no change' in Natural England's risk and issues log at Deadline 5 in relation to the topic 'other plans'. This section provides the Applicant's position on each matter.
- 14.5.2.2 In relation to Natural England's submission on the IPMP (G2 of Natural England's Risk and Issues Log), requesting that the document sets out monitoring hypotheses and

MORGAN OFFSHORE WIND PROJECT: GENERATION ASSETS

questions, the Applicant submitted an updated IPMP at Deadline 5 which set out the proposed monitoring objectives and approach including adaptive measures (S_D6_10).

- 14.5.2.3 In relation to Natural England's comments on removable scour protection (G4 of Natural England's Risk and Issues Log), the Applicant responded to this matter at Deadline 5, reiterating a commitment to considering the most sustainable and removable form of scour protection (REP5-009) (see response also detailed in section 14.3 above in relation to responses to points D24 and F16).
- 14.5.2.4 Regarding Natural England's comment on lessons learned from other offshore wind projects in relation to potential scour and cable exposure (G6 of Natural England's Risk and Issues Log), the Applicant emphasises that the project design envelope for the Morgan Generation Assets has been developed by qualified engineers with experience working on other offshore wind farms. It is in the Applicant's interest for the project design envelope to reflect the experience and lessons learned from other offshore wind farms to ensure the most technically robust and cost-effective design, including in relation to potential for scour and cable exposure, where the Applicant seeks to ensure asset integrity. It is not usual practice in offshore wind applications for a proponent to be required to set out engineering lessons learned which have influenced the project design envelope, many of which may also be confidential.
- 14.5.2.5 Regarding Natural England's comment requesting an outline decommissioning plan (G7 of Natural England's Risk and Issues Log), the Applicant maintains that no outline decommissioning plan is considered to be necessary for inclusion with this application, as previously set out (REP5-009). The Applicant has also held further discussions with the MMO on this matter (Section 12, S_D6_3 Applicants response to IP submission at Deadline 5) where it was agreed that the Statement of Common Ground between the parties would be updated to reflect that this matter is 'not agreed, but not material' (S_D6_MMO SoCG MMO_F03).
- 14.5.2.6 Natural England also have two outstanding comments in relation to further detail being provided on cable protection, scour protection and cable burial options pre-consent (G8 and G9 of Natural England's Risk and Issues Log). The Applicant previously responded on this matter in PD1-017 and REP5-009, and also submitted an Outline Offshore Construction Method Statement (CMS), incorporating an Outline Cable Specification and Installation Plan (CSIP) in response to Natural England's comments to demonstrate how these options would be finalised and secured post-consent (REP4-032). The Applicant has set out the options for scour protection and cable protection as part of the project design envelope approach in Volume 1, Chapter 3 Project description (APP-010). The final details will be selected post-consent, following the completion of detailed site investigation surveys, as standard. The Applicant reiterates that it is not in a position to provide further information on detailed design at the consenting stage and further surveys will be undertaken in 2025. This is standard practice across the offshore wind industry and has been for decades (see response also detailed in section 14.3 above in relation to responses to point D16). The Applicant also notes that the IPMP (S_D6_10 was updated with further detail on commitments for monitoring post-installation recovery in response to Natural England's comments.
- 14.5.2.7 In relation to G10 of Natural England's Risk and Issues Log, the Applicant has fully provided the detail of management measures for offshore ornithology and marine mammals such as in Section 4 of the Offshore Environmental Management Plan (EMP) (S_D4_11 describing the Commitments Register implementation which therefore includes the commitments regarding the Marine mammal mitigation protocol (S_D6_31) (Co57-63) and the underwater sound management strategy (S_D6_30)

MORGAN OFFSHORE WIND PROJECT: GENERATION ASSETS

(Co66), and the Offshore EMP Annexes e.g. Annex E on Measures to minimise disturbance to marine mammals and rafting birds from transiting vessels. Therefore, this provide adequate inclusion of the management measures for marine mammals and ornithology through the Offshore EMP.

- 14.5.2.8 Regarding Natural England's comments on the Outline offshore operations and maintenance plan (S_D6_32 (G13 and G14 of Natural England's Risk and Issues Log), the Applicant has previously responded on this matter (see for example REP5-009). The Applicant confirmed in REP5-009 that all reasonably foreseeable operations and maintenance activities have been included within the plan to allow these activities to be fully assessed within the Morgan Generation Assets application, and that the final operations and maintenance plan will reflect the final design of the Morgan Generation Assets and therefore the activities set out within the final plan will fall within the project design envelope assessed within the application. The Applicant has updated the plan at Deadline 6 to include wording which confirms that the plan sets out the project design envelope for operations and maintenance activities, and that they have been fully assessed within each chapter of the EIA, as relevant (see response also detailed in section 14.3 above in relation to responses to point D9/D17). The Applicant also notes that a condition has been added to the draft DCO to secure the submission of an annual maintenance report, providing a record of the licenced activities carried out, in addition to a five yearly report which includes a review of licenced activities undertaken during the preceding five years (S_D6_10). The Applicant also confirmed in REP3-004 that the project design envelope for operations and maintenance activities has been informed by industry experience of the Applicant on other offshore wind assets.
- 14.5.2.9 Natural England's comment G16 in Natural England's Risk and Issues Log advises that deployment of scour/cable protection under the DCO should be no later than 10 years post-construction. The Applicant has repeatedly set out its position in response to this comment (see for example REP4-009 and REP5-009). Natural England has not responded in any detail to justify or explain its position, which is legally incorrect (see also responses to DCO point A3/A8 in REP5-009). In the absence of any further comment from Natural England, the Applicant has nothing further to add.
- 14.5.2.10 Regarding Natural England's comment on micro-siting relating to reef habitats (G17 of Natural England's Risk and Issues Log), the Applicant can confirm that the wording for Schedule 3 and Schedule 4, conditions 20(1)(a)(v) was updated in the draft DCO submitted at Deadline 5 therefore this matter is fully resolved (REP5-017).
- 14.5.2.11 In relation to Natural England's comment on monitoring the impacts of operations and maintenance activities (G19 of Natural England's Risk and Issues Log), the Applicant provided a response to this comment in PD1-017, REP4-009 and REP5-009. As noted in the Applicant's previous response, and as described in the Offshore in-principle monitoring plan (S_D6_34), monitoring of the cables and their burial status will take place, as secured by condition 20(1)(d)(cc) of the deemed Marine Licences (Schedules 3 and 4) within the draft DCO (S_D6_10).

14.5.3 Other topics and matters raised

- 14.5.3.1 The Applicant welcomes that all other topics and matters raised are resolved in full including SLVIA.

MORGAN OFFSHORE WIND PROJECT: GENERATION ASSETS

14.6 DCO

- 14.6.1.1 The Applicant understands that the updates made to the draft DCO at Deadline 5 have now resolved the following points in Natural England's Risk and Issues Log (REP-5-082b): A2/A9, A7.
- 14.6.1.2 The Applicant's position on all other outstanding matters raised by Natural England through their Risk and Issues Log (REP-5-082b) in respect of the draft DCO was set out in the Applicant's Response to IP submissions submitted at Deadline 4 (REP5-009). The Applicant maintains that none of the further amendments or requests by Natural England have been fully explained or justified through the Examination and should be rejected by the Examining Authority and Secretary of State.

15 NATURAL RESOURCES WALES

15.1 Marine mammals

Response to Natural Resources Wales's responses to ExQ2

- 15.1.1.1 This section provides the Applicant's response to NRW's submission at Deadline 5 (REP5-083) in relation to key points of discussion on NRW's response to ExAQ2.
- 15.1.1.2 In relation to ExAQ2 MM 2.9 (injury and disturbance to marine mammals from vessels), as per the Applicant's response to NRW's submission at Deadline 5, the Applicant highlights that in line with NRW's recommendation, Volume 2, Chapter 4: Marine Mammals (REP5-023) has been updated to clarify that the numbers of animals predicted to be disturbed represent a single point in time (NRW recommendation 2) (S_D6_19). The Applicant notes that the modelled ranges used in Volume 2, Chapter 4: Marine Mammals (REP5-023) are based on cumulative sound exposure levels (SELcum) based on 24 hours continuous operation, and therefore clarifies the statement "a single point in time (i.e. within a 24 hour period)" refers to this modelled period within the context of the relevant longer phase of the Morgan Offshore Wind Project: Generation Assets (e.g. construction phase, operations phase), rather than a specific single point in time within those 24 hours. The Applicant considers 24 hours to be a suitable period for modelling vessel sound to facilitate conservative estimates of disturbance and allow a robust proportionate assessment. Furthermore, the Applicant welcomes NRW's statement that they "have no concerns with the use of a fixed impact radius when used specifically to provide a snapshot estimate of numbers disturbed at one point in time". The Applicant therefore considers that the updates made to Volume 2, Chapter 4: Marine Mammals (REP5-023) will resolve this point.
- 15.1.1.3 The Applicant welcomes the following comments from NRW:
- "NRW can confirm that we still agree on an overall conclusion of "low magnitude"
 - "We also note that this methodological discussion does not materially impact our agreement with the overall conclusions that there will be no significant effect / adverse effect on marine mammal populations due to the mitigation methods that will be employed"
 - "NRW notes the commitment of the Applicant to the development of, and adherence to, an Offshore Environmental Management Plan (EMP) which includes measures to minimise disturbance to marine mammals (and rafting birds) from transiting vessels. We welcome this commitment, which we consider could mitigate most of the impacts, making the overall conclusion acceptable."
- 15.1.1.4 The Applicant therefore considers that all outstanding matters raised by NRW to the ExA Q2 have now be resolved. Furthermore, the Applicant will continue to engage further with NRW post-consent in the development of the UWSMS.

Response to NRW's submission at Deadline 5

- 15.1.1.5 The Applicant welcomes the engagement with Natural Resources Wales (NRW). This section provides the Applicant's response to NRW's submission at Deadline 5 (REP5-083a) in relation to key points of discussion.
- 15.1.1.6 In relation to NRW's Comments on Applicant's Response to ExAQ1 MM 1.17, regarding the assessment approach of static assessment of animals disturbed from moving vessels, the Applicant highlights that in line with NRW's recommendation,

MORGAN OFFSHORE WIND PROJECT: GENERATION ASSETS

Volume 2, Chapter 4: Marine Mammals (REP5-023) has been updated to clarify that the numbers of animals predicted to be disturbed represent a single point in time (NRW recommendation 2)(S_D6_19). Furthermore, the Applicant welcomes NRW's statement that they "have no concerns with the use of a fixed impact radius when used specifically to provide a snapshot estimate of numbers disturbed at one point in time". The Applicant therefore considers that the updates made to Volume 2, Chapter 4: Marine Mammals (REP5-023) will resolve this point (S_D6_19).

- 15.1.1.7 The Applicant notes NRW Advisory's comments on the development of the DEPONS2 model and Interim Population Consequences of Disturbance (iPCoD) framework and will consider these for potential future projects (REP5-083a (paragraph 26)). The Applicant highlights the limitations of the DEPONS model currently with application to the North Sea only and therefore should not be applied to the Irish Sea populations. The Applicant welcomes NRW (A)'s confirmation that no additional work is required by the Applicant on this matter.
- 15.1.1.8 The Applicant welcomes the following comments from NRW (REP5-083a (paragraph 27)):
- "NRW can confirm that we still agree on an overall conclusion of "low magnitude"
 - "We also note that this methodological discussion does not materially impact our agreement with the overall conclusions that there will be no significant effect / adverse effect on marine mammal populations due to the mitigation methods that will be employed"
 - "NRW notes the commitment of the Applicant to the development of, and adherence to, an Offshore Environmental Management Plan (EMP) which includes measures to minimise disturbance to marine mammals (and rafting birds) from transiting vessels. We welcome this commitment, which we consider could mitigate most of the impacts, making the overall conclusion acceptable."
- 15.1.1.9 The Applicant therefore considers that all outstanding matters raised by NRW have now be resolved. Furthermore, the Applicant notes NRW's comment that documents will be finalised with the Applicant post consent; the Applicant welcomes the opportunity to engage further with NRW post-consent.

15.2 Ornithology

- 15.2.1.1 This section provides the Applicant's response to Natural Resources Wales's (NRW's) submissions at Deadline 5 (REP5-083a and REP5-083) in relation to key points of agreement and outstanding matters. NRW have confirmed that the Applicant's submission at Deadline 5 (specifically REP5-033 and the updated version AS-013) addressed the methodological concerns previously raised (see NRW's response to MO 2.3 in REP5-083).
- 15.2.1.2 The Applicant welcomes NRW's conclusion of 'no adverse effect on site integrity (AEoSI) for the Morgan Generation Assets Project alone and in-combination impacts to all relevant Welsh Special Protection Areas (SPAs)' (AS-012), which was pending submission by the Applicant of an updated workbook which provided a correction in relation to the Grassholm SPA. The Applicant can confirm that the updated workbook, containing the same numbers as provided to NRW, was submitted and accepted into the Examination on 31 January 2025 (AS-013). NRW have confirmed that they have concluded no adverse effect on site integrity for the Morgan Generation Assets alone and in-combination for all Welsh SPAs (AS-012).

MORGAN OFFSHORE WIND PROJECT: GENERATION ASSETS

- 15.2.1.3 In relation to NRW's comments on the project alone and cumulative assessment for the Great Orme's Head SSSI:
- The Applicant has presented a range of scenarios including the range of displacement (30-70%) and mortality rates (1-10%) requested by NRW (see Appendix C of S_D6_40), in REP4-029 providing evidence for each to support the application of, for example, corrections for immature birds and sabbatical rates. The Applicant notes that it is not necessary to apply sabbatical rates in order to reach a conclusion that is not significant in EIA terms.
 - The Applicant has submitted an updated version of the Great Orme's Head SSSI assessment at Deadline 6 (S_D6_40) that will include the additional gap-filled projects referred to by NRW alongside impacts for the Llŷr offshore wind farm
 - As discussed in REP4-029, the Applicant considers that the cumulative totals provided are actually over-estimates for various reasons including, in some scenarios, the assumption that all birds are breeding adult birds, no consideration of sabbatical birds, the application of over-precaution in the identification of plans and projects incorporated into the cumulative assessments and the assumption that the total cumulative impact would persist across the entire 35 year lifetime of the Morgan Generation Assets. The Applicant agrees that the project alone and cumulatively with other plans and projects is unlikely to have a significant effect.
 - The Applicant welcomes agreement from NRW 'that collision impacts from the project alone would not result in a significant adverse effect (i.e. no greater than minor adverse effect) for kittiwake collision at the SSSI'.
 - In relation to cumulative effects, whilst the Applicant disagrees that the predicted cumulative collision impacts have the potential to give rise to a moderate adverse impact for the kittiwake feature of the SSSI, the Applicant welcomes confirmation from NRW 'that the Applicant has provided proportionate mitigation (through the air draught height) for kittiwake collisions at this site'.
- 15.2.1.4 Regarding NRW's response to the Examining Authority's second written questions (REP5-083), reference HRA 2.3, in relation to the Liverpool Bay SPA, the Applicant can confirm that the recommended updates were incorporated into the 'Measures to minimise disturbance to marine mammals and rafting birds from transiting vessels' document submitted at Deadline 5 (REP5-046).

15.3 Other topics (Cumulative effects)

- 15.3.1.1 In response to ExQ2 reference CE 2.3, the Applicant notes that NRW welcomes the information provided on the projects and timelines and agrees with the approach taken by the Applicant regarding the lifetimes of existing offshore wind farms.

16 NFFO

- 16.1.1.1 The NFFO has responded to ExQ2 questions in REP5-084. The Applicant through ongoing engagement, has directly provided the response submitted at Deadline 5 in relation to ExQ2 CF 2.1 (S_D5_5.3, REP5-013) to the NFFO. The final signed SoCG (ExQ2 CF 2.3, 2,4 (ii)) (REP5-053) notes the remaining concerns on minimum cable burial depth, and the Applicant has (among other commitments) specifically committed to considering seabed level change in terms of determining cable burial depth (Co28 in Commitments Register, REP5-029). The SoCG also notes the NFFO's industry position on commercial fisheries assessment methodology, in relation to ExQ2 CF 2.4(i) and how the Applicant has applied a framework which is agreeable to the NFFO. Finally, the Applicant welcomes the NFFO's comments on the additional information presented on queen scallop grounds (ExQ2 CF 2.5).

17 ORSTED IPS

- 17.1.1.1 Orsted IPs submitted the following at Deadline 5:
- REP5-057 – Comments on any other submissions received at Deadline 4
 - REP5-058 – Comments on any other submissions received at Deadline 4 – Appendix 1 (Hornsea Project One Deadline 1 Submission)
 - REP5-059 – Comments on any other submissions received at Deadline 4 - Summary
 - REP5-059a – Responses to ExQ2
 - REP5-059b – Deadline 5 Covering Email
 - REP5-059c – Wake Impact Assessment Report – Irish Sea Cluster – Orsted
 - REP5-059d – Wake Impact Assessment Report Response to Comments from Morgan OWF – Irish Sea Cluster – Orsted
- 17.1.1.2 The Applicant has responded to Orsted IP's REP5-057, REP5-058 and REP5-059, REP5-059a, REP5-059c and REP5-059d in Annex 3.1 (S_D6_3.1) and refers the ExA and Orsted IPs to that document.
- 17.1.1.3 The Applicant asked Orsted IPs on 31 January 2025 if they would be willing to submit a Final SoCG at Deadline 6. The Applicant chased Orsted IPs for a response on 14 February and 20 February.
- 17.1.1.4 It was noted by the Applicant during ISH3 (Section 9 (82), S_D6_5 ISH3: Hearing Summary) that due to a lack of engagement from Orsted IPs on this document and the fundamental differences between the parties, it may not be possible to submit a Final SoCG at Deadline 6. The Applicant considers that both party's position is clearly stated in their written submissions and a further iteration of the SoCG would not provide further clarity or areas of agreement. On 21 February 2025, the Applicant and Orsted IPs agreed not to submit a Final signed SoCG.

18 RSPB

- 18.1.1.1 In relation to the RSPB's response to the Examining Authority's second written questions (REP5-091), reference MO 2.3, the Applicant notes that the RSPB intend to review the Applicant's relevant submissions on offshore ornithology and respond at Deadline 6.
- 18.1.1.2 Regarding the RSPB's response to the Examining Authority's second written questions (REP5-091), reference MO 2.5, the Applicant has addressed HPAI in the Applicant's response to the Examining Authority's first Written Questions, reference MO 1.8, in REP3-006.
- 18.1.1.3 The Applicant agreed the assessment methodology with the Expert Working Group prior to submission of the Environmental Statement and Information to Support an Appropriate Assessment and fully followed the guidance set out by the SNCBs in regard to HPAI. The Applicant wishes to highlight that it has reached an agreed position with all SNCBs on the methodology for and conclusions of the assessments for the Morgan Generation Assets, both alone and in-combination with other plans and projects.
- 18.1.1.4 The Applicant notes that whilst the RSPB retain residual concerns with some of the methodological aspects and assessment conclusions the RSPB does agree with the mitigation measures proposed by Morgan Generation Assets (S_D6_RSPB SOCG).

19 SFF AND WCSP

- 19.1.1.1 The Applicant notes the points raised by the Scottish Fishermen's Federation (SFF) and West Coast Sea Products Ltd (WCSP) in their responses to ExAQ2 (REP5-087) and has provided further clarification in relation to CF 2.3 regarding cable burial and protection commitments, CF 2.4 about the SoCG and CF 2.5.
- 19.1.1.2 The Applicant has restricted its comments below to specific points of comment and clarification and has not repeated matters set out in previous submissions.

19.1.2 Scallop Mitigation Zone and cable burial/protection

Scallop dredge vessels

- 19.1.2.1 The Applicant confirms that the Scallop Mitigation Zone (SMZ) will be free of wind turbine generators and offshore substation platforms. This is committed to in the Outline Fisheries Liaison and Co-existence Plan (OFLCP) (S_D6_45) and Commitments Register (S_D6_33, Co19). The Applicant has also committed to a minimum size (34 km²) of the SMZ, which, in the event that the final array layout requires the placement of (up to 10) turbines around the western perimeter of the SMZ, there would only be a single row of turbines along this boundary, with a minimum spacing of 1,400 metres, subject to micro-siting and in accordance with the layout principles. As discussed in previous submissions, the Applicant considers this spacing sufficient to enable fishing vessels to access and operate within the SMZ. At Deadline 5 the Applicant also detailed the maximum size (37km²) the SMZ could be, which would result from extending the SMZ along the western part of the Array Area. In this scenario, there would be no turbines along the western perimeter, or need for cables or cable protection within the SMZ. The Applicant is not in a position to commit to either scenario at this stage and it will not be determined until final design which will be post-consent following completion of further detailed site investigations and the turbines procurement process. Accordingly, it is critical for the Applicant to maintain design optionality at this stage, but in either scenario the Applicant has demonstrated the commitment to mitigating effects on scallop fishing and facilitating co-existence as far as reasonably practicable.
- 19.1.2.2 It has been stated by SFF and WCSP that scallop dredge fishing within Scottish offshore wind farms has continued post construction, and the Applicant is also aware of this fact through industry engagement. While this activity primarily targets king scallops, the size of vessels and fishing gear used is almost identical to that deployed for queen scallop dredging in the Irish Sea region (Scottish vessels). Minimum turbine spacings within these operational wind farms are 610 m at Seagreen (Seagreen Wind Energy, 2012), 642 m at Beatrice (Beatrice Offshore Wind Farm Ltd, 2012), and range from 1,128 m (north-south) to 1,547 m (east-west) at Moray East (Moray Offshore Wind Farm (East) Limited, 2022), with no designated SMZ in place at any of these sites. The Morgan Array Area, with its wider (minimum) turbine spacing of 1,400 m and north-south turbine alignment, along with the presence of the SMZ, will provide even greater accessibility and facilitate the continuation of queen scallop dredging.
- 19.1.2.3 The Applicant acknowledges the preference expressed by SFF and WCSP for the exclusion of cables and cable protection within the SMZ, as detailed in REP5-087. This matter is not agreed in the Statement of Common Ground (SoCG) (S_D6_OF, reference to: CF.EIA.7 and CF.OFLCP.P6) as the potential for cables in the SMZ remains. At this stage in the development process, the final design of the Morgan Generation Assets' electrical system has not been completed. While the Applicant has

MORGAN OFFSHORE WIND PROJECT: GENERATION ASSETS

committed to the exclusion of wind turbine generators and offshore substation platforms within the SMZ, it is necessary to retain flexibility in the design of the inter-array cabling system to ensure operational efficiency. Consequently, the option to install a limited number of cables and, if required, cable protection within the SMZ must remain.

- 19.1.2.4 With respect to the scenario where shallow buried cables and/or cable protection do exist within the SMZ and scallop dredge vessels are required to lift gear during a tow over a cable or cable protection, the minor operational inconvenience is appreciated. However, the commitments for target cable burial depth to be determined to minimise the risk of snagging hazards and cable exposure as far as possible (Co27 of the Commitments Register S_D6_33) demonstrate the desire of the Applicant to ensure coexistence with this key fisheries stakeholder, for the safety of fishing vessels and the protection of the cables. The Applicant would re-iterate that it is wholly in its interest to achieve the target burial depth, which minimises the potential for damage to assets and cost associated with cable protection and reburial.
- 19.1.2.5 The Applicant notes that the statement made by the SFF in REP5-087 regarding the impact of cables within the SMZ on the scallop dredge fishery contradicts the response previously provided by its member, WCSP, during the Examining Authority's first round of written questions ((ExQ1) REP4-052). Specifically, in response to ExQ1, WCSP was asked whether scallop dredging gear could be deployed reasonably efficiently to avoid intermittent cable protection, where its location is plotted on charts made available to the fishing fleet. WCSP stated that the ability to do so would depend on the comprehensiveness of the data provided to fishermen. They further explained that, if full information were made available by cable and asset owners, vessel skippers could lift and deploy fishing gear accordingly to avoid cable protection.
- 19.1.2.6 The Applicant fully acknowledges the importance of providing accurate and comprehensive information regarding the location of cables and any associated protection to fisheries stakeholders. In line with this and to ensure fisheries stakeholders have access to the most reliable and practical data, the Applicant at Deadline 2 subsequently committed to providing:
- "As-laid" coordinates of cables within the Morgan Array Area, as outlined in TM12 of the OFLCP (S_D6_45) was updated to note that "Coordinates of as laid cables shall be provided post-construction to the UK Hydrographic Office (UKHO) and Kingfisher Information Service (KIS-ORCA). If these services are able to report additional cable protection locations, this information could be provided (Co48 of Commitments Register S_D6_33) and the Applicant will share any cable protection locations within the SMZ in plotter format.
 - The Applicant will conduct ongoing inter-array and interconnector cable monitoring surveys post-installation to consider seabed level changes, cable burial depth, and any required protection measures (TM10 of the OFLCP (S_D6_45) and Co28 and Co97 of Commitments Register S_D6_33). The results will be shared with the fishing industry as soon as possible after each survey, ensuring they have up-to-date information on cable positions and protection throughout the Morgan Generation Assets' operational life.
 - Where there are any exposed cables, the Applicant has also committed to using regional guard vessels, where appropriate, until the risk has been mitigated by burial and/or other protection methods (TM16 of the OFLCP (S_D6_45) and Co49 of the Commitments Register S_D6_33).

MORGAN OFFSHORE WIND PROJECT: GENERATION ASSETS

- 19.1.2.7 Given these commitments, the SFF's assertion that any cables within the SMZ would automatically render the area a complete "no-go zone" for scallop fishing is inconsistent with the position previously expressed by WCSP (REP4-052) and inconsistent with the resumption of mobile gear fishing in other wind farm sites, which due to the nature of offshore wind, will also have cable protection within the sites. The Applicant considers that, provided the necessary data on cable location and protection is made available to fishermen, thereby enabling vessel skippers to adjust their operations accordingly, fishing activity can continue within the SMZ in a manner that mitigates risks associated with gear snagging.
- 19.1.2.8 During Issue Specific Hearing 3 (ISH 3), WCSP acknowledged that scallop dredge vessels already operate in areas with buried cables and associated protection, adjusting their activity accordingly. This is further evidenced in Figure 19.1 and Figure 19.2, which illustrates existing infrastructure and fishing grounds within the Irish Sea, showing that queen scallop dredging actively occurs in areas where subsea cables are present. Within the proposed Mona Array Area, for example, four cables traverse key scallop fishing grounds, as identified through stakeholder consultation. These cables are spaced at varying distances, with the closest being 0.49 km between the Rockabill and Sirius South cables (Table 19.1). Additionally, the Western HVDC Link and Hibernia Atlantic Seg A cross queen scallop fishing grounds southwest of Morgan, with a separation of 1.98 km. Despite the presence of these cables, scallop dredging continues in these areas, demonstrating that fishing activity can successfully coexist with subsea infrastructure.
- 19.1.2.9 Additionally, via discussion initiated by questions from the ExA during ISH 3, it is understood that that queen scallop vessels active in this region already fish in areas where they must navigate around existing wrecks and fasteners, demonstrating their ability to adapt to a number of seabed constraints.

Table 19.1: Distances between cables in the Irish Sea

From	To	Distance (km)
Hibernia Atlantic Seg C	ESAT 2	2.15
Hibernia Atlantic Seg C	Rockabill	3.00
Hibernia Atlantic Seg C	Sirius South	3.67
ESAT 2	Rockabill	Overlaps
ESAT 2	Sirius South	Overlaps
Rockabill	Sirius South	0.49

MORGAN OFFSHORE WIND PROJECT: GENERATION ASSETS

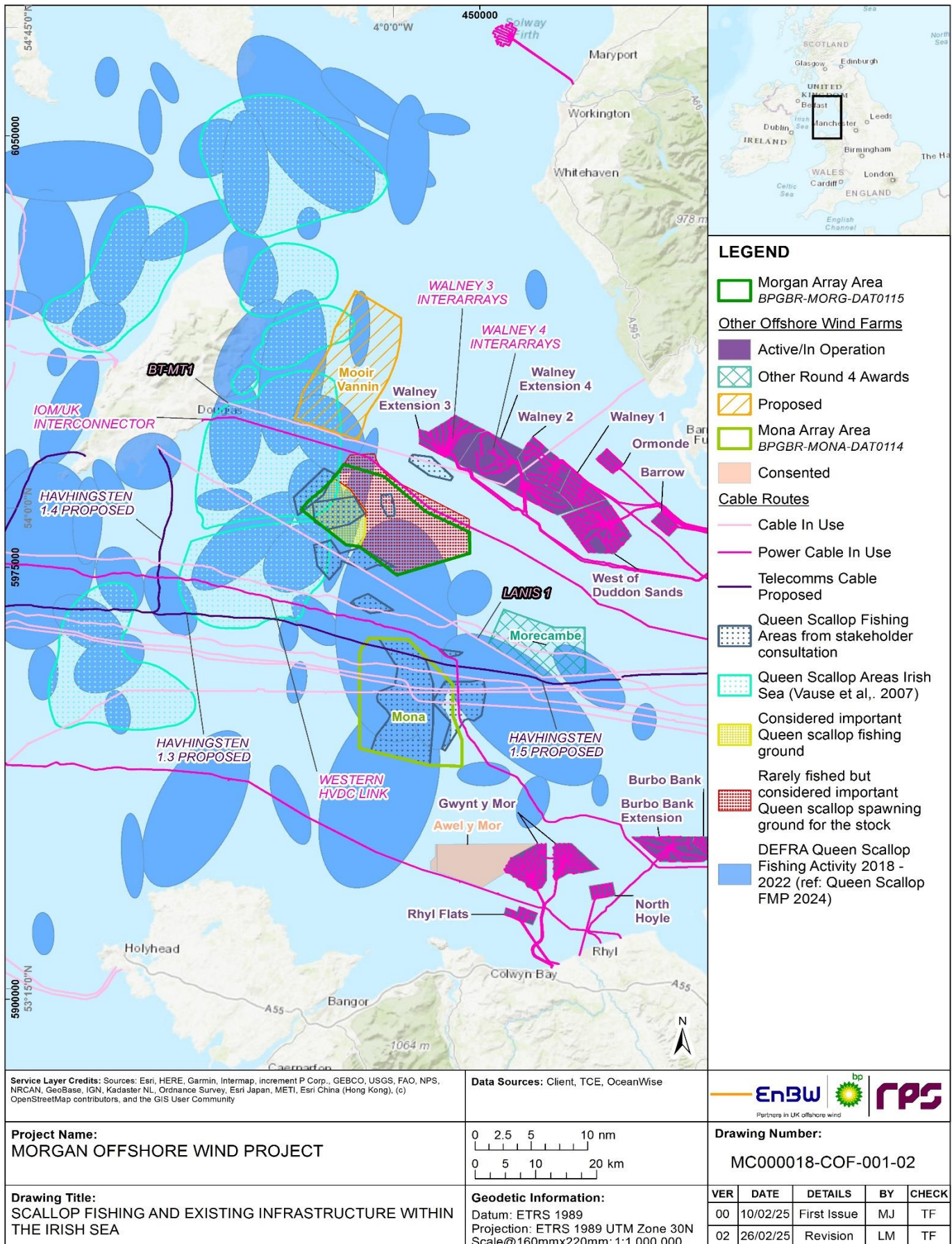


Figure 19.1: Areas of queen scallop dredging and existing infrastructure within the Irish Sea

MORGAN OFFSHORE WIND PROJECT: GENERATION ASSETS

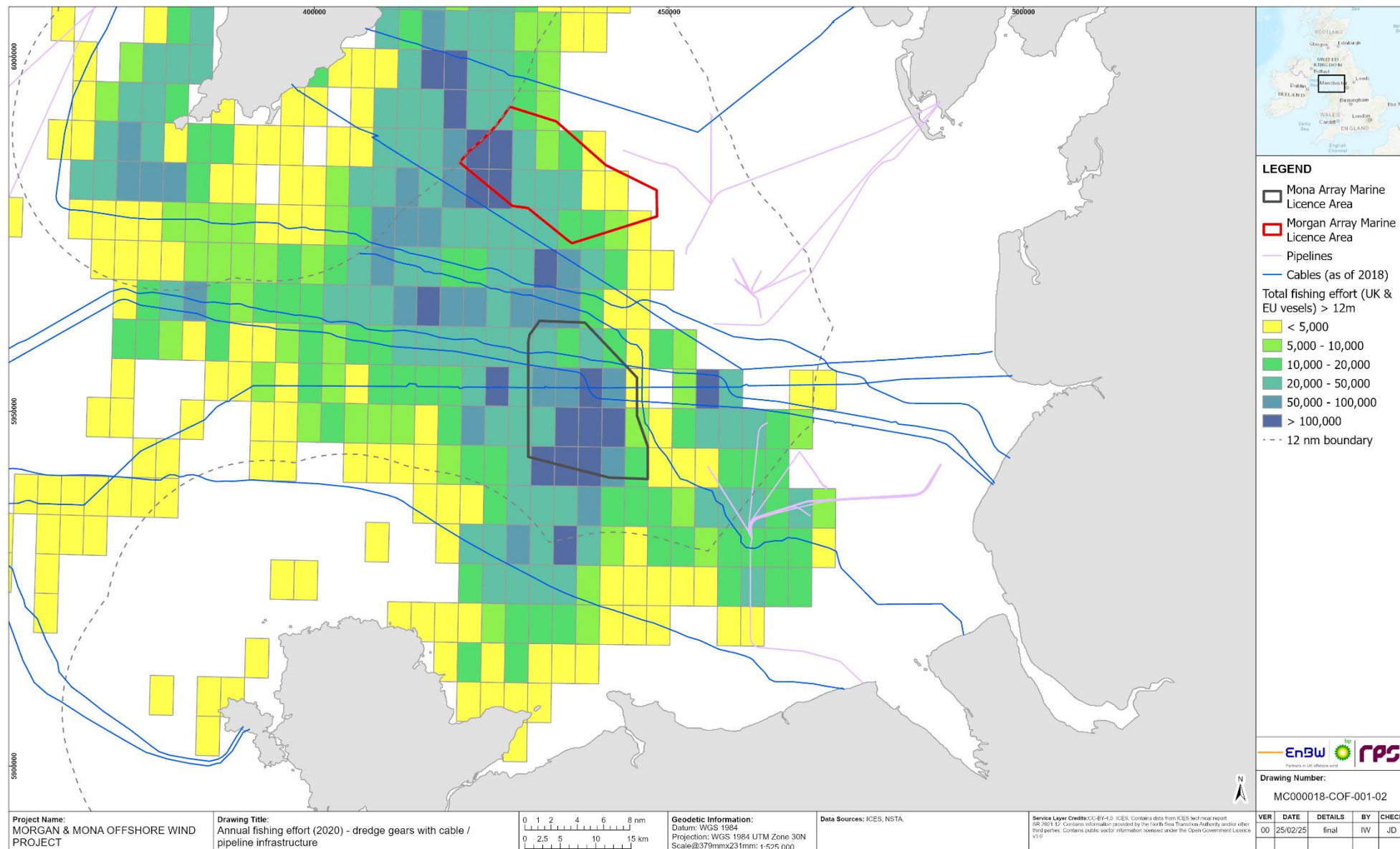


Figure 19.2: Average dredge gear fishing density hours (2020) (ICES, 2021) and existing infrastructure within the Irish Sea (as of 2018)

MORGAN OFFSHORE WIND PROJECT: GENERATION ASSETS

- 19.1.2.10 Furthermore, the commitment set out in Co26 of the Commitments Register (S_D6_33) states that the Cable Specification and Installation Plan (CSIP) will include measures to minimise the use of cable protection as far as reasonably practicable. While it is not possible to entirely eliminate the need for cable protection in all instances, the Applicant has committed to prioritising cable burial wherever feasible and ensuring that where protection is required, its extent is minimised through primary design commitments (PM01 of the OFLCP (S_D6_45) and Co27 of the Commitments Register (S_D6_33)) to reduce potential interactions with fishing activities. Additionally, in the scenario where there are perimeter turbines, requiring cabling through the SMZ, it is unlikely that cable protection will be used uniformly across the SMZ in a way that would prevent continuous tows for dredgers. Once the cable protection material and locations are known, this information can be discussed with stakeholders through the Commercial Fisheries Working Group.
- 19.1.2.11 SFF have stated that any material arising from drilling and/or sandwave clearance (as referred to in Co31(S_D6_33)) should be deposited outwith scallop fishery grounds. These grounds are undefined, however if cables and sandwave clearance is required in the core scallop grounds in the SMZ, then in all cases the material cleared from sandwaves will be sidecast. This means that the sediment is readily available to supply for sandwave recovery and stays within the system. The impacts of this on scallops have been assessed in the Volume 2, Chapter 3: Fish and Shellfish Ecology (S_D6_18) and was concluded to be of minor adverse significance (a conclusion that the Marine Management Organisation agree with, see (REP5-056)).
- 19.1.2.12 Based on all of the above, it is simply not reasonable for the SFF or WCSP to say that the Applicant has not met the “*fishing industry’s demands*” to leave the SMZ free of turbines and subsea cables. The Applicant has always maintained through consultation that the Project needs to retain the design optionality to route cables through the SMZ, and committed to cable burial where possible, limiting cable protection and using cable protection materials that reduce snagging and where there is a cable exposure risk, to use regional guard vessels. The Applicant considers that it has committed to all reasonable mitigation that it can in this respect, informed by the detailed engagement to date with fisheries stakeholders.

Pelagic vessels

- 19.1.2.13 The Applicant does not agree with the SFF comments in REP5-087 regarding potential disruption to pelagic fisheries at the western corners of the proposed SMZ. The Applicant notes that the vast majority of herring fishing activity currently occurs outside of the Morgan Array Area, particularly within Isle of Man waters and the Douglas Bank herring fishery, as detailed in Volume 4, Annex 6.1: Commercial Fisheries Technical Report (S_D6_27). In recent years, herring fishing within the commercial fisheries study area has declined, particularly among the Scottish fleet (as detailed in REP4-050.19 of the Applicant’s Response to IP submissions submitted at Deadline 4 (REP5-009)). Nonetheless, the Applicant accounted for pelagic vessels that are predominantly from Northern Ireland as a distinct receptor group in Volume 2, Chapter 6: Commercial Fisheries (APP-024).
- 19.1.2.14 During consultation, including a project-specific meeting on 1 December 2022 with the Anglo-North Irish Fish Producers Organisation (ANIFPO) and the Northern Irish Fish Producers Organisation (NIFPO), it was confirmed that all 28 Northern Irish vessels identified in the commercial fisheries study area operate outside the Morgan Array Area, with key herring fisheries concentrated in Liverpool Bay (see, Technical engagement plan appendices Part 5 (APP-093)).

MORGAN OFFSHORE WIND PROJECT: GENERATION ASSETS

- 19.1.2.15 The SFF has asserted that vessels employing pair trawls for pelagic herring will be unable to fish between turbines. However, the Applicant disagrees with this assertion. The minimum 1,400 m turbine spacing within the Morgan Array Area, developed in response to stakeholder feedback, represents the widest turbine spacing of any UK offshore wind project. This design is specifically intended to optimise accessibility and facilitate continued fishing activity, including pelagic fisheries, during the operations and maintenance phase. Additionally, the Applicant has committed to ensuring that the entire Morgan Array Area will not be closed during construction and operation by implementing rolling advisory exclusion zones, advisory clearance distances, and adhering to FLOWW guidance for ongoing fisheries liaison.
- 19.1.2.16 The maximum distance between pair trawlers in the region (450 m) allows operations to continue within the proposed turbine layout. While pair trawling is more sensitive to weather and tidal conditions than single-vessel methods, pelagic fishing is primarily concentrated along the western edge of the Morgan Array Area, where the SMZ is proposed. Once past the peripheral turbines (if included in the final design), vessels will have unrestricted access to key fishing grounds. Moreover, pelagic fishing gear does not present the same concerns regarding interactions with cables and cable protection as scallop dredge gear.
- 19.1.2.17 In conclusion, as assessed in Volume 4, Chapter 6: Commercial Fisheries (APP-024), the potential impacts on pelagic fisheries, including herring fishing, are expected to be limited.
- 19.1.2.18 With respect to herring surveys in this region, the Applicant note that these are currently undertaken by the Agri-Food and Biosciences Institute (AFBI) via R/V Corystes. These surveys (summer and autumn), comprise a combination of acoustic surveys and mid-water plankton and fish trawling.
- 19.1.2.19 With the proposed spacing of turbines within the Morgan Array Area, the Applicant is confident that these sampling surveys can continue during the construction and/or operational phases of the project. The Applicant would happily meet with AFBI to further develop protocols for the continuation of these surveys.

19.1.3 Unresolved matters in the SoCG

- 19.1.3.1 The Applicant acknowledges that matters discussed in Section 19.1.2 were not agreed within the SoCG submitted with fisheries stakeholders at Deadline 2 (REP2-028), ref: CF.OFLCP.P6).
- 19.1.3.2 To facilitate further discussions the Applicant met with the SFF and WCSP (and other fisheries stakeholders) on 7 February 2025 and continued engagement thereafter on the mitigation measures relating to the SMZ to finalise the SoCG for Deadline 6. The Applicant remains open to constructive dialogue and looks forward to continuing discussions.

19.1.4 Identification of Irish Sea queen scallop fishing grounds

- 19.1.4.1 The Applicant acknowledges the observations raised in REP5-087 regarding the illustration of queen scallop fishing grounds in the Irish Sea (REP4-011) in response to ExQ2 CF 2.5. The figure produced is based on multiple data sources, including:
- Data from Vause et al. (2007), which identified key queen scallop fishing grounds in and around the Isle of Man

MORGAN OFFSHORE WIND PROJECT: GENERATION ASSETS

- Information gathered through project-specific consultation with key commercial fisheries stakeholders who actively fish for queen scallops in this region, ensuring that industry insights were incorporated
- Queen scallop fishing activity data from 2018 to 2022 (as presented in Figure 2 of the Proposed Fisheries Management Plan for queen scallop in English waters queen scallop Supporting document: Evidence Statement, October 2024). This provides a more recent representation of queen scallop fishing patterns over a multi-year period.

- 19.1.4.2 The data presented includes both dredge and trawl fishing activity, which has been amalgamated and georeferenced to provide a comprehensive spatial representation.
- 19.1.4.3 The Applicant wishes to clarify that it was not its intention to demonstrate that the Morgan Generation Assets would have a negligible impact on the queen scallop fleet. Rather, the objective was to contextualise and illustrate that there are other queen scallop grounds in the Irish Sea region that lie outside the Morgan Array Area. This broader perspective was provided to ensure an informed understanding of the distribution of scallop fishing activity within UK waters.
- 19.1.4.4 The Applicant acknowledges that many of the established queen scallop fishing grounds in the region outside the Morgan Array Area are located within Isle of Man territorial waters and are therefore not accessible to many UK vessels due to regulatory restrictions. However, there are also other queen scallop grounds within UK waters, which remain accessible to UK vessels operating with both dredge and demersal trawl gear types – see Table 19.2 below.

Table 19.2: Queen scallop fishing grounds and approximate area (km²) in Irish Sea (UK waters only)

Area of Queen Scallop Fishing Grounds	Approximate area
Irish Sea, Eng/Wal waters – from Queen Scallop FMP (DEFRA, Oct 2024)	2,943.34 km ²
Irish Sea, Scottish waters – from Queen Scallop FMP (DEFRA, Oct 2024)	921.53 km ²
Additional areas identified via stakeholder engagement	40.26 km ²
Sub-Total	3,905.13 km²
Area of Morgan SMZ (maximum extent)	37 km ²
Morgan SMZ as % of wider Queen Scallop Fishing Areas	0.94%

- 19.1.4.5 The Applicant is aware of the Defra consultation on the proposed Fisheries Management Plan (FMP) for queen scallop (as provided in REP5-086) and the existing scallop fisheries management measures in Isle of Man waters. The Applicant notes that the SFF and WCSP introduced the FMP to highlight the importance of queen scallop fishing grounds in the Morgan Array Area, referencing the Applicant's previously submitted illustration of fishing grounds in the Irish Sea (REP4-011) in response to ExQ2 CF 2.5. The Applicant clarifies that this importance aligns with the Applicant's assessment in Section 1.4.8.5 of Volume 6, Annex 5.6: Commercial Fisheries Technical Report (S_D6_27), which, based on VMS data and stakeholder consultation, identifies the Morgan Array Area, particularly the western part, overlap with part of known and commercially viable queen scallop grounds for dredge vessels in the Irish Sea, consistent with the FMP. The Applicant reiterates that the broader perspective provided above in paragraph 19.1.4.3 was to support an informed understanding of scallop fishing distribution across UK waters, not to imply negligible impacts on the queen scallop fleet.

MORGAN OFFSHORE WIND PROJECT: GENERATION ASSETS

- 19.1.4.6 The assessment of impacts within Volume 2, Chapter 6: Commercial fisheries (APP-024) fully acknowledges that the Scottish fleet does not fish within Isle of Man waters. The impact assessment has taken this into account and has focused on evaluating the effects on queen scallop fishing activity within the commercial fisheries study area, including those within the Morgan Array Area.
- 19.1.4.7 The cyclical nature of the scallop fishery, which varies over seven-to-eight-year periods, has also been confirmed through feedback from fisheries stakeholders and has been considered in Volume 6, Chapter 2: Commercial fisheries (APP-024).
- 19.1.4.8 The Defra consultation report (REP5-086) in Table 8 shows that there are 4 (out of 41) vessels in 2022 that had 5-20% economic dependence on the queen scallop fishery in English waters, and 37 vessels less than 5%. There have been no vessels relying on queen scallops to make up more than 40% of their revenue since 2017. Page 25 of the Defra consultation report states:
- “Recently the majority of landings by weight were caught by vessels that rely on queen scallops for less than 20% of their revenue, with only one vessel in 2021 with a dependency over 20% on queen scallop. However, that vessel landed 59% of the total weight of queen scallops from English waters (Figure 17), representing between 20 to 40% of its revenue. The queen scallop fishery does not operate year-round, and even the largest operators switch to targeting king scallops for part of the year to maintain their income. The importance of queen scallop as a target species varies between boats, with some fishing queen scallops as a target species, whereas others may land infrequently or small amounts when the opportunity arises.”*
- 19.1.4.9 The information presented above and extracted from REP5-086 is important to note as it highlights that, for the small number of vessels targeting queen scallop in this region, queen scallop accounts for only 20–40% of their annual revenue, indicating that these vessels also rely on king scallop fisheries during other times of the year.
- 19.1.4.10 Furthermore, this aligns closely with the magnitude of impact criteria applied in Volume 4, Chapter 6: Commercial fisheries (APP-024), which states:
- “The impact would affect an area from which a moderate proportion (11–50%) of a commercial fishing receptor’s annual value of landings is caught and/or would lead to an 11–50% reduction in annual value of landings.”*
- 19.1.4.11 The Applicant maintains that the assessment conclusion in the Environmental Statement is robust, that with the implementation of proposed mitigation measures (including the SMZ and turbine spacing), there will be no more than a 10% reduction in annual landings for any single vessel.

19.1.5 Noise impacts on herring spawning ground and scallop larvae

- 19.1.5.1 The Applicant acknowledges the concern raised regarding the potential impacts of underwater sounds from construction activities on herring spawning ground, with a previous response provided (REP1-014). Specifically, although the ICES (2024) advice is not explicitly referenced within the baseline characterisation in Volume 4, Annex 6.1: Fish and shellfish ecology technical report (S_D6_27) or the assessment of impacts in Volume 2, Chapter 3: Fish and shellfish ecology (S_D6_18), consideration has been given to the herring spawning grounds in the vicinity of the Morgan Generation project. The Applicant has confirmed (S_D6_3) that it will comply with the recent Defra Reducing marine noise policy (2025)³ and this is reflected in an

³ <https://www.gov.uk/government/publications/reducing-marine-noise/reducing-marine-noise>.

MORGAN OFFSHORE WIND PROJECT: GENERATION ASSETS

additional condition in the DCO/DML (Schedules 3 & 4, Condition 22). The Applicant will ensure that appropriate noise mitigation (in the form of noise mitigation systems and/or noise abatement systems) is applied if driven piling is used to install foundations. Accordingly, the risk of a significant impact on herring spawning will be mitigated through the use of noise mitigation systems and/or noise abatement systems. The potential effects on key fish species will not be significant and therefore there is no need for a seasonal restriction in the DCO/DML. Exact details of mitigation measures that will be deployed will be informed by the final design of the project, will be detailed within the Underwater Sound Management Strategy which will be agreed post-consent with all relevant stakeholders.

- 19.1.5.2 The Applicant also acknowledged the concern raised regarding the potential impacts of underwater sounds from construction activities on scallop larvae. In addition to the Applicant's initial assessment, it submitted further information within its response to IP submissions at Deadline 3 (REP4-009 – see references REP3-037.80 and REP3-037.81). The Applicant considers that the robust and precautionary assessment that it has undertaken demonstrates that there will be no significant ecological impact and that no specific mitigation is required to reduce effects of underwater piling noise on scallops. The Marine Management Organisation agree with that conclusion (see REP5-056). The adherence to the Defra noise policy referenced above will add further assurance to the assertion that there will be no significant effects from underwater noise on this receptor.
- 19.1.5.3 Notwithstanding this, recognising this as a key concern for stakeholders, the Applicant has committed to developing and implementing pre- and post-construction monitoring of queen scallop and king scallop in and around the Morgan Array Area for up to five years post construction with annual reporting. This was agreed with the National Federation of Fishermen's Organisations, Welsh Fishermen's Association and Whitehaven Fishermen's Cooperative in their SoCG (REP5-053, NFFO.EIA.7), and with Anglo-North Irish Fish Producers Organisation and SFF in their SoCG (S_D6_OF, CF.OFLCP.T17).

20 STENA LINE

20.1.1.1 The Applicant notes Stena Line's response to ExQ2 question SN 2.3 (REP5-088) in relation to PIANC and MGN654 guidance for safe passage space and has provided the following responses.

PIANC Guidance

- Section 7.6 of the CRNRA demonstrates that assuming a 200 m design vessel size and approximately 1,500 vessel movements per year, there is a requirement for 2.9 nm of searoom. This is precautionary given the overwhelming majority of transits utilising this route would be the IoMSPC Manxman at 133 m.
- Sensitivity analysis demonstrated that for a 300 m design vessel size 3.7 nm would be required, and with a significant increase in vessel movements per year, 4.1 nm would be required.
- While Stena Line have commented during their response to ExQ2.SN.2.3 (REP5-088) that there is a strong likelihood that they will bring two eFlexer vessels into service on the Belfast – Liverpool route, these vessels are still notably smaller, with a length of 240 m, than the 300 m used to calculate the accepted lane distance according to PIANC Guidance. Nor are Stena Line likely to operate between the Morgan Array Area and Mooir Vannin Offshore Array Area.
- The Applicant also notes that all other responses to ExQ2.SN.2.3 on the PIANC guidance do not dispute the parameters used by the Applicant in Section 7.6 of the CRNRA (APP-060) (see REP5-066, REP5-077 and REP5-092).
- Therefore, the refined gap meets and exceeds the PIANC guidance.

MGN654

- The Applicant notes that the gap between Mooir Vannin Offshore Array Area and Morgan Array Area is short and does not have parallel infrastructure which could be described as a "corridor". The Applicant notes that the MCA in their response to ExQ2.SN.2.4 (REP5-069) state that they do not consider this to be a corridor and the MCA therefore state that the 20-degree rule does not apply.
- Notwithstanding this, were a route of approximate length of 2.0 nm and 4.1 nm width to be assessed against this standard it would well exceed 20 degrees at >60 degrees.
- MGN654 Annex 2 includes a shipping route template within which states that the "minimum separation distance between turbines on opposite sides of a route" is 3.5 nm.
- The Applicant notes that the MCA in their response to ExQ2.SN.2.4 (REP5-069) state that they are content that the additional sea space complies with guidance in MGN654.

20.1.1.2 Within their response to ExQ2.SN.2.3 (REP5-088), Stena Line argue that the passage between Morgan Array Area, Walney wind farms and Mooir Vannin does not meet the 20-degree rule. As described above, both the MCA and the Applicant do not consider the passage between the Morgan Array Area and Mooir Vannin to be a corridor and therefore the 20-degree rule does not apply. Furthermore, due to the gap between the Walney Extension and Mooir Vannin of 4.5 nm, there is not parallel infrastructure on both sides of this route for its entire length, much like the passage between Ormonde,

MORGAN OFFSHORE WIND PROJECT: GENERATION ASSETS

- West of Duddon Sands, Walney and Barrow through which Stena transit daily and is approximately half the width.
- 20.1.1.3 The Applicant notes Stena Line's response to ExQ2 SN 2.7 in relation to security for continuation of the Marine Navigation Engagement Forum. The Applicant confirms it is actively engaging with Stena Line on addressing residual concerns. The Applicant reiterates that the MNEF is not required under any shipping and navigation guidance or legislation, and that no concerns have been raised by the MCA on the format of the MNEF. The Terms of Reference (ToR) of the MNEF which are summarised in the Technical Engagement Plan (APP-094) are proposed to be similar for the ongoing forum and note that Stena Line have been members since 2021.
- 20.1.1.4 The Applicant is continuing to engage with Stena on a Ferry Cost Mitigation Agreement. This agreement is commercial in nature and subject to a Non-disclosure Agreement. The SoCG submitted at Deadline 3 with Stena (REP3-029) reflects the financial agreement to ensure reasonable operational costs including emissions, due to deviations as a result of the Morgan Generation Assets, including in adverse weather, are reimbursed. The Commercial Side Agreement Tracker (S_D6_14) has been updated at Deadline 6 to include this.
- 20.1.1.5 The SoCG (REP3-029) also states Stena's position with regards to indemnity, which is also referred to in REP5-088 in response to SN 2.7. The Applicant will not indemnify shipping operators from losses or damage incurred through emergency use of anchors during force majeure situations.

21 THE CROWN ESTATE

- 21.1.1.1 REP5-089 is The Crown Estate's response to an ExA invitation to make additional comment on the Outer Dowsing Offshore Wind (Generating Station) ExQ1 OG1 (EN010130, REP4-051) regarding buffer/separation distances and wake effects. The Applicant notes the response that it is for developers to consider when assessments are required and the scope of them. The Applicant has submitted all necessary assessments to support the Application, both as required by the NPS and by the EIA and HRA Regulations.
- 21.1.1.2 REP5-090 is TCE's response to ExQ2 question GEN 2.10 regarding Book of Reference and land rights over the seabed. The Applicant welcomes TCE's response and agreement that there is no 'land' forming part of TCE and understands that no further updates to the Draft DCO are required.

22 UK CHAMBER OF SHIPPING

- 22.1.1.1 The Applicant notes the UK Chamber of Shipping (UK CoS) response to ExQ2 SN 2.4 (REP5-092) on the precedent for restricted navigation corridors past offshore wind farms. Whilst the Applicant agrees that precedent alone does not demonstrate a proposed passage is safe, it does provide useful benchmarking. In particular, these demonstrate that narrower passages with greater traffic densities have been assessed to be safe. Whilst in some cases these projects have not been constructed, they have each been assessed using the same guidance and methodologies as the Morgan Generation Assets and therefore conclusions of Tolerability and ALARP can still be reached. The Applicant also notes that the very nature of these assessments using Maximum Design Scenarios and realistic worst credible and traffic conditions introduce a level of conservatism that further enhances safety and ensures appropriate risk controls are put in place.
- 22.1.1.2 The Applicant has submitted at Deadline 6 a technical clarification note ('Morgan - Mooir Vannin gap - navigational safety review technical clarification note' (S_D6_42)) on the findings of its assessment for the refined Mooir Vannin Offshore Wind Farm separation to Morgan Generation Assets. The UK Chamber of Shipping attended the hazard review session following the navigation simulations.
- 22.1.1.3 The UK CoS makes reference to the Dutch Safety Board report in their response to ExQ2 (REP5-092). The Applicant has reviewed this report and whilst it makes a range of different points in relation to the risks of shipping routes adjacent to offshore wind farms, the Applicant wishes to highlight the following points:
- Firstly, the report evaluates the guidance for passing distances of shipping routes from offshore wind farms, which in the Dutch North Sea EEZ accounts for almost all offshore wind farms. The study notes that the ability for Ultra Large Container Ships (up to 400m in length) in severe weather conditions (>4m swell) to perform a round turn is greater than set out in guidance. In the context of the Morgan Generation Assets, no such vessels of this size would navigate in close proximity to the Morgan Array Area (S_D6_28) and the majority of vessels which would be smaller passenger ferries (100-200m in length) which would either be cancelled or weather routeing around the wind farms in adverse weather.
 - Secondly, the report evaluates the capability of coastal vessel traffic management systems to prevent incidents which whilst common in European waters is not UK policy.
 - Thirdly, the report evaluates the capabilities of Emergency Towage Vessels to prevent incidents, highlighting their inherent limitations in terms of response time and ability to establish a tow.
- 22.1.1.4 The Applicant notes the UK CoS response to ExQ2 SN 2.7 (REP5-092) on the continuation of the MNEF, which in the Outline Vessel Traffic Management Plan (S_D6_35) has been updated to reflect 5 years post consent into the operations and maintenance phase. The Applicant reiterates that the MNEF is not required under any shipping and navigation guidance or legislation, and that no concerns have been raised by the MCA on the format of the MNEF. Within the Applicant's response to ExQ1.SN.1.16 (REP3-006), the purpose and activities of post-construction monitoring is set out based on the requirements of MGN654. As set out in Section 6.6 of MGN654, feedback from operators obtained through the MNEF will validate the findings of the traffic monitoring.

MORGAN OFFSHORE WIND PROJECT: GENERATION ASSETS

- 22.1.1.5 The Terms of Reference (ToR) of the MNEF which are summarised in the Technical Engagement Plan (APP-094) are proposed to be similar and note that the UK Chamber of Shipping have been members since 2021. The MNEF will continue to be an open forum to exchange information, knowledge and experience that will enable coexistence in the Irish Sea.

Socio-economic assessment

- 22.1.1.6 In terms of the points raised by UKCoS regarding the socioeconomic assessment (SN 2.9), the Applicant would like to clarify the following process that was undertaken:
- 22.1.1.7 **Scoping stage:** The Planning Inspectorate agreed within the Morgan Generation Assets Scoping Opinion that transboundary effects in relation to socio-economics were unlikely and could be scoped out of the ES.
- 22.1.1.8 **Assessment stage:** The assessment presented within the socio-economics chapter (Volume 2, Chapter 13: Socio-economics (S_D6_24)) assesses the potential effects on the Isle of Man's economy and society as an indirect result of potential impacts to lifeline ferry services identified in Volume 2, Chapter 7: Shipping and navigation (S_D6_21). National Policy Statement EN-3 defines a lifeline ferry route as follows: "Lifeline ferries" provide an essential service between islands or an island and the mainland on which the occupiers of the island rely for transportation of passengers and goods'. Routes to and from the Isle of Man were identified as the only lifeline ferry routes potentially affected by the Morgan Generation Assets.
- 22.1.1.9 The purpose of the socio-economics assessment is to assess potential effects on the receiving environments of economies and societies. This differs from the focus of the NRA, which identifies potential effects to individual operators. It therefore follows that identification of potentially significant operational effects within the NRA does not directly correlate to potentially significant socio-economic effects in EIA. Other routes (apart from lifeline ferry routes) identified as being potentially affected by the Morgan Generation Assets within the NRA interact with large and complex national economies (UK/Northern Ireland/Republic of Ireland). The imports and exports to these economies are dependent on complex international transport networks. As such, the routes to the island of Ireland identified in the NRA as being potentially affected by the Morgan Generation Assets should not, in socio-economic terms, be treated as comparable to lifeline ferry services to the Isle of Man. By differentiating between these route types, the scope of the socio-economics assessment is therefore appropriate and proportionate.
- 22.1.1.10 **Examination stage:** at no stage of the consents process has any representation been made by any stakeholder to indicate that socio-economic effects on the UK, Northern Ireland, or Republic of Ireland should be assessed with respect to potential impacts on shipping routes.
- 22.1.1.11 As agreed with the IoMTSC and Chamber of Shipping in the respective SoCGs submitted at Deadline 6 (S_D6_TSC SOCG and S_D6_CoS SOCG), once the agreements with the affected operators are in place, this concern will be resolved.

23 REFERENCES

- Beatrice Offshore Wind Farm, 2012. Environmental Statement Section 16 Commercial Fisheries. Available at: https://marine.gov.scot/datafiles/lot/bowl/ES/ES%20Volume%201%20-%20ES%20Sections/16_Commercial%20Fisheries.pdf
- Bellmann, M. A., May, A., Wendt, T., Gerlach, S., Remmers, P. and Brinkmann, J. (2020). Underwater noise during percussive pile driving: Influencing factors on pile-driving noise and technical possibilities to comply with noise mitigation values. ERA Report: Experience report on piling-driving noise with and without technical noise mitigation measures.
- International Council for the Exploration of the Sea (ICES), 2021. VMS - Average intensity (hours) - Dredges (DRB MOL) - 2010-2020 (ICES SR.2021.11). Available at: <https://marine.gov.scot/maps/1679>
- Moray Offshore Wind farm (East) Limited, 2022. Commercial Fisheries Mitigation Strategy. Available at: https://marine.gov.scot/sites/default/files/commercial_fisheries_mitigation_strategy_redacted.pdf
- Robinson, S. P., Wang, L., Cheong, S. H., Lepper, P. A., Marubini, F., & Hartley, J. P. (2020). Underwater acoustic characterisation of unexploded ordnance disposal using deflagration. *Marine pollution bulletin*, 160, 111646.
- Seagreen Wind Energy (2012). Environmental Statement Chapter 14 Commercial Fisheries. Available at: https://marine.gov.scot/sites/default/files/chapter_14_-_commercial_fisheries.pdf
- Seiche (2021) Seagreen UXO Clearance Noise Monitoring; Underwater Noise Analyses Final Report. [uxo-control-final-report_-_noise_monitoring_1.pdf](#)
- Steinhagen, U. (2019). Primärer Schallschutz bei Rammhämmern zur Installation von Offshore-Anlagen / Primary Noise Mitigation of Impulse Hammers for Installation of Offshore Structures. 8th Future Conference: Wind & Maritime 2019.