

# MORGAN OFFSHORE WIND PROJECT: GENERATION ASSETS

## Response to ISH 3 and ISH2 Hearing Action Points

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Image of an offshore wind farm

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## MOORGAN 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 one or more Nationally Significant Infrastructure Project (NSIP).
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).

### Acronyms

Acronym	Description
ALARP	As Low As Reasonably Practicable
DCO	Development Consent Order
DEFRA	Department of Energy, Food and Rural Affairs
DIO	Defence Infrastructure Organisation
dML	Deemed Marine Licence
ExA	Examining Authority
GHG	Greenhouse Gas
HRA	Habitat Regulations Assessment
IPMP	In-Principle Monitoring Plan
IPs	Interested Parties
ISH	Issue Specific Hearing
JNCC	Joint Nature Conservation Committee
MMMP	Marine Mammal Mitigation Protocol
MMO	Marine Management Organisation
NDA	non-disclosure agreement
NRA	Navigational Risk Assessment
NRW	Natural Resources Wales
OWF	Offshore Wind Farm
PSR	primary surveillance radar
UWSMS	Underwater Sound Management Strategy
UXO	Unexploded Ordnance

# **1 APPLICANT'S RESPONSE TO ISH HEARING ACTION POINTS**

## **1.1 Introduction**

- 1.1.1.1 This document addresses the Hearing Action Points raised by the Examining Authority at Issue Specific Hearing 3 (ISH3) on the 12<sup>th</sup> February 2025 and remaining action points from Issue Specific Hearing 2 (ISH2) on 26th and 27th of November 2024, which were to be submitted at Deadline 6.
- 1.1.1.2 The Hearing Action Points that have been designated for delivery at Deadline 6 have been addressed and are presented in Table 2.1 and Table 3.1 below. Several of the Hearing Action Points will be addressed in the Response to IP submissions (S\_D6\_3 Applicants response to IP submission at Deadline 5 F01) and by the resubmission of outline plans, responses in Table 2.1 refer to these documents where relevant. References to relevant documents have been provided in the response table below.
- 1.1.1.3 ISH3 Hearing Action Point are addressed within Table 3.1. The remaining Hearing Action Points from ISH2 are addressed in Table 2.1.

## 2 APPLICANT'S RESPONSE TO ISH2 HEARING ACTION POINTS

### 2.1 Applicant's response to ISH2 Hearing Action Points

Table 2.1: Applicants response to ISH2 Hearing Action Points.

Ref.	Directed to	Action	Applicant response
HAP_ISH2_25	Applicant BAE Systems	Provide either an agreed position or a statement of points of difference on wording of draft DCO requirements relating to aviation and radar mitigation at both Walney and Warton aerodromes.	<p>At Deadline 6, the Applicant has submitted a response to BAE Systems Deadline 5 submission (within its response to IP submissions) and provided comment on the wording of proposed requirements within the Closing Statement, which includes details of the difference between the parties.</p> <p>Following ISH3 the Applicant has also submitted an Aviation and Radar Mitigation summary note (S_D6_48) which effectively replaces the Aviation Progress Tracker as submitted at Deadline 5 (REP5-020).</p>

## 3 APPLICANT'S RESPONSE TO ISH3 HEARING ACTION POINTS

### 3.1 Applicant's response to ISH3 Hearing Action Points

**Table 3.1: Applicants response to ISH3 Hearing Action Points.**

Ref.	Directed to	Action	Applicant response
HAP_ISH3_1	Applicant and Interested Parties (IPs)	Submit written summary of oral representations and evidence presented at Issue Specific Hearing 3 (ISH3).	The Applicant has submitted a summary of oral representations (S_D6_5: Written Summaries- Issue Specific Hearing 3).
Agenda Item 3 – Shipping and Navigation			
HAP_ISH3_2	Applicant	Respond to Stena Line's query made at D5 [REP5-088] (item 3) as to if or how an extended commencement period of 7 years instead of 5 years would affect the assessment of potential cumulative navigational effects arising from the construction of offshore wind farm (OWF) projects "occurring simultaneously or overlapping".	The Applicant's cumulative effects assessment (section 7.11 of Environmental Statement - Volume 2, Chapter 7 Shipping and navigation (S_D6_21 Volume 2, Chapter 7: Shipping and navigation F02)) includes consideration of the impacts of the Morgan Generation Assets being constructed simultaneously with other offshore wind farm projects that are proposed and in the planning system. Whether the commencement period is five or seven years has no impact on this assessment.
Agenda Item 4 – Aviation and Radar			
HAP_ISH3_3	Applicant Blackpool Airport	Submit report on urgent engagement with Blackpool Airport on wording for a draft Development Consent Order (DCO) mitigation requirement consistent with that for Mona and Morecambe draft DCO's.	Wording of requirement has now been aligned to that of Mona as requested by the IP at ISH3. Following ISH3 the Applicant has also submitted an Aviation and Radar Mitigation summary note (S_D6_48) which effectively replaces the Aviation mitigation progress report as submitted at Deadline 5 (REP5-020).
Agenda Item 5 – Commercial Fisheries			
HAP_ISH3_4	Applicant	Review and clarify drafting in the In-Principle Monitoring Plan (IPMP) regarding scallop adaptive management contingency, currently " <i>The Applicant would ensure that the MMO and relevant stakeholders are aligned that...</i> "	The In-Principle Monitoring Plan (IPMP) has been updated in line with this request, please see the updated text in Table 1.5 and Table 1.7 of S_D6_34 Offshore In Principle Monitoring Plan F04.

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Ref.	Directed to	Action	Applicant response
HAP_ISH3_5	Orsted	Submit details of approach to lifetime extensions of the individual Orsted IPs arrays to the Applicant directly no later than Wednesday 19 February and at D6 to the Examining Authority.	The Applicant notes this Question is directed at Ørsted IP's.
HAP_ISH3_6	Applicant	Respond to Orsted IPs submission required in the previous Action.	The Green House Gas Technical Note has been updated in line with this request (S_D6_41 GHG technical note).
Agenda Item 7 – Offshore Ecology and Ornithology			
HAP_ISH3_7	Applicant	Amend paragraph 1.4.4.4 of the draft Marine Mammal Mitigation Protocol (MMMP) to state that Permanent Threshold Shift may occur out to a maximum of 254m for harbour porpoise due to Sub Bottom Profiling.	The Marine Mammal Mitigation Protocol (MMMP) has been updated in line with this request, please see the updated text in Paragraph 1.4.4.4 of MMMP S_D6_31 Outline marine mammal mitigation protocol_F04.
HAP_ISH3_8	Applicant	Amend paragraph 1.1.1.5 of the draft MMMP to replace reference to Schedules 23 and 43 with Schedules 3 and 4.	The Marine Mammal Mitigation Protocol (MMMP) has been updated in line with this request, please see the updated text in Paragraph 1.1.1.5 of MMMP S_D6_31 Outline marine mammal mitigation protocol_F04.
HAP_ISH3_9	Applicant	Amend paragraph 1.1.1.5 of the draft Underwater Sound Management Strategy (UWSMS) to replace reference to Schedules 2 and 3 with Schedules 3 and 4.	The Underwater Sound Management Strategy (UWSMS) has been updated in line with this request, please see the updated text in Paragraph 1.1.1.7 of UWSMS S_D6_30 Underwater Sound Management Strategy F03.
HAP_ISH3_10	Applicant	Submit a statement explaining how the Application and its supporting documents comply (or not as the case may be) with marine noise policy papers and guidance issued by DEFRA and the JNCC on 21 January 2025, specifically the following: Reducing Marine Noise Policy; The Marine environment: unexploded ordnance clearance Joint Position Statement, and the associated JNCC guidelines for minimising the risk of injury to marine mammals from UXO clearance in the marine environment); and	The Applicant has submitted a statement detailing how and where each of the policies is considered within the Application (S_D6_41 Annex 4.1 to the Applicant's response to Response to HAP from ISH2 & ISH3: HAP_ISH3_10 F01)



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Ref.	Directed to	Action	Applicant response
		The Joint Position Statement on the use of quieter piling methods and noise abatement systems when installing offshore wind turbine foundations.	
HAP_ISH3_11	Marine Management Organisation (MMO) Natural England Natural Resources Wales (NRW) JNCC	The ExA invites the MMO, Natural England, NRW and JNCC to submit any comments they may have on the Application's compliance (or not as the case may be) with the marine noise policy and guidance documents listed in Action Point 10 above. Identify, if necessary, any revisions that would need to be made to the application, its supporting documents and/ or the draft DCO to address any application shortcomings in light of the marine noise policy and guidance.	The Applicant notes HAP_ISH2_11 is directed towards Marine Management Organisation (MMO), Natural England, Natural Resources Wales (NRW) and JNCC and shall not be responding.
HAP_ISH3_12	Applicant NRW	In advance of D6, the Applicant is requested to submit the information sought by NRW concerning the estimated number of animals disturbed by vessels, as detailed in REP5-083, in relation to second written question (ExQ2) MM 1.17. The Applicant and NRW are then requested to submit at D6, confirmation on whether the matter has or has not been resolved to the satisfaction of NRW.	The Applicant has provided details on this matter in the Applicants response to IP submissions made at Deadline 5 (S_D6_3). The Applicant and NRW have resolved this matter within the final signed Statement of Common Ground submitted at Deadline 6 (S_D6_NRW).
HAP_ISH3_13	Applicant	Amend Tables 1.5 and 1.7 of the IPMP to clarify whether the five-year queen scallop monitoring and the invasive non-native species and colonisation of hard structures monitoring will commence immediately after installation of the final turbine or after commencement of generation of the array.	The In-principle Monitoring Plan (IPMP) has been updated in line with this request, please see the updated text in Table 1.5 and Table 1.7 of IPMP S_D6_34 Offshore In Principle Monitoring Plan F04.
HAP_ISH3_14	Applicant	Update the 'Monitoring Approach' column of Tables 1.3 and 1.4 in the IPMP by replacing the words 'four months' with 'six months'. Similarly update the 'Delivery' column of Table 1.1 in the Commitments Register by replacing the words 'four months' with 'six months' for Commitment	The In-principle Monitoring Plan (IPMP) and the Commitments Register have been updated in line with this request, please see the updated text in Table 1.3 and Table 1.4 of S_D6_34 Offshore In Principle Monitoring Plan F04. and Table 1.1 in the S_D6_33 Commitments register F05.

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Ref.	Directed to	Action	Applicant response
		reference numbers: Co25, Co32, Co55, Co66, Co88, Co89, Co90, Co91, Co95 and Co96.	
Agenda Item 8 – Draft Development Consent Order			
HAP_ISH3_15	Applicant MMO	<p>Applicant to revisit Condition 22 in Schedules 3 and 4 of the draft DCO to consider whether the requirement for an Underwater Sound Management Strategy (UWSMS) should be reinstated within that Condition to be submitted to the MMO for approval prior to any piling <u>or low order UXO clearance</u> taking place; or provide a detailed explanation as to why an UWSMS is no longer required for low order UXO clearance.</p> <p>The MMO is also requested to provide advice on Condition 22 (as amended by the Applicant in REP5- 018 Tracked) and whether there remains a need for an UWSMS to be required and submitted to the MMO for low order UXO clearance.</p>	The Applicant has updated Condition 22 in Schedules 3 and 4 of the draft DCO to include reference to low order UXO clearance (S_D6_10).
HAP_ISH3_16	Applicant	Amend the draft DCO to remove the following words from condition 23(2) in Schedules 3 and 4: <i>“(excluding the information required under sub-paragraphs (1)(a)(ii) and (1)(a)(iii))”</i> or explain why the retention of these words in the condition is necessary.	The Applicant has updated Condition 23(2) in Schedules 3 and 4 of the draft DCO as suggested (S_D6_10).
HAP_ISH3_17	Applicant	The Applicant is requested to undertake a review of the whole draft DCO for consistency and appropriateness of the use of the following words in requirements and conditions: ‘ <i>commence</i> ’, ‘ <i>take place</i> ’ and ‘ <i>begin</i> ’.	<p>The Applicant has reviewed the use of the terms referred to and does not consider that any update to the draft DCO is necessary or appropriate.</p> <p>“Commence” is a defined term in the draft DCO and DMLs and makes clear that certain activities can be undertaken without constituting “commencement” of the licensed activities. Those activities include certain surveys and the clearance of low order unexploded ordnance. The words “begin” and “take place” are used in a number of places where they relate to carrying out of low order unexploded ordnance clearance, as an appropriate controlling term that is an alternative to “commence”, given that “commence” has a specific definition.</p>

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Ref.	Directed to	Action	Applicant response
HAP_ISH3_18	Applicant	In line with Section 4.5 of the MMO submission REP5- 056a, amend Part 1(2)(h) and Condition 18(5) in Schedules 3 and 4 of the draft DCO to include details of the inert material disposal site IS155.	The Applicant has updated paragraph 1(2)(h) and Condition 18(5) in Schedules 3 and 4 of the draft DCO as requested by the MMO (S_D6_10).
HAP_ISH3_19	Applicant MMO	Provide an update on discussions on the preferred wording of condition 24 in Schedules 3 and 4 of the draft DCO relating to the Marine Noise Registry (including whether it should be confined to pile driving only) and ideally an agreed position and revised drafting of the condition.	The Applicant has updated Condition 24 in Schedules 3 and 4 of the draft DCO as requested by the MMO (S_D6_10).
HAP_ISH3_20	Applicant MMO	Without prejudice to its in principle objection to Article 7 of the draft DCO relating to the Transfer of Benefit, the MMO is requested to provide comment on whether Article 7 could be improved by the inclusion of a specified notice period in Article 7(9) before a transfer could take effect, specifically whether the following underlined words should be added into Article 7(9)(a)(ii):  (ii) the date on which the transfer will take effect ( <u>which must be at least 28 days after the date on which the notice is given</u> ).  The Applicant is also invited to comment on the inclusion of the tailpiece as drafted above.	The Applicant has not included the tailpiece in the final version of the draft DCO, but would not have any concerns if the ExA or Secretary of State considered this to be a beneficial addition.
HAP_ISH3_21	Applicant MMO	Without prejudice to its in principle objection to Condition 19 of Schedules 3 and 4 of the draft DCO relating to Force Majeure, the MMO is requested to provide comment on whether condition 19 could be improved by the inclusion of a sub part as follows:  (2) <i>The unauthorised deposits must be removed at the expense of the undertaker unless written approval is obtained from the MMO.</i>	The Applicant has added this sub-paragraph into condition 19 in Schedules 3 and 4 of the draft DCO (S_D6_10).

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Ref.	Directed to	Action	Applicant response
		The Applicant is also invited to comment on the inclusion of a part (2) as drafted above.	
Agenda Item 10 – Any Other Matters			
HAP_ISH3_22	Bodorgan Marine Limited	Bodorgan Marine Limited/ DeepDock to respond in writing to questions of technical clarification.	The Applicant notes this action is directed at Bordogan Marine Limited.