

# MORGAN OFFSHORE WIND PROJECT: GENERATION ASSETS

## Written Summaries- Issue Specific Hearing 3

Deadline: 6

Application Reference: EN010136

Document Number: MRCNS-J3303-RPS-10246

Document Reference: S\_D6\_5

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	Burges Salmon	Morgan Offshore Wind Ltd	Morgan Offshore Wind Ltd	February 2025
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### 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
ALARP	As Low as Reasonably Practicable
BA	Blackpool Airport
BAES	BASE Systems
BML	Bodorgan Marine Limited
DCO	Development Consent Order
DIO	Defence Infrastructure Organisation
dML	Deemed Marine Licence
ExA	Examining Authority
HRA	Habitats Regulations Assessment
IoMSPC	Isle of Man Steam Packet Company
IoMTSC	Isle of Man Territorial Seas Committee
IPMP	In-Principle Monitoring Plan
IPs	Interested Parties
ISAA	Information to Support Appropriate Assessment
ISH	Issue Specific Hearing
MCA	Maritime and Coastguard Agency
MGN	Marine Guidance Note
MMO	Marine Management Organisation
MNEF	Marine Navigation Engagement Forum
MOWL	Morecambe Offshore Wind Limited

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Acronym	Description
MV	Mooir Vannin
NAS	Noise Abatement System
NATS	National Air Traffic Service
NIFPO	Northern Ireland Fish Producers Organisation
NPS	National Policy Statement
NRA	Navigational Risk Assessment
OIP	Ørsted IPs
PIANC	The World Association for Waterborne Transport Infrastructure
RIES	Report on the Implications for European Sites
RSPB	Royal Society for the Protection of Birds
SNCB	Statutory Nature Conservation Body
SFF	Scottish Fishermen's Federation
SLL	Stena Line Limited
SMZ	Scallop Mitigation Zone
SoCG	Statement of Common Ground
UKCoS	UK Chamber of Shipping
UWSMS	Underwater Sound Management System
UXO	Unexploded Ordnance
VHF	Very High Frequency
WCSP	West Coast Sea Products

## Units

Unit	Description
m	Metre
nm	Nautical mile

# **1 WRITTEN SUMMARY OF ISSUE SPECIFIC HEARING 3**

## **1.1 Introduction**

1.1.1.1 This document presents a written summary of Morgan Offshore Wind Limited's (the Applicant) oral submissions at issue specific hearing 3 (ISH3). A summary of the Applicant's submissions are contained in Table 1.1 below.

1.1.1.2 The submissions below refer to the following parties that were present at the hearing:

- BAE Systems: ("BAES")
- Blackpool Airport: ("BA")
- Isle of Man Territorial Seas Committee: ("IoMTSC")
- Isle of Man Steam Packet Company: ("IoMSPC")
- Maritime and Coastguard Agency: ("MCA")
- Morecambe Offshore Wind Limited: ("MOWL")
- Ørsted IPs ("OIP")
- Mooir Vannin: ("MV")
- Scottish Fishermen's Federation: ("SFF")
- Stena Line Limited: ("SLL")
- UK Chamber of Shipping: ("UKCoS")
- West Coast Sea Products: ("WCSP")
- Northern Ireland Fish Producers Organisation ("NIFPO")
- Bodorgan Marine Limited ("BML")

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**Table 1.1: Written summary of the Applicant's oral submissions at ISH3.**

ID	Agenda Item	Applicant's submissions
3	<b>Shipping and Navigation</b>	
a	<p><b>Navigational Risk Assessment including navigational safety of passage between windfarms</b></p> <p>The Examining Authority (ExA) will ask for update from the Applicant and Interested Parties (IPs) on:</p> <ul style="list-style-type: none"> <li>Clarification on risk assessment of allision consequences to other infrastructure.</li> <li>Cumulative Regional Navigational Risk Assessment in relation to passage between proposed windfarm arrays.</li> <li>Any further consideration of cross-boundary jurisdictional matters and security for agreement of turbine positioning and safety zones.</li> </ul>	<ol style="list-style-type: none"> <li>The Applicant provided an update in respect of the progress made since Deadline 5 in respect of the cumulative navigational risks. The Applicant noted that it had attended the MV hazard workshop on 12 December 2024, which was discussed in the previous ISH2 (which took place on 26<sup>th</sup> and 27<sup>th</sup> September 2024). The Applicant noted that at the hazard workshop, and as evidenced by the subsequent issuing of a refined MV boundary into the Morgan examination (see [REP5-075]), MV shared their refined boundary resulting in a separation distance of 4.1 nm between the now proposed MV boundary and the Morgan Generation Assets Morgan Array Area.</li> <li>The Applicant noted that MV had shared a position paper at Deadline 5 [REP5-075]. Several key conclusions within that paper were consistent with the Morgan Generation Assets NRA, such as a conclusion that the 'gap' complied with primary guidance such as MGN 654. The Applicant explained that at the MV hazard workshop some stakeholders raised residual concerns regarding the new separation distance of 4.1 nm. The Applicant noted that the full results of the MV assessments would not be available until likely after the Morgan Generation Assets examination, and so the Applicant voluntarily undertook to do further assessment of the increased separation distance and the implications for shipping and navigation to provide this examination with as much information as possible to inform the assessment against policy. The Applicant had proactively commissioned and undertaken a review of the 4.1 nm gap and had undertaken additional navigation simulations (with stakeholders present) and a subsequent hazard review session.</li> <li>The Applicant went on to summarise the work it had undertaken and the key conclusions.</li> <li>The Applicant set out that the additional navigation simulations and hazard review session took place on 20 and 21 January 2025. Master mariners from the IoMSPC and Stena Line took part in the additional simulations, which were observed by the MCA. These simulations included a total of nine exercises, which were undertaken during the worst credible weather and traffic conditions. These additional navigation simulations also included some repeat runs of simulations undertaken as part of the 2023 NRA, but taking account of the increased separation distance. The Applicant noted that the previous separation distance between the unrefined MV boundary and the Morgan Generation Assets Array Area had resulted in failed runs. The Applicant confirmed that the same ship models and assessment criteria were used, as had been previously validated by those relevant participants in previous simulations sessions. The Applicant noted that the key conclusion of the navigation simulations with the refined boundary</li> </ol>

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		<p>was that all manoeuvres could be accommodated in worst credible situations and in full compliance with collision regulations and the practice of good seamanship.</p> <p>5. The Applicant noted that the presence of fishing trawlers increased the complexity of the sea area but that the Masters were able to successfully navigate between them with adequate passing distances, consistent with current practices.</p> <p>6. The Applicant noted that, under those worst credible situations, there may be a need for a reduction in vessel speed to enable safe passage. The Applicant submitted that although this would no longer be the open space / open sea of today, the space is adequate. The Applicant noted that there could be a slight impact to journey time where reductions in speed were employed to ensure compliance with applicable regulations. The Applicant also noted that there may be some impact to crew arrangements e.g. hours of work and rest and composition of the bridge team with the Master possibly being required on the bridge more frequently than before.</p> <p>7. The Applicant outlined that in the subsequent hazard workshop the effect of the new 4.1 nm boundary refinement was discussed with IoMSPC and Stena Line in light of the successful simulations exercises, compliance with the guidance and the results of the Applicant's modelling. The Applicant presented its position that it considered the risks to have been reduced to tolerable levels. However, IoMSPC and Stena Line contested that whilst the risks had been reduced, they had not been reduced to such a degree warranting departure from the conclusions of the risk ratings provided at the hazard workshop that took place in 2023.</p> <p>8. The Applicant explained that the minutes of the hazard workshop and the assessment results were circulated to the attendees and only one comment had been received. The Applicant explained that it was in the process of preparing a safety justification to support its position which the Applicant intends to submit at Deadline 6. The Applicant outlined a number of key points to be made as part of that submission:</p> <ul style="list-style-type: none"> <li>(a) The separation distance of 4.1nm exceeds both the noted values within the PIANC and MGN 654 guidance. That was the case notwithstanding the position of the MCA (and their submissions at ISH2) that the 'gap' does not constitute a 'corridor' and therefore some of the requirements of the MGN 654 do not apply in this particular case.</li> <li>(b) The passage gap would only be navigated in good weather, which is consistent with the submissions made by the interested parties that the passage between the Morgan Generation Assets Array Area and the Walney wind farms would not be taken in bad weather. In bad weather, the longer route around the Morgan Generation Assets would</li> </ul>



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		<p>be taken meaning that they would not pass between MV and the Morgan Generation Assets.</p> <p>(c) The distance of 4.1 nm is consistent with constructed and consented precedent in the UK for offshore wind farm projects.</p> <p>(d) The vast majority of commercial vessel transits between the Morgan Generation Assets and MV will be the IoMSPC service from Heysham and Douglas and therefore the likelihood of that vessel encountering another commercial vessel is incredibly low, with the Applicant's modelling suggesting well below 1% of occasions. However, the Applicant noted and drew attention to the fact that, notwithstanding this, where two commercial vessels were to meet each other within the gap the Applicant's navigation simulations demonstrated that there would be sufficient sea room for collision avoidance. Further, the Applicant noted that key to the simulations and hazard review sessions was the potential encounter of high-density fishing to the northwest of the Morgan Generation Assets Array Area associated with the IoMTSC scallop fishery. The Applicant noted that the assessments considered the worst credible fishing situations (in respect of potential encounters) which caused maximum impact on the IoMSPC route. The assessments demonstrated that they were able to navigate around the fishing vessels with adequate passing distance and consistent with current practices.</p> <p>(e) The potential for mechanical failure aboard one of the ferries was also considered. The Applicant noted that the likelihood of mechanical failure was very low and that the relevant vessels have a good operational record. The area around the Morgan Generation Assets Array Area has few reported instances from the Marine Accident Investigation Branch and that there is nothing fundamentally different from this sea area than other shipping routes adjacent to an offshore wind farm anywhere in the country.</p> <p>(f) The stakeholders, as noted in the hazard workshop, were content with the passage between the Morgan Generation Assets and the Walney wind farm, which is a longer passage than the one between the MV and the Morgan Generation Assets where they scored the risk of collision as a result of mechanical failure to be tolerable and ALARP. The Applicant noted that this position is evidenced through SoCGs.</p> <p>9. The Applicant summarised that it accepts that the presence of new offshore wind farms in the Irish Sea increases the risk of collisions and allision for navigating vessels, but the Applicant considers that sufficient evidence has been collated and guidance complied with to demonstrate that the separation distance of 4.1 nm can be navigated in realistic worst credible weather and traffic conditions. The Applicant stressed that this is with full compliance of collision regulations and practice of good seamanship. The Applicant submitted that following the boundary</p>

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		<p>refinement to 4.1 nm, and the implementation by the Applicant of appropriate and proportionate controls, the risk of navigating the route has been reduced to tolerable levels and is ALARP. The Applicant noted that it understands MV have also, independently, concluded that the cumulative risk of the MV development is ALARP in their interim findings (an understanding which was confirmed on behalf of MV at this ISH3). The Applicant considers that there are no unacceptable risks to navigational safety associated with the Morgan Generation Assets, including cumulative effects with the refined MV boundary, and that all risks are now ALARP.</p> <p>10. In response to questions from the ExA, the Applicant confirmed that the NRA was undertaken in compliance with guidance specific to undertaking an NRA and having regard to the appropriate sections of the NPS. This included having regard to risks associated with proposed and existing infrastructure (i.e. existing wind farms). The hazards as part of the NRA were scored in relation to different factors which included loss of life, potential for pollution and damage to property or to business (including additional consequences arising from damage to property e.g. funding / economic considerations). The Applicant explained that this is clearly set out in the structure of the hazard log and considers not just offshore wind infrastructure but oil and gas assets also [APP-060 see Appendix A]. The Applicant referred to its position within [REP4-009] in that it believes that the risks are tolerable (including those risks to OIP's assets).</p> <p>11. The Applicant was asked to comment on Figure 1 [REP5-088] of Stena Line's Deadline 5 Submission. The Applicant noted as a preliminary point that the '20-degree rule' referred to is under MCA guidance (MGN 654) not the PIANC guidance as stated by Stena Line. The Applicant explained that the underlying principle is that where there is adjacent infrastructure, and the vessels are to be deviated by adverse weather then it would be suitable or appropriate to set the width of the corridor on a 20-degree basis. Fig 1 [REP5-088] shows a series of 20-degree angles across the face of the sets of infrastructure. In response to this submission the Applicant, in its assessment, demonstrated that the passage between the Morgan Generation Assets and the Walney Offshore Wind Farms met the 20-degree length versus width ratio. Commenting on Figure 1 [REP5-088] the Applicant noted the following:</p> <ul style="list-style-type: none"> <li>(a) Very little of the angle drawn on Figure 1 (yellow) is actually constrained by parallel infrastructure on either side. The Applicant submitted that there is sufficient sea room available to the southwest and that the line does not constrain navigation.</li> <li>(b) There is also very little area where there is actual parallel adjacent infrastructure between the developments and that in the MCA's own submissions, they stated that they consider this to be a 'gap' rather than a 'corridor' under the application of the relevant guidance.</li> <li>(c) Stena Line, contrary to the view of the MCA, seemed to imply that this entire passage should be considered one continuous corridor. This is incorrect as there is a clear gap</li> </ul>

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		<p>to the north. This is not a continuous set of parallel infrastructure and there's more than four and half miles of free sea room to pass to the north.</p> <p>12. The Applicant noted that Annex 2 of MGN 654 states that the minimum separation should be 3.5 nm between parallel sets of infrastructure. The gap of 4.1nm exceeds that for the different vessel sizes. The Applicant will also demonstrate through its assessments that this gap meets the guidance. Therefore, the Applicant does not accept the suggestion that this gap does not meet the applicable guidance.</p> <p>13. The Applicant noted that the majority of the passages between the Morgan Generation Assets Array Area and MV will be the IoMSPC being the service from Heysham and Douglas. The Applicant noted that this vessel has a length of approximately 130 m. Historical data provides that the other vessels are smaller coastal traffic in the remit of 100 m.</p> <p>14. The Applicant stated that it does not accept Stenna Line's suggestion that it would routinely pass between the Morgan Generation Assets Array Area and MV as this is not on either their typical or their adverse weather routes and, should they wish to pass east of the Isle of Man, then it would be between the Morgan Generation Assets Array Area and the Walney Offshore Wind Farms before passing east of MV.</p> <p>15. The Applicant confirmed its awareness of a report produced by the Dutch Safety Board in June 2024 titled 'Compromise on Room to Manoeuvre, Managing the safety of shipping in an increasingly crowded North Sea'. The Applicant, in response to queries raised by Stena Line in respect of 400 m vessels (based on comment in the above-mentioned report that questions the ability of a 400 m vessel to perform a round turn in bad weather) that the area in question does not have that type of traffic profile or size of vessels applicable to the questions raised in the report. The Applicant stated that the report also looks at the appropriateness and ability of emergency response vessels dealing with incidents related to offshore windfarms and considers a number of risk control measures that could be put in place. The Applicant will provide a written summary in respect of this report at Deadline 6 (as requested by the ExA).</p> <p>16. In respect of the OIP's oral submissions, the Applicant highlighted the consensus between the Applicant and MV that the gap of 4.1 nm creates a situation that is ALARP. The MCA also confirmed in ISH3 that its view was the gap, with the proposed mitigation measures in place, was ALARP. The Applicant referred to relevant policy in respect of shipping and navigation in paragraph 2.8.184 of NPS EN-3 that provides that the Applicant should engage with the interested parties in the shipping and navigation sector early in the pre-application phase to help identify mitigation measures to reduce navigational risk to ALARP. This is the policy the Applicant is being considered against and this has clearly been done. The Applicant has identified through all the extensive work that both the Applicant and MV have put in with respect to navigational</p>

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		<p>simulations to understand how four new offshore windfarms can coexist with the existing shipping and navigation being able to continue. The risks have been agreed and reduced to ALARP. The Applicant stressed the importance of considering the context of the application in line with the policy it should be assessed against. The Applicant thanked the MCA for its submissions and agreement that the gap of 4.1 nm is ALARP and in compliance with the applicable guidance.</p> <p>17. The Applicant noted that paragraph 2.8.334 of NPS EN-3 provides that the Secretary of State should make use of the advice from the MCA in terms of safety and navigation when undertaking their own assessment on the DCO application. The MCA's position is that the risk is ALARP and, whilst it is acknowledged that a bigger gap is always better, that is not the policy underpinning the assessment of this application. The policy requirement has been satisfied by the Applicant.</p> <p>18. The Applicant noted that no other party has provided substantive evidence to suggest that 4.1 nm is not ALARP.</p> <p>19. The Applicant noted, in response to the oral submissions of the IoMSPC that the gap should be 5 nm that MGN 654 contains a shipping route template and notes that a distance of 3.5 nm is a low risk and broadly acceptable. Whilst 5 nm is clearly more favourable, the distance of 3.5 nm remains within the broadly acceptable category. Further, no evidence or justification has been provided by any party to set out why 5 nm is more significant than 4.1 nm. The Applicant asserted that in the very unlikely event that a vessel is disabled, the extra 0.9nm is very unlikely to materially change any outcome. Therefore, any additional separation has limited gains in terms of improving navigational safety but would have a disproportionate effect on the Morgan Generations Assets.</p> <p>20. In respect of oral submissions made by the IoMSPC in regard to pilotage transfers, the Applicant noted that this was discussed at ISH2. The Applicant referred to Figure 1.32 of the NRA [APP-060] which clearly demonstrates that the vessels undertaking pilotage transfers would pass southwest of the Morgan Generation Assets. The current approach taken is almost entirely clear of the Morgan Generation Assets and is clear to the southwest so it would be nonsensical for them to suddenly divert to the northeast.</p> <p>21. In respect of oral submissions made by IoMSPC in regard to the possibility of vessels anchoring if a vessel has lost power or become disabled, the Applicant noted that in experience of the Applicant's Master Mariner (Captain Dominic Bell of Brookes Bell), in his 20 years plus working in the Irish Sea he was not aware of any situation where a vessel has broken down in the that area such that they would drag or drift into the MV or Morgan Generation Assets areas.</p>

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b	<p><b>Effects related to adverse weather maritime route deviations for scheduled ferry operations</b></p> <p>The ExA will ask for an update from the Applicant and IPs on assessment and proposed mitigation or justification of any direct or indirect environmental, social or economic effects of delay or cancellation of scheduled ferry services consequent on deviation around the Proposed Development, including ferry mitigation agreements with IPs.</p>	<p>22. The Applicant provided an update in respect of the progress made on commercial agreements with the relevant interested parties. The Applicant explained that discussions are ongoing with both Stena Line and IoMSPC regarding compensation agreements for direct economic loss. The Applicant made the examination aware that there is a non-disclosure agreement in place with both Stena Line and IoMSPC and so the extent of the information that can be provided to the examination is limited. However, the Applicant assured the Examining Authority that discussions are ongoing. The Applicant noted that discussions are further along with Stena Line than with IoMSPC at this point in time but, this being said, the Applicant explained that there has been an offer of a meeting with IoMSPC that should assist to progress matters. The Applicant outlined that these agreements are being progressed on the basis that the Environmental Statement identified a moderate adverse impact for both Stena Line and IoMSPC as a result of adverse weather routing. The Applicant explained that this means, in essence, consideration of increased costs to Stena Line and IoMSPC only in adverse weather due to the need to navigate around the Morgan Generation Assets. The Applicant expressed that there is no policy or legal obligation upon the Applicant to progress these agreements. The agreements are being progressed voluntarily by the Applicant in order to reduce the effects to Stena Line and IoMSPC and to provide some compensation for those effects.</p> <p>23. The Applicant noted that its position and intention is to progress the agreements but, in the event that they are not agreed, the Applicant's position is that they are not obliged to sign up to those agreements. The Applicant stressed again that it is committed to reaching an agreement where possible but where not possible the Applicant's submissions is that the Examining Authority should consider the moderate adverse impact as part of the planning balance for the purpose of the assessment and recommendation on this application. The Applicant considers that any residual impact is considerably outweighed by the benefits that the Morgan Generation Assets would bring.</p> <p>24. In respect of Stena Line's Deadline 5 submissions relating to cumulative or in combination effects to navigation arising from constriction of simultaneous or overlapping offshore wind projects over an extended period of 5 / 7 years, the Applicant noted its intention to respond in detail in writing at Deadline 6 (see Item HAP_ISH3_2 in the Applicant's response to ISH3 Action Points). However, for the time being, the Applicant noted that the cumulative assessment undertaken by the Applicant has taken into account projects occurring at the same time, as this is part of the worst case for the purpose of the assessment. Therefore, the Applicant expressed that it does not follow the point being made by Stena Line in its Deadline 5 submissions. The Applicant noted that it is satisfied that it has fully considered the applicable cumulative scenarios in the assessment.</p>

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c	<p><b>Any other matters related to shipping and navigation or emergency response planning</b></p> <p>The ExA will ask for an update from the Applicant and IPs on:</p> <ul style="list-style-type: none"> <li>• The scope, purpose, remit and composition of the Marine Navigation Engagement Forum post-consent.</li> <li>• Any other marine navigational co-existence or co-operation matters, or security provided or sought in the draft Development Consent Order (DCO).</li> <li>• Progress of Statements of Common Ground (SoCG) with shipping and navigation IPs.</li> </ul>	<p>25. The Applicant provided an update on the Marine Navigation Engagement Forum (MNEF). The Applicant noted that the MNEF was instigated by the Mona, Morgan and Morecambe offshore wind farms voluntarily back in 2021 to enable a useful way of communicating and maintaining contact with stakeholders going forward. Therefore, the MNEF is voluntary; there is no policy or guidance that requires it. The Applicant explained that it has sought to avoid being too prescriptive in the nature of the MNEF and considers it an open forum where stakeholders can come together to share questions and discuss aspects of the application and look ahead to the operational phase of the project. The Applicant noted that Table 1.14 of the Technical Engagement Plan [APP-094] sets out the participants list for the MNEF process to date and that the Outline Vessel Traffic Management Plan (submitted at Deadline 5) confirms that it will continue for five years after construction.</p> <p>26. The Applicant agreed to consider the clarity of wording in respect of the MNEF to ensure that it is clear to all that it is an open and transparent forum and inclusive of all stakeholders.</p> <p>27. The Applicant provided an update on the SoCG with the following interested parties:</p> <ul style="list-style-type: none"> <li>(a) <b>Trinity House:</b> signed and agreed SoCG to be submitted at Deadline 6 with all matters now agreed.</li> <li>(b) <b>Stena Line:</b> the parties continue to prioritise the ferry mitigation agreement but will try and progress matters contained within the SoCG for submission at Deadline 6.</li> <li>(c) <b>IoMSPC:</b> position as above with Stena Line.</li> <li>(d) <b>IoMTSC:</b> a follow up meeting has been scheduled just before Deadline 6. The Applicant will provide an updated SoCG at Deadline 6.</li> <li>(e) <b>UKCoS:</b> the Applicant provided an update SoCG on 3 February 2025 and is currently awaiting confirmation of a meeting before Deadline 6 to update the SoCG.</li> <li>(f) <b>MCA:</b> the Applicant has another meeting during the week commencing 17 February 2025 to finalise the SoCG.</li> <li>(g) <b>MV:</b> a SoCG was provided on 8 January 2025. The Applicant is expecting to receive their comments back after this ISH3 with the intention to submit a final SoCG for Deadline 6.</li> <li>(h) <b>OIP:</b> the Applicant reached out at the end of January 2025 to discuss the SoCG, progress and intentions for Deadline 6 but has not yet received confirmation.</li> </ul>



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		<p>28. In response to oral submissions of the UKCoS, MCA and other interested parties in respect of the MNEF, the Applicant expressed the value of the discussion and stated that it believes that the MCA is in agreement with the Applicant's position in that the exact scope of the group is something that can be dealt with post-consent. The Applicant noted that the MCA and the MMO would be involved in the discharge of the Outline Vessel Traffic Management Plan.</p>
<b>4 Civil and military aviation and radar</b>		
	<p>The Applicant and aviation and radar IPs present at ISH3 are to provide:</p> <ul style="list-style-type: none"> <li>An update regarding discussions on mitigation proposals for effects on Primary Surveillance Radar, Instrument Flight Procedures, and/or Very High Frequency communications as relevant at Warton Aerodrome, Walney Aerodrome, Isle of Man (Ronaldsway) Airport and Blackpool Airport.</li> <li>An update on the progress of Blackpool Airport/ Civil Airport Authority safeguarding assessment and potential requirement.</li> <li>An update on the agreement of wording of draft DCO requirements 5 to 9.</li> </ul>	<p>29. The Applicant provided an update on the discussions with each interested party relevant to civil and military aviation and radar matters.</p> <p>30. In respect of <b>Warton Aerodrome</b>, the Applicant noted that the dDCO was updated at Deadline 5 to include Requirement 5, which provides for mitigation for air traffic services. The Applicant noted that there have been ongoing discussions regarding that Requirement 5 and that this will now be split into two. The Applicant explained that the reason for splitting the Requirement is to reflect the different interests of the DIO, on behalf of the MOD, and BAE Systems. Therefore, there will be one requirement that secures any mitigation associated with primary surveillance radar (in respect of the DIO's interest) and a second requirement that secures any other mitigation for continued safe air traffic services that is broadly similar to the Requirement 5 contained within the dDCO as submitted at Deadline 5. The Applicant noted that the terms of the Requirement are not yet agreed and that drafting was received shortly before this ISH3 from BAE and is now under review. The Applicant is committed to trying to agree terms where possible, but where it is not possible, points of difference between the parties will be submitted at Deadline 6 with the relevant reasons for disagreement provided. The Applicant noted that it does not consider there to be particular difficulty in agreeing a technical solution (once identified) as the impacts to Wharton Aerodrome are comparable to those resolved at other UK offshore windfarms.</p> <p>31. Further, in respect of <b>Warton Aerodrome</b>, the Applicant noted that the DIO is yet to agree to the Requirement. The Applicant explained that part of this is due to an internal policy within the DIO that they wish to see a technical solution is available before they can approve the Requirement itself. The Applicant explained that up until this point the Applicant had been engaging on the basis that the DIO wanted to see 'the' technical solution (which due to the constraints of a non-disclosure agreement meant little progress could be made) not 'a' technical solution. The Applicant therefore thinks that agreement may be achievable by Deadline 6 and will continue to engage.</p>

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		<p>32. In respect of <b>Walney Aerodrome</b>, the Applicant had included Requirement 6 to secure necessary mitigation. As outlined for Warton Aerodrome, this was still under discussion with BAE Systems.</p> <p>33. On <b>Blackpool Airport</b>, the Applicant noted that it has confirmed recently to Blackpool Airport that it will be contributing to a VHF cumulative assessment and that it has agreed to push work forward to enable greater technical understanding of the potential issues. The Applicant confirmed that this would be an additional assessment to be undertaken. The Applicant explained that it's understanding regarding Blackpool Airport's position was such that Blackpool Airport wanted to focus on getting the terms of the requirement agreed and in place rather than a wider discussion on the SoCG. The Applicant confirmed that it would update the requirement included in the draft DCO for Blackpool Airport to align with what has been agreed on the Mona DCO Examination, which Blackpool Airport are agreeable to.</p> <p>34. The Applicant confirmed that in respect of the additional cumulative effects assessment noted above, that Ronaldsway Aerodrome would not be included in that assessment. The Applicant explained that the cumulative effects assessment is looking at the impact of the various different offshore wind farms that are proposed, and what the impact would be on that single aerodrome at Blackpool, rather than a wider study across all of the aerodromes together.</p> <p>35. The Applicant noted that its understanding is that Requirement 7 in the draft DCO that secures mitigation for <b>Ronaldsway Aerodrome</b> is agreed with the airport operator. That will be confirmed in the next version of the SoCG.</p> <p>36. The Applicant confirmed that the Requirement in respect of NATS (En Route) plc (requirement 4) has been agreed and included in the latest version of the SoCG submitted at Deadline 5 [REP5-052] and that this is the final SoCG.</p> <p>37. The Applicant noted that from a technical perspective, the discussions with various parties had focussed on the potential for interference on VHF and UHF communications. The Applicant noted that there will be a high probability of an effect due to the obstacle obstruction, however, the Applicant explained that this will not be a digital effect (i.e. a complete prevention of communication) and that instead it will be a degradation. The Applicant explained that evidence from previous trials that have been done (such as those by the MCA) and from search and rescue helicopters is that there was no practical effect and that they were able to communicate within the array areas with no degradation to VHF.</p>



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		<p>38. With respect to Walney and Wharton Aerodromes, several of the mitigation options relate to procedural changes being undertaken, which would be completed post consent based on the as-built scenario.</p> <p>39. The Applicant noted that it was not aware it was as far apart from agreement with Blackpool Airport as has been expressed in the hearing. The Applicant committed to picking this up as a matter of urgency with Blackpool Airport to try and enable a solution by Deadline 6. The Applicant also confirmed following oral submissions from Blackpool Airport that it will align with the requirement wording present in the Mona Offshore Wind Project in respect of the Morgan Generation Assets.</p>
<b>5 Commercial Fisheries</b>		
a	<p><b>Mitigation of effects to fisheries and co-existence commitments</b></p> <p>The ExA will seek comments from the Applicant and any IPs present on mitigation of effects to queen scallop fishery and other commercial fisheries, including any updates to the outline Fisheries Liaison and Co-existence Plan.</p>	<p>40. The Applicant noted that it has set out its position in respect of many of the matters already and in its written submissions but would provide summary comments in the ISH on Deadline 5 submissions by interested parties.</p> <p>41. In respect of the concern about cables being present in the Scallop Mitigation Zone (SMZ), the Applicant explained that the need for cables in this location is a matter of design and yet to be determined. However, the Applicant noted that, in the event cables are present, it has every intention of achieving a suitable burial depth for the cables to avoid them becoming exposed or needing cable protection. This is an entirely aligned interest among the interested parties and the Applicant, which the Applicant has committed to as evidenced in the Outline Fisheries Liaison and Coexistence Plan [REP5-027].</p> <p>42. The Applicant also noted that Queen Scallop dredging already takes place in the Irish Sea in proximity to existing cables. The Applicant is aware that some fishing has recommenced within operational wind farm sites including Seagreen, Beatrice and Moray East Offshore Wind Farms. The Applicant considers that there is therefore evidence that fishing activity is not incompatible with subsea infrastructure and the Applicant has every reason to believe that the SMZ will be successful.</p> <p>43. In addition to the consideration of the SMZ, the Applicant noted that it has implemented a vast array of design measures throughout this planning process to promote every opportunity for fisheries to be able to utilise the Morgan Generation Assets Array Area. For example, the design provides that the turbines are 1,400 m apart and are spaced in a north-south alignment. Mitigation measures during construction include the proposed use of rolling safety zones to avoid complete closure of the whole array area. The Applicant notes that it is not just proposing a SMZ;</p>

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		<p>it has taken considerable steps to support co-existence the fisheries as part of the design of the project.</p> <p>44. The Applicant referred to the relevant policy position. Paragraphs 2.8.322 and 2.8.323 NPS EN-3 set out that the Secretary of State has to be satisfied that the Applicant has sought to design its measures following consultation with key stakeholders including the MMO, Defra and the fishing industry with a view to minimising the loss of fishing opportunity. The same paragraphs also provide that the Secretary of State has to be satisfied that the disruption to the fishing industry has been mitigated where reasonably possible.</p> <p>45. The Applicant submitted that it has taken those steps. It has implemented design measures where it reasonably can at this stage to minimise the loss of fishing opportunity. The Applicant asserts that there has been considerable engagement with the fishing industry since June 2021 and that it will continue post-consent, should consent be granted, as secured through the Fisheries Liaison and Co-existence Plan. The Applicant noted that it is very much alive to the concerns being raised and will continue to engage with the fishing industry on them. However, the Applicant states that it has, at this stage, done what it can to mitigate those impacts and is compliant with the policy in NPS EN-3.</p>
b	<p><b>Monitoring and adaptive management</b></p> <p>The ExA will seek updates from the Applicant and any IPs present on proposals for monitoring and adaptive management of commercial fisheries and on FLOWW guidance for compensation as a last resort (with cross-reference to fish and shellfish ecology).</p>	<p>46. The Applicant confirmed that it has committed to an adaptive monitoring program, the extent of which it will continue to discuss with the marine regulators, scientists, fishing community and others as relevant. The Applicant considered this a clear commitment and that it was appropriate that the need and scope for adaptive monitoring would be determined at the relevant time, based on the results of the initial monitoring. The Applicant committed to considering the wording of the post-consent obligation in the relevant outline plan(s) (Outline Fisheries Liaison and Co-existence Plan [REP5-027] and Offshore In-Principle Monitoring Plan [REP5-042]) so that it refers to the undertaker rather than the applicant.</p> <p>47. The Applicant stated that its position is that it does not consider a specific condition in the dML to be necessary. The Applicant noted that there is a distinction between the potential ecological impacts on queen scallops and the practical fisheries implication such as access and gear snagging concerns. That distinction is highly relevant when considering mitigation and monitoring proposals. The Applicant noted that its assessment conclusions are that the impact from an ecological perspective can be mitigated such that it is not significant in EIA terms. The Applicant noted that in the MMO's Deadline 5 submissions [REP5-056] they confirmed they agreed with the Applicant's position, in that they do not consider any further mitigation to be required in respect of the Queen scallop species. However, the Applicant's commitment to the monitoring is in recognition of the concern around this key species from the fisheries'. Therefore, the Applicant does not consider it is necessary to have a commitment in the dML itself and that the Offshore</p>

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		<p>In-Principle Monitoring Plan [REP5-042], being enforceable by the MMO, is the most appropriate means of capturing the commitment.</p> <p>48. The Applicant thanked the fisheries for their contribution and expressed that their engagement has been greatly appreciated and thanked them for the recognition of the Applicant's efforts made. The Applicant also confirmed that the data gathered as part of the monitoring will be shared with stakeholders and scientific organisations etc. as appropriate. The Applicant noted that this aligns with the intention of the regional approach.</p>
<b>6 Other offshore infrastructure and sea users</b>		
a	<p><b>Potential wake/ energy yield effects for other offshore wind farms in the Irish Sea</b></p> <p>The Applicant is to provide a brief response to the Ørsted IP's and Moor Vannin Offshore Wind Farm Limited's Deadline (D) 5 submissions.</p> <p>Note: The ExA will have limited questions on the matter of wake loss; a full and final response from the relevant parties together with final SoCGs is expected at D6.</p>	<p>49. In respect of the OIP's submissions at Deadline 5 relating to the possible extension of project lifetime and the consideration of wake effects, the Applicant started by stating that it based the duration of the OIP's projects on the information that is available in the public domain and set out within the environmental assessments for those projects. Whilst the Applicant accepted that offshore wind consents are not time limited, the projects do have an estimated lifetime in terms of how long a project could continue to operate without undergoing repowering etc. The Applicant explained that it is therefore that expected lifetime that it has included within the Calculation of Net Effect on Greenhouse Gas Emissions [REP5-041]. The greenhouse gas calculation has therefore not considered any extension of the expected lifetimes (this being the continuation of an existing project beyond an anticipated lifetime) as the Applicant cannot know the basis on which that would be undertaken. The Applicant cannot guess how long such a continuation would be, the means or infrastructure mechanisms or needs to enable it, or the current state / condition of the existing turbines (and whether the parts required by those turbines are still available or not). Therefore, the Applicant can only work from information as to the expected lifetime of the applicable project as is in the public domain. The Applicant accepts that if there is an extension in lifetime then the numbers within the greenhouse gas calculation would change but it cannot provide this figure on the available information without guessing.</p> <p>50. The Applicant reiterated that, in terms of the greenhouse gas calculation, it can only go so far as the information that is publicly available. The Applicant submitted that it is not for it to guess to when a project may be extended. In respect of the suggestion by the Examining Authority that the OIP could submit information that may enable the Applicant to consider an extended lifetime at Deadline 6, the Applicant considered that this would be too late and asks that the OIPs provide this information immediately, so that it can be taken into consideration in order to show what difference it would make to the greenhouse gas calculation. The Applicant stated that based on the work already undertaken, it considers it highly likely that the change will be very small and will not impact the calculation's conclusions. The Applicant noted that there has been ample time during the Examination for the OIP's to provide this information and that it now places the Applicant in a difficult position where additional information is to be provided for Deadline 6. The</p>

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		<p>Applicant noted that it intends to provide an updated Calculation of Net Effect on Greenhouse Gas Emissions at Deadline 6, which takes into account comments from the OIPs at Deadline 5, and that ideally the Applicant would be able to address the possible extended project lifetimes at the same time.</p> <p>51. In response to the OIP's submissions regarding the Clean Power 2030 Action Plan, the Applicant noted that it would respond in writing at Deadline 6 but that it fundamentally disagrees with the OIP that this supports their approach. The Applicant asserted that its view is that the Clean Power 2030 Action Plan supports its position that wake loss is not a matter for this examination. It is something that the government are looking at across the board and that historically it was something that was not a matter for examination or indeed considered as a matter of policy. The Applicant noted that any submission made by OIP in respect of the Clean Power 2030 Action Plan would be better served being submitted directly to the Department of Energy Security and Net Zero rather than into this examination.</p>
b	<p><b>Other offshore infrastructure and sea users: Harbour Energy</b></p> <p>The ExA will seek comments from the Applicant and Harbour Energy regarding the outstanding differences between the parties and potential for an agreement or alternatively the inclusion of Protective Provisions in the draft DCO.</p>	<p>52. The Applicant noted that it will respond to Harbour Energy's Deadline 5 submissions in writing but provided an initial overview.</p> <p>53. In summary the Applicant's continued position is that further mitigation and protective provisions are not necessary. The Applicant explained that it has engaged with Harbour Energy and that it is yet to reach an agreed position. The Applicant explained there are a number of points of disagreement that it is unlikely to reach agreement on prior to the close of the Examination.</p> <p>54. The Applicant noted that Harbour Energy's concerns relate to three aspects of the decommissioning of the Millom East subsea infrastructure, these being:</p> <ul style="list-style-type: none"> <li>(a) the potential restrictions on helicopter access that would be used for decommissioning in the marine environment.</li> <li>(b) the potential simultaneous operations in the marine environments; and</li> <li>(c) marine access.</li> </ul> <p>The Applicant submitted that it does not consider that any further mitigation is necessary in respect of these matters.</p> <p>55. The Applicant outlined that there is no certainty that there will be disruption to Harbour Energy's decommissioning operations as a result of either the construction or operation of the Morgan Generation Assets. The Applicant explained that its understanding was that the timing of Harbour Energy's decommissioning activity remains uncertain and that there is every possibility that it will</p>

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		<p>take place before the wind farm development commences. The Applicant also noted that the decommissioning will take place over a relatively short time period, as Harbour Energy have indicated that it will likely be c.120 days split through a number of years, which limits the likelihood of any disruption occurring.</p> <p>56. In respect of the points of detail that Harbour Energy have raised, the Applicant's position on the helicopter access is that the site selection and design of the boundary area meets the policy tests that are set out in paragraph 2.8.345 of NPS EN-3, which requires that the design to be made with a view to avoiding or minimising disruption or economic loss, or any adverse effect on safety to other offshore industries. The distance between the Millom East subsea manifold and the closest point of the DCO boundary for the Morgan Generation Assets is 2.07 nm. In respect of the safety limb of the policy, the Applicant does not consider that there is any suggestion from Harbour Energy that the distance would be unsafe and is aware of smaller distances being operated in practice, such nearby Walney Extension where NPI's have been working at the Whitehaven and Rhyl wells inside the wind farm, with turbines located between 1.1 and 1.3 nm from the NPI.</p> <p>57. The Applicant also noted that there was previous precedent in the Hornsea Four DCO that included protective provisions imposing a buffer distance around a wellhead inside the offshore wind farm, which had an aviation corridor of 0.76 nm wide measured tip to tip of any wind turbine generator and with a wind turbine exclusion zone of 0.86 nm. Therefore, the distance in respect of the Hornsea Four DCO is much smaller than the distance of 2.07 nm that the Applicant has achieved through design and as such the Applicant does not consider there to be any impact on safety.</p> <p>58. The Applicant noted that of the second limb of the policy (concerning the avoidance or minimising of disruption or economic loss) within the NPS directs for the adoption of a pragmatic approach when considering such issues (paragraph 3.8.342 of NPS EN-3). The Applicant noted that the most recent DCO precedent where this was a point of issue considered by the Examining Authority and the Secretary of State is The Sheringham Shoal and Dudgeon Extensions Offshore Wind Farm Order 2024. That DCO examination considered the Waveney Platform, which was operated by Perenco, and which had an ongoing operational life to approximately 2030 at which point it would be decommissioned. The applicant in that examination initially proposed a 1.01 nm buffer, with Perenco seeking 3.3 nm. Towards the end of the examination a buffer zone of 1.26 nm was proposed by the applicant in that project. The Applicant noted that this is a considerably smaller distance than the 2.07 nm being proposed for the Morgan Generation Assets. In their recommendation report, the Examining Authority (at paragraphs 14.4.29 and 14.4.30) acknowledged that there would be a residual economic impact on the operator at a distance of 1.26 nm, but considered that it was sufficient mitigation for the purpose of the applicable provisions of NPS EN-3. The Examining Authority in the Sheringham and Dudgeon Extensions</p>

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		<p>examination were content that the distance of 1.26 nm would not impose an unacceptable safety risk and that it appropriately mitigated the disruption and economic loss that would occur during both operation and the decommissioning periods. The Applicant noted that the Secretary of State agreed with this position, with the buffer zone distance being secured through protective provisions within the DCO but with no provisions for compensation included. Therefore, the Applicant's position is that the proposed distance of 2.07 nm is already adequate for the required mitigation of the potential impact and that it exceeds the precedent deemed acceptable for other offshore wind farm DCOs where there are similar interactions. The Applicant does not consider that any of the proposals that Harbour Energy has put forward within its Deadline 5 submissions as proposed mitigation are necessary and the Applicant considers them entirely disproportionate to include due to the operational and construction impact they would have on the Morgan Generation Assets.</p> <p>59. In respect of Harbour Energy's second and third concerns (simultaneous marine operations and marine access), the Applicant explained that it was maintaining its position that it is a logistical matter than can be managed through normal marine industry practice, coordination and notification for mutually exclusive simultaneous operations. The Applicant noted that this could be managed through issuing notices to mariners and that the Applicant considers this to be an entirely standard practice. The Applicant does not consider there to be a need to secure coordination further through the DCO.</p> <p>60. The Applicant also noted that it considers its position to be wholly in compliance with the NPS policy in this respect and that there would not be a reasonable basis for the imposing of protective provisions in the draft DCO as a result.</p>
c	<p><b>Other Inter-relationship and cumulative effects matters</b></p> <p>Consideration of the progress of other DCO and Marine Infrastructure Consent applications within and around the Irish Sea.</p>	<p>61. In response to the timing in respect of MV's proposed application and the means of including information in respect of MV in the cumulative effects assessment, the Applicant again stressed its compliance with guidance in that it can only refer to information that is in the public domain. The Applicant is fully prepared to review the MV consent application when it is submitted (which the Applicant understands to be scheduled for 12 March 2025) and provide any further information to the Secretary of State that they consider necessary.</p> <p>62. The Applicant confirmed that it is preparing an updated Cumulative Effects Assessment review for submission at Deadline 6. This will cover screening for an updated Cumulative Effects Assessment long list, which will consider new projects that have entered the public domain and new or updated assessment material that has been published since the last update. In particular, this will include consideration of the MV design refinements (made public and available in the Community Newsletter) and the East Irish Sea Transmission Project. The Applicant noted that the draft environmental assessment material is not in the public domain for either project. The Applicant noted that it included MV as a Tier 2 project in its cumulative assessment at application</p>



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		<p>stage. The Applicant also noted that the updated Cumulative Effects Assessment review to be shared at Deadline 6 will not change the conclusions of the Morgan Generation Assets Environmental Statement, or information to support an appropriate assessment, except in respect of shipping and navigation where the separation distance between the Morgan Array Area and MV has increased to 4.1 nm. The Applicant noted that the cumulative impact on vessel-to-vessel collision and allision risk with the Tier 1 and Tier 2 listed projects is now concluded to be minor and not significant.</p> <p>63. The Applicant also noted that it will be submitting an updated Interrelationships Report at Deadline 6 which will reflect the findings of the updated Cumulative Effects Assessment review and that it will make note of the now closed Mona Offshore Wind Limited examination and the upcoming Morgan and Morecambe Offshore Wind Farms Transmissions Asset examination.</p>
<b>7 Offshore ecology and ornithology, including Habitats Regulations Assessment (HRA)</b>		
a	<p>The Applicant is to provide an update on discussions with the Statutory Nature Conservation Bodies (SNCBs), including whether any additional documents are to be submitted which seek to address the points raised in D5 submissions both from the SNCBs and other relevant IPs. This should include discussion of the conclusions relating to adverse effects on integrity both alone and in-combination.</p> <p>The ExA is likely to ask questions on this item, particularly in relation to seasonal piling restrictions, UXO clearance and the new Marine Noise Policy and the Joint Position Statement from statutory advisors.</p>	<p>64. The Applicant provided an update in respect of the seasonal piling restrictions in relation to cod and herring. The Applicant confirmed that it does not consider it necessary to provide a dML condition and that this can be dealt with as part of the UWSMS. The Applicant noted the updated terms of the Defra Reducing Marine Noise Policy dated 21 January 2025 and explained that the Applicant has updated the UWSMS to reflect the requirements of the new policy and will submit the updated UWSMS at Deadline 6. The Applicant explained that it has had numerous discussions with the SNCB's and the MMO in connection with underwater sound and the new policy. The Applicant explained that a condition relating to seasonal piling restrictions is not needed as the UWSMS (amongst other things) enables consideration of temporal seasonal restrictions as a possible mitigation solution, and with the new policy requiring there to be sound reducing technology in place, the Applicant does not think there will be a need for temporal phasing in any event.</p> <p>65. The Applicant noted that there has been a follow up conversation with the MMO (and its advisors, Cefas) as to whether in light of those commitments to the new Defra policy through the UWSMS, the concerns previously raised have been addressed. The Applicant noted that the MMO is seeking some further evidence on the use of noise abatement systems (NAS). The Applicant noted that it is still engaging with the MMO on this point and hopes to provide further information and an updated SoCG to reflect discussions at Deadline 6.</p> <p>66. The Applicant outlined that it has engaged with NE since Deadline 5 and that it has had discussions with the SNCBs regarding marine mammal monitoring (and specifically the points raised in NE's REP5-080 submissions which sought the need for monitoring to fill a knowledge gap on the impact of sub bottom profiling surveys on harbour porpoise). The Applicant noted that the SNCBs concern emanated from their attendance at a conference, but to date no reference</p>

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		<p>has been made to a peer-reviewed publication. The Applicant stressed that, although this is ongoing research in respect of potential impacts, the Applicant has undertaken its own assessment on the basis of the very worst-case scenario. As a result of this precautionary approach, the Applicant is confident that there is not going to be any significant adverse impact and effects from survey equipment will be more limited in extent than assumed in the impact assessment. The Applicant noted that this form of survey, which is not a licensable activity, has been undertaken for over twenty years across multiple industries. If there was an impact occurring on harbour porpoise then it would have been identified by now. Therefore, the Applicant does not consider there is a need to undertake any further monitoring and that there is no evidence to indicate that there is any particular uncertainty that further monitoring by the project would address.</p> <p>67. The Applicant committed to updating the Outline Marine Mammal Mitigation Protocol in respect of the Defra Reducing Marine Noise Policy dated 21 January 2025 and the points noted by the ExA. The Applicant noted that it has been aware that such guidance was imminent, and designed its application documents in such a way as to readily accommodate the necessary updates. Therefore, there is not going to be a fundamental change to the outline plans, and the approach taken to date aligns with the updated strategy and policy.</p> <p>68. The Applicant confirmed that it is engaging with Natural Resource Wales and that it will be updating the Marine Mammals chapter for Deadline 6. The Applicant noted that this update follows the approach set out by Natural Resources Wales in [REP5-083] to clarify that the numbers of animals disturbed calculated using a static radius are for a single point in time only. The Applicant has been taken on board Natural Resource Wales's comments and updated the assessment accordingly, such that this should now be closed out.</p> <p>69. The Applicant confirmed that the post-construction dredge surveys in respect of the queen scallop monitoring will start from the completion of construction of the final turbine, at which point the committed 5-year period will commence. The Applicant also noted that it will be undertaking baseline monitoring which will enable a comparison once the monitoring post-construction has been undertaken and that the monitoring, being adaptive monitoring, could extend beyond the 5-year period if required to do so.</p> <p>70. The Applicant agreed to update the Commitments register and IPMP as requested by the ExA.</p> <p>71. The Applicant explained that it has reached out to the RSPB to try and arrange further meetings to build upon the SoCG that was submitted at Deadline 1. However, the Applicant recognises that this project is not a priority to the RSPB and cannot guarantee their engagement prior to Deadline 6 and is awaiting confirmation of a meeting date.</p>



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		72. The Applicant noted that it has followed Natural England guidance regarding avian flu and how to appropriately undertake assessments. The Applicant confirmed that its response is set out at [PD1-017] and the Applicant maintains the position set out in that document that the Applicant has fully assessed the potential impacts and followed the guidance as required.
b	The Applicant is to provide any initial comments it may have relating to the Report on the Implications for European Sites (RIES), to be issued on Thursday 6 February.	73. The Applicant stated that it will be responding to the RIES regarding minor suggested amendments that it has identified. The Applicant welcomed the firm conclusion from, the ExA of no adverse effects on integrity alone and in-combination for all designated sites and the conclusion that a derogation is not required.
c	The Applicant is to clarify any updates to be made to the HRA stage 2 documents at Deadline 6.	74. The Applicant confirmed that it will not be updating the HRA- specific documentation (i.e. the ISAA) but will be providing a list that will set out documents that the ExA and Secretary of State may wish to consider as part of their own HRA. The Applicant confirmed that it is not intending to update the stage two ISAA documents, and that any additional information submitted as a standalone note through the Examination should be read alongside the other (main) assessment work.
<b>8 Draft Development Consent Order (DCO) and draft Deemed Marine Licences (dMLs)</b>		
a	The Applicant is provide an update and explain to the ExA any changes to the draft DCO and dMLs as submitted at D5 [REP5-017] and answer any subsequent questions from the ExA.	75. The Applicant provided a summary of the following key updates: <ul style="list-style-type: none"> <li>(a) <b>Aviation requirements</b> – Requirement 5 and 9 had been added to secure mitigation for aviation interests, as discussed under agenda item 4 of ISH3.</li> <li>(b) <b>UXO clearance</b> - The draft DCO and dMLs had been updated such that only low order UXO clearance is now permitted through the dMLs. The Applicant explained that this is to be set out in paragraph 2(f) in each dML which specifies which activities are authorised. The Applicant further noted that there have also been a number of consequential amendments throughout the dMLs where UXO is referred to remove reference to high order clearance.</li> <li>(c) <b>Timing for submission of plans</b> - The time for submission of plans and control documents to the MMO for approval has been amended throughout the draft DCO and dMLs from 4 months to 6 months. This change has been made at the request of the MMO and Natural England.</li> <li>(d) <b>Construction monitoring</b> - Condition 28 in each dML had been updated with an additional provision being included to the construction monitoring requirements. This previously secured monitoring for the first four piles that were installed, and the addition</li> </ul>

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		<p>now includes monitoring of the first two piles where hammer energy is anticipated to exceed 3000 kilojoules.</p> <p>76. In response to the Examining Authority's question as to why the reference to UXO has been removed from Condition 22, the Applicant explained that it has been deleted as low order UXO clearance is detailed below (Condition 23) and there is no need for the a conditio to address it, as low order clearance is not a noisy activity that would require mitigation measures to be in place. The Applicant noted that this is not a change that the MMO has commented on and that the Applicant considers the position to have been accepted and agreed with the MMO.</p> <p>77. The Applicant committed to consider and review the consistency of phrasing throughout the drafting of the DCO with specific reference to the use of the phrases 'take place' and 'begin' / 'commence' for Deadline 6.</p> <p>78. The Applicant responded to a number of points raised by the Examining Authority in respect of the MMO's representation [REP5-056A] as detailed below:</p> <p>(a) In respect of the inclusion of reference to the disposal site, the Applicant confirmed that this has been discussed with the MMO and will feature in an update to the draft dMLs at Deadline 6.</p> <p>(b) In respect of the condition requiring approval of chemicals that would be used as part of the development, the Applicant confirmed it has had a meeting with the MMO and explained its position that it disagrees with the suggested change. The condition included in the draft DCO aligns with previous precedent and makes reference to a relevant international convention. The MMO has updated the condition to include <u>all</u> chemicals and substances. The Applicant noted that its concern about this drafting is that it is too broad. The Applicant explained that it communicated this to the MMO and they have taken this point away to consider, with a view to avoiding a need to approve the use of every chemical to be used. The Applicant noted that it is yet to receive this updated wording. The Applicant noted that at this point in time, subject to any further engagement from the Applicant, that this point will remain outstanding and proceed on the current drafting contained within Condition 18.</p> <p>79. In respect of Article 7 (Transfer of Benefit) and discussions with the MMO, the Applicant noted that the MMO and the Applicant have agreed to disagree. The Applicant noted that this is a point that has played out across multiple examination, with the Secretary of State in the past rejecting the point of the MMO has put forward. The Applicant noted that they will not update the drafting on this at the next Deadline.</p>

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		<p>80. In respect of the force majeure condition in each dML, the Applicant noted that this provision has been included within other offshore wind farm dMLs and imposes an obligation on the undertaker to give notices if it is necessary to deposit a substance outside of the Order Limits because of safety to human life or the vessel is threatened. The Applicant noted that it does not have a strong position on the inclusion of this condition, but the Applicant believes that this is a reasonable condition to retain. However, the Applicant noted that should the Examining Authority recommend to the Secretary of State that this condition is removed then the Applicant does not have any major concerns as to such removal.</p>
9	<b>Statements of Common Ground</b>	
N/A	The Applicant will be asked to confirm progress of any other SoCG which are expected to be submitted as final (signed) documents at D6.	<p>81. Further to the submissions of the Applicant in respect of SoCG at <b>Agenda Item 3(c)</b>, the Applicant noted that the SoCG with Historic England is understood to be in an agreed position. The SoCG has been sent to Historic England to be signed but is yet to be returned. The Applicant noted that there is a meeting arranged between the parties before Deadline 6 and that it expects that if the signed SoCG is not received beforehand then it will be provided at that meeting.</p> <p>82. The Applicant noted that there had been discussions of a SoCG with the OIP, however, this may not be submitted at Deadline 6. The Applicant submitted that it did not consider this would be necessary and that the positions of the parties is clear. The Applicant noted that it did not consider it would be of any further benefit to repeat these extensive submissions through the SoCG and so the Applicant sought to make the Examining Authority aware that there may not be a further version submitted at Deadline 6.</p>
10	<b>Any other matters</b>	
N/A	AOB.	<p>83. The Applicant noted that it will be making detailed submissions in response to Bodorgan Marine Limited at Deadline 6. The Applicant noted that the same points have been raised in respect of the Mona Offshore Wind Farm and the Morecambe Offshore Wind Farm. The Applicant noted that these representations have been received incredibly late in the examination (having only been received at Deadline 5). The fundamental point was that the Applicant could not accommodate something in the design of the offshore wind farm to which it had no knowledge of. Further, the Applicant noted that these representations clearly do not contain a detailed proposal, and that the submission gives no consideration to the particular conditions around the relevant area of the sea, the interaction with existing fisheries, as well as all other relevant matters such as seabed conditions etc.</p> <p>84. The Applicant stated that Bodorgan Marine Limited appear to be suggesting that the Applicant can grant it rights within their Agreement for Lease area. However, that is not the case. The Applicant does not have the ability to sublet any part of this area. The Applicant further noted</p>

## MORGAN OFFSHORE WIND PROJECT: GENERATION ASSETS

ID	Agenda Item	Applicant's submissions
		<p>that it has no means of amending the lease that has been proposed by The Crown Estate. The Applicant also noted that these documents are confidential and that the Applicant is unable to share them. The Applicant has asked The Crown Estate to submit a statement to this effect at Deadline 6.</p> <p>85. The Applicant made clear that its position is that the submissions by Bodorgan Marine Limited do not need to be, and should not be, considered further in this examination.</p>